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STATE OF NEW JERSEY  
OFFICE OF THE ATTORNEY GENERAL  
VOTING MACHINE EXAMINATION  
COMMITTEE

PUBLIC HEARING RE: :  
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VOTING MACHINE EXAMINATION :  
COMMITTEE. :

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TRANSCRIPT OF PROCEEDINGS  
THURSDAY, JULY 26, 2007

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1           T R A N S C R I P T of the stenographic  
2 notes of the proceedings in the above entitled  
3 matters, as taken by and before CHARLES R.  
4 SENDERS, Certified Shorthand Reporter (License  
5 No. 596) and Notary Public of the State of New  
6 Jersey, held at the New Jersey National Guard  
7 Armory, 151 Eggerts Crossing Road,  
8 Lawrenceville, New Jersey, on Thursday, July  
9 26, 2007, commencing at 9:00 in the morning,  
10 pursuant to notice.  
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B E F O R E :  
  
RICHARD WOODBRIDGE, ESQ. - CHAIR  
DARYL MAHONEY - MEMBER  
JOHN FLEMING - MEMBER

1 (Transcript of proceedings July 26,  
2 2007 commencing at 10:30 a.m.)

3 MR. WOODBRIDGE: Good morning. Do  
4 the people hear me in the back? Thank you very  
5 much. We're going to open the Title 19  
6 Committee hearing today. I'm going to first of  
7 all thank all of you for joining us.

8 I'd like to start off again by  
9 thanking the attorney general's office with  
10 providing us with the support we need and also  
11 NJIT, who we will hear from later on today, who  
12 has looked at the machine.

13 The machine we're looking at today,  
14 I believe is an Avante Vote-Trakker VVPRS.  
15 That's the paper trail machine.

16 The last two days we have looked at  
17 machines from the manufacturer Sequoia. As you  
18 all are familiar, we are under a Court and  
19 Legislative mandate to make it possible for the  
20 State of New Jersey to have paper trail  
21 machines by the ready for voting in February of  
22 2008.

23 Just a few procedural issues and  
24 ground rules. First of all, my name is Dick  
25 Woodbridge. I'm the Chair of this Committee to

1 until the two gentleman on either side of me  
2 decide they want to get somebody better, which  
3 they can easily do.

4 Title 19 has an unusual feature to  
5 it. It has a portion that requires a three  
6 person committee to review all new types of  
7 voting machines that come into New Jersey and  
8 to make recommendations to the appropriate  
9 authority, which is the State and now the  
10 Attorney General's office, as to be whether or  
11 not they believe that particular voting machine  
12 meets the criteria then applicable to voting  
13 machines in the State of New Jersey.

14 On my left is John Fleming who is a  
15 is a management information specialist with the  
16 Department of Law and Public Safety. On my  
17 right is Daryl Mahoney, who is the assistant  
18 director of the Bergen County voting machine  
19 division, with has extensive experience,  
20 obviously, in the practical use of voting  
21 machines.

22 The statute that establishes this  
23 three person Committee is unusual, to my  
24 knowledge. In that it requires a patent  
25 attorney to be one of the three individuals.

1 I've had the pleasure of serving on  
2 this Committee off and on since being appointed  
3 in 1982 by then Secretary of State Jane  
4 Burgio. I've seen a lot of machines in the  
5 last twenty-five years.

6 Charlie, the court reporter on my  
7 right, points out that it is sometimes  
8 difficult to hear the speakers. We have  
9 experienced some audio problems during the  
10 course of the last two hearings.

11 What we have found is that the  
12 speaker in the back of the room, the microphone  
13 in the back the room, seems to be the best one  
14 to use. The ones on my left, your right are  
15 sometimes difficult to hear. So I would  
16 request anybody who does any speaking on the  
17 record here, to speak directly into the  
18 microphone so the court reporter can pick it  
19 up.

20 The procedure that we'll go through  
21 today is almost identical to the procedure that  
22 we've gone through for at least the twenty-five  
23 years, that I'm familiar with. Which is  
24 typically to request the vendor to do a general  
25 presentation of the machine. Historically it

1 has been followed by a walk-through point by  
2 point of the articles in the statute to see, as  
3 best the Committee can determine, whether or  
4 not the machine we're inspecting meets the  
5 various different parts of the statute.

6 When that part is finished, we've  
7 traditionally asked for public input, which we  
8 welcome enthusiastically. And more  
9 enthusiastically, the shorter and briefer and  
10 more to the point it is.

11 It is going to be a little bit  
12 different this time around, because we're  
13 working with a new type of voting machine that  
14 has new criteria which the Committee has not  
15 had experience with before.

16 This set of hearings, this being  
17 the third and last day of the hearings, is the  
18 first time that this Committee has officially  
19 been asked to review a paper trail voting  
20 machine. So the criteria that we have to work  
21 with, are more lengthy than the criteria that  
22 used to be found, and still are found in Title  
23 19, Section 48 and Title 19, Section 53. So it  
24 will take us probably longer than it  
25 historically has.

1           The criteria that we work with,  
2 working with today, are directed towards paper  
3 trail machines. But also have incorporated  
4 into them some of the better features of Title  
5 19, which were written at least forty years  
6 ago, to cover the old fashioned mechanical  
7 lever machines and scanner type devices. They  
8 were not really written with electronic voting  
9 machines in mind, much less paper trail.

10           Well depart a bit from the  
11 historical procedure, in that we're going to  
12 ask for input after the vendor's general  
13 description of their device, along with their  
14 opening statement. With a comment by David  
15 Millstein who is here today, who speaks on  
16 behalf of the disabled of this state.

17           Most importantly and something  
18 that's a significant departure from our past  
19 procedures, but a highly welcome one, is that  
20 we have a contingent here from the New Jersey  
21 Institute of Technology, who has done a  
22 yeoman's job of reviewing the machines and  
23 providing to us, the Committee, a report as a  
24 guideline. Giving us some objective ways to  
25 judge these machines and give us a better

1 depth. I know they spent several thousand  
2 hours, several thousand hours of effort and  
3 untold hours the last three days here in this  
4 room.

5 I don't know if the Attorney  
6 General's office has the equivalent of a purple  
7 heart, but if they did you would be our first  
8 candidates for it. So Rich, I want to thank  
9 you your crew again. Because your assistance  
10 has been invaluable.

11 The Committee's job is not to  
12 certify voting machines. We do not certify  
13 voting machines. Our job is to take a look at  
14 the criteria and make recommendations to the  
15 Attorney General's office about whether or not,  
16 in our opinion, the machine meets the  
17 criteria. If it doesn't meet the criteria,  
18 what criteria does it not meet?

19 It is not an instant gratification  
20 exercise. We will not make a decision at the  
21 end of the day, I'm fairly confident about  
22 that. Because there is just so much to digest.

23 The hearings have a closing date  
24 effectively in terms of getting input from  
25 vendors of the paper variety, of five o'clock

1 tomorrow. So if we don't receive whatever your  
2 paper materials are, by five o'clock tomorrow,  
3 this includes members of the public and the  
4 audience, there is a good chance it might not  
5 be included in the record. With the materials  
6 that we get to review, I think that would be a  
7 shame.

8 I admonish everybody here that if  
9 they if they do want anything to be included  
10 for our review and in the technical official  
11 record, we appreciate your getting that to the  
12 Attorney General's office by five o'clock  
13 tomorrow.

14 In fairness to us and the vendors  
15 and to keep the process flowing smoothly, we  
16 will not be taking questions from the audience,  
17 or any other source, while the vendor, Mr.  
18 Millstein and NJIT, makes its presentation and  
19 during the course of our walk-through of the  
20 various criteria.

21 The criteria takes a long time to  
22 go through. After three days my attention span  
23 is not measured in large units. So I do  
24 request that you give us the opportunity to  
25 carefully study what the vendor gives us.

1           After that point we will be glad to  
2 take public input, public comments and public  
3 documents, as we have the last few days and we  
4 welcome them.

5           During the course of the hearing,  
6 just to keep things flowing so we can get  
7 through this in an expeditious and efficient  
8 manner, I would request that you address all  
9 the questions to me, the chair. Again, we will  
10 not be generating any report of any sort  
11 today. However we are not unmindful of the  
12 fact that the Attorney General, this Committee,  
13 the vendors, everybody, is under the gun to  
14 expedite the review of these machines so that  
15 the legislature's goal of having them in  
16 position in February of 2008 can be obtained.

17           For those of you who smoke, there  
18 is no smoking in the building. There is no  
19 smoking allowed in the front of the building  
20 outside. But there are, apparently, places to  
21 smoke in the back. If you would like to speak  
22 during the public input part, would you please  
23 make a point of signing up on the sign-up list,  
24 which is way over on the left-hand side over  
25 there, so we have your name and your

1 affiliation. Please spell your name and  
2 affiliation so that it is human readable.

3 Last but not least, I encourage all  
4 of you to-- do we have donuts and coffee today?  
5 We have coffee. Is that right? So those of  
6 you who might be susceptible to nodding off  
7 during the course of this stimulating  
8 discussion, are invited to take advantage of  
9 the caffeine over there to keep you alert.

10 I make the same recommendation to  
11 the Committee who is sitting in front of me. So  
12 with no further ado, I'd like to welcome you.  
13 Since there aren't a lot of people in the  
14 audience, I'm going to ask the audience if they  
15 wouldn't mind identifying themselves and start  
16 with Flavio?

17 MR. KOMUVES; Flavio Komuves. I'm  
18 with the New Jersey Department of Public  
19 Advocate.

20 MS. MENITES: Penny Menites,  
21 M-e-n-i-t-e-s, Rutgers University Law School.

22 MR. KRUEGER: Carl Krueger,  
23 K-r-u-e-g-e-r.

24 MR. GLADNEY: Derrick Gladney,  
25 G-l-a-d-n-e-y, Department of Public Advocate.

1 MR. MIDGETTE: Jerry Midgette,  
2 Somerset County Board of Election.

3 MR. WOODBRIDGE: The young lady in  
4 the back I'll introduce myself. Her name is  
5 Sylvia Nause. She's an intern with our office.  
6 I told her this is what we do for a living.  
7 The two ladies in front on the right.

8 MS. SIRACUSA: Annalisa Siracusa.

9 MS. ADAMS: Rae Adams.

10 MR. WOODBRIDGE: Andrew Wynham,  
11 W-y-n-h-a-m, Sequoia Voting Systems.

12 MR. WOODBRIDGE: I think we  
13 finished with the preliminary areas. Mr.  
14 Gleim, are you ready to go?

15 Mr. Gleim has asked to make an  
16 introductory remark. Then I asked him if he  
17 wouldn't mind walking us through a  
18 demonstration of the machine. After that point  
19 we'll ask Mr. Millstein to make his comments.

20 MR. GLEIM: Good morning all. My  
21 name is Rick Gleim. I represent Avante  
22 International based in Princeton Junction, New  
23 Jersey.

24 Those of you who are familiar with  
25 the area, we're on Washington Road, right near

1 the train station, just to give you a reference  
2 where we are located, my team and I.

3 Let me introduce the other people  
4 at the front table here. At the end is Greg  
5 Beasley. At the voting machine here at the  
6 center of the room is Mike Ma. Over toward the  
7 other other voting machines on the side is Dave  
8 Alampi. Any general questions today will be  
9 answered by one of us.

10 My team and I are pleased to be  
11 here today to discuss the findings of the NJIT  
12 report. We are satisfied with the report and  
13 in general agree with the findings. We are  
14 happy to have the opportunity to examine the  
15 findings today.

16 We are pleased to be here to  
17 discuss our model EBC 308FF, full face voting  
18 machine paper record, the machines that we have  
19 here to the right side of the room.

20 The system was nationally certified  
21 in 2006 and in the same year certified by the  
22 State of New Jersey. The machine has been used  
23 in Warren County, New Jersey in 2006 and 2007  
24 in general, primary and special elections.

25 On June 5 of this year, the system

1 was used with full implementation of the paper  
2 record with great success. That will be the  
3 same paper record that we'll be discussing here  
4 today. Thank you.

5 Mike is going to do a demonstration  
6 of the equipment. Do we want to hand him a  
7 microphone.

8 MR. WOODBRIDGE: Yes, if we have  
9 one that works. I caution you that you need to  
10 talk right into it. Keep in mind we are  
11 keeping a record of the hearing.

12 MR. MA: Good morning. My name is  
13 Mike Ma, M-a. I'm going to be the demonstrator  
14 of the machine today. My demonstration today  
15 will not cover every detailed feature of the  
16 system, but will primarily focus on the paper  
17 record feature.

18 A voter will be issued a smart card  
19 at a polling place, when the voters sign-in at  
20 the check-in desk. This card will bring up the  
21 voter's ballot on the machine. The voter puts  
22 the card into the cut rigger. The machine reads  
23 the codes from the card, then puts the ballot  
24 on the screen.

25 If the County offers a multi

1 language ballot, it indicates on top of the  
2 screen a list of parties. The first column  
3 lists the office titles. It could be either  
4 orientation, but the office has to be on top of  
5 the screen. The parties are put on the the  
6 first column. It depends on the County's  
7 choice. The voters press on any candidates,  
8 that's the one to vote. The choice will be  
9 shown on the the screen showing the choice of a  
10 certain candidate.

11 Just move on to the next office.  
12 If you have to change your choice, you touch on  
13 another selection that will register your new  
14 choice and cancel your previous selection.

15 If the voter wanted to do a  
16 write-in, the write-in will be done by pressing  
17 one of the write-in buttons for that office.  
18 You touch it right here, anyone, it doesn't  
19 matter. That will bring the write-in screen.  
20 The voter can put in the first name, last name,  
21 for the write-in candidates and press "okay".  
22 Your write-in is shown on the screen  
23 immediately. If you want to cancel it, touch it  
24 again. Your write-in will be provided.

25 Propositions will be shown on the

1 bottom of the screen. If you do not know the  
2 detail of the question, you can press on the  
3 question title, that will show you the complete  
4 detail of that question. So you can spend some  
5 time reading it and you can vote on this  
6 screen, by pressing yes or no who you want to  
7 vote for.

8 Any time you can chose to stop  
9 voting by pressing the "cast ballot" button on  
10 the lower right-hand corner. The system will do  
11 a check for whether the voter missed any  
12 selections at this point. All those offices  
13 that the voter has not fully voted on will be  
14 highlighted in a different color. This is just  
15 a reminder screen. It is not an obligation.  
16 The voter can chose to continue, so that all of  
17 those other votes will be reported as is.

18 The system asks the voter to wait  
19 for the paper record to be printed. Beside the  
20 monitor is a printer unit. During the election  
21 the front cover is sealed, so that nobody can  
22 open the cover and then hamper with the paper  
23 record. Also the paper records are stored.

24 (Pause in proceedings).

25 The paper record will be printed

1 for the voter, so that the voter can see from  
2 the clear glass window. If the voter is  
3 satisfied with the options printed on this  
4 paper, the message will instruct the voter just  
5 to press the "cast ballot" again to finalize  
6 the ballot.

7 The paper will be taken back by the  
8 printer automatically. The vote is finished.  
9 The voter puts up the card and gives it back to  
10 the polster, which will finish the voting  
11 section.

12 MR. FLEMING: Can we go through the  
13 third time.

14 MR. MA: There is an option in the  
15 ballot generation software, which will allow  
16 how many times a voter can change their mind  
17 after the first paper is printed. Right now  
18 the state allows three prints. The voter has  
19 two chances to change their mind. Once the  
20 third print is out, a message will come up on  
21 the screen. That tells the voter you have to  
22 cast a ballot, there are no more chances to  
23 make any changes.

24 MR. FLEMING: Can you go through  
25 that again?

1 (Pause in proceedings).

2 MR. MA: This is the first print.  
3 If I'm not satisfied with it, post message and  
4 change my selection on the screen. The first  
5 print will be taken back and the system will  
6 issue a second print. If I look at it, this is  
7 number two, it might be more than one page.

8 (Pause in proceedings).

9 MR. GLEIM: Our apologies the  
10 machine.

11 MR. MA: Will tell you this is the  
12 final record.

13 MR. GLEIM: We need to bring  
14 another machine. This is one is set on  
15 non-review. It is putting the paper record  
16 back immediately. The software can be  
17 adjusted.

18 (Discussion takes place off the  
19 record).

20 Just in general, the machine is set  
21 at the moment, it is not allowing the voter to  
22 review. That's an available alternative on the  
23 EMS system. So what we will do is grab one of  
24 the other machines and have it done on that.

25 MR. WOODBRIDGE: Is David Millstein

1 here still? Where did he go? Why don't we do  
2 this, just to keep things moving along. There  
3 is nothing sacred about the order in which we  
4 do things. If Mitch and his crew are ready,  
5 why don't we have NJIT make its presentation  
6 and then I think we can continue with the  
7 vendor demonstration.

8 (Pause in proceedings).

9 I think I falsely accused you of  
10 sneaking a smoke in the back, which is the  
11 right place to smoke. We've had a little  
12 problem with the first demo machine. While  
13 they are setting up the second, David, if you  
14 wouldn't mind presenting your finding with  
15 regard to the accessibility of the machine.

16 MR. MILLSTEIN: Good morning. For  
17 the record, David Millstein,  
18 M-i-l-l-s-t-e-i-n. I'm the state ADA  
19 Administrator for the American for Disabilities  
20 Act.

21 For the Avante machine, myself and  
22 Marilyn Rosenthal, who is from the Department  
23 of Human Services, who is a person with a  
24 visual impairment who is blind, I did an actual  
25 test of the Avante machine.

1           The voting machine itself has a  
2 moveable screen for persons of short or tall  
3 stature, or a person who has the ability for  
4 afford reach who is a wheelchair user. The  
5 machine itself does not have full forward reach  
6 access, but does have the ability to utilize a  
7 corded keyboard for those persons who cannot  
8 reach the actual touch screen machine.

9           The Avante also has other adaptive  
10 equipment for voters of varying disabilities.  
11 Our tests of the voting machine was done for  
12 visual impairments, listening to the actual  
13 instructions and also casting a ballot by the  
14 corded keyboards and listening through the  
15 voice synthesizer and voice recorded  
16 instructions.

17           A person who is going to be  
18 utilizing the keyboard tray, it is suggested  
19 that they would have to be seated in front of  
20 the machine, du to the point of utilizing a  
21 full keyboard would have to be sat on the lap,  
22 because both hands would have to be free to  
23 utilize the keyboard.

24           As our voter went through the  
25 instructions, she was able to utilize the

1 machine, cast her ballot. The paper did  
2 validate what she did request for her voting.  
3 Again this machine, would also verify  
4 everything that she wrote or asked for. The  
5 paper ballot gave us the paper trail for that.

6 MR. WOODBRIDGE: I'd like to ask  
7 you a quick. The individual who is using the  
8 keyboard needs to sit down. I think that's  
9 pretty easy to understand why. Does that  
10 individual-- is that individual still afforded  
11 sufficient privacy when they vote?

12 MR. MILLSTEIN: Yes, they would.  
13 The curtain itself would go behind the person,  
14 but they are only going to be seated in front,  
15 yes.

16 MR. WOODBRIDGE: Thank you very  
17 much. We appreciate you coming in. Look  
18 forward to seeing you, but not tomorrow.

19 MR. MILLSTEIN: Thank you very  
20 much. Mr. Gleim?

21 MR. GLEIM: We're good to go.

22 MR. WOODBRIDGE: Mitch, we're not  
23 going to go with NJIT as planned. The machine  
24 is ready to go. So we'll go back to the  
25 vendor's demonstration. I think we were at the

1 point where we had requested a demonstration of  
2 the spoiled ballots during the paper ballot  
3 vote.

4 MR. MA: I'm going to activate the  
5 ballot again. I put a few choices on the  
6 screen. Then it asks for my first paper  
7 printout. The machine prints out the record.  
8 The voter can see the record and verify all the  
9 choices printed. It is presented behind a  
10 clear cover, so the voter can see it but can't  
11 remove the paper from the printer.

12 If the voter is satisfied with the  
13 result, just touch this button again to finish  
14 the ballot. If the voter sees something that  
15 he doesn't want, he can still go back on the  
16 screen and change the choice.

17 Once all of the choices have been  
18 made, press the "cast ballot" again. The first  
19 paper will be taken back by the printer and the  
20 printer will printout a second printed record  
21 which will reflect all the changes that the  
22 voter has made.

23 If the voter is still not satisfied  
24 with his second one, this will be the last  
25 chance that the voter will have any paper

1 record printed for this ballot.

2           Once the paper is out, the message  
3 that will show on the screen that the only  
4 choice the voter has now is to cast the ballot.  
5 If I close the message and tap on any of the  
6 choices on the screen, I can't change it any  
7 more. This one that I have so far. That will  
8 be my official ballot result.

9           MR. WOODBRIDGE: Before you cast  
10 that third ballot, does it warn you that will  
11 be your last ballot?

12           MR. MA: There will be-- before,  
13 when the first paper is out, when the message  
14 to the voter that you have chance to print  
15 three papers. That was number one. You get  
16 the section point. That was number two.

17           MR. WOODBRIDGE: There is an  
18 actually display on the screen?

19           MR. MA: Yes.

20           MR. MA: Before you do your third  
21 ballot.

22           MR. MA: Right. I will bring up the  
23 ballot again. The dial up box shown on the  
24 screen, it says you may print up to three paper  
25 records. This is number one. If you change

1 your mind, another one printed out, it will say  
2 this is number two.

3                   Once you get to the third print,  
4 you are done.

5                   MR. WOODBRIDGE: I can read the  
6 screen from back there. Does the paper ballot  
7 tell you that you've got those choices?

8                   MR. MA: It will tell you that that  
9 was a replacement paper record, when the second  
10 one is printed.

11                   MR. WOODBRIDGE: Yesterday we went  
12 through the same drill with a write-in. Can  
13 you show us what happens when you try three  
14 different write-ins.

15                   MR. MA: The three different  
16 write-ins and cancel the first two?

17                   MR. FLEMING: Do it from the second  
18 one. We can put it right in now and do the  
19 third one write-in?

20                   MR. MA: I would do three write-in  
21 ballots. The first one.

22                   MR. WOODBRIDGE: We want to see.

23                   MR. FLEMING: He's putting another  
24 write-in from another contest. We want to see  
25 the record.

1 MR. MA: I will print one.

2 MR. FLEMING: It does show.

3 MR. GLEIM: Go to the third one.

4 MR. MA: Do you want a third  
5 write-in?

6 MR. FLEMING: Change.

7 MR. MA: "Cast ballot". That's  
8 your final record. So the only thing you can  
9 do is cast the ballot.

10 MR. WOODBRIDGE: While we're at  
11 it, it might be useful if you showed us how you  
12 replace the paper roll during the voting  
13 process?

14 MR. MA: Each machine has a roll of  
15 paper. It is 800 feet long. During the NJIT  
16 testing it could last for 600 ballot tests for  
17 their long ballot. In case you are going to  
18 need to change the paper roll, slide the paper  
19 forward and break the seal. Because the  
20 printer will be sealed during the election. The  
21 front cover can be open and release the two  
22 latches on either side of the printer. That's  
23 locked. There is a plate that prevents the  
24 paper sliding them the machine, notifies that  
25 you are going to be running out of paper.

1 MR. MA: You stop voting.

2 MR. BEASLEY: We thought we had  
3 done this thing. So you probably will not have  
4 to change paper. There are about 600 votes on  
5 800 feet of paper. If a rare situation came up  
6 where you did have to change the paper, you can  
7 power this machine down, change the paper. But  
8 there is no possibility of electrical shock or  
9 anything like that for the co-worker. You  
10 bring it back up. It goes through the same  
11 place where you are. So you don't go to the  
12 poll. All the thing is still. There all the  
13 votes cast to that" point.

14 MR. FLEMING: When you are saying  
15 600 votes, you mean 600 single paper or single  
16 paper ballots? If you went to multiple paper  
17 ballots or have a voter with three choices,  
18 that will be considerably less or possibly?

19 MR. BEASLEY: We're talking about  
20 600 ballots. That represents as to the number  
21 of voters. That represents the maximum would  
22 be three, divided by that, if everybody has  
23 changed their mind three times.

24 MR. MA: The paper needs to be-- so  
25 the wouldn't be much paper left. Remove the

1 paper roll from the holder. Then put a new  
2 roll in. I'll put it back in.

3 MR. FLEMING: In your documentation  
4 for the pole workers, is that documented.

5 MR. BEASLEY: Not only do they do  
6 that, we provide extensive poll worker training  
7 on two levels. We provide the poll worker  
8 training for the County administrators. We  
9 also provide super poll worker training. What  
10 we teach the poll workers, is to deal with the  
11 many common issues that might come up. The  
12 power cords might be disconnected, whatever.  
13 These are six session,s eight hours of  
14 background of how to handle, how to change the  
15 paper, the typical things that might come up.

16 MR. FLEMING: How do the ballots go?

17 MR. BEASLEY: The go actually to  
18 this box right here. There is a lock that goes  
19 right here. They don't have accesses to that.  
20 They have to cut the seal.

21 MR. FLEMING: The general poll  
22 worker reaching up, they don't have actual  
23 access.

24 MR. BEASLEY: They can't see it.

25 MR. FLEMING: From the slot that it

1 drops into.

2 MR. BEASLEY: No, it is behind.

3 MR. FLEMING: Okay.

4 MR. BEASLEY: We should have timed  
5 this.

6 MR. BLEMING: The other scenario  
7 is, we will say you have printer failure, can  
8 you replace the whole unit?

9 MR. BEASLEY: You can. However,  
10 because of our interpretation-- we'll get to  
11 this as one of the exceptions. Because of our  
12 interpretation of NJIT's exception that was  
13 made with respect to not having cables exposed  
14 and that kind of thing, you certainly can  
15 change.

16 What we're going to address  
17 subsequently about, is put a disclaimer on the  
18 back of the data cable and power cable, so it  
19 is incredibly difficult to unscrew that in  
20 order to change the entire printer. This  
21 printer, as you can see in your printer  
22 documentation as described. In the unlikelihood  
23 if you change this printer, it is very remote,  
24 very remote. We certainly do have to change  
25 printers just because we run out of paper, but

1 now he's powering back up.

2 MR. WOODBRIDGE: The power cables  
3 and other cables are behind the printer. Is  
4 that correct?

5 MR. BEASLEY: Yes, sir.

6 MR. BEASLEY: On the other side of  
7 the cable is internal to the machine. So even  
8 if you do take this apart, a part loose, you  
9 have to make this entire panel down, take about  
10 1,400 screws apart to get to that.

11 MR. MAHONEY: Change the paper  
12 roll?

13 MR. BEASLEY: Yes.

14 (Pause in proceedings).

15 MR. GLEIM: We're back, ready to  
16 go. The system was brought to a halt. None of  
17 the information was lost and the voting  
18 proceeds. As long as the poll is not closed,  
19 everything is retained on the system. If you  
20 close, you don't.

21 MR. MAHONEY: I notice a paper came  
22 out after you put the new paper roll in. Can  
23 you tell us what that is?

24 MR. GLEIM: The paper is just a  
25 machine status paper on there. In this case

1 we're just in a test voting mode. On regular  
2 days we are just general election voting.  
3 That's a test. It has nothing to do with any  
4 vote. It is normally taken out of the machine  
5 when it is started, but left in there. It has  
6 no impact impact whatsoever. It is just  
7 machine status.

8 MR. BEASLEY: The other reason for  
9 that, when the system is brought online it does  
10 an integrity check of several modules. If any  
11 one of them is not working properly, that will  
12 show you. The system automatically will shut  
13 down. It will prevent you if anything is going  
14 on when it is started.

15 Even if this piece of paper was  
16 lost, for example, everything that's done on  
17 that on machine is written. The event log  
18 cannot be accessed. It makes a recording of  
19 everything that happens in this machine, just  
20 like we just. We did power down and back up.  
21 The voting has everything you have down,  
22 pointing to that event log. There is no way to  
23 interrupt that data. That is protected. So  
24 you can't get into it and change.

25 MR. MAHONEY: On an event log, does

1 it show you that the paper was changed? Does  
2 it say paper changed or anything like that?

3 MR. MA: It will show the record  
4 that the printer has some error message, like  
5 the paper is low. But it will not show you  
6 that the paper has been changed, because the  
7 machine is that clever to do that. But it  
8 will record any of your messages that come up  
9 on the screen.

10 MR. WOODBRIDGE: Thank you. Just  
11 one question on the first machine we saw. It  
12 looked to me like there are some problems from  
13 the paper feeding out from behind. What was  
14 that, do you know what was happening there?

15 MR. GLEIM: What appeared on there,  
16 the front cover on the machine to the side  
17 there, just had a small defect in manufacturing  
18 of it. What happened was, the paper record was  
19 generated. It would have been retracted, but  
20 the voter would not have seen it.

21 On that case the voter will alert  
22 the poll worker saying I didn't see any paper  
23 record. It would have been done, showing the  
24 the voter on the screen. In addition, the  
25 machine had a setting that was not allowing us

1 to review, pulling the page record up and  
2 pulling it away immediately. That can be done  
3 in the poll location itself when you are  
4 generating your ballot. We just brought this  
5 is one up which has it corrected. This is  
6 yours.

7 MR. WOODBRIDGE: At this point in  
8 time I'm going to ask the gentlemen from NJIT  
9 if they would come up and do their report.  
10 Rick, I hate to do this to you--all right.  
11 Let's do it from back there, if you are  
12 comfortable with that, because the acoustics  
13 are better from that podium, okay.

14 MR. DARRAH: I'll go anywhere you  
15 want. Good morning. Thank you again for yet  
16 another opportunity to discuss our project.  
17 I'm still Mitchell Darar, Executive Director  
18 NJIT's Center for Information Age Technology.  
19 I'll provide the overview. Professor Ari Jain,  
20 J-a-i-n, will describe test samples sizes and  
21 ballot scenarios. Professor Shi, S-h-i, will  
22 discuss specific findings for the Avante  
23 Vote-Trakker.

24 The requirements in the criteria  
25 address a broad range of attributes, design

1 procedures, feasibility, security and  
2 reliability. Together they form the  
3 performance criteria that were used in our  
4 tests. Some are qualitative and subjective.  
5 Such as allowing the voter to easily review his  
6 or her paper records. Easily is somewhat  
7 subjective. Others are quantitative, pure  
8 matters of fact to be determined. Such as the  
9 machine shall not externally communicate with  
10 any system. That's a yes or no.

11 In each of almost 70 individual  
12 requirements in the criteria, were subjected to  
13 up to four different tests. Our most important  
14 findings are that the two core requirements  
15 were satisfied by the of Avante Vote-Trakker.  
16 Number one, the voters were able to verify  
17 their votes on the paper records, by viewing  
18 them. Two, the vote tallies derived from four  
19 different sources, paper records, barcode,  
20 closed poll reports and electronic records all  
21 matched.

22 Exceptions, which we defined as  
23 situations where testing against criteria did  
24 not completely or did not clearly yield the  
25 required or expected results were also

1 reported. The project team, not all of whom are  
2 here included senior faculty and staff with  
3 extensive expertise in information technology,  
4 cyber and security networks, statistics.

5 A secure lab was established to  
6 design and perform the testing to house all  
7 vendor supplied items, such as machines,  
8 documentation, other equipment, including bar  
9 coded readers and the audio components.

10 The staff was quite helpful in  
11 explaining machine operations and answering  
12 technical questions. Although they were not  
13 present or involved in the actual testing, nor  
14 was the Attorney General's office or did they  
15 influence or participate in our testing.

16 The team spent thousands of hours,  
17 not just here this week, but over two months on  
18 the project, scientifically and objectively  
19 evaluating and documenting the machines's  
20 performance against the criteria.

21 To support the testing, sample  
22 ballot scenarios were devised. Four different  
23 test procedures, as I mentioned, were designed  
24 and used to evaluate different elements of the  
25 performance criteria and were designed for

1 different reasons.

2 Professor Jain will speak about  
3 these in more detail. They are the single test  
4 and three volume tests. The 1,200 vote test,  
5 the 14 hour test and the 52 vote test.

6 Now, I would like to introduce  
7 Professor Jane to discuss the test, sample  
8 size, scenarios and tallies.

9 MR. WOODBRIDGE: Thank you, Mitch.  
10 Professor Jain welcome back again. Look  
11 forward to your presentation.

12 DR. JAIN: Thank you and good  
13 morning. I'm Ari Jain, a special lecturer in  
14 the division of mathematical sciences at NJIT.  
15 As Mitch mentioned, I will describe the four  
16 types of tests, the sample sizes, the ballots  
17 we used, the scenarios for voting and the four  
18 types of tallies of counting the votes.

19 As Mitch, mentioned, we developed  
20 four types of procedures; the single test, the  
21 1,200 vote test, the 14 hour test and the 52  
22 vote test.

23 The single test is a one time  
24 examination, inspection or review of equipment  
25 operations and vendor documentation. It

1 includes the physical inspection of various  
2 components of the DRE and the VVPR voting  
3 systems, as well as an examination and  
4 comparison of paper records, electronic records  
5 and barcode.

6 We used three types of volume  
7 tests. In these three tests we use two types of  
8 ballots, the long ballot the one that you saw  
9 the demonstration of in this room, which has 19  
10 items for voting, and we use the short ballot  
11 for electronic voting, which has nine items.

12 To do the actual voting, we use  
13 mock voters. We use twelve voting scenarios.  
14 Eight of them were designed to be completely  
15 balanced with respect to the affiliation of the  
16 candidates and the yes, no votes. The other  
17 four scenarios were designed to capture the  
18 write-in, the petition, and the under votes.

19 Now, let me turn to the 14 hour  
20 test, which is designed to emulate the actual  
21 voting in a real official election. We use mock  
22 voters to cast these ballots. We gave each  
23 voter a set of shuffled scenarios to randomize  
24 the order in which they voted. Each voter  
25 voted for about one to two hours, took a ten

1 minute rest and then continued with the voting.

2 After the voting was done, we had  
3 four types of tallies that I'll talk about in a  
4 minute.

5 The 1,200 vote test is a simulated  
6 test, it is an electronic test, which used a  
7 scripted program to electronically cast the  
8 ballots. The current version of Avante doesn't  
9 have this capability, so we simulated the votes  
10 by doing the manual voting. So we cast 1,200  
11 votes that way. The reason for that 1,200 is to  
12 go much beyond the 750 for district voters.

13 The 52 vote test is designed to  
14 test special cases other than the one that you  
15 have in the 14 hour and the 1,200 vote. These  
16 special cases are the ones that were  
17 demonstrated a few minutes ago, somebody  
18 changing their mind and voting, voiding the  
19 previous votes and going on to later votes.

20 We also tested the fleeing voter  
21 scenario, when somebody walks away, even before  
22 a paper ballot is printed or sometime later.  
23 So those are the three volume tests.

24 Now, the tallies for the votes.  
25 There are four types of tallies, the paper

1 ballot that falls in that tallies the votes  
2 cast. Then scan the paper ballots from the  
3 barcode. Those are the two types. Then the  
4 tally from the close of the poll. The fourth is  
5 the electronic record.

6 In our analysis, all four types of  
7 types of tallies match perfectly for the 14  
8 hour vote and the 1,200 votes. Thank you.

9 MR. WOODBRIDGE: Thank you, Dr. Dr.  
10 Jain. Dr. Shi, are you going to clean up the  
11 day again?

12 DR. SHI: My name is Yun Qing Shi,  
13 professor of electrical engineering at NJIT.  
14 Here I will report our testing results,  
15 especially those exceptions.

16 As the previous two people already  
17 mentioned, the Avante machine has a VVPRS  
18 system. Voters, therefore, can verify their  
19 selections in the paper records. Also  
20 electronic records matches with paper  
21 records. So overall, the Avante machine  
22 complied with most of the criteria.

23 The following were presented as  
24 exceptions. Some are some violations, not  
25 completely followed criteria. The other, like

1 fleeing, is something for additional report.

2           So exception number one. Long  
3 III.A.1 reads, "The printer shall be designed  
4 to have a sufficient amount of paper, ink,  
5 tone, ribbon or like supply for use in an  
6 election, taking into account election district  
7 should have at least one voting machine per 750  
8 registered voters".

9           Our finding is, the paper  
10 replacement inspected after about 600 voters or  
11 ballots, perhaps is a more accurate term.

12           Exception number two, criteria long  
13 III.A.1.a., reads, "If any addition or  
14 replacement of paper, ink, toner, ribbon or  
15 other like supply is required, it shall be done  
16 with minimum disruption to voting and without  
17 the circumvention of the security features of  
18 the printer and storage unit, which protect the  
19 casted ballots and the secrecy of the vote".

20           Our finding is there is a slit that  
21 exists between the storage unit and the  
22 printer, that may allow for unauthorized or  
23 forged paper records to be slid into the  
24 storage unit.

25           Exception number three, criteria

1 long II.A.2. Reads, "The VVPRs shall have a low  
2 paper indicator that will allow for the timely  
3 addition of papers so that each voter can fully  
4 verify without disruption all of his or her  
5 ballot selections".

6 Our finding is as follows, if a  
7 voter selects candidates, as the paper supply  
8 is low, then voter casts the vote. At this  
9 time we expect paper can be printed. But  
10 because the paper supply is low, there is no  
11 printing. Instead, there is an error messaging  
12 window open. On the window--error message  
13 window it reads "printer error". Beneath the  
14 printer error, there is an 'okay' also on that  
15 error message window.

16 Now, at this point if the voter  
17 presses the "okay" button in the error message  
18 window, then machine goes back to the normal  
19 selection window-- no, screen.

20 Then if at this time the voter  
21 chooses to cast the vote because he or she  
22 agrees with the paper record showing his  
23 selection, then there is no paper ballot  
24 printed out, but electronically his vote or her  
25 vote, has been recorded. This is what we said

1 in exception number three.

2 Now, exception number four,  
3 criteria long IV.A.1. reads, "the paper record  
4 shall include the identification occasion of  
5 the particular election, the election district  
6 and the voting machine".

7 Our find is that the particular  
8 election name is not printed on the paper  
9 record.

10 Exception number five, criteria  
11 long IV.C.5. reads reads, "The paper records  
12 shall distinguish between accepted and  
13 non-accepted ballots.

14 Our finding is there is no clear  
15 acceptance information. For example, void  
16 versus acceptable. Voided paper records have  
17 the same identifier number as the final  
18 approved paper record has by the same vote.

19 VVPRS depends, (1) and (2) with to  
20 that identifying number, for the second data  
21 and third updated records respectively. Some  
22 voided paper records may be incorrectly  
23 considered as accepted paper records, if some  
24 updated paper records are lost.

25 Exception number six, criteria

1 IV.C.5.a.(4) says, "If a mechanical error in  
2 recording or printing a paper record occurs,  
3 the record shall be counted as a spoiled paper  
4 record. It will not be counted as one the  
5 voter's three attempted votes".

6 Criteria long V.G. says, "If a  
7 mechanical error or malfunction occurs, the DRE  
8 and VVPRS shall sudden spend voting operations,  
9 not record votes, and present a clear  
10 indication of the malfunction to the voter and  
11 election officials".

12 Our finding is, if a mechanical  
13 error or malfunction occurs, there is no  
14 warning signal sent to notify the election  
15 officials at the polling place. The DRE does  
16 not suspend voting operations. The voter has  
17 the opportunity to continue voting and cast the  
18 vote, but the paper record is not printable.  
19 The vote is, however, electronically recorded.  
20 That's number-- exception number six.

21 Exception number seven, criteria  
22 long V.E. reads, "The printer shall be  
23 connected to the voting machine, either by  
24 completely concealing the printer connection or  
25 via a security card, to prevent tampering".

1           Our finding is that the printer  
2 connection between the printer and the  
3 particular voting machine, is not completely  
4 concealed to prevent tampering. Furthermore,  
5 the exposed part of the connection between the  
6 VVPRS and the voting machine, is covered with  
7 plastic wrap, to not completely allowing access  
8 to the cable.

9           Exception number eight, criteria  
10 long V.F. reads, "The DRE shall detect and  
11 notify the election officials at the polling  
12 place of any errors and malfunctions".

13           Our finding is, although the DRE  
14 can detect the problem that may prevent the  
15 paper record from being correctly displayed,  
16 printed or stored, no warning signals are sent  
17 to notify the election officials at the polling  
18 place.

19           Exception number nine, Criteria  
20 long V.H. reads, "If the connection between the  
21 voting machine and the printer has been broken,  
22 the voting machine shall detect and a provide  
23 notice of this event and record it in the DRE's  
24 internal audit log. Voting operations shall be  
25 suspended and no votes shall be recorded".

1           Our finding is, if the connection  
2 between the voting machine and the printer  
3 breaks during the voting process, that the DRE  
4 displays an error message on the screen to the  
5 voter, but no warning signal is sent to notify  
6 the election officials at the polling place.  
7 The DRE does not suspend the voting  
8 operations. The voter has the opportunity to  
9 continue voting and cast the vote without  
10 printing any paper records. The vote is,  
11 however, electronically recorded.

12           Exception number ten is  
13 miscellaneous relating to fleeing voter. Our  
14 finding is for fleeing voters who have yet not  
15 printed any paper records, the DRE displays the  
16 correct warning, which allows the intervention  
17 by the poll worker to spoil or cast the ballot.

18           However, once a paper record has  
19 been printed by the voter, the DRE will  
20 automatically cast the ballot as the fleeing  
21 voter left, without review and approved by the  
22 voter and without any intervention by the poll  
23 worker. We reported this one as an additional  
24 item.

25           MR. WOODBRIDGE: I have a couple of

1 questions. So if a fleeing voter comes in to  
2 the voting booth and makes some selections,  
3 then casts a ballot, then leaves, does that  
4 first ballot automatically become the voter's  
5 choice.

6 DR. SHI: Yes.

7 MR. WOODBRIDGE: Is there a period  
8 of time between when it's printed, when it  
9 automatically becomes that final votee.

10 MR. GLEIM: Can I answer that? The  
11 fleeing voter-- I agree with everything that he  
12 is saying, but it is set according to New  
13 Jersey law. This the way it was used in the  
14 Warren County election.

15 What will happen is, if the voter  
16 comes in, touches the screen, but doesn't cast  
17 his ballot. In other words, there is no paper  
18 record showing within a pre-determined time  
19 which is set by the municipality, the warning  
20 will come up on the screen saying you have to  
21 do something on this screen or you are going to  
22 get thrown out, you are not going to get your  
23 chance to voter.

24 If they don't touch it, it will  
25 then send a warning to the poll worker to come

1 in. That is now assuming that the fleeing  
2 voter is gone. The poll worker comes in. Their  
3 choice is at that point, is to take the two  
4 poll worker cards that they started the machine  
5 with in the morning and they put it in. New  
6 Jersey law says since there was no intent  
7 shown, spoil it. That's what our system does.

8 In the cases that the voter came  
9 in, did all of his choices, cast his ballot,  
10 the page record is now hanging. Then he  
11 assumes that's all I have to do and walks out,  
12 forgetting you have to cast it one more time.  
13 The machine will let the paper record stay  
14 there. Same thing will happen in a hundred  
15 seconds, two minutes, whatever it may be.

16 It will tell the voter-- since the  
17 voter is no longer there, it will tell them you  
18 have to do something or the system will be  
19 ended. It does not need poll worker  
20 intervention. At that point if nothing is  
21 done, the paper record is pulled back, the vote  
22 is cast. That's what the law is says. It  
23 follows that, it follows that intent.

24 MR. WOODBRIDGE: I'm not frankly  
25 clear myself about exactly what the law is,

1 what extent we actually have clear instruction  
2 regarding the fleeing voters. I'm just curious  
3 about how that procedure works.

4 If I can indulge the Committee,  
5 there are a couple of items here that relate to  
6 the physical machine itself, that I'm not  
7 entirely sure I can visualize. So I'm going to  
8 ask the vendor to--and NJIT in particular, to  
9 show the Committee two things.

10 In exception number two, the  
11 statement was a slit exists between the storage  
12 unit and the printer, that may allow  
13 unauthorized paper record to be slid in the  
14 storage unit. I can't be sure I can visualize  
15 it. Also, if you could show us the issue with  
16 regard to the power cables. Perhaps Mr. Darar  
17 is here. Maybe there are other things that  
18 you'd like to see.

19 MR. MAHONEY: I also have a  
20 question. Earlier you saw a problem with the  
21 printer being dropped behind the screen. Did  
22 you find anything like that happen during your  
23 testing?

24 DR. SHI: Can you repeat that  
25 question?

1                   MR. MAHONEY: When you were  
2 demonstrating the first machine, there was a  
3 problem with the printer. The paper dropped  
4 behind the metal plate, so you could not see  
5 it.

6                   During your testing did you find  
7 any problems with the printers or paper jams or  
8 anything like that.

9                   MR. DARAR: Yes. I understand what  
10 the question was. I didn't see what happened  
11 in demo. The paper came down, it wasn't  
12 viewable. It was blocked or came too far down.

13                   MR. WOODBRIDGE: I don't think  
14 that's quite correct. At one time the paper  
15 didn't present itself. I believe Mike Ma had  
16 to open the unit, to get in and retrieve the  
17 paper.

18                   MR. DARAR: That happened once  
19 during testing. We stopped testing and a  
20 technician was on-site. The technician, I guess  
21 did that. I wasn't there that day, but that  
22 was fixed and then continued.

23                   MR. WOODBRIDGE: So you had one  
24 instance out of how many hours of testing?

25                   MR. DARAR: The 1,200 votes, the 14

1 hour and the 52 vote.

2 MR. WOODBRIDGE: Was it something  
3 that appeared eminently fixable?

4 MR. DARAR: I don't know how to  
5 answer that.

6 MR. WOODBRIDGE: Is it something  
7 that if that were to occur again, could a poll  
8 worker correct it?

9 MR. DARRAR: I don't know what was  
10 done to fix it.

11 DR. SHI: The one instance occurs  
12 from three tests. Because all the tests were  
13 reported in this report is for the full  
14 election, not the pre-election.

15 MR. WOODBRIDGE: Fair enough. If  
16 we could move on to the issue of showing us  
17 those two concerns with regard to this slot and  
18 also the power cable. We may need the  
19 assistance from Mike Ma on this, too.

20 DR. SHI: It is three machines  
21 provided to NJIT. Two of them have such a  
22 problem at this position. You will see this  
23 and this is not exactly in the same plane.  
24 There is space such that you will be able to  
25 slide the sheet.

1 I think this morning we double  
2 checked one of the machines. There is such an  
3 issue. That's exception number two.

4 MR. WOODBRIDGE: Why don't we  
5 adjourn over to the other machine, if that's a  
6 better demo?

7 Mr. Darar, is this the machine that  
8 you are talking about.

9 MR. DARAR: Yes.

10 MR. WOODBRIDGE: We saw a demo  
11 closer to the table that had this part here.  
12 I'm pointing to a part that is flush to the top  
13 of the plate. Is that correct?

14 MR. DARAR: Yes.

15 DR. SHI: Another question the  
16 chairman asked, to show exception number  
17 seven. You can see from here.

18 MR. DARAR: For exception number  
19 two, you have to open the top of the printer.

20 DR. SHI: Then you can see that  
21 slit, report it to the poll worker. They would  
22 be able to do that this.

23 MR. MAHONEY: Can I disconnect the  
24 printer if I do this, Michael? I'll disconnect  
25 the printer, then I'll power down the machine

1 if I'm a voter behind the curtain, no one can  
2 see me. That's the connection of the power to  
3 the printer, but on that machine it is  
4 covered. This is the type of machine we saw.

5 MR. WOODBRIDGE: When you say you  
6 covered, do you mean not visible?

7 MR. MAHONEY: It is not visible  
8 anyway behind, but I couldn't get my little  
9 finger in to reach it.

10 DR. SHI: According to the criteria  
11 it should be concealed. Also, you can see hear  
12 the test rack, even for the voter positions are  
13 completely-- this could be improved, fully  
14 concealed to be more safe.

15 MR. WOODBRIDGE: Thank you. Does  
16 the Committee have any other questions?

17 Then we can go back to the podium  
18 then.

19 MR. FLEMING: Then I do have one  
20 question. We're seeing differences between the  
21 machines. I have to get in mind is what  
22 machine-- or what combination is printer and  
23 machine out in the field?

24 MR. BEASLEY: We have production  
25 devices already deployed in one of the counties

1 in New Jersey. Some of the machines we  
2 delivered to NJIT for testing, we actually  
3 got--we borrowed them from the County. The  
4 other machines we're using for development.  
5 That's why there are differences. The changes  
6 that we have made have not been approved by the  
7 AG's office, so they are not implemented  
8 machines that we did employ.

9           When we delivered the machines to  
10 NJIT, what you point the out is covered to show  
11 this is solution. Before the exception came up  
12 we had already developed this cover that goes  
13 into the back of the machine to keep from doing  
14 what Daryl just did.

15           It is my understanding that it was  
16 that machine was going to be used as the  
17 representative sample of the these machines,  
18 but apparently that is not the case. We're  
19 fine with it because, we have already have a  
20 solution for that exception.

21           MR. FLEMING: When at the County  
22 level, you make the modification to make the  
23 verifiable printing available, all the  
24 modifications will be made so that will be  
25 covered, make sure the slot is not there, so

1       forth and so on?

2                       MR. BEASLEY:   Absolutely.

3                       MR. WOODBRIDGE:   Thank you.   In the  
4       last few days we tried to break around 12:30  
5       for a one hour lunch and then go back on the  
6       record.  It is about 12:00 now.  What I would  
7       like to do, I'd like to start the walk-through  
8       process, because we sort got a little bit  
9       behind our usual schedule.  I don't want to  
10      lose the pace.

11                      What we've done, we started with  
12      the criteria and literally gone line by line  
13      starting with the operation section, working  
14      our way to the last page, skipping only those  
15      items that relate to procedures that are not  
16      specific to the vendor.

17                      I've annotated some of this, so  
18      that when we get to the sections that NJIT has  
19      discussed, we'll be able to talk about the  
20      exceptions in sequence in the criteria.

21                      Start by-- I should just mention  
22      for the record, we did earlier, receive a  
23      document dated May 20th, I believe, that  
24      responded to the criteria at that time.  We  
25      appreciate your having done that.  There may

1 have been some changes to the criteria, that's  
2 not entirely clear.

3 We also got a response to the  
4 criteria-- I'm sorry, we also got a response to  
5 the NJIT exceptions in a table format, which  
6 will also be considered as part of the record.  
7 We appreciate your helping make our job simpler  
8 in that regard.

9 Regardless, what we will do is, I'm  
10 going to read in my deep, pear shaped tones,  
11 the criteria that we have. I'm going to ask  
12 the vendor to respond to the criteria and  
13 inform us to what extent and why the vendor  
14 believe that the vendor conforms or not to the  
15 section.

16 Starting on page two, Part B,  
17 operation."The VVPRS may be designed in various  
18 configurations. In all configurations, prior  
19 to casting the ballot, the voter shall have the  
20 ability to verify his or her selections on a  
21 paper record in a private and independent  
22 manner."

23 MR. GLEIM: Yeah, we comply with  
24 that. The booth is covered totally by a  
25 curtain. Only the voter can observe his own

1 operations and selections. He can verify his  
2 selections on the screen and also on the paper  
3 record. Prior to casting his ballot he's able  
4 to verify independently all selections.

5 MR. WOODBRIDGE: Just one question  
6 for verification. The curtains are closed  
7 by--who closes the curtains.

8 MR. GLEIM: It is left to each  
9 municipality. I mean, the choices are--the  
10 curtains are normally closed all day. The  
11 curtains--Mike will pull them out. They are  
12 closed. The voter will walk in and crack the  
13 curtain. During low time, slow times the poll  
14 workers may slide it open a little bit, just to  
15 observe what's going, just to see if anybody is  
16 sneaking. But the voter himself will push the  
17 screen.

18 MR. WOODBRIDGE: Thank you. B.2.  
19 "The VVPRS shall be designed to allow the  
20 voter to easily review, accept or reject his or  
21 her paper record".

22 MR. GLEIM: The same pretty much as  
23 the first, as we showed, the paper records  
24 could be reviewed up to three times. The final  
25 one is your last choice. Each time it comes up

1 behind the glass. It is easily reviewed. You  
2 check it with the screen. Then you can go  
3 ahead and accept or reject. In that certain  
4 time when you are comfortable with what you  
5 have, you cast your ballot.

6 MR. WOODBRIDGE: "The DRE shall not  
7 records electronic record until the paper  
8 record has been approved by the voter".

9 MR. GLEIM: The protected public  
10 counters do not move until the ballot had been  
11 cast by the voter. After he approves his  
12 record he casts his ballot. So, therefore, it  
13 does not record the electronic records until  
14 the voter has approved the paper record.

15 MR. WOODBRIDGE: Paragraph  
16 B.3. "VVPRS records may be printed and stored  
17 by two different methods: A. The cut and drop  
18 method: The voter views and verifies the paper  
19 record, which the VVPRS cuts and drops into a  
20 storage unit". You demonstrated that to us.

21 MR. GLEIM: Yeah, we're cut and  
22 drop.

23 MR. WOODBRIDGE: 4. "No electronic  
24 or paper record shall indicate the identity of  
25 the voter or be maintained in any way that

1 allows a voter to be identified".

2 MR. GLEIM: There is absolutely no  
3 voter identification information on the paper  
4 record.

5 MR. WOODBRIDGE: Let me ask a  
6 question that has come up in the last couple of  
7 days. Let's say the voter votes in Spanish.  
8 The paper ballot that is put into the votes  
9 cast hopper, is that in Spanish, too?

10 MR. GLEIM: When the ballots are  
11 generated, your choice, it is an option in the  
12 County, is to choose the language that the  
13 paper record will be printed. One choice is to  
14 print them all in English. The other is to  
15 print them a native language. The only thing  
16 that someone will bring, the Spanish voter, you  
17 will know who voted for it. But it is their  
18 choice.

19 MR. WOODBRIDGE: You have the  
20 option?

21 MR. GLEIM: Yes.

22 MR. WOODBRIDGE: B.5. "The  
23 electronic and paper records shall be created  
24 and stored in ways that preserve the privacy of  
25 the record".

1                   Could you describe a little bit,  
2 just out of-- for my information, when you get  
3 finished voting, what do you actually do with  
4 the printer and the contents?

5                   MR. GLEIM: What happens, in the  
6 evening, the poll workers will close voting for  
7 the day. When that happens, the system will  
8 automatically go into its tally mode. It will  
9 do a couple of things automatically for them.

10                   One is, inside the paper record,  
11 pull down the front cover, a tally records,  
12 just like a grocery list, will be recorded.  
13 That they take out.

14                   On that shows a submission of all  
15 the voters for the day, by contests, with the  
16 parties. The totals, write-ins will be on  
17 there.

18                   They take that--

19                   MR. WOODBRIDGE: This is the  
20 traditional end of election gross tally?

21                   MR. GLEIM: Right. In addition, on  
22 the bottom they will note public protected  
23 counters and how much there was. Is it  
24 different as it was during the day.

25                   On the left side of the machine

1 automatically will be generated and dispensed,  
2 a CD Rom. On that CD Rom, that has the  
3 information of the day's events, including  
4 things like what was on that tally, on that  
5 paper tally.

6 In the case that the dog eats the  
7 paper on the way home, you have it on the CD.  
8 The CD also has the electronic record. It has  
9 the event log. It has the it ballot images.  
10 All of these can be used between the time  
11 between the paper record and what's on the  
12 actual system. There is a one to one  
13 relationship with the paper records and  
14 electronic ballot images.

15 We, frankly, can't believe any  
16 system would be approved or certified without  
17 that tie. It's your absolute link between the  
18 guaranteed paper record that belongs in that  
19 box. We'll address that later, I think when we  
20 talk about the suspicious stuffed box that  
21 could be done. We'll address how that is  
22 highly unlikely, how that will happen.

23 MR. WOODBRIDGE: I think we also  
24 asked for copies of paper ballots that were  
25 cast. Can we get copies of the paper ballots?

1 Those are the ones we actually saw.

2 MR. GLEIM: We can pull those out.

3 MR. WOODBRIDGE: Let me see what  
4 you have there. Also, if you don't mind  
5 pulling out the ones in the hopper.

6 MR. GLEIM: What that is, is an  
7 example of a voter who has changed his mind and  
8 come to the end of the road. So it shows his  
9 first vote, his replacement record one, his  
10 replacement record two.

11 MR. WOODBRIDGE: One question I  
12 had, I don't see the barcode.

13 MR. GLEIM: We don't have the polls  
14 open. This is in a test mode. When Warren  
15 County was voting. When the polls were actually  
16 opened for voting, the barcode shows right  
17 above where the votes are. The tallies are  
18 below that unique identifier that's on the  
19 top. It doesn't show up on test voting,  
20 though.

21 MR. WOODBRIDGE: We need some  
22 examples what a real ballot looks like. I  
23 believe I understand from the representative of  
24 NJIT, they did, in fact, see ballots with bar  
25 codes on it. Is that correct, Dr. Shi?

1 DR. SHI: The answer is yes.  
2 Because, as I said, everything we reported is  
3 in the regular, full election. So if a person  
4 selected three times in total, which is a  
5 maximum number, each of those three votes,  
6 paper ballots will have a barcode.

7 MR. WOODBRIDGE: Let me just  
8 backtrack a second. If a person--do the spoil  
9 ballots include barcode, too.

10 DR. SHI: In this Avante machine,  
11 yes.

12 MR. WOODBRIDGE: Do those-- are  
13 those barcode differentiated from each other?  
14 In other words, you can tell the difference  
15 between the bar codes on the ballots?

16 MR. SHI: Something among those  
17 three. Let's say three barcode. Some  
18 information send, namely the voter's I number,  
19 the voter is the same. The selection, if among  
20 those three are different, then the content is  
21 different. So the barcode is actually  
22 different.

23 MR. WOODBRIDGE: I understand,  
24 thank you. The top of page three, Paragraph 6.  
25 "The VVPRS components shall conform to federal

1 and state accessibility requirements. A. These  
2 requirements shall include but are not limited  
3 to, an audio component that shall accurately  
4 relay the information printed on the paper  
5 ballot to the voter".

6 I believe we have the testimony of  
7 Millstein here earlier this morning, I think  
8 the thrust of David's testimony was that in his  
9 opinion it did appear to comply. Even though  
10 there was some concern about the necessity of  
11 having to sit down, put a keyboard across his  
12 lap to do so. Any more comments?

13 MR. GLEIM: It is not unusual for  
14 a voter with a disability to vote that way.  
15 They are very used to do it. We've done many,  
16 many demonstrations where they put the keyboard  
17 in their lap and are very comfortable voting  
18 that way.

19 MR. WOODBRIDGE: 7. "The VVPRs  
20 device shall draw its power from the DRE or the  
21 same electrical circuit from which the DRE  
22 draws its power".

23 MR. GLEIM: It does that.

24 MR. WOODBRIDGE: 8. "The voting  
25 machine shall provide a standard, publicly

1 documented printer port, or the equivalent,  
2 using a standard communication protocol".

3 MR. GLEIM: Again, agree, yes, it  
4 definitely does that.

5 MR. WOODBRIDGE: What is the  
6 protocol, what kind of cord do you have, do you  
7 know, regular USB cord.

8 MR. SALGUERO: We'll check.

9 MR. WOODBRIDGE: Could you write us  
10 a response? So you will provide us with that  
11 additional information?

12 MR. GLEIM: Yes, we will.

13 MR. WOODBRIDGE: 9."The VVPRS shall  
14 mark the paper record precisely as indicated by  
15 the voter on the DRE and produce an accurate  
16 paper record and corresponding electronic  
17 record of all votes cast".

18 I believe it is also fair to say  
19 that NJIT has testified that as far as they are  
20 concerned it met the two core criteria and that  
21 there was a direct correspondence between the  
22 electronic ballot and the paper.

23 MR. GLEIM: As I said, I explained  
24 previously, we definitely have that system and  
25 a tied link between the ballot and the ballot

1 images.

2 MR. WOODBRIDGE: 10. "The DRE  
3 electronic ballot image records shall include  
4 many all votes cast by the voter, including  
5 write-ins and under-votes".

6 MR. GLEIM: Definitely, it is  
7 accurate. We demonstrated with the write-ins  
8 and it does accurately reflect everybody's  
9 vote.

10 MR. WOODBRIDGE: 10a. "Write-in  
11 votes are votes cast by a voter for an  
12 individual not listed on the ballot as formal  
13 candidate. Undervotes are elective office  
14 and/or public office and public questions on  
15 the ballot for which the voter has not cast a  
16 vote".

17 We've gone over that.

18 11. "An electronic ballot image  
19 record shall have a corresponding paper  
20 record".

21 MR. GLEIM: We've talked about that  
22 a couple of times already. So that is a core  
23 criteria criteria. We believe any system that  
24 would be certified that would have that linkage  
25 between that paper record and the electronic

1 record.

2 MR. WOODBRIDGE: 11 a. "The paper  
3 record shall be printed and the voter shall  
4 have the opportunity to verify the paper record  
5 in its totality prior to the final electronic  
6 record being recorded". We had a demonstration  
7 of that.

8 MR. GLEIM: We did. Our system is  
9 not showing a line by line. It shows the  
10 voter's intent in total, before they cast.

11 MR. WOODBRIDGE: 11b. "The DRE  
12 electronic ballot image record shall correspond  
13 with the paper record in a manner that does not  
14 reveal the voter's identity. This is somewhat  
15 similar to the question asked.

16 MR. GLEIM: No voter information is  
17 on the paper record.

18 MR. WOODBRIDGE: C. "The paper  
19 record shall contain all voter selection  
20 information stored in the electronic voter  
21 image record".

22 MR. GLEIM: Yes, we discussed that.

23 MR. WOODBRIDGE: So there is--  
24 there is nothing left out between--is it fair  
25 to say that electronic records and the paper

1 records have essentially the same information?

2 MR. GLEIM: Yes.

3 MR. WOODBRIDGE: All the same  
4 information?

5 MR. GLEIM: Yes. That comes through  
6 the EAC requirements also. The EAC and the  
7 State requirements are consistent.

8 MR. WOODBRIDGE: Going to the top  
9 of page four, Roman Numeral III, "Design  
10 requirements for a VVPRS". Section A,  
11 regarding the printer. This relates to the  
12 first of the exceptions from NJIT.

13 Section A-1 reads, "Printer shall  
14 be designed to have a sufficient amount of  
15 paper, ink, toner, ribbon or like supply for  
16 you use in its election, taking into account an  
17 election district should have at least one  
18 voting machine for 750 registered voters".

19 NJIT's comment was paper  
20 replacement is expected after 600 votes.

21 MR. GLEIM: Our printer is actually  
22 designed to hold much more paper than what will  
23 be anticipated to be used that day. It is  
24 designed not to run out of paper in the  
25 elections that we have done so far, no machine

1 has run out of paper.

2                   What we do at the start of each  
3 election, is asked for a minimum of 800 feet of  
4 the paper, which is similar to what you saw  
5 here. 800 feet to be put on a new roll, each  
6 time an election is actually done.

7                   Then if you look at each paper  
8 record being roughly eight to twelve inches  
9 long, we'll do some of the math that you've  
10 gone through the last couple of days. Here's  
11 an example of the long record, that NJIT-- we  
12 pulled this out over here. This is roughly a  
13 foot long.

14                   If we assume that a voter goes--  
15 it's called a voter cycle, into the booth, do  
16 it, votes, out of the booth. What he is doing,  
17 inserting his card, making his choices. He's  
18 reviewing his paper record. He casts his  
19 ballot. The next voter comes in. Let's say  
20 that takes two minutes and let's do the math.  
21 That's three voters an hour, on a day that's  
22 420 voters. That's a reasonable amount of  
23 voters that you would expect on that machine  
24 that day.

25                   If each one of those voters

1 actually used one foot of paper--and this is a  
2 long ballot, typically the paper records are  
3 more like four, five, six inches long. If they  
4 use this, that would only use 420 feet of that  
5 800 foot roll. There is plenty of paper there  
6 for that.

7           Let's say that those voters, on a  
8 much common, six inch paper records, were  
9 actually changing their minds twice. What we  
10 have found so far, that very few of the voters  
11 changed their mind at all.

12           So working and trying to fix this  
13 for three paper records for each voter, is not  
14 realistic. If we go down to a six inch and  
15 each guy changes it twice, you still have in  
16 the neighborhood of 800 feet of paper used that  
17 day. We still think there will be plenty of  
18 paper there.

19           MR. WOODBRIDGE: Maybe I missed it  
20 or wasn't listening carefully. With 800 feet  
21 of paper, how many voters do you think you can  
22 service.

23           MR. GLEIM: We think on there,  
24 then, I'm not exactly sure, maybe they would  
25 have to give us a little more information. I'm

1 not sure how they determine the 600 number.  
2 What I'm saying, if you can squeeze a voter a  
3 minute through that facility on a standard six  
4 inch, you can put 800 voters in there.

5 MR. WOODBRIDGE: This is assuming  
6 they are not casting spoiled ballots?

7 MR. GLEIM: That's assuming, if we  
8 take-- everybody look at their paper record.  
9 Say it only took one minute for a guy to vote,  
10 60 voters an hour, 840 voters for the day.  
11 That would just barely exceed the amount of  
12 paper that was on the system. Voters are not  
13 going to get in and out in a minute.

14 It is going to take longer just to  
15 get started, to look, to review the paper  
16 records, to cast and get the next voter in.  
17 It's not going to happen in minute.

18 What we are saying is, we highly  
19 doubt there will be need to change the paper  
20 during the day.

21 Now, the revision-- certainly extra  
22 paper can be put there if we need it, as we  
23 did.

24 MR. WOODBRIDGE: Mr. Fleming asked  
25 me to ask NJIT how they arrived at the 600

1 number. I guess part of that question would  
2 assume whether or not spoiled ballots are cast  
3 to arrive at that number?

4 DR. SHI: During our 1,200 voting  
5 test, one of the three volume tests, we found  
6 that after we replaced one paper roll, it can  
7 afford for 600 voters. That is a short  
8 ballot. That's our results.

9 MR. WOODBRIDGE: If you do 600  
10 voters, do those votes include any spoiled  
11 ballots?

12 DR. SHI: I think so, right, yeah,  
13 it included that.

14 MR. WOODBRIDGE: So you would  
15 assume there are some who had to change their  
16 minds. That gives a more accurate re-election of  
17 what you would get?

18 DR. SHI: Yes, that program.

19 MR. WOODBRIDGE: Thank you. Why  
20 don't we do one more section, then we'll take  
21 a--I'm sorry, Mr. Mahoney?

22 MR. MAHONEY: On the printer that  
23 you have now on the machine, can it be adapted  
24 for a larger roll of paper. Is that possible.

25 MR. GLEIM: Anything is possible on

1 any of the equipment, given time and money to  
2 do it. So, yes, it could be. Right now it is  
3 about 800 feet, but there is a gap, roughly an  
4 inch maybe below. Another 100 feet could be  
5 put on that roll.

6 MR. MAHONEY: Thank you.

7 MR. WOODBRIDGE: Let's take one  
8 more section, because it is an issue that we  
9 had visited. Then we'll take our lunch break.

10 MR. GLEIM: Can I--just because I  
11 had some feedback from the back of the room,  
12 I'll comment on the current protocol, the USB  
13 protocol. I was going to read what I was  
14 given. The printer protocol was provided by the  
15 manufacturer of the equipment. It conforms to  
16 the industry standard and is available upon  
17 request, but could be downloaded from the  
18 manufacturer's website.

19 So what we would have to do, is go  
20 to their website and get that. We're not  
21 prepared to go on the website now.

22 MR. WOODBRIDGE: Before the record  
23 or this hearing closes tomorrow at five. So if  
24 we can get it today, that will be great. If  
25 not, you can send it to the AG's office by five

1 tomorrow.

2 MR. GLEIM: Fine.

3 MR. WOODBRIDGE: Thanks. 1.A "If  
4 any addition or replacement of paper, ink,  
5 toner, ribbon or other like supply is required,  
6 it shall be done with minimal disruption to  
7 voting and without circumvention of the  
8 security features of the printer and storage  
9 unit, which protect cast ballots and the  
10 secrecy of the vote".

11 This, of course, was the subject of  
12 one of NJIT's exceptions. Which stated that a  
13 slit exists between the storage unit and the  
14 printer, which may allow unauthorized or forged  
15 paper records to be slid into the storage unit.

16 The record should reflect the fact  
17 that the Committee did inspect, actually three  
18 different units. Two of which had different  
19 front configurations. It is our understanding  
20 that the configuration that was slid into by  
21 NJIT, had two plates which were not co-plated,  
22 thereby leaving a slit between the two, which  
23 an item could be passed.

24 I think that's a fair statement.  
25 Obviously, our concern is that co-worker, if

1 that person had bad intentions, could slip a  
2 ballot in through that crack or something else.

3 So could you please tell us how you  
4 respond to that concern?

5 MR. GLEIM: Okay. You are correct,  
6 the only people that would have access would be  
7 poll workers. Only those poll workers would  
8 have access, not a voter would have access.  
9 They would only have that access in the morning  
10 when there was a zero tally, and at the night  
11 when they were doing the final tally for the  
12 voting results.

13 So if in fact they were actually  
14 able to-- remember, polling officials typically  
15 are different parties. They, number one, would  
16 have to be in agreement that they are going to  
17 be stuffing ballots in there. Or number two,  
18 there would have to be as a team, because they  
19 are the only ones that could have gotten in  
20 there, to have agreed to have some third party,  
21 actually, pushing a paper down inside that  
22 slot.

23 We think that's very unlikely to  
24 happen. Even so, any forged paper record that  
25 may have found its way inside that box, would

1 not match up with any electronic record in the  
2 machine. That's because every ballot in that  
3 box has a unique randomly generated identifier  
4 that is identified by the machine.

5 So any paper, that they are able to  
6 make it look like it, whatever, it would not  
7 get counted because it would not match to the  
8 system.

9 It is much different than a paper  
10 balloting system where I can take and forge a  
11 ballot or I can stuff the ballot box. There is  
12 not that check.

13 Once again, as we said before then,  
14 you could find that language, so if I've got a  
15 paper record here, I go back to my electronic  
16 record on the computer. I will look for that  
17 unique identifier. I will find this, this is  
18 no good. That's how that would be done.

19 The other solution to this whole  
20 thing, is a great invention. We manufactured  
21 one time around our systems and the system as  
22 you see behind us right now does not have that  
23 slot. So the accessibility is denied there.  
24 Any machines in the future will be like this.

25 MR. WOODBRIDGE: I guess one of our

1 concerns is-- I appreciate your comments about  
2 being able to check on the ballots in there. A  
3 major concern is that the system that has the  
4 co-plated plates that has not really been  
5 tested yet. I'll be interested in NJIT's  
6 comments, whether or not what we saw today is  
7 something that they feel comfortable with, if  
8 you care to comment on it?

9 MR. DARAR: Are you asking about the  
10 new design?

11 MR. WOODBRIDGE: Yes, sir.

12 MR. GLEIM: Our technicians--oh,  
13 sorry.

14 (Pause in proceedings).

15 MR. DARAR: Yes, the redesign looks  
16 fine. This looks-- this redesign, the two  
17 plates are flush.

18 DR. SHI: It appears that is  
19 opened.

20 MR. DARAR: One of these actually  
21 is a little off. So on the left the top plate  
22 stands further out than the bottom-- than the  
23 bottom supply.

24 DR. SHI: Originally there is a  
25 difference, but now you do not have this.

1                   MR. WOODBRIDGE: Thank you very  
2 much. The record should reflect that  
3 representatives from NJIT made a quick  
4 inspection of the machine and believe to have  
5 given the opportunity to inspector at this time  
6 that it may very well be satisfactory. Are  
7 there any other comments from the vendor?

8                   MR. GLEIM: No, sir.

9                   MR. WOODBRIDGE: Mr. Mahoney?

10                  MR. MAHONEY: The printer that we  
11 just viewed, is that the one that's provided to  
12 Warren County now? Do they have some of the  
13 older ones that have be retrofitted?

14                  MR. GLEIM: If they bought some new  
15 ones, this is what they would get. Is there a  
16 mix of these in there, the current ones?

17                  MR. BEASLEY: For the most part  
18 they have this style that NJIT looked at. So  
19 in the case of the printers, because of the  
20 certification process that they have to be  
21 changed in any way. But in addition to that,  
22 there is a seal that we have available. It's a  
23 numbered seal. It's more to do with the label,  
24 that goes across that slit, in case we didn't  
25 have to replace the whole printer. There is a

1 numbered labeling that goes across, that  
2 prevents anybody from putting anything in the  
3 box. Unless, of course you take the seal off.  
4 That lends itself to the matter, as Rick was  
5 talking about, the collusion among all of the  
6 members.

7           So we're trying to get, at least  
8 the voter verified paper trail aspect of the  
9 voting, to the point where it doesn't matter.  
10 If we had every poll worker in collusion with  
11 each other, there is to way check. That's why  
12 we replace them.

13           MR. MAHONEY: Am I to understand  
14 this is the procedure they have been doing or  
15 they are going to be doing to correct that?

16           MR. BEASLEY: We are going to  
17 replace that printer box.

18           MR. MAHONEY: Thank you.

19           MR. WOODBRIDGE: Just two more  
20 follow-up questions. How many units does  
21 Warren County presently have?

22           MR. BEASLEY: 200.

23           MR. WOODBRIDGE: Are there any  
24 other states or municipalities currently using  
25 Avante equipment.

1                   MR. GLEIM: Yes, New York State  
2 uses our smaller system, not the full face  
3 system. But they use it in the majority of the  
4 state in their primary and general election  
5 last year. They'll use it next year. They are  
6 primarily used as ballot marking devices. It  
7 would be the system that you guys sought here  
8 in New Jersey. It is the paging system, the one  
9 contest at a time. Most of the state,  
10 including New York City and Long Island, use it  
11 for accessibility. They use for blind voters  
12 and they use it for multiple languages.

13                   MR. WOODBRIDGE: They use it to  
14 supplement the old mechanical machines.

15                   MR. GLEIM: They were forced to do  
16 that by the Department of Justice.

17                   MR. WOODBRIDGE: How many units  
18 does New York presently have?

19                   MR. GLEIM: It is approximately  
20 150, but 85 percent of the voting communities  
21 around the state use it. So we have a good  
22 base of the business there.

23                   MR. WOODBRIDGE: Any other states?

24                   MR. GLEIM: No, not that we have  
25 sold.

1                   MR. WOODBRIDGE: This is probably  
2 as good time as any to take a break. It is  
3 about 12:30. We're slightly behind our normal  
4 pace, but I'm confident that we'll pick it up  
5 after we are refortified. We'll see you back  
6 here at 1:30. We will try to get the ball  
7 rolling promptly at that time. Thank you very  
8 much.

9                   (Whereupon, a luncheon recess takes  
10 place).

11                   MR. WOODBRIDGE: We're going to go  
12 back on the record and resume the hearing from  
13 where we left off.

14                   The next section coming up is  
15 section Roman Numeral III A.2, which stated,  
16 "The. VVPRS shall have a low paper indicator  
17 that will allow for the timely addition of  
18 paper so that each voter can fully verify,  
19 without disruption, all of his or her ballot  
20 selections.

21                   We do have comments from NJIT on  
22 this point. That is exception number three,  
23 that states-- I will read it again. It was  
24 read before. It was somewhat involved. That  
25 states, if during the vote, the DRE detects the

1 low paper supply, an error message window  
2 appears on the DRE screen. Pressing the okay  
3 button in the error message window closes this  
4 window and returns back to the DRE screen as to  
5 the normal status.

6 The voter has the opportunity to  
7 continue the voting operation and to cast the  
8 vote. However, a paper record is not printed.  
9 This situation of no paper records being  
10 printed, continues with subsequent votes. No  
11 audio or visual signal to the poll worker until  
12 the voter presses "cast ballot" twice. At which  
13 time the vote is electronically recorded  
14 without a paper records. The machine has to be  
15 reset for the next voter. Mr. Gleim, would you  
16 like to responds to that?

17 MR. GLEIM: Yes. Minor revisions  
18 are being made to our oral paper indicator.  
19 What it will do is limit the disruption to the  
20 voter. It will actually place an alert on the  
21 screen that the voter will see. That will also  
22 produce an audible alarm that the poll worker  
23 will see.

24 We will then have identification on  
25 the screen up against--by a code that the poll

1 worker will understand there is a paper jam,  
2 there was a low paper, whatever that might be.  
3 The system will shut down for the mechanical.  
4 The poll worker can change the paper as it was  
5 shown this morning, in case that was paper out  
6 or paper jam. These are mostly finished.  
7 These change have mostly been finished. We  
8 should be able to show them next week.

9 MR. WOODBRIDGE: So these changes,  
10 you mean whatever changes are necessary so that  
11 you don't have the situation of getting a low  
12 paper supply error message, pressing okay and  
13 continuing. Is that correct.

14 MR. GLEIM: That's correct. It is  
15 a software change. It's being worked on. It  
16 is mostly complete right now.

17 MR. WOODBRIDGE: I'm going to go  
18 out on a limb. That strikes me as being a  
19 fairly important correction to the voting  
20 machine?

21 MR. GLEIM: It's an enhancement to  
22 the system.

23 MR. WOODBRIDGE: You believe this  
24 enhancement will be a corrected within a week?

25 MR. GLEIM: Yeah. We've almost got

1 it done already.

2 MR. WOODBRIDGE: Does NJIT have any  
3 further comments?

4 DR. SHI: According to what the  
5 Avante people said, it should resolve the  
6 problem. Because during our tests when the  
7 original printer error is okay, that button  
8 comes out-- error message window comes out.

9 At that time if the voter reminds  
10 the poll worker, instead of doing something by  
11 himself, everything is okay. So I think that  
12 according to what they said, if they can change  
13 that error message alarm, that poll worker--  
14 that the poll worker getting into that, should  
15 be resolving the problem.

16 MR. WOODBRIDGE: Thank you very  
17 much. Does the Committee have any particular  
18 comments on that particular section?

19 Paragraph Roman Numeral III A.3  
20 "The printer shall be secured by security  
21 seals or locking mechanisms to prevent  
22 tampering. The printer shall be accessed only  
23 by those election officials authorized by the  
24 county commissioner of registration".

25 MR. GLEIM: Our system is exactly

1 that, with the seals and locks that it has on  
2 it.

3 MR. WOODBRIDGE: The seals and  
4 locks were demonstrated earlier this morning to  
5 the Committee.

6 Paragraph III A4, "The VVPRS shall  
7 be capable of showing the information on the  
8 paper records in a font size of at least 3.0  
9 millimeters and should be capable of showing  
10 the information in at least two font ranges,  
11 3.0 to 4.0 millimeters and 6.3 to 9.0  
12 millimeters under the control of the voter or  
13 poll worker. This criteria can be met by  
14 providing a magnification device with the  
15 VVPRS".

16 MR. GLEIM: The original font size  
17 is set by the ballot generator. You make your  
18 choices. You make it as small as you want.  
19 After that the magnification device is right  
20 underneath the printer.

21 MR. WOODBRIDGE: I'm a little  
22 confused. You say the magnification device,  
23 did you say?

24 MR. GLEIM: Button and device.

25 MR. WOODBRIDGE: Optical

1 magnifier?

2 MR. GLEIM: Yes.

3 MR. WOODBRIDGE: Do you know the  
4 range of sizes of fonts that you can generate?  
5 Do you have have an internal font that you can  
6 just choose the size for?

7 MR. GLEIM: I do. I'll just ask  
8 Mike, who does a good and bit of our E&S  
9 generation, Mike Ma.

10 MR. MA: Font sizes? The acceptable  
11 range of font size went from eight to-- I'm not  
12 quite sure about the maximum. It could be  
13 about twenty or thirty something.

14 MR. WOODBRIDGE: It goes from eight  
15 millimeter to something or other.

16 MR. MA: Eight to, I'd say  
17 twenty-four. The normal font size on the paper  
18 record would be around eleven or twelve, which  
19 is the optimal size of the printer.

20 MR. WOODBRIDGE: Now, should we be  
21 cautious when it says the font size should be  
22 capable of showing the information in at least  
23 two font range, 3.0 to 4.0 and 6.3 to 9.0  
24 millimeters? It says in at least two font  
25 ranges. So I understand, though, that you,

1 interestingly enough, don't generate a font in  
2 3.0 to the 4.0 millimeter range. Is that  
3 correct.

4 MR. MA: 3.6 would be around  
5 sixteen. I think for a font size of about 3.6  
6 millimeters, it equals a font size of around  
7 16.

8 MR. WOODBRIDGE: Let's go back a  
9 step, maybe I misspoke here. When we talk about  
10 two font ranges, 3.0 to 4.0 millimeters, I  
11 assume they are talking about the size of the  
12 printed letter. Is that correct?

13 THE WITNESS: Yes.

14 MR. WOODBRIDGE: Let's redirect  
15 ourselves to the question of the size of the  
16 printed letter and the ranges. What's the  
17 smallest size letter that you can produce?

18 MR. GLEIM: What's shown here,  
19 where it says font says 10, that's equivalent  
20 to the 3.0 millimeters.

21 MR. WOODBRIDGE: You are pointing  
22 to what.

23 MR. GLEIM: Looking right where it  
24 says here, in this observation. The font size  
25 is ten. The length of the printer character is

1 3.0. What we're saying is that font says ten  
2 is equal to 3.0 millimeters. That's the NJIT  
3 finding.

4 MR. WOODBRIDGE: So 3.0 millimeters  
5 is equal to ten font size.

6 MR. GLEIM: Yes.

7 MR. WOODBRIDGE: What's the upper  
8 end of that range, what's the largest font?

9 MR. MA: Twenty-four. That could  
10 give you five millimeters or bigger than that,  
11 pretty large.

12 MR. WOODBRIDGE: It does talk in  
13 terms of up to 9.0 millimeters.

14 MR. FLEMING: That was the  
15 magnification, the magnification device. It  
16 certainly can do that.

17 MR. WOODBRIDGE: Roman Numeral III  
18 B, the section heading "Paper record display  
19 unit. 1. The paper record shall be displayed in  
20 a way that allows the voter to privately and  
21 independently inspect it".

22 MR. GLEIM: Yes. It will, as long  
23 as the curtain is closed there is privacy.

24 MR. WOODBRIDGE: I think the  
25 Committee saw that with the curtain open. They

1 can probably take judicial notice that it  
2 doesn't change when the curtain is closed.

3 Paragraph 2."If the paper record  
4 cannot be viewed entirely in the display units  
5 at one time, the voter shall have the  
6 opportunity to verify the entire paper record  
7 prior to the electronic or the paper ballot  
8 being stored and recorded".

9 MR. GLEIM: The system will allow  
10 the voter extra time. If there is more than  
11 one paper record, more information that would  
12 have gotten on the one page, it goes to two  
13 pages, it will not move until they tell it to  
14 move to the second page.

15 MR. WOODBRIDGE: Let me dwell on  
16 that for a second. If one of your paper  
17 ballots is longer than the viewing field on  
18 that device, let's say it is two feet long, how  
19 do you handle that, how does the viewer see  
20 that.

21 MR. GLEIM: That will actually  
22 bring out two individual paper records. Let's  
23 say one is this long. What that will say on it  
24 one, two. On the screen it will alert the  
25 voter that this is the first of the two paper

1 records that are coming. Once I approve this  
2 one, I touch on the screen, then it moves to  
3 the second one.

4 I look at second one. I touch on  
5 it. It brings up the ballot screen.

6 MR. WOODBRIDGE: Mr. Gleim,  
7 approximately how long is that ballot?

8 MR. GLEIM: This one, I would  
9 guess, is about twelve inches long.

10 MR. WOODBRIDGE: That is just for  
11 the benefit of the court reporter. Thank you.

12 3. "The display unit shall have a  
13 protective covering which shall be transparent  
14 and shall not obscure the voter's view of the  
15 paper record. This covering shall be in such  
16 condition that it can be made transparent by  
17 ordinary cleaning of its exposed surface".

18 I think it's fair to say that the  
19 Committee saw a clear transparent cover on the  
20 printer unit. It is probably safe to say that  
21 it can be cleaned?

22 MR. GLEIM: Yes.

23 MR. WOODBRIDGE: Section C,  
24 "Paper. Any paper record produced by a VVPRS,  
25 shall be readable by voters and elected

1 officials". The Committee has seen a test  
2 version. Did you say you had provided us with  
3 a copy of the actual type of ballot?

4 MR. GLEIM: We can. When we open a  
5 poll, we have one that has a barcode on it.

6 MR. WOODBRIDGE: That we do need to  
7 see. I think we can take judicial notice that,  
8 even without my glasses, I can probably read  
9 what's on this ballot.

10 MR. GLEIM: I think we can get you  
11 one.

12 MR. WOODBRIDGE: While he does,  
13 let's continue along.

14 C.2, "All paper records shall be  
15 stored in accordance with vendor  
16 specifications". Backing in the question, are  
17 there vendor specification for storage of these  
18 records?

19 MR. GLEIM: I'm sorry, which one?

20 MR. WOODBRIDGE: C.2, "All paper  
21 records shall be stored in accordance with  
22 vendor specifications".

23 MR. GLEIM: They are also in the  
24 ballot boxes securable in the printer.

25 MR. WOODBRIDGE: Are there vendor

1 specifications regarding how these records  
2 should be stored, such as heat, extreme  
3 humidity.

4 MR. GLEIM: During the day of the  
5 election, of course, they will be subjected to  
6 whatever temperature the room in which the  
7 voting machine is. After that, if there is not  
8 a recount where the paper records are kept, it  
9 is not required to be pulled out of the box.  
10 They will be pulled out of the ballot box in  
11 whatever period of time. It will be put it  
12 into a standard office environment. The  
13 records are very durable. They will last for  
14 an indefinite period of time. We've got paper  
15 records, ITAs, that still have been referred  
16 to.

17 So the recommendation is basically  
18 don't put them in the water, don't put them in  
19 terribly high humidity. Don't subject them to  
20 too much sun.

21 MR. WOODBRIDGE: Is this thermal  
22 print paper that we're talking about?

23 MR. GLEIM: Yes, it is, heavy paper  
24 ballots, archived type of paper. It is not that  
25 flimsy stuff you get at the ATM.

1                   MR. WOODBRIDGE: Just a question of  
2 procedure, a little bit of a departure from the  
3 script here. At the end of the election day,  
4 is it your recommendation that the votes, the  
5 paper ballots, be removed from their storage  
6 unit and transferred to something else? Should  
7 they stay in that storage unit for some period  
8 of time?

9                   MR. GLEIM: The chain of custody.  
10 Our recommendation is to take the ballots out  
11 of the box that evening.

12                   MR. WOODBRIDGE: Does the Committee  
13 have any other questions on this issue?

14                   C.3, "If stored in accordance with  
15 vendor specifications, the paper used to  
16 produce a paper record shall be readable for a  
17 period of at least two years after the election  
18 in which it is used".

19                   MR. GLEIM: They have been proven  
20 to be durable for a period longer than that.

21                   MR. WOODBRIDGE: Do you know what  
22 that period of time is?

23                   MR. GLEIM: I know on my desk-- we  
24 did some elections in Connecticut. That was in  
25 2003. They are definitely readable. That

1 looks like they just came. We still have the  
2 ITAs that we did, the ones that we tested on  
3 our equipment over the years. The ones which we  
4 have say over 3.5 years, they are still fine.

5 MR. WOODBRIDGE: To your knowledge,  
6 has anybody else used the same printer paper?

7 MR. GLEIM: I don't know that.

8 MR. WOODBRIDGE: Paragraph D,  
9 "Paper record storage unit. 1. Security  
10 protections including, but not limited to,  
11 security seals or locking mechanisms, shall be  
12 built into the storage unit to prevent  
13 tampering at all times, including pre-election,  
14 election day and post-election. The Attorney  
15 General, through the Department of Law and  
16 Public Safety, will issue chain of custody  
17 guidelines regarding the storage unit".

18 MR. GLEIM: The whole system is  
19 protected and secured by a system of seals and  
20 locks. We've seen those today. In addition to  
21 that, upon removing the printer cover, we don't  
22 have all of the seals on there today, but also  
23 that inner door from where you take the paper  
24 records, also has an internal seal. So that  
25 cannot be tampered with without the seal being

1 broken during the day. It will be evident or  
2 obvious to anybody.

3 MR. WOODBRIDGE: Is the printer  
4 itself ever separated normally from the rest of  
5 the cartridge? In other words, the canister  
6 stays with the paper?

7 MR. GLEIM: Pull the cover down and  
8 store it. It stays right with the machine.

9 MR. WOODBRIDGE: Thank, you. Roman  
10 Numeral IV, Procedural and usability  
11 requirements. A. Paper records. Paper records  
12 shall include the identification of the  
13 particular election, the election district and  
14 the voting machine".

15 This was subject to a comment and  
16 exception noted by NJIT. Which stated as  
17 follows: "The particular election name ( e.g.  
18 Primary election and general election), is not  
19 printed on the paper record".

20 MR. GLEIM: We can easily meet that  
21 requirement. It has already been done. We'll  
22 show you one of the paper records that already  
23 shows the election, showing on the top one  
24 there.

25 MR. WOODBRIDGE: We're looking at a

1 test ballot, not a real ballot. We have to  
2 take at face value the comments from NJIT. So  
3 it is-- do I understand correctly that this is  
4 in fact-- was, in fact, an issue that was  
5 identified, that is something that you are  
6 planning on correcting. Is that correct?

7 MR. GLEIM: It is correct. It is  
8 something that-- just one of those odd things.  
9 It wasn't on the paper record. It is now.

10 MR. WOODBRIDGE: Thanks. Roman  
11 Numeral IV A.2, "The paper record shall include  
12 a barcode that contains the human-readable  
13 contents (shorthand is acceptable), of the  
14 paper record. A. The barcode shall use an  
15 industry standard format and shall be able to  
16 be read using readily available commercial  
17 technology".

18 I should say this is the first time  
19 that the Committee has seen a pad that isn't  
20 demonstrated with the barcode on it.

21 MR. GLEIM: We should have that  
22 shortly. The barcode does meet industry  
23 standards. In fact, the paper record, if there  
24 are multiple writings, will have a multiple  
25 barcode showing each of those individuals

1 names.

2 Mike is at the moments trying to  
3 attempt to open the polls. He's got the decoder  
4 back there, so that you can printout some  
5 records. So that you can have the barcodes.

6 MR. WOODBRIDGE: If he can print  
7 them out. Maybe I can ask the question, in a  
8 form that is more typical of the real voting  
9 scenario?

10 MR. GLEIM: That's how we would do  
11 it. You would have to open the polls, as if  
12 you are going to vote today in a real election.

13 MR. WOODBRIDGE: You can show us  
14 one of the barcode on it. Is that correct.

15 MR. GLEIM: Yes.

16 MR. WOODBRIDGE: Did I understand  
17 Professor Shi correctly? What I think he  
18 stated, that even the spoiled ballots include  
19 the barcode on them. Is that correct?

20 MR. GLEIM: Yes.

21 MR. WOODBRIDGE: Thank you. 2B.

22 "If the corresponding electronic record  
23 contains a digital signature, the digital  
24 signature shall be included in the barcode on  
25 the paper record".

1                   MR. GLEIM:   Yes.  The digital  
2 record, the digital signature appears on the  
3 records.

4                   MR. WOODBRIDGE:  Each paper  
5 record?

6                   MR. GLEIM:   Yes.

7                   MR. WOODBRIDGE:  Each electronic  
8 record, too?

9                   MR. BEASLEY:   The barcode doesn't  
10 appear electronically.

11                   MR. WOODBRIDGE:  The next section  
12 under that says-- it's part definition and part  
13 question.  It says, "A digital signature is  
14 extra data appended to an electronic document  
15 which identifies and authenticates the sender  
16 and message data using public key encryption or  
17 other means approved by LPS".

18                   The question is, what kind of  
19 encryption, if any, do you use with your  
20 digital signature?

21                   MR. BEASLEY:   The digital signature  
22 is a combination of documents.  We use a unique  
23 randomly generated twenty-four character value  
24 setup.  That is the software that we're trying  
25 to use.  From there, we conform that with using

1 another, CRC 32, to make sure that what is  
2 printed on the actual paper record is exactly  
3 the same as what's on the electronic signature.

4 MR. WOODBRIDGE: Do I understand  
5 correctly that you generate a random number?  
6 You use CRC 22 to encrypt it. Is that correct?

7 MR. BEASLEY: CRC 32.

8 MR. WOODBRIDGE: To encrypt it. Do  
9 you use that to generate a barcode.

10 MR. BEASLEY: That's used to  
11 generate the digital signature. The CRC aspect,  
12 the CRC 32, has more to do with making sure  
13 that information that was from point A to point  
14 B is accurate. The encryption aspect of it has  
15 to do with making sure that that data is  
16 protected.

17 MR. WOODBRIDGE: So is that more  
18 like your correcting codes, for example?

19 MR. BEASLEY: Yes.

20 MR. WOODBRIDGE: C. "The barcode  
21 shall not contain any information other than an  
22 accurate reflection of the paper record's  
23 human-readable content, error two error  
24 correcting codes and digital signature  
25 information. Codes and three digital signature

1 information.

2 MR. GLEIM: That signifies exactly  
3 with that that is. It is an industrial standard  
4 2D PDF.

5 MR. WOODBRIDGE: Slower.

6 MR. GLEIM: 2D PDF-4017, barcode  
7 standard form.

8 MR. WOODBRIDGE: Which I believe is  
9 that same standards that the other two vendors  
10 used yesterday, too. It does ask the question,  
11 though, whether the error correcting codes are,  
12 if fact, contained in the barcode.

13 MR. BEASLEY: It is contained in  
14 the digital signature, that's it.

15 MR. WOODBRIDGE: Let me just read  
16 the section. It is a little subtle. It says,  
17 "The barcode shall not contain information  
18 other than an accurate reflection of the paper  
19 record's human-readable content, error  
20 correcting codes and digital signature  
21 information".

22 MR. GLEIM: Yes, that's absolutely  
23 true.

24 MR. WOODBRIDGE: Now, some question  
25 there is, does the barcode include error

1 correcting codes in it?

2 MR. BEASLEY: Yes, it does.

3 MR. WOODBRIDGE: Thank you. 3. "For  
4 for the cut and drop method", which we've  
5 already looked at today, "if the paper record  
6 cannot be displayed in its entirety on a single  
7 page, each page of the record shall be numbered  
8 and shall include the total count of pages for  
9 that ballot".

10 Mr. Gleim, I think you talked a  
11 little bit about that before. If you can  
12 address that question directly. It also  
13 mentions the issue of whether or not the pages  
14 are numbered.

15 MR. GLEIM: The pages are  
16 numbered. If it is three pages, one of three,  
17 two of three, three of three, two pages, one of  
18 two, two of two. Each individual record will  
19 have that on it. So if it cannot be displayed  
20 in its entirety, it will print the first page.  
21 The voter will review it. It gives them enough  
22 time to approve that individual page. It shows  
23 one of two. Once that one is subtracted, page  
24 two of two comes out. You are given an amount  
25 of time, it is lot limited look at it. It also

1 says to retract or accept. You touch it, it  
2 goes back. It goes to the ballot box and it  
3 comes back to the voter.

4 MR. WOODBRIDGE: Thank you.

5 MR. GLEIM: You are welcome.

6 MR. WOODBRIDGE: "The image created  
7 on the paper record shall include every contest  
8 that is displayed to the voter on the DRE,  
9 including write-ins and under-votes".

10 For the record, we saw earlier this  
11 morning a demonstration of write-ins. We do  
12 have a test ballot which appears to include a  
13 variety of different contests on it.

14 Our only concern is, we're looking  
15 at a test ballot, not a real vote cast. Would  
16 you care to respond to that paragraph 4?

17 MR. GLEIM: I'm sorry?

18 MR. WOODBRIDGE: Paragraph 4  
19 says, "The image created on the paper record  
20 shall include every contest that is displayed  
21 to the voter on the DRE, including write-ins  
22 and under-votes".

23 MR. GLEIM: Everything does show on  
24 that paper record, write-ins and selections.

25 MR. WOODBRIDGE: 5. "The paper

1 record shall created such that its contents are  
2 machine readable".

3 MR. GLEIM: They are encoded in a  
4 barcode, which itself is machine readable.

5 MR. WOODBRIDGE: "The paper records  
6 shall container correcting codes for the  
7 purposes of detecting read errors and for  
8 preventing other markings on the paper record  
9 for being misinterpreted when the paper record  
10 is machine read". Then it goes on to explain  
11 that, "a read error is a separate code or piece  
12 of data that can be used to indicate whether  
13 the data printed on the paper record is  
14 different from the data created on the  
15 electronic record".

16 MR. SIGUELAR: The record does  
17 error correcting codes.

18 MR. WOODBRIDGE: The question  
19 specifically says that, "the paper record shall  
20 contain error correcting codes for the purpose  
21 of detecting read error".

22 MR. SIGUELAR: Yes, it does include  
23 those error correcting codes.

24 MR. WOODBRIDGE: By error  
25 correcting codes you mean the paper record

1 includes an error correct code that could read  
2 errors in the sense that there is some way to  
3 double check that the information on the paper  
4 ballot is consistent with the information on  
5 the electronic ballot.

6 MR. SIGUELAR: I believe that our  
7 error correcting code do see if the barcode  
8 that is being handled is able to be read by the  
9 scanner.

10 MR. WOODBRIDGE: I'm still not  
11 entirely sure that that's what they are looking  
12 for here. "The read error is a separate code or  
13 piece of data can be used to indicate whether  
14 the data printed on the paper record is  
15 different than the data created on the  
16 electronic record.

17 MR. BEASLEY: That's part of the  
18 CRC 32 error correcting. It actually checks and  
19 verifies that basically at one point or the  
20 other it is the same. The error code is the  
21 function of the CRC 32.

22 MR. WOODBRIDGE: That deals with  
23 the read error issue, this paragraph?

24 MR. BEASLEY: Yes, it does.

25 MR. WOODBRIDGE: Thank you.

1 Paragraph B, heading "DRE Electronic Records.  
2 1. The electronic ballot image record and paper  
3 records shall be linked by including unique  
4 identifiers so that an individual paper record  
5 can be identified with its corresponding  
6 electronic record. Unique identifiers are  
7 tools that will allow LPS to measure the  
8 reliability and accuracy of the voting system,  
9 as necessary. The electronic ballot image and  
10 the paper record shall not reveal the identity  
11 of the voter."

12 It also goes on to say, a. "Unique  
13 identifiers shall not be displayed in a way  
14 that can be easily memorized."

15 MR. GLEIM: We conform to all of  
16 that. No unique identifiers. Information on  
17 the ballot is not revealed to voters. The  
18 identity, we definitely have a tie within the  
19 paper record and the unique electronic record.

20 MR. WOODBRIDGE: Thank you for your  
21 response. The next question says, "The DRE  
22 should generate and store a digital signature  
23 for each electronic record".

24 MR. GLEIM: It does that.

25 MR. WOODBRIDGE: 3. "The electronic

1 ballot image records shall be able to be  
2 exported for auditing or analysis on  
3 standards-based and/or COTS (commercial  
4 off-the-shelf) information technology  
5 computing."

6 MR. GLEIM: The system, the ballot  
7 images and the records are easily taken from  
8 the CD and exported onto a PC for analysis for  
9 identification of handwriting.

10 MR. WOODBRIDGE: Section a., "The  
11 exported electronic ballot image records shall  
12 be in a publicly available non-proprietary  
13 proprietary format". Do you know what format it  
14 is exported in?

15 MR. GLEIM: I'm just going to say  
16 it is definitely publically available.

17 MR. WOODBRIDGE: We need some  
18 specificity sophisticated. We had vendors  
19 testify it is PDF, TXD or whatever is is.

20 MR. GLEIM: We'll check it.

21 MR. WOODBRIDGE: You'll let us know  
22 what the format is?

23 MR. GLEIM: Yes.

24 MR. WOODBRIDGE: B, top of page  
25 7, "The records should be exported with a

1 digital signature which shall be calculated on  
2 the entire set of electronic records and their  
3 associated digital signatures.

4 MR. BEASLEY: It does.

5 MR. WOODBRIDGE: C. "The voting  
6 system vendor shall provide documentation about  
7 the structure of the exported ballot image  
8 records and how they will be read and processed  
9 by software".

10 I should indicate before we get  
11 into, that we've be provided he boceau  
12 documentation which the Attorney General's  
13 information office, which I'm sure has  
14 duplicate copies.

15 To get back to the specific  
16 question, the issue is, "The voting system  
17 vendor shall provide documentation about the  
18 structure of the exported ballot image records  
19 and how they shall be read and processed by  
20 software".

21 MR. BEASLEY: We have provided that.

22 MR. WOODBRIDGE: Do we have copies  
23 of that?

24 MR. BEASLEY: I don't think you do.

25 MR. WOODBRIDGE: Will we get copies

1 of that?

2 MR. GLEIM: I was pre-occupied,  
3 copies of--

4 MR. BEASLEY: It will be available.

5 MR. WOODBRIDGE: The question is  
6 providing documentation about the voting  
7 system, structure of the exported ballot image  
8 records, how they'll be read and processed by  
9 software.

10 MR. BEASLEY: We'll provide that.

11 MR. WOODBRIDGE: Will we get that  
12 by Friday, tomorrow at five o'clock?

13 MR. GLEIM: Sure.

14 MR. WOODBRIDGE: D. "The voting  
15 system vendor shall provide the software  
16 program that will display the exported ballot  
17 image records and that may include other  
18 capabilities such as providing vote tallies and  
19 indications of under-votes".

20 MR. BEASLEY: We will provide that.  
21 We provided that capability in the Manchester  
22 elections in the EMS software, election  
23 management software.

24 MR. GLEIM: That is the proprietary  
25 software. It is generally home bred.

1 MR. WOODBRIDGE: Just a question  
2 about the EMS and vote tallies. Are these like  
3 collective vote tallies from different machines  
4 or is this just a vote tally from a single  
5 machine.

6 MR. GLEIM: Individual machines can  
7 have individual tallies. You then can take it  
8 back to a central office, clerk's office or  
9 maybe use a central processing unit and include  
10 some or all of those issues.

11 MR. WOODBRIDGE: You also indicated  
12 during the demonstration, I believe, that the  
13 results of the election were written to a CD  
14 Rom. Is that correct?

15 MR. GLEIM: Yes.

16 MR. WOODBRIDGE: Now, is that a  
17 write-only?

18 MR. GLEIM: It is write only. It  
19 is a write once, once read only.

20 MR. WOODBRIDGE: Is that CD Rom  
21 taken to central location where it is included  
22 with the other tallies?

23 MR. GLEIM: Yes. What would happen,  
24 the paper tally that comes out at the end of  
25 the night, they take the CD. They put both of

1 those together and send them back. So they  
2 have both of those for the tallying purposes.

3 MR. WOODBRIDGE: Your EMS software  
4 takes that information and tallies it and  
5 combines it?

6 MR. GLEIM: Yes, it does, yes.

7 MR. WOODBRIDGE: Thank you.

8 E. "The voting system shall provide full  
9 documentation of procedures for exporting  
10 electronic ballot image records and reconciling  
11 those records within the paper records".

12 MR. GLEIM: We have full  
13 documentation that appears in our tallying  
14 record and our field training manuals cover  
15 that.

16 MR. WOODBRIDGE: Next section,  
17 C."Voting with a VVPRS. 1. LPS shall promulgate  
18 for voters instructions on how to use the  
19 VVPRS. A. The VVPRS vendors shall provide, in  
20 plain language, any reference material  
21 requested by LPS to aid in the preparation of  
22 the VVPRS instructions. These instructions  
23 shall be issued to each county board training.  
24 B. Instructions for use of a VVPRS shall be  
25 made available prior to an election on the

1 Division of Election's website and shall be  
2 available to the voter at the polling place on  
3 election day. C. Prior to an election, the  
4 county commissioners of registration will  
5 provide demonstration machines at convenient  
6 locations throughout the county for voter  
7 education purposes".

8 Tell us how you deal with the  
9 demonstration machine?

10 MR. GLEIM: One way that voters are  
11 able to learn how to use the system, is in a  
12 system--in the situation in Warren County,  
13 where they actually put one of these systems  
14 right in the clerk's office. Any voter in the  
15 community had the opportunity to come by and  
16 try it. Everyone in the office is capable of  
17 showing an individual how to use the machine.

18 Machines are relatively intuitive  
19 anyway. Many times they just go at it and see  
20 how they would do. We had many community  
21 outreach programs where we actually took  
22 equipment into the field, to shopping centers,  
23 to nursing homes and whatever, to allow people  
24 to play with the machine before the date of the  
25 election.

1 Printed instructions are on every  
2 one of the machines. Printed instructions are  
3 also sent to the homes of registered voters,  
4 when sample ballots lots are sent out.

5 MR. WOODBRIDGE: Per the  
6 instructions. The next section inquires or  
7 states, "The instructions for performing the  
8 verification process shall be made available to  
9 the voter on a location inside the voting  
10 machine. Where feasible, the instructions  
11 shall also be on the machine ballot face".

12 So I guess the question is, where  
13 are the instructions for performing  
14 verification process located?

15 MR. BEASLEY: They are on the side.

16 MR. WOODBRIDGE: When you say the  
17 sides, on the inside or the outside?

18 MR. BEASLEY: On the inside.

19 MR. WOODBRIDGE: Where on the  
20 inside are they located, can we see it on here?

21 MR. BEASLEY: On the opposite side  
22 of the printer.

23 MR. WOODBRIDGE: Unfortunately it  
24 is the side we can't see.

25 MR. BEASLEY: As you are looking at

1 the machine, the front of the machine, the  
2 printer is on the right and the instructions on  
3 how to use the machine is always posted on the  
4 left side. Frankly, that's done by the county.

5 MR. WOODBRIDGE: That may be it  
6 says here they are going to be posted on the  
7 machine.

8 MR. GLEIM: It is posted on the  
9 machines.

10 MR. WOODBRIDGE: Are they posted on  
11 these machines here?

12 MR. BEASLEY: I'm not sure they are  
13 on these machines.

14 MR. GLEIM: They are during the  
15 election. These machines, when they are in  
16 storage, they will change things from time to  
17 time. There are writing instructions on the  
18 side of the machine. The paper record, which  
19 was used by them up to this time, had  
20 instructions inside, on the side of the  
21 machine, on how to use the paper record.  
22 These, I don't know.

23 MR. BEASLEY: In some cases, Mr.  
24 Chairman, the instructions vary on the type of  
25 election. If it is a primary, for example, the

1 instructions are a little different than the  
2 general election. But it is always on the side  
3 of the machine, always.

4 MR. WOODBRIDGE: Do you as a vendor  
5 have any standard instructions that can be put  
6 on the side of the machine.

7 MR. GLEIM: Yes, we do, but we  
8 modify depending on the county, what they would  
9 like to be used. All of those are included in  
10 in the manuals, ways to use the machine. Poll  
11 worker training, they are taught how to use the  
12 machine.

13 So there are standard instructions,  
14 but commonly those standard instructions are  
15 ones that everybody wants to use for whatever  
16 the means are.

17 MR. WOODBRIDGE: My concern is that  
18 the literal language of the criteria says,  
19 "Shall be available at a location inside the  
20 voting machine". Which strikes me that it shall  
21 be there at all times.

22 MR. GLEIM: Once they--if they take  
23 them out and if they are not there now-- some  
24 of these are Warren County machines, so they  
25 have taken them off. It's out of our control

1 at that point.

2 MR. WOODBRIDGE: It is fresh  
3 criteria, but it would seem to me that if they  
4 are voting instruction and they are supposed to  
5 be located inside of the machine, I'm not sure  
6 I see the value of them being removed.

7 The machine operates the same way  
8 every time. It says there shall be  
9 instructions inside the voting machines. It  
10 doesn't say placing the instruction, its says  
11 shall be instructions.

12 MR. GLEIM: This last time was the  
13 first time we used a paper record. So they had  
14 to change them on June 5th when they went to  
15 their election. Here is an example that was on  
16 the side of the machine.

17 But the difference for the voters  
18 moving into the use of the paper world, where  
19 previous instructions were not associated with  
20 look over to the the right at the adjacent  
21 printer and approve your vote. That was  
22 mentioned in the June election when we used  
23 paper records.

24 MR. WOODBRIDGE: I don't know,  
25 again. These criteria are directed at something

1 that we're dealing with, paper record  
2 machines. So anything that is related to  
3 non-paper record machines wouldn't necessarily  
4 have the same set of instructions.

5 MR. GLEIM: Correct.

6 MR. WOODBRIDGE: 2. "Voter privacy  
7 shall be preserved during the process of  
8 recording, verifying and auditing ballot  
9 selections. This includes a voter who uses an  
10 audio voting device. Voter using an audio  
11 voting device shall also be able to verify  
12 votes privately and independently".

13 Actually while we're at it, we did  
14 have a request from one of our Committee here  
15 to have a demonstration, if you wouldn't mind,  
16 of your audio device. Can you do that for us?

17 MR. GLEIM: Yes.

18 MR. WOODBRIDGE: Would you like to  
19 set that up and come back to that question?

20 MR. GLEIM: I pulled the machine  
21 back, we'll get it back up.

22 MR. WOODBRIDGE: Why don't you set  
23 that up. We'll come back and revisit that.

24 MR. GLEIM: Do you want to do it  
25 back there?

1 MR. WOODBRIDGE: How hard is it to  
2 bring it up?

3 MR. GLEIM: Just unplug it.

4 MR. WOODBRIDGE: Why don't you get  
5 it ready. Let me know when you are ready.

6 MR. GLEIM: It is actually ready  
7 now. We don't have to do anything special to  
8 make it audible.

9 MR. WOODBRIDGE: Will everybody be  
10 able to hear it?

11 MR. ALAMPI: The only thing we have  
12 are earphones. We don't have an amp.

13 MR. WOODBRIDGE: Are those your  
14 speakers over there?

15 A VOICE: They belong to someone  
16 here.

17 MR. WOODBRIDGE: We did the demo  
18 with those speakers yesterday. Do you think  
19 you can try those speakers with your device?

20 We're going to take a two minute  
21 break while we're setting up here.

22 (Pause in proceedings).

23 We're going to take a slight  
24 detour. I'm delighted to have before this  
25 committee Brian Hughes, the Executive of Mercer

1 County and co-resident of Princeton, a graduate  
2 of Princeton High School.

3 Brian, we're very pleased to have  
4 you here. We appreciate your comments. I  
5 should indicate for the record that I've spoken  
6 to the other individuals who do want to talk on  
7 the record in the public comment section. They  
8 do not have an objection.

9 Brian, we're delighted to have here  
10 and we want to hear what you have to say.

11 MR. HUGHES: Thank you very much.  
12 I appreciate you taking me a little bit out of  
13 order and allowing me to testify today.

14 (Pause in proceedings).

15 I want to thank the Committee for  
16 hearing me today and for taking me out of  
17 order. I appreciate the opportunity to speak.  
18 I heard of the opportunity to testify very  
19 late. I guess I heard about it starting late  
20 on Monday. I heard that there was going to be  
21 an opportunity for folks to testify.

22 It came into focus when I saw a  
23 newspaper article with Sequoia about the  
24 Sequoia machines and the opportunity to  
25 retrofit them.

1           That is not something new that we  
2 have worked on in Mercer County. We have been  
3 trying to get Sequoia to show us an example of  
4 a retrofit since 2004.

5           In 2004, after Congressman Rush  
6 Holt, who I've spoken to in the last day, he  
7 he's talked to me about some of the efforts  
8 going on in Washington, even as we speak.

9           Obviously, he was the sponsor of a  
10 voter verified paper ballot. We supported that  
11 action in my very first budget I presented to  
12 our freeholders.

13           In 2004 we set aside in our capital  
14 budget half a million dollars, as an incitement  
15 to the private sector, most specifically  
16 Sequoia, to present to us a usable, accurate,  
17 verifiable add-on to the voting machines that  
18 were purchased late in the last administration  
19 before I took office. They were purchased, I  
20 guess in 2003 and we took possession of them  
21 early in 2004.

22           We wanted to support our  
23 Congressman, but we also wanted to ensure that  
24 there was security in the ballot box. We knew  
25 that that was an issue for voters in Mercer

1 County, but it was going to become a national  
2 issue, certainly it has.

3           We feel we didn't get much response  
4 from our vendor. We certainly didn't get much  
5 response until it became a state law. Even  
6 though we had meetings, we had public meetings  
7 that were on the record with Sequoia. We had  
8 private meetings. I had meetings with the  
9 president of the company over the phone and in  
10 person. The answer was always we're working on  
11 it. This is the problem, we're going to be  
12 able to solve this problem, but nothing much  
13 came of it.

14           I appreciate the state legislation,  
15 because it was able to to start the ball  
16 rolling as far as these voting machines are  
17 concerned.

18           My concern here today is to talk  
19 about what happens if the federal legislation  
20 goes a step further than the state  
21 requirements. My understanding is they are  
22 taking a very, very hard look at  
23 reimbursement, the possibility of reimbursement  
24 for the optiscan readers.

25           If that were to take place, are

1 add-on attachments going to be out of place  
2 with federal law or is there going to be an  
3 exception for what the state is now perhaps  
4 going to be paying for?

5           This is an issue I think that the  
6 Committee needs to look at very, very  
7 carefully. I would like to see some  
8 synchronization between the state and federal  
9 movers, as far as this is concerned.

10           I would hate to see us walk further  
11 down this plank in paying for an add-on, then  
12 the law of the land change once again.

13           I am going leave it up to you to  
14 decide whether these things work or not. I  
15 know that we put in a half million dollar  
16 set-aside waiting for the day that we had a  
17 usable add-on.

18           My understanding is, the state will  
19 pay once it has decided there is a usable  
20 model, that the state will be reimbursing  
21 counties for installing them.

22           But I would have to say, I want to  
23 thank Dick for your comments of us, not going  
24 to high school together, but certainly our  
25 roots together in Princeton. We are both

1 people, I think, that care about making sure  
2 that votes count.

3           There can be no more important  
4 thing in a democracy than to make sure that  
5 each vote counts. That's the way to enhance  
6 the voting experience. I think that we are  
7 both here for the same reason.

8           So with that, I would like to just  
9 say I think we in Mercer County have taken the  
10 step. Our voting machines from Sequoia cost  
11 about, I believe \$3.7 million. We were  
12 reimbursed by the federal government to the  
13 tune of about \$3.1 million.

14           So now we were reimbursed, I think,  
15 because we were one of the first to apply for  
16 HAVA funding. I think counties that are  
17 applying now are not being reimbursed at that  
18 rate.

19           But that being said, there was a  
20 fundamental flaw, I believe in the machines.  
21 That is, to guarantee the security of the  
22 machines.

23           Sequoia will-- the machines have  
24 worked well, I think. I think, I can't verify  
25 that they worked well, but I think they worked

1 well, in the election cycles that we've had  
2 since then.

3 That's what I had to say. That's  
4 my testimony. I hope it is brief.

5 MR. WOODBRIDGE: It is mercifully  
6 brief and we appreciate it. I don't want to  
7 make any public comment now. I do want to make  
8 a few comments just for clarification purposes.

9 Sequoia presented their Advantage  
10 machine, which I think is what Mercer County  
11 uses, which is the machine in the corner.  
12 Yesterday we saw the Edge, which is the smaller  
13 machine on the left.

14 We walked through the fairly new  
15 state procedure criteria of both of those two  
16 machines, again, with the assistance of NJIT,  
17 from whom we have a substantial report they  
18 gave us a number of criticisms about Sequoia.  
19 Euphemistically referred to them as exceptions.

20 We are presently going through the  
21 same process with Avante today. This will  
22 Committee will produce a report based upon what  
23 we've seen, what we assume is the  
24 state-of-the-art, vis-a-vis Sequoia, probably  
25 next week, if we can get the time to do it.

1 Which should give all of us an idea of what the  
2 state-of-the-art is and how acceptable those  
3 kinds of attachments are.

4 I would say, I share your concern  
5 and maybe even dismay at the onset, of after  
6 going through the paper trail approach having  
7 to go through optiscan, in addition to, or  
8 supplementary to it. Needless to say, the feds  
9 can say the states have got to get their acts  
10 together, but it leaves the municipalities and  
11 counties up in the air. The potential is  
12 spending money that they can put to better  
13 uses.

14 The last thing I should comment on  
15 is, this Committee's responsibility under Title  
16 19 is really quite narrow. All we can really  
17 do officially is make a recommendation to the  
18 Attorney General as to whether or not in our  
19 opinion, with the assistance of NJIT and also  
20 with the assistance of the Office of  
21 Disabilities, whether or not it meets the new  
22 criteria for VPAT. That's not to say we can't  
23 unofficially add our two cents, that anybody up  
24 here feels restrained to do that.

25 I just want to make sure the record

1 is clear what we do. We understand the  
2 concerns. I think it might be useful to have  
3 the ability to see the reports when we get  
4 finished we them and then revisit the question.

5 We are deeply honored and we  
6 appreciate taking the time to come.

7 MR. HUGHES: Thank you very much,  
8 Dick. Let me just say one thing, specifically  
9 that I think should be a recommendation of this  
10 Committee. The Sequoia machines in Mercer  
11 County were apparently purchased without a  
12 contract. They were purchased, \$3.6 million  
13 worth of voting machines were purchased on the  
14 strength-- we can't find a contract, Sequoia  
15 can't find a contract. All we can find is a  
16 purchase order.

17 They were purchased on the strength  
18 of a purchase order. So I can't tell you is  
19 Sequoia meeting the acceptable terms of their  
20 contract or not.

21 Obviously, a purchase order, some  
22 of it was municipal government purchase orders,  
23 is much less specific than a contract. I would  
24 say that whatever add-ons are approved, must be  
25 purchased with a contract and not with the

1 strength of a purchase order.

2 That's been one of the real  
3 problems that we've had in this whole paper  
4 chase, to figure out what machines, our  
5 machines, are supposed to be doing and what  
6 they are doing.

7 MR. WOODBRIDGE: That actually is  
8 part and parcel, I think, of another issue that  
9 we are dealing with. That is the Legislative  
10 deadline of this February to have paper trail  
11 devices installed. Which I think have  
12 compressed the hearing time frame and the time  
13 frame for testing everything else. I totally  
14 agree with that. If you are going to purchase a  
15 machine you need to have good specifications  
16 and they should be in the contract.

17 MR. HUGHES: Thank you.

18 MR. WOODBRIDGE: Where we left the  
19 hearing was, we were going to have a  
20 demonstration of the audio section. Is that  
21 ready?

22 MR. GLEIM: Yes.

23 MR. HUGHES: I did mention and  
24 Penny reminded me, I'll apologize. I'm not  
25 here to beat up on Sequoia. As I said, the

1 machines, to my knowledge, have worked well.  
2 But in 2004 and 2005, like I say, in public  
3 meetings and through private conversations,  
4 there certainly was a representation that the  
5 add-ons would be made available to Mercer  
6 County.

7 In fact, we approached that figure  
8 of \$500,000, not by throwing a dart on the  
9 wall, but with the recommendation of Sequoia.  
10 So, not a dollar figure, but they said we'll  
11 probably be able to deliver something for less  
12 than \$500,000. That's how that figure got in  
13 our capital budget. Thank you very much.

14 MR. WOODBRIDGE: Thanks, Mr.  
15 Hughes, glad to have you here.

16 Let's take a look at the audio  
17 portion.

18 MR. WYNHAM: With your permission,  
19 Mr. Chairman, I know we had our two days of  
20 questions--Andrew Wynham Sequoia Voting  
21 Systems. These are comments that have come up  
22 at the last minute.

23 MR. WOODBRIDGE: I do apologize for  
24 taking the county executive out of order. It  
25 is sort of a matter of executive privilege. Are

1 these comments that could wait for the public  
2 input section?

3 MR. WYNHAM: I think they are just  
4 german to the complaints that were made and it  
5 losses its value if we did so. I can be less  
6 than thirty seconds.

7 MR. WOODBRIDGE: You are on then.

8 MR. WYNHAM: Andrew Wynham,  
9 Sequoia Voting Systems. I wasn't the New  
10 Jersey rep that the gentleman referred to  
11 during his negotiations with Sequoia. While I  
12 do agree that a contract is always preferable  
13 to a purchase order, in terms of the value  
14 added by the comments today, it seems to me  
15 that the comments weren't about what would make  
16 a good VPAT system. But gee, we had some  
17 problems with Sequoia. We just wanted to come  
18 in let you know what those problems were.

19 The only thing I can say is that in  
20 my own view I think it would be to develop a  
21 VPAT voting system by one county's design, when  
22 we knew there was a design coming that had to  
23 meet the needs of the entire state.

24 I don't know that that's the reason  
25 for delay, but it would not have been wise to

1 develop one county, spend the taxpayer dollars  
2 from that county, then come back and have a new  
3 design mandated by the state. Then have to  
4 retrofit that county again. That's it. I just  
5 wanted to put that on the record.

6 MR. WOODBRIDGE: Again, just to  
7 reiterate, the purpose of this Committee is to  
8 generate a report, basically making a  
9 determination as to what extent the new V-PATs  
10 do, in fact, met the state criteria. I think  
11 there may be some progress along the way.

12 Now, we really are back into the  
13 audio section again. Now, are we going to have  
14 that demonstration done over in the corner or  
15 can you bring it over here to have it--

16 MR. GLEIM: The microphone-- the  
17 speaker plugs in, so it has to be over there.

18 MR. WOODBRIDGE: Can the court  
19 reporter get it where you are? If you can't--  
20 maybe you can do the best you can.

21 (Approximately ten minute audio  
22 demonstration takes place, off the record).

23 MR. WOODBRIDGE: The record will  
24 reflect that we completed a review of the audio  
25 system under Section C.2. It should also be

1 reflected that a candidate by the name of Skip  
2 Choice got a lot of votes.

3 Does the Committee have any  
4 questions with regards to this particular  
5 section?

6 Top of Page 8, Paragraph 3. "In any  
7 election where the ballot contains a language  
8 in addition to English, the paper record shall  
9 be produced in all such languages".

10 We talked earlier today about the  
11 English-Spanish choices, I understand that you  
12 have. If you vote in Spanish you have a  
13 printed English record. Is that correct?

14 MR. GLEIM: That's correct.

15 MR. WOODBRIDGE: Anybody have any  
16 comments on that section? Part A of that  
17 section says, "To assist with manual auditing,  
18 candidate names on the paper record shall be  
19 presented in the same language as used in the  
20 DRE summary screen".

21 MR. GLEIM: It is.

22 MR. WOODBRIDGE: B. "Information on  
23 the paper record not needed by the voter to  
24 perform verification, shall be in English".

25 MR. GLEIM: That is correct.

1                   MR. WOODBRIDGE: Paragraph 4. "The  
2 privacy of voters whose paper records contain  
3 an alternative language, shall be maintained".

4                   MR. GLEIM: That's correct, I guess  
5 if you say there is more than one voter in an  
6 alternative language.

7                   MR. WOODBRIDGE: Understood.  
8 Paragraph 5 and 5A, I'm going to read together,  
9 note this related to exception number five from  
10 the NJIT report.

11                   Paragraph number five says, "The  
12 paper records shall distinguish between  
13 accepted and non-accepted ballots. A. The voter  
14 shall have the opportunity to accept or reject  
15 the contents of his or her paper record".

16                   Exception number five is as  
17 follows, quote: "There is no clear acceptance  
18 of information where (e.g., voided or accepted)  
19 voided paper records have the same identifier  
20 number as the final approved paper record cast  
21 by the same voter. VVPRS 1 and 2 give that  
22 identifier number, of the second updated and  
23 the third updated paper records respectively.  
24 Some voided paper records may be incorrectly  
25 considered as accepted paper records if the

1 same undated paper records are lost".

2 Do you understand their comments.

3 MR. GLEIM: Yes, I do. Can I  
4 comment?

5 MR. WOODBRIDGE: Please.

6 MR. GLEIM: The paper record does  
7 actually distinguish between the accepted and  
8 non-accepted votes. The statute basically says  
9 in that term, distinguished between accepted  
10 and non-accepted.

11 What we do, as has been  
12 demonstrated today, is that when the voter  
13 first changes his mind, a second paper record  
14 will come out. That record will be marked  
15 replacement record one. He then either  
16 approves or disproves of that. The second one  
17 will be marked as replacement record two.

18 At the same time, each concealed  
19 ballot identifier which you see up at the top  
20 of that ballot, will add a suffix to the end of  
21 that randomly generated number. You will see a  
22 bracket one for the first replacement record  
23 and a bracket two for the second replacement  
24 record.

25 MR. WOODBRIDGE: We actually seeing

1 those items?

2 MR. GLEIM: Yeah.

3 MR. WOODBRIDGE: This is the  
4 pretend voter?

5 MR. GLEIM: We'll submit this to  
6 you.

7 Now, if you just spread those out.  
8 We are going to talk about the ones that Daryl  
9 now has. The first paper record has or a  
10 readably generated number. The second one has  
11 a bracket one after it and then it has bracket  
12 two. At the bottom of the page, the second  
13 paper replacement has replacement record one.  
14 The last paper records says replacement record  
15 two.

16 Then I'll just say that the statute  
17 asks us to distinguish between accepted and  
18 non-accepted ballots. Ours is probably one of  
19 the many way that it is done.

20 MR. FLEMING: I think what NJIT was  
21 trying to saying, if you have replacement one  
22 and replacement two and for some reason ballot  
23 replacement one and/or replacement two are  
24 missing, you can look at the first one and say  
25 that's a raw vote.

1           Taking it that the paper is going  
2 to be--the recount scenario is there. So I  
3 guess what the legislation is trying to tell  
4 you or what the criteria is trying to tell you,  
5 is that they will have something so that you  
6 know it is to be voided or not voided, how is  
7 it stated.

8           MR. GLEIM: That's not what the  
9 statute says whether it is accepted. What it  
10 says is to show accepted or non-accepted. What  
11 happens, though, if you lose paper record one  
12 or lose paper record two, go back to the the  
13 event law. You will know that there will be a  
14 one or two that should be counted during the  
15 recount.

16           MR. FLEMING: I think the whole  
17 process of paper verifiable, is that if you go  
18 into a recount, go into questions, you are not  
19 looking at the electronic ballots. You are  
20 going to take the paper as God as to what the  
21 vote is going to be.

22           If you do lose paper, you don't  
23 have anything to really track back to what it  
24 is going to be. It depends on this paper.

25           MR. GLEIM: You can track back to

1 the event log. That is the fail-safe in the  
2 system.

3 MR. FLEMING: That's correct, I  
4 agree with you to that. But if you are going to  
5 take the paper record, separate that from the  
6 electronic record and you are going to say that  
7 the paper is what the election is, not  
8 verifying to the electronic, having the vote or  
9 having votes-- you know, we understand that  
10 right now, but when you are going to do the  
11 recount.

12 MR. WOODBRIDGE: Another point,  
13 John, if I can jump in a second? When I read  
14 this language, I read it in it the term  
15 clearly, even though clearly is not in there.  
16 The concept is to distinguish between accepted  
17 and non-accepted ballots.

18 I know that you've been here the  
19 last couple of days. The previous vendor had  
20 very clearly in large letters on the spoiled  
21 ballots the word voided other cast ballot the  
22 word accepted. I believe it was-- I think our  
23 concern is that we understand that this  
24 information is to be constructed. We  
25 understand that if you are moderately

1 sophisticated you can distinguish between these  
2 ballots.

3           But my major concern is that  
4 clearly it doesn't jump out at you. It is my  
5 sense that the intent of this was not to merely  
6 indicate it could be distinguished, but it  
7 would be clearly distinguishable without a lot  
8 of effort. Decoded, I guess it is another way  
9 of saying it. Is there any way that it would be  
10 possible to provide such an indication on these  
11 ballots?

12           MR. GLEIM: The answer to most any  
13 question on the systems is yes. One of the  
14 things our system does now, when you see that  
15 paper record hanging, when it is presented for  
16 you to review, it is already cut. It is  
17 already been through the printer. It can't be  
18 put back into the printer. That's the way our  
19 system is made.

20           It does not allow for additional  
21 stuff-- call it stuff, to be printed on that  
22 paper record. We felt that was a very secure  
23 way of doing it. Take your paper record that  
24 may have already been done and then go ahead  
25 approve or disapprove, put void on it or

1 accepted on it, or said something else on the  
2 printer. Ours is already out of the printer.  
3 It gets marked replacement or replacement two.

4 I understand where you are going  
5 there, but what we are saying, we feel it's an  
6 extremely secure way of doing it.

7 The county has been using this  
8 paper record system, has had no problems with  
9 it whatsoever.

10 MR. WOODBRIDGE: All right.  
11 Professor Shi, do you have any comments with  
12 regard to their response to the exception?

13 DR. SHI: I think what we said in  
14 this exception is the following: Yes, on the  
15 one hand the way they do can distinguish from  
16 one to the other. But this way you do it, has  
17 more risk than the others. Because in the  
18 cases if you purely, solely rely on the paper  
19 records you may be missing the last page, say  
20 replacement two, then replacement number one  
21 will be recognized as the last one. This may  
22 cause risk.

23 MR. WOODBRIDGE: Thank you. Any  
24 further comments?

25 MR. GLEIM: Well, I guess in any

1 system, whether it is ours or anyone else's,  
2 with a paper record, if the last paper record  
3 is missing, it is missing. I don't know  
4 necessarily how it is typical with ours than it  
5 is with another system where, if you lose a  
6 paper record, it is gone. That's why you have  
7 that tie, so you can understand that there is  
8 paper record gone.

9 MR. WOODBRIDGE: I guess the issue  
10 is, in the previous systems we've seen, let's  
11 say you voted three times, if your second  
12 ballot said voided, then you knew there was a  
13 missing third ballot. If it said "accepted",  
14 then it doesn't go any further. So the problem  
15 is, it begs what's in that missing piece of  
16 paper?

17 MR. GLEIM: If the third one--the  
18 third one is the accepted one that's missing,  
19 that's a final vote, so it is gone. The only  
20 way you would be able to check it, even with  
21 anybody else's system, is to find out what that  
22 guy's intent was, to go back to the electronic  
23 record and.

24 MR. WOODBRIDGE: You may not know  
25 it's missing.

1 MR. GLEIM: That is why we have the  
2 record.

3 MR. FLEMING: If these are all  
4 dropped in the box, I assume you randomized it  
5 out. As you are looking at these, okay, if I  
6 don't have it in order, it says I have a no  
7 number, a number and number two. So I know  
8 it's right vote, number one with nothing on, it  
9 is in front. I'm pulling these out one at a  
10 time. How am I telling that's a real vote?

11 MR. GLEIM: What you are doing  
12 first, you are looking at the top of that  
13 page. You are looking for numbers that have  
14 brackets. You take the piles of twos up on the  
15 right--

16 MR. FLEMING: The numbers are all  
17 the same.

18 MR. GLEIM: The previous numbers,  
19 other than that last number, are all the same.  
20 What I'll do is find all of my twos. I know  
21 there are ones to be replaced. If I have ones  
22 I know that they replace the original. That's  
23 the fashion in which that would be done.

24 MR. FLEMING: You couldn't just  
25 pull out independent votes, put it on the

1 truck, you have to take everything out and  
2 patch everything up.

3 MR. GLEIM: Yeah, that's correct.

4 MR. MAHONEY: Looking at these  
5 printouts, who were these linked to the  
6 individual voting machines? How do we know  
7 that this came out of that single voting  
8 machine? I see it says Precinct 2 and 3 after  
9 it. How do we know which machine this came out  
10 of?

11 MR. MA: If you look at the  
12 tracking number on top of the paper record  
13 much, count from the end of that number, number  
14 7 and number 8, which is the I think 02. Now  
15 02 is the machine code in the database. So  
16 that we may know what machine printed this  
17 particular record.

18 MR. WOODBRIDGE: I think this 02 in  
19 sequence.

20 MR. FLEMING: The ones we have are  
21 02.

22 MR. GLEIM: We'll just come up a  
23 second.

24 MR. FLEMING: From the right?

25 MR. GLEIM: Right, it came from the

1 right.

2 MR. WOODBRIDGE: It is the first  
3 machine, I guess.

4 (Pause in proceedings).

5 As you can see, we are sorts of  
6 struggling with this, flashbacks, people  
7 swinging about trying to figure out what they  
8 are doing.

9 Does NJIT have any further  
10 comments, Dr. Shi?

11 DR. SHI: Again, I agree with your  
12 message that replacement one, replacement two  
13 are distinguishable, I agree with that. I have  
14 no question for that. But the let me tell you  
15 one thing, including there are two different  
16 codes. One code is an instantaneous code.  
17 Another code is non-instantaneous codes. Why  
18 are instantaneous codes used? I can immediately  
19 decode it without knowing-- without the  
20 necessity to know what's happening following  
21 that.

22 Your way belongs to this way.  
23 Namely-- you can decode. If you see replacement  
24 two, you can definitely decode without any  
25 hesitation or mistake. If you see replacement

1 number one-- yeah, replacement one, you have to  
2 see if there is something else following. If  
3 yes, then you say this is not the last one.  
4 Otherwise you rely on them.

5           That belongs to non-instantaneous  
6 codes. There other some other coding ways  
7 which are instantaneous. Once I saw, I don't  
8 need to look behind, I know immediately, in my  
9 view in terms of risk. Non-instantaneous one  
10 calls more risk, what involved is more risk.  
11 That's my point.

12           MR. WOODBRIDGE: Shall we move on?

13           MR. GLEIM: Please.

14           MR. WOODBRIDGE: 5.a.(1), "If the  
15 voter rejects the contents of a paper record,  
16 he or she may recast the ballot up to two  
17 additional times. This procedure is consistent  
18 with current state law, with limits the amount  
19 of time a voter has to cast a ballot".

20           I believe we saw this feature  
21 demonstrated?

22           MR. GLEIM: That's correct.

23           MR. WOODBRIDGE: 5.a.(2), "Before  
24 the voter causes a third and final paper to be  
25 printed, the voter will be presented with a

1 warning notice on the machine that the  
2 selections on the DRE will be final. The voter  
3 will see and verify a printout of the votes,  
4 but will not be given additional opportunities  
5 to change any vote. The third ballot cast  
6 shall constitute the final and official ballot  
7 of such a voter."

8 MR. GLEIM: That was also  
9 demonstrated.

10 MR. WOODBRIDGE: 5.a.(3), "Upon  
11 rejecting a paper record, the voter will be  
12 able to modify and verify the selections on the  
13 DRE without having to reselect all choices in  
14 all contests on the ballot".

15 MR. GLEIM: Yes, that's correct we  
16 had contents or items that can be corrected  
17 easily.

18 MR. WOODBRIDGE: Next, item  
19 5.a.(4), is also the subject of a comment or  
20 exception by NJIT. We can read it to you.

21 5.a.(4), "If a mechanical error in  
22 recording or printing a paper record occurs,  
23 the record shall be counted as a spoiled paper  
24 record. It will not be counted as one of the  
25 voter's three attempted votes".

1           The comment was, if a mechanical  
2 error or malfunction occurs, such as a paper  
3 jam, running out of paper, paper torn in half  
4 or paper sent improperly, the DRE displays the  
5 error message on the screen to the voter. No  
6 warning signals are sent to notify the election  
7 officials at the polling place. DRE does not  
8 suspend voting operations. Voter has the  
9 opportunity to continue voting, cast a vote.  
10 The paper record is not printed. Vote is,  
11 however, electronically recorded.

12           MR. BEASLEY: Let me respond to  
13 that, Mr. Chairman. This as a software change  
14 that we are making in the source code. In the  
15 event of a paper jam, which is unlikely-- in  
16 the event of a paper jam, running out of paper,  
17 some event that causes a voter to not be able  
18 to their vote to be able to verify the machine,  
19 what they are going to do, we are going to  
20 suspend operations, display a message so that  
21 the voter knows to contact the poll worker. The  
22 poll worker will hear this.

23           MR. WOODBRIDGE: Just to  
24 summarize. If I'm correct, you do agree that  
25 NJIT's statement is correct, that you believe

1 that can be resolved fairly easily with the  
2 appropriate software change?

3 MR. BEASLEY: Absolutely, not only  
4 that, we can resolve it by next week. By next  
5 week. Thank you very much.

6 Does NJIT have any follow-up  
7 comments on that?

8 DR. SHI: None.

9 MR. WOODBRIDGE: Moving right  
10 along. Top of page nine. We're not breaking  
11 any land speed records, but we are getting  
12 close to the ultimate goal.

13 (5), "The VVPRS shall be designed  
14 to indicate the paper record which the voter  
15 has identified and cast as his or her official  
16 ballot".

17 MR. GLEIM: We will provide that.

18 MR. WOODBRIDGE: Section  
19 V., "Security and Reliability. A. The VVPRS  
20 shall not be permitted to externally  
21 communicate with any system or machine other  
22 than the voting system to which it is  
23 connected".

24 MR. BEASLEY: That is absolutely.  
25 Right now there is no external system

1 necessary.

2 MR. WOODBRIDGE: "The VVPRS shall  
3 only be able to function as a printer; it shall  
4 not contain contain any other services (e.g.,  
5 copier or fax functions) or network capability.  
6 The printer shall not contain any component  
7 were an external communication feature."

8 MR. BEASLEY: We comply.

9 MR. WOODBRIDGE: V.C., "The paper  
10 path between the printing, viewing and storage  
11 of paper shall be protected and sealed from  
12 access, except by election officials authorized  
13 by each county commissioner of registration.

14 MR. BEASLEY: That's correct, by  
15 virtue of the seals and the lock and the key,  
16 as you saw.

17 MR. WOODBRIDGE: Thank you. D.,  
18 this gets a little bit sophisticated, "All  
19 cryptographic software in the voting system  
20 shall be approved by the U.S. Government's  
21 Cryptographic Module Validation Program, if  
22 applicable, prior to being certified in New  
23 Jersey".

24 Paragraph 1 states further: "As  
25 stated in the discussion portion of Section

1 7.9.3 of the United States Election Assistance  
2 Commission draft criteria for 'Voter Verifiable  
3 Paper Audit Trail Requirement,' there may be  
4 cryptographic voting schemes where the  
5 cryptographic algorithms used are necessarily  
6 different from any algorithms that have  
7 approved CMVP (Cryptographic Module Validation  
8 Program) implementations. Thus CMVP approved  
9 software should be used when feasible but is  
10 not required.

11 I guess it really asks what kind of  
12 cryptographic methods do you use in your  
13 system?

14 MR. BEASLEY: First let me say that  
15 this implementation is primarily oriented  
16 toward-- what is the question, Mr. Chairman?

17 MR. WOODBRIDGE: The question we're  
18 talking about is the cryptographic methods that  
19 you used in response to section V.D. and V.D.1  
20 and whether or not it is cryptographic module--  
21 part of a cryptographic module program  
22 implementation. But as we read the language  
23 here, it is our understanding that is not a  
24 strict requirement.

25 So I guesses a better approach is

1 to ask what kind kind of cryptographic system  
2 do you use in the voting machine?

3 MR. BEASLEY: We use an advanced  
4 encryption standard that is approved by the  
5 Federal Government, by the SA and by the  
6 Department of Defense.

7 MR. WOODBRIDGE: Do you know  
8 exactly which standard that is?

9 MR. BEASLEY: The advanced  
10 encryption standard.

11 MR. WOODBRIDGE: Is that, like, a  
12 256? I'm not familiar exactly with the the  
13 advanced standard?

14 MR. BEASLEY: It is little greater  
15 than the old advanced encryption. That was a  
16 256.

17 MR. WOODBRIDGE: So this is an NAS  
18 256.

19 MR. BEASLEY: We only used approved  
20 standards for any of our encryption functions.

21 MR. WOODBRIDGE: Do you have any  
22 idea whether it is approved by the U.S.  
23 Government's Module Validation Program or not?

24 MR. BEASLEY: Yes.

25 MR. WOODBRIDGE: You have an idea

1 or it is?

2 MR. BEASLEY: Yes, but it doesn't  
3 quite comply. That's what I was saying before,  
4 because that implementation has to deal with  
5 the transferring data from one-- low data or a  
6 writer network environment. That doesn't  
7 comply. I think that is the same discussion  
8 that Sequoia was bringing up the other day. In  
9 terms of the spirit of what the state has  
10 required, yes, it does apply.

11 MR. WOODBRIDGE: The bottom line  
12 is, it is basically a 256 bit encryption  
13 system?

14 MR. BEASLEY: Yes.

15 MR. WOODBRIDGE: Do Committee have  
16 any other questions in that regard?

17 2. "The vendor shall provide a  
18 certification of CMVP approval, if applicable.  
19 If not applicable, the vendor shall provide a  
20 certification setting forth the reasons why  
21 CMVP approval does not apply."

22 Can you provide us with the  
23 certification?

24 MR. BEASLEY: I don't know if we  
25 have we have provided you with approved

1 documents. I would have to check with our  
2 programmer on this.

3 MR. WOODBRIDGE: I don't think I'm  
4 telling you anything out of school. The vendor  
5 that was here the last two days has previously  
6 provided us with certification. It appears  
7 that's something that we will need from you.

8 MR. BEASLEY: I'm not sure that we  
9 haven't already provided it. That's what I'm  
10 saying. We will check on it.

11 MR. WOODBRIDGE: If you wouldn't  
12 mind. If you can get that here by the time-- I  
13 don't know who actually provides the  
14 certification, by the way.

15 Okay. The next item V.E., I note  
16 that this is also the subject of an exception  
17 by NJIT. That section reads as follows: "The  
18 printer shall be connected to the voting  
19 machine either by completely concealing the  
20 printer connection or via a security tag to  
21 prevent tampering".

22 I believe we had a demonstration  
23 earlier today including Mr. Darar, who  
24 illustrated how he believed there were some  
25 possibilities of tampering according to the

1 machines by unplugging them. Is that correct?

2 MR. BEASLEY: Right. That physical  
3 correction we are implementing by putting a  
4 restraining relief being applied to the back of  
5 the printer, where the power cable connects  
6 into the back of the printer. Where the USB  
7 cable connects in the back of the printer we  
8 have a strained relief. You can't unplug it,  
9 you don't have access to it.

10 MR. WOODBRIDGE: Maybe you want to  
11 elaborate a bit for us as to what you mean by  
12 strained relief? Is this like a cable or  
13 something?

14 MR. BEASLEY: It is a box that  
15 covers the connection.

16 MR. WOODBRIDGE: So if the box  
17 covers the connection, you can't pull it out  
18 over the plug. Is that correct?

19 MR. BEASLEY: That's correct.

20 MR. WOODBRIDGE: What about the  
21 issue of protecting the wire covering?

22 MR. BEASLEY: I beg your pardon?

23 MR. WOODBRIDGE: What about the  
24 issue of protecting the wiring, the covering?  
25 Will it be completely concealed?

1           MR. BEASLEY: It is our  
2 understanding--

3           MR. WOODBRIDGE: "The printer shall  
4 be connected to the voting machine either by  
5 completely concealing the printer connection or  
6 via a security tag to prevent tampering".

7           MR. BEASLEY: We believe the  
8 solution that I am discussing, which is already  
9 on one of the machines here, does comply to  
10 that exception. I'm certainly willing to hear  
11 any comment from NJIT as to whether or not that  
12 is not acceptable. So it is pretty easy to  
13 address this.

14           MR. WOODBRIDGE: I guess one of the  
15 things that concerns us and has concerned us in  
16 these hearings, is the ability of a voter, in  
17 the privacy of the curtains, to actually put  
18 their hands on cables. Is that an issue that's  
19 addressable.

20           MR. BEASLEY: Yes, it is.  
21 Certainly the major aspect has to do with  
22 whether or not they can disconnect the cable.  
23 There is no electrical danger or anything of  
24 that nature. But it's the factor that there  
25 was a cable that connects to a printer.

1           I was of the impression that the  
2 objection was that you could unplug it at  
3 will. That is what we have addressed. In  
4 terms of the cable going from inside that  
5 monitor over to the printer, if that is done  
6 that is a different system".

7           MR. WOODBRIDGE: The language says,  
8 "The print shall be connected to the voting  
9 machine either by completely concealing the  
10 printer connection or via a security tag to  
11 prevent tampering".

12           MR. BEASLEY: That's not a  
13 problem. We will just simply reroute the  
14 cable.

15           MR. WOODBRIDGE: I'm not quite sure  
16 how a security tag prevents tampering. It shows  
17 that tampering is taking place.

18           MR. BEASLEY: It won't.

19           MR. WOODBRIDGE: Okay. So you will  
20 deal with the issue, at least by providing some  
21 kind of what you call strain relief. Is that  
22 correct?

23           MR. BEASLEY: That's correct.

24           MR. WOODBRIDGE: You may take some  
25 steps to attempt to fully conceal the

1 connection?

2 MR. BEASLEY: To conceal the cable  
3 itself.

4 MR. WOODBRIDGE: To conceal the  
5 cable itself. It says the printer connection.  
6 I'm assuming you means a wire. Is that right?

7 MR. BEASLEY: Right.

8 MR. WOODBRIDGE: The next item is  
9 also the subject of a comment by NJIT.  
10 Paragraph V.F. reads as follows: "The DRE shall  
11 detect and notify the election officials at the  
12 polling places of any errors and malfunctions,  
13 such as paper jams or low supplies of  
14 consumables (e.g. Paper) that may prevent paper  
15 records from being correctly many displayed,  
16 printed or stored".

17 Comment number eight from NJIT  
18 stated, "Although the DRE can correct problems  
19 that will prevent records from being correctly  
20 displayed, printed or stored (paper jams), no  
21 warning signals are sent to notify the election  
22 officials at the polling precinct."

23 MR. BEASLEY: We are complying to  
24 that exception. In terms of resolving making a  
25 minor change to that software that actually

1 does display different error messages.

2 Right now we pretty much only have  
3 two that covers a multiplicity of problems. So  
4 what we're doing is allowing the change to  
5 display the specific error message. If it is  
6 low on paper, versus the printer cable, for  
7 some kind of reason it was disconnected, it  
8 will display that message. An audible alarm  
9 will go off. According to the voter, is given  
10 a message indicator there to have them contact  
11 the poll worker. We will deal with the  
12 exception.

13 MR. WOODBRIDGE: The alarm will be  
14 loud enough for the election officials to hear.  
15 Is that correct?

16 MR. BEASLEY: Yes.

17 MR. WOODBRIDGE: How long do you  
18 think it will take to provide the fix-- to  
19 correct the issue that NJIT indicate?

20 MR. BEASLEY: To make this change  
21 for the exception, next week. It is a software  
22 change.

23 MR. WOODBRIDGE: You do have some  
24 sort of a device? We see a device that you put  
25 ear phones into, but is there a bell?

1                   MR. BEASLEY: There already is an  
2 alarm indicator. For example, if a voter is  
3 standing there for greater than 100 seconds,  
4 there is a beep that goes off. We already have  
5 a speaker, if you will, in the system, just  
6 like you have with your computer at home. It's  
7 not a physical thing that we have to change.

8                   MR. WOODBRIDGE: Do I understand  
9 you correctly, that you will be providing more  
10 than depressing two error messages? You will  
11 have something better to differentiate between  
12 paper jams, paper low and things like that?

13                   MR. BEASLEY: Yes, sir.

14                   MR. WOODBRIDGE: Any idea how many  
15 error messages you have?

16                   MR. BEASLEY: I'm not sure how many  
17 different types of errors. Our programmer is  
18 worker is working on that. I think yesterday he  
19 was up to fourteen. I'm not sure how many  
20 different times of error messages.

21                   Perhaps I do know; power low error  
22 fix, current fix--I can give you a number. It  
23 is one, two, three, four, five, six, seven,  
24 eight, nine, ten, eleven, twelve, thirteen,  
25 fourteen.

1                   MR. WOODBRIDGE: Thank you very  
2 much. The next section, top of page ten, item  
3 V.G., also noted as exception number six by  
4 NJIT. The criteria reads: "If a error or  
5 malfunction occurs (such as, but not limited  
6 to, a paper jam or running out of paper), the  
7 DRE and VVPRS shall suspend voting operations,  
8 not record votes, and present a clear  
9 indication of the malfunction to the voter and  
10 election officials".

11                   Just to re-read what exception  
12 number six previously stated. "If a mechanical  
13 error or malfunction occurs, such as a paper  
14 jam or running out of paper or paper or served  
15 improperly, the DRE displays an error message  
16 on the screen to the voter, but no warning  
17 signals are sent to notify the election  
18 officials at the polling place. The DRE does  
19 not suspend operations. The voter has the  
20 opportunity to continue voting and to cast the  
21 vote. The paper record is not printed. The  
22 vote is, however, electronically recorded".

23                   MR. BEASLEY: Basically that  
24 relates to the previous line.

25                   MR. WOODBRIDGE: So if a mechanical

1 malfunction occurs, there is a signal and the  
2 voting operation is suspended, votes have not  
3 recorded. Is that correct?

4 MR. BEASLEY: If an error occurs  
5 that impacts the ability of the voter to see  
6 that paper, the system will display a message.  
7 It will shutdown. It will not allow them to  
8 continue the vote. I think that's one of the  
9 NJIT exceptions that they made earlier.

10 MR. WOODBRIDGE: I will just ask a  
11 follow-up question out of curiosity. If  
12 somebody is voting, let's say they get to paper  
13 ballot number one and they don't like the  
14 ballot, they deliberately spoil that ballot.  
15 As they are in the process of voting the second  
16 time, something happens and the alarm goes off  
17 and the voting is suspended. What happens to  
18 that first ballot.

19 MR. MA: The event log software  
20 that we were talking, every machine records the  
21 acts that happened during the voting session.  
22 If the voter prints the record and the paper is  
23 out, the alarm goes off. So the election  
24 official will come in and pull the card. That  
25 ballot will be spoiled. The memo will record

1 that piece of paper is the taken out and then  
2 removed from the ballot. It is not stored  
3 electronically in the computer. But since the  
4 paper was printed and put in the printer paper  
5 ballot box. So the only way we can do it is  
6 put it directly in the the mailbox in the  
7 computer. When we do a recount it will go into  
8 the mailbox first, telling us that it was voter  
9 spoiled.

10 MR. WOODBRIDGE: I guess the next  
11 question is, let's say that occurs, the alarms  
12 go off, the voting is suspended, when the  
13 machine come back on line does the voter start  
14 at the very beginning with a first ballot,  
15 second ballot, third ballot? Does the voter  
16 start with the second ballot?

17 MR. MA: The voter will be given a  
18 new card, start from the beginning.

19 MR. WOODBRIDGE: It is almost as if  
20 that first paper ballot didn't exist, isn't it  
21 a fact. Is that right.

22 MR. BEASLEY: From practice, what  
23 happens is the voter will more than likely be  
24 given another pass, another card. They are  
25 going to vote on a different machine.

1                   MR. WOODBRIDGE: All right. I just  
2 wanted it as a point of information.

3                   H-- any other questions from the  
4 committee? Does NJIT have any follow-up  
5 questions on this exception?

6                   DR. SHI: See no.

7                   MR. WOODBRIDGE: H. This is also a  
8 subject of exception number nine by NJIT. "If  
9 the connection between the voting machine and  
10 printer has been broken, the voting machine  
11 shall detect and provide notice of this event  
12 and record it in the DRE's internal audit log.  
13 Voting operations shall be suspended and no  
14 votes be recorded".

15                   The comments for exception number  
16 nine states as follows: "The connection between  
17 the voting machine and the printer breaks  
18 during the voting process. DRE displays an  
19 error message on the screen to the voter, but  
20 no warning signals are sent to notify the  
21 election officials at the polling place. DRE  
22 does not suspend voting operations. Voter has  
23 the opportunity to continue voting and cast a  
24 vote without printing any record. The vote,  
25 however, is electronically recorded".

1 I guess the first question is, is  
2 that an accurate statement of the NJIT test  
3 revealed?

4 DR. SHI: It is.

5 MR. WOODBRIDGE: Your response to  
6 that?

7 MR. BEASLEY: We're doing another  
8 software change that we will submit next week.  
9 If those conditions exist, the voting process  
10 will be suspended and a buzzer will go off  
11 notifying the poll workers that attention is  
12 required.

13 MR. WOODBRIDGE: Thank you. We  
14 should start to pickup a little speed.

15 I. "If the voter's selections on  
16 the DRE do not match the paper record, then the  
17 DRE shall immediately be withdrawn from  
18 service. 1. The affected voter shall be able to  
19 vote on another voting machine if available, or  
20 by emergency ballot.

21 I don't know if that requires  
22 comment.

23 J. "The vendor shall provide to LPS  
24 documentation of the DDRE and the VVPRS that  
25 includes procedures for the recovery of votes

1 in case of a malfunction. LPS shall be  
2 responsible for disseminating this information  
3 to the county commissioners of registration."

4 The question addresses the issue of  
5 inviting providing under documentation the  
6 procedures that you propose. Has that been  
7 provided?

8 MR. BEASLEY: No problem. We have  
9 actually provided that to Warren County. I  
10 don't believe that we sent a copy of that to  
11 the AG's office. We can.

12 MR. WOODBRIDGE: I recommend that  
13 you do that by tomorrow, if you can.

14 K. "The vendor shall provide to LPS  
15 documentation for the DRE and the VVPRS that  
16 includes recommended procedures to enable the  
17 election officials return a voting machine to  
18 workable status after the machine has  
19 malfunctioned, the printer needs to be  
20 replaced, or a voter has used it incompletely  
21 or incorrectly."

22 Continuing, "These proceedings  
23 shall not cause discrepancies between the  
24 between the tallies of the electronic and paper  
25 records".

1           The second comment, "LPS shall be  
2 responsible for disseminating this information  
3 to the county commissioners of registration".

4           When we hit this spot yesterday,  
5 what wasn't clear to the chair was whether this  
6 documentation to enable election officials to  
7 return the voting machines to workable status,  
8 was intended to mean making corrections during  
9 the actual election or subsequent thereto.

10           So I maybe have to ask you that  
11 question in two parts. Number one is, have you  
12 provided to LPS documentation that includes  
13 recommended procedures to enable the election  
14 officials to return a voting machine to  
15 workable status after the machine has  
16 malfunctioned, the printer needs to be replaced  
17 or a voter has used it incompletely or  
18 incorrectly during an election?

19           MR. BEASLEY: I suspect it does  
20 address itself to during an election. In that  
21 regard, we provide documentation that there is  
22 an advanced training for poll workers, the  
23 regular poll worker training. Then there is  
24 poll worker training for a select group of  
25 county workers. That would tell me them how to

1 resolve problems that they could resolve.

2           Comments come up on how we deal  
3 with various issues on that machine. It is a  
4 modified technical manual for poll workers and  
5 it is going to be advanced forward for super  
6 poll workers. We do provide that type.

7           To the extent that a county person  
8 can not resolve a typical problem, then again,  
9 in our case we have technicians at various  
10 polling locations to provide support for the  
11 election.

12           So on a typical election night, eve  
13 or day, election day, we will have fourteen  
14 people in various polling locations that are  
15 roaming around, just to help the augment the  
16 super poll workers just in case of that issue.

17           MR. GLEIM: In fact, NJIT was given  
18 both electronic and hard copies of these  
19 documents.

20           MR. WOODBRIDGE: These are the  
21 documents that poll workers get in cases there  
22 is a malfunction?

23           MR. BEASLEY: Poll workers, yes.

24           MR. WOODBRIDGE: What about the  
25 issue of post election and there are problems,

1 is there documentation that more sophisticated  
2 that county election officials might have to do  
3 more dramatic repairs, perhaps?

4 MR. BEASLEY: It is a procedure,  
5 actually, that addresses different kinds of  
6 problems. If you lose a ballot, this is the  
7 procedure that they would follow to have them  
8 reconcile that. So we have specific procedures  
9 that were given to the-- not the poll workers,  
10 but to the county officials charged with  
11 tapping into those.

12 MR. WOODBRIDGE: Has this  
13 documentation been presented to the LPS?

14 MR. GLEIM: As far as I know, yes.  
15 In fact, in their notes to us they sent back  
16 that we had submitted both the electronic and  
17 hard copies of those.

18 MR. WOODBRIDGE: L. "Vendor  
19 documentation shall include procedures for  
20 investigating and resolving printer  
21 malfunctions, including but not limited to  
22 printer operations, misreporting of votes,  
23 unreadable paper records and process failures".

24 MR. BEASLEY: Yes.

25 MR. WOODBRIDGE: Thank you. M. "If

1 a machine malfunctions or becomes inoperable,  
2 voters will be entitled to vote by emergency  
3 ballots."

4 MR. GLEIM: Yes. The emergency  
5 ballot is provided on the side of the machine.

6 MR. WOODBRIDGE: This is my dream.  
7 I can't believe anybody has actually come in  
8 here prepared with emergency ballot boxes.  
9 We'll take notice of that. What is the capacity  
10 of the ballot boxes?

11 MR. GLEIM: I'm sorry?

12 MR. WOODBRIDGE: What is the  
13 capacity of the ballot boxes, the emergency  
14 ballot boxes? How many emergency ballots can  
15 fit in the ballot boxes?

16 MR. GLEIM: I don't know, but they  
17 are the standards size that was directed by the  
18 state. They are a toggled so that they could  
19 be used with the machine.

20 MR. WOODBRIDGE: Thank you. On the  
21 top of page I'm going to skip sections VI., A,  
22 B and C because they are not directly relevant  
23 to this particular vendor.

24 I am going to move down to C.1.,  
25 though. It says, "The vendor shall provide to

1 the state, electronically and in hard copy, all  
2 use and technical specifications and  
3 documentation relating to the function of the  
4 VVPRS. I as if that's been done?

5 MR. BEASLEY: Yes.

6 MR. WOODBRIDGE: 2."The vendor  
7 shall submit a certification that the VVPRS  
8 satisfies the state's criteria.

9 MR. BEASLEY: Yes.

10 MR. WOODBRIDGE: Has that been  
11 done?

12 MR. BEASLEY: We already did that.

13 MR. WOODBRIDGE: Already done.  
14 Section Roman Numeral VI D., "a VVPRS shall  
15 not, at any time, contain or use undisclosed  
16 hardware or software. The only comments that  
17 may be used in the system have components that  
18 have been tested and certified for use in the  
19 state".

20 MR. BEASLEY: We comply.

21 MR. WOODBRIDGE: You comply.

22 E."The vendor shall be required to  
23 provide the source code for the DRE and the  
24 VVPRS to the state, and/or to place such source  
25 code in escrow, to allow for independent

1 testing by the state, at its discretion. Upon  
2 request, the state will enter into a  
3 non-disclosure agreement with the vendor."

4 Can you give me the status of  
5 that?

6 MR. GLEIM: That was done when the  
7 equipment was certified a year ago.

8 MR. WOODBRIDGE: Let me follow-up  
9 on that. Vis-a-vis the VVPRS, though, there  
10 must be additional software that relates to  
11 that.

12 MR. GLEIM: Will we check. I  
13 believe it will be intact, because the system  
14 as presented did have the DVPAT, even though it  
15 wasn't passed. But the system that was sold to  
16 Warren County that was certified here in this,  
17 did have that particular records capability on  
18 that.

19 MR. WOODBRIDGE: There are two real  
20 issues here. There is one that you have to  
21 provide the source code. I'll accept your  
22 representation it's been provided.

23 We have also had some discussion  
24 today there are modifications that we need to  
25 be made to the source code. I'm looking for a

1 representation from you all that you will  
2 provide the state with a supplemental set of  
3 sources codes that includes all the facts  
4 that--

5 MR. GLEIM: We will comply.

6 MR. WOODBRIDGE: You have complied  
7 with that?

8 MR. GLEIM: That's correct, we will  
9 do that.

10 MR. WOODBRIDGE: You will do that  
11 in that manner?

12 MR. GLEIM: We will have fixes done  
13 by next week.

14 MR. WOODBRIDGE: Excellent, thank  
15 you. Item numeral VI. F., "The vendor will be  
16 responsible for the cost of any testing,"  
17 that's understood.

18 G. "Vendor documentation shall  
19 include printer reliability specifications,  
20 including Mean Time Between Failure estimates,  
21 and shall include recommendations for  
22 appropriate quantities of backup printers and  
23 supplies".

24 MR. BEASLEY: We the except of a  
25 backup printer, we have complied.

1                   MR. WOODBRIDGE: So you have  
2 provided specifications as to failure  
3 estimates.

4                   MR. BEASLEY: Yes.

5                   MR. WOODBRIDGE: Thank you. Going  
6 to page twelve, section Roman Numeral VII.,  
7 "Pre-election Procedures. A. A VVPRS'  
8 components shall be integrated into the  
9 existing local logic testing procedures  
10 performed by county election officials, which  
11 are performed in preparation for an election".

12                   MR. BEASLEY: We do that, yes.

13                   MR. WOODBRIDGE: I'm going to skip  
14 section Roman Numeral VIII, A through C, since  
15 they are directly applicable to the vendor, go  
16 right to Section VIII D. It states as follows:  
17 "in case the machine cartridge becomes  
18 unreadable or is damaged for an audit or  
19 recount, the county commissioner of  
20 registration shall shall produce the ballot  
21 image audit log from the machine. The vendor  
22 shall provide to LPS documentation regarding  
23 the production of such audit log". Has such a  
24 documentation been provided?

25                   MR. BEASLEY: I believe there is

1 not a document, it is not a CD. With the  
2 exception of that aspect of it, we comply.

3 MR. WOODBRIDGE: It goes on to  
4 further say to provide documentation for  
5 production of such audit log. Have you  
6 provided such documentation?

7 MR. BEASLEY: Yes, we did.

8 MR. WOODBRIDGE: Section Roman  
9 Numeral VIII E. "The paper record shall be  
10 created such that its contents are machine  
11 readable for purposes of any recount, audit, or  
12 initial tallying of an election in the event  
13 that the machine cartridge containing the  
14 electronic record is not usable. 1. The paper  
15 record shall contain error correcting codes for  
16 the purpose of detecting read errors. This may  
17 be done by barcodes".

18 MR. BEASLEY: Yes. We provide  
19 that.

20 MR. WOODBRIDGE: I'm going to skip  
21 section F and go to to the last page,  
22 thirteen. Item G there states, "The vendor  
23 shall provide LPS written procedures to  
24 identify and resolve any discrepancy between an  
25 electronic record and its corresponding paper

1 record. LPS shall be responsible for  
2 disseminating this information to the county  
3 commissioners of registration".

4 Have you provided LPS with written  
5 procedures to identify and resolve any  
6 discrepancy between an electronic record and  
7 its corresponding paper record?

8 MR. BEASLEY: We have such a  
9 document. I don't remember sending it to the  
10 Attorney General's office. The county  
11 executive certainly has it. We have no  
12 problems.

13 MR. WOODBRIDGE: You will send us a  
14 copy? Send a copy to LPS, hopefully by five  
15 o'clock tomorrow.

16 H, the last criteria: "The vendor  
17 shall provide written procedures for  
18 determining what constitutes clear evidence  
19 that a paper record is inaccurate, incomplete  
20 or unreadable. LPS shall be responsible for  
21 disseminating this information to the county  
22 commissioners of registration".

23 Have you provided written  
24 procedures for determining what constitutes  
25 clear evidence that a paper record is

1 inaccurate, incomplete or unreadable?

2 MR. BEASLEY: Not exactly. The  
3 documentation that tells you how to reconcile  
4 problems with paper records are electronic  
5 images into itself, unless you know whether or  
6 not there is in an inaccuracy. This is  
7 accomplished primarily because they uses a  
8 unique randomly generated twenty-four character  
9 value, to make sure that record matches the  
10 image, its corresponding image from the  
11 machine.

12 So I guess the answers to that is  
13 yes, we do that with the other documents.

14 MR. WOODBRIDGE: So if the paper  
15 record seems inaccurate or unreadable, the  
16 electronic record is there to provide backup.  
17 Is that essentially what you are saying?

18 MR. BEASLEY: Yes, it is very easy  
19 to detect that.

20 MR. WOODBRIDGE: It seems to me that  
21 except for the barcode, one can easily look at  
22 it most of the time and tell whether it is  
23 unreadable or incomplete.

24 I take it that the Department of  
25 Law & Public Safety has copies of whatever

1 certification that you have. Do we have copies  
2 of all the ITA reports?

3 MR. GLEIM: Appropriate to this  
4 machine, yes.

5 MR. WOODBRIDGE: Which reports?

6 MR. BEASLEY: We have not provided  
7 the Attorney General's office with all of those  
8 reports. An attempt was made yesterday and  
9 this morning, but because of mailbox limitation  
10 sizes-- let me just say this, no, we have not  
11 provide all the documentation. We shall do  
12 that as soon as we go back to the office.

13 MR. GLEIM: Excuse me, while not  
14 not provided in electronic form, we did submit  
15 those in hard copy to the Attorney General's  
16 office at the time we took the equipment  
17 through certification.

18 We have produced documents before  
19 even bringing the machine in front of you.

20 MR. WOODBRIDGE: I'm sorry, I'm not  
21 sure I understand. So I understand that, are  
22 you talking about those documents have already  
23 been produced?

24 MR. GLEIM: Hard copy, yes.

25 MR. WOODBRIDGE: Hard copy. You are

1 just talking about sending an electronic copy.

2 MR. BEASLEY: So that the Attorney  
3 General's office can post it to their website.

4 MR. WOODBRIDGE: Mr. Alampi, do you  
5 have a question?

6 MR. ALAMPI: As far as the  
7 documentation, I did deliver a hard copy of the  
8 NSCD, I believe on May 5th.

9 MR. WOODBRIDGE: Which  
10 documentation are you talking about there?

11 MR. ALAMPI: It consisted of the  
12 Wiley and Cyber Report, all of our user manuals  
13 which there are seven of them. There are also  
14 some extra reports out of Wiley that I pulled  
15 out the pages that were very pertinent to the  
16 requests. Those are the ones, I believe the  
17 AG's offices sent to NJIT.

18 MR. WOODBRIDGE: Thank you. There  
19 are a few items that I can't recall off the top  
20 of my head, of information that you were to  
21 provide to the AG's office, perhaps, like, the  
22 protocol issue, new things like that.

23 If you'd be kind enough to try to  
24 get that to us in an expeditious manner. I  
25 have to apologize, again, for giving you the

1 bad microphone. It wasn't done intentionally.  
2 I just want to you know. The person who sat  
3 there yesterday had the same issues.

4 We're going to take a very short  
5 break. Then we're going to go into the public  
6 input part of the hearing, probably the last  
7 section.

8 The last time I looked I only saw  
9 two people sign-up for it. If anybody is here  
10 who wants to be part of the public hearing,  
11 we'd like to have them, too.

12 We're going to take a five minute  
13 break. We will reconvene at 4:15. Thank you.

14 (Five minute recess takes place).

15 We are going to go back on the  
16 record. It is now roughly 4:20. We've  
17 historically tried to hit five o'clock as our  
18 finish time. So this is the public input  
19 part.

20 I should make a comment with regard  
21 to Executive Hughes. I appreciate the  
22 forbearance of the next two speakers who  
23 patiently let Mr. Hughes go ahead. He's a very  
24 busy person.

25 I should indicate to the

1 representative of Sequoia, I did not know that  
2 the comments might relate to Sequoia. To that  
3 extent that I know that you had an opportunity  
4 to respond.

5                   With that having been said, I'm  
6 going to Professor Venetis to introduce herself.  
7 It is good to see you again.

8                   MS. VENETIS: Good to see you,  
9 too. For the record again, day number three,  
10 my name is Penny Venetis, V-e-n-e-t-i-s. I'm a  
11 clinical law professor at Rutgers Law School,  
12 also a co-director of the Constitutional  
13 Litigation Clinic.

14                   In that capacity, I'm also lead  
15 counsel in a lawsuit called Guciora versus  
16 Corzine. Guciora being Assemblyman Lee Guciora.  
17 There are other plaintiffs in the coalition for  
18 this action and other voters rights groups.  
19 Who sued the state in 2004, arguing that the  
20 voting machines used in New Jersey, that  
21 continue to be used today, are unconstitutional  
22 on their face. Because we cannot be sure that  
23 the voting machines actually count votes as  
24 cast.

25                   I believe that I continue to hold

1 that belief even after today's presentation. I  
2 would like to put on the record several  
3 objections. I object to the fact that the  
4 hearings that were held on these voting  
5 machines, were held so quickly after the NJIT  
6 reports were made public. The public has not  
7 had a chance to prepare. It's been very, very  
8 difficult for me to prepare. Indeed, the  
9 transcripts from the proceedings are not yet  
10 completed. I was told that today's transcript  
11 would not be completed until after the  
12 Committee closes the time period for submission  
13 of written comments.

14 It would certainly be very easy to  
15 cite to the transcript and to provide the  
16 Committee with portions of the transcript that  
17 would support points that I hope to make in my  
18 written submissions.

19 MR. WOODBRIDGE: Your objection is  
20 noted.

21 MS. VENETIS: Additionally, I would  
22 also like to put an objection on the record  
23 that no system in New Jersey exists for testing  
24 or certifying the underlying DRE software. It  
25 is upon that objection that I continue to

1 believe that the DREs are unconstitutional.

2           So there is nothing in the record  
3 to show that any of the DREs that were  
4 demonstrated today were ever tested for  
5 accuracy or to determine whether or not the  
6 software program has been corrupted.

7           The NJIT tests that have been  
8 performed, additionally do not examine the  
9 software in any way whatsoever. So, again, we  
10 have no sense of whether or not the underlying  
11 mechanism actually works or whether it will  
12 count votes as cast.

13           As stated twice before, the  
14 legislature's January 1st, 2008 deadline for  
15 equipping DREs in New Jersey, or other voting  
16 equipment with the voter's verified paper  
17 ballot, is dangerously close.

18           The NJIT team identified ten  
19 exceptions which were really details of the  
20 ways that the Avante Vote-Trakker does not  
21 comply with the guidelines promulgated by the  
22 Attorney Generalc's office, that all printers  
23 must meet.

24           Thus, like the Sequoia DREs, based  
25 on the exceptions on their face, the Avante

1 printers should not be certified by this  
2 Committee.

3           There has been evidence today that  
4 has been presented, that several of the  
5 security risks identified by the NJIT team have  
6 already been remedied by the Avante team and  
7 that others will be remedied shortly.

8           I do not know what the Committee's  
9 timetable is or whether or not the Committee  
10 will be able to review any sort of further NJIT  
11 testing of these changes. But until the NJIT  
12 team can review those changes and actually  
13 specify that their concerns concerning the  
14 security risks have been met, then this  
15 Committee should assume that the NJIT concerns  
16 are still valid. Based on those, again, on  
17 their face, the printer should be rejected.

18           MR. WOODBRIDGE: Professor Venetis,  
19 is that a round-about way of saying that the  
20 machines should be tested again, vis-a-vis the  
21 sections?

22           MS. VENETIS: It's saying-- and  
23 this applies to the Sequoia machines as well.  
24 It is saying-- I made the same comments the  
25 other day, that until the NJIT team that the

1 stated has entrusted with at least the testing  
2 somewhat, some aspects of the printers, until  
3 the NJIT team can actually state with certainty  
4 that none of the guidelines promulgated by the  
5 state are--that all the guidelines that have  
6 been promulgated by the state have been met.

7           Until that actually happens, then  
8 it is my position and our position that the  
9 machines do not satisfy the state's criteria.  
10 On those grounds alone, cannot be accepted.

11           Now, Avante has specified that  
12 there are certain things that can be corrected  
13 by next week. Obviously, if that is truly the  
14 case, then I request that the Committee make a  
15 determination about whether or not it is going  
16 to certify these machines based on those  
17 representations.

18           But I do believe that before this  
19 Committee can certify the machines, it really  
20 needs a bill of approval from the NJIT  
21 team. So there would have to be additional  
22 testing. The Sequoia representatives said it  
23 would take them several months.

24           Again, it is up to the Committee to  
25 determine what it is going to do. But based on

1 the status of all of the printers today, it's  
2 our recommendation that none of them be  
3 certified until the NJIT team can certify to  
4 this group that all of the state's guidelines  
5 have been met by all the printers.

6 From discussing the reasons why I  
7 believe the Sequoia printers should not be  
8 adopted by the Committee, I spoke extensively  
9 about their unreliability, poor history of  
10 performance, as well as Sequoia's  
11 misrepresentations to elected officials about  
12 the quality of their product and also the  
13 availability of their product.

14 Brian Hughes testified earlier  
15 today that, indeed misrepresentations have been  
16 made to Mercer County about when the printers  
17 would be ready. Again, this is relevant  
18 because Sequoia made representations about the  
19 availability of their product to the  
20 Committee. The Committee should take that into  
21 account whether or not--

22 MR. WOODBRIDGE: I hate to  
23 interrupt you again. It would be useful-- this  
24 hearing is supposed to be related to the Avante  
25 machine.

1 MS. VENETIS: That was by way of  
2 introduction to my next point. I am not aware  
3 and I have spent a lot of time researching  
4 various issues, I'm not aware of any situations  
5 where there have been failures of the Avante  
6 products or where Avante has made public  
7 misrepresentations about the quality of their  
8 products or when the products would be ready.  
9 So I do not have anything to present to this  
10 Committee in that regard.

11 I do, though, want to make the  
12 point that Avante is located in New Jersey and  
13 Avante is not-- is not owned by a foreign  
14 corporation and Avante also is not in the  
15 process of being sold.

16 So in making its determination, I  
17 do ask the Committee to look at the totality of  
18 the circumstances and realize that if there are  
19 problems that exist with the Avante machines,  
20 even problems on a very wide scale basis, we  
21 would only have to look to our backyards to try  
22 to get assistance to try to fix them and try to  
23 remedy the problems.

24 Again, I just want to put that out  
25 to the Committee. I think it's an important

1 thing to consider in making a determination  
2 about what products should be certified.

3 My last comment, again, goes to the  
4 comment that Brian Hughes made earlier about  
5 there being now federal legislation that's  
6 being contemplated concerning national adoption  
7 of electronic scanners that scan paper ballots.

8 I have testified in the past two  
9 days that several states have taken the lead in  
10 rejecting DREs and adopting optical scanners.  
11 Because there are multiple studies that show  
12 that they are the most effective and efficient  
13 ways to--and accurate ways to count votes.

14 Again, I will supply the Committee  
15 with those studies. But, again, I do ask the  
16 Committee to take this into account in making  
17 recommendations to the state. Because this  
18 Committee certainly will be able to request  
19 that vendors of optical scanners be permitted  
20 to have their products tested by NJIT and have  
21 the ability to make presentations to this  
22 Committee as the vendors of the DREs did.  
23 Thank you very.

24 MR. WOODBRIDGE: Thank you very  
25 much, Professor Venetis. We had a small

1 sidebar before this public part. I asked  
2 Professor Venetis to provide whatever  
3 information she could with regard to the  
4 federal interest in the optical scanners, as  
5 much for our education as to anything else. We  
6 appreciate you're doing that for us. Mr.  
7 Komuves, welcome back.

8 MR. KOMUVES: Flavio Komuves,  
9 K-o-m-u-v-e-s. I am a Deputy Public Advocate,,  
10 here an behalf of the New Jersey Department of  
11 the Public Advocate.

12 I want to first, again, state that  
13 I reiterate the testimony that I've given in  
14 the past couple of days and the documents that  
15 I previously submitted to the Committee,  
16 Exhibits 1 through 67, with those exception  
17 that I previously reiterated. I don't want to  
18 gain speak in detail to those issues, just  
19 highlight them briefly.

20 MR. WOODBRIDGE: The record should  
21 reflect that each committee member has has  
22 receive a fairly thick set of documents, I  
23 think 68, 67 different documents, that was  
24 going to be referred to. We in corporate by  
25 reference any previous statements he's made in

1 the last two days. The same goes with  
2 Professor Venetis, too.

3 MR. KOMUVES: Thank you. I just  
4 had a couple of questions about the testimony  
5 that was set forth today. I'll ask these  
6 questions through you. One of the questions--  
7 one of the statements that was made is there  
8 was testimony that the paper roll that is used  
9 to operator the Avante 308FF printer that's  
10 under evaluation today, could probably receive  
11 about 600 votes. Perhaps that roll could be  
12 made a while bit greater in diameter die to  
13 accommodate a slightly greater number of  
14 votes.

15 But one of the things that struck  
16 my is in looking at the case on the Avante  
17 308FF machine, it is not entirely clear to me  
18 whether the size of that case can hold all 600  
19 or 800 votes, as the case may be. I just  
20 wanted to know what either the Avante folks or  
21 NJIT folks had to say about the capacity of  
22 that case?

23 MR. WOODBRIDGE: By the capacity of  
24 the case, do you mean the case in which the  
25 ballot is dropped.

1           MR. KOMUVES: That's right. On the  
2 right side of the screen there is a metallic  
3 case into which the ballots are drawn after  
4 they've been reviewed by the voter.

5           MR. WOODBRIDGE: The question is,  
6 what is the capacity of that box that contains  
7 the ballots.?

8           MR. KOMUVES: That's right.

9           MR. WOODBRIDGE: First of all, is  
10 there any representative from Avante who would  
11 like to respond to that question.

12           MR. GLEIM: I'm not sure still  
13 whether the 600 was meant by NJIT that's how  
14 many pieces of paper they had in there. I will  
15 reiterate what I said earlier, that the box can  
16 hold, out of a roll of 800, if each one is  
17 about six inches, there can be 700 to 800  
18 pieces of paper in there.

19           MR. WOODBRIDGE: I'm going to also  
20 ask Professor Shi if he wouldn't mind. I do  
21 recall the previous testimony was that we had  
22 at least one if not two, 1,200 vote tests. I  
23 guess one of the questions is, were they all  
24 dropped into the same hopper?

25           Dr. Shi, I was wondering, can you

1 respond to his question?

2 DR. SHI: The box can contain 1,200  
3 votes.

4 MR. WOODBRIDGE: Can it contain  
5 more than that?

6 DR. SHI: When we did the test, all  
7 of the paper ballots were contained in that  
8 storage.

9 MR. WOODBRIDGE: So all 1,200  
10 votes, in fact, landed in that hopper?

11 DR. SHI: Yeah.

12 MR. WOODBRIDGE: Did you run that  
13 test twice or once?

14 DR. SHI: Exactly 1,200, that's  
15 short ballots. That is manually doing, because  
16 we cannot approve them to run it.

17 MR. WOODBRIDGE: Okay, thanks.

18 MR. KOMUVES: Thank you very much,  
19 I appreciate that. The next I had, there was  
20 testimony earlier, that one or more independent  
21 testing labs, one or more ITAs, had certified  
22 the Avante 308FF.

23 Now, in my review of the relevant  
24 literature, I found documentation and I've seen  
25 documentation that relates to an Avante voting

1 machine, I think the 308SPR. So I just wanted  
2 to clarify for the record that there is an ITA  
3 report that addresses the 308FF machine.  
4 Second, what its date is and third, to which  
5 standard was that tested.

6 MR. WOODBRIDGE: Can you respond to  
7 that.

8 MR. GLEIM: Yeah, I can. Hopefully  
9 by tomorrow, the documents which will be from  
10 the Cyber Laboratories and Wiley Laboratories,  
11 will be on the New Jersey Election website.

12 The testing that was completed in  
13 2006, the standards was to 2002. That's  
14 basically what you asked; right?

15 MR. KOMUVES: Yes, that is. Just by  
16 way of a follow-up, there was mention that both  
17 Cyber and Wiley were involved in this?

18 MR. GLEIM: That's correct. They  
19 kind of break it, they co-mingled  
20 opportunities. Wiley might be more focused on  
21 the hardware side of it. Cyber might be more  
22 focused on the software side of it.

23 MR. WOODBRIDGE: Let me just  
24 interrupt for a second. Mr. Fleming points out  
25 to me, for the record, we as a Committee have

1 seen the Avante Vote-Trakker, once in 2004 and  
2 once in 2006. In both cases the Attorney  
3 General approved the certification of the  
4 308FF. We approved the 308SPR on July 15th,  
5 2004 and the 308FF was approved on May 4th,  
6 2006, just for the record.

7 KOMUVES: Was that approval of the  
8 308FF on May 4th, 2006, with DRE hardware  
9 version 1.4.0 and DRE Firm version 1.21A, which  
10 is, according to page ten of the NJIT Report,  
11 hardware and firm ware that NJIT looked at  
12 recently?

13 MR. WOODBRIDGE: We're going to see  
14 if the report-- if our report to the Attorney  
15 General's office addresses that issue. You  
16 might want to go on. We'll see if we can find  
17 that information, if it is in our information  
18 here.

19 MR. KOMUVES: We appreciate you  
20 looking into that. Obviously, what is true not  
21 just of the Avante machines, of really all of  
22 the machines, is that the ITA report in  
23 question should be looking at the particular  
24 hardware and particular software, particular  
25 versions of each of these that are, in fact--

1 that have been, in fact, tested by NJIT and  
2 going to be put into use in New Jersey.

3 MR. WOODBRIDGE: Is that question  
4 then-- let me make sure I understand. The  
5 software we saw presented today, is that the  
6 software that the ITAs examined?

7 MR. GLEIM: The machines that are  
8 here today were the machines that were at NJIT,  
9 yes. These are the machines that they did the  
10 actual testing on it.

11 MR. WOODBRIDGE: So these machines,  
12 Wiley and Cyber-- have software that Wiley and  
13 Cyber saw?

14 MR. MR. FLEMING: Four of the  
15 machines were from Warren County, I'm just  
16 asking the question?

17 MR. GLEIM: Four of the machines we  
18 have here today were brought down from Warren  
19 County. So that has the software certified by  
20 the state. The other machine that we have has  
21 some updates that we have as far as software  
22 that wasn't put in those machines.

23 MR. KOMUVES: What machines are  
24 going to be used in February 2008? In other  
25 words, is there a software-- is there a machine

1 with a particular software version that's going  
2 to be used and has that software version  
3 received ITA certification?

4 MR. WOODBRIDGE: I think the answer  
5 is probably no, because according to the  
6 testimony here, the intent of the vendor to  
7 provide updates and fixes to some of the items  
8 that NJIT pointed out, it will probably be also  
9 a function of whatever collective wisdom this  
10 committee here can put together, do a report in  
11 terms of recommendations to the AG's office.

12 So certainly we have not seen, I  
13 don't think what ultimately will be produced in  
14 the near future.

15 MR. KOMUVES: I would just hope  
16 that whatever is ultimately used in New Jersey,  
17 that we can have a verification that NJIT has  
18 looked at that particular software version with  
19 any fixes. That an ITA, a certified ITA, has  
20 looked at that with any particular fixes.

21 The reason I say that, again, it  
22 goes back to sort of the point that I  
23 underscored throughout this hearing. Which is  
24 that one of the burdens that the machine  
25 manufacturers has, is to prove the machines are

1 thoroughly tested. You know, to meet that  
2 burden, I think that at a minimum you have to  
3 submit documentation where the version numbers  
4 match what is, in fact, in use in the state.

5 MR. WOODBRIDGE: Point taken.

6 MR. KOMUVES: Another question I  
7 had was this, there was some testimony that the  
8 printer VVPRS itself, does not have any  
9 wireless components. My question is whether  
10 there are any wireless components anywhere in  
11 the Avante 308FF?

12 MR. WOODBRIDGE: I'm not sure the  
13 testimony related to wireless components. I  
14 think the issue related to communication  
15 external to the printer. I think that's  
16 what--I don't want to put words in your mouth,  
17 but I thought that was the direction.

18 MR. GLEIM: I think that's the way  
19 it was. But we can also say there is no  
20 wireless communication capability for the  
21 system.

22 MR. KOMUVES: If there is no  
23 wireless capability communication in the  
24 system, maybe I didn't understand how the card  
25 works. This card is inserted into the

1 machine. I didn't see a magnetic stripe or an  
2 pins on it. I'm trying to understand how then  
3 there is no wireless functionality anywhere in  
4 the system then.

5 MR. WOODBRIDGE: Can you respond?

6 MR. GLEIM: The card is a smart  
7 card, with an extremely, extremely narrow range  
8 of ability.

9 MR. KOMUVES: But it does speak to  
10 the machine through a wireless method. Is that  
11 right?

12 MR. GLEIM: Yes.

13 MR. KOMUVES: Thank you.

14 MR. WOODBRIDGE: Can I backup to  
15 make sure we understand this. Let's talk about  
16 a smart card. Are we talking about an RFID  
17 smart card.

18 MR. GLEIM: Yes. Well, in a sense  
19 it is like your hotel card. You go to a hotel,  
20 swipe it. What this is doing, in case of a  
21 void card, they would put in. As soon as the  
22 card is put in, any information data on that  
23 card, which only ties it to the machine, is  
24 erased. The card comes back out. Am I saying  
25 that right?

1           MR. BEASLEY: Let me just say that  
2 in terms of federal requirements, that that  
3 voting machine over here, cannot have any  
4 external communication, external  
5 communications, by way of wireless, by way real  
6 network, any external communications.

7           There are no internet ports or  
8 anything like that, anything in that box  
9 external to itself.

10           Now, internally, internally that is  
11 a functionality of how the card, the voter  
12 card, is read by the machine, that the voter  
13 verifies that it is a valid card, that's the  
14 only part that I think you bring up.

15           MR. WOODBRIDGE: I missed the last  
16 part of that?

17           MR. BEASLEY: I think that's the  
18 aspect that he is bringing up.

19           MR. WOODBRIDGE: Let me make sure I  
20 understand is. Is this, in fact, an RFID smart  
21 card or is it some other kind of smart card?  
22 How is the reading of the card done.

23           MR. BEASLEY: There is, inside that  
24 card, when we encode it with specific, the card  
25 was read by-- Dr. Chung can explain it a little

1 better than I can.

2 MR. WOODBRIDGE: Please identify  
3 yourself for the record.

4 MR. CHUNG: My name is Kevin Chung.  
5 I'm the company CEO. In answer to your  
6 question, is that card acts like an access  
7 control. That has no function other than  
8 providing the randomly generated number to  
9 match one randomly generated number to access  
10 the ballot for you.

11 On that basis, as per ISO 14443,  
12 ISO Code, there is federal compliance. So the  
13 only thing it does is just that part it. It  
14 acts as an access control.

15 MR. FLEMING: It doesn't have the  
16 wireless component, it is just wired to the  
17 machine?

18 MR. CHUNG: It is one or two for a  
19 a short distance, for communicating background.

20 MR. FLEMING: It's a regular IO  
21 input?

22 MR. CHUNG: It is indicated in the  
23 manual. It has to be inside.

24 MR. KOMUVES: Just if I understand  
25 this, just to sum this up, it does function

1 wirelessly, but the testimony is that it is at  
2 a very low power. It would function, if it  
3 works properly, only when it is inside the  
4 machine. Is that fair?

5 MR. CHUNG: Not beyond that. It  
6 doesn't have communication of data, of voting.  
7 It acts only as an access control, getting into  
8 the machine, not as a communication of data.

9 MR. KOMUVES: Okay. I'll certainly  
10 be interested in reading the ITA reports in  
11 further detail about that.

12 Mr. Chairman, just a procedural  
13 question, you are going to close this today,  
14 you are not going to be here tomorrow?

15 MR. WOODBRIDGE: I hope not, no.  
16 Nothing personal, mind you. I think we are  
17 going to close it today. We will be taking  
18 written comments and anything else like that,  
19 up until five o'clock tomorrow.

20 MR. KOMUVES: I previously  
21 reiterated my exception to that. I'm not going  
22 to do that again.

23 MR. WOODBRIDGE: That doesn't  
24 prevent you, if you want, to put some more  
25 written comments or send e-mails to the

1 Attorney General's office, anything of that  
2 sort.

3 MR. KOMUVES: I suspect I'm going  
4 to be reaching out to them to look at some of  
5 the documents that are referenced in these past  
6 three days, to the extent they are not posted  
7 on the web. I'll take that up with them.

8 MR. WOODBRIDGE: Even watching  
9 MPEG, if you want to send it.

10 MR. KOMUVES: I don't know that I  
11 that capability of doing that, but we'll see.

12 Mr. Chairman, just in closing, I  
13 mentioned this over the past couple of days.  
14 I'll reiterate this theme. The manufacturer  
15 has to show compliance with 19:48-1.

16 It has to show that the machines  
17 are thoroughly tested, they are reliable, that  
18 they provide secrecy an accurately count all  
19 votes cast and that they will generate a paper  
20 trail that can be voter verified.

21 For reasons that I've applied to  
22 the different machines as the criteria will  
23 focus, for the reasons I've cited over the past  
24 couple of days, there are certain shortcoming  
25 with each of the machines that were presented,

1 certainly on the record as it now exists.

2 I, again, reiterate that it was  
3 very striking from the testimony yesterday that  
4 NJIT said that they didn't take a position one  
5 way or the other, about whether New Jersey's,  
6 what some people referred to as regulations,  
7 what seem some people referred to as criteria,  
8 but I'm talking about the standards that the  
9 Attorney General's offices put out on May 11th,  
10 2007, which I'll hereafter refer to as  
11 criteria.

12 NJIT took no scientific opinion one  
13 way or the other as to the scientific validity  
14 of these standards. I think that's very  
15 interesting. That should really go very heavily  
16 into your deliberations, about whether the  
17 machines have been thoroughly and whether the  
18 machines are reliable.

19 Because what we have seen all  
20 throughout NJIT's reports is they test the  
21 machines for 14 hours and they tested the  
22 machines for 1,200 voters, I think over the  
23 course, I think the testimony is, seven hours  
24 and change and slightly longer than that for  
25 the Edge machine.

1           But that the federal standards are  
2 that to pass a test, one of the things that a  
3 printer has to do, is over the course of 163  
4 100 hours, not jam. I know it's in the 2002,  
5 2005 federal standards. According to the 2007  
6 Miss. Standards, that the printer can't jam one  
7 in 10,000 times.

8           What the State of California  
9 requires, is after a test of 100 DREs with 110  
10 votes each over six hours, that hoses machines  
11 can't jam more than three percent of the time  
12 and cannot misrecord votes more than one percent  
13 of the time.

14           In other words, there are a lot of  
15 different scientific standards that are out  
16 there. New Jersey's criteria did not contain  
17 any of them. There is nothing in the record  
18 that supports the scientific validity of those  
19 standards.

20           I just urge you to keep that in  
21 mind when you are thinking about, are the  
22 machines thoroughly tested. That's one of the  
23 criteria that's got to be considered, along  
24 with the other ones that are articulated.

25           I set forth my testimony in detail

1 on the other days. I'm not going to repeat it,  
2 other than to just give you that highlight.

3 I want to thank you for your time,  
4 all the members of the Committee, the vendor  
5 representatives that came out here, NJIT  
6 representatives, representatives from the  
7 Attorney General's office. We're all here to  
8 try and make sure that the systems in New  
9 Jersey meet the statutory standards, meet  
10 standards that are scientifically valid, are  
11 credible. So that when this core, fundamental  
12 right of democracy, the right to vote, we're  
13 exercising it. We know that all votes are  
14 going to be counted are going to be counted  
15 fairly.

16 Please keep that in mind when you  
17 are deliberating whether any of these three  
18 machines, on the record that now exists, with  
19 the tests that now exist, are fit for use in  
20 this state. Thank you.

21 MR. WOODBRIDGE: Thank you very  
22 much. I'm going to wrap up, I think you almost  
23 wrapped it up for me. I would say,  
24 parenthetically, that I have had the pleasure  
25 of attending many of these meetings. I can say

1 that I am delighted to see this level of  
2 passion, commitment to fair and safe election.

3 I will repeat the comments. I'd  
4 like to thank the audience for their patience.  
5 I'd like to thank the Attorney General's  
6 office, in particular, for the support that we  
7 couldn't do without. I'd like to thank the  
8 vendor for taking difficult question, which is  
9 your job. I'd specifically like to thank NJIT,  
10 again, begin their invaluable input. It is  
11 something that we have never had before. I'd  
12 like to thank Charlie for bearing with us. You  
13 can put it in the record, if you like.

14 This will conclude the three  
15 hearings. I like to reiterate that if you do  
16 have any other information, to submit it by  
17 five o'clock tomorrow.

18 We will not be issuing a report  
19 immediately. We're going to try to digest this  
20 new information that comes in. Maybe at the  
21 end of next week, possibly after that, it  
22 really depends on the circumstances beyond our  
23 control. But we will do our level best to get  
24 our recommendations to the Attorney General's  
25 office as expeditiously as humanly possible.

1                    Thank you very much, have a safe  
2 drive home.

3                    (Whereupon, the matter concludes at  
4 4:50 p.m.).

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C E R T I F I C A T E

I, CHARLES R. SENDERS, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

CHARLES R. SENDERS, CSR NO. 596.

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