STATE OF NEW JERSEY
DIVISION OF ELECTIONS

FORMAL HEARING
TRANSCRIPT OF PROCEEDINGS

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COMMISSION MEMBERS:

RICHARD WOODBRIDGE, Chair

JOHN FLEMING

ROBERT LESTER

ALSO PRESENT:

SECRETARY OF STATE NINA MITCHELL WELLS
CHAIRMAN WOODBRIDGE: Ladies and gentlemen, thank you for coming here today. This is a hearing under Title 19 to take a look at a voting machine, Sequoia, which will be explained to you later on.

As you may know, this also is a transitional period where the responsibility for approving voting machines is moving from the Attorney General's Office back to the Secretary of State where it started when I first began this process in 1982, hard to believe.

I would like to say also before we do that, that I want to really express my appreciation to the Attorney General's Office for all that they have done in supporting us, Donna and Deryl and Jason and everybody. I tell you, it's been wonderful. It's not an easy job. I'll explain a little bit more of it later on. But I think one of the things the State of New Jersey should be thankful for and probably doesn't express enough appreciation is how hard the AG’s
Office has worked in the background and how fortunate the State is, I think, for not having the kind of voting machine problems that other states have had. So if there's some way that the
1 Committee could give you guys a medal, we would do
2 so. I would say we started with the Secretary of
3 State's Office, by the way, so this is a wonderful
4 return.
5 So without any further ado, I'm
6 going to ask Madam Secretary Nina Wells to give
7 you a welcome. And then we'll talk a little bit
8 about the procedure today.
9 SECRETARY WELLS: Thank you so much,
10 Mr. Chairman. I'm Nina Mitchell wells, as you
11 heard, Secretary of State for New Jersey. And
12 although the Division of Elections has been
13 transferred to the Secretary of State's Office,
14 the Attorney General's Office will continue to
15 provide us with ongoing counsel and litigation
16 support. So we will be working very closely with
17 them, and we'll have the benefit of all of their
18 expertise. So we're very pleased about that. And
19 I do agree that in the short time that I have been
20 here, I have been so, so pleased and impressed
21 with their expertise and their tremendous support.
22 So I'd like to say that.

23 And this is my first meeting with

24 the members of the State Voting Examination

25 Committee, and I'd like to start out by expressing
my appreciation to the Committee. Our Chairman, Richard Woodbridge; Robert Lester from Mercer County; and John Fleming with the Office of Attorney General, Information and Technology Section. So thank you so much for taking all of your time today to be here with us to determine whether the voter-verified paper trail record meets State criteria.

As the State's Chief Election Official -- which is my new title, which I'm very pleased to have, very proud to have, very honored to have -- the integrity of the State's voting machine is one of highest priorities.

To further public confidence in our electoral process, the Legislature and the Governor are requiring that a voter-verified paper trail record -- you'll hear us refer to it often as VVPRS -- be implemented for the State's machines by January 1st of '09, 2009. That's the purpose of today's hearing.

Now, this is the second hearing
regarding the Sequoia Advantage, which is in 19 of
our 21 counties here in the State of New Jersey.
The Committee, after its last review of the
Sequoia Advantage, determined that it did not meet
all of the State criteria. Sequoia has had the
opportunity to address those deficiencies and is
now back before the Committee to consider whether
Advantage now meets the State's criteria.

So again, I'd like to thank the
members of the public also for coming. Having
interested citizens is a very, very important part
of this process. So I want to thank you all very
much for being here today.

And now I'd like to defer to our
Chairman. Thank you so much.

CHAIRMAN WOODBRIDGE: Thank you,
Madam Secretary. Thank you for giving us an
opportunity to come back. It's always fun to be
here.

Just a little bit of additional
background. For those of you who aren't here
regularly -- looks like most regulars are here --
this Committee is structured under Title 19. It's
unusual in that it's the only committee I know of
that requires a patent attorney to be on the
committee, which happens to be me. I'm not sure why that's the case, but patent attorneys tend to have a technical background, as I do, mostly in computers and communications, and a legal
background, too. The Committee has always been composed of two other individuals who bring special expertise to this Committee. And Madam Secretary has introduced both Bob and John, who I'm pleased to have with me. Both have been on this Committee before. John for quite some time now.

The ground rules are I'd appreciate it if people held their questions until the end. There will be an opportunity for questions from the public, input from the public, whatever. But I think it's critical that we give the vendor an opportunity to go through this procedure.

If you have cell phones, which I do, turn them off.

The hearing that we had on July 24th, took a look at the Sequoia machine with the VVPAT attachment to it. The hearing, which was held in hotter conditions than this, went through the criteria that was put together for VVPATs.

Now, one of the issues that we've
run into is the Title 19, per se, when it was
drafted really didn't address VVPATs, much less
didn't address DREs. So we had criteria prepared
by the Attorney General's Office, I think, with
reference to other states and federal criteria
that we used to look at the DRE plus VVPAT
combination. And that was very helpful.

The machines, for the record, had
been reviewed extensively by NJIT prior to our
July 24th hearing. So we looked -- so they looked
at it. They provided us with a report that was a
very helpful report for us in terms of our asking,
I think, relevant questions about the
functionality of the machines, perhaps their
shortcomings. And we used that as a guideline. I
think it was inspired, I use the wording, in all
its best senses by the Attorney General's concern
that we needed to have independent technical
review of these devices, because even though we
collectively have some technical experience here,
having somebody really do thorough testing of it
is very, very useful.

As a result of that July 24th
hearing, we produced a report that we sent to the
Attorney General's Office outlining in it
roughly -- a number of concerns we had about

the -- 10 concerns we had about the machine in

particular. At that point, we were reluctant to

approve it until we had responses to those
This hearing should, therefore, be considered a continuation of our hearing on July 24th, because the July 24th hearing really wasn't conclusive as such. So in that spirit, we have sent our comments on to Attorney General's Office. Those were transferred and sent to the vendor. The vendor is here to respond to those concerns today.

Because we have a fairly small group here, I'm going ask the vendors here to introduce themselves. And I'm also going to ask the audience to introduce themselves for the record.

We're going to start with you.

MR. WYNHAM: Andy Wynham, sales technique support, basically field support for Sequoia Voting Systems.

MR. ALLEN: I'm Dave Allen. I'm VP of Development of E Voting Solutions for Sequoia.

MR. CHAGARIS: I'm Arthur Chagaris, with the firm of Beattie Padovano, Counsel for
22 Sequoia.

23 MS. VALERIANO: I'm Christine Valeriano. I'm the sales executive for New Jersey.
CHAIRMAN WOODBRIDGE: Glad to have you here. And you all were here last time, as I recall. Welcome back to New Jersey.

I'm going to ask the audience if they wouldn't mind introducing themselves.

MR. POSTELNIK: Deputy Attorney General Jason Postelnik.

MR. DEV Lugt: Louis DeV Lugt. I'm just a Jersey resident.

CHAIRMAN WOODBRIDGE: Jersey resident, okay.

MS. HARRIS: Stephanie Harris, Coalition for Peace Action.

CHAIRMAN WOODBRIDGE: Irene.

MS. GOLDMAN: Irene Goldman, Chair, Coalition for Peace Action.

CHAIRMAN WOODBRIDGE: Yes, sir?

MR. APPEL: Andrew Appel.

CHAIRMAN WOODBRIDGE: Man in the back.

MR. ZIMMERMAN: Justin Zimmerman,
Director of Legislative Affairs for the Department of State.

CHAIRMAN WOODBRIDGE: And Donna.

MS. BARBARA: Donna Barbara,
Chairman Woodbridge: Of course, we have Donna Kelly over here.


Ms. Walcott-Henderson: Kay Walcott-Henderson, Chief of Staff, Department of State.

Mr. Giles: Bob Giles, Director, Division of Elections.

Chairman Woodbridge: And our good Madam Secretary of State over there. Glad to have you here.

So why don't we -- again, we appreciate if you would hold the questions until the end. I have asked the vendor to do a quick refresher walkthrough of the machine.

So if you wouldn't mind, Andy, why don't you do that. And if you can, if there are any changes that are noticeable, then you can point those out, too.
MR. WYNHAM: All right. Briefly, of course, most everyone in the room has seen this machine. Some of you who were at the July hearing saw a slightly different version of this machine.
But I need to point out that since the version of
the machine that was reviewed by NJIT that is the
nature of the reports are going to be addressed
today, Mr. Allen will be going over the various
aspects with you. So the changes that we'll talk
about, some of them are physical in nature, some
of them are definitely functional, and I'll try to
go through the process of voting to make clear.
I do want to apologize. I know it's
been a long time since we were here. It's
important that you understand that the changes
requested from the July hearing that ultimately I
finalized with NJIT the week of Thanksgiving and
then they prepared their report -- it took that
much time -- they prompted the requirement the
machine have a federal review, otherwise, to make
the changes for New Jersey, change the machine for
federal review.
Now, what's happened at the federal
point is that we've made no further changes to the
machine that affected New Jersey. Once we get to
the federal review, we have to go back into the environmental, the heat chambers, and the humidity chambers, and those types of things. And that's what we've been doing in the interim.
Anything that's happened to the
machine from NJIT to that point has been just to
satisfy federal requirements that are not
requirements or made no functional changes for the
use in New Jersey. So for all practical purposes,
this is the machine that we pulled out at NJIT,
actually, probably right at the beginning of the
year. So we've gotten finally here.

Now, what we did when we submitted
the machine, because of the July request, I'm
going to point out in a minute that we have a
slightly different printer on the side. Some of
you who remember the fanfold paper printer that we
demonstrated at the armory, this is a --

CHAIRMAN WOODBRIDGE: If I can
interrupt you. Also, if any member of the public
wants to come up and take a closer look, that's
okay.

MR. WYNHAM: You'll see that we
moved to a large single roll format paper. It's a
huge quantity of paper that will almost completely
alleviate the necessity of changing paper on election day. In the worst case scenario, if everybody voted three times, I imagine you could reach a paper change. Short of that, this roll is
very substantive. It's also much easier for a
master board worker or a board worker or a
technician to change. And we'll be happy to
demonstrate that at some point in the day. You
drop the roll in, you feed it to the throat and
it's done. So it's a very simple mechanism.
I also found in our internal testing
it to be much more robust and virtually free of
jamming conditions.
We made some mechanical changes to
the throat, to the drop, and to the ballot bag.
And again, these are things that you can't see
from where you're seated, but these were things
that were requested to be done and we submitted to
NJIT.
We were demonstrating back then both
the Edge and the Advantage. And I remember on one
of our products we had the complaint that on the
third report it didn't hesitate long enough. And,
of course, the machine now hesitates on the third
report to whatever amount of time the voter
requires to review their ballot. So they can take all the time that you'll allow them to have and review. That was an important change. And, again, I'll go through a vote process and show you
how we have that delay until I actually prompt the
machine to cast the ballot.

Other things that the voter will
never see that NJIT required that we do, give a
certain shielding, to have all the cables in the
back shielded and collected; any junction points
for any of the connecters or power cables that not
be is he accessible to voters. That was kind of a
comment I think was made against all vendors. All
of those issues were addressed.

Again, I know you have the report,
and I think we'll leave that to Dave to go over
those item by item. But these are the types of
things that we got in back of the machine and
we've got to go around and see.

There was a lot of attention to
seals, security seals. The audio box in the back
of the machine actually has a tamperproof seal to
validate the -- for whatever reason that the audio
box would never be removed from the machine. The
results cartridge port has a numbered seal, a
recorded numbered seal, that you will work into
your procedures in New Jersey to validate at the
time the machine is set and if that seal is broken
at the end of day to retrieve the cartridge.
Likewise, the ballot bag -- again, I know this is hard for everyone to see, but we're using the Rifkin clear lock. It's a reusable locking mechanism with a mass printed seal. It's a recordable number seal. It's very sturdy. It actually secures the ballot bag. Of course, this is done by the pole worker the morning when they set up the voting machine shouldn't be broken throughout election day.

Seal points, they wanted tamperproof evidence seals on the cover of the roll of paper.

I think that might be, depending on how you look at for some people, whether it's a requirement or necessity, NJIT wanted us to have it on there. If you remove the seal to change paper, it leaves evidence of the fact that the paper compartment has been accessed.

Again, we're no longer talking reel-to-reel VPAT device. So even accessing the paper gives you know access to actually cast ballots. It's important to understand.
So to some degree, I think that's kind of a holdover from the concepts and the discussions of the reel-to-reel but, nonetheless, it doesn't hurt to have another security point and
limited access. It's going to a rare occurrence that you're going to have to change paper on election day. If you do, you're going to have to break the seal, change the paper roll, replace the compartment, and reseal. And a supply of these seals will be available. These seals -- the companies that make these seals, they can personalize it for the State, they can personalize them to the County, they can come up with numbering conventions that satisfy each and every jurisdiction.

So you've got seals on the bag, seals on the printers. You've got tamper-proof seals on the CP component in the back. Both CPU compartments have seal devices. We have sealed this machine in every place that NJIT could think to tell us to seal the machine. So functionally now, let's just go through the function. Of course, nothing has changed. The operator panel is on the side. There's the activate button. The pole workers are
trained to activate the machine by pressing the
activate button. There's a light that illuminates there.

Somebody asked earlier about how we
handle fleeing voters. My answer is we handle fleeing voters the way we have for years. We train poll workers to identify the activate status of the machine and to not allow a voter to leave until that status indicator goes out. That will stay on until the voter completes the process.

To demonstrate a voting machine, one thing I want to point out -- and I'm just going to vote one office -- whether I vote one office or I vote every office, it utilizes the same amount of paper, because it prints the space for the candidate and the contest name each and every time on each and every receipt that's printed. So whether if I vote one or more, it doesn't matter. I make one choice, I depress the cast vote button. In about three seconds, it will display the ballot in the window. And, of course, that you can't see this. In this case, on this particular ballot -- and this was the NJIT proscribed ballot -- the entire ballot is now reviewed on one page. You can see your choices. It will indicate that there
are no selections made. It will indicate a
write-in choice if you made and it will indicate
every office that you selected.
Now, we have three options in New
Jersey to make changes -- actually, two options to make changes: Your initial choice and two changes. So if I want to change this ballot, I have two ways. And one of the things -- of course, we have work with voters in the future. Voters are going to have to start noticing the LCD window that's always been here, but prompts them, cast this vote yes or no.

But I also want to point out in the old process, if we made a selection that we didn't mean to make, the way to cancel that selection was to touch that selection again. That process remains the same. And, in fact, touching that selection voided that ballot. So in a sense, the voter still uses the same process in the past that they did to deselect an errant choice.

I deselected the first choice I made. I can now make another choice. And I can actually cast my ballot again. And that process repeats itself. This is now my second receipt that I review. It prints the receipt. I review
the receipt and I go, oh, again, I still made the
wrong choice. The process remains the same. I
touch the choice that I didn't mean to make, the X
will go off, and I can now make another choice.
The difference now is we do have an audio prompt that says, this is your final choice. So on the third time, the voter is --

MR. APPEL: Audio? Did you say audio prompt?


We do have a visual prompt saying, this is your final choice, this is the last chance you have to make a change. The voter has to indicate okay to that choice. And then they can proceed to make the necessary changes.

As I pointed out before, when I cast my ballot this time, the ballot doesn't simply scan by slowly requiring that I review it in some predetermined time frame. The ballot is produced. I have all the time that I'm allowed to look at it. And when I'm ready to leave the booth, I cast the vote one final time. The ballot's accepted.

Those of you who have seen it, it prints a barcode
on the ballot, which is the identifying
information to allow a jurisdiction to scan their
own information for a rapid recount, if you will.
There are lots of uses for the barcode. And
that's the process.

Again, I think the most visible change for you when you come to vote is the fact that you do have the time to review that third ballot, whatever amount of time that you want.

CHAIRMAN WOODBRIDGE: A couple questions. The spoil ballots, how are they identified or distinguished from the final ballots?

MR. WYNHAM: Each time that I made a alternate selection on the ballot, the ballot is marked voided at the top. And there is a numbering convention as well. So in the end, if you're actually going to use these ballots to recount, you will set aside every ballot strip that has the word voided on it and you will only acknowledge the ballots that are in conjunction with the barcode. Or if in the case of a very large ballot and there are two pages, there's a number that links the two pages of that ballot.

CHAIRMAN WOODBRIDGE: And there's no
barcode on the voided ballot?

MR. WYNHAM: There's no barcode on the voided ballot.

CHAIRMAN WOODBRIDGE: Also, one
thing I was confused about. Again, when you went
back to NJIT in Thanksgiving and they reckoned you
to the federal criteria, does this meet federal
standards at this point?

MR. WYNHAM: Yes.

CHAIRMAN WOODBRIDGE: All federal
standards?

MR. ALLEN: 2002 standards, yes.

CHAIRMAN WOODBRIDGE: Okay.

I know there's some questions about
the machine. Does anybody in the audience want to
make comments or questions?

MS. GOLDMAN: Irene Goldman.

Is this the time for public comment?

CHAIRMAN WOODBRIDGE: Well, not so
much public comment, but specific questions
related to the function of the machine right now.

MS. GOLDMAN: Okay. I'd like to ask
further on your question of federal guidelines.

2002 is the guideline that this courts to. You
said that this is federal -- is being inspected by
the federal commission and --

MR. ALLEN: No, actually, I didn't.

I said it meets the guidelines set down in 2002.

MS. GOLDMAN: Right. You said that
it meets the 2002 guidelines.

MR. ALLEN: That's correct.

MS. GOLDMAN: So you -- pardon me, I

don't remember your last name.

MR. WYNHAM: Andy Wynham is my name.

MS. GOLDMAN: I'm sorry. Mr.

Wynham, you said that it was -- that that machine

is now being reviewed federally.

MR. WYNHAM: It has been reviewed by

a federal testing lab, Wyle Lab.

Dave would be better to address

this.

MR. ALLEN: We engaged at the

State's request Wyle Labs who are a federally

accredited VSTL. That's -- I can't remember what

it stands for. They change the name so often.

Basically, to review and test this machine to the

2002 standards, as proscribed by the Election

Assistance Commission.

I would like to say, one of the

things may have been noticed by some members of
the public is we first came back -- we first had
this meeting back in July 2007. It's been 10
months. That's rather a long time to do what
appears, from the report, to do a small number of
changes. The reason it's taking so long is that
during that period, the EAC effectively reviewed
the 2002 standard. Although they didn't make any
changes to it, they changed their interpretation
of that standard. The result was a much more
g vigorous and strict testing process. Some of
things that they would -- in the old days, they
would interpret in a slightly benign way, they
interpreted much more strictly. This resulted in
particular changes to get it to pass their new
interpretation of the ESD, electrostatic
discharge, and radio frequent interference tests,
and a number of other things as well. And that
process has taken a great deal of effort on our
part.

Effectively, what we've had to do is
take a machine that was designed quite sometime
ago to accommodate the standards and
interpretation from that time period and bring it
up to standard so that it meets all the current
interpretation of the guidelines.
So Wyle has completed that. They've done the code reviews, they tested the hell out of it, both hardware testing and the firmware testing, the functionality testing, accuracy
testing. They released their report, which have
been provided to the Attorney General's Office and
the Secretary of State.

MR. APPEL: Can you tell me the date
of the Wyle report?

MR. ALLEN: May 6, 2006.

CHAIRMAN WOODBRIDGE: For the
record, I believe everybody on the Committee, I
assume, have copies of the report that we got. It
is unusual, compared to other reports, in that it
goes into details we haven't seen before: Things
like temperature and RFI interference and stuff
like that. Wyle, as people may recall, has
probably been the major tester, especially on the
hardware side of the equation, for a number of
years. And I'm sure that report will be made
available to you if you want it.

Why don't we do this. Why don't --
if there are other questions afterwards -- yes,
ma'am?

MS. HARRIS: Can I ask a question?
CHAIRMAN WOODBRIDGE: As long as it relates to machine itself.

MS. HARRIS. My name is Stephanie Harris. I have read that it is possible for the
voter to be viewing a ballot which is not actually
the ballot which drops into the ballot box and
that the ballot that the viewer is looking at can
be generated by prior cast ballots and that what
actually drops into the ballot box is a different
ballot that's printed all together. So could you
please explain how the information travels from
this paper roll, what gets viewed in the screen,
and then what drops into the ballot box, and that
whole process, and respond to this problem?

MR. ALLEN: Well, actually, I find
this rather confusing. I certainly haven't heard
of that before, but I will explain the process.

Obviously, you vote. The selections are printed
by the printer. The paper actually comes off the
roll, pass the print head, and gets displayed in
the window, which you see. If you cast a
ballot -- let's take two examples.

A single-sheet ballot. If you cast
a ballot, it gets cocked and drops. Once it gets
forced out, it drops into the barrel. That's it.
Somebody else can't come up and see how you voted.

It can't be a previous ballot.

If you void the ballot, it prints "void," then it cuts it, and the process is
I'm guessing that there's some confusion about what happens when there's a multipage ballot, it's longer. Obviously, if you voided on the first page, it behaves in exactly the same way. It voids and then it doesn't print anything else. It waits for you to react again.

Let's assume that you voided on the second page. The first page prints. The voter looks at it, that looks okay, I'll accept that. It cuts, drops. The second page gets printed exactly the same way. The voter now looks at it and decides, oh, dear, I've made the wrong choice or I forgot to vote in something, I realize I wanted to vote in that contest, I'll void it. Now what happens is it prints "void" again.

As Andy pointed out, there's a number, a unique print number which links the two. It's printed on both so that you can link the two. It cuts and drops. There's no way you can get a situation where a vote comes to the machine and
the machine prints a previous ballot or there's a ballot sitting there already.

MR. WYNHAM: Once the voters cast their vote, there is no mechanism for the system
Mr. Apel: My name is Andrew Apel. I asked you this question before, but I'll ask it for the record. If election officials in the State of New Jersey wanted to make a provision for challengers and election workers at the beginning of the day before the polls open to verify for themselves that the ballot bag is empty, does the physical setup you have permit that to be implemented?

Mr. Allen: Could you clarify exactly what you mean?

Mr. Apel: In elections where ordinary paper ballots are used in ballot boxes, in some jurisdictions there's a procedure that the poll watchers and challengers and witnesses can see for themselves before the polls open that the ballot box is actually empty and there aren't paper ballots in it. And if election officials in New Jersey wish to implement procedures by which
the challengers could satisfy themselves that the
ballot bag is empty before the polls open, does
the physical setup of your equipment permit --

MR. WYNHAM: The answer is yes. We
have keys to the bag. That's a procedure for New
Jersey to develop. If they want to give the keys
to the poll workers so they can validate the box
is empty in the morning, that's a choice that has
to developed in New Jersey.

MR. ALLEN: That really is a
question for the State rather than --

MR. GILES: On that issue, it would
be similar to looking at zero -- and that's
something we would have to put in procedures to
say a challenger can view the bag to make sure
there's nothing in it.

MR. APPEL: It's for the State to
decide which procedure it wants to implement, but
it's useful to know whether the equipment permits
those alternatives.

MR. GILES: The bag comes out of the
back of the machine, so before it's mounted on the
machine, the challenger has the opportunity to
make sure there's nothing in the bag prior to the
start of the day.
MR. APPEL: That's a question I have.

MS. KELLY: Maybe that's what the problem was is that you've seen the machine set up
already with the bag in it, but that's not how it's going to be in reality on election morning.

Maybe, Andy, you should have kind of like backtrack a little bit more to explain where the bag will be and how the board workers and actually setting it up. That would be very helpful.

MR. GILES: Do you have an empty bag?

MR. WYNHAM: Yes, I do. This particular bag, I don't have the access key to it. That's why I've used this one over here. This bag is folded and secured and in the back of the machine when they open the machine in the morning. It's the poll worker's responsibility to remove the bag, set up the VPAT and mount bag and VPAT and attach the security seal.

CHAIRMAN WOODBRIDGE: When they do that, they can look in the bag; is that fair?

MR. WYNHAM: There's nothing physically limiting that would prevent you from
looking in the bag. I mean, you have a flap on the top. You can access the bag through the throat. You also have access to the bag right here. I have the keys for this bag. You can
unlock the bag, validate that it's zero, close the

bag, and I would imagine that you would develop

some procedure for re-securing the keys so it's

not accessible through the day.

MR. APPEL: I think what you

explained to me this morning is that one of very

reasonable set of procedures would not permit the

key to open the bag to actually be at the polling

place for security reasons.

MR. WYNHAM: I wouldn't use the word

reasonable. That wasn't my choice of words.

MR. ALLEN: That really is not

something for us to discuss. That's an issue for

the State to decide what procedure they want to

put in place in terms of security.

MR. APPEL: Absolutely. It's for

the State to decide what procedure they want, but

it's good to know which alternatives your

equipment permits the State. And so as Andy

explained to me this morning, one could very well

imagine a procedure by which a key to open the
ballot bag is not actually ever physically present in the polling place. So therefore, the option of verifying that it's empty by opening it up before the poll is open is not available.
The other option that he showed me was looking through the slot at the top, which is not impossible --

MR. GILES: To move the hearing along, that's a process we'll work out with the State. It's available that you can look in the bag, that functionally it has the ability to check that, but for the purposes for moving the hearing along today, I think that the --

CHAIRMAN WOODBRIDGE: We're drifting away from what I hoped was going to concentrate on these things right now. We can come back to all this later. I want to give the public and anybody else an opportunity to see how the machine works.

Why don't reconvene. Let's go through the issues that we had, see what kind of responses we get. And when it's all over, then we'll open up for some more questions from the public.

So you've seen the machine. And we'll have an opportunity to go back as much as
people desire after the formal part of the hearing is closed. Incidentally, we don't really make our decision during the hearing itself.

MS. GOLDMAN: Mr. Woodbridge, I
don't think your microphone is on.

CHAIRMAN WOODBRIDGE: Can you hear me? Can you hear me now?

Sorry about that.

We're going to pick up sort of where we left off. This has been very helpful to know what's happened, because it's been a long period of time since the last time we got together and saw this. And if people have copies of our report from the meeting of July 24th of last summer, what I'm going to do is I'm going to read the 10 issues we had and I'm going to ask for the vendor to respond.

Also, I do note that in addition to the Wyle report that was referred to, we had a little sheet giving us a summary of what's happened. Some of these things go a little bit beyond the July 24th concerns, so I may ask you to elaborate on those. I'm assuming you have that, too.

So I'm going to start in the very
beginning. And although, it's a little bit
laborious, I think it's probably the most thorough
way to do it. And starting on Page 4 of the
report, walk through our comments and ask, David,
if you and Andy would respond to that.

The first concern we had, No. 1 was the inability of the voter to verify his or her third paper ballot.

And our particular comments were, "When the voter casts his or her third and final ballot, the paper ballot portion is presented only momentarily and the voter is not given enough time to verify that the paper ballot is consistent with the electronic vote. The voter needs to be able to review and made to hit the button cast vote again so that the State knows what the voter's real intention is. This will make sure that there's no question as to accuracy and intent of the voter's choices. The vendor indicated that this error could be and would be corrected with firmware way in the near future."

Mr. Wynham, I believe you did address that a little bit. Would you care to respond to the specifics, though?

MR. WYNHAM: Yes. I think I was
able to demonstrate this in individual
demonstrations this morning so people got to see
it for themselves. When you reach that third
choice, that ballot will stay there as long as you
need to read it. So the only limiting fact are
the procedures in the State of New Jersey. You
are required to hit the cast vote button one
additional time in order to cast that ballot. It
creates an extra step for the voter, but it does
give that voter the opportunity to take whatever
amount of time they have to review.

CHAIRMAN WOODBRIDGE:  Thank you very
much.

Any questions on the Panel on that
issue?

I know, John, you had a specific
concern.

Issue No. 2, "NJIT pointed out with
regard to a sight-impaired voter that the 'voter
is prompted to print next page after first page on
the write-in LCD screen rather through audio
message."

And the comment under that was, "The
vender said that this would be corrected also."

MR. ALLEN:  That has been. The
audio message now gets played.

AUDIENCE MEMBER: Louder, please.

MR. ALLEN: That has been corrected.

The sight-impaired voter now gets an audio message
telling them exactly what to do, to press the
button for the next page.

CHAIRMAN WOODBRIDGE: Perhaps that's
something we may want to demonstrate once we get
through this walkthrough just make sure that's the
case.

Issue No. 3, "The printer needs to
be sealed by seals and locking mechanisms."
The comment was, "The vendor
demonstrated that the clear plastic paper cover
could be locked or sealed even though it was not
tested in such a state. In addition, the printer
paper did not appear to be secured during the
election testing. It is recommended that either
seals or mechanical locks be used to prevent
unauthorized individuals from tampering with the
paper during the election process."

I believe you did show us some seals
on this machine. And I understand you've gone
from the accordion fold to a paper roll; is that
correct?
MR. WYNHAM: Yes, sir. And we took that literally. The recommendation was either mechanical or tamper-proof seals, and we submitted to NJIT with tamper-proof seals --
MR. ALLEN: Tamper-evident seals.

MR. WYNHAM: Tamper-evident seals.

Excuse me. That will reveal when the cover has been removed from the printer.

CHAIRMAN WOODBRIDGE: Do you have any idea how many votes on a typical vote you can accommodate on a single roll like that?

MR. ALLEN: It really does depend on the size of the ballot, obviously, and how many voters. But it should easily be able to accommodate anywhere between 2 and 400, just depending on the size of the ballot.

CHAIRMAN WOODBRIDGE: Just one question. One of the concerns I know that California had a year ago was the issue of having paper ballot lengths. They were quite long. I think one example was a 39-inch paper ballot. I think that's because they reprint some of the questions in total. But what's the typical length of a ballot in this case?

MR. ALLEN: I'm sorry. Could you
CHAIRMAN WOODBRIDGE: What's a typical length of a cast ballot, do you know?

MR. WYNHAM: This ballot is 14
inches. You can do the math yourself. This ballot is 14 inches. It's a 800-foot roll.

CHAIRMAN WOODBRIDGE: So each ballot, every time it casts a ballot it's 14 inches, not plus or minus of that, correct?

MR. WYNHAM: There is a plus or minus because if you said what if it was two-page ballot. The second page will only use the amount of print area required. So you can have 14-inch and then a 2-inch. On this particular ballot, which is indicative of about 75 or 80 percent of the ballots in New Jersey in terms of length -- one of the things in your last comment about the next prompt, the audio for a second page, one of the things you'll also notice, this is the very same configuration machine at the last hearing produced two pages of receipt. One of the things that's been done is that they're brought down to a single page to accommodate the majority of the ballots on a single page. Single page is about 14 inch. You've 800-foot roll of paper right there.
You get a low paper warning when you get down to about 750 feet. In which time then you would prompt someone to come and change the paper roll. And of course, the reality is,
though we have 750 voter language out there, we
seldom put through more than about 500 voters on
an Advantage without VPAT in New Jersey.

MR. ALLEN: Basically, a paper roll,
a 800-foot paper roll can support a minimum of 680
ballots, pages. So obviously, if it's going to be
three pages, it's going to be less complete
ballots than that. So it really does depends on
the complexity and length of the ballot. But an
assumption that on an average election, maybe it
goes on to the second page and uses half of that,
half the space. Then an assumption that you can
get around 400 complete ballots on a printout is a
reasonable one.

MS. GOLDMAN: Unless a voter comes
in and votes three times.

MR. ALLEN: Of course.

MS. GOLDMAN: And you have to count
on that.

CHAIRMAN WOODBRIDGE: Out of
curiosity, in real life experience, how many
people cast more than one vote.

MS. GOLDMAN: It hasn't been used enough to know it.

MR. ALLEN: I'm not sure. I don't
CHAIRMAN WOODBRIDGE: Does the Panel have any other questions on this third issue?

Issue No. 4, "The paper trail ballots need to identify the particular election by name (e.g. Primary or General.)"

"The Committee examined some of the paper ballots and indeed they did not include the proper election designation. The vendor indicated that this would be corrected in the next round of software enhancements."

MR. ALLEN: That's been corrected. The election name, if it's programmed into the election definition, that information is printed on the ballot now.

CHAIRMAN WOODBRIDGE: When we were here last time, I believe you furnished us with copies of some of the sample ballots cast. Can you give the Committee some samples showing that you know it's Primary or General or what-have-you?

MR. WYNHAM: We don't have any
available, but we'll vote a few times today and
give you copies of the ballots that came out.
And as Dave pointed out, there are
four lines of text available that the counties in
the State can decide what data you put in those
four lines. But all four of those lines appear at
the top of every ballot cast.

CHAIRMAN WOODBRIDGE: We'd like to
in our files, if we could, copies of those ballots
showing that they do indeed comply with Issue
No. 4, okay? If you can do that.

Issue No. 5, "The Committee agrees
that there should be a digital signature on each
digital record."

And the comment is "The vendor
indicated that this would be corrected."

MR. ALLEN: That is correct. Each
electronic digital -- what we call a ballot image
record now has its own signature. We also
increased the strength of that signature so it now
conforms to the HSA 256 standard. So it's much
stronger now. And when the polls are closed, we
also generate a digital signature on the complete
set of ballots and its records as well.

CHAIRMAN WOODBRIDGE: Just to
22 refresh my memory, on the image records, are these
23 like PDF records? Or what kind of --
24 MR. ALLEN: No, no. This is the
25 actual ballot data, the electronic ballot data.
CHAIRMAN WOODBRIDGE: And how is that data captured? In what form is that?

MR. ALLEN: In binary form.

CHAIRMAN WOODBRIDGE: In binary form, okay. So it's not a digital picture, so to speak.

MR. ALLEN: Oh, no.

CHAIRMAN WOODBRIDGE: And you say you provide each one of those with some sort of digital -- unique digital identifier; is that correct?

MR. ALLEN: That's correct.

CHAIRMAN WOODBRIDGE: Does that correspond to the number on printed ballot?

MR. ALLEN: No.

CHAIRMAN WOODBRIDGE: Is there any cross-correspondence between those data?

MR. ALLEN: What happens is the printed record has its own hash value calculated on it as part of the barcode. That is not the same. The reason for that is if we were to
implement that, then we would be forced to
potentially infringe a patent case that's
currently in court. Obviously, I'm quite sure the
State wouldn't want us to -- to try to force us to
infringe a patent. Until that case is resolved,
maybe if the Court decides -- we deliberately
avoided infringing that patent. There are some
other companies out there that are contesting
that. They do potentially infringe that patent if
that patent is upheld. At such time that that
case is resolved, if that restriction is removed,
we can -- I'm not saying we will, but we can
consider doing things like including the
individual digital signatures in the barcode as
well. But at this point, we can't.

CHAIRMAN WOODBRIDGE: I'd like hold
the questions, if I could. We can come back to
you on this. Again, I see there were some
questions in the audience. Again, we'll come back
to all this and sort it out.

MR. ALLEN: We believe that we've
complied with NJIT's requirements. They asked us
to add a digital signature to each electronic
ballot image; and that, we have done.

CHAIRMAN WOODBRIDGE: Issue No. 6,
"If a mechanical error occurs, the machine needs to better differentiate between problems, e.g. paper jam and the like."

The comment was, "Presently the
machine only presents two different error
messages, neither of which are sufficient to
differentiate between the types of mechanical
typical mechanical errors that typically occur, e.g., how do you tell
when the paper jams? The vendor indicated this
could be and would be corrected in the next
version of the software."

In other words, the messages that we
got really weren't sufficient to tell us precisely
what the problem was.

MR. ALLEN: We now produce seven
different error messages which give you a much
ter better -- as to where the problem is.

CHAIRMAN WOODBRIDGE: What kind of
messages are those?

MR. ALLEN: Things like -- there's
also a general printer error as a default.
There's printer offline, out of pain, paper near
end, printer not connected, paper empty, printer
unplugged.

CHAIRMAN WOODBRIDGE: If the paper
jams, what message do you get?

MR. ALLEN: I believe it says printer offline. There's no way to know whether it's offline because of a jam or some other
reason.

CHAIRMAN WOODBRIDGE: Understood.

Okay.

So as I understand it, we've gone

from two different types of error messages to

seven that are more descriptive of the issue; is

that correct?

MR. ALLEN: That's correct, yes.

CHAIRMAN WOODBRIDGE: Any questions

on the Panel's part here?

Issue No. 7, "There was debate as to

whether or not the machine needs to be able to

process 750 votes without a paper change.

"The state statute requires that

there should be one voting machine for every 750

registered voters" -- which doesn't necessarily

mean that there has to be 750 votes in a row

without changing the paper -- "the statute and the

State criteria, however, do not appear to require

the machine be able to print 750 ballots without a

paper change. The vendor indicated that the paper
supplier provides cartridges of folded paper in units of 500 sheets each" -- and this was when you were seeing an accordion-type fold feed -- "but that they could probably provide more. After
consideration the Committee decided it should be
acceptable for the machine to go through at least
500 ballots before a paper change."

We've had some testimony here
indicating that you an 800-foot roll on the
machine; is that correct?

MR. ALLEN: That's correct.

CHAIRMAN WOODBRIDGE: And that the
ballot length is normally about 14 inches?

MR. ALLEN: Correct.

CHAIRMAN WOODBRIDGE: We don't know
how many times that voter is going to vote again,
so it could be fewer and 500 voters. But if an
issue is ballots, some of which are spoiled, then
it would seem to me that probably it comes close
to if not exceeding the 500 limit. I don't want
to testify for the vendor here, but we have been
through this issue.

Bob, John do you have any additions
to that? No?

Issue No. 8, "If the printer is
broken, the voting machine does not record in the
event in the DRE's internal audit log."
And the comment under that was, "The
vendor indicated this would be fixed with the
appropriate software within 2-3 months."

MR. ALLEN: That is correct. It now records the printer error in the audit log.

CHAIRMAN WOODBRIDGE: Can you show us before we go or give us some kind of visual demonstration of that?

MR. ALLEN: Can we print out -- Andy would have to induce an error.

MR. WYNHAM: When we take a break, I could try to induce an error and force the printer to malfunction.

CHAIRMAN WOODBRIDGE: We'll definitely take one break at some point here and resume, and we'll give you a little short list of things we want to come and revisit. I think that's one of those that we'd like to verify if we could.

Issue No. 9, "The Committee noted that there was no box on the side of DRE, including the required 30 emergency ballots as has been standard practice in the State of New Jersey
for many years."

The comment there was, "The vendor indicated this would be corrected as it has been on other Sequoia DREs."
MR. ALLEN: Andy's going to show you that box. That box was available before.

MR. WYNHAM: We just didn't have it at the machine that we had at the armory.

CHAIRMAN WOODBRIDGE: So you've got the emergency ballots and the pencils and stuff in there?

MR. WYNHAM: Yeah. That was the prior requirement. Had nothing to do with VPAT. We just didn't think you'd be looking for that when we were doing the VPAT hearing, so we just didn't have it on the machine.

CHAIRMAN WOODBRIDGE: How does Hudson County rate a snazzy box like that when everybody else gets the cheesy box?

MR. LESTER: Mercer has that, too.

CHAIRMAN WOODBRIDGE: Do you?

MR. WYNHAM: We've gotten these in quite a few.

MR. FLEMING: How does that attach?

MR. LESTER: Actually, there's a
22 cable that attaches to the hinge plate.
23 MS. GOLDMAN: We can't hear
24 anything.
25 MR. WYNHAM: He asked how it was a
attached. There's a cable that attaches the ballot box to the machine. The ballot box is stored in the inside in the back of the machine.

It's brought out when necessary, hung on the machine. The emergency ballots are actually delivered inside the ballot box itself and is sealed. And if they have to use emergency ballots, they open it, they access the ballot, they reseal it, it becomes the ballot box.

MS. GOLDMAN: How many does it hold?

MR. WYNHAM: I think the State distributions 30 to each polling place.

MR. LESTER: Title 19 requires 30 ballots. In Mercer for a Primary there would be 30 Republican, 30 Democrats, so it actually does hold at least 60.

MS. GOLDMAN: My comment would be to the State.

CHAIRMAN WOODBRIDGE: Why don't we hold off. We're going to get to that pretty quickly because we're almost through this part
here. I think what we'll probably do is once we go through this -- and I have actually one or two follow-up questions myself -- is take a break, see if you can provide some of those things we
require, and then get the full public input on that, too, if that's okay with people.

Okay. Issue No. 10, "The vendor is presently negotiating a Non-Disclosure Agreement with the Attorney General's Office in order to provide source code.

"Vendor indicated that it had entered into similar agreements with the other states. Committee encourages the vendor and the AG's office to expedite the process."

What's the status of that now? Do you know?

MR. ALLEN: That's been done.

MS. GOLDMAN: I'd like to have our attorney come in and hear this.

CHAIRMAN WOODBRIDGE: Has source code been provided, do you know?

MS. KELLY: This is under the court proceeding --

MR. CHAGARIS: There's currently a litigation pending involving the testing the
source code, which is pursuant to Protective Order

of the Court.

CHAIRMAN WOODBRIDGE: Okay. With

that understanding -- and again, I've got to deal
with this issue because it's right here in front of us. So the issue is there is discussions with the Court about disclosure of this and testing of it; is that correct?

MR. CHAGARIS: It's pursuant to Protective Order.

AUDIENCE MEMBER: Could you speak up, please? We can't hear anything.

MR. CHAGARIS: There's currently litigation pending having to do with the source code. And that source code and the concerns about it is under Protective Order at this point. So we're not really at liberty to discuss it.

CHAIRMAN WOODBRIDGE: I guess the question is, it's the delivery of the source code is under Protective Order; is that correct?

MR. CHAGARIS: Yes.

MS. KELLY: So at this juncture, it would not an issue for this Committee.

MS. HARRIS: Why not?

MS. KELLY: It's been overridden by
the Protective Court Order.

MS. GOLDMAN: Well, they haven't started it.

MS. HARRIS: And it hasn't been
agreed to.

MS. KELLY: This matter of the

source code is under Court Order that was signed

by Judge Feinberg on Monday. So that's where we

have to --

CHAIRMAN WOODBRIDGE: So basically,

the matter is in the hands of the Court at this

time; is that correct?

MS. KELLY: Yes.

MS. HARRIS: Mr. Woodbridge, are you

asking the question in perpetuity or at this

immediate moment about the availability of the

source code to the State?

CHAIRMAN WOODBRIDGE: Well, the

issue is right now the ability, I believe, and I

don't recall all of the context of the original

question, but the issue was whether or not it

would be made available. I don't think the

question of perpetuity or not was the issue at

that stage. I think part of the thing that one is

concerned about is the ability if, God forbid, the
vendor goes bankrupt or what-have-you, that there
would be escrow, a code so that you could access
that if there's a problem. That's usually the
care that you see.
Now, again, at the time we went through this, I can't tell you precisely what other discussions we had. It's pretty much all in a very thick record here that you can see. But that's my major concern when I see the machines that have software components. If something happens to the vendor, how do you get your hands on the source code so you could make whatever changes have to be done?

MR. GILES: I believe that exists at the county level, because the county is the purchaser of the software. So I believe the counties have entered into the agreements to keep it at escrow.

MS. GOLDMAN: I don't know that that's the case. I don't know that that's the case in every county.

MR. GILES: I believe that is the case in at least some counties.

CHAIRMAN WOODBRIDGE: Why don't we do this. We have about three, four issues that we
may want to come back and revisit after the
hearing. I wanted to get through this.
I do want to add one other question,
just because it sometimes comes up. That is the
issue of is it possible to in one way, shape, or
form affect the performance of the machine by
putting in rogue code or something like that? Is
there any opportunity for anybody to do that sort
of thing on a machine like this? In other words,
can some member of the public slip a card in here?
MR. WYNHAM: The Advantage machine
has always been built with no external access
point. The only way that election data is loaded
in the machine is through the results port that's
sealed and locked in the machine. There's no key
board connect, no alternate disk drive, there's no
hard drive on this computer. It simply is no way
to introduce code. Then there are firmware and
hardware restrictions inside the machine as well.
But the simple answer for the average guy, there's
just no access point.
CHAIRMAN WOODBRIDGE: Okay.
Does the Committee have any further
questions?
Then why we don't we do this. We
have -- I've been sort of trying to keep track of

this. There may be others, but there are several

follow-up issues that we want to deal with. One

is the audio. Point No. 2, I'd like to see a demo
of that, our point No. 2.

With regard to our point No. 5 about
the paper trail, we wanted to see some of those
ballots, verify the fact you can show primary and
what-have-you.

Also, we'd asked, and Mr. Wynham, I
think you said you could probably force it into a
mode that would show the recording of the internal
log; is that correct?

MR. WYNHAM: I'll attempt to do that
during the break and then demonstrate it once I've
jammed or somehow --

MR. ALLEN: We'll try.

CHAIRMAN WOODBRIDGE: That was our
Item No. 8.

I guess the Committee will probably
want to discuss the issue of the source code. The
Committee itself wasn't going to do anything with
the code; it was just more of a concern that, in
fact, the code be available.

So those really are the issues that
we have. I do notice a list that you had

provided, I believe, that went through some other

things, too. Do you have the list? Could you

walk us through those items that don't correspond
to our items No. 1 through 10?

MR. ALLEN: Okay. There was

obviously, as I pointed out earlier, the EAC's

interpretation of the 2002 standard has become a

great deal more strict. As a result, we made a

number of changes to meet those.

There was also a couple of defects

that had been reported, which were also corrected.

There are improvements to the

hardware to make it conform to the new strict

interpretation of the electrostatic discharge and

radiofrequency interference requirements in the

2002 specs. That does not effect the function of

the machine at all. It just provides hardware,

additional hardware protection.

There was a change. We had a number

of reports out in the field, and this was found by

Wyle as well, that during transport of the machine

the audio cable where it attaches to the

motherboard can become slightly loose. We made a

change to that connecter so it's now retained
better, and that improves reliability of the
machine after it's been transported.

Again, no functional impacts other
than improve the operation of the machine, the
reliability of the machine on election day.

There is a requirement, again, due to the EAC's new stricter interpretation of 2002 spec, we now will be providing maintenance instructions and error code, an error code list to the back of the machine.

AUDIENCE MEMBER: Can you speak louder? I'm sorry.

MR. ALLEN: We will providing a maintenance sheet which has maintenance instructions and an error code list which could be attached to the back of the machine.

CHAIRMAN WOODBRIDGE: As I recall, just for the record, I believe you provided us with maintenance instructions and things like that in your original submission, but they weren't attached to the machine; is that correct?

MR. ALLEN: The EAC on the 2002 spec means that there must be a statement of maintenance and a list of error codes attached to the machine itself.
So I'll ignore the ones that we've already addressed as a part of addressing the Title 19 report.

CHAIRMAN WOODBRIDGE: We've gone
through those.

MR. ALLEN: We've increased the strength of digital signatures we use to VSHA standard which is FIPS approved; that means it's a federally approved algorithm.

We removed smart card support from the diagnostics because that's no longer available, offered anymore. So it was redundant codes, so that was removed.

There had been reported a defect that could occur where you could get an incorrect date and time set in the machine by basically going to a certain condition and then trying to move backwards. That defect has been corrected.

We have improved the audio quality considerably. There was reports in the support of MP3 audio that you could get squawking noises and a considerable amount of noise in the audio. We have improved and corrected that so now the MP3 audio is much better quality than had previously been supported.
We reported in the field was a number of random key selections or presses that could cause the system to lock up. That defect was tracked down and corrected.
MR. LESTER: Excuse me. Could you explain that more please? What keys are you referring to?

MR. ALLEN: I can't tell you details of what keys they were. I don't have that information in front of me.

There was a defect was reported in the last primary whereby if a poll worker accidentally selected a code and then -- selected a switch option, a party option and then selected an unused switch, that caused an issue. That defect has been corrected. And that defect, by the way, was specifically tested by Wyle as well that that had been corrected.

We made improvements to inter-board communication to prevent some of the failures and lockup conditions that has been noticed in the field. That's been corrected now or improved.

We improved the hardware error checking process to prevent spurious error reporting, hardware error reporting that was
22 occasionally occurring.
23 And of course, lastly the code
24 review, Wyle reviewed the code and came up with a
25 number of code, what they call code defects, which
we corrected those. Those are mostly comments or
coding standards issues like length of particular
lines of codes, things like, and they were all
corrected as well.

CHAIRMAN WOODBRIDGE: I had a
question I probably should have asked up front.
The machine in its present configuration with the
VVPAT, has that been used in any elections today?

MR. WYNHAM: No. You're the first.

CHAIRMAN WOODBRIDGE: You mean we
will be the first perhaps.

Are there any other states in line
with the same trajectory to have this kind VVPAT?

MR. ALLEN: There are a number of
states which use this machine that have expressed
an interest in going with the VPAT selection.

CHAIRMAN WOODBRIDGE: Now, if I
understand correctly, though, the first DRE,
that's the electronic part of that machine, is
used in other states in addition to New Jersey?

MR. ALLEN: That's correct. The
Edge machine has been used with a VPAT configuration for a number of years now.

CHAIRMAN WOODBRIDGE: Now, this is not the Edge; is that correct?
MR. ALLEN: No. This is Advantage.

CHAIRMAN WOODBRIDGE: Okay. Has the Edge machine, is it currently using this particular VPAT configuration.

MR. ALLEN: No. The Edge uses its own different style of VPAT.

CHAIRMAN WOODBRIDGE: Like the one we saw last time; is that correct?

MR. ALLEN: Yes.

MS. VENETIS: The Edge is touch screen.

CHAIRMAN WOODBRIDGE: We have gone through our 10 concerns and plus a few more of our own. We've gone through the list of comprehensive list of changes that we've gotten from the vendor. We've noted a number of things that we do want some additional feedback before we conclude these hearings. Like Bob here, I'm a little bit curious about the improbable key combination issue. If we can get a little bit more information about that, that would be
appreciated.

This is probably an appropriate time to take a break, so why don't we take about a 10-minute break and reconvene. If things go
smoothly, it would be good we can probably
conclude this by about 1:00 this afternoon. I
can't guarantee it, but let's see where this goes.
After the break, we'll ask the vendors to respond
to the four areas -- actually, five issues we
talked about, and then we'll come back and take
all the public comment, too.
(Whereupon, a recess was taken.)
CHAIRMAN WOODBRIDGE: We're going to
go back on the record again. I hope that was
close to 10 minutes.
When we last stopped, we had
finished going through the basic points and
additional items that the vendor had noted. And
we were going to come back when we adjourned and
deal with the four or five issues where we had
lingering questions.
Is Andy hiding behind the machine?
I was just mentioning that now is
the time to revisit the four or five questions
that we had. And the first issue we wanted to
revisit was the issue of the audio. And if could

you tell us where you are on that.

MR. CHAGARIS: Before we begin that,

if I may, the question came up at very end about
the source code. And I can confirm to the
Committee that the source code is in escrow with
Iron Mountain, which is a repository of source
codes for the benefit for the State of New Jersey.

CHAIRMAN WOODBRIDGE: For the
benefit of the State of New Jersey?

MR. CHAGARIS: Yes.

CHAIRMAN WOODBRIDGE: So if the
balloon goes up and something, God forbid, happens
to Sequoia, we have access to that; is that
correct?

MR. CHAGARIS: That's correct.

CHAIRMAN WOODBRIDGE: Also, there
was a question of whether or not some of the
counties had access to that.

MR. CHAGARIS: The entire State of
New Jersey.

CHAIRMAN WOODBRIDGE: Do any the
counties individually have access?

MR. CHAGARIS: It's in escrow with
Iron Mountain for every county in the State of New
22 Jersey.

23 And then the question, I guess, was

24 asked of the audio. Dave.

25 MR. WYNHAM: You mentioned before
about hearing the next prompt on the audio. We're
demonstrating today a single-page ballot, so there
would be no next prompt that I can demonstrate at
this point in time. I can certainly demonstrate
that at a later date or demonstrate it for staff,
just for the purpose of proving that it does
function. Whatever the Committee's discretion is.

CHAIRMAN WOODBRIDGE: We would like
some verification of it. Now, how you do that is
going to be your problem, not ours. One thing --
it's a little premature, but I'll bring it up
right now. We are going to expand the public
comment period. Again, we don't make our
decisions today. And we will be taking public
comment up until 5 p.m. on Friday, May 30th. That
basically gives people an extra eight days to add
whatever they'd like, including the vendor if the
vendor can provide that kind of response. The
sort of thing that might be useful if it's not a
large file is a fairly simple video clip or
something like, if you can show it. That might
work. If you keep it down to maybe a minute or
two so we can get it.

MR. WYNHAM: To see that it
functions when I hit the button and --
CHAIRMAN WOODBRIDGE: Yes. Send us an MPEG or whatever. It doesn't have to be high grain quality. We just want to be able to verify it, if we could. Or anything else that would be useful to show us, in fact, we do get that audio signal.

Let's hold it until we get finished.

So you'll provide us with some --

how soon can you do that for us?

MR. WYNHAM: I can do that before the middle of next week. When is the public comment?

CHAIRMAN WOODBRIDGE: Public comment will be finished eight days from today, which will be 5:00 on Friday of next week.

Now, keep in mind, all responses do not come to us individually. They're to go to --

I guess now it goes to the Secretary of State. So make sure that it goes to them. They'll forward that information to us, because we try to discourage discussions between -- and Irene wants
to make sure she gets a copy of whatever it is.

So there should be some mechanism, I assume, on

the Secretary of State's web page or whatever so

the public can get access to some of this
material.

MS. VENETIS: I just have a logistics question, Mr. Chairman. Two questions:

Number 1 is, where does the public send its comments to, the Secretary of State or to your office?

CHAIRMAN WOODBRIDGE: That will be the Secretary of State's Office. Actually, we'll be getting to that towards the end of this program today.

MS. VENETIS: And then second is, when will be the transcript become available so that if we wish to reference the transcript we can do so in our comments? Because I think that would be helpful to everybody involved.

CHAIRMAN WOODBRIDGE: I don't know the answer to that.

MR. GILES: By Tuesday, we'll have the transcript.

MS. VENETIS: And it will be posted on the Secretary's web site?
MR. GILES: We'll try to get it posted. If not, you can reach out to us and we'll get you a copy.

CHAIRMAN WOODBRIDGE: It's a little
bit premature, but now that you bring it up --

MR. GILES: I'm sorry. I'll give

out my cards. You can send the comments to me at

the Division of Elections' Office and then we will

get a repository for those.

CHAIRMAN WOODBRIDGE: On that same

issue -- and again, it's a little bit premature

but it's worth noting. The Wyle report that we

referred to, the copy that the committee has is an

unofficial partially confidential one. They will

be posting a redacted version of that. I have no

idea what they redact.

SECRETARY WELLS: And that will be

done today.

CHAIRMAN WOODBRIDGE: That will be

done today, so you'll be able to see the Wyle

report in all its glory, although I've got no idea

what in there is especially confidential, but

that's regardless.

Okay. So you'll provide us --

you'll try to provide us with something that
demonstrates to us and shows the audio on the next page issue; is that correct?

MR. WYNHAM: Yes, sir.

CHAIRMAN WOODBRIDGE: And Wednesday
is when you'll be able to get that done?

MR. WYNHAM: Yes.

CHAIRMAN WOODBRIDGE: Issue No. 2 was the question of the ballots. And I think there are two issues: One is showing the General and the Primary, and the other is the issue of the internal audit log. Actually, they're two different questions. So why don't you show how the ballots now show us whether we're voting in General or Primary.

MR. WYNHAM: What I've basically done for the Committee is just provided a copy of the output from the VPAT. And at the top of each form, you'll see in this case of this demonstration ballot it says Essex County, November 4, 2008, denotes it as a General election. That one line actually contains all the information that you required. However, if you note, I circled the area on the form where the software that sets up the coding for the machine allows you four lines of text, so if you want to
break that out -- some counties spell it out in
great detail, election, the date, and all the
pertinent information you request.

CHAIRMAN WOODBRIDGE: Also,
likewise, last time if you could provide us with a
couple of your spoiled ballots just for the files.

MR. WYNHAM: And that's what these
are.

CHAIRMAN WOODBRIDGE: This says
accepted.

MR. WYNHAM: And there's two --

CHAIRMAN WOODBRIDGE: Oh, I'm sorry.

The public should get a copy or have a chance to
see these also.

Okay, fine. So that deals with that
issue.

The issue of the audit log, I take
it you ran something during the break; is that
correct?

MR. WYNHAM: This is the audit log
from -- actually, I just generated an audit log.

I had to unplugged the printer this morning as I
set up the machine. It generated an error code.

So all I did during the break was print the audit
log and let you review it for yourself.
CHAIRMAN WOODBRIDGE: What we're looking at here looks like a chronological event log of things that happens in the machine; is that correct?
MR. WYNHAM: Every event. You'll see every time I turned the power on, if opened or closed the polls, everything that happens to the machine is recorded in the log.

CHAIRMAN WOODBRIDGE: And I note that there are three instances where it indicates a power off; is that correct?

MR. WYNHAM: Yes, sir.

CHAIRMAN WOODBRIDGE: I've got to ask a stupid question. Are these times here -- is this this time zone or is this a different time zone? Because I notice it says 8:49. I wonder if that was --

MR. WYNHAM: That was the time that we were setting up this morning, yes.

CHAIRMAN WOODBRIDGE: In other words, you provoked these errors --

MR. WYNHAM: Instead of generating a new error, I just went and printed the audit log.

Rather than me manipulating something, you're just seeing the audit log from this morning.
22     CHAIRMAN WOODBRIDGE: Okay.
23     We talked about the source code
24     issue, and that is the State is the beneficiary;
25     is that correct, of the Iron Mountain escrow
account?

MR. CHAGARIS: Yes.

CHAIRMAN WOODBRIDGE: Also, the issue was raised about the improbable key combinations. Were you able to get any more information on that?

MR. ALLEN: That was an error that was discovered during our QA testing. I've asked our QA department to track down records on that. They're doing that at the moment.

CHAIRMAN WOODBRIDGE: So they can provide us before --

MR. ALLEN: They won't necessarily be able to provide you with the exact key presses that cause it. I mean, these guys -- it's different ballots it would have been -- they do all sorts of things to these machines.

CHAIRMAN WOODBRIDGE: We'd certainly like to know at least what one or two of these things look like. So if we can --

MR. ALLEN: It locks up the machine.
CHAIRMAN WOODBRIDGE: That, I understand. I guess the question goes through my mind is show us what one of these improbable key strokes combination --
MR. ALLEN: As I said, we may not be able to reproduce it on one of your ballots.

CHAIRMAN WOODBRIDGE: It doesn't necessarily have to be on one of ours. We just want to know what an improbable combination looks like. If it's like A, B, C, that's one thing. If it's like --

MR. ALLEN: That doesn't exist anymore on this machine.

CHAIRMAN WOODBRIDGE: I'm still confused. What I'd really do is I'd like to know what the improbable key combination was on whatever machine it was that provoked this issue.

If you could do, that would be what I'd like to see.

MR. ALLEN: I'll try and provide more information for you.

CHAIRMAN WOODBRIDGE: If you can, that's what I'm looking for.

So we have, it looks likes, really two issues hanging, and one is the improbable key
stroke issue --

MR. ALLEN: Can I say that I don't really believe that improbable key stroke issue was actually pertinent to this meeting.
CHAIRMAN WOODBRIDGE: It may not be.

I just want to know what the improbable key stroke
issue is. I want to see what is it that provoked
that. I want to see how improbable this
combination was. That's my question.

And the issue of the audio, we
talked about you're going to give some sort of
demo. It doesn't have to be in a MPEG. That
might be the easiest way. So all questions should
go to the Secretary of State.

So at this stage, I think we've sort
of walked through this. We have some additional
things we're waiting for input from. As soon as
the official comment period is finished, the
Committee here will do its magic and come to
whatever conclusions it's going to come to.

I'm going to ask the Committee
before we go any further if John or Bob, if you
have any further questions you would like pose.

MR. FLEMING: I always have at least
one. I guess just from a logistics standpoint
from the county end, the machines that they have
now, what is it going to take to convert them from
what they presently have until what they will end up getting if this gets approved as it is?
I'm just trying to get an idea of the feel and, hopefully, this will give some information to the counties what it's going to take, you know, like, would it be one machine a day. Get an idea of what --

MR. ALLEN: Again, really, that's outside the scope of this hearing. The exact --

once a contract is signed, if a contract is signed, the exact schedule for doing these upgrades will be put together with the county and we will as a company -- we will ensure that we meet any milestones, scheduled commitments that we make at that time.

MR. FLEMING: Do you have a ballpark figure?

MR. ALLEN: I can't tell you.

That's an operations issue.

CHAIRMAN WOODBRIDGE: Bob, any questions?

MR. LESTER: No.

CHAIRMAN WOODBRIDGE: While we have
the Madam Secretary here, do you have any questions?

SECRETARY WELLS: I do not.

CHAIRMAN WOODBRIDGE: I think we're
probably finished with the formal part of this.

And we would respectfully solicit any questions

that the audience has or any comments.

Go ahead. Make sure you identify

yourself when you stand up.

MS. HARRIS: Stephanie Harris. I

have two questions. One is about the retrofit

which you were just asking. My first question is,

in order to retrofit that printer onto that DRE,

knowing the DREs that New Jersey now has, what

other components will be required in order to make

that retrofit? In other words, do we need to add

an audio pack or anything else? And the second

part of that question is, how much will that

retrofit cost? That's my first question.

CHAIRMAN WOODBRIDGE: Thank you,

Stephanie. I appreciate and I'm glad you

addressed the question to the Chair because that

way we can keep traffic down.

Again, just to remind people, the

Wyle report will be posted. We will have comment
period from the public up until 5 p.m. on Friday.

I apologize for repeating myself. I just want to make sure on record that it got there.

David and Andy, the retrofit
question.

MR. ALLEN: That's not finalized at this time.

CHAIRMAN WOODBRIDGE: So the question is -- when you say it's not finalized, I think what Stephanie was asking was will it require additional hardware stuff to attach onto the existing machines?

MR. ALLEN: The upgrade consists of a kit of a number of things that are altered and added. And the cost to the State is subject to negotiation. It has not been finalized at this time.

CHAIRMAN WOODBRIDGE: So in other words, you're telling us basically that at the present time you don't know what you're going to put on them because you haven't finished negotiating with the State what that's going to be?

MR. WYNHAM: We know what the upgrade is. I'm not going to go through a detail
of that. At that time, that information will be
provided to the counties at that such time that
during the negotiations. And the cost to the
counties is under negotiation and it's not been
CHAIRMAN WOODBRIDGE: By upgrade,
you mean the physical attaching of the printer to
the existing machine?

MR. ALLEN: All components.

MS. GOLDMAN: That's avoiding the
question. The question to you, through the
Chairman, was what parts are required? What do
you require to add to existing DREs and what will
that cost? What are the parts? You're asking for
an approval today.

CHAIRMAN WOODBRIDGE: I think Irene
has a good point. What do you need to attach one
of those things to the existing machine and what
do you need to attach the printer assembly to this
machine. Do you have any idea of what the
hardware is going to be? The cost may be a
separate issue, but --

MR. ALLEN: Is the Committee asking
me to provide a detailed list of all the changes?

CHAIRMAN WOODBRIDGE: I'm not asking
for the list of changes; I just want to know what

the major -- what are you going to do to attach

that to an existing machine.

MR. ALLEN: We cut a hole in the
panel, put the fittings on it. We put this extension box on the back to house the daughterboard. There's changes to some of the electrical components inside, things like that that are added to give an ESD protection. Obviously, the bag. There's some parts and changes, mechanical parts to strengthen the structure of the machine to take the extra weight. And that's a rough summary of the changes. There's some membranes that are added to things like where there's LCDs to give it additional protection from electrostatic discharge. There's a number of things. And obviously, the build of the materials process, doing the upgrade, the details will be provided to the counties at some time that we enter into a contract.

CHAIRMAN WOODBRIDGE: It would seem to me -- I don't mean to jump ahead, but it would be premature to negotiate the price of these things until they're approved by the State; is that correct?
MR. ALLEN: Yes. Initial discussions have taken place, but obviously nothing has been finalized.

CHAIRMAN WOODBRIDGE: And I realize
fully that nothing has been negotiated, but do I recall at one time an estimated price of about $2,000 per VVPAT? Is that ballpark, is that high or low or --

MR. ALLEN: Approximately. It's of that order of magnitude, yes.

MS. GOLDMAN: To continue on that, you've mentioned the extension box, you've mentioned the bag, the structural strengthening, the membranes, kit of materials. You describe how to do all that. But you also mentioned that there are changes in electrical components to interface into the DRE itself. Now you're changing the DRE. It's not just the printer. You're affecting it through electronic changes. This not then a certified machine onto which you are attaching a printer. You're here to speak to the printer, but the Committee has to deal with whether or not the DRE itself has been changed in some way and affected in some way and doesn't the have to be recertified, or certified in the first place,
depending on your point of view.

CHAIRMAN WOODBRIDGE: Do you want to respond to that?

MR. ALLEN: These are additions to a
certified machine. I disagree with your view.

MS. GOLDMAN: They are not additions?

MR. ALLEN: They are additions to a certified machine.

MS. GOLDMAN: You're changing a certified machine. You're making changes to a certified machine.

MR. ALLEN: These are additions to a certified machine.

MS. GOLDMAN: So they are changes. That's not your word, but it's my word. You're not agreeing to it.

Mr. Chairman, that's what we see this to be. The Committee has to answer that for themselves. Is a change a change?

CHAIRMAN WOODBRIDGE: That's something we'll probably talk about. And again, we haven't come to -- the purpose of this hearing is a hearing, not to make --

MS. GOLDMAN: I have other comments,
but I'll wait.

CHAIRMAN WOODBRIDGE: Stephanie.

MS. HARRIS: The second part of my question, I tried using this machine -- and my
children tell me I'm technologically challenged.

But I really did follow all of the instructions that were on there, and I tried to void according to your instructions and the instructions that are printed. I tried to void my ballot, and it took away the ballot and it said voided, but then nothing else appeared. So either do you want to print an error code and tell me what I did wrong? Or how do I get the machine to then function? Because it froze and it wouldn't go any further. I couldn't do anything more to it. So what did I do wrong?

MR. WYNHAM: Mr. Chairman, the function that she described meets the specifications laid out before by the State of New Jersey. She voided a ballot. The voided ballot was deposited in the bag. She was now free to make new selections and cast her ballot again.

MS. HARRIS: Which I tried to.

MR. WYNHAM: I'll try to finish.

Nothing should present itself as another ballot
image until such time as you cast the ballot

again. So what she describes and what I heard is exactly what was proscribed for us to happen by the specifications of New Jersey NJIT.
CHAIRMAN WOODBRIDGE: Now, do I understand correctly that you tried to cast a second ballot after that stage?

MS. HARRIS: Yeah. I tried to cast it but the little green X wouldn't move from the person who I was trying to remove and to the person I was trying to cast a ballot for. So I was unable to change my vote.

MS. VENETIS: It appears that the machine froze.

MR. WYNHAM: Again, we're taking testimony on something that appeared to happen. We can either demonstrate it right now in front of the group again and she can try to reproduce the error condition. You could repeat the step you took.

MS. VENETIS: It's still frozen on the screen. Let her go over there.

MR. WYNHAM: The cast vote button is illuminated. It's waiting for you to make choices.
CHAIRMAN WOODBRIDGE: So are we right now in the middle of a voting process?

MR. WYNHAM: I can tell you, as I described to the Committee when I did the
demonstration, she is on her third ballot. In the LCD prompt right now there is the message warning the voter that this your final ballot with the prompt to press the button to the right of the arrow where it says okay. This right here. So if you will press the enter button.

MS. HARRIS: It says okay, but it doesn't say to press enter. It just says okay.

MS. WYNHAM: I understand the point that you're trying to make, but this is the way the machine functions. She simply hasn't pressed the enter key next to the okay prompt. If you'll do so -- because as necessary, we had to give the voter a warning that this was their final chance.

MS. HARRIS: It says to press the okay button, but there is no okay button. So you have to know to press the enter button.

MR. WYNHAM: Again, I understand your -- it does not say to press the okay button. There's an arrow that points to the enter button. It's asking you to caution, your final ballot,
okay? And then the function.

MR. FLEMING: There will be an instruction that will explain that?

MR. WYNHAM: A component of this
process is going to be voter outreach and poll worker training.

CHAIRMAN WOODBRIDGE: I sympathize with being challenged on these machine, too.

You'd think after all these years it would be easy for me, but...

Any other question?

Penny.

MS. VENETIS: Thank you, Mr. Chairman. I have some comments and questions.

The first comment is I'd like to put my formal objection on the record about lack of public knowledge about this hearing. I found out about it yesterday late in the morning through the Public Advocate's Office. And there was no notice. I had to completely revamp my schedule. Our expert witnesses who would have like to have been for the whole day, one couldn't make it, the other had a conference where he's speaking in Philadelphia. He gave us a few hours of his time and he had to leave. And it really is not
sufficient notice to -- the Public Advocate found out about it at 10 o'clock or so in the morning.

It's not sufficient notice to tell the public 24 hours or less than 24 hours in advance of this
hearing. We believe there would have been
concerned citizens and concerned members of the
computer science community here who would be able
ask very important technical questions. And as a
result of this lack of notice, I think that the
Committee in general is not benefiting from the
commments of other members of the public and
members of the computer science community who
could focus some of the issues for the Committee.
So that's my objection on the record.

And the other comment that I want to
make really echoes what Ms. Goldman stated a
little while ago. And that is, the members of the
Sequoia team, just in response to the Committee's
questions, stated that they're introducing a
sisterboard into the process. And they're going
to drill a hole in the existing DREs that all the
counties have and they're going to attach a
sisterboard, where a sisterboard is an entire
computer -- new computer system. And my
understanding of that is that this new computer
system is going to be communicating with a Z80 chip that's currently in the machines that are used in the electronic computers used in New Jersey. And in addition to that software,
brand-new software, they're also going to introduce new hardware into the whole voting process. It is my belief that that is a material alteration that could impair the accuracy and efficiency and capacity of the current machines and that the entire system would warrant recertification because they are introducing a totally new voting system that not only has the printer capacity, but also there is a new computer system involved and that that computer needs to go through the certification process.

Additionally, my other comment is that given the complexity of the software and the introduction of a new set of software, a new set of communications between the printer, the new sisterboard and the motherboard, that I believe quite strongly -- and this is upon consultation with computer scientists at Princeton University -- that it would benefit the Committee -- and I hope I'm not speaking out of place, but it would benefit the Committee to seek
the assistance of individuals who have knowledge of computer science and computer security issues if indeed the Committee holds a recertification hearing so that those individuals can advise the
Committee on matters concerning computer and electronics issues that perhaps the Committee does not have the capacity right now to analyze. So those are my comments.

My questions are as follows: And this is a question for the Committee. Is the NJIT team going to reexamine the printers that are now being presented to the Committee? Because it appears that, obviously, representatives of Sequoia are here saying that they fixed all the problems, but they obviously have a vested interest and a financial interest in saying that everything is fine. And that I want to show whether the NJIT team is going to have an opportunity to examine the printers again. So I don't know if the Committee would answer my question.

CHAIRMAN WOODBRIDGE: Do you want to respond to the question?

MR. ALLEN: First of all, I'm afraid that the professor was incorrect in some of her
statement. The daughterboard is -- the new board is already in the machines as part of the requirement for the audio upgrade, which has already been certified in the State of New Jersey.
It's not - that board is not additional to this particular upgrade. This is a -- these are modifications to an existing certified machine with the audio function.

CHAIRMAN WOODBRIDGE: So in other words, the printer driver mechanism and all that was on the machine that we certified before?

MR. ALLEN: That's firmware.

CHAIRMAN WOODBRIDGE: Was that on the -- was that firmware on the machine that was certified before or not?

MR. ALLEN: That's software. Mrs. Venetis' comment was related to -- specifically related to the accusation we're adding a new processing card.

MS. VENETIS: No, I said you're adding firmware and software.

MR. CHAGARIS: Mr. Chairman, we didn't interrupt Ms. Venetis. I would appreciate if she would not interrupt the response.

CHAIRMAN WOODBRIDGE: Okay.
MR. WYNHAM: The specific statement was a sisterboard. And there is no new board that's added to the already certified audio machines in New Jersey. That's what we're trying
MS. VENETIS: I want to clarify my comments.

MR. CHAGARIS: Mr. Chairman, there were two comments and there was also a question. I'd appreciate if we be given the opportunity to respond in an orderly fashion.

CHAIRMAN WOODBRIDGE: Please do.

MR. ALLEN: I'd also like to state that all the modifications that are part of this upgrade have been fully tested by federally-approved test lab at the request of the State of New Jersey to show and to prove that it is compliant with the federal 2002 standards.

The other - there was another question related to the printer. NJIT were presented with the printer and we tested in November 2007. So NJIT have seen it, have looked at it, have tested it.

CHAIRMAN WOODBRIDGE: When you say that they've seen it and tested it, was it whole
thing there, or is it just -- what is it?

MR. ALLEN: The whole thing.

MR. WYNHAM: This very configuration

with the exception of the ESD stuff that we work
through that we're required by Wyle.

CHAIRMAN WOODBRIDGE: Did they generate a report on that? Do you know?

MR. CHAGARIS: Isn't that part of the December 22nd report?

CHAIRMAN WOODBRIDGE: Okay. Thank you.

MS. VENETIS: If I may, Mr. Chairman. The question is still open whether this system has any new firmware. And again, any sort of new firmware or new hardware to the machine impairs the accuracy, efficiency, and capacity so that the entire system needs to be recertified. This Committee has not seen the whole system working, has not seen everything from soup to nuts, has not been able to test the system as a whole. And whether you call it a sisterboard or something else, it seems like the Sequoia folks were seizing on that word daughterboard, were seizing on that word and were not really answering the question as to whether or not there's
additional software/firmware that is being introduced into the system. The other comment is about the federally approved test labs. Well, the State
requires that the machine be certified, any voting
system be certified by the State. And there's no
requirement, statutory or otherwise, that says
that the State relies heavily or at all on any
sort of federal testing, the testing labs, the
federal -- the testing labs upon which states rely
have been decertified by the EAC. So that really
is not a legally cognizable analysis.

CHAIRMAN WOODBRIDGE: I think one
lab, Cyber, was decertified. I don't think Wyle
was decertified.

MS. VENETIS: And the software that
the Sequoia folks are saying was certified by the
State of New Jersey, that was based on tests that
were performed by Cyber after it had been
decertified. So my comment still holds that the
system as a whole needs to be reexamined by the
Committee and that the Committee would most likely
would certainly benefit with having the technical
expertise of computer security experts.

So I just wanted to reiterate that
it is a different system and there is new software. And that's the Sequoia folks are saying whether it's on a daughterboard or sisterboard or otherwise, it's a technicality that really is not
the focus of my comment is.

The other thing is that I just want

the Sequoia folks to confirm that they concur with

the Wyle reports on the record if they believe

that they are accurate. And then I just have a

comment concerning that, the Wyle report. So I,

through the Chair, ask if they concur with the

findings of the Wyle report.

CHAIRMAN WOODBRIDGE: Does the

vendor want to respond to that?

MR. ALLEN: I can certainly say that

we concur with the summary findings of the Wyle

report.

MR. CHAGARIS: She had a comment

that I wanted respond to.

MS. VENETIS: Well, I'm not quite

finished yet.

MR. CHAGARIS: Ms. Venetis

reiterated her statement that this is an entirely

new system that needs new certification. And we

reiterate that it's not. And the testimony on the
record is that this is an addition to an existing certified machine. That's what the testimony is.

It was also reviewed by NJIT. As the Committee knows, was designated by the then Attorney General
that very purpose and there's no need for any
other experts. That's the whole reason, in fact,
statutorily this Committee that makes the
determination. The Attorney General at the time
determined that for benefit for this Committee who
has jurisdiction, the NJIT would be involved. And
they were involved and have been involved
extensively and have submitted extensive reports.
I think that this surrebuttal of a surrebuttal of
a surrebuttal is unnecessary. I think Sequoia has
complied with the requirements of NJIT completely.

MS. VENETIS: The NJIT team, I just
want remind members of Committee, examined only
the printers. The NJIT team did not look at the
underlying computer system. NJIT has not examined
any of the source code, any of the software at all
and has not actually analyzed the computer and
software of the printers. They really did a
physical examination of the hardware.

CHAIRMAN WOODBRIDGE: As they say on
Jeopardy, is that in the form of a question or a statement?

MS. VENETIS: That was the comment based on comment that was made. I just want to
remind everyone that the NJIT team didn't look at
the voting computer, it looked at the printer
exclusively. So any sort of comments by the NJIT
committee deals exclusively with the printer.
They're very clear about the whole thing. And
they also looked at the physical nature rather
than the software.

MR. CHAGARIS: The NJIT look at the
software, looked at the entire system, not just
the printing part of it. It's in the record, in
the reports. The Committee will review these
records, I'm sure, and review the reports and come
to their own conclusion.

MS. VENETIS: Again, it's in the
NJIT report they looked at the printer, they
didn't examine any software or source code.
The other comment I want to make on
the record is that there was some discussion
earlier about the source code. And Ms. Kelly
stated that there's some sort of protective order
in place that would prevent the discussion of a
source code, anything related to the source code.

That is not true. Nobody has signed a Protective Order. The Protective Order is valid concerning information gleaned from examination of the source code.
code. So any discussion of the source code in public hearings is not prohibited by any order.

And any representations by the Attorney General's Office to that effect are simply untrue.

So I just wanted to make one last comment about the Wyle report. The Wyle report, my understanding is -- and this was confirmed by the gentleman in the brown shirt. I don't remember what your name is, sir. But Professor Appel told me that in discussions with the gentleman in the brown shirt -- can somebody tell me his name?

CHAIRMAN WOODBRIDGE: Mr. Allen.

MS. VENETIS: Mr. Allen in the brown shirt. My understanding is that, Mr. Allen, you confirmed to Professor Appel that the new system uses a flash memory; is that correct? That's what you said to Professor Appel, and that there is control data on the flash memory? That was said to Professor Appel earlier in the day. He asked you the question and then you followed up and
checked in on that matter?

MR. ALLEN: There is flash memory on the existing certified system, not the new board.

The board is not new. That is flash memory on the
daughter card that's already part of a certified
audio system.

MS. VENETIS: Well, this flash
memory was not part of the 1987 component, is that
correct, that was examined and certified?

MR. ALLEN: The audio system, the
Advantage with an audio capability has been
certified in the State of New Jersey and that
board with that flash memory is part of that
certified system.

MS. VENETIS: Well, it's a new
system that was -- my understanding it was a new
system that was attached to what was certified in
1987. The reason I raise this is, again, this is
new software that was introduced. And in every
single study that has been done with DREs in
California and Ohio, they have found that systems
that use flash memory that have control data on it
are eminently hackable, that you can hack a system
through that system. The 1987 version of this DRE
that was certified by this Committee did not have
that flash memory. It didn't exist

technologically, and it was something that was introduced. And Sequoia is very cagey in answering the question. So this is more
indication that the whole system, because there's
so many additional components that were not part
of the 1987 system that was reviewed by this
Committee, that the whole system in and of itself
has to be reexamined and that the Committee would
benefit from looking at the Ohio reports and the
California reports and looking at those points of
vulnerability and checking out this system as a
whole on which 10,000 people in the State of New
Jersey will be voting.

We're all concerned about the
accuracy and integrity of systems, and the
Committee, in my opinion, should look at this
system as a whole because, again, these
components, this software and this entry into the
entire system is something that was introduced
after 1987. And that is -- unless there's a
comment made that I need to respond to, those are
my comments.

CHAIRMAN WOODBRIDGE: Just one quick
question. You mentioned controlled data on the
flash memory. I'm a little confused by what you mean controlled data. Do you mean by executing a code or do you just mean data?

MS. VENETIS: Data that can control
the machine, that can say, okay, do this, machine.

And again, if you look at the Ohio reports and the California reports in every report that's been done that has been sanctioned by another state -- it's not sanctioned by me or my experts or anything like that, but that has been sanctioned by a state, they have found -- and Florida as well, that that is a very, very big point of vulnerability. Those reports are available on the web sites of the Secretaries of State of those states that I will be happy to send to the Committee those reports and highlight the specific pages because that is a very, very big point of vulnerability and that is a feature that was introduced into this voting system after 1987. So I believe that given that very, very critical new feature that the integrity of the system has been impaired and its accuracy, efficiency, and capacity has been changed significantly so that the recertification of the entire system is warranted.
CHAIRMAN WOODBRIDGE: A quick

question I'd ask you, though. We did broach a

subject related to that, and that was what access

would an outsider have to the machine. And the
response, I believe, was that it would be
virtually impossible physically to do that. So I
guess the question I have is, if we were to assume
the worst case scenario that you could mess it up,
how do you get access to it to do that?

MS. VENETIS: All you need is the
card.

CHAIRMAN WOODBRIDGE: But if you
can't get access to the port, how do you do that?

MS. VENETIS: Well, you know, as I
said -- it's part of my objection earlier.

Professor Appel who is a computer security expert,
if he were here, he would easily be able to answer
any questions that you might have concerning this
matter. Unfortunately, because of the lack of
notice, he had to be in Philadelphia to deliver a
paper at a conference that was scheduled six
months, so he could not make other arrangements.

CHAIRMAN WOODBRIDGE: That, I
understand. But even so, if he can't get access
to the port, how can he mess it up?
MS. VENETIS: Well, I think that anyone have access to the card -- if you have access to the card and you change the program data on the card itself and you put the card into
whatever place it is in the county official's office, then you have automatically changed --

it's really access to the card. Once you have access to the card and change the data on the card, then any well-intentioned poll worker thinks they're putting program data A into the machines may very well inadvertently be putting program data Z into the machine. So that is a very, very important feature and that is a post-1987 feature that needs to be reexamined.

CHAIRMAN WOODBRIDGE: Does the vendor have any comments on that?

MR. FLEMING: Going back in our records, this machine was revisited in '05.

MS. VENETIS: No, not the machine. There was, I believe the ES system.

MR. FLEMING: That was in '06. I have Advantage and Edge was before the Committee and at that point it was determined that it did not require recertification.

MS. VENETIS: Well, you know, I've
been in litigation with the State for many years

on this. I don't have a copy of that document.

MR. FLEMING: This is a compilation

of all --
MS. VENETIS: I don't have that information.

MR. FLEMING: I'm just stating that you were going back to '87. It was brought before the Committee in '05.

MS. VENETIS: Well, what was?

MR. FLEMING: Advantage and Edge.

MS. VENETIS: Pardon?

MR. FLEMING: The Advantage and the Edge.

MS. VENETIS: Was the Committee made aware that new software was being introduced?

MR. FLEMING: It was based on software update.

MS. VENETIS: A software update? Was there an explanation of this new component using the flash memory device and the control data on the flash memory device?

MR. FLEMING: My mind doesn't remember that far back. We can pull that report and see. But the idea of -- at that point is when
they would have gone through the whole demo of
showing you that the product work, so the
Committee did see this machine later than '87.

MS. VENETIS: Okay. Well, the
question is when was this device introduced?

Because it seems like Sequoia has been working on this feature of adding the printer post-2005. So the question is --

MR. FLEMING: I believe that the audio kits had to be on there before '05.

MS. VENETIS: Well, I don't know. I'm raising these issues for the Committee.

Perhaps members of the Committee can go back in their records and ask of Sequoia -- they're not really speaking up to let you know when this flash memory device was introduced. And that, again, as I said, is really the vulnerable -- a very, very vulnerable feature that has been highlighted by the other states.

MR. FLEMING: But the way you state it's vulnerable, and the same statement I made since I've been on the Committee is the security of anything -- I don't care if it's a piece of paper or a machine or going back to a lever machine -- if you lose physical security of that
product, whatever it is, you've lost the battle.

That's what the counties are responsible for, is to make sure that the machines are physically secured so that nobody can get in there. I'm
assuming that flash memory is not something that's
out on everybody desks in the county so it can
grabbed and then thrown on desk to be picked up
again.

MS. VENETIS: Well, again, I
respectfully request the Committee members look at
the reports that have been written by members
of -- released by the states of Ohio and
California.

MR. FLEMING: I truly understand
that.

MS. VENETIS: And then you can talk
about it. Again, I am not a computer expert. And
my experts would have been here had they been able
to rearrange their schedules on such short notice,
but those vulnerabilities are discussed. And
again, I'm not saying that poll workers or county
officials are careless, but there are ways -- the
reason that Title 19 is this thick with talking
about where you can stand what you say is because
for as long as there's been voting, there's been
vote tampering. And if this is a way to tamper

with the system, then the Committee should know

about it and should also know when it was

introduced and should test for vulnerabilities of
these systems with that in mind.

CHAIRMAN WOODBRIDGE: I think we may already have done that. We've actually looked at seven -- at least seven Sequoia systems since 2001. And this was the upgrade software we did look at -- and I can't remember what date it was, but this sounds about right -- to this system.

Flash memory, everybody's using that to replace whatever they had before because that's cheaper and faster and it doesn't require any backup. So I'm not sure whether flash memory in itself is especially --

MS. VENETIS: No, not the flash memory, it's the data -- the thing is that the problem that Wyle has pointed out is that there is data, information data control on the flash memory card. It's not the flash memory card itself that's problematic; it's the fact that there is data control flash memory card.

CHAIRMAN WOODBRIDGE: What would be useful for me is if you could send to the
Committee that portion of the Ohio reports and the other reports. I'd like to take a look at it.

MS. VENETIS: Absolutely.

Then there's another question. And
this is for Sequoia. Does Smartmatic still own
the source code of Sequoia? Because that's an
open question and it is very, very important to
know who is in charge of the source card and
whether it's Smartmatic still owns it.

There's a conference that was
recently held where there was someone from Sequoia
very high up in the corporate ladder who said that
it was Smartmatic who actually owns the source
code for these machines, not Sequoia. So that
goes to the source code question.

CHAIRMAN WOODBRIDGE: When you talk
about own, do you talk about own in the legal
sense or owned as in physical possession?

MS. VENETIS: In the legal sense.

Whose intellectual property is it?

MR. CHAGARIS: If I may, Mr.

Chairman. First of all, I don't know if Mrs.

Venetis was present at the time that I made the
statement. And I'll repeat it for her benefit.

The source code is being held in escrow for the
benefit of the State by Iron Mountain, so that's

not an issue. It's not the Protective Order.

That question was modified by that statement, that

the source code is in escrow by Iron Mountain for
the benefit of State of New Jersey.

Also, Smartmatic is not involved in

the ownership of Sequoia and that the ownership of

the IP intellectual property and the source codes

and the firmware and software is all in the name

of Sequoia Voting Systems, Inc.

CHAIRMAN WOODBRIDGE: You did raise

a question early on about notice. And I'm going

to ask the Secretary of State --

SECRETARY WELLS: Our Director is

going to respond to that. Thank you.

MR. GILES: We got everyone

scheduled together. We received the Wyle report,

contacted the members, and as soon as we were able

to confirm everyone's scheduled, we posted it on

our web site May 15th last Thursday. And in

addition on this past Monday, we sent notice to

the Star Ledger and the Trenton Times.

MS. VENETIS: Were they published,

though? You sent notice, does that mean that

these were these published in the Trenton Times
and the Star Ledger?

MS. HARRIS: And if so, when were they published?

MR. GILES: We were told they were
published. I did not physically see those, but we did -- we posted it on our web site last Thursday.

MS. VENETIS: Well, did you pay for an ad to publish it? I mean, that's how normally you do it. If you want to give notice, you pay for an ad in the papers.

MR. GILES: Yes.

CHAIRMAN WOODBRIDGE: It might be useful to get a copy of that in the record, just for the safety of it.

Irene.

MS. GOLDMAN: Thank you very much. And thank you all for your time. And I'm glad to see the Secretary here today in person, and Kay. And congratulations to Mr. Giles on your new battle.

SECRETARY WELLS: Collaboration.

MS. GOLDMAN: Collaboration.

And I look to you, Madam Secretary, exactly for that reason. You know, historically we have had a great deal of difficulty with the
22 Attorney General's Office. And Ms. Kelly would,

23 I'm sure, agree that we've had some four years of

24 litigation here. So we have a concern. The

25 public has tried everything in its power to speak
to the Attorney General, to speak to the Governor,
to speak to the Legislature to resolve what could
have been resolved years ago. And with the
Secretary of State just taking this on fairly
recently we hope that after that first meeting
reflecting an openness that that will continue and
that we will get a resolution to this problem
quickly. But right now we are in court against
the State.

You are really, at this point, in
charge of what's going to happen with these
machines. You protect the public. We are the
public. And the fact that the vote has been
privatized in the State of New Jersey for all
these many decades is outrageous. How it
happened, I don't know. It is the case.

We should own in the State of New
Jersey our own source code. It should be open.

It should be free. The State of New Jersey should
be able to look at it not in case of something
that they think may have happened and go to an
escrow, but to be able to own that code open,
free, and clear. You can make that happen.
I have a fairly -- a two-page
statement. I'm not going to read the whole thing.
I do want to say about public notice, it is not a secret that the Coalition of Peace Action, that Stephanie Harris, that Irene Goldman, that Penny Venetis are interested in what happens. I am deeply disappointed, deeply disappointed that no communication came to us directly. We saw Mr. Giles and Ms. Kelly on Friday in court. It wasn't maybe the place for them to have mentioned it. Maybe they didn't feel like it or it wasn't on their minds, but it was an opportunity where if things were different you might have at that moment said, you know, we're going to have the certification hearing. Check back with me. I would have been delighted to call the office or wherever you said and say, okay, if you have date, what is the date? And I would have been relaxed and informed my attorney and other citizens who have grave concerns from all over the State. It's not just us. We happen to be locally based and we can show up. And what we're not doing today, we should be doing. Just as what you -- we're all
very busy.

And so there's a real disconnection when the citizens cannot have enough notice to come to speak. Even if it's hard for you all to
hear our complaints and our nervous reaction,
we're very serious. We tell the truth. We do not
put out any false statements. We seek the truth,
and we expect that from our State officials. In
some cases, we're very pleased; and in some cases,
we're very disappointed.

Sequoia is a private vendor. They
have 19 counties. One of the counties is Edge, 18
are Advantage. It is in their interest to make
good business decisions for them. I have no
argument with the way that they conduct the
hearing or that the way that they respond. It's
our responsibility as the public to question them
and to ask them pointed questions.

We believe we are asking you very
serious questions. We believe that the changes
made to that DRE were made and were not tested and
not certified. That's what we believe. And it is
for our Commission members, our Committee members
to note that and to -- I'm not sure I -- I really
am interested in what information you have, Mr.
Fleming, and that was very nice of you to make us aware of that for the first time four years to know that. That's good. Maybe it's not exactly -- what was tested is not exactly what
we're talking about. So we do need to find that out.

I will hand you this document so that you have it for yourselves. I am upset, and you know that. And we ask questions and we want to be intelligent and friendly. With all respect, we should not be here to discuss the kinds of matters that are raised here today, feeling that the State in some way has been in concert through the Attorney General's Office has been in concert with Sequoia to the extent that the public has been disadvantaged. So that's my statement.

Thank you.

CHAIRMAN WOODBRIDGE: Thank you. A very good statement, too.

The two-page comments you gave to us, I think, will be included in the report. I think over the years one the purposes of this Committee, which has no stake of the outcome whatsoever, is to try to be an honest and open in this whole effort and to try to make sure that the
right things are done.

This is an unusual time for this委员会. I've been on it and off it for probably too long. But the interesting squeeze on
the other end is that there's a big push by the legislature to put VVPATs on voting machines by January. So it creates -- again, we are not officially pressured by this and probably do whatever our pleasure is. On the other side of the coin is there is a lot of concern about whether the voting machines that we use have integrity, whether there's a verified trail. And as a friend of mine put more eloquently than I can, where does the bald man stop washing his forehead? With all due respect to whoever may fit in that category.

MS. GOLDMAN: Mr. Chairman, I thank you for that comment. You are the last arbiters here.

The Legislature under great duress and pressure from the State of New Jersey's Attorney General's Office was convinced to give, with great promises, an extension when the legislation was first being considered. In July of 2005, with pressure from the then powers in the
Attorney General's Office, the drop dead date was not 2006; they insisted January 1, 2008, because of then for sure and for certain they would be able to provide the State of New Jersey not
printers; it's not about the touch screen

machines, it's about a voter-verified paper

ballot. It could be a piece of paper and a

pencil, it could be optical scan technology, it

could be a touch screen machine with a printer

added on. It's agnostic. They refused and

dragged their feet until they were -- even the

Court was too slow in all of this and did not

respond to the Court's demands and urged the

Legislature to pass legislation which the

Legislature didn't really want to but did. And

passed it to extend it to June of 2008. Oh,

please just do it until 2008.

Then they pressed the Legislature to

say, oh, no, we really want it until January 1,

2009. When will that end? Who is depending the

public here? When they close the doors to other

technology, they make it an unfriendly state for

optical scan or whatever technology that may exist

that I don't even know about, you don't know

about. There may be things out there that have
been made, companies, inventors -- the State of
New Jersey could itself design a machine with open
source code and could have done that and certified
it itself and been, you know, a star in that way.
1 Maybe the Secretary will do that. Who knows?
2 Maybe she has a machine in mind. We never know.
3 We have scientists.
4 CHAIRMAN WOODBRIDGE: I think you
5 put it very well.
6 MS. GOLDMAN: So that's the point.
7 CHAIRMAN WOODBRIDGE: And we're sort
8 of right stuck in the middle of all this, too. On
9 the one side of the coin, we have technology
10 that's fairly new that's continuing to evolve.
11 And on the other side of the coin, the State has a
12 drop dead date, and being between now and then,
13 even if everything is approved, there's got to be
14 purchasing, put together specs, money spent,
15 things built, you know.
16 MS. GOLDMAN: That's their problem.
17 CHAIRMAN WOODBRIDGE: Well, it may
18 be their problem, but we're also right in the
19 middle of it.
20 Again, we officially don't respond
21 to that. Our only interest is to continue to be
very picky and careful about what we do, as best
we can. Sometimes, frankly, the statutes, the old
statutes aren't particularly helpful. That's been
one of our problems. So we have to pray a lot in
this business.

MS. GOLDMAN: Be strong.

CHAIRMAN WOODBRIDGE: So I think we have pretty much wrapped up the input part.

Again, please, if you have comments, documents, papers, anything you think that's relevant, please provide it to Secretary of State Office before a week from tomorrow at 5:00. And we will definitely go through all that material.

And I would say it is always a pressure to be here. I welcome the Secretary of State back into the process.

SECRETARY WELLS: Thank you.

(Applause.)

CHAIRMAN WOODBRIDGE: With the assistant with the Attorney General's Office.

(Applause.)

CHAIRMAN WOODBRIDGE: And appreciate what the vendors have done and how they responded to difficult questions. We are looking forward to those two particular additions of material.
It will probably take us -- my guess is at least a week after the final date to come up with some kind of report. And keep in mind, the report is a recommendation. We do not certify
anything.

MS. GOLDMAN: I'm sorry. You did instruct Sequoia to also copy us with whatever they're providing, new material for you to consider. The public wants to know what that material is.

CHAIRMAN WOODBRIDGE: I haven't instructed them yet. All of that material will go to the Secretary of State's Office. It's really up to the vendor as to whether or not they want to interface with individuals, I assume.

MS. GOLDMAN: Well, through you --

CHAIRMAN WOODBRIDGE: Can you provide to the individuals here?

MR. CHAGARIS: I have to consult with my client what the mechanics will be. We'll look into it. We'll make a good faith effort to look into it.

MS. GOLDMAN: We'll be in touch with the Secretary of State's Office. That's easier.

CHAIRMAN WOODBRIDGE: You will
obviously provide them with your e-mail address
and whatever else.

MS. GOLDMAN: Sure.
CHAIRMAN WOODBRIDGE: It's important
that you guys get the information, too.

MS. GOLDMAN: Thank you.

MR. GILES: Just for the record, we were able to supply them with a copy of Wyle report today before they left.

CHAIRMAN WOODBRIDGE: Thank you very much.

Are there any further comments? If not, I'm going to thank you all for attending, and we look forward to your further comments. Thank you.

(Meeting adjourned at 1:02 p.m.)
I, Lisa C. Bradley, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

______________________________
LISA C. BRADLEY, CCR, RPR
CCR NO. 30XI00228700
DATE: May 23, 2008