1	STATE OF NEW JERSEY
2	OFFICE OF ATTORNEY GENERAL
3	DIVISION OF ELECTIONS
4	PUBLIC HEARING
5	X
6	IN RE:
7	NEW JERSEY STATE VOTING
8	VOTING MACHINE EXAMINATION
9	COMMITTEE
10	X
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12	Transcript of proceedings taken at the
13	New Jersey National Guard Armory, 151 Eggerts
14	Crossing Road, Lawrenceville, New Jersey, on
15	Wednesday, July 25, 2007, commencing at
16	9:00 a.m.
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19	
20	ROSENBERG & ASSOCIATES, INC.
21	Certified Shorthand Reporters & Videographers
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3	VOTING MACHINE EXAMINATION COMMITTEE MEMBERS:
4	Richard Woodbridge, Esq., Chairman
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6	Daryl Mahoney
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1	CHAIRMAN WOODBRIDGE: Good
2	morning.
3	Thank you for coming. If you have
4	a sense of déjà vu, it is because the gremlins
5	in the audio system are back at work again.
6	I thank you for showing up today
7	to comment. This meeting of the Title 19
8	meeting is on the record. We have a court
9	reporter present.
10	The purpose of today's hearing is
11	to examine the Sequoia Edge VVPRS; that's is
12	voter-verified voter paper record system
13	ballot machine.
14	We had a fairly lengthy
15	introduction yesterday with the same vendor
16	with a different machine. I think that's
17	probably superfluous today so maybe we can
18	jump into some of the specifics.
19	My name is Dick Woodbridge. I'm
20	the chair of this committee for today.
21	Title 19 requires that a
22	committee, including one patent attorney,
23	that's myself, and two other individuals take
24	a look at any new type of voting machine
25	before it is certified for use by the State of

New Jersey.

At the completion of these hearings, this committee will put together a report and send it to the Attorney General with our recommendations. This committee does not, I repeat, does not certify voting equipment. All it really does is go through the criteria that we have been given to determine if the paper-trail devices, in fact, meet the criteria set forth by the State.

This is only the second hearing we've ever had on a paper-trail machine. The criteria are fairly new. They're also quite lengthy and the procedure of this committee for as long as I've been on it, which goes back to 1982, but not continuously, is to go through the steps or procedures piece by piece and try to determine, as best we can, what parts of the vendor's machine do or do not meet that criteria.

We are very, very fortunate to have with us at this hearing some members of the faculty from NJIT, who have looked at the machine and during the course of this hearing will provide us with their input and their

- analysis and we're extremely grateful for your coming here and assisting us with this process.
- On my left is John Fleming, who is

 a Management Information Specialist with the

 Department of Law and Public Safety. And on

 my right, your left is Daryl Mahoney, who is

 Assistant Director of the Bergen County

 Election Voting Machine Division.
- Since we only have a few people in the audience, I'm going to ask the audience if they wouldn't mind introducing themselves so

 I'm going to start with Flavio on the left and if you wouldn't mind telling us who are you and what you're here for.
 - MR. KOMUVES: Flavio Komuves,

 Deputy Public Advocate here to attend the proceedings and at the appropriate time ask some questions.
- 20 CHAIRMAN WOODBRIDGE: Glad to have 21 you here.
- MR. LYMAN (ph): I'm
- 23 Rick Lyman (ph), I just chose to sit down.
- 24 CHAIRMAN WOODBRIDGE: That's quite

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1	PROFESSOR VENETIS: I'm Penny
2	Venetis. I'm a law professor at Rutgers Law
3	School. I'm also lead counsel in the lawsuit,
4	Gusciora v. Corzine. I'm here to observe and
5	to take public comments.
6	CHAIRMAN WOODBRIDGE: Good to have
7	you back, too.
8	Ma'am.
9	MS. MATHESON (ph): Sandy Matheson
10	(ph) with the League of Women Voters of
11	New Jersey and I'm here to observe.
12	CHAIRMAN WOODBRIDGE: Good to have
13	you here, too.
14	Okay.
15	Without further adieu, what we'll
16	do is proceed through the program.
17	The program has the following
18	format.
19	We have specifically a vendor make
20	some opening statements; and, also, do a brief
21	demonstration/description of the system.
22	Yesterday, we had NJIT come on
23	next. We're going to go outside of that today
24	and if David Millstein is here is Mr.
25	Millstein here?

1	MR. MILLSTEIN: Yes, I am.
2	CHAIRMAN WOODBRIDGE: Okay.
3	Thanks.
4	We'll probably put him on right
5	after the vendor because I know he has a tight
6	schedule and then we will have NJIT make its
7	presentation. I understand it will be a
8	little bit more abbreviated than yesterday
9	just because we're covering some of the same
10	territory.
11	At that point, I will lead the
12	Committee in asking and reviewing the various
13	different criteria with the vendor to see if
14	it meets the criteria.
15	At the end of that point, we will
16	have public input, which we will look forward
17	to.
18	Again just a few ground rules.
19	Just to repeat myself, the
20	Committee does not decide what machines are or
21	are not acceptable. We, basically, look at
22	the criteria to determine if it meets the
23	standards that the State has set.
24	In fairness to us and the vendors

request that all questions be held until the end of the Committee's opportunity to do its part. And then, we will be delighted to take any public end input. We had some excellent public input yesterday.

Any questions during that process and during the hearing should be addressed to the Chair; that's me.

We generally do not make a decision at the end of the hearing. There is an awful lot of information to digest. There is some more information with regard to yesterday's hearing that we have not received and probably won't receive until tomorrow so it is not an instant gratification exercise.

On the other side of the coin, the Attorney General's office, the State of New Jersey and this Committee are under a significant amount of pressure to review these machines as expeditiously as possible so that the State might have those machines ready by February of 2008.

The two most important things I want to bring to your attention are:

No. 1, there is no smoking in

- 1 this building. There is also no smoking in 2 the front of the building, though, I am told, 3 you can smoke in the back of the building, if 4 you choose.
- 5 And No. 2, most importantly, there 6 is an orange box on my left, your right. 7 those of you who aren't familiar with that 8 color, it's a Dunkin' Donuts box. There is 9 coffee next to it so for those of you who 10 should nod off during this hearing or perhaps 11 feel the urge to do so, we do have some 12 stimulants in the corner to get you through If the Chair nods off, I'm going 13 the hearing. 14 to ask Daryl here to wake me up.
- 15 Without further adieu, I am going 16 to ask Sequoia if they're ready to present 17 their equipment and make an opening statement.
- After that point, we're going to ask 19 Mr. Millstein to make his comments.
- Mr. Smith. 20
- 21 MR. SMITH: Thank you,
- 2.2 Mr. Chairman.

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23 Mr. Chairman, members of the 24 Committee, representatives of the Attorney 25 General's office, the State of New Jersey and,

of course, the New Jersey voters, good 1 2 morning. 3 My name is Ed Smith. I'm Vice 4 President of Compliance Quality and Certification at Sequoia Voting Systems. 5 I'm 6 joined today by Sandy Green, Director of 7 Certifications, Joe McIntyre, our Senior 8 Project Manager and Howard Cramer, 9 Vice President of Sales for Sequoia. 10 there are some other members of the Sequoia 11 team, as well. 12 We're pleased to be here today to 13 address your questions and concerns regarding 14 the Edge and its use in the State of 15 New Jersey. 16 Once again, as I stated yesterday, 17 we commend the State of New Jersey for 18 undertaking this process. 19 It is certainly a robust process, 20 the testing by NJIT was rigorous and thorough 21 and I think their efforts and the combined 22 efforts of this group will go a long way to

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New Jersey voters.

We're very pleased that the NJIT

ensuring an improved election experience for

1 report confirms and agrees that the Edge 2 voting machine performed accurately and 3 securely in its test and, indeed, does perform 4 accurately and securely and that the 5 voter-verified paper audit trail, VVPAT or 6 VVPRS performed effectively. 7 Voter verifiable accuracy and 8 auditability are hallmarks of successful 9 elections. We are pleased the report 10 acknowledges that the Edge performed well in 11 those categories. 12 Successful elections are also the 13 result of trained personnel and established 14 and practiced procedures, not just the 15 equipment involved. 16 Of the noted exceptions described 17 in the NJIT report, many of them are 18 procedural or process-oriented in nature. 19 In this respect, these exceptions 20 are easily eliminated or mitigated through 21 proper training or procedures at the 22 jurisdictions. 23 Some of the so-called exceptions, 24 also, in our opinion are matters of opinion

and not covered under the regulations.

A few of the NJIT recommendations are, however, equipment oriented.

2.2

For those exceptions, Sequoia has already developed solutions that will resolve the issues.

We must be careful, as we proceed here today, and from yesterday's hearings, as well, not to lose sight of the forest for the trees and not to look strictly to the line-by-line regulations, but to the fact that these machines take voter intent in a very easy, very accessible manner to the voter and in the end produce a printed slip of paper that the voter can verify that goes in a bag and under the New Jersey statute becomes the official record; that's the real crux of the matter here is voter verifiable paper audit trail. And we do indeed provide that to the New Jersey voters with these systems.

We submit that, in fact, the equipment conforms to the regulations for VVPRS and should be certified and our efforts to make further equipment improvements based on the noted exceptions serve to further our equipment for the State of New Jersey and for

1	our other customers.
2	New Jersey has a long history of
3	administering fast and accurate and fraud-free
4	elections on equipment made by Sequoia Voting
5	Systems.
6	The Edge that we see today and
7	that is the subject of this hearing, has been
8	in use in Salem County since 2000 with
9	tremendous success. And as we noted
10	yesterday, the Advantage has been in use in
11	many other New Jersey counties since as early
12	as 1994.
13	We look forward to continuing to
14	provide New Jersey with high-quality equipment
15	in 2008 and beyond.
16	Thank you.
17	CHAIRMAN WOODBRIDGE: Thank you,
18	Mr. Smith.
19	Now, are you going to give us a
20	demonstration of the machine?
21	MR. SMITH: Yes, sir. I will.
22	Members of the Board, we have here
23	five Edge 1s with VVPAT or VVPRS machines and
24	we'll pull this one out for demonstration.

Once the voter has activated the

machine, for this particular machine and this is true, I believe, the State of New Jersey has a screen that allows you to select between English and Spanish, so I will tap the English button and, of course, I get this ballot.

And then, of course, you can vote on the test screen and make your selections so I will just do it at random here.

And this is the test ballot used at NJIT so it has some rather interesting local questions like A, B, C, D, E, F, G.

And then at the end, you get an electronic summary screen, which is different than the Advantage we discussed yesterday.

The Advantage being full face, you see all of your selections at one time, but, of course, on the Edge, it being a standard DRE, you have pages of the ballot, thus a very short ballot and thus you have an electronic summary screen.

You will note that since I did not make a selection for a freeholder office, that selection is noted in red with no selections made, so it gives the voter some prompts that they did not make all the selections they

1 | could have made. And in the prompt, says,

2 Touch the office or issue to make a change.

3 | So we can, in fact, go back and it takes you

4 back to the contest that you wish to change.

If you touch the choice you

6 | initially made, it disappears and you can

7 makes a second choice; or, if for some reason,

no, I liked the original choice, you can

9 certainly go back to that.

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And then, once again, scroll back to the electronic summary screen, once you get to that point, the next button takes you to a screen with instructions that state you have not made all the choices you're entitled to, I left one race unvoted, and then touch here to print and review a paper record of your ballot.

And so by touching that, the VVPRS, and you might need to come over here because, of course, there are privacy curtains, so unless you're in the booth, you can't see the paper tape, but you can see it's scrolling up from the bottom, providing a record of how I voted on the reel-to-reel paper tape. You'll notice it has the election

definition dates and this machine and then at the bottom, it says, "end" to make it very clear to the voter and to make it clear to the jurisdiction where the tape came from and to the voter that with this selection, this is, in fact, the end.

If I wish to make changes, I have a "make changes" button, that will take me back to the ballot so that I can redo my selections and, of course under New Jersey law that counts as one opportunity of the three by state statute that you have.

Other than that, I can "cast ballot," and the machine makes a nice happy tune to let you know you have recorded your vote. It also a green background sign that says, Vote recorded, thank you. And the jurisdiction can configure that wording to suit both tradition and local practices.

We see the barcode, the serial number of the machine and then it scrolls up out of the way and goes back to a "waiting for next voter status."

CHAIRMAN WOODBRIDGE: What if you want to spoil a ballot?

1 Let's say you would like to vote 2 and you don't like your choices on the 3 printout and you should have three chances to 4 vote, if you could demonstrate that aspect. 5 MR. SMITH: If you wish to spoil a ballot -- let me revote. 6 7 I'll leave a couple of contests 8 unvoted. So we're here at the electronic 9 summary screen. You can see I left 10 "additional contests unvoted at this time." 11 It says, "Touch here to review and print a 12 paper record of your ballot." 13 And so the VVPAT frame comes and 14 the printout appears in the window. 15 And in this case, instead of "cast ballots," I'm going to say "make changes," so 16 17 instead of essentially spoiling a ballot, you can see the large word "voided" and that there 18 19 is no barcode at the bottom of the VVPAT. 20 I'm back to the electronic summary 21 screen so it gives me a quick summary of how I

I'm back to the electronic summary screen so it gives me a quick summary of how I voted. I can touch the office that I wish to change, I can make that change as I demonstrated earlier and then the process repeats.

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1 So here we have the second VVPAT 2 And may I draw your attention to the 3 tape where it does say, Official General 4 Election, in this case, Test 2, Essex County, 5 November 4, 2008 and Edge so that there is a 6 full opportunity for the jurisdiction to place 7 identifying election information at the top of 8 the tape. 9 CHAIRMAN WOODBRIDGE: So unlike 10 yesterday where we didn't have the primary or 11 general election identifier in the ballot, 12 this one does have that on the paper ballot? 13 MR. SMITH: The jurisdiction can 14 place whatever they want. 15 So once again, I'm going to make 16 changes, so this would be the second time. 17 You'll notice the extra warning, 18 "This will be your final chance to make 19 changes to your ballot, " plus "return to 20 ballot to proceed" so it gives you the extra 21 warning that is required when you have a 22 ballot spoilage number, as we do in 23 New Jersey. 24 So I will go back and I will vote 25 one of the contests that I left open earlier.

I will see if I can vote all my contests. I still have one open. It's a vote for two, so let me vote for a second candidate.

And now, you can see that the -there is no red on the electronic summary
screen. I have filled out all the contests
fully so I have no more opportunities to vote.
You also see the lack of an extra warning that
you have left contests unvoted because, I have
indeed voted all of the contests available to
me.

And so I will go to "next," and now the warning message changes to "touch here to cast your ballot" because it's the third time, you're done under state law.

Advantage, which gives the voter very little time, as we discussed yesterday, on the third try to read their ballot, here, I'm seeing the first line of how I voted coming up. Notice the pause. And I've counted out 12 seconds. And there is the last one. And just, in my head, I counted off 18 seconds, enough time to review and verify the third time, although it does not allow them to make changes because,

1 of course, to make changes violates the 2 statute. 3 So unlike the Advantage, which 4 does work very quickly and the printer is 5 generally a faster mechanism, here, there is 6 certainly adequate time for the voter to take 7 a look at their third receipt, although under 8 state law they can't make a change to it. 9 CHAIRMAN WOODBRIDGE: Can you 10 explain the activation of the machine? 11 MR. SMITH: The voter will receive 12 a card activating credentials by the 13 poll workers and they will insert that card 14 into the bright yellow spot. 15 At that point, you will get the screen that I showed earlier that had English 16 17 and Spanish, and it will direct the Spanish 18 speaking voter to hit that button. 19 CHAIRMAN WOODBRIDGE: Is that card 20 recycled? 21 MR. SMITH: Yes, sir; that card is 2.2 recycled. 23 CHAIRMAN WOODBRIDGE: So like a 24 hundred voters could use the same card.

MR. SMITH: More than that, but

1 yes, sir. 2 CHAIRMAN WOODBRIDGE: Is there any 3 chance of mal-ware, virus or something 4 contaminating the machine through the card. 5 MR. SMITH: We have additional protection and check zones to avoid that. 6 I'm 7 familiar with the reports that you're thinking 8 of there and those cards did not have those 9 protections. 10 CHAIRMAN WOODBRIDGE: Is the 11 machine activated initially through the card 12 slot in the front of the machine? 13 When the poll worker comes in, in 14 the morning, how do they set up the machine? 15 MR. SMITH: It has a power switch 16 and you turn it on and it will boot up to a 17 screen that -- it won't be "awaiting for next voter, " it will be a maintenance screen and 18 19 then they have to perform other actions to get 20 it to the point where it is ready for voters. 21 CHAIRMAN WOODBRIDGE: And what 2.2 actions are those? 23 MR. SMITH: It varies a little bit 24 because of how you have it configured, but

essentially there is a button on the machine

1 that tells the poll worker that says, 2 Stop/Start Voting. Typically, there is a 3 button on the right that says, Start Voting. 4 CHAIRMAN WOODBRIDGE: So other 5 than the power-up card, they don't have to put another card in? 6 7 MR. SMITH: No, sir. 8 CHAIRMAN WOODBRIDGE: How do you 9 close the machine? 10 MR. SMITH: There is a close poll 11 knob in the back. And I failed to mention 12 earlier, but the Polls Open/Polls Closed knob is in the back. 13 14 The Polls Open/Polls Closed knob 15 is protected by this door. You can put a lock 16 or a tamper-evident seal there. And you have, 17 also, Power On/Off. So you will power on the 18 machine. 19 Jurisdictional particulars 20 normally call for the machine to leave the 21 elections warehouse with this seal intact for 2.2 the Polls Open/Polls Close knob and they'll 23 break the seal to open up the knob. 24 jurisdictions will keep an extra seal over

here, which is a convenient way to deal with

1 that, open the polls, close it and reseal it, 2 once again, logging the number of the seal and the time and date in which it was 3 4 accomplished. 5 CHAIRMAN WOODBRIDGE: When you're 6 finished with that, is there some way to 7 electronically get the tally out of the 8 machine? 9 MR. SMITH: Yes, you can. You 10 can, once again, break the seal, close polls 11 at the end of the day, which is what we 12 recommend because that locks out and disallows 13 any additional voting to that results 14 cartridge. 15 There is a results cartridge in the machine. You can also program and 16 17 configure the VVPAT to print totals just as 18 you can program to print zero totals at the 19 beginning. 20 CHAIRMAN WOODBRIDGE: What is the 21 capacity of the roll? 22 MR. SMITH: The largest roll we 23 can place on here is 400 feet. 24 So just like the fan-fold pack in

the Advantage, it depends on the length of the

1	ballot. If it is one window, the linkage is
2	about a foot and then there is a second foot
3	link that is used to obscure the prior voter's
4	choices to the next voter who comes in.
5	CHAIRMAN WOODBRIDGE: And if I
6	recall yesterday, for the Advantage, you had a
7	400 or 500 ballot cartridge.
8	MR. SMITH: It was a fan-fold pack
9	of paper, yes.
10	CHAIRMAN WOODBRIDGE: How does
11	that compare in length to this?
12	MR. SMITH: It's not an apples to
13	apples comparison because this is a
14	reel-to-reel and that is a fan-fold device.
15	So with the fan-fold paper, it's
16	an integer and you take down one entire
17	fan-fold; whereas, this, it's incremental,
18	it's down to how long it takes the printer to
19	actually print so it's not a good comparison.
20	CHAIRMAN WOODBRIDGE: One last
21	question.
22	Out of curiosity, is there any
23	reason why this machine doesn't have the
24	fan-fold, as opposed to reel-to-reel?
25	MR. SMITH: Simply because it was

1 developed with what we call the VeriVote. 2 COMMITTEEMAN MAHONEY: The zero 3 proof report, I was just asking where is it on 4 the machine, just to prove that there are no 5 votes on the machine in the morning during 6 opening? 7 MR. SMITH: You can configure the 8 VVPRS to print that. 9 COMMITTEEMAN MAHONEY: So, in 10 other words, if you change the paper roll 11 during the day, the zero-proof report will only be on that roll, it will not be on the 12 13 next roll that you put in? 14 MR. SMITH: That's correct because 15 that second roll that you would put in the 16 machine or the second printer if you choose to 17 change the entire printer will have -- it won't be zero by then, there will be votes on 18 19 the machine. 20 COMMITTEEMAN MAHONEY: Thank you. 21 CHAIRMAN WOODBRIDGE: Just one 2.2 other question, the public counters and 23 private counters, how do you deal with that 24 issue on the machine? 25 MR. SMITH: They're in the front.

We're looking at the voter counts in the back of the machine and both the machine counts and the voter counts are shown in the back.

CHAIRMAN WOODBRIDGE: I guess my concern is that, as a voter, let's say, I came in, I signed in the signing book and I was No. 9 and like they do in Princeton Township, they give you a little slip of paper, which says, No. 9. And then you go in the voting booth and you use a -- you know, if you're familiar with it, you take a look at your ballot and you see up in the upper-right hand corner, the lever machine will say No. 9.

So I think part of the public counter is so that the public can see and verify that they are, in fact, in synch with the sign-in process.

My recollection is that the statute used to specifically call for the public counter to be in place so that the public can see it. My concern is that the public counter is there to protect the voter to verify that he or she is, in fact, that number of voter, but the protector counter is

there to make sure you know how many machine cycles there is and it is a backup to the public count so that's just a follow-up.

2.2

MR. SMITH: The voter will be able to see that when they come up before they insert their card, when it's in the "waiting for next voter" screen, whether activated by card or manually, if it has that thing.

Let me bring you back to that screen.

So when you're in the "waiting for the next voter," it does show both counts.

CHAIRMAN WOODBRIDGE: Just one comment.

I do see public counter and a protective counter. Now, the protective counter is sometimes referred to as a private counter in other statutes and that's usually concealed from the voter. I don't know whether that's a concern to the AG's office or not, but if it were left to me, I would prefer to see that somewhere where the voter doesn't see it. The back of the machine would be an appropriate place to display it, I think, which it is in the old lever machines.

1 Okay. 2 Ellen Marie, I think the record should reflect the fact that the Committee 3 4 went over there to take a look at the machine, 5 took about a 15 to 20 minute regression to 6 watch it go through the voting cycle, the 7 set-up cycle, close-out cycle and to answer 8 some questions with regard to the public and 9 protective counters. 10 Mr. Smith, any more comments or 11 introductory remarks with regard to your 12 equipment? 13 No, sir. MR. SMITH: 14 CHAIRMAN WOODBRIDGE: In a slight 15 departure from yesterday's procedure, in 16 defense to everybody's schedule, I'm going to 17 ask Mr. Millstein if he would please come 18 forward and tell us about his experience with 19 regard to the use of the Sequoia Edge by 20 people with disabilities and it's good to have 21 you back again this morning. 22 MR. MILLSTEIN: Good morning. 23 Thank you very much. 24 For the record, my name is 25 David Millstein. I'm the State ADA

1 Administrator for the Americans with 2 Disabilities Act.

2.2

Based on the Edge machine, the machine itself has a 32-inch clearance for direct roll-in for a wheelchair user.

The screen has the ability to tilt for confidentiality for a person of short or large stature, as well as for control for a wheelchair user.

The screen also has the ability for a font change for large print for someone with a low-vision impairment and also is in contrast color.

Utilizing the hand control and audio for a person who is blind, the hand control is made up of four buttons, each button has -- is considered for the help, back, forward and select button. These buttons are also in a tactile style, as well as Braille.

The earphone is a headset attached to the hand control. The instructions for the voter is voice recorded. Once you get into the ballot process, then it becomes a voice synthesizer, which would allow from text to

speech to allow the voter to hear what they're voting for.

Once that is activated, the screen itself goes blank, which then allows for full confidentiality for the voter, who only knows what they are hearing.

The voting process takes anywhere from seven to nine minutes based on the instruction that is given to the voter, how many times the voter would need to go back and forth to be able to understand and complete their actual ballot process.

Once the ballot process was completed, the audio reviewed exactly what the voter had placed for their selection and was also printed for anyone else -- for the election board to be able to read.

The machine certified what the person placed into the machine, as well as in audio, as well as in written form so this machine, also, would be accessible and I would certify that.

Thank you very much

CHAIRMAN WOODBRIDGE: Thank you

25 very much.

2.2

1 Can I ask you one question that's 2 a little bit different; that is, I'm looking 3 at this machine and I'm imagining somebody who 4 perhaps might be in a wheelchair. 5 Is there going to be danger of a machine like that falling over? 6 7 It seems to be sort of top heavy 8 and doesn't seem to have a very broad base to 9 it. 10 Is that ever a problem? 11 MR. MILLSTEIN: It is top heavy. 12 It's not as sturdy, of course, as the other machine we did yesterday, but because you do 13 14 have a 32-inch clearance, which is a roll-in 15 clearance between one leg and the other leg, a standard wheelchair is 28 inches so you would 16 17 have enough space in between for stability. 18 CHAIRMAN WOODBRIDGE: So in your 19 opinion, it's not a significant problem? 20 MR. MILLSTEIN: No, I do not see 21 that. 22 CHAIRMAN WOODBRIDGE: Just to 23 summarize, you find the machine acceptable 24 from the perspective of somebody with 25 disabilities within the State of New Jersey?

1 MR. MILLSTEIN: That is correct. 2 CHAIRMAN WOODBRIDGE: I appreciate your comments. We'll see you tomorrow. 3 4 Thank you. 5 I am going to take a little 6 privilege from the chair, if NJIT doesn't 7 mind, I am going to ask Mr. Smith, could you 8 show us how to do the write-in votes on that 9 machine. 10 MR. SMITH: Yes, sir, I can. 11 Before that, I would like to say 12 we used voice synthesized audio because this is the NJIT ballot, as directed by the AG's 13 14 office in this hearings. 15 Many counties voice record the 16 entire ballot to, once again, as I said 17 before, comply under forms of local traditions 18 and practices, local dialects, accents and a 19 number of things, which does improve the 20 experience of the audio voter. And they can, 21 of course, use the many synthesized voices 2.2 that are on the market for that purpose. 23 CHAIRMAN WOODBRIDGE: So they 24 always have the option, if they choose to have 25 a human person provide the pronunciation of

1	the individual who might be on the ballot and
2	what the ballot position of that individual
3	might be?
4	MR. SMITH: Yes, sir, as well as
5	the contest and candidate information and then
6	what we call the default audio, which is
7	essentially the instruction audio that carries
8	basically the same information for every
9	voter.
10	CHAIRMAN WOODBRIDGE: Would you
11	mind running us quickly through how you do the
12	write-in and also take that to the third
13	ballot for us?
14	Is it possible for the Committee
15	to get a copy of the ballots that we saw
16	printed so that we can put them in the record
17	before the end of the day?
18	MR. SMITH: Yes, sir.
19	PROFESSOR VENETIS: Can you use
20	the speaker so we can all hear?
21	Is it possible to use the speakers
22	so that everybody could hear how he is
23	operating the machine?
24	CHAIRMAN WOODBRIDGE: He has taken
25	the mike with him.

```
1
                 MR. SMITH: I am not sure how a
2
    speaker is applicable, but I could certainly
3
    put it near the...
4
                 PROFESSOR VENETIS:
                                      I thought you
5
    meant for disabled voters. I'm sorry.
6
                 CHAIRMAN WOODBRIDGE:
                                        Oh, I'm
7
     sorry.
8
                 No, the write-in.
9
                 MR. SMITH:
                             Just so we're clear,
    you just need a write-in demonstration, not an
10
11
    audio write-in demonstration?
12
                 CHAIRMAN WOODBRIDGE:
                                        We're
13
    currently asking for the write-in information.
14
                 MR. WYNHAM:
                              All right.
15
                 Let me position the screen a
16
    little bit better for you.
17
                 Once you've chosen a write-in
18
    position, then the screen appears and we have
19
    an alpha-numeric keypad. This keypad is
20
    positioned -- you have the option in most of
21
    our devices to position the keyboard
22
    alphabetically or in typewriter style.
23
    choose the write-in myself. I simply touch
24
    the letters A-N-D -- and Y is on here
25
    somewhere.
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Like every other keyboard, it has your back-space functions, forward space spaces, periods, nothing has changed in the way that we do write-ins, this is just simple information and it is the information that comes out in the end. If I spell it wrong, the jurisdiction still evaluates the spelling, it is just a matter of putting in the name we use to write it.

If I am satisfied with the selection I have an "okay" and the selection is now recorded. The selection doesn't appear on the screen, but it will up here on the receipt when we do press the "cast vote."

If you want to just proceed to the end and witness that, I'm sure you're going to have to come a little closer if you want to see, but let me verify that Andy voted for Andy.

Everything else proceeds the same way. You can cancel the selection, redo the write-in, I can go back and make changes.

We'll do this a couple of times then, maybe I didn't mean to vote for Andy, I meant to vote for Ed, and that's a lot easier

1 to spell. And again, we'll just carry forward
2 to the end.

2.2

MR. SMITH: While you didn't see it on the ballot page, you do see it on the electronic review screen so you get an electronic, as well as a paper opportunity to review the writing, it's not only the paper.

MR. WYNHAM: All right.

So one more time I'll proceed to the verification page, touch here to review paper ballot and this time Ed's name will appear under freeholder.

All right.

Again, we're going to make changes one more time, this is our third and final attempt, the warning Ed described before, saying, This is our last chance to make the change, return to the ballot and I find my write-in position again. I'm going to change it from Ed to Joe. I'm satisfied with Joe, press okay and I'm going to proceed directly to the review screen and see if Joe appears on the screen, as well.

Now, of course, I've got to touch here. I don't have a chance to make a change,

1 but I will have a chance to see that Joe does 2 appear on my written ballot. 3 The entire ballot is going to 4 print and there is going to be a short delay 5 and then it will disappear from view. We can do an audio vote if that's 6 7 the direction. It will take about three 8 minutes to get set up. The audio vote is a 9 little tedious to get through. 10 MR. MILLSTEIN: Mr. Chairman, I 11 can verify that through the audio, I was able 12 to do a write in ballot. 13 Yes, it is tedious because as the 14 invoice synthesizer gives you letter by 15 letter, once you hear the letter that you 16 want, you then have to select it, it then goes 17 to the next letter until you write out the 18 entire name. 19 CHAIRMAN WOODBRIDGE: It certainly 20 wouldn't hurt to go through that, as well. Ιf 21 you would set that up and maybe we can 22 complete the other parts of the hearing. 23 (Discussion off the record.) 24 CHAIRMAN WOODBRIDGE: In order to 25 expedite things, what I think might be useful,

1 Mitch, if your group is ready is while they're 2 setting up their audio demonstration, why 3 don't we get your presentation and then 4 perhaps we can go back and listen to this 5 audio part of it. 6 I understand that the presentation 7 may not be quite as comprehensive as 8 yesterday, but I know it's going to be 9 definitely, at least, as accurate. 10 So, Mitch, thank you for coming 11 and we look forward your comments. 12 MR. DARER: Thank you. 13 Good morning. 14 Thank you for this opportunity. 15 Once again, my name is Mitchell 16 Darer, D-a-r-e-r, Executive Director of NJIT's 17 Center For Information Age Technology. I will provide an overview. Professor Ari Jain will 18 19 describe test sample sizes and ballots and 20 Professor Yun Q. Shi will discuss the specific 21 findings for the Edge machine under 2.2 examination today. 23 After the criteria was issued, the 24 Attorney General's office asked NJIT to 25 develop and conduct testing to evaluate

1 certain machines against the criteria, the 2 requirements in the criteria address design, 3 security and reliability and these all form 4 the performance criteria used in our tests. 5 Some are qualitative and subjective; such as, 6 quote, allowing the voter to easily review his 7 or her paper record. And others are quantitative matters of fact to be determined; 8 9 such as, the machine that shall not externally 10 communicate to any other system. 11 Each of almost 70 individual 12 requirements in the criteria were subjected to 13 up to four different types of tests. Two core 14 requirements were satisfied by all machines 15 and I think these are key: One, the voters were able to 16 17

verify their votes by viewing the paper record.

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Two, the vote tallies derived from four different sources match and those sources were paper records, reviewing the paper records, the barcodes on the paper records, the closed poll reports and the internal electronic records.

Exceptions are defined as a

situation where in testing against criteria did not completely or clearly yield the required or expected results were also reported for each machine.

The project team included senior faculty and staff with extensive expertise in information technology, cyber security and networks, as well as statistical analysis.

A secure lab was established to design and perform the testing and to house all vendor items. Each vendor supplied three machines for each particular model, documentation and other equipment, such as scanners and audio components.

The vendor staff explained machine operations and answered technical questions, although they were not present at or involved in the actual testing, nor did the Attorney General's office influence or participate in the testing.

The team spent thousands of hours over two months on this project scientifically and objectively evaluating and documenting the machine's performance against the criteria.

To support the testing sample,

1 ballots were developed and four different test 2 procedures were designed and used to evaluate 3 the different elements of the performance 4 criteria and, also, were established for 5 different reasons. 6 Now, I would like to introduce 7 Professor Ari Jain to describe the tests, the 8 ballots and the sample sizes. 9 CHAIRMAN WOODBRIDGE: Thank you, 10 Mitch. 11 PROFESSOR JAIN: Good morning and 12 thank you. I am Ari Jain, Special Lecturer 13 and Coordinator of Statistical Consulting Lab, 14 Department of Mathematical Sciences at NJIT. 15 I will describe to you four types 16 of tests, the sample sizes, the ballots, the 17 test scenarios and the four types of tallies of the votes. 18 19 We developed four types of tests, 20 a single test and a three-volume test.

The single test is a one-time examination inspection or review of equipment, operations and vendor documentation. It includes a physical inspection of various components of the DRE and the VVPR voting

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system, as well as examination of paper records, electronic records and barcodes.

Now, the three-volume tests,

14-hour test, 100 vote test and the 52-vote test.

The 52-vote test is designed to check the multipage ballot. Now, that is not applicable to Edge because it is a rolling paper so we did the other two volume tests.

We used two types of ballots. The short ballot is the one that you see on the Edge machines here and then we had a long ballot. The long ballot had nineteen elements or items to vote. This one has nine.

We developed twelve scenarios for the volume tests. Eight of them were completely balanced in terms of the way a voter cast a vote for the different party affiliations and the yes/no answers, then we have four scenarios to check out the write-in and the no votes.

Now, let me turn to the 14-vote test. The 14-vote test emulates the actual physical voting on a typical day in a real election.

1 MR. DARER: Fourteen hour. 2 PROFESSOR JAIN: Excuse me, 3 14-hour test. Typically, you have 14 hours of 4 voting. We used mock voters to cast these 5 ballots. They worked for about an hour voting 6 different scenarios, which we presented to 7 them shuffled to achieve randomization. 8 And then, after the voting was 9 done, we had full sets of counted. I'll talk about that in a minute. 10 11 We did the 1200-vote simulated 12 test, which is generated by continuous 13 operation of the machine through a scripted 14 The 1200 votes were cast program. 15 electronically and, again, we counted the four 16 types of tallies. 17 Now, let me turn to those tallies. 18 One is a tally of the actual paper ballots. 19 The second is from the barcodes that were 20 scanned through the scan records tally. Third 21 is the closed poll tally that you saw earlier 2.2 and the fourth is the electronic votes. 23 In both the volume tests, all 24 these four types of tallies matched perfectly. 25 We did not find any discrepancy among these

1	four tallies for both the 14-hour test and the
2	1200-vote test.
3	CHAIRMAN WOODBRIDGE: Thank you,
4	Professor Jain.
5	Professor Shi, right?
6	PROFESSOR SHI: Yes.
7	Thank you.
8	And yes, as has already been
9	mentioned by, I mean, Mitch
10	CHAIRMAN WOODBRIDGE: You may want
11	to give your full introduction.
12	PROFESSOR SHI: Okay.
13	My name is Yun Q. Shi. I am a
14	professor in the Electrical and Computer
15	Engineering Department at NJIT.
16	As Mitch already mentioned, our
17	tests indicate that the Sequoia AVC Edge
18	machine, basically, with some fixable
19	problems, voters can verify their selections
20	on paper record.
21	Also, electronic records and paper
22	records match each other in both our single
23	test and volume tests so we consider overall
24	the machine complied with most of the criteria
25	with the 11, I mean, exceptions.

1 Those exceptions, some are 2 problems, which violate or not 100 percent 3 comply with the criteria. Some are just 4 additional reporting, which we feel we have to 5 report. 6 Now, Exception No. 1. 7 According to Criteria II.B.1, The 8 VVPRS may be designed in various 9 configurations. In all configurations, prior 10 to casting the ballot, the voter should have 11 the ability to verify his or her selections on 12 a paper record in a private and independent 13 manner. 14 Our tester found that an observer 15 may be able to read the screen or paper record 16 if he or she stands behind the voter. 17 Exception No. 2, Criterion II.B.11.a reads, The paper record shall be 18 19 printed and the voter shall have the 20 opportunity to verify the paper record in its 21 totality prior to the final electronic record 2.2 being recorded. 23 Our finding is for the third paper 24

record, once a voter presses the "cast ballot"

button to cast the ballot, that paper record

is printed, but is only reviewable by the voter for a few seconds and is then advanced to the storage in rear. There is not enough time for the voter to verify the selections on the third paper record.

2.2

Actually, in a multiple-sheet case, all sheets will go out continuously without, I mean, skewed time for voter to verify it.

Exception No. 3, Criterion II.B.11 reads, An electronic ballot image record should have a corresponding paper record.

IV.B.1 reads that the electronic ballot image record and paper records shall be linked by including unique identifiers so that an individual paper record can be identified with its corresponding electronic record.

Our finding is the following: The electronic ballot image records are saved in the ascending order of Sequoia "VoterID" (an index referred by the vendor): the "VoterID" is contained in the barcode of the corresponding paper record. "VoterID" is the linkage of electronic ballot image record to the corresponding paper record. Matching the

electronic ballot image record to the
corresponding paper records is difficult for a
large volume of voters. I think the reason I
already explained yesterday was the same
situation for Advantage is similar.

And exception No. 4, Criterion

III.A.I. reads, The printer shall be designed

to have a sufficient amount of paper, ink,

toner, ribbon or like supply for use in an

election, taking into account an election

district should have at least one voting

machine per 750 registered voters.

Our finding is paper replacement is expected after about 120. I mean, vote sheets, voters.

Exception No. 5, the Criterion

III.A.I.(a) reads, If any additional or

replacement of paper, ink, toner, ribbon or

other likely supply is required, it shall be

done with minimal disruption to voting and

without circumvention of the security features

of the printer and storage unit, which protect

the cast ballots and the secrecy of the vote.

Our finding is that the printed paper records are accessible during the paper

1 | change process.

reads, Security protections including, but not limited to, security seals or locking mechanisms shall be built into the storage unit to prevent tampering at all times, including pre-election, election day, and post-election.

Our finding is the storage reel of printed paper records is accessible upon removing the printer cover.

Exception No. 7, Criterion IV.B.2 reads, The DRE should generate and store a digital signature for each electronic record.

IV.B.3.b reads, The records should be exported with a digital signature, which shall be calculated on the entire set of electronic records and their associated digital signatures.

Our finding is that DRE does not generate digital signature for each electronic record; namely, electronic ballot image record of an accepted paper record. It does generate a digital signature for the entire set of electronic records (electronic ballot image

records); this is calculated on the entire set of electronic records without their associated digital signatures.

2.2

Exception No. 8, Criterion V.E. reads, The printer shall be connected to the voting machine either by completely concealing the printer connection or via a security tag to prevent tampering.

Our finding is the cable connectors (of the printer cable and power cord) of the voting machine are exposed without any protection.

Exception No. 9, Criterion V.F. reads, The DRE shall detect and notify election officials at the polling place of any errors and malfunctions.

Criterion V.G. reads, If a mechanical error or malfunction of the DRE occurs (such as, but not limited to, a paper jam or running out of paper), the DRE and the VVPRS shall suspend voting operations, not record votes and present a clear indication of the malfunction to the voters and the election officials.

Our finding is a mechanical error

or malfunction of the VVPRS does not prompt 1 2 any error message or warning signal, but it "freezes" the system. 3 4 Exception No. 10, Criterion V.H. 5 reads, If the connection between the voting 6 machine and the printer has been broken, the 7 voting machine shall detect and provide notice 8 of this event and record it in the DRE's 9 internal audit log. Voting operations shall 10 be suspended and no votes shall be recorded." 11 Our finding is a printer disconnection is not a recorded in the DRE's 12 13 internal audit log. 14 Exception 11 is actually, I mean, 15 denoted as Miscellaneous. It reads, The 16 machine does not accommodate fleeing voters. 17 If the voter leaves without finishing the voting, there is no audio or visual signature 18 19 to alert the poll worker to intervene. 20 CHAIRMAN WOODBRIDGE: Dr. Shi, if 21 I could ask a couple of questions. 2.2 PROFESSOR SHI: Sure. 23 CHAIRMAN WOODBRIDGE: Did you 24 state at the beginning or maybe perhaps I

misunderstood that you thought these 11

1	exceptions were fixable; is that your opinion?
2	PROFESSOR SHI: It's should I
3	answer this one?
4	MR. DARER: He may or may not have
5	said that, but I think we need to stay out of
6	that area.
7	Thank you.
8	CHAIRMAN WOODBRIDGE: Let me ask
9	one or two more questions while we're
10	tiptoeing on other sensitive areas.
11	We did see a demonstration of the
12	machine when it went through two spoiled
13	ballots and then presented a third paper
14	ballot, which was ultimately accepted.
15	I didn't count the time. I think
16	Mr. Smith suggested it might be 18 seconds. I
17	don't know.
18	When you did the inspection, could
19	you tell whether the amount of time that the
20	voter had to look at the third ballot was the
21	same as the time that we just saw here?
22	PROFESSOR SHI: Okay.
23	I also noticed this and discussed
24	it with our team members.
25	Let me say a few things.

One is that during the first vote -- first cast, second cast, if that happens, the paper record will issue up and is still there for a period of time that voter wishes, so he can -- he or she has enough time to view it; but for the third one, it -- after you say yes, it -- the voter printout the results, but that printed paper is continually moving from bottom to the up. It's not still so the voter does not have enough time to view it, No. 1.

No. 2, in the first and the second one, the view -- there is a signal prompter to the voter, Do you want to cast it? If you want, then that paper will do something.

For the third one, there is no such thing. Especially, if you have multiple, I mean, sheets, multiple sheets, say, two sheets will continuous go, printout and go to the rear, so that maker -- the third one different from the first two. Of course, the third one is different from first two in the sense you cannot change anymore; that's according to the criterion, but the criterion should provide a voter a chance to view it

1 because in this case the voter will feel, I 2 voted for this, finally, this appears, all due 3 to my own mistake, if it doesn't show up. 4 he knows, he or she knows and he or she will 5 feel confident. 6 CHAIRMAN WOODBRIDGE: So your 7 sense is that the third vote, even though it 8 doesn't stay static, moves too quickly for 9 some voters to digest what they've put on the 10 paper ballot; is that a fair statement? 11 PROFESSOR SHI: Yes. 12 CHAIRMAN WOODBRIDGE: You also 13 raise in here one or two things that caught my 14 attention with regard to the accessibility of 15 the roll, especially during paper change. 16 With the permission of my two 17 cohorts up here, I'm going to ask the vendor 18 to not only demonstrate the audio aspect of 19 the machine, but also to show us how a roll 20 change was done and what the security issues 21 are. 22 Is that okay with you, Mr. Smith? 23 MR. SMITH: Yes, sir. 24 CHAIRMAN WOODBRIDGE: Why don't we

start with the audio if you're set up and if

1 you wouldn't mind showing us how the roll
2 change procedure takes place.
3 (Demonstration takes place;

(Demonstration takes place; following comments and questions made at that time.)

MR. WYNHAM: I want to preface my remarks to say that the time for set up is not the time when polling is in place, but I put the speakers in place so everybody could hear the presentation, I did a couple of things.

During the demonstration, I am going to start off by allowing you to hear the whole range of instructions given to a voter and I know it seems tedious, but as we start going in, I will move beyond the instructions.

I will demonstrate that once the voter is accustomed to using this device, they don't have to listen to all the instructions, they don't have to listen to the full set of candidates. If they have a candidate and they know the candidate they want to vote, they can get to that.

Even though I said initially this is really cumbersome, once you get comfortable it is a much easier process.

1	We will do a write-in vote and I
2	will demonstrate that we can cancel a
3	write-in.
4	(Machine demonstrated.)
5	CHAIRMAN WOODBRIDGE: The next
6	request was to show how you to a roll change
7	during the middle of an election.
8	(Machine demonstrated.)
9	CHAIRMAN WOODBRIDGE: Now, just a
10	question or two.
11	When you replace the paper, do you
12	just take the cartridge out and put another
13	cartridge in; is that what you do?
14	MR. SMITH: It is Sequoia's
15	recommended procedure that you swap out the
16	units.
17	CHAIRMAN WOODBRIDGE: Then do I
18	understand correctly at no time does the poll
19	worker, him or herself actually touch the
20	paper; is that correct?
21	MR. SMITH: It varies by state
22	law. Some states do not allow you to do
23	anything but swap the units. Some states do
24	allow you to go in the machine to switch the
25	paper and they will have a change of custody

procedures around the seals that go here over the cover and after they have a two judges of election sign-off on that, they will remove the cover, which simply unscrews and then they will take the roll that is full, which will be in the upper portion of the unit, they will remove that, after the chain of custody procedure is over, they will reapply an empty roll to the lower, which then feeds through the print head and I believe there is an auto feed. Oh, not on this one. The more modern machines have an auto feed. At any rate, this is a manual feed with a green lever and you put it through.

There is also a black pipe sleeve to facilitate taking the roll off either at the center count or, if allowed, in the polling place.

CHAIRMAN WOODBRIDGE: So it

depends state by state. Some states don't let

you get into the paper roll during the change

of a process and you have to change cartridges

and some states apparently do let you go in

and do certain changes with proper

authorization and chain of control?

1	MR. SMITH: Yes.
2	CHAIRMAN WOODBRIDGE: Does the
3	Committee have any other questions?
4	John.
5	COMMITTEEMAN FLEMING: So to try
6	to get your 750 voters per machine, you would
7	suggest that each machine that the county has,
8	they buy five printers?
9	MR. SMITH: Once again, it varies
10	by state law. We do have longer rolls that
11	were tested at NJIT so there are some
12	additional voters available, but I believe
13	that the 300-some-odd-foot rolls that were
14	tested, 120 is probably about right, but you
15	can go up to a 400-foot roll.
16	COMMITTEEMAN FLEMING: Right, but
17	to get to the 750 criteria, you would have to
18	have like five different printers then?
19	MR. SMITH: Yes, you would need an
20	additional number of printers.
21	CHAIRMAN WOODBRIDGE: Thank you.
22	Mr. Smith, let's go back to our
23	meeting.
24	MR. DARER: Mr. Chairman.
25	CHAIRMAN WOODBRIDGE: Yes, sir.

1	MR. DARER: Before we leave the
2	printer issue, can I supplement our statement?
3	CHAIRMAN WOODBRIDGE: Please go
4	ahead.
5	MR. DARER: What you saw was
6	accurate and what we stated was accurate.
7	The units we were testing did not
8	have any spare printing units so for us to
9	change the paper, we took the cover off.
10	CHAIRMAN WOODBRIDGE: That was a
11	very useful insight.
12	So I think part of your comments
13	with respect to the issue of poll workers
14	touching the paper related to the situation
15	where that was the only choice you had to
16	provide more paper in the machine, you didn't
17	have extra cartridges to swap out; is that
18	right?
19	MR. DARER: So the solution is a
20	combination of law and procedures.
21	CHAIRMAN WOODBRIDGE: Thank you
22	very much.
23	The record should reflect that we,
24	the members of the Committee were furnished
25	with NJIT's comments.

We also received comments from the attorney for Sequoia in response to the level exceptions and each of the Committee members has been provided with that.

Without further adieu, we're going

to start the laborious process of walking through the different criteria like we did yesterday with a view towards taking a break a little before 12:30 and then re-adjourn thereafter.

We took a break yesterday of about an hour, that seemed to be -- that seemed to be a little bit generous.

Is an hour, too much, too little?

It seems about right; okay.

So we'll try to aim for a break about 12:30 with the object of re-adjourning promptly at 1:30 and finishing our job here.

Okay.

For the record, we're going to do the same procedure we did yesterday and that is we're going to read from the criteria that has been provided to us by the State and ask the vendor to respond and tell us to what extent or not their machine in their opinion

1 meets the criteria. 2 We also cross-referenced the 3 criteria with the input and 11 exceptions 4 we've gotten from NJIT. 5 So I am going to start on page 3, 6 excuse me, page 2, of the criteria with 7 Section B, Operation. And that section reads, 8 The VVPRS may be designed in various 9 configurations. In all configurations, prior 10 to casting the ballot, the voter shall have 11 the ability to verify his or her selections on 12 a paper record in a private and independent 13 manner. 14 I note that that was a subject of 15 NJIT's first section exception, which 16 incidentally, I should read for you again, 17 where it says, An observer may be able to read the screen or record if he or she stands 18 19 behind voter. 20 MR. SMITH: Mr. Chair, a couple of 21 things. 2.2 One, I doubt very seriously that 23 any voter would allow somebody to come 24 immediately behind them and start peering over

their shoulder and looking around in a

1 spurious manner to see their vote. 2 There are, as you see, the privacy 3 screens on the left, right and top of the 4 equipment. Of course, the bottom of the 5 equipment would not likely be viewed for a 6 vote. 7 There are laws against loitering 8 and doing the exact thing that is mentioned 9 here so, yes, you know, on some kind of a 10 sneaky basis, if they looked around and peered 11 and repeatedly attempted to look over the 12 voter, it is plausible and conceivable that 13 that could happen, but, in practice, it's not. 14 CHAIRMAN WOODBRIDGE: I think the 15 testimony earlier on was that Salem County has 16 had two machines; is that correct? 17 MR. SMITH: Yes, it is. 18 CHAIRMAN WOODBRIDGE: Are they 19 configured -- except for the printer, are they 20 configured the same way as the ones we're 21 looking at here? 2.2 Yes, sir. MR. SMITH: 23 CHAIRMAN WOODBRIDGE: Does the 24 Committee have any comments on that issue? 25 The VVPRS shall be Part B.2.

1 designed to allow the voter to easily review, 2 accept or reject his or her paper record. 3 And then under that, 2(a). The DRE 4 shall not record the electronic record until 5 the paper record has been approved by the 6 voter. 7 This is, also, the subject of 8 Exception No. 2 from NJIT. 9 MR. SMITH: The exception, 10 Mr. Chair, is the third paper record and I've 11 discussed that already today, that we believe 12 that with the pause on the third printout, that the VVPAT record, also, the slow speed 13 14 relative to the Advantage that the Edge prints 15 and that it pauses, although we can't demonstrate it here, I believe it pauses 16 17 between pages of a multiple page VVPAT and, 18 obviously, if the ballot is longer, it takes a 19 longer period of time of for it to print. 20 believe it gives the voter the opportunity to 21 review the changes. By statute, they can't 22 change it, but I think, in this case, with the 23 Edge it does give the voter an ample 24 opportunity to review the choices as the

foot-long window -- as the print scrolls

1 through the foot-long window.

CHAIRMAN WOODBRIDGE: One of the issues with this new criteria is that it doesn't give us any guidance on how long the voter should have an opportunity to see that

6 third ballot.

2.2

I am going to ask the question if the State requested a longer dwell time for the voter to inspect the third ballot, could that be done and would that be difficult?

MR. SMITH: I'm not sure of the difficulty, sir, because I'm not a system architect for the system; but, yes, it could be done.

CHAIRMAN WOODBRIDGE: It could be done.

Do you have any idea -- I think I heard you say you counted off 18 seconds while the paper ballot scrolled up.

It would be useful to the Committee if we could get some objective idea of how long that period of time is that a voter might be able to inspect, say, a fairly short ballot. If you can get that information for us, it would be appreciated.

1 MR. SMITH: Well, sir, I submit 2 that this is a fairly short ballot. It's one 3 page on the VVPAT. We see the equivalent 4 ballot on the full-face machines so you see 5 there are very few contents. 6 MR. DARER: Thank you. 7 Before we leave this, we found on 8 multiple, not multiple page, but long ballots, 9 the paper moved through on the third try 10 continuously so that if it were a long one, 11 they wouldn't really -- we didn't feel they'd have the time to see it because it's moving 12 13 continuously. 14 COMMITTEEMAN FLEMING: Now, with 15 this machine, is this one going through any modifications, as the other one was going 16 17 through? 18 MR. SMITH: Development proceeds 19 pretty continuously at Sequoia, as well as our 20 competitors so the equipment generally is 21 always under development with the changing 2.2 regulations, such as this one. 23 COMMITTEEMAN FLEMING: Is this 24 machine in testing at this point, Federal 25 testing?

1	MR. SMITH: No, sir; it is not.
2	CHAIRMAN WOODBRIDGE: I'm going to
3	move along, B.3. The VVPRS records may be
4	printed and stored by two different methods:
5	(a). "Cut and drop" Method, which we're not
6	looking at today; (b). "Continuous Spool"
7	Method: The voter views the paper record on a
8	spool-to-spool paper roll. This method shall
9	be used in a manner that fully protects the
10	secrecy of all votes cast.
11	I'm not sure that requires
12	response from the vendor.
13	B.4. No electronic or paper record
14	shall indicate the identity of the voter or be
15	maintained in a way that allows a voter to be
16	identified.
17	MR. SMITH: Mr. Chair, the name of
18	the voter and any identifying information
19	associated with the voter is stripped out of
20	the system before it gets to the machine.
21	The only thing that comes forward
22	with the voter is their ballot cycle, so there
23	is no opportunity to identify through the
24	records which voter voted when.
0.5	

CHAIRMAN WOODBRIDGE: I guess one

1	of the things that is of concern to people
2	like myself is even though there is no
3	identity of the voter, in New Jersey, voters
4	typically come in and get issued a number and
5	vote in sequence. And I'm sure that sequence
6	is probably preserved on the paper roll. I
7	don't know if there is any way you can deal
8	with that issue.
9	MR. SMITH: Mr. Chair, the
10	counties have already dealt with that by
11	deploying between two and four units in each
12	of their polling places, so just because you
13	are No. 12, let's say, it doesn't mean you're
14	No. 12 on a particular machine because you can
15	choose between any machine.
16	MR. WYNHAM: Mr. Chairman.
17	CHAIRMAN WOODBRIDGE: Yes, sir.
18	MR. WYNHAM: Andy Wynham on behalf
19	of Sequoia.
20	I just want to point out that the
21	regulation permits both the "cut and drop" and
22	the "reel-to-reel" so that is not, not in
23	compliance with the State regulations.

they permit them doesn't necessarily mean that

CHAIRMAN WOODBRIDGE: Just because

24

they don't need to be safeguarded to protect the public with regard to the issue of voter identification.

MR. WYNHAM: Certainly, we would defer to the Committee on that, but I do want to point out for the record that it is not a violation of the regulations.

CHAIRMAN WOODBRIDGE: It couldn't be in the criteria if it were a violation of the regulations.

The issue I am trying to get at is it seems to be inherently less secure in terms of the voter identification, than the "cut and drop" where there is a more random aspect to it.

machines, you use two different styles of printers.

MR. SMITH: Yes, sir.

COMMITTEEMAN FLEMING: I am trying to get an idea of why you have two different styles or is it just how they were developed?

MR. SMITH: It was just how they were developed. There was not necessarily a

particular reason for it, other than the types

1	of printers that you see on the Edge 1 were
2	widely available at the time that VVPAT was
3	developed.
4	COMMITTEEMAN FLEMING: Is there
5	any contemplation that you could have
6	intermixing, or not intermixing, but
7	interchangeable printers?
8	MR. SMITH: We're not developing
9	that solution, no, sir.
10	CHAIRMAN WOODBRIDGE: Section B.5.
11	The electronic and paper records shall be
12	created and stored in ways that preserve the
13	privacy of the record.
14	We note that this is also one of
15	the noted exceptions that NJIT mentions,
16	Exception 1.
17	How do you store your paper
18	records?
19	MR. SMITH: Well, the paper
20	records are stored in the box that you see
21	where you can put the tamper-evident seals
22	and/or locks so there are two holes to seal
23	the box or a combination on the outside of the
24	VVPAT itself.
25	CHAIRMAN WOODBRIDGE: Is this

```
1
     system in operation anywhere that we're
2
     looking at today?
3
                 MR. SMITH: In the State of New
4
     Jersey?
5
                 MR. WOODBRIDGE: Anywhere.
                                              Ι
6
    mean, the roll-to-roll paper like you have on
7
     the Edge machine; is anybody using that
8
    presently?
9
                 MR. SMITH:
                              The answer is:
                                              21
10
    California counties are utilizing it.
11
     City of Chicago are utilizing it, but the
12
    VVPAT construction is essentially the same
    with the reel-to-reel and the "cut and drop."
13
14
                 Yes, sir. There are, I think,
15
    between 80,000 and 90,000 Edge units of all
16
    generations, just as the Edge 1 sold over the
17
    United States.
                 CHAIRMAN WOODBRIDGE:
18
                                        There are
19
     80 to 90 thousand Edge units that have the
20
    VVPAT units on them?
21
                 MR. SMITH: I should be more
2.2
             A little over half of those have the
23
    VVPAT units. For instance, Florida uses the
24
     Edge 1, but it's not a VVPAT regulation state.
25
                 MR. WOODBRIDGE: So out of the
```

1	80 to 90 thousand, perhaps 40 to 50 thousand
2	might include a roll-to-roll device, as we
3	just saw exhibited?
4	MR. SMITH: Yes, sir; that's a
5	reasonable estimate.
6	MR. WOODBRIDGE: Where is the
7	first one you had installed?
8	MR. SMITH: The State of Nevada
9	used the Edge 2, which is very similar to the
10	Edge 1, with the same VVPATs, that you see
11	here. In 2004, that was the very first use of
12	a voter-verified paper trail in a United
13	States election.
14	COMMITTEEMAN FLEMING: They used
15	it in 2004.
16	Have they continued to use it?
17	MR. SMITH: Yes, sir.
18	COMMITTEEMAN FLEMING: So they've
19	gone through two years plus of elections
20	MR. SMITH: Yes, sir.
21	COMMITTEEMAN FLEMING: and had
22	success with it?
23	MR. SMITH: Yes, sir. The press
24	coverage has been uniformly very good from the
25	beginning to the present time.

1	MR. WOODBRIDGE: On that same
2	note, you indicated that jurisdictions have
3	different approaches with regard to whether
4	you run out of paper or not. And I think you
5	testified that in some cases they simply swap
6	out a cartridge and in other cases they might
7	remove the side and actually replace the paper
8	inside.
9	Do you have any idea how many
10	jurisdictions simply swap out cartridges
11	versus go in and replace the paper roll during
12	the election?
13	MR. SMITH: No, I do not and defer
14	to counsel.
15	(Discussion off the record.)
16	MR. SMITH: We don't have any
17	specifics on that.
18	CHAIRMAN WOODBRIDGE: It might be
19	helpful if we could get. They don't have to
20	be perfect, but some kind of estimate or
21	statistic of that sort for before Friday if
22	we could do that.
23	MR. SMITH: Yes, sir.
24	CHAIRMAN WOODBRIDGE: Continuing
25	over to page 4, B.6. The VVPRS components

1	shall conform to federal and state
2	accessibility requirements.
3	6(a). These requirements shall
4	include, but are not limited to, an audio
5	component that shall accurately relay the
6	information printed on the paper ballot to the
7	voter.
8	We heard Mr. Millstein comment on
9	that. It sounded like he did so favorably
10	and, of course, the Committee took a second
11	recess and took a look at the machine.
12	Do you have any comments with
13	regard to that issue?
14	MR. SMITH: No, sir. I think it's
15	been quite honestly demonstrated today.
16	MR. WOODBRIDGE: All right.
17	B.7. The VVPRS device shall draw
18	its power from the DRE or the same electrical
19	circuit from which the DRE draws its power.
20	MR. SMITH: You may have noticed
21	there is one cable going up to the VVPAT unit
22	and carries both power applications with it.
23	CHAIRMAN WOODBRIDGE: I believe we
24	saw the gentleman over there actually plug in
25	the power to the printer at one stage; is that

1	correct?
2	MR. SMITH: Yes.
3	COMMITTEEMAN MAHONEY: Is there a
4	battery backup for the Edge machine should the
5	power go out during an election and continue
6	to use the VVPRS?
7	MR. SMITH: Yes, there is. And
8	the battery will apply power to both the DRE
9	base unit and the VVPAT.
10	COMMITTEEMAN MAHONEY: Do you know
11	how long that is?
12	MR. SMITH: No, I don't know, but
13	voter standards require a minimum of two
14	hours, so that's the minimum, but I'm not sure
15	how much above that it may be.
16	COMMITTEEMAN MAHONEY: Okay.
17	Thank you.
18	CHAIRMAN WOODBRIDGE: Thank you.
19	B.8. The voting machine shall
20	provide a standard, publicly documented
21	printer port or the equivalent, using a
22	standard communications protocol.
23	MR. SMITH: Yes, sir. It is a
24	standard serial ports. I don't remember
25	whether it is 232 or 245 or whatnot, but it is

1 standard -- oh, I'm sorry. In the Edge, I 2 believe it is a parallel port, a standard LPT. 3 In the Edge, it is a parallel port. If you 4 unplug it, the port, you'll see that it is a 5 parallel port. 6 CHAIRMAN WOODBRIDGE: It also asks 7 about standard communication protocol. 8 Do you have any idea what the 9 protocol is? 10 MR. SMITH: I believe it's a 11 standard LPT. 12 CHAIRMAN WOODBRIDGE: 9. The 13 VVPRS shall mark the paper record precisely as 14 indicated by the voter on the DRE and produce 15 an accurate paper record and corresponding 16 electronic record of all votes cast. 17 The Committee notes that NJIT did 18 testify or offer the opinion that it met the 19 so-called two core requirements of the voter. 20 Do you have any comments? MR. SMITH: No, sir. We have no 21 2.2 further comments. 23 MR. WOODBRIDGE: 10. DRE 24 electronic ballot image records shall include 25 all votes cast by the voter, including

```
1
     write-ins and undervotes.
2
                 10(a). Write-in votes are votes
     cast by a voter for an individual not listed
3
4
     on the ballot as a formal candidate.
5
                 (b). Undervotes are elective
6
     office and/or public questions on the ballot
7
     for which the voter has not cast a vote.
8
                 I'm going to ask Mitch if he would
9
     tell us whether or not NJIT tested for
10
     undervotes and overvotes.
11
                 MR. DARER: Undervotes and
12
    write-ins, yes.
13
                 CHAIRMAN WOODBRIDGE: I'm sorry?
14
                 MR. DARER: Undervotes and
15
    write-ins, yes.
16
                 CHAIRMAN WOODBRIDGE:
                                        Okay.
17
                 Undervotes and write-ins, thank
18
    you very much.
19
                 Any other comments?
                 MR. SMITH: We rely on NJIT's
20
21
     testing.
2.2
                 CHAIRMAN WOODBRIDGE:
                                        I should
23
    mention to the audience or to those who aren't
24
     familiar with this, these machines at one
25
    point in time went through a certification
```

1 process that specifically asks those questions 2 vis-a-vis the DRE, so it is something that we 3 are perhaps a little more familiar with, that 4 aspect. 5 B.11. An electronic ballot image 6 record shall have a corresponding paper 7 record. 8 11.(a). The paper record shall be 9 printed and the voter shall have the 10 opportunity to verify the paper record in its 11 totality at that time prior to the final 12 electronic record being recorded. The DRE electronic ballot 13 (b). 14 image record shall correspond to the paper 15 record in a manner that does not reveal the 16 voter's identity. 17 (c). The paper record shall contain all voter selection information stored 18 19 in the electronic ballot image record. 20 I note that with regard to 11 per 21 se, electronic ballot image record, 22 corresponding to a paper record, that was 23 noted as Exception No. 2 in the NJIT report.

noted under Exception No. 2, as opposed to

The issue under 11.(a). was also

24

Exception No. 3.
Exception No. 2 -- no, I'm going

2.2

to start with 3 first because that was the first one.

The electronic ballot image
records are saved in the ascending order of
"VoterID" (an index referred to by the
vendor): the "VoterID" is contained in the
barcode of the corresponding paper record.
"VoterID" is the linkage of electronic ballot
image record to the corresponding paper

record. Matching the electronic ballot image records to the corresponding paper records is difficult for a large volume of votes.

Do you want to respond to that, first of all?

MR. SMITH: Yes.

Mr. Chair, while it may be, as

NJIT puts it, difficult, and I know for going

through thousands of records, it is, in fact,

tedious, the fact is we believe we are within

the regulations and that you can indeed match

the paper records to the electronic records.

It's not easy for any system, any clerical

type of thing, whether it's inside the voting

```
1
    process or outside a voting process to cross
2
    tie a thousand records to each other, let's
 3
    say, other than the simple exercise of going
4
    through two Excel spreadsheets that are a
5
    thousand lines long and going side by side
6
    with your fingers; or, in this case, with
7
    automated tools. It is tedious.
                                        However, it
8
    can be done.
9
                 CHAIRMAN WOODBRIDGE:
                                        Do you have
10
    any idea, you used the number a thousand, how
11
    long it might take to correlate a thousand
12
    voter records?
13
                             No sir.
                 MR. SMITH:
14
                 CHAIRMAN WOODBRIDGE: I'm going to
15
    ask NJIT a quick follow-up question.
16
                 Dr. Shi, perhaps maybe you could
17
    help us here. The exception says that it is
18
    difficult for large volume of records.
19
                 Do I understand that by
20
     "difficult," you don't mean that it can't be
21
    done, it is just tedious and long -- or is
22
    there any significant opportunity of
23
     introducing any errors in voter accounts if
24
    that happens?
25
                 PROFESSOR SHI:
                                 Yes.
```

In general, you need to scan the barcode on each paper ballot so that takes time and effort.

And if we have more vote together, like one side, it will even involve more than one roller, as we just saw. So probably, it will be more complicated. It's doable, but with more complexity, meaning, it may employ possible risk.

Then, I don't know technically, it's not in the report, but could I say something in my own view?

MR. WOODBRIDGE: Please.

PROFESSOR SHI: As a technical source, I think there is some other way that can make it much simpler because you see, in the paper record, you have a barcode, you can have something. And if that identifier number is the same as the electronic ballot image, has the same identifier there, you do not need to go through everything. And even if something is lost, it is still possible to find the correspondence, as long as these two pair, this pair is still there; that's my personal view.

1	CHAIRMAN WOODBRIDGE: Okay.
2	Thank you.
3	Do you have any idea how long it
4	might take for someone to correlate a thousand
5	votes if one was to attempt to do that?
6	Say, there was a recount on an
7	election or something of that sort.
8	PROFESSOR SHI: Give me a minute.
9	CHAIRMAN WOODBRIDGE: No problem.
10	MR. DARER: Two points of
11	reference. It took us about seven hours to do
12	the tallies on the 1200-vote test.
13	MR. WOODBRIDGE: When you did the
14	tallies, you cross-correlated the barcodes
15	to
16	MR. DARER: Everything, yes.
17	Everything. And it is a lot more difficult
18	than on the Advantage in comparable numbers of
19	votes.
20	MR. WOODBRIDGE: Now, why is it
21	more difficult on this machine, the Edge,
22	rather than the Advantage?
23	MR. DARER: I misspoke, it's not
24	much more difficult than the Advantage.
25	MR. WOODBRIDGE: That's

1	permissible here.
2	MR. DARER: I don't want to say
3	it's the same.
4	MR. WOODBRIDGE: The record will
5	reflect the correct information.
6	MR. DARER: Was there still a
7	question?
8	COMMITTEEMAN FLEMING: My
9	assumption is that you had difficulty when you
10	had missing records on the Advantage.
11	In this case, with the Edge, it's
12	on reel-to-reel so you're assuming you're not
13	going to lose any records.
14	PROFESSOR SHI: Right.
15	COMMITTEEMAN FLEMING: That's the
16	difference between the Advantage and the Edge,
17	you can do it with all the records, but
18	because of possibly missing a record on the
19	Advantage, you can have a more difficult or
20	impossible task to try to match it up,
21	correct?
22	PROFESSOR SHI: Correct.
23	If you see our corresponding
24	exception with respect to Advantage and with
25	respect to the Edge are slightly different in

We do not mention this one for Edge 1 this. 2 because it is reel-to-reel, as you said. 3 CHAIRMAN WOODBRIDGE: Okay. 4 Thank you for the clarification. 5 MR. SMITH: Mr. Chair, if I may 6 clarify something. 7 CHAIRMAN WOODBRIDGE: Yes, sir. 8 MR. SMITH: I submit that this exception is moot, while I don't argue with 9 10 the times that they've given here. If the 11 issue is that you have to read the barcode for 12 every voter, you have to read the barcode for 13 every voter regardless. The speed of the 14 recount really is how quickly you can set up 15 your process and process the tape through, 16 which is primarily dependent on your ability 17 to crank the tapes through or the slips and how fast your barcode software can read the 18 19 software. 20 In a recount, you will typically 21 not go back to cross check and cross back 2.2 through all the electronic records. 23 In an audit, that is where you 24 would do such a thing, but to simply recount 25 an election, you are going to simply go

through the tapes or the slips and see if they match the electronic record. And I would submit that would be much more speedy. And typically you have teams doing this from both the Democratic and Republican party and perhaps other parties that are certified in your state and so it will go much faster.

CHAIRMAN WOODBRIDGE: Right.

And I believe I had heard, I can't remember whether it was from the Attorney General's office or where, but there was some discussion of doing manual audits of votes anyhow, so that may eventually be a reality; but it is my assumption that the vast number of votes won't require cross correlation if the vote tallies aren't especially close or the elections haven't been specially tested.

At the top of page 4, Section III. Design Requirements for a VVPRS. A. Printer.

1. The printer shall be designed to have a sufficient amount of paper, ink, toner, ribbon or like supply for use in an election, taking into account an election district should have at least one voting machine per 750 registered voters.

```
1
                 (a). If any addition or re --
2
    now, let's stop there.
3
                 That was also the subject of
4
    Exception No. 4, which we may have, in fact,
5
    dealt with a bit already, but for the record,
    Exception No. 4 states, Paper replacement is
6
7
    expected after about 120 votes.
8
                 Is that correct, 120 votes; is
9
     that typical?
10
                 MR. SMITH: We believe that number
11
     is a little bit low between typical experience
12
    and believe it is between 175 and 200.
13
                 CHAIRMAN WOODBRIDGE:
                                        So to make a
14
    long story short, we have to replace, with
15
    what we've seen here and what was tested here
16
    at NJIT, if the machine perhaps might service
17
    600 voters, you would have to replace the
    roll, at least, maybe three times during the
18
19
    course of the election?
20
                 MR. SMITH: Depending upon how you
21
    deploy your polling places and depending upon
2.2
    how you deploy your DREs, you can avoid that.
23
                 CHAIRMAN WOODBRIDGE:
                                        Could you
24
    elaborate on that?
25
                 Do you mean, like getting many
```

more DREs or what?

My concern is how many times do you have to replace the roll on the machine during the course of the election?

MR. SMITH: Well, you can avoid that by deploying a sufficient number of DREs relative to your expected voter turnout. And typically, polling places do, as is done here in Salem County, and it's done across the country, for instance, in California precincts you see no fewer than four DREs at a given polling place.

MR. WOODBRIDGE: Let's try this again.

I'm assuming, now, let's take the scenario where we have one voting machine, such as we see here, for every 750 voters and we have a hot election where we get, for the sake of argument, let's call it a 60 percent turnout.

So in that scenario, you're going to get whatever 60 percent of 750 is, 400 odd, it seems to me, if you can only accommodate 120 to 150 to 200 voters per roll, that you're going to be changing that roll about three

1 times during the course of the election so I 2 can't imagine a district buying a lot more 3 machines just so they don't have to change 4 rolls. 5 It seems to be somewhat 6 inescapable that you're going to have to 7 change the rolls at least two or three times 8 per machine during the course of elections; is 9 that accurate? 10 MR. SMITH: That's not generally 11 what we see in practice. The jurisdictions 12 generally employ enough machines to avoid that 13 many changes of paper; but do they not change 14 paper at all, I'm not here to tell you that. 15 They do change paper, generally not three 16 times or four times or some great number like 17 that. 18

CHAIRMAN WOODBRIDGE: So it is your opinion that changing three or four times would be unusual per machine?

19

20

21

22

23

24

25

MR. SMITH: That would be unusual in my experience that the jurisdictions would deploy such that they would have to do that.

CHAIRMAN WOODBRIDGE: I'm going to ask NJIT if should they care to respond to

```
1
    that.
           We do have a statement here with
2
    respect to replacement of the roll about every
3
    120 votes.
4
                 How did you come up with that
5
    number; and, if you have any sense, how many
6
    times do you think it might be necessary to
7
    replace a roll per machine in a typical
8
    14-hour election?
9
                 MR. DARER: We have two size
             The first size roll was at 300 foot
10
    rolls.
11
    and that yielded 120 votes of the short
12
    ballot. The longer roll -- do we know what it
13
    yields or we estimated yields? -- we've
14
    calculated that would yield 175 votes of a
15
    short ballot.
16
                 Does that answer the question?
17
                 COMMITTEEMAN FLEMING:
                                        And that
18
    was doing some random, multiple page or not --
19
                 MR. DARER: Not multiple.
20
                 COMMITTEEMAN FLEMING: Multiple
21
    attempts.
22
                 MR. DARER: Oh, that was. Uh-huh.
23
    Yes.
24
                 COMMITTEEMAN FLEMING: Okay.
25
                 One of the questions is that when
```

1 the paper does run out, the voting stops, I'm 2 assuming, and you're not going to lose any 3 votes? 4 That's right. MR. ROMEI: 5 COMMITTEEMAN FLEMING: Does it, like the other machine, calculate that it 6 7 doesn't have enough paper to finish a vote. 8 MR. ROMEI: It knows before it 9 runs out, so it will not let the next voter 10 come into that red zone. 11 CHAIRMAN WOODBRIDGE: Okay. 12 I see by the clock that's not on 13 the wall that it's about the 12:30. Why don't 14 we take a one-hour break at this point like we 15 did yesterday and reconvene back here promptly 16 at 1:30. 17 I think we'll try to really start 18 off at 1:30 so that we can move through this 19 at a brisker fashion because we are a little 20 bit behind where we stopped yesterday, which 21 was on page 5, rather than page 4, so I look 22 forward to seeing you in an hour and we'll 23 continue at that point with the issue on 24 III. Design Requirements for a VPPRS. A.

Printer. 1.(a). and start from there.

1	Thank you.
2	(Luncheon recess: 12:29 p.m. to
3	1:41 p.m.)
4	CHAIRMAN WOODBRIDGE: Good
5	afternoon. We're going to go back on the
6	record again.
7	Ellen Marie, are you all set?
8	We had stopped at Section III.A.1.
9	We're going to take up Section III.A.1(a).,
10	which is noted as one of the exceptions of
11	NJIT and it reads as follows, If any addition
12	or replacement of paper, ink, toner, ribbon or
13	other like supply is required, it shall be
14	done with minimal disruption to voting and
15	without circumvention of the security features
16	of the printer and storage unit, which protect
17	cast ballots and the secrecy of the vote.
18	For the record, we did have a
19	demonstration of two cast ballots, which show
20	how the ribbon is placed, one entailed
21	removing the cartridge entirely, the other one
22	entailed taking off part of the cover and
23	manually replacing the paper roll.
24	Do we have any further comments on
25	the effectiveness let me just read to you

what the NJIT comments were. They may have been superseded by some of the discussions today, but the comment with regard to this particular section was that the printed paper records are accessible during the paper change process.

Now, without putting words in anybody's mouth, my understanding is NJIT was provided with three machines and three different cartridges and there really wasn't much of an option to switch out cartridges.

So I understand that NJIT believed that the technique to follow was to place the rolls manually; is that a fair statement, Mitch?

MR. DARER: Yes.

CHAIRMAN WOODBRIDGE: Thank you.

Mr. Smith?

MR. SMITH: I have no further comment, other than, once again, we recommend, we remove the cartridge as a whole and we found out through a short conversation that I had with one of the members of the Attorney General's staff that through their extensive and thorough research, they found the State of

1 Nevada, that is also a Sequoia customer, state 2 wide, in fact, does also replace the entire 3 unit when it becomes full or emptied, 4 depending on how you look at it. 5 I believe the case with the State 6 of California is that they swap the entire 7 unit, rather than remove the roll, as they do 8 in the State of Illinois. 9 CHAIRMAN WOODBRIDGE: Does anybody 10 else on the Committee have any comments or 11 questions in this particular regard? 12 (No response.) 13 CHAIRMAN WOODBRIDGE: It appears 14 that we sort of covered that earlier today. 15 I had a request before we went 16 into our luncheon recess to determine when the 17 hearings are effectively closed for the 18 purposes of receiving additional input and in 19 terms of paper supplements. 20 Penny, I know, is going to give us 21 her written comments by Friday. And I believe 2.2 a Public Advocate has already given copies of 23 his exhibits. 24 So to be fair to everybody, Friday at 5:00 will be the deadline for any 25

additional information to be provided to this committee and to be put on the record.

III.A.2. The VVPRS shall have a low-paper indicator that will allow for the timely addition of paper so that each voter can fully verify, without disruption, all of his or her ballot selections.

MR. SMITH: And as we discussed earlier today and on the Advantage yesterday, there is a low-paper sensor that provides for that.

12 CHAIRMAN WOODBRIDGE: The

13 | Advantage or the Edge?

2.2

voting.

MR. SMITH: Both.

15 CHAIRMAN WOODBRIDGE: Okay.

MR. SMITH: As we discussed yesterday with the Advantage and a little earlier today with the Edge, the low-paper sensor is there, which, like the Advantage, I believe is an optical sensor that will detect when there is enough paper to ensure that the voter in the booth can complete and cast their vote, even to the three times, with vote spoilage and then it will disallow any further

1	CHAIRMAN WOODBRIDGE: So tell me
2	if I'm wrong, it would be difficult, if not
3	impossible for a voter to be interrupted in
4	the course of voting, is that correct, by a
5	paper change?
6	MR. SMITH: That is correct. It
7	will always be between voters.
8	CHAIRMAN WOODBRIDGE: Okay.
9	Thank you.
10	Are there any other questions of
11	the Committee?
12	Section III.A.3., and I note here
13	that there was a comment by NJIT on Section
14	III.A.3., which reads as follows, The printer
15	shall be secured by security seals or locking
16	mechanisms to prevent tampering. The printer
17	shall be accessed only by those election
18	officials authorized by the county
19	commissioner of registration.
20	And the comment by NJIT was: The
21	storage reel of printed paper records is
22	accessible upon removing the printer cover.
23	My assumption is that this comment
24	might be superseded by the additional comments
25	from NJIT and our understanding that, in fact,

```
1
     the cartridge may be removed as a whole and
2
     replaced with additional cartridges; is that
3
     correct?
4
                              That's correct, sir.
                 MR. SMITH:
5
                 And, also, I draw your attention
     to the second portion of that clause, The
6
7
    printer shall be accessed only by those
8
     election officials authorized by the county
9
     commissioner of registration. And that,
10
     indeed, is allowed with proper jurisdictional
11
    procedures.
12
                 CHAIRMAN WOODBRIDGE:
                                        Does NJIT
13
    have any comments on this section?
14
                 (No response.)
15
                 CHAIRMAN WOODBRIDGE:
                                        Thank you.
16
                 Section Roman Numeral III.A.4.,
17
     The VVPRS shall be capable of showing the
18
     information on the paper record in a font size
19
     of at least 3.0 mm and should be capable of
20
     showing the information in at least two font
21
     ranges, 3.0-4.0 mm and 6.3-9.0 mm, under the
2.2
     control of the voter or poll worker.
23
     criteria can be met by providing a
24
    magnification device with the VVPRS.
25
                 MR. SMITH: And, yes, sir, we do
```

1	utilize the magnification devices, which we've
2	done to meet this requirement.
3	CHAIRMAN WOODBRIDGE: What font
4	sizes do you have available for printing?
5	MR. SMITH: You can set, when you
6	initialize the election, fonts within these
7	size ranges. However, to have the full
8	control over from the voter and from a poll
9	worker aspect in the regulations, you need to
10	use the magnifying glass.
11	CHAIRMAN WOODBRIDGE: Okay.
12	Question: Is this thermal paper
13	that it prints on?
14	MR. SMITH: Yes, sir, it is.
15	CHAIRMAN WOODBRIDGE: So does it
16	have lot like a dot matrix type of printing
17	head on it?
18	MR. SMITH: Similar. Yes, sir.
19	CHAIRMAN WOODBRIDGE: So can you
20	effectively adjust the font size by changing
21	the font that you put in the machine; is that
22	how that works?
23	MR. SMITH: Yes, sir, you do; but
24	to put it in the machine, you do it as you
25	initialize the election, not between voters or

1	on the fly during election day.
2	CHAIRMAN WOODBRIDGE: So you can
3	choose does the machine come preloaded with
4	different fonts you can select from?
5	MR. SMITH: I believe it's one
6	font, but multiple sizes.
7	CHAIRMAN WOODBRIDGE: So you can
8	adjust the size of the print, but the font
9	basically aims to stay the same?
10	MR. SMITH: Yes. We can look at
11	it, but I think on the Edge system it is a
12	sans-serif font.
13	(Pause.)
14	CHAIRMAN WOODBRIDGE: Back on the
15	record.
16	The record should reflect that
17	during a brief break here, we were provided
18	with a copy of one of the paper ballots.
19	Is this the paper ballot you were
20	demonstrating earlier this morning?
21	MR. SMITH: Yes, sir; it is.
22	CHAIRMAN WOODBRIDGE: Section
23	III.B. Paper Record Display Unit.
24	Paragraph 1 reads, The paper
25	record shall be displayed in a way that allows

1 the voter to privately and independently 2 inspect it. This was cited as one of the --3 4 exceptions, Exception No. 1 of the NJIT 5 It was stated, An observer may be report. 6 able to read the screen or paper record if he 7 or she stands behind the voter. 8 I am going to ask NJIT, is that 9 still the same comment; is this similar to 10 what we talked about this morning? 11 MR. DARER: Yes. 12 Thank you. CHAIRMAN WOODBRIDGE: 13 Mr. Smith, do you care to comment 14 upon the compliance of the machine? 15 MR. SMITH: Mr. Chairman, I stand 16 by my earlier comments that only if someone is 17 allowed to get immediately behind the voter and peer behind them from different angles can 18 19 they accurately view the person's ballot. 20 This is not a practiced way to spy on 21 someone's votes. 2.2 CHAIRMAN WOODBRIDGE: And I think 23 you also testified that, to the best of your 24 knowledge, this is configured in the same way

as the unit used in Salem County.

1 MR. SMITH: Yes, it is the same. 2 CHAIRMAN WOODBRIDGE: Section 3 III.B.2. If the paper record cannot be viewed 4 entirely in the display unit at one time, the voter shall have the opportunity to verify the 5 6 entire paper record prior to the electronic or 7 the paper ballot being stored and recorded. 8 MR. SMITH: In this case, 9 Mr. Chairman, the touch screen will display a 10 message to the voter and provide them areas to 11 touch; that, basically, instructs them, Here 12 is your first page and to view page 2 of 2, 13 press this button. 14 CHAIRMAN WOODBRIDGE: Section 15 III.B.3., The display unit shall have a protective covering, which shall be 16 17 transparent and shall not obscure the voter's 18 view of the paper record. This covering shall 19 be in such condition that it can be made 20 transparent by ordinary cleaning of its 21 exposed surface. 22 MR. SMITH: Mr. Chairman, the unit 23 is covered and the display window, as well, 24 with a Plexiglass type of plastic that can be 25 cleaned with ordinary Windex type window

1 cleaners and stuff. 2 CHAIRMAN WOODBRIDGE: It should be 3 noted the chair actually knocked on the window 4 and it did appear to be transparent and some 5 sort of substantive material. 6 Page 5, C. Paper. 1. Any paper 7 record produced by a VVPRS shall be readable 8 by voters and election officials. 9 MR. SMITH: There, Mr. Chairman, 10 we submitted samples from this morning's 11 demonstration, you can see for yourself that 12 it is readable. 13 CHAIRMAN WOODBRIDGE: And perhaps 14 it might be worth restating again that the 15 specimen that we have been provided as a paper 16 trail includes the statement at the top, 17 quote, Official General Election Test - 2, 18 unquote, and this relates to the issue of 19 whether or not the paper trail identifies the 20 nature of the election that it is providing a 21 trail for. CHAIRMAN WOODBRIDGE: C.2. 2.2 All paper records shall be stored 23 in accordance with vendor specifications. 24 Does the vendor provide

specifications with regard to storing it in

1 the record? 2 (Reporter requested that Mr. Smith 3 go to the podium to speak where he can be 4 better heard.) 5 CHAIRMAN WOODBRIDGE: Let the 6 record reflect a very wily exchange just took 7 place. 8 Mr. Smith, do you want to try? 9 MR. SMITH: We provide thermal 10 paper storage specifications requirements in 11 our technical manuals. They call for storage 12 in the dark with reasonably ambient heat and humidity, as you would find in a warehouse or 13 14 situations that would not be absolutely 15 perfect. 16 CHAIRMAN WOODBRIDGE: I should 17 interject and note that the members of the 18 Committee have been provided with copious 19 copies of materials. 20 I am going to impose on our court 21 reporter when this is over to indicate on the 2.2 record what we've received so it is part of 23 the record of this meeting. 24 We don't have to do it now. 25 At the end, we will just make a

1 short attachment so people are aware of what 2 we have. 3 I am going to ask that we move 4 these materials over to the side of this 5 table. 6 CHAIRMAN WOODBRIDGE: Okay. 7 Section C. 8 We're still on Paper. 9 If stored in accordance with 10 vendor specifications, the paper used to 11 produce a paper record shall be readable for a 12 period of at least two years after the election in which it is used. 13 14 MR. SMITH: Our official paper 15 vendor asserts that under storage conditions, 16 as we talked about today, it is readable for 17 seven years. 18 CHAIRMAN WOODBRIDGE: Now, is this 19 the same type of paper that we discussed 20 yesterday with regard to the Advantage? 21 MR. SMITH: It is similar. 22 However, I believe that Seiko, the 23 manufacturer of the Advantage printer directed 24 that -- Seiko, the manufacturer of the printer 25 on the Advantage has their own paper facility

1 or some approved vendors that are different 2 from the thermal paper roll that you find on 3 the Edge, which is actually more widely 4 available. 5 We have certain grades of paper 6 and certain features on paper, as well, that 7 should meet the specific requirements. 8 CHAIRMAN WOODBRIDGE: Is it your 9 testimony that it is readable for, at least, a 10 period of two years under normal storage 11 conditions; is that right? MR. SMITH: Yes, sir. I assert 12 13 that it meets the specifications. 14 CHAIRMAN WOODBRIDGE: Section III, 15 Design Requirements for a VVPRS, (D), Paper 16 Record Storage Unit. 17 1. Security protections 18 including, but not limited to, security seals 19 or locking mechanisms, shall be built into the 20 Storage Unit to prevent tampering at all 21 times, including pre-election, election day, 22 and post-election day. The Attorney General, 23 through the Department of Law and Public 24 Safety, will issue chain of custody guidelines

regarding the Storage Unit.

1 Now, during one of the two 2 demonstrations this morning, I believe you 3 showed us one of the cartridges and you showed 4 us one place where it is sealed in a place on 5 the cartridge unit. 6 Is that to keep the cover on the 7 cartridge unit? 8 Yes, sir; it is. MR. SMITH: 9 CHAIRMAN WOODBRIDGE: Can you 10 describe whatever other seals or locking 11 mechanisms you have on that unit? 12 MR. SMITH: We recommend that the 13 jurisdictions place the tamper-evident tape 14 seal over the plugs for the cable; that is, 15 where the cable plugs into the base of the 16 unit. 17 I would have to look at the exact 18 units there, but we can also place a 19 tamper-evident seal or lock at the top of the 20 The rail has, at least, a half an inch rail. 21 or more excess clearance from the top of the 22 printer unit. And if there is not one already 23 there, although likely it may be, you could 24 certainly put one there, as well. 25 So there are safeguards that you

1 can use to prevent someone from opening the 2 cartridge, to prevent someone from removing 3 the cartridge and someone from removing the 4 cable link. 5 CHAIRMAN WOODBRIDGE: In fact, let me indicate that NJIT had also noted with 6 7 regard to this particular section that, quote, 8 the storage reel of printed paper records is 9 accessible upon removing the printer cover, 10 unquote. 11 I assume that this relates to our 12 previous discussions about the unavailability 13 of the extra cartridges and the assumption 14 that the rolls are normally manually changed 15 during the paper-change procedures; is that 16 correct, Mitch? 17 MR. DARER: Yes, it is. 18 CHAIRMAN WOODBRIDGE: Thank you. 19 Does the Committee have any questions on that section? 20 21 COMMITTEEMAN MAHONEY: Not at this 2.2 time. 23 CHAIRMAN WOODBRIDGE: Moving on to 24 Section IV, Procedural and Usability 25 Requirements; A, Paper Records; 1, the paper

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1
    record shall include identification of the
2
    particular election, the election district and
    the voting machine.
3
4
                 Again, I take judicial notice of
5
    that, that we do have a record here, at least,
    a simulated record that identifies it as
6
7
    being, Official General Election Test - 2,
8
    identifies the precinct, identifies the
9
    polling place. It's not clear if this
10
    identifies the voting machine.
11
                 Do you identify the voting machine
12
    on the record?
13
                 MR. SMITH: Yes, sir. I can show
14
    you where that is.
15
                 CHAIRMAN WOODBRIDGE: Could you
16
    please do that.
17
                 (Mr. Smith indicated.)
                 CHAIRMAN WOODBRIDGE: Mr. Smith
18
19
    pointed out to the Committee that on the
20
    accepted record, right ahead of the barcode is
21
    a number S, as in Sam, N, as November, 18558,
2.2
    so it is SN18558, which you represent is, in
23
    fact, the identification number of the voting
24
    machine; is that correct?
25
                 MR. SMITH: That is correct; that
```

1	is the serial number.
2	CHAIRMAN WOODBRIDGE: So if I got
3	a paper record from a different machine, that
4	number would be different?
5	MR. SMITH: From a different
6	machine, yes, it would be.
7	CHAIRMAN WOODBRIDGE: Thank you.
8	Mr. Mahoney.
9	COMMITTEEMAN MAHONEY: Yes.
10	How do you distinguish between the
11	spoiled ballot or I mean, let me say it
12	this way.
13	How do you take the spoiled
14	ballots and match them to a ballot that is
15	counted since on the spoil ballots, there is
16	no number?
17	Is that because it is a
18	reel-to-reel system and you just go down and
19	find the lower one with the machine number?
20	MR. SMITH: You can certainly do
21	that.
22	COMMITTEEMAN MAHONEY: Is there
23	any other way on the voided or spoiled ballots
24	to tell which machine they came from?
25	MR. SMITH: No, sir; but

1	typically, you're not going to break the tape.
2	COMMITTEEMAN MAHONEY: So what
3	you're saying is since it is reel to reel, you
4	would see that the first two votes, they're
5	voided and the last one was accepted and that
6	would give it the number?
7	MR. SMITH: Yes, sir.
8	COMMITTEEMAN MAHONEY: Thank you.
9	CHAIRMAN WOODBRIDGE: And if there
10	are no further questions on that point, let's
11	move on.
12	Two, the paper record shall
13	include a barcode that contains the
14	human-readable contents (shorthand is
15	acceptable) of the paper record.
16	And I'm going to ask if this
17	(indicated) just for the record, what I'm
18	holding up is the end of the printout of the
19	paper ballot is the barcode?
20	MR. SMITH: Yes, sir; it is.
21	CHAIRMAN WOODBRIDGE: Can you tell
22	us what information is in that barcode?
23	MR. SMITH: Yes.
24	The information that you can read
25	in human-readable format on the tape is the

1 date of election, the machine number that took 2 the vote and the number of choices, which 3 resides in between on the tape. Those three 4 things are all present in the barcode, along 5 with a digital signature of the information from the voter's choices. 6 7 CHAIRMAN WOODBRIDGE: Looking at 8 the ballot here, is there anything in the 9 paper ballot that I'm looking at -- and I'm 10 looking from the top of the accepted one down 11 to the barcode -- is there any information in 12 that paper ballot that is not included in the 13 barcode? 14 MR. SMITH: I would have to take a 15 look at it. 16 (Pause.) 17 CHAIRMAN WOODBRIDGE: Mr. Smith has indicated that the first run is a sample 18 19 ballot and that everything that we indicated 20 on the sample ballot will be in the barcode 21 with the exception of a word "end," e-n-d and 2.2 perhaps with the exception of the word 23 "pre-lat paper record." 24 IV.A.2.(a). 25 The barcode shall use an industry

1	standard format and shall be able to be read
2	using readily available commercial technology.
3	MR. SMITH: Mr. Chairman, the
4	industry standard format is pdf.
5	CHAIRMAN WOODBRIDGE: Could you
6	give that back to me again?
7	MR. SMITH: Pdf, portal document
8	format 417, which is an industry standard,
9	readily available commercial technology, which
10	can be read by a variety of scanners
11	commercially available.
12	CHAIRMAN WOODBRIDGE: This is the
13	same standard as with the Advantage we saw
14	yesterday?
15	MR. SMITH: Yes, sir; it is.
16	CHAIRMAN WOODBRIDGE: Section B.
17	If the corresponding electronic
18	record contains a digital signature, the
19	digital signature shall be included in the
20	barcode on the paper record.
21	MR. SMITH: Yes, sir.
22	The SHA-256 hash of the voter's
23	choice set is included in the barcode.
24	CHAIRMAN WOODBRIDGE: For the
25	benefit of our court reporter, could you

1	repeat that again for the record?
2	MR. SMITH: The hash of the
3	voter's choice set is defined by the SHA-256
4	algorithm.
5	CHAIRMAN WOODBRIDGE: And the one
6	under Section B, a digital signature is extra
7	data appended to an electronic document, which
8	identifies and authenticates the sender and
9	message data using public key encryption, or
10	other means of approved by LPS.
11	I'm guessing the hash is still the
12	same?
13	MR. SMITH: That is correct.
14	CHAIRMAN WOODBRIDGE: It is the
15	same proposed system?
16	MR. SMITH: Yes, sir.
17	CHAIRMAN WOODBRIDGE: C, the
18	barcode shall not contain any information
19	other than an accurate reflection of the paper
20	record's human-readable content, error
21	correcting codes, and digital signature
22	information.
23	We talked about what it includes,
24	but are there any encrypting, error-correcting
25	codes?

1 MR. SMITH: Yes, there are that 2 are defined within the pdf-417 standard. 3 CHAIRMAN WOODBRIDGE: Are there 4 checks; what kind of error-correcting codes do 5 you have in there? 6 MR. SMTTH: There are codes 7 associated with how the barcode is actually 8 drawn on the paper to help prevent against 9 stray marks or anything in the barcode field 10 destroying your ability to read it. 11 I'm certainly not an expert on 12 that, but that's the best information I can 13 give you based on my understanding of those 14 codes. 15 CHAIRMAN WOODBRIDGE: I'm jumping 16 ahead pretty fast in response to the question. 17 It says, quote, the barcode shall not contain any information other than that an accurate 18 19 reflection of the paper record's human-readable content, error correcting 20 21 codes, and digital signature information, 2.2 unquote. 23 I guess another way of asking is, 24 is there anything else in the barcode other 25 than those three items?

1 MR. SMITH: No, sir. 2 CHAIRMAN WOODBRIDGE: The next 3 issue relates to a "Cut and Drop" Method, 4 which is not relevant to this particular machine so I'm going to skip paragraph 3. 5 6 Going on to paragraph 4, paragraph 7 4 says, The image created on the paper record 8 shall include every contest that is displayed 9 to the voter on the DRE, including write-ins 10 and undervotes. 11 On the demonstration, it appeared 12 that what you showed us on the screen appeared 13 on the ballot, but is that always the case? 14 MR. SMITH: Yes, sir; it is. 15 CHAIRMAN WOODBRIDGE: Paragraph 5, the paper record shall be created such that 16 17 its contents are machine readable. Paragraph 6, the paper record 18 19 shall contain error-correcting codes for the 20 purpose of detecting read errors and for 21 preventing other markings on the paper record 2.2 from being misinterpreted when the paper 23 record is machine read. 24 6(a) goes on to explain that a 25 read error is a separate code or piece of data

that can be used to indicate whether the data printed on the paper record is different from the data created on the electronic record.

2.2

So going back to the error-correcting codes, Mr. Smith, would you explain again what error correcting codes you have; and, is it sufficient to indicate that the data is different or the same as the paper record versus the electronic record?

MR. SMITH: Yes.

The error corrected codes are the same as in the pdf-417 barcode standard that we employ on the paper tape and they are indeed preceded with other markings providing for the misinterpretation of stray marks and to ensure that what you read is indeed the proper representation of the barcode.

CHAIRMAN WOODBRIDGE: Let me make sure I understand the answer to the question.

Let me just cameo part of it. It says, quote, the paper record shall contain error-correcting codes for the purpose of detecting read errors and for the prevention of other markings on the paper record from being misinterpreted when the paper record is

machine read.

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Now, really that contains two sections. The first one is the paper record shall contain error-correcting codes for the purpose of detecting read errors.

MR. SMITH: And I will say, we see barcodes on soup cans and they're everywhere. There is one on the bottom of this laptop. Ιt always starts and ends with certain bars. those are the bars that say, Here I am, I'm a barcode and here is how I can be read and what is in between me is a specific barcode so you can detect it and actually read it. That also prevents -- because those are special, it prevents other stray marks on the paper from being interpreted as a barcode. And because there are check sums and things within the barcode itself, it ensures that if someone draws a thin line in the middle of the barcode, it is not going to be picked up and read as 104 instead of 105. Those are all the standard barcodes, 309128, Office of International Standards For Barcodes.

Thank you.

CHAIRMAN WOODBRIDGE: Does the

Committee have any other questions on error reading or barcodes?

2.2

Let's move on to Section B, DRE

I will make a record, that there was an Exception No. 3 in regards to this issue.

The section of the criteria reads as follows: The electronic ballot image record and paper records shall be linked by including unique identifiers so that an individual paper record can be identified with its corresponding electronic record. Unique identifiers are tools that will allow LPS to measure the reliability and accuracy of the voting system, as necessary. The electronic ballot image and the paper record shall not reveal the identity of the voter.

The comment from NJIT was, as follows: The electronic ballot image records are saved in the ascending order of "Voterld" (an index referred by the vendor): The "Voterld" is contained in the barcode of the corresponding paper record. "Voterld" is the linkage of the electronic ballot image record

1	to the corresponding paper record. Matching
2	the electronic ballot image records to the
3	corresponding paper records is difficult for a
4	large volume of votes.
5	And I'm going to ask NJIT.
6	Is that still the same comment;
7	the same discussion we had earlier this
8	morning?
9	MR. DARER: Yes.
10	CHAIRMAN WOODBRIDGE: Thank you.
11	Mr. Smith, would you care to
12	respond to that?
13	MR. SMITH: Mr. Chair, likewise, I
14	stand by the earlier statements that while it
15	is tedious, there is nothing that prevents it
16	from being done; thus, we are inside the
17	regulation that the plan gives us.
18	CHAIRMAN WOODBRIDGE: Understood.
19	B.2, the DRE should generate and
20	store a digital signature for each electronic
21	record.
22	NJIT provided Exception No. 7,
23	which reads as follows: The DRE does not
24	generate a digital signature for each
25	electronic record (electronic ballot image

1 record) of an accepted paper record. It does 2 generate a digital signature for the entire set of electronic records (electronic ballot 3 4 image records); this is calculated on the 5 entire set of electronic records without their 6 associated digital signatures. 7 Mr. Chairman, as we MR. SMITH: 8 pointed out, this clause and regulation is 9 prefaced by a "should." 10 So this is a "should" requirement. 11 It is not a "mandatory" requirement. We take 12 exception to the fact that it is an exception, 13 although we do not disagree with NJIT's 14 finding. 15 We do save the electronic 16 signature or digital signature of the 17 electronic records, as a whole, when polls are closed; but this is a "should" requirement, 18 19 not "mandatory" requirement. 20 CHAIRMAN WOODBRIDGE: Let me take 21 it one step further. 22 If the Committee were to find that 23 it would be desirable to ensure there is a 24 digital signature for each electronic record,

is that something you could do?

25

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1
                 MR. SMITH: Yes, sir. We can do
2
     it.
3
                 CHAIRMAN WOODBRIDGE: I think you
4
     testified yesterday that for the Advantage, it
5
     is available for that system.
6
                 MR. SMITH: For the Advantage, it
7
     is in testing, as I testified to yesterday.
8
                 CHAIRMAN WOODBRIDGE:
                                        Is it in
9
     testing at this state for the Edge machine?
10
                 MR. SMITH: No, not for the Edge
11
    machine.
12
                 CHAIRMAN WOODBRIDGE:
                                        Does the
13
     Committee have any additional questions on
14
    digital signature?
15
                 (No response.)
16
                                        All right.
                 CHAIRMAN WOODBRIDGE:
17
                 B. DRE Electronic Records, 3, the
18
     electronic ballot image records shall be able
19
     to be exported for auditing or analysis or
20
     standards-based and/or COTS (commercial
21
    off-the-shelf) information technology
2.2
     computing.
23
                 Could you respond to that, Mr.
24
     Smith?
25
                 MR. SMITH: Yes, sir.
```

1	WinEDS is a totally certified and
2	WinEDS system, for which you can use to get
3	the ballot images out of the Edge system.
4	It is also allowable through the
5	Edge device that you can attach a printer to
6	the back and using menu commands have it print
7	out the ballot images on paper.
8	COMMITTEEMAN FLEMING: That is, if
9	a second printer in place?
10	MR. SMITH: Yes, sir.
11	COMMITTEEMAN FLEMING: So there is
12	another port?
13	MR. SMITH: I believe you can
14	utilize a second port that is in the back. I
15	am not entirely versed in that.
16	CHAIRMAN WOODBRIDGE: Section A
17	underneath there, says, The exported
18	electronic ballot image records shall be in a
19	publicly available, non-proprietary format.
20	MR. SMITH: They are available in
21	txt files, simple text files.
22	CHAIRMAN WOODBRIDGE: The top of
23	page 7, is the section, B.3.(b).
24	The records should and I note
25	it is also the subject of an exception by

1	NJIT. And that portion reads, The records
2	should be exported with a digital signature,
3	which shall be calculated on the entire set of
4	electronic records and their associated
5	digital signatures.
6	The comments from NJIT read, The
7	DRE does not generate a digital signature for
8	each electronic record of an accepted paper
9	record. It does generate a digital signature
10	for the entire set of electronic records.
11	This is calculated on the entire set of
12	electronic records without their associated
13	digital signatures.
14	MR. SMITH: I once again want to
15	state this is a reference to "should," not
16	"mandatory"; however, we did comply with it.
17	CHAIRMAN WOODBRIDGE: Does NJIT
18	have any comments or elaborations on this
19	issue.
20	MR. DARER: No. It's the same
21	discussion, as mentioned before.
22	CHAIRMAN WOODBRIDGE: Okay.
23	Thank you.
24	Does the Committee have any other
25	comments on this issue?

2	
	The voting system vendor shall
3 p:	rovide documentation about the structure of
4 t]	he exported ballot image records and how
5 t	hink shall be read and processed by software.
6	Did you indicate they were txt
7 f:	iles is that right? or pdf?
8	MR. SMITH: They are txt files and
9 w	e provided that information.
10	CHAIRMAN WOODBRIDGE: And you
11 p:	rovided that information.
12	Is it, by chance, in part of the
13 t	hat large pile of documents?
14	MR. SMITH: Sir, I am not sure of
15 w	hat is part of your large pile of documents
16 s	o I can't answer that.
17	CHAIRMAN WOODBRIDGE: But you do
18 h	ave documentation?
19	MR. SMITH: That is correct. We
20 h	ave already provided that to the Attorney
21 G	eneral's office.
	CHAIRMAN WOODBRIDGE: Okay.
22	
22	Section D, The voting system
23	Section D, The voting system endor shall provide a software program that

1	and that may include other capabilities; such
2	as, providing vote tallies and indications of
3	undervotes.
4	MR. SMITH: Yes, sir.
5	As I mentioned earlier, the
6	WinEDS, the election management software.
7	CHAIRMAN WOODBRIDGE: I believe,
8	I'm correct, I think the Committee has
9	actually seen the WinEDS program a couple of
10	years ago.
11	MR. SMITH: Yes, sir.
12	CHAIRMAN WOODBRIDGE: Section E,
13	The voting system vendor shall provide full
14	documentation of procedures for exporting
15	electronic ballot image records and
16	reconciling those records within the paper
17	records.
18	MR. SMITH: Yes, sir. We have
19	provided those.
20	CHAIRMAN WOODBRIDGE: Okay.
21	The next section, C. Voting with a
22	VVPRS; 1. LPS shall promulgate for voters
23	instructions on how to use the VVPRS.
24	(a), The VVPRS vendors shall
25	provide, in plain language, any reference

1 material requested by LPS to aid in the 2 preparation of VVPRS instructions. instructions shall be issued to each county 3 4 board of election for board-worker training. 5 I believe some of the materials 6 you provided, in fact, do that; is that 7 correct? 8 MR. SMITH: That is correct. We 9 provided board-worker operational manuals, machine manuals and the like. 10 11 CHAIRMAN WOODBRIDGE: I believe I 12 saw one of those in the materials that was 13 given to us. 14 (b) Instructions for use of a VVPRS shall be made available prior to an 15 election on the Division of Elections' website 16 17 and shall be available to the voter at the 18 polling place on an election day. 19 I guess that is really up to the 20 Division of Elections. 21 (c) Prior to an election, the 22 county commissioners of registration will 23 provide demonstration machines at convenient 24 locations throughout the county for voter 25 education purposes.

1 And I'll ask Mr. Smith, can these 2 machines be set up for demonstration purposes? 3 MR. SMITH: Yes, sir; they can, 4 just as we saw here. 5 CHAIRMAN WOODBRIDGE: Is that the 6 only way that a voter gets to be trained on 7 these machines? 8 MR. SMITH: That's really up to 9 the jurisdiction, sir. We can certainly help 10 them provide from the warehouse inventory 11 equipment for demonstration purposes. How the 12 jurisdiction uses it, I've seen many different 13 ways. 14 CHAIRMAN WOODBRIDGE: Do you 15 provide any host materials or any additional 16 material with regard to basic instructions? 17 MR. SMITH: We do provide basic 18 However, the counties across the materials. 19 country will take our basic materials and then 20 transform them in many cases and add to them 21 to comply with state laws, local customs or 2.2 their laws or traditions so it suits their 23 needs. 24 CHAIRMAN WOODBRIDGE: (d) The 25 instructions for performing the verification

1 process shall be made available to the voter 2 on a location inside the voting machine. Where feasible, the instructions shall also be 3 4 on the machine ballot face. 5 MR. SMITH: Mr. Chairman, if 6 you'll notice, you can see it from where 7 you're sitting. On the right hand side of the 8 Edge, there is a pocket, jurisdiction pocket 9 in place, instruction materials in those 10 pockets, foreign language voting instructions; 11 and, thus, we comply with this regulation. 12 CHAIRMAN WOODBRIDGE: I think it's an observation maybe, too, that the screens 13 14 also include instructions on a step-by-step 15 basis as one goes through the process; is that 16 correct? 17 MR. SMTTH: That is correct. And 18 those messages are configurable by 19 jurisdiction. 20 CHAIRMAN WOODBRIDGE: Okay. 21

C. Voting with a VVPRs, paragraph 2, Voter privacy shall be preserved during the process of recording, verifying and auditing ballot selections. This includes a voter who uses an audio-voting device. Voters using an

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1 audio-voting device shall also be able to 2 verify votes privately and independently. 3 We heard today a speaking 4 demonstration with the audio device. 5 Now, when an individual uses it, 6 how do they use it so that it's done 7 privately? 8 MR. SMITH: Well, sir, once the 9 voter, if they require assistance, gets 10 started, and gets into the ballots, they need 11 no further assistance from a poll worker or an 12 assistant that they bring. 13 CHAIRMAN WOODBRIDGE: What is to 14 prevent the public from hearing what the 15 individual hears? 16 MR. SMITH: We supply headphones 17 to be plugged into the audio headset box. CHAIRMAN WOODBRIDGE: 18 And it is 19 your contention that once that person, who may 20 be visually impaired goes in there, that 21 person doesn't need any further assistance; is 2.2 that fair? That is correct. 23 MR. SMITH: 24 can get help from the help menu and the audio 25 script helps to guide them through the process

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1
     to cast their ballot.
2
                 CHAIRMAN WOODBRIDGE:
                                         Thank vou.
3
                 Does anybody have any further
4
     questions?
5
                 I did note that this was one of
6
     the exceptions noted by NJIT.
7
                 Does NJIT wish to comment on this
8
    portion?
9
                 MR. DARER:
                              No.
10
                 CHAIRMAN WOODBRIDGE: No; thank
11
    you.
12
                 At the top of page 8, continuing
13
    paragraph C, Voting with a VVPRS, paragraph 3,
14
     In any election where the ballot contains a
15
     language in addition to English, the paper
16
     record shall be produced in all such
17
     languages.
18
                 MR. SMITH: Yes, sir.
19
                 It is based on the language
20
     selection by the voter.
21
                 CHAIRMAN WOODBRIDGE:
                                        (a) To
2.2
     assist with manual auditing, candidate names
23
     on the paper record shall be presented in the
24
     same language as used on the DRE summary
25
     screen.
```

1	MR. SMITH: Yes, sir; that will
2	also be in the language selected by the voter.
3	CHAIRMAN WOODBRIDGE: Which, I
4	believe, is how we actually saw the
5	demonstration; is that correct?
6	MR. SMITH: That's correct.
7	CHAIRMAN WOODBRIDGE: (b) The
8	information on the paper record not needed by
9	the voter to perform verification shall be in
10	English.
11	MR. SMITH: Yes, sir; that is
12	correct.
13	CHAIRMAN WOODBRIDGE: Four, The
14	privacy of voters whose paper records contain
15	an alternative language shall be maintained.
16	MR. SMITH: An alternative
17	language can be selected in private after the
18	machine has been activated. There is no
19	disclosure from the voter to an external party
20	that they selected an alternative language and
21	how they voted.
22	CHAIRMAN WOODBRIDGE: Out of
23	curiosity, if, let's say, somebody comes in
24	and they're Hispanic and they vote and
25	everything is in Spanish, when the ballot is

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1
    printed out, is there any Spanish in the
2
    ballot?
3
                 MR. SMITH: Yes, sir; there is.
4
                 For instance, president is
5
    presidente.
6
                 CHAIRMAN WOODBRIDGE:
                                        Right.
7
                 MR. SMITH:
                              The instructions in
8
     the header language that you see, election
9
    generale.
10
                 CHAIRMAN WOODBRIDGE:
                                        So, for
11
     example, if a Hispanic voter comes in right
12
    after me, right after an English-speaking
13
    voter, you can tell it is a Hispanic voter
14
     that voted in that particular ballot.
15
                 MR. SMITH: If you reviewed the
16
     tape, but that voter would not be able to
17
    tell, no.
18
                 CHAIRMAN WOODBRIDGE:
                                        When a
19
     Spanish-speaking voter votes, the paper ballot
20
     is printed in Spanish; is that right?
21
                 MR. SMITH: The portions of it
2.2
     associated with contest names, yes.
23
                 CHAIRMAN WOODBRIDGE: So when you
24
     get finished at the end of the day, you have
25
    ballots with some Spanish in them.
```

1	Yes?
2	Is that right?
3	MR. SMITH: The contest names,
4	yes.
5	CHAIRMAN WOODBRIDGE: Okay.
6	Five, The paper records shall
7	distinguish between accepted and non-accepted
8	ballots.
9	We did have a specimen here with
10	two spoiled ballots and the word "voided" at
11	the bottom of the two spoiled ballots and the
12	word "accepted" at the end of the last paper
13	ballot with the barcode.
14	Do you want to respond to this?
15	MR. SMITH: No, sir. It is marked
16	clearly what has been accepted and what has
17	been not.
18	CHAIRMAN WOODBRIDGE: 5(a), The
19	voter shall have the opportunity to accept or
20	reject the contents of his or her paper
21	record.
22	And there was a comment from NJIT,
23	Exception No. 2. Again, I hope I'm not
24	sounding too repetitive, but the comment from
25	NJIT related to the issue of the third paper

1 record, once the voter presses the "cast 2 ballot" button to cast the ballot, the paper 3 record is printed, but is only reviewable by 4 the voter for a few seconds, and then advances 5 to the storage reel. There is not enough time 6 for the voter to verify the selections on the 7 third paper record. 8 Any further comments from NJIT on 9 that exception? 10

MR. DARER: No, nothing to add.

CHAIRMAN WOODBRIDGE: Thank you.

Mr. Smith?

MR. SMITH: We have nothing

14 further to add.

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2.2

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CHAIRMAN WOODBRIDGE: Two, and this is also part of Exception No. 2 from NJIT, Before the voter causes a third and final paper record to be printed, the voter shall be presented with a warning notice on the machine that the selections on the DRE will be final. The voter will see and verify a printout of the votes, but will not be given additional opportunities to change any vote. The third ballot cast shall constitute the final and official ballot of such a voter.

1 Again, NJIT's comments relate back 2 to this Exception No. 2. 3 Mitch, are you comments still the 4 same? 5 MR. DARER: They are. 6 CHAIRMAN WOODBRIDGE: Thank you, 7 sir. 8 Mr. Smith. 9 MR. SMITH: We submit that the 10 Board saw this picture warning notice and, in 11 fact, saw that not only is there a warning 12 notice, but a button that the voter must press 13 to get past that warning before they can enter 14 the ballot the third and final time. We would 15 state that we are in compliance with the 16 regulations. 17 Thank you. CHAIRMAN WOODBRIDGE: 18 Three, Upon rejecting a paper 19 record, the voter shall be able to modify and 20 verify the sections on the DRE without having 21 to reselect all choices in all contests on the 2.2 ballot. 23 MR. SMITH: And the machine is 24 configured in that manner. You can change one 25 or all, anything you want.

1 CHAIRMAN WOODBRIDGE: Okay. 2 Four, if a mechanical error in recording or printing a paper record occurs, 3 4 the record shall be counted as a spoiled paper 5 record. It will not be counted as one of the 6 voter's three attempted votes. 7 MR. SMITH: And until the printer 8 confirms back to the base unit that the 9 printing is complete, the voter spoilage count 10 is not implemented. 11 CHAIRMAN WOODBRIDGE: Again, I 12 note for the record that two of the three votes that we have been shown include that 13 14 they are voided. 15 On paragraph 5, top of page 9, The 16 VVPRS shall be designed to indicate the paper 17 record which the voter has identified and cast 18 as her or her official ballot. 19 MR. SMITH: Yes, sir. We do so 20 through the accepted versus the voided 21 notation and the printed barcode; that is the 2.2 notation. 23 CHAIRMAN WOODBRIDGE: All right. 24 Thank you. 25 Section V, Security and

1 Reliability, A, The VVPRS shall not be 2 permitted to externally communicate with any 3 system or machine other than the voting system 4 to which it is connected. 5 Now, I do recall you said that the machine can also be connected to a printer; is 6 7 that correct, an additional printer? 8 MR. SMITH: That is correct, but 9 that is the base unit, not the VVPRS. 10 CHAIRMAN WOODBRIDGE: So, in other 11 words, that's the DRE and not the VVPRS; is 12 that correct? 13 MR. SMITH: That is correct. 14 CHAIRMAN WOODBRIDGE: B, The VVPRS 15 shall only be able to function as a printer; 16 it shall not contain any other services (e.g., 17 copier or fax functions) or network capability. The printer shall not contain any 18 19 component with an external communication 20 feature. 21 MR. SMITH: The system is 2.2 compliant with that. It can only -- the VVPRS 23 can only be a printer and it has no external 24 communication abilities. It has no wireless. 25 There are no external communication features.

1 CHAIRMAN WOODBRIDGE: C, The paper 2 path between the printing, viewing and storage of the paper record shall be protected and 3 4 sealed from access, except by election 5 officials authorized by each county 6 commissioner of registration. 7 And as we see with the MR. SMITH: 8 cartridge design, the entire paper path is 9 protected. 10 CHAIRMAN WOODBRIDGE: D, All 11 cryptographic software in the voting system 12 shall be approved by the U.S. Government's 13 Cryptographic Module Validation Program, if 14 applicable, prior to being certified in 15 New Jersey. 16 MR. SMITH: The shop tickets that 17 are used to generate the digital signatures is approved in several manifestations and 18 19 products by the U.S. Government's 20 Cryptographic Module Validation Program. 21 As stated in the past, the CMVP 22 does not certify or approve use in embedded 23 systems. They only do end cryptographic 24 solutions. They only approve a certified 25 end-to-end cryptographic solutions.

1 So those of us using these types 2 of algorithms in an embedded system whether it be a medical device, the space shuttle or a 3 4 voting machine, they approved only the 5 algorithms and not the application. CHAIRMAN WOODBRIDGE: So I think 6 7 you're telling us that the cryptographic 8 scheme you use is not necessarily CMVP 9 approved; is that correct? 10 MR. SMITH: The algorithm is. 11 CMVP approves cryptographic 12 packages that are so-called shrink wrapped. 13 We're running an embedded system that you can 14 buy off the shelf. The algorithm that forms 15 the core of that approved shrink-wrapped 16 algorithm is exactly the same as what you 17 would find in the machine. However, it is 18 embedded and it becomes part of the voter 19 machine's software/firmware code and then is 20 compiled and placed in the machine and is in 21 there and performs the function just the same 22 as the shrink-wrapped version that is indeed 23 approved. 24 There are millions of different 25 ways that people take these single items and

1 put them into their home products, whether 2 that be a medical device, the space shuttle, 3 voting machines, ATMs; that's why the CMVP 4 does not approve of anything other than the 5 small number of shrink-wrapped end-to-end 6 cryptographic solutions. 7 CHAIRMAN WOODBRIDGE: D.1., As 8 stated in the discussion portion of Section 7.9.3 of the United States Election Assistance 9 Commission draft criteria for "Voter 10 11 Verifiable Paper Audit Trail Requirement, 12 "There may be cryptographic voting schemes 13 where the cryptographic algorithms used are 14 necessarily different from any algorithms that 15 have approved CMVP (Cryptographic Module Validation Program) implementations, thus 16 17 CMVP-approved software should be used when feasible, but is not required. 18 19 CHAIRMAN WOODBRIDGE: Section No. 20 2 says, The vendor shall provide a 21 certification of CMVP approval, if applicable. 22 If not applicable, the vendor shall provide a 23 certification setting forth the reasons why

And I believe yesterday, with

CMVP approval does not apply.

24

25

1 regard to the Advantage, you said that does 2 not apply with regard to the Advantage. 3 MR. SMITH: That's correct. And 4 we sent an analogous letter with regard to the 5 Edge. 6 CHAIRMAN WOODBRIDGE: So both 7 machines act on a similar certification standard; is that correct? 8 9 MR. SMITH: To the Attorney 10 General. 11 CHAIRMAN WOODBRIDGE: Paragraph 12 V.E, and I note there is also an Exception No. 8 here. 13 14 It says, The printer shall be 15 connected to the voting machine either by 16 completely concealing the printer connection 17 or via a security tag to prevent tampering. Exception No. 8 said, The cable 18 19 connectors (of the printer cable and power 20 cord) of the voting machine are exposed 21 without any protection. 22 I believe we did see an exposed 23 power cord. I don't recall whether we saw an 24 exposed printer connection. 25 Mitch, I'm going to ask you, the

1	exception is both to the power cord and the
2	printer connection that are exposed; is that
3	correct?
4	MR. DARER: Yes.
5	As we can see on these
6	(indicated), they run from the unit back to
7	where they're connected. And they're in the
8	same little conduit until the very end where
9	they're connected so they're both exposed for
10	cutting or removing.
11	CHAIRMAN WOODBRIDGE: Thank you
12	very much.
13	MR. SMITH: To the end of
14	compliance with the regulation, we recommend
15	that jurisdictions utilize the adhesive tape,
16	tamper-evident seals to prevent someone from
17	unplugging the data and cable lines from the
18	base unit going up to the VVPRS.
19	CHAIRMAN WOODBRIDGE: All right.
20	How difficult would it be to
21	modify the equipment so that the power cables
22	and the data connection cables were not
23	exposed?
24	MR. SMITH: I am sure our
25	mechanical engineers could develop some sort

1 of a door or shroud to retrofit to the units. 2 It, once again, would need to be sealed with a 3 tamper-evident seal. 4 CHAIRMAN WOODBRIDGE: The DRE F, 5 shall detect and notify the election officials 6 at the polling place of any errors and 7 malfunctions; such as, paper jams or low 8 supplies of consumables(e.g. paper) that may prevent paper records from being correctly 9 10 displayed, printed or stored. 11 And there is a comment from NJIT. 12 It says, quote, A mechanical error or 13 malfunction of the VVPRS does not prompt any 14 error message or warning, but "freezes" the 15 system. 16 Mitch, I take it that what happens 17 is that the system just freezes up; is that 18 correct? 19 MR. DARER: The one situation that 20 does show an error message is low paper. 21 Everything else, we found it just stops. 2.2 that may be an indication that something is 23 wrong, but not a clear indication. 24 CHAIRMAN WOODBRIDGE: Thank you. 25 Mr. Smith.

MR. SMITH: We assert that while the error message or warning signal can certainly be improved, that it does fit in with the regulation for the unit detects in and of itself and it notifies the election officials, in this case, by stopping, if there is a paper jam. Low supplies, as Mitch just pointed out, do give a particular warning. If there is any sort of jam, any issue with the printer someone would by chance disconnect it, it does stop. That is something that we can improve upon.

2.2

CHAIRMAN WOODBRIDGE: I think what Mr. Darer had also alluded to was the next section, which actually probably should have been read in conjunction with the last paragraph, and that reads, G, If a mechanical error or malfunction error occurs (such as, but not limited to, a paper jam or running out of paper) DRE and VVPRS shall suspend voting operation, not record any votes and present a clear indication of the malfunction to the voter and election officials.

I believe it is Mr. Darer's contention that there appears to be just one

1 error message; is that correct? 2 If the malfunction is MR. DARER: 3 low paper, there is an error message that 4 says, "low paper." If the malfunction is 5 something else, the system stops and no 6 message or signal is given. 7 MR. SMITH: Once again, I would --8 CHAIRMAN WOODBRIDGE: One of the 9 real-life examples would be, what if you had a 10 paper jam. 11 If you have a paper MR. SMITH: 12 jam, the machine stops. 13 CHAIRMAN WOODBRIDGE: How do you 14 know if the machine freezes up that the paper 15 jam is causing it. 16 MR. SMITH: You don't necessarily 17 know, other than perhaps through experience. CHAIRMAN WOODBRIDGE: 18 Howdifficult would it be for the vendor to -- I 19 20 can't think of the word used yesterday, but to 21 better differentiate through the different 2.2 classes of errors that the machine has in 23 terms of a signal back to the poll worker? 24 MR. SMITH: We do at this point 25 give jurisdictions troubleshooting checklists

that have the top three available reasons why
the system would freeze up.

And as you may realize, it is typically going to be a paper jam before anything else; that is typically the case. Since it is a transportive paper device, there are going to be paper jams, if anything. However, they are extremely few and far between.

CHAIRMAN WOODBRIDGE: One of the interesting characteristics of the machine we see is that, as opposed to on the Advantage where the cover over the magazine paper is clear, I believe the cover over the roll here is completely opaque.

I assume, by doing this, you protect the integrity of the code, but one of the byproducts is you can't tell from the outside, at least, if a mechanical error or malfunction would be from a paper jam or not. And that -- so I'm just concerned about how hard it is going to be if there is a freeze up to get it fixed in a timely manner.

Let me see if I can go back on the subject again and ask again how difficult it

1 would be to provide error messages that 2 provided more information, other than on a 3 paper level to the poll workers who have to 4 maintain these things under somewhat strenuous 5 conditions sometimes. MR. SMITH: Mr. Chair, I'm not 6 7 sure of that. I guess I'm not that familiar 8 with that level of detail of the system 9 architecture and its ability to detect 10 mechanical error or malfunctions that may 11 occur. 12 CHAIRMAN WOODBRIDGE: As I recall, Mr. Callan (ph), who is not here today, who, 13 14 obviously, has other important things to do, I 15 assume that he is one of the technical people. 16 Is it possible for us to be 17 provided with some response to that issue. 18 Yes, sir; we can. MR. SMITH: 19 CHAIRMAN WOODBRIDGE: I appreciate 20 that very much. 21 Mr. Fleming. 2.2 COMMITTEEMAN FLEMING: If you were 23 to have a paper jam or other error, what is 24 your recommendation to the county or the 25 election official to do; do you just spoil

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1
    that vote and go over to another machine while
2
    you take care of the issue?
3
                 MR. SMITH:
                             That is correct.
4
                 COMMITTEEMAN FLEMING: So that
    would be the standard procedure of doing it,
5
6
    so you don't leave that voter hanging half
7
    voted, half not voted.
8
                 MR. SMITH: Yes; that's correct.
9
    And it also depends on where the voter is in
10
    the process. If they are at the point of
11
    printing, then, of course -- I guess you could
12
    indeed spoil that voter's ballots after you
13
    got the printer restored back to operation, so
14
    I guess anywhere in the voting process you
15
    could do it.
16
                 COMMITTEEMAN FLEMING:
                                         What
17
    happens if they already hit the button and
18
    said, Cast vote?
19
                 MR. SMITH: Well, then that
20
    program is done.
21
                 COMMITTEEMAN FLEMING: But it is
2.2
    not seeing the vote.
23
                 MR. SMITH: But you don't cast the
24
    vote until you use the paper.
25
                 COMMITTEEMAN FLEMING: Not on the
```

1 third try. 2 MR. SMITH: Not on the third try; 3 so in that case, you would have to fix the 4 printer. 5 Obviously, at that point, looking to another machine is not feasible in order to 6 7 comply with the statute so you repair the 8 printer and let it complete and show the voter 9 how they voted and then go on. 10 CHAIRMAN WOODBRIDGE: Any other 11 questions from the Committee? 12 COMMITTEEMAN MAHONEY: Not at this 13 time. 14 CHAIRMAN WOODBRIDGE: H, If the 15 connection between the voting machine and the printer has been broken, the voting machine 16 17 shall detect and provide notice of this event 18 and record it in the DRE's internal audit log. 19 The next sentence reads, Voting 20 operations shall be suspended and no votes 21 shall be recorded. 2.2 And we have a note from NJIT on 23 this that says, as follows: A printer 24 disconnection is not recorded in the DRE's

25

internal audit log.

1	MR. SMITH: Yes, sir; that is
2	correct. And our development people are
3	working to enhance the current feature.
4	CHAIRMAN WOODBRIDGE: Can you give
5	us an idea of how soon that issue might be
6	corrected?
7	Will it be available in time for
8	the State of New Jersey to use it in the next
9	couple elections in 2008?
10	MR. SMITH: Yes, sir. I believe
11	that is possible.
12	CHAIRMAN WOODBRIDGE: Do you have
13	any sense how soon that might be that you
14	might get that software correction?
15	MR. SMITH: I apologize. I'm
16	looking for I requested that information
17	earlier today. I am looking to see if I have
18	it.
19	CHAIRMAN WOODBRIDGE: You can
20	provide that to the Committee before the end.
21	Section I, If the voters's
22	selections on the DRE do not match the paper
23	record, then the DRE shall immediately be
24	withdrawn from service.
25	One, The affected voter shall be

able to vote on another voting machine, if available, or by emergency ballot.

I don't believe that requires a response from the vendor other than to note that NJIT testified that there was a good correspondence between the electronic vote cast and the paper factor that was produced.

J, The vendor shall provide to LPS documentation for the DRE and the VVPRS that includes procedures for the recovery of votes in cases of malfunction.

MR. SMITH: And we have preventative documentation.

CHAIRMAN WOODBRIDGE: The LPS shall be responsible for disseminating this information to the county commissioners of registration.

K, The vendor shall provide to LPS documentation for the DRE and the VVPRS that includes recommended procedures to enable the election officials to return a voting machine to workable status after the machine has malfunctioned, the printer needs to be replaced, or a voter has used it incompletely or incorrectly.

1 MR. SMITH: We have provided that 2 information to the Attorney General's office. 3 CHAIRMAN WOODBRIDGE: Paragraph 1 4 of that, These procedures shall not cause 5 discrepancies between the tallies of the 6 electric and paper records. 7 MR. SMITH: And they do not do 8 that. 9 CHAIRMAN WOODBRIDGE: Paragraph 2 10 underneath that, LPS shall be responsible for 11 disseminating this information to the county 12 commissioners of registration. 13 When I read over this paragraph, 14 maybe you can help me, it's not clear whether 15 the criteria is requesting documentation to 16 return the election machine to its working 17 condition during that election or sub subsequent to that election. 18 19 I don't know if anybody has any 20 sense about that, but the documentation you 21 provide, is it provided to return the machine 2.2 to workable condition within a single election 23 or is it --24 MR. SMITH: It is at any time, 25 Mr. Chair. It depends on the jurisdiction's

1 traditions and how they want to work their 2 procedures to whether they have remote fixes in the field or whether they let it off and 3 access it and fix it later. 4 5 CHAIRMAN WOODBRIDGE: Paragraph L, Vendor documentation shall include procedures 6 7 for investigating and resolving printer 8 malfunctions including, but not limited to, 9 printer operations, misreporting of votes, 10 unreadable paper records and process failures. 11 MR. SMITH: Yes, sir. We have 12 provided trouble-shooting manuals which cover 13 this. 14 CHAIRMAN WOODBRIDGE: M, it says, If a machine malfunctions or becomes 15 16 inoperable, voters will be entitled to vote by 17 emergency ballots. 18 And once again, as of MR. SMITH: 19 yesterday, I'm not familiar with local 20 procedures, perhaps Andy could speak to that 21 for us. 22 CHAIRMAN WOODBRIDGE: Just the 23 goal or statute that relates to the fact that 24

if you still operate, it requires that an

emergency box be placed on the machine that

1 can contain up to 30 emergency provision 2 ballots along with pencils and papers. 3 MR. WYNHAM: There is a place in 4 Salem County where they use the Edge right 5 now, as I mentioned yesterday. If nothing 6 changes with the VVPAT, everything is in 7 They actually deliver the ballots in a place. 8 sealed compartment in the actual ballot device 9 and only break that box in an emergency 10 condition. 11 CHAIRMAN WOODBRIDGE: So they 12 actually have that capability? 13 MR. WYNHAM: Associated with each 14 machine, yes, sir. 15 CHAIRMAN WOODBRIDGE: Thank you. 16 (Discussion off the record.) 17 CHAIRMAN WOODBRIDGE: Mr. Mahoney 18 brings up a good point; and that is, as we 19 have requested in the past, if you would not 20 mind providing us with a picture of one of the DRE's in that same county that has such an 21 2.2 attached box. 23 Moving over to the top of page 11, 24 Section VI, Certification, A -- subparagraphs 25 A, B and C really aren't relevant to the

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1
     inquiry here or related to vendors. Why don't
2
    we skip down to paragraph VI.C.1.
3
                 VI. Certification, C.1 says, The
4
    vendor shall provide to the State,
5
    electronically and in hard copy, all use and
    technical specifications and documentation
6
7
    relating to the function of the VVPRS.
8
                 MR. SMITH: We have provided
9
    those.
10
                 CHAIRMAN WOODBRIDGE:
                                        That's been
11
    done; okay.
12
                 Two, The vendor shall submit a
    certification that the VVPRS satisfies the
13
14
    State's criteria.
15
                 MR. SMITH: We provided that to
16
    the Attorney General's office.
17
                 CHAIRMAN WOODBRIDGE:
                                        Paragraph D,
18
    A VVPRS shall not at any time contain or use
19
    undisclosed hardware or software. The only
20
    components that may be used in the system are
21
    components that have been tested and certified
2.2
    for use in the State.
23
                 MR. SMITH:
                             There is no
24
    undisclosed hardware or software.
25
                 CHAIRMAN WOODBRIDGE:
                                        E, The
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vendor will be required to provide the source code for the DRE and the VVPRS to the State and/or to place such source code in escrow, to allow for independent testing by the State at its discretion. Upon request, the State will enter into a nondisclosure agreement with the vendor.

Just to refresh my memory with regard to Advantage, you told us that with regard to Advantage, you were in the process of negotiating the non-disclosure agreement.

What is the status with the Edge machine?

MR. ROMEI: Mr. Chairman, the status is the same. We have already one agreement providing for the source code in both machines. As I mentioned yesterday, we sent in what we believe to be the final draft of that to the Attorney General last week and we're awaiting the Attorney General's approval or further comments.

CHAIRMAN WOODBRIDGE: You might give us the status if you follow up with the Attorney General's office and try to find out by the end of the week what the status is.

1 Paragraph F, The vendor will be 2 responsible for the cost of any testing of the VVPRS that the State deems necessary to 3 4 achieve certification. 5 You don't need to respond to that. 6 G, Vendor documentation shall 7 include printer reliability specifications 8 including Mean Time Between Failure estimates 9 and shall include recommendations for 10 appropriate quantities of backup printers and 11 supplies. 12 MR. SMITH: Yes. We have provided 13 those systems to the Office of the Attorney 14 General. 15 CHAIRMAN WOODBRIDGE: The next 16 section under that is a definition, Mean Time 17 Between Failures, so I'm not going to read 18 that part of it. 19 The next major section, VII. 20 Pre-Election Procedures, A, A VVPRS's 21 components shall be integrated into the 22 existing local logic testing procedures 23 performed by county election officials, which 24 are performed in preparation for an election. 25 MR. SMITH: Mr. Chair, the

1 equipment is amenable to that when you perform 2 the pre-lat function of the component. 3 VVPRS operates in tandem with the base units 4 and you can verify that what you see on the 5 electronic screen and the paper and the script 6 that you voted do, in fact, all match, just 7 the same as NJIT did for their activities. 8 CHAIRMAN WOODBRIDGE: I should 9 have asked this question before because it 10 came up earlier this afternoon, but what does 11 the term "pre-lat" mean? It's short for 12 MR. SMITH: pre-election logic and accuracy testing. 13 14 The equipment has a pre-lat mode 15 and an official election mode and if we took 16 those, closed the polls and then reopened 17 them, the machine would open in official. 18 CHAIRMAN WOODBRIDGE: Thank you. 19 The next section, VIII. 20 Post-Election Procedures, certain paragraphs, 21 A, B, C do not really relate directly to the 2.2 vendor. 23 Paragraph D reads, In case the 24 machine cartridge becomes unreadable or is 25 damaged for an audit or recount, the county

1 commissioner of registration shall produce the 2 ballot image audit log from the machine. 3 vendor shall provide to LPS documentation 4 regarding the production of such audit log. 5 MR. SMITH: And we have provided that documentation. 6 7 CHAIRMAN WOODBRIDGE: E, The paper 8 record shall be created such that its contents 9 are machine readable for purposes of any 10 recount, audit or initial tallying of an 11 election in the event that the machine 12 cartridge containing the electronic record is 13 not usable. 14 MR. SMITH: And, indeed, those are 15 machine readable. 16 CHAIRMAN WOODBRIDGE: Paragraph 1 17 beneath that says, The paper record shall 18 contain error-correcting codes for the purpose 19 of detecting read errors. This may be done by 20 barcode. 21 I believe we already went through 2.2 that section before. 23 (Discussion off the record.) 24 CHAIRMAN WOODBRIDGE: Mr. Fleming 25 reminds me that I'm not as smart as I thought

1 We jumped over paragraph F, which I I was. 2 crossed out yesterday because it related to 3 continuous spool. 4 Paragraph F, If a county employs a "Continuous Spool" VVPRS, it shall conduct any 5 audit or recount in accordance with the 6 7 procedures established by LPS to fully protect 8 the secrecy of all votes cast. Such 9 procedures may include, but not be limited to, 10 cutting the spool-to-spool paper roll into 11 individual paper records and restricting 12 public access to the uncut paper roll. I don't think that's -- that's 13 14 more of a procedural thing. 15 Paragraph G, The vendor shall 16 provide to LPS written procedures to identify 17 and resolve any discrepancy between an 18 electronic record and its corresponding paper 19 record. LPS shall be responsible for 20 disseminating this information to the county 21 commissioners of registration. 22 MR. SMITH: And we have provided 23 those procedures. 24 CHAIRMAN WOODBRIDGE: Thank you. 25 And last, but not least, as part

1 of the criteria, H, The vendor shall provide 2 written procedures for determining what 3 constitutes clear evidence that a paper record 4 is inaccurate, incomplete or unreadable. 5 LPS shall be responsible for disseminating this information to the county commissioners 6 7 of registration. 8 MR. SMITH: As you mentioned 9 yesterday, Mr. Chair, some of that is 10 self-evident on the tape; but in some 11 instances, as we pointed out earlier, there is 12 an "end" bar that is human readable, such things constitute clear evidence that the 13 14 record is incomplete, if that is not there. 15 CHAIRMAN WOODBRIDGE: Give me a 16 second. 17 We walked through the formal I did have one or two other 18 criteria. 19 questions to ask. 20 Could you refresh our memories and 21 tell us again, what states those machines are 2.2 certified in and who we have copies of? 23 believe we have copies of documents from 24 Louisiana and California.

Are there any other states so far?

1	MR. SMITH: The Edge 1 without
2	VVPAT is also certified in Detroit.
3	CHAIRMAN WOODBRIDGE: I believe
4	you indicated it is also used in Colorado or
5	is that the Edge 1 versus Edge 2.
6	MR. SMITH: The Edge 2 is used in
7	Colorado; the Edge 1 is used in New Jersey.
8	CHAIRMAN WOODBRIDGE: So correct
9	me if I'm wrong, there are four states that
10	currently use either Edge 1 or Edge 2,
11	California, Florida, Nevada and Louisiana?
12	MR. SMITH: No, sir. There are
13	additional states that utilize the Edge and
14	its successor-generation product, the Edge 2
15	Plus. I am strictly confining my comments to
16	the Edge 1 with VVPAT since that is the
17	configuration that is seeking consideration.
18	CHAIRMAN WOODBRIDGE: Could you
19	describe ITA, Independent Testing Authority
20	documentation?
21	Has that been provided to the
22	Committee?
23	MR. SMITH: Yes, sir.
24	We have provided the extreme
25	reports from Wyle Laboratories, which has been

1 a laboratory of record for the Edge 1 product 2 and the Edge 1 system describing the hardware that you see and the incremental minor changes 3 4 to the firmware from that initial baseline. 5 CHAIRMAN WOODBRIDGE: Does the 6 Committee have any other questions that it 7 would like to pose to the vendor? 8 COMMITTEEMAN MAHONEY: Yes. I do 9 I have two. Yes. 10 Earlier you stated that some of 11 the counties opt to use multiple Edge voting 12 machines. 13 Can you just tell me the cost of 14 an Edge voting machine? 15 MR. SMITH: I do not have that 16 information. There is a negotiated state 17 statement for New Jersey that we could all go 18 look it up, but I do not know off the top of 19 my head. 20 COMMITTEEMAN MAHONEY: Also, you 21 stated earlier that you can change the whole 22 printer unit during an election, put another 23 one on for the election. 24 Would you know the cost of the

printer unit with the paper roll in it?

1	MR. SMITH: No, sir, I don't.
2	Once again, it's on the negotiated state
3	statement.
4	COMMITTEEMAN MAHONEY: Okay.
5	Thank you.
6	CHAIRMAN WOODBRIDGE: Mr. Fleming.
7	COMMITTEEMAN FLEMING: No
8	questions.
9	MR. ROMEI: Mr. Chairman, there is
10	one point we would like to get on the record.
11	Frankly, there was a question
12	asked concerning whether any of these devices
13	contain radio frequency components, which
14	would allow anybody to communicate with them
15	or network with them during an election.
16	I would like Mr. Smith to comment
17	on that one issue.
18	CHAIRMAN WOODBRIDGE: Certainly.
19	And if there are any other incomplete answers
20	that you believe are necessary to supplement
21	the responses to, this is a good time to
22	provide them.
23	Mr. Smith.
24	MR. SMITH: Thank you,
25	Mr. Chairman.

1	In response to the question, there
2	are no wireless components or devices in
3	either of the two products in consideration.
4	There is no method for them to communicate
5	over the air waves because they simply don't
6	have that capability.
7	CHAIRMAN WOODBRIDGE: Okay.
8	Thank you.
9	This might be a good time to take
10	a break. I do believe we have a sign-up sheet
11	for people who might want to speak with regard
12	to public comment, but since we have a small
13	audience, I assume that Penny and Flavio, you
14	want to make comments?
15	PROFESSOR VENETIS: Yes.
16	MR. KOMUVES: Yes, Mr. Woodbridge.
17	CHAIRMAN WOODBRIDGE: Does anybody
18	else in the room here want to make a comment
19	during the public presentation part?
20	(No response.)
21	CHAIRMAN WOODBRIDGE: Why don't we
22	take a short break and come back here at 3:30
23	and resume with the public comment portion of
24	the hearing.
25	Thank you.

1	(Recess: 3:19 p.m. to 3:34 p.m.)
2	CHAIRMAN WOODBRIDGE: Okay.
3	We're going back on the record for
4	the last part of our hearing today.
5	Flavio, if you would do the honors
6	of introducing yourself for the court reporter
7	and the record.
8	We look forward to your comments.
9	MR. KOMUVES: Thank you,
10	Mr. Chairman.
11	Flavio Komuves, Deputy Public
12	Advocate.
13	Mr. Chairman, I did have a few
14	question, which for both Sequoia and the NJIT
15	reps., which I'll direct through you, if
16	that's okay.
17	CHAIRMAN WOODBRIDGE: Can I ask
18	you a question, first?
19	Do you have anything in the way of
20	comments or statements you want to make before
21	you ask your questions?
22	Because we need to get those out
23	of the way.
24	MR. KOMUVES: Some of the
25	statements that I am going to make will depend

upon the answers that I receive so I'll be glad to make a statement first and then go to questions, but some of what I have to say is going to depend on those answers.

CHAIRMAN WOODBRIDGE: Let me just remind everybody, too, just for good housekeeping purposes that the Committee here is focused only on the issue of whether this particular machine, the Edge meets the New Jersey criteria and anything that goes significantly beyond that really doesn't help us in that decision. I am sure I don't need to remind you of that.

With that nano admonition, please go ahead.

MR. KOMUVES: Sure.

I think all of my questions will be within that framework, but the first thing that I'm still trying to understand is that the testimony was that NJIT performed a test of what we're calling a 1200 vote test, which, as I understand it, included commanding the machines to cast 1200 votes and to see what happened as a result of that test.

What I am trying to get my head

1	around is how the machines, how the voting
2	machine, the Edge today, the Advantage
3	yesterday were commanded to do those votes;
4	was it a computer that was plugged into the
5	voting machines or what?
6	Having read the reports, I'm still
7	not clear on how that happened.
8	CHAIRMAN WOODBRIDGE: The first
9	thing I would ask is I assume the question
10	should be directed to NJIT; do you agree?
11	MR. KOMUVES: Yes.
12	CHAIRMAN WOODBRIDGE: Mitch, do
13	you care to respond to the question?
14	PROFESSOR JAIN: There was a
15	scripted program that was read on the machine
16	which cast these 1200 votes so these were done
17	through a scripted program.
18	MR. KOMUVES: Just so I understand
19	this, the machine itself was programmed to run
20	these 1200 vote tests?
21	MR. DARER: Yes, it was. And it
22	was in pre-lat mode, which allows for that, if
23	I'm stating that correctly and that's not
24	possible in official election mode.
25	CHAIRMAN WOODBRIDGE: Mitch, I

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1
     would ask a question of follow up; namely, how
2
     long does it take for the machine to cast
     those 1200 votes?
3
4
                 Does it do it in the same time
5
     frame, for example, once every two minutes?
6
                 MR. DARER: Can we look that up or
7
     think on it?
8
                 CHAIRMAN WOODBRIDGE:
                                        Yes.
9
                 Is that okay with you, Flavio?
10
                 That was actually my question, but
11
     I think you got the answer you were looking
    for?
12
13
                 MR. KOMUVES: Yes.
                                      I, in fact,
14
    did.
15
                 The second question I have, which
16
     is also directed to NJIT, which is for you,
17
     and what I'll ask is this, is whether NJIT has
18
     any position one way or the other about
19
     whether the State's criteria, as given to
20
     them, represent a reasonable and
21
     scientifically valid, a reasonable and
2.2
     scientifically valid framework for determining
23
     the reliability and the usability and the
24
     security of the machines that they evaluated.
25
                 CHAIRMAN WOODBRIDGE:
                                        Before I
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1 hear from NJIT, I should remind the public 2 that the Committee itself is not taking any 3 position on that either because our purpose is 4 fairly narrow, but Mr. Darer, if you want to 5 respond, please feel free to respond. 6 MR. DARER: Would one of you 7 repeat the question? 8 It was a little hard to hear. 9 MR. KOMUVES: Certainly. 10 The question is whether NJIT takes 11 any position about whether the criteria that 12 you were given by the State represents to a 13 reasonable degree of scientific certainty a 14 valid means for testing the voting machines? 15 MR. DARER: No. We have no 16 position. That was not within the scope of 17 our project or what we were engaged to do. 18 CHAIRMAN WOODBRIDGE: Thank you. 19 MR. KOMUVES: Mr. Woodbridge, I 20 mentioned this yesterday, but I just want to make it clear for the record, again; which is, 21 2.2 that given the time frame that the public was 23 given to respond to these reports -- I realize 24 you've ruled that you're going to close the 25 record at 5:00 on Friday -- I just want to

1	note again, that I do take exception to that
2	because, among other things, the amount of
3	data that we need to evaluate and consult with
4	our experts on, it's just, in my view, not a
5	sufficient amount of time to fully respond to
6	that, so I just want to put that exception on
7	the record.
8	CHAIRMAN WOODBRIDGE: Your
9	comments are noted.
10	MR. KOMUVES: Thank you.
11	Now, there was testimony from the
12	folks from Sequoia before that they used this
13	program called WinEDS. And I just wanted to
14	know what version of WinEDS is used in
15	conjunction with the Edge and the Advantage
16	machines at this time, in this configuration.
17	CHAIRMAN WOODBRIDGE: Can you
18	answer that question?
19	I assume you're referring to the
20	machines that we looked at today and
21	yesterday?
22	MR. KOMUVES: Yes, sir.
23	MR. SMITH: We use Version
24	3.1.074. It is state certified and federally
25	certified.

1	MR. KOMUVES: And the state
2	certification, that was done last September in
3	2006?
4	CHAIRMAN WOODBRIDGE: You're
5	directing that to the Chair, but I will pass
6	that.
7	MR. KOMUVES: I apologize.
8	CHAIRMAN WOODBRIDGE: When was
9	that certification made. Do you know?
10	MR. SMITH: I was not in this
11	position at Sequoia at that time so I have no
12	
	knowledge.
13	CHAIRMAN WOODBRIDGE: I think the
14	answer was he has no knowledge of when it was.
15	MR. KOMUVES: Okay.
16	CHAIRMAN WOODBRIDGE: I would say
17	you could probably determine that through the
18	Secretary of State's records.
19	MR. KOMUVES: Okay.
20	And just so you understand, the
21	reason why I'm asking that is we identified a
22	report from an individual who attended the
23	hearing last September and she referred to the
24	WinEDS under certification as 3.1.073, which
25	may be different from 074, but that was part

1 of the exhibit though. 2 The next question I had, 3 Mr. Woodbridge, is there was testimony that 4 there is a federal certification in effect for 5 the Edge machine as configured with this 6 printer and with this printer driver. 7 The question I had was whether 8 that was to the 2002 DSS (ph) or 2005 DSB (ph) 9 standards. 10 11 CHAIRMAN WOODBRIDGE: Mr. Smith, 12 do you understand the question? 13 MR. SMITH: At the time that the 14 Edge 1 was certified federally, the labs were 15 not approved to test the '05 standards so it 16 was approved to the 2002 standards. 17 CHAIRMAN WOODBRIDGE: And if I could interrupt, Mr. Fleming has just pointed 18 19 out to me that on November 16th of 2006, the 20 Attorney General approved the WinEDS version 21 3.1.074, which was approved by this committee 2.2 apparently on November 14, 2006 according to 23 the spreadsheet that we were provided. 24 MR. KOMUVES: Excellent. I 25 appreciate that.

1 CHAIRMAN WOODBRIDGE: You're 2 welcome. 3 MR. KOMUVES: There has been some 4 testimony today about what happens with regard 5 to the -- if the voter rejects the first two 6 ballots and that you have then this third 7 ballot that comes up. 8 In the case of the Advantage, it 9 scrolls through it after, what I would 10 estimate is probably 4 or 5 seconds. There 11 has been some testimony that with regard to 12 the Edge, it would take about 18 seconds. 13 I'm trying to understand, I guess, 14 what is the remedy for the voter if even that 15 third piece of paper doesn't match the choices 16 that they made on the machines; or, is there a 17 remedy? 18 CHAIRMAN WOODBRIDGE: Let me make 19 sure I understand the question. 20 Is the question, what if your 21 electronic vote doesn't match the paper vote 2.2 on the third ballot or is your question if you 23 don't like the third vote that was cast? 24 MR. KOMUVES: It's a little bit of 25 both.

1 The question is: If the third 2 paper record is not what the voter intends to 3 cast, is there any remedy for that voter? 4 And it could be a -- and I'm not 5 saying because of a last-minute change of 6 mind, but because what is on that paper 7 doesn't match what is on the screen. 8 Is there any recourse or is there 9 any remedy for the voter to say, Hey, that 10 third piece of paper is not what I intended. 11 CHAIRMAN WOODBRIDGE: I think that 12 is way outside of what we, I think, or the 13 vendors are here to do today, except that it 14 is my understanding that New Jersey, like several other states, gives you three bites at 15 16 the apple and that's it. 17 MR. KOMUVES: Okay. Mr. Woodbridge, I think I have 18 19 probably only one or two other questions. 20 CHAIRMAN WOODBRIDGE: Sure. MR. KOMUVES: One is just to get a 21 22 sense of the Committee's future plans. 23 There has been some testimony here 24 that certainly with regard to the Advantage, 25 there are some adjustments to the software,

1 possibly the new version that might be issued 2 at some point in the next two or three months. 3 There has been some testimony that 4 there might be some adjustments to respond to 5 the exceptions of NJIT regarding the 6 Advantage. 7 My question is whether you're 8 intending to reconvene the Committee at some 9 point to look at those or if you've decided 10 that yet? 11 CHAIRMAN WOODBRIDGE: I don't 12 think we formally decided about how we're 13 going to decide, but especially after long 14 hearings like this, it takes us some time to 15 get our thoughts together. 16 Usually what happens is one of us 17 communicates with one of the others and says, 18 Well, this is what I see, and then, they say, 19 Well, this is what I see, and we all come to a 20 group hug and then give it to the Attorney General's office. 21 22 It's not much more sophisticated 23 And, frankly, there aren't any than that. 24 specific procedures that are designated.

The problem we're all facing, you,

the vendors and us is that we're on a very 1 2 tight time frame that unfortunately doesn't give us all of the time that we would all like 3 4 to be able to spend on this, but we're doing 5 the best we can and that's why I think we're 6 all here today. 7 MR. KOMUVES: I appreciate that 8 and I do appreciate your time, obviously, 9 looking at this very important issue. 10 CHAIRMAN WOODBRIDGE: You've 11 raised some good questions, too, and we 12 appreciate that, also. 13 MR. KOMUVES: Certainly. 14 And this one is more for -- I 15 guess this is really for Sequoia. And the 16 question or the testimony that came in before 17 is that a certification has been given to the 18 Attorney General that there is no undisclosed 19 software or hardware on this machine. I quess 20 I'm trying to figure out where the software or hardware is disclosed. 21 22 CHAIRMAN WOODBRIDGE: Let me make 23 sure I understand the question. 24 Are you asking whether there is a

statement that lists all the hardware or

1 software that is used by the machine; is that 2 right? 3 MR. KOMUVES: Yes. 4 I mean, the testimony is a 5 certification has been given to the AG that no undisclosed software or hardware exists. 6 7 I -- that certification says what it says. 8 haven't seen that. I -- there is testimony 9 that that has been given to the Attorney 10 General. 11 My question is: Where is the 12 disclosure? In other words, where is the 13 14 document that I can look at to see that this 15 is the disclosed software and hardware on the 16 machine? 17 CHAIRMAN WOODBRIDGE: T believe one of the questions that I will provide, try 18 19 to provide in short order asks whether or not 20 the re-documentation of the system has been 21 provided to the Attorney General's office. 2.2 I don't know to what extent, I 23 don't think anyone does, that all the 24 information is necessarily made public given 25 the proprietary nature of some of this

1	material, but I ask the representatives of
2	Sequoia if they can respond to the question
3	the best they can.
4	MR. SMITH: The reports submitted
5	to the Attorney General constitute our
6	disclosure, but then there are listings in
7	addition.
8	MR. KOMUVES: And, Mr. Woodbridge,
9	that was with regard to the Edge and the
10	Advantage?
11	CHAIRMAN WOODBRIDGE: Mr. Smith?
12	MR. SMITH: To both.
13	CHAIRMAN WOODBRIDGE: To both.
14	MR. KOMUVES: I thought the
15	testimony yesterday had been that the ITA
16	in looking at the Advantage, that the ITA is
17	presently looking at the Advantage that
18	includes this printer and this software driver
19	and that it has not completed that yet.
20	If I misunderstood, I would
21	appreciate that being clarified.
22	CHAIRMAN WOODBRIDGE: It is late
23	in the day, but are you referring to the Edge
24	today; is that what you're talking about?
25	MR. KOMUVES: I'm actually

referring to the Advantage because the
testimony that I understood yesterday is that
there hasn't been a Federal certification, as
of yet, of that Advantage with that printer
and with that software driver.

2.2

If I've misunderstood that testimony, if they could let me know, that would be great, but that a Federal certification of that device that DRE with that printer and that software driver is pending.

CHAIRMAN WOODBRIDGE: Just to go back a step. I believe that the procedures that we presently are going by, so-called voluntary standards I don't think it is a universal standard yet.

MR. KOMUVES: Right.

CHAIRMAN WOODBRIDGE: And, also, I want to make sure for the record that this particular hearing is directed towards the Sequoia Edge machine with the VVPRS, not the Advantage that we talked about yesterday.

However, having said that, if the folks at Sequoia are able to respond to the question, I think that would be very helpful.

1 MR. SMITH: We are providing the 2 entire chain of clinical ITA reports from the 3 base hardware that you see here and from the 4 Edge 1 with the VVPAT. The Wyle Lab report, 5 that is the unit with the VVPAT added, as you 6 see here in its configuration, will be given 7 to the Attorney General's office tomorrow for 8 planning. 9 CHAIRMAN WOODBRIDGE: I believe 10 the Public Advocate asked about the Sequoia 11 Advantage; is that correct? 12 MR. KOMUVES: Yes, sir. 13 CHAIRMAN WOODBRIDGE: And so I 14 think the question is directed towards the 15 Sequoia Advantage, not the Edge. 16 MR. SMITH: Yes, sir. 17 And that's why I say the Wyle 18 report. 19 Once again, the full ITA reports 20 to date based on the Advantage and based on 21 the Edge. 2.2 The Advantage base model that you 23 see here and the added VVPAT, that report is 24 to arrive tomorrow and will be given to the 25 Attorney General's office either tomorrow or

1 Friday. 2 MR. KOMUVES: Great; thank you. 3 I will pursue production of that 4 report with the AG's office, if we deem that 5 appropriate. 6 That exhausts my questions, so I'm 7 just going to make a few comments. CHAIRMAN WOODBRIDGE: Go ahead. 8 9 MR. KOMUVES: The bulk of my 10 comments that I made yesterday about what the 11 purpose of the Public Advocate is, the role in 12 which we're appearing here and our general 13 concern with the quantum of testing, I am not 14 going to go over them again. I will just 15 incorporate them by reference into what I'm 16 saying today. 17 Speaking to the Sequoia Edge, there is a fundamental issue that I think that 18 19 the Public Advocate has with regard to the 20 Edge, so that we don't even need to get into 21 the testing, although we are concerned about 2.2 it, and that is, the fact that it is a 23 "continuous spool" system. 24 This is what the problem is with a 25 "continuous spool" system in New Jersey -- as

I think NJIT correctly said, there is nothing on these ballots that identifies the voter either by name or by ID so if the only record of the election that existed was that roll of paper, I would agree that there is -- that there is nothing in that roll of paper that presents a problem of voter privacy.

Voter privacy is important because it's one of the statutory elements in 19:48.1A; which is, the voting system has to preserve secrecy in the act of voting.

I think something Sequoia said yesterday and something I think they said again today really resonated with me in that regard; which is, that you have to look not just at the system itself, but you have to look at local jurisdiction and their laws and their practices and their policies and their procedures.

Like, for example, it was stated that under New Jersey law, you can't be hovering over the Advantage and you can't be hovering over the Edge.

So the fact that somebody might be able to stand behind the voter is probably not

1 going to happen. 2 Why is it not going to happen? Because there are local laws and 3 4 procedures that are going to address that. So 5 when you are looking at the issue of public, 6 voter privacy, local laws are highly relevant 7 and I think Sequoia would concede that point. 8 This is what we have in New Jersey. I am just going to ask 9 10 Mr. Bradley (ph) to bring this document up and 11 this document, what it is, it's a book of 12 voting authority slips, as would be used in an election in New Jersey. I'll describe what 13 14 this is like. 15 This is a book that is bound with 16 staples and it has a number of slips of paper 17 sequentially numbered in this case from 901 through 999 -- 975, sorry. 18 19 The way New Jersey law operates in 20 an election is that a voter prints their name 21 on this voting authority slip and signs their 2.2 name. 23 The other side of this, of this

voting authority slip, it's partially scored

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and it's torn off.

And again, by state law, these are put on a string that -- there is, in fact, a hole in here. And these are put in a string on the voting machine.

So that there is -- there exists, as a result of New Jersey laws and practices, a permanent record, probably a public record, certainly a record in the case of a recount, that has the printed names of people in which they came into the polling place and a practice that takes the other half of this voting authority slip and puts it on a string on the machine in which they went to.

So that when you look at the totality of the election practice in New Jersey, a "continuous spool" system that keeps the votes in the order in which they were cast, together with a public record, which has the order of votes -- the order in which people cast ballots and literally where they cast ballots in the election presents a really great threat to voter privacy.

As a result, Sequoia has improved on its burden of this voting system together with the laws, as they now exist, in

New Jersey of a voter's right of secrecy.

I am going to give you that to

3 keep as part of the record of the case.

The statutory citation is

5 | 19:52-3.1, which basically says, A voter must

6 sign a voter, which is consecutively numbered,

7 | which remains bound in a pad. And as I said,

which are probably public records in any

9 event.

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Even if you didn't have voting authority slips in New Jersey, there is another threat to privacy, which again comes from the local practices.

When a person goes into vote, the poll workers are supposed to read the name of the voter aloud so that the challengers can hear it. And then the challengers who are there are free to do whatever they want with that information, including maintain a list, including the order in which people voted and which machines they went into.

So you have this combination of local practices between a "continuous spool" system and a record of votes in the order they were cast that really presents a threat to

1 privacy. Really, anything with a "continuous 2 spool," I would not recommend for use in 3 New Jersey. 4 Having said that, one thing that I really like about the Edge, and if you look at 5 my exhibits that I gave you yesterday, there 6 7 is a report from the Brennan Center (ph), the 8 Sequoia Edge is a scrolling machine versus a 9 full-face machine. 10 The scrolling machines tend, 11 according to scientific studies, to create a 12 lesser number of undervotes, people 13 inadvertently missing a race. 14 So the fact that it is a scrolling 15 machine I think is a very positive thing. 16 is superior in that regard to the full-face 17 machines, which tend to have a higher degree of undervotes and which, according to the 18 19 Brennan Center (ph), tend to impact 20 disadvantaged communities more disparately 21 than others. 22 CHAIRMAN WOODBRIDGE: Can I 23 interrupt? 24 MR. KOMUVES: Sure. 25 CHAIRMAN WOODBRIDGE: Maybe it is

1 the lateness of the day, but it is not 2 completely obvious to me why a scrolling 3 machine produces less undervotes than a 4 non-scroll machine. 5 MR. KOMUVES: I think that the 6 scientific thinking on that and that is 7 detailed in the Brennan (ph) report is that 8 it's less visually confusing to have multiple 9 races, to have a single race or a couple of 10 races presented to you, as opposed to multiple 11 races. 12 I would refer you to that report 13 for the exact reasons why, but the fact that 14 it exists is certainly very much supported in 15 the scientific literature. 16 CHAIRMAN WOODBRIDGE: I can't 17 speak for the rest of the Committee, but I 18 would like to see the report. I am curious 19 about that comment. 20 Also, if I could interrupt you 21 again. 22 Is that part of the materials that 23 were provided to us yesterday? 24 MR. KOMUVES: Yes, sir; it is.

am just going to the get you the cite for it.

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1 CHAIRMAN WOODBRIDGE: The record 2 should reflect the fact that we were provided 3 by the Public Advocate with a fairly 4 substantial number of documents which are 5 currently being duplicated related to the 6 Advantage machine and they apparently relate 7 to the Edge inquiry today. I am told we 8 should get eight copies by tomorrow. 9 MR. KOMUVES: What I presented 10 yesterday with a few exceptions were Exhibits 11 1 through 67, that was the binder that I 12 handed up yesterday. Exhibit 60, which is the book of 13 14 voting authority slips, that I just gave you, 15 wasn't relevant to yesterday's testimony, but 16 if there's anything else, anything that was 17 presented yesterday, I would also rely upon it 18 in today's testimony. 19 The reference, if you look at 20 Exhibit 29, basically, I believe it is pages 21 98 through 102 or so talk about the undervote 22 rate with full-face systems, as compared to 23 scrolling systems. 24 Obviously, if you would like some

more data and if I can help provide you with

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1 it, I would be happy to do that, but that
2 would be a good starting point.

CHAIRMAN WOODBRIDGE: All right.

We did raise the issue of the sequential privacy question. One of the responses was, Well, you could get several of these scrolling machines in a room and each individual wouldn't necessarily -- from a pad, one might go to Machine A, one might go to Machine B, one might go to Machine C. I don't know what your reaction to that is.

MR. KOMUVES: That's a fair question.

In fact, I monitored an election in a jurisdiction where each precinct has maybe eight, ten, twelve of these or so in the room, eight or ten or twelve machines, but doesn't have voting authority slips.

My reaction to that is that since
New Jersey law requires the right half of the
voting authority slip to be put on a string,
basically, that is on the machine at issue for
that reason; and second, for the reason that
when you only have two or three machines, it
is not that difficult for a challenger or

another person to keep track of where the voter goes.

So the fact that there is really only two or three machines, together with the fact that there is a record kept of where the voters go because those votes are kept on a string, that really doesn't provide enough privacy.

If this was eight or twelve machines, if there weren't voter authority slips, I might have a different view; but the fact is New Jersey requires the right side of that voting slip to be put on a string on the machine that you're voting on. And with only two or three machines, it might not be -- it might not have the effect of randomizing things sufficiently so that the "continuous spool" systems could be permissible in New Jersey.

CHAIRMAN WOODBRIDGE: If I may interrupt you for a second.

Historically, not only do you sign in on a book and then sign in on this and then have this number put on a string, but historically, this number, let's say, it's

No. 950, that has to correspond with a so-called public counter on the machine under the old law.

Part of the purpose of that was the voter, when the voter voted had some sense of security that he or she, in fact, was a number that corresponds to all those things and, of course, the vote there was totally anonymous so, you know.

MR. KOMUVES: That's an excellent point and would certainly be true in a precinct that had a single machine, you know, that would -- that wouldn't necessarily be happening in a machine that had multiple precincts, but there was that safeguard. That system, again, didn't have a "continuous spool" with the exact records of the vote you cast in human-readable form and this corresponding public record of the order in which it went into the machines.

So until the practices in New Jersey are adjusted accordingly, I can't support a continuous spool system because that would be contrary to the secrecy requirements of New Jersey law.

1 Again, the remainder of my 2 comments about the Edge really relate to the 3 issue of testing and I covered them at length 4 yesterday. 5 It's, basically, the Public 6 Advocate's position that given the amount of 7 testing that was done on these machines, the 8 14-hour vote and the 1200-vote test -- is that 9 really enough of a sample size from which you 10 can extrapolate that these two machines are 11 going to work in general in the broader 12 election? We would suggest that the answer is 13 no. 14 We've presented some of the 15 scientific authorities, 2002 DSS (ph), the 16 2005 DSB (ph), the mis-recommendations and the 17 practices of California to basically say, 18 Look, you know, we want to have machines in 19

2005 DSB (ph), the mis-recommendations and the practices of California to basically say,
Look, you know, we want to have machines in
New Jersey that are reliable. We want
confidence that these things are not going to
break in the field or going to be easily
tampered with. There are testing methods to
do that.

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With respect to NJIT, and I realize they were given a particular scope of

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     work, but the amount of testing that was done
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     just is not enough at this time that we can
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     say that Sequoia has met its burden of proving
     that the machines are reliable and have been
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5
     thoroughly tested.
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                 So for these reasons, as well as
7
     the privacy reasons, we would recommend you
8
    deny certification.
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                 CHAIRMAN WOODBRIDGE:
                                        Thank you
10
    very much.
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                 Let me hold comments until after
12
    Penny, Professor Venetis has spoken.
                 Penny, you need to identify
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14
    yourself for the court reporter and the
15
    record.
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                 PROFESSOR VENETIS: Yes, I will.
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                 My name is Penny Venetis,
    V-e-n-e-t-i-s. I am a Clinical Professor of
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    Law at Rutgers Law School in Newark and the
    Co-Director of the Constitutional Litigation
20
21
    Clinic.
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                 In that capacity, I am lead
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     counsel in the lawsuit, Gusciora v. Corzine,
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     that challenges on constitutional and
25
     statutory grounds the use of electronic voting
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machines in New Jersey.

I would like to incorporate in my comments today the objections that I made yesterday and I just would like to add to those objections based on the testimony that was heard today and also based on the reports that were issued by the NJIT team concerning the AVC Edge printer.

CHAIRMAN WOODBRIDGE: The record should reflect the fact that Professor Venetis is going to incorporate, by reference, the comments she made yesterday during the public session with regard to the Sequoia Advantage.

PROFESSOR VENETIS: Additionally,
I also would just like to state for the record
that I'm planning on submitting a written
record to the Committee by the time to do so
ends, which has been -- I have been notified
is Friday by the close of business. And I
believe that's on the record.

Again, I would like to state my objections to the very short time period in which we all have had to review these materials and to comment on them.

The materials were made public

1 Friday after the close of business and there 2 are hundreds and hundreds of pages of 3 materials to go through so even though I plan 4 on submitting a report, I would like to note 5 my objection that the time period is very, 6 very short. 7 Having said that --8 CHAIRMAN WOODBRIDGE: Penny, if 9 you do have documents in addition to providing 10 the additional paper to the Attorney General's 11 office, if you can also submit it in either 12 pdf or Word readable version, that would be 13 useful, too. 14 PROFESSOR VENETIS: And I would 15 like to chat with you to find out -- I clearly 16 would like to send a copy of whatever I file 17 with the Attorney General's office to members of the Committee so if I could just get the 18 details. 19 20 CHAIRMAN WOODBRIDGE: Standard 21 procedure is it should go through the AG's 2.2 office and then they will sends it to us. 23 PROFESSOR VENETIS: Okay. 24 CHAIRMAN WOODBRIDGE: It is sort

of the same procedure we have with regard to

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1 vendors; and that is, we don't take vendor 2 communications. For reasons of integrity, we don't take direct communications on this 3 4 issue. 5 PROFESSOR VENETIS: Okay. 6 Thank you of informing me of that. 7 I will send all communications to the Attorney 8 General's office. 9 CHAIRMAN WOODBRIDGE: Thank you. 10 PROFESSOR VENETIS: Just as the 11 AVC Advantage is insecure, so is the AVC Edge. It has been decertified in a number of 12 13 jurisdictions that have very, very rigorous 14 standards for testing electronic voting 15 machines. 16 The Edge was decertified in 17 California, for one. And my understanding was 18 that it was also decertified in Ohio. 19 New Jersey has no standards for 20 certifying electronic voting machines so I 21 would ask the Committee to look very closely 2.2 at the fact that these machines have been 23 decertified elsewhere. 24 Additionally, members of the 25 Committee mentioned earlier, I believe, it was

the Chair that the voting machines at issue here, the DRE Edge, the Sequoia Edge has been certified in New Jersey.

2.2

Again, I would like to make clear that there are no standards in New Jersey, statutory standards for certifying electronic voting machines. They do not exist. Members of the certification committee have admitted that there are no statutory procedures and that you are operating on laws that were developed during the Depression to deal with mechanical voting machines, not electronic voting machines so the mere fact that a piece of paper exists that says the machine is certified does not mean in any way, shape or form that the software of these DREs was ever tested.

Additionally, my understanding of the NJIT team's work is that the software was not tested; that really was -- they ran mock elections, as described in the report and that there was no examination of whether or not the software is corruptible or was corrupted in any way, shape or form.

Again, these are important matters

that the Committee needs to keep in mind in
making its evaluation.

As mentioned yesterday, we're dangerously close to the Legislature's January 1st, 2008 deadline for all voting machines to be equipped with the voter-verified paper ballot.

The NJIT has listed eleven ways that the Edge printers do not meet the criteria that was articulated by the Attorney General; therefore, on its face, these machines cannot and should not be certified by this committee.

Of particular note, are the failure to secure voter privacy. There were several issues that were raised by the NJIT team that I will discuss, but I would like to talk about the privacy issue that Mr. Komuves raised because that is a very, very critical issue that was raised during the trial that Judge Feinberg has been presiding over for the past two years.

Testimony was given during that trial by a representative of Sequoia discussing the reel-to-reel system. We raised

the issue and the judge noted in her written opinion, which I will provide to the Committee, that this poses a very, very serious problem given New Jersey law.

I don't need to repeat what Mr. Komuves discussed earlier, but that was certainly part of what was discussed in court and what the judge took issue with.

The fact that you can identify a voter and that that piece of paper is on the machine and that somebody actually reads the name of the voter out loud means that you can easily trace the voter to the voter-verified paper ballot on the "continuous spool."

One other factor came out today that shows even more how you can identify a voter using the "continuous spool"; and that was, the information given by Sequoia that voters who choose a different language will verify their vote in the language that they choose.

So if somebody chooses Chinese or chooses Sanskrit or chooses Greek, the vote will appear, the voter-verified paper ballot will appear in that language, which means that

somebody can easily trace that voter to the voter- verified paper ballot and that violates the secrecy requirements that are articulated in Title 19.

So, again, the Court took great issue with this matter. And I respectfully request that the Committee also look at this matter very, very carefully because that really is one of the basic requirements of voting, not only in the State of New Jersey, but in the United States, that you cast a secret ballot; that is one of the key ways to prevent voter manipulation, the selling of votes, all sorts of things that voting rights laws try to take care of or that election laws try to take care of.

Another issue concerning security breaches were pointed out by NJIT, and these were Exceptions 5 and 6, that dealt with the fact that you can remove the -- that you can easily manipulate the actual paper reel with the printer, as it is configured now.

The fact that you might be able to remove the printer and then keep that as that entire reel-to-reel as the universe of votes

and not replace the paper does not mean that the mechanism itself cannot be tampered with. You can easily lift off the cover of the black cover of the -- that protects the reel-to-reel system and manipulate the spool in some way.

2.2

So the fact that you might be able to take up the whole thing and save that as a record of all the votes that were cast does not in any way change the fact that you can actually manipulate the system and that there are no protections on that system.

I would suggest if the Committee has any questions about that, they can direct that to NJIT, but that is my understanding and that is something that the Committee should indeed be concerned with and that is not altered by the fact that you might be able to take the whole system off.

Along those lines, I would ask the Committee to consider something else. It is very important. And I believe Mr. Mahoney raised this issue. And I have some of the answers to the questions that Mr. Mahoney raised.

Sequoia says that their

1 recommended system for dealing with the 2 completed spool is to replace the entire 3 mechanism itself with an entirely new one, 4 rather than to replace the paper. 5 Two points about that. First of all, what was quoted to 6 7 Judge Feinberg last year, and I verified this 8 with my office during the break, is that each 9 one of the printers cost \$1,000. So what is -- what has been 10 11 recommended is that every time you need to 12 change the paper, which is every 120 votes, 13 you replace the whole system with another 14 \$1,000 system. 15 We're talking about taxpayer money 16 here and that is a very, very expensive 17 proposition. 18 It's also an expensive proposition 19 to just go out and buy more voting machines. 20 The price that was quoted to Judge Feinberg 21 last year and that was brought out in 2.2 testimony, and again, I confirmed this with my 23 office during the break, is that each one of 24 the Edge DRE's cost \$3,000.

Again, I don't believe that these

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solutions were proposed to the Court. I know that they were not because it is not on the record that this is how you would deal with the replacing of a finished paper reel by spending \$1,000. And I truly believe that that is not what was negotiated with the Attorney General's office or with the Office of Management and Budget.

The Committee should really keep this in mind in determining whether or not this is really a viable option for the State of New Jersey that for every 120 votes to replace the entire -- the entire black box with another \$1,000 component.

This option means that if the statute and the guidelines recommend that a voting machine service 750 voters, that each voting machine would have to be -- would have to accommodate six of those boxes, which means that's \$6,000 per machine, which is a really astronomical rate and one that is, I believe, not something that the State has bargained for with Sequoia in its negotiations.

There were references made to the Edge being certified and used in Chicago.

1 Again, I reiterate the fact that 2 there were serious problems in Chicago that 3 made front-page headlines around the country, 4 malfunctions. 5 Following that, there were public hearings in which Sequoia was accused of 6 7 misrepresentation. And, again, we will submit 8 those to the Committee for its review and 9 those are relevant in determining whether or 10 not any sort of representations that have been 11 made to the group today or yesterday are, 12 indeed, ones that are worthy of consideration. There is also evidence that was 13 14 presented at trial, which I will present to 15 the Committee, that there were 16 misrepresentations made to elected officials, 17 the Freeholders of Mercer County by Sequoia; and that, the judge noted in her written 18 19 report. 20 Additionally, Sequoia 21 representatives said that the machines, that

Edge's are used in Florida.

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Well, the Committee should know that Florida took the lead in determining to scrap all of its DREs. Florida spent millions of dollars on DREs. And after performing a careful study, decided that monitoring the DREs, which were ineffective, inefficient, broke down and were generally unreliable was simply too expensive and not cost efficient and they now exclusively are using optical scanners that count paper ballots.

Florida really took the lead.

New Mexico followed. New Mexico also scrapped

Sequoia machines and is now using optical

scanners that count paper ballots.

And I would give to the Committee copies of various scientific studies that have been performed that led those states to conclude that it is better to use electronic scanners so that the Committee has it before them in making their consideration, but the Sequoia machines were specifically rejected by those states so -- with and without voter verified ballot paper components.

This is relevant to the

Committee's consideration because Sequoia is

urging the Committee and the State to spend

additional money so that it can accommodate

voters, rather than replacing the paper inside

of the boxes of the reel to reel.

Again, this is \$3,000 a DRE and \$1,000 a pop for the printer box, that is a serious expenditure.

Another problem that has been raised with the Edge that has been brought to the Committee's attention during the break is that it is not accessible to disabled voters.

There is an engineer, a computer scientist, who was one of the first people who developed voice recognition software and is a well-known, well-respected computer scientist by the name of Noel Runyon, who lives in California. He is also blind. He has attempted to vote on the Edge because that is what was in his voting jurisdiction. It took him well over 45 minutes and well close to an hour and a half to get through the very program that was demonstrated here and that is somebody who is a well-educated computer scientist.

Mr. Runyon, as a result of his difficulties working with using the Edge, he issued an expert report in the Gusciora lawsuit, but then he went on to publish a

report that was circulated widely that I will provide to the Committee discussing how incredibly difficult it was for him to operate the DRE and that is why I requested that the members of the Committee attempt on their own to operate the machine.

There was a very brief, I would say, a five-minute presentation, that was done by a Sequoia representative of how somebody who was visually impaired would use the machine, but I would respectfully request that members of the Committee sit down and try to do it on their own so that they can see how difficult it is to do.

I attempted to do it this morning and I had very, very serious problems. I got lost in the system and there were no instructions that told me how to do it. When a Sequoia rep. answered my questions, then it made it easier to navigate, but there are no actual instructions on how to navigate the system.

This applies to the Advantage, as well, one thing that is notable is the machine tells the blind voter to press the green key

or the yellow key or the red key. Again,
somebody, who is visually impaired does not
have the ability to recognize a green key from
a yellow key or from a red key.

I respectfully request the Committee take this and Mr. Runyon's report into consideration.

2.2

There was earlier testimony from somebody from the State about accessibility for the disabled voter, but that was a very brief testimony and he was not able to answer any questions so I would like the committee to consider Mr. Runyon's report in addition to what has been presented so far.

There were representations made today, as there were yesterday, that there might be some ways to fix some of the exceptions that were noted by the NJIT team.

Nonetheless, I ask the Committee to consider only what you have before you. Sequoia was perfectly aware of the very tight deadline. They're aware of the January 1st, 2008 deadline and they failed to take care of some of the basic requirements of the guidelines that are required by the State.

These deal with security issues, exposed cables, failure to notify a poll worker of what the actual problems with the machine may be should the machine experience problems.

I -- during my testing of the machine this morning, I pulled out one of the cables that was supposed to operate the printer. The printer did indeed freeze. The technician who was here, it took him awhile to figure out what was wrong because there was no message telling him that that was the case.

Also, notably, and I don't know if the NJIT team noticed this, but there also was no buzzer or beeper or anything that would come on to notify a poll worker that there really has been a problem.

And given what has been highlighted as a problem, which is, that a voter may just walk away and the poll worker has no idea that there is a problem was listed under miscellaneous both today and yesterday under the discussion of the exceptions.

Well, that is a very serious problem because a voter who has very limited time may come in to cast his or her vote, if

for some reason there is an error of the machine, the machine freezes, the poll worker may be somewhere else and the voter may just walk away and that is certainly not something we want to encourage someone who has taken off from work or taken time off from taking care of their children to do. If they have made an effort to vote, they should be able to vote and a poll worker should be able to quickly learn what is necessary to fix the machine in order for the voter to complete his or her vote.

Additionally, to the extent there has been a proposal that new software or software that is in development might solve some of the problem that were noted by the NJIT team, again, this software does not exist. Everybody has been aware of the tight deadlines and I respectfully request that the Committee does not extend its time or give any sort of time for the Sequoia people to fix the problems. They were aware of the problems. They knew of the guidelines. These problems should have been taken care of a while ago.

One feature that wasn't

demonstrated today and which gives me great

pause is the cards that activate the machines.

I don't know whether or not the NJIT folks

tested this part of the machine during a real

election.

2.2

The machine is not activated, unless you put a smart card in. There have been several studies, including studies that were done at Princeton that show that the smart cards can be programmed to do all sorts of nefarious things to the machines and also to introduce viruses from machine to machine.

Now, those tests were done on the Diebold machine, but my understanding is that the same concept would apply to any system that uses an activation card.

Again, I respectfully request the Committee request that the machines be demonstrated as they would be demonstrated in an actual -- as they would be used in an actual election, rather than in a way that would not simulate what a voter experiences or what a poll worker might experience.

Having made these comments, I again encourage the Committee to look at the

totality of the circumstances concerning what has been presented.

The Sequoia team has failed to meet the standards that were articulated by the State; and for those reasons, on its face alone, the Committee should reject what Sequoia is presenting and propose alternative systems for voting be examined by the State.

Again, as I stated yesterday, in determining whether or not we want to give our hard-earned taxpayer money to Sequoia, we should consider several things.

I mentioned some of them

yesterday, but I want to reiterate that this

company does not have a very good track record

of honesty. There are many public records of

misrepresentation made to public bodies and

millions of dollars spent on equipment that

just didn't work.

And, also, the Committee should consider the fact that Sequoia is up for sale by its Venezuelan holding company and the future of the company is uncertain so that any misrepresentations that are made today aren't necessarily going to be carried out by whoever

1 buys the company. 2 And, again, this committee should 3 consider that before giving dozens of millions 4 of dollars to the company. 5 If the Committee has any 6 questions, I would be happy to answer them. 7 And if it has any questions of the NJIT team 8 or the Sequoia folk based on what I said, I 9 invite the Committee to ask those questions. 10 CHAIRMAN WOODBRIDGE: Thank you. 11 If I could just ask one question. 12 I assume your presentation is pretty much complete now? 13 14 PROFESSOR VENETIS: Yes, it is. 15 CHAIRMAN WOODBRIDGE: One thing I 16 am trying to understand from the public input 17 yesterday was there were several different 18 people, who had several different solutions. 19 In fact, we had one individual who sent us a 20 long e-mail that she would prefer to go back 21 to the judicial paper ballots. Some people 2.2 yesterday, I believe testified that they wanted to go to ballots and scanners. 23 24 Is it your position that all DREs 25 are inherently unacceptable for use by the

State of New Jersey?

2.2

PROFESSOR VENETIS: That is not my position at all. I am not a Luddite. The computer scientists that I've been working with for two years are not a Luddites.

They are in the unique position to actually point out when the voting public and the State should be concerned. And they have raised these issues concerning the Sequoia machines.

What I am saying is that the Committee should reject the systems that exist today because they do not meet the statutory specifications or the guidelines that have been promulgated recently by states for voter-verified paper ballot printers.

If you ask me, in my opinion, having worked on this issue now for many years, what I believe is the most effective and efficient system for voting, I would say a paper ballot with optical scanners and it's not because I can't back that up with any sort of scientific evidence. There have been many, many studies that have been done in the past six or seven years that really show that it is

1 the most cost effective, most effective system 2 for -- and most accurate system for tabulating 3 And at the end of the day, you do have 4 the paper ballot that can be used in the event 5 of a random audit or in the event of a 6 recount. 7 And, again, these studies are 8 there for the general public and certainly for 9 the Committee and I will present them to you. 10 Several states decided to conduct these 11 studies and used them as a basis for scrapping 12 DREs that they spent millions of dollars on. 13 So before New Jersey takes the big 14 step of spending our hard-earned taxpayer 15 money on additional machinery, they really 16 should consider many, many options. And I 17 respectfully request that you not consider the

20 CHAIRMAN WOODBRIDGE: Thank you 21 very much.

Sequoia machines at all for the reasons that

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I've stated.

PROFESSOR VENETIS: Thank you.

CHAIRMAN WOODBRIDGE: Before I

turn it over to the representatives from

Sequoia to comment, as they choose to, is

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     there any comment that the NJIT
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     representatives would like to present?
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                 MR. DARER:
                             No.
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                 CHAIRMAN WOODBRIDGE: No comment.
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                 Okay.
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                 Are there any comments that the
7
     Sequoia representatives would like to make for
8
     the record?
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                 MR. ROMEI: Yes, Mr. Chairman,
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     just a few. It has been a long day so I will
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     try to keep this brief.
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                 In terms of the Public Advocate's
     comments, first of all, many of his comments
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    went to procedures, matters of local
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    procedure, which, obviously, are beyond the
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     scope of this hearing; second of all, both the
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    Public Advocate and Ms. Venetis kept talking
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     about the burden of proof. This isn't a
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     trial. We don't have a burden of proof.
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    We're here to give information to the
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    Committee; that point should be clarified on
2.2
     the record.
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                 (Reporter requested that Mr. Romei
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     go to the podium to speak where he can be
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    better heard.)
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1 CHAIRMAN WOODBRIDGE: Incidently, 2 the reporter is suggesting that you continue 3 and go on out the door. 4 MR. ROMEI: Thank you for 5 clarifying that. 6 Actually, I CHAIRMAN WOODBRIDGE: 7 can hear you better from there than I can over 8 there. 9 MR. ROMEI: I am not surprised, 10 the acoustics for some reason... 11 The third point I want to make, 12 Sequoia was just concerned that we emphasize that these printed paper trail ballots, 13 14 whether they be the "cut and drop" or the 15 "scroll" are kept within the control of 16 responsible public officials, the same public 17 officials that would be enforcing the other procedures. So in terms of identification 18 19 issues that, you know, ought to be kept in 20 mind. 21 Turning to Ms. Venetis's comments, 22 again, we -- we're going to stand, for the 23 most part, on the testimony that has been 24 given here today. 25 For example, the buttons on the

audio device are shaped, as well as colored
for use by the visually impaired. Ms. Venetis
neglected to emphasize that, but that happens
to be the case.

2.2

There were also a number of other issues, for example, concerning tampering with the machines where Sequoia has testified extensively about seals and locks. We're going to stand on our prior testimony.

There are just two other points I wanted to correct.

First of all, was the issue of decertification in California.

What happened in California is then Secretary of State Shelley decertified all DREs. Most DREs, other than those of one vendor, not Sequoia, were then promptly recertified for use under certain conditions. Most of those conditions pertained to local procedural safeguards for security.

Sequoia's machines were in no way singled out for decertification.

Second of all, in Ohio, Sequoia deliberately allowed their certification to lapse because they do not currently have

customers in Ohio that would require that certification.

I would ask just for a moment of time just to confirm that there are no further comments.

CHAIRMAN WOODBRIDGE: Certainly.

MR. SMITH: Mr. Chairman, I just

8 have one comment to make.

2.2

The Public Advocate made a comment that he could not recommend certification of the equipment of any "spool-to-spool" or "reel-to-reel" VVPAT until the procedures changed in New Jersey.

I would like to call the

Committee's attention to the regulations,

VIII. Post-Election Procedures, clause F.

It's on page 12. And it states, If a county

employs a "Continuous Spool" VVPRS, it shall

conduct any audit or recount in accordance

with the procedures established by LPS to

fully protect the secrecy of all votes cast.

Such procedures may include, but not be

limited to, cutting the spool-to-spool paper

roll into individual paper records and

restricting public access to the uncut paper

roll.

Just like omitting the shape of the buttons, the commenters omitted that to assess and determine someone's vote, you have to get access to the tape. It's not just taking a list down, watching how people vote in what order and documenting that somehow on a little secret list that you would spuriously sitting in the corner and make, assuming the poll workers let you. And by the way, if you were off by just one, well, it's all for naught.

You've got to get access to the tape. And even without specific procedures that are required by New Jersey law, the public is not given access to these tapes.

They're given access only to sworn and oftentimes deputized judges of election and poll workers who do the 1 percent to 5 percent recount.

Once again, the tape that this spurious individual or individuals may want, would also have to be part of a 1 percent or 5 percent recount so there is a 99 percent chance or a 95 percent chance, depending on

what New Jersey adopts as its post-election audits, that you won't get the tape that you want.

With that clarification, my

With that clarification, my comments are completed.

I think Mr. Chagaris is going to close for us.

CHAIRMAN WOODBRIDGE: Yes.

Go ahead.

MR. CHAGARIS: Two closing points.

First, as to the issue raised by the Public Advocate, there was mention made that the criteria was not such that were based on accepted scientific practices, that may or may not be true. However, in the NJIT report itself, it indicates -- and that's on page 3 to the Advantage report, it says, and I'll quote for the record, Testing was developed and performed based on accepted scientific practices and methodologies.

So what NJIT did was consistent with reasonable scientific practices. And what they showed is that the two core tests were satisfied by the Edge; and that is, a verifiable vote viewable in the paper record

and that the vote tallied was confirmed four ways.

2.2

And I might say, as a corollary to that, the Administrative Director of New Jersey's ADA program certified or testified that this machine met New Jersey's accessibility standards.

So I think in those three very significant respects, this machine passed with flying colors. The exceptions are just minor adjustments that can be easily rectified, as I think was testified to.

And then finally, or next to finally, reference was made by the Public Advocate as to the undisclosed use of disclosed or undisclosed hardware or software; that's not technically in the certification, that appears un the title certification on page 11 of the criteria, but that has been satisfied by the Applicant that all software and hardware in these machines and devices have been disclosed.

In sum, these machines have been used for a long time in New Jersey. The sky is not falling. They have been certified to

1	by NJIT, who conducted exhaustive tests. And
2	in all significant ways, they have passed
3	those tests. And I think that warrants
4	certification or recommendation by this
5	Committee for certification.
6	Thank you.
7	CHAIRMAN WOODBRIDGE: Okay.
8	Keep in mind, if there are any
9	further comments, they are going to have to be
10	restricted to comments recently made.
11	Mitch, do you have a comment?
12	MR. DARER: I'm sure Arthur didn't
13	mean that NJIT certified. I think that was a
14	phrase he used.
15	CHAIRMAN WOODBRIDGE: And the
16	record will so note.
17	Ms. Venetis, a short, to-the-point
18	comment?
19	PROFESSOR VENETIS: Yes, briefly.
20	Two points, well, three actually.
21	One, I never said, I never used
22	the language "burden of proof" in my comments.
23	The second is that the components
24	on the mechanism that a visually impaired
25	voter would use also have shapes, that's true,

but there are two triangles, a green and a
yellow.

2.2

So, again, I would invite members of the Committee to close their eyes and try to vote on it and see for themselves whether or not it is feasible, whether or not it is accessible to them.

We also didn't hear back on how the voter would review the voter-verified paper ballot or change something if the ballot didn't reflect his or her choices.

And finally, I just want to emphasize, on the issue of voter secrecy, yes, Sequoia is right that somebody with nefarious goals would have to get access to the tapes, that is true, but for as long as there has been voting, there has been vote tampering; that is why when you look at election law statutes, they take up entire bookcases.

New Jersey Code, Title 19 is in two books.

There are all sorts of safeguards to make sure that even sworn public officials do not have access to information that might harm the voter or the integrity of the vote because, I hate to say this, and I don't think

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1
     it's true of the vast majority of public
2
     officials, but there are some corrupt public
     officials.
3
4
                 We need to be able to protect the
5
    voter and the integrity of the vote against
6
     those corrupt public officials who might wish
7
     to manipulate the vote so I ask the Committee
8
     to keep that in mind in making it's
9
    determinations.
10
                 CHAIRMAN WOODBRIDGE:
                                        Thank you,
11
    Ms. Venetis.
12
                 Are there any comments of Sequoia
     to any of the four points made by the
13
14
    Professor?
15
                 MR. ROMEI:
                              No.
16
                 CHAIRMAN WOODBRIDGE:
                                        Thank you.
17
                 Seeing no comments by Sequoia or
     anyone else, I am going to officially close
18
19
     this hearing for today.
20
                 Will a technical representative of
21
     Sequoia be present tomorrow?
2.2
                 MR. SMITH: Yes, sir. A member of
23
    our technical staff will be here.
24
                 CHAIRMAN WOODBRIDGE:
25
     appreciate your patience.
```

1	There are a few items of
2	information we requested that we would like to
3	make sure we get by Friday and I assume you
4	will provide us with those.
5	The representative from NJIT has
6	one more comment.
7	MR. DARER: Well, I don't like to
8	leave an open-ended question. Earlier there
9	was a question: How long did the 1200-vote
10	test take?
11	Can I make Advantage since I have
12	it in front of me?
13	CHAIRMAN WOODBRIDGE: Yes, sir.
14	MR. DARER: Advantage took 7 hours
15	and 24 minutes; and, on Edge, it took 16 hours
16	and 39 minutes.
17	CHAIRMAN WOODBRIDGE: The record
18	should so note it.
19	If there are no other comments, I
20	officially close the hearing and thank you
21	very much for attending.
22	We will reconvene tomorrow at
23	10:00. Take a look at the third and final
24	contestant, the Avante Vote-Trakker.
25	Thanks again.

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(Time noted: 4:52 p.m.)
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1	CERTIFICATE
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3	I, ELLEN MARIE GUMPEL, a Certified
4	Shorthand Reporter, Registered Professional
5	Reporter, Certified Realtime Reporter and
6	Notary Public of the States of New York and
7	New Jersey, do hereby certify the foregoing to
8	be a true and accurate transcript of my
9	original stenographic notes taken at the time
10	and place hereinbefore set forth.
11	
12	
13	ELLEN MARIE GUMPEL, C.S.R., R.P.R., C.R.R.
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18	Dated:
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