Alabama Electronic Voting Committee
Minutes of the Called Meeting
May 30, 2017

The called meeting of the Alabama Electronic Voting Committee was convened by the Honorable Bill English, Chair and Judge of Probate of Lee County, at approximately 1:30pm in the Archives Room of the Alabama State Capitol Building, in Montgomery. Other members present were Alabama Senator Clyde Chambliss; Laura Howell, representing the Attorney General; and Ed Packard, representing the Secretary of State. Other persons in attendance included David Brewer, Chief of Staff, Office of the Secretary of State; Brent Beal, Legal Counsel, Office of the Secretary of State; the Honorable Al Booth, Judge of Probate, Autauga County; the Honorable Don Davis, Judge of Probate, Mobile County; Mark Erwin, Chief Clerk, Probate Court, Mobile County; Christopher Turner, Assistant Director of Elections, Montgomery County; Mark Kelley, Gregg Woodyard, Mark Manganaro and Don Whitman of ES&S.

Judge English took the roll and acknowledged the attendance of a quorum of the Committee.

The first agenda item reviewed by the Committee was the review of ES&S' EVS 5.2.2.0 electronic voting system. The Committee heard a presentation from Mark Manganaro of this system, its enhancements compared to previously certified systems, and its certification by National Technical Systems (NTS) of Huntsville, Alabama, a Voting System Testing Laboratory (VSTL). NTS certified that the system complies with the 2005 Voluntary Voting System Guidelines. The Committee had an opportunity to examine the equipment in person. After Mr. Manganaro's presentation and response to questions from the Committee, Senator Chambliss offered a motion to certify the EVS 5.2.2.0 electronic voting system for use in Alabama. Mr. Packard seconded the motioned. The motion passed unanimously.

The second agenda item reviewed by the Committee was an issue that arose in Mobile County during the 2016 General Election wherein no votes were tallied for the last "candidate" or option on the ballot. Judge Don Davis provided a synopsis of the cause: the ballots and machine programming that were utilized for testing Mobile County's precinct ballot tabulators prior to election day were not the same as the ballots and machine programming utilized on election day. Therefore, an error in the machine programming of the election day precinct ballot tabulators was not detected until after the polls closed.

Judge Davis discussed his request that the Secretary of State implement a program to validate that proper procedures are followed by the vendor ES&S to ensure the accuracy of ballots and machine programming for both testing precinct ballot counters and the election day precinct ballot counters. Judge Davis proffered that this validation process could be performed by the Secretary of State's office or by a third-party entity selected by the Secretary of State. There was discussion of the cost of that process and where that cost should be borne.

Mark Kelley of ES&S provided an explanation of the issue that affected Mobile County. He discussed ES&S' internal procedures for preparing ballot and machine programming and actions taken by ES&S to address the issues that arose in Mobile County for the future.

Ed Packard of the Secretary of State's office presented for discussion a proposed draft of an administrative rule to modernize the testing of precinct ballot counters. Mr. Packard acknowledged that the proposed rule would not necessarily have prevented the situation that arose in Mobile County.

The Committee members and other persons in attendance discussed the situation in Mobile County and the information presented by Judge Davis and Mark Kelley.

The members of the Committee agreed to work in the short term toward the development of a protocol or procedure to address the type of situation encountered in Mobile County.

With no other business pending, Senator Chambliss moved that the meeting be adjourned at approximately 3:30pm. Mr. Packard seconded the motion. The motion passed unanimously.

Bill English   4/4/18