

December 12, 2005

A meeting of the Board of Election Commissioners of St. Louis County was held at its office located at 12 Sunnen Drive, Maplewood, Missouri, Monday, December 12, 2005, at 3:00 p.m. on notice and call of the Chairman, John Diehl, Jr.

Present at the meeting were:

John J. Diehl, Jr.	Chairman
Chaim Zimbalist	Secretary
Anita Yeckel	Commissioner
Bill Miller	Commissioner
Joseph A. Goeke, III	Director
Judy Taylor	Director
Steve Garrett	Counsel

The meeting was opened by Chairman Diehl. Mr. Diehl stated that this was a special meeting to consider the quantity and types of electronic voting equipment to be implemented in compliance with the Help America Vote Act of 2002 (HAVA).

In the Public Forum Mr. Harvey Friedman was given the floor. Mr. Friedman began by stating that he appreciated those in the office who had taken the time to speak with him at length on the telephone prior to the meeting. He stated that his understanding was that the board was set on going forward with the purchase of the electronic voting equipment primarily because HAVA has "required" handicap accessibility. Mr. Friedman stated that all that HAVA requires is to provide one machine per precinct. He stated that there was no reason, even if the board receives "free" money, to purchase new machines.

Mr. Friedman pointed out that that one contender, Diebold, has had a class-action lawsuit filed against it. He stated that the board is set on going forward with the purchase of new machines because punch cards machines can no longer be serviced by the company we currently use. He stated that there are other companies that could provide service and parts. Mr. Friedman stated that the new machines can provide a printed record of the votes cast, but that if that record cannot be used at a later date to hand count votes as a check on the machines, it is useless.

Mr. Friedman stated that programmers could program software to count accurately to a set number and then switch to a preprogrammed count. He stated that unless the machines are checked to the maximum votes per chip, they have not been accurately checked.

Mr. Diehl stated to Mr. Friedman that the board would probably address all of his questions in the presentation following the Public Forum.

Mr. Diehl yielded the floor to the next speaker, Virginia Harris.

Ms. Harris stated that she understood that the board would probably be purchasing new voting machines. She stated that she begs the office to do hand audits of an adequate sample size. She stated that the statisticians with whom she had spoken stated that a 5% sample would be needed, which is larger than the ¼% Mr. Diehl and she had spoken of. Ms. Harris stated that scanning the barcode on the paper trail is not an adequate replacement for a hand audit. She stated that she hopes the paper trail will be considered the official intent of the voter.

Mr. Diehl closed the Public Forum.

Mr. Diehl stated that the minutes from the previous meeting, the Director's Report and Old Business would be covered in the next regular board meeting the following Tuesday, December 20, 2005.

Under New Business, Mr. Diehl stated that the board was ready to present the quantity of new voting machines needed to the County Council. He stated that a specific vendor had not been chosen and that the board is still in negotiations with the vendors.

Mr. Diehl yielded the floor to Director Joseph Goeke to present the report he prepared.

Judge Goeke stated that he had prepared a report, at the board's request, covering the quantity of voting machines needed to serve the needs of St. Louis County and to cover the HAVA requirements.

Judge Goeke's report covered the legal requirements of HAVA, which include handicapped accessibility, second chance voting, and error rate standards. His report included the statutes that prescribe how many machines are required per polling place and how many ballots are required. He stated that clarification is necessary from the Secretary of State as to how the new machines fit into the old statutes. Judge Goeke discussed how the machines would be certified prior to each election.

Judge Goeke also covered the breakdown of the HAVA funding. The HAVA funding for St. Louis County totals \$9,624,460 plus some interest. This includes funds accessible voting systems; second chance voting and a punch card buyout.

Judge Goeke's report recommends a blended system for St. Louis County. Under this system, it is recommended to purchase 1,750 DRE and 500 Optical Scan machines (1 per polling place plus backup). In all non-federal elections, the county would use only DRE. For every federal general and primary election, each polling place would use both DRE and Optical Scan. Judge Goeke stated that with this blended system we would only have ballot printing costs for federal and primary elections.

Ms. Yeckel asked about Mr. Friedman's concerns regarding the coding of the machines.

Ms. Taylor responded that we currently have a bi-partisan team that does the coding, and it will be these same people who do the coding on the new machines. She stated that she has the utmost confidence in them and that all the checks and balances are in place.

Mr. Zimbalist inquired as to how many hand audits are currently done in an election and Ms. Taylor responded that 1 hand count is done per contested race.

Mr. Diehl stated that 2.5% of the polling places are audited.

Mr. Miller stated that he would like to get a better understanding of how the random audits work. He asked if the audits were done after the polls closed.

Judge Goeke stated that the audits are done following the election. Unofficial final results are given after the polls close and we have 14 days to certify the results to make them official. He stated that the audits are done in that 14 day period.

Judge Goeke stated that much of the security would come down to policy and procedure. He stated that extensive voter outreach regarding how to use the machines as well as educating the voters regarding security will be necessary.

Mr. Diehl asked if there were any questions from the floor.

Mr. Friedman asked if he would be able to see whom he voted for on the paper trail. He also asked what would be the ballot of record?

Judge Goeke responded that yes, the voter will be able to see their vote on the VVPAT.

Mr. Diehl responded that the Secretary of State will make the decision as to whether or not the paper trail is strictly an auditing device.

Mr. Friedman followed up by asking if an audit is done and there is a variance between the number of votes recorded in the machine and the number of votes on the paper trail, which will become the audit of record?

Mr. Diehl reiterated that the paper is an auditing device and decisions regarding the official ballot of record will be made by the Secretary of State.

Ms. Harris stated that performing a test on the machines before and after an election are fine, but that a hand audit still needs to be done.

Mr. Friedman asked if HAVA money was available to upgrade the punch card system.

After another discussion of how the HAVA money breaks down, Judge Goeke answered no, the HAVA money cannot be used to upgrade the punch card system.

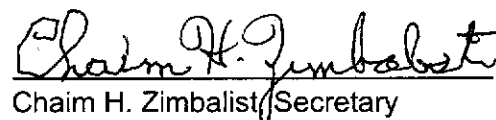
Mr. Zimbalist stated that he would like to thank the public for coming out and participating. He also thanked Judge Goeke and Ms Taylor for their work in putting together the report.

Mr. Zimbalist made a motion to approve the report and present to the County Council the following day their findings regarding implementation of HAVA, which was seconded by Mr. Diehl. A roll call was taken and the votes were as follows: Ms. Yeckel, aye; Mr. Miller, aye; Mr. Zimbalist, aye; Mr. Diehl aye.

Ms. Yeckel made a motion to adjourn the meeting, which was seconded by Mr. Diehl. A roll call was taken and the votes were as follows: Mr. Miller, aye; Mr. Zimbalist, aye; Ms. Yeckel, aye; Mr. Diehl, aye. The meeting was then adjourned.



John J. Diehl, Jr., Chairman



Chaim H. Zimbalist, Secretary