

A meeting of the Board of Election Commissioners of St. Louis County was held at its office located at 12 Sunnen Drive, Maplewood, Missouri, Tuesday, August 21, 2007, at 3:30 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
Joseph E. Donahue	Director

Mr. Diehl called the meeting to order and a roll call was taken. A quorum being present, the meeting was called to order.

Mr. Diehl opened the public forum. Virginia Harris (Missourians for Honest Elections) asked if there was a written policy concerning observing vote tabulation on election evenings. Mr. Diehl said the viewing room is provided (which is limited by size) and a large room in the training portion of the office is set up where the results scroll on a monitor. Mr. Diehl asked that any questions about policy be submitted in writing so the Board may address them completely.

Ms. Harris asked why the public could not wait in the Board Room for the meeting to start. Mr. Diehl replied that it was a matter of security.

Mr. Phillip Michaels stated he had attended a public hearing in Clayton in 2005 and of the 100 in attendance only 2 or 3 were in favor of using DREs. He said he submitted sunshine law requests for information on DREs at the precinct level and that 54 counties (mostly rural) had 1,000 machines and only 1,400 votes. He stated that people had voted with their feet not to use that technology. He said he read a study done by the University of Florida, and that in the appendix it stated that anyone who had access to a PEB and had the ability to program one, they could construct a PEB that identifies itself as a Factory Test PEB, which would bypass all password checks. Mr. Michaels concluded by asking what the Board was doing to reestablish transparency and trust in voting.

Mr. Stephen Hausladen told the Board that he was aware of a hearing on December 13, 2004 in which Clinton Eugene Curtis said he was hired to program a DRE to flip votes. He voiced concern that no one was allowed to look at the source code of our system. He said that he was glad to have the option to vote a paper ballot and wanted to make sure that we do not run out of them.

Ms. Lori Hausladen said that she has not been political, but has become interested and wants to work to get back liberties that we may have lost. She said there should be one vote to one person and that each vote matters. Ms. Yeckel asked Ms. Hausladen to consider working at the polls.

As there were no more speakers, Mr. Diehl closed the public forum.

Mr. Zimbalist made a motion to approve the minutes of the Board Meeting of July 25, 2007 and Ms. Yeckel seconded. A vote was taken and the minutes were approved.

Mr. Zimbalist made a motion to approve the minutes of the special Board Meeting of July 31, 2007 and Ms. Yeckel seconded. A vote was taken and the minutes were approved.

Before asking for the Directors' Report, Mr. Diehl welcomed Mr. Donahue as the new Democratic Director of Elections.

Judge Goeke presented the Directors' Report as follows.

- The 2008 budget has been submitted with the automated phone system deleted. In association with the ongoing project of Kids Voting, \$19,000 will be forwarded to the County.

- The County approved the Supplemental Grant of \$342,963 and the check has been received. There will be a wire transfer Friday to ES&S in the amount of \$234,263; \$63,250 will be allocated to Project Manager support for 2007 and 2008 and \$45,000 for certified training. Judge Goeke said approval is needed to sign the contract with ES&S for additional Project Manager days and training.

Mr. Diehl made a motion to approve the contract signing and Mr. Zimbalist seconded. A roll call was taken and the votes were as follows: Mr. Miller, aye; Mr. Zimbalist, aye; Ms. Yeckel, aye; Mr. Diehl, aye.

Mr. Miller made a motion to submit to the County for approval, and to sign with the Secretary of State, an MCVR grant for computers in the amount of \$50,172. Mr. Diehl seconded. A roll call was taken and the votes were as follows: Mr. Miller, aye; Mr. Zimbalist, aye; Ms. Yeckel, aye; Mr. Diehl, aye.

- Judge Goeke said the deadline of August 25 for the Election Improvement Grant has been extended verbally to February of 2008. Of this grant \$253,539 is unallocated; \$71,355 is proposed and \$182,184 is available for poll worker recruitment if the Secretary of State will allow us to keep the funds for future use.
- The approval of raises will be addressed in the closed session of the Board Meeting.
- An update of the ES&S response to the Dan Rather report on HDNET has been received and will be added to these minutes.
- In regards to MCVR, our precinct consolidation should be complete by the end of the week. The Street File should be completed by October 30. Work remains to be done on the signature images. MCVR is now scheduled to go live December 1 with double input during the month to prove it.
- The November Election will be tested in MCVR and run simultaneously in our current system. Any reports that are needed that are not available with MCVR need to be identified.
- At present the November Election will consist of St. Ann and the Kirkwood Library District. Wellston, Ellisville and Wildwood (from present lawsuit) are possible additions.
- The Directors met with representatives from Washington University on creating a precinct solely for their 2000 students and the possibility of having them vote on campus. The response was positive.
- As for allocation of jobs for the Directors, Mr. Donahue will be taking responsibility for poll worker recruitment and assistance from the County on phone assistance (emergency response).

Mr. Diehl said we had been operating under the assumption that the County wanted us to go with an IVR phone system. He questioned this and was told they would rather we consider other solutions.

Mr. Miller suggested we lease cell phones for election days. Judge Goeke said that the Palm Pilots will help the phone congestion problem on election days. However, the increase in phone calls spans several weeks, not just election day.

Mr. Diehl said the Highway 40 construction going on throughout 2008 would necessitate that we carefully plan our resources now. Deputy and technician routes will need to be drawn so they do not cross Highway 40. He suggested that we work with the County. He said we need to be prepared that smaller roads may be shut off, like in the Richmond Heights shut-down. It is anticipated that drive times will not be affected for north county and south county; the problem lies in the west corridors and Highway 40 especially between Hanley and Ballas.

- Mr. Donahue said he is happy to be on board and excited about the upcoming challenges. He said there is a lot of work to be done, especially in poll worker recruitment.

There was discussion about sources for recruiting, including universities. There was also discussion about the benefits of schools closing on election days.

Under Financial, Mr. Miller made a motion to receive and file the Itemization of Bills dated July 19 – August 14 and Mr. Zimbalist seconded. A vote was taken and the reports were received and filed.

Ms. Yeckel made a motion to receive and file the Personnel Action Reports dated August 2007. Mr. Miller seconded. A vote was taken and the reports were received and filed.

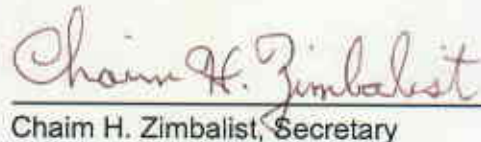
There was no Old Business.

There was no New Business.

Mr. Diehl made a motion to enter into closed session to discuss Personnel, Legal and Contract Negotiations pursuant to Chapter 610, RSMo, 610.021, and Mr. Zimbalist seconded the motion. A roll call was taken and the votes were as follows: Mr. Miller, aye; Mr. Zimbalist, aye; Ms. Yeckel, aye; Mr. Diehl, aye. Mr. Diehl stated that they would not reopen the session. The Board then entered into closed session to discuss legal, personnel and contract negotiations.



John J. Diehl, Jr., Chairman



Chaim H. Zimbalist, Secretary

News From ES&S

Contact: Ken Fields
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Information Regarding HDNet Program

Recently HDNet aired a program including a number of misleading and inaccurate allegations regarding the assembly of IVotronic touch screen voting terminals. We wanted to make certain that you had important background information addressing those and related issues. Please find links to the following documents:

- [Election Systems & Software \(ES&S\) Response to HDNet Report](#)
- [Letter from Sharon L. Harrington, Lee County Supervisor of Elections](#)
- [Letter from Kirk Douglass, President, Pivot International, Inc.](#)
- [Statement Regarding Letter from Election Assistance Commission, August 14, 2007](#)

We hope this information is helpful to you.

About Election Systems & Software (ES&S)

Election Systems & Software, Inc. (ES&S) is the world's largest and most experienced provider of total election management solutions. For more than three decades, ES&S — as an election-only company and the industry leader — has grown to support a customer base of nearly 1,700 jurisdictions in the United States. In 2006, nearly 67 million voters in the United States cast ballots using ES&S voting systems.

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News From ES&S

For Immediate Release

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Election Systems & Software (ES&S) Response to HDNet Report

Omaha, Neb., August 17, 2007 — Election Systems & Software (ES&S) management has had an opportunity to fully review the Dan Rather Reports program which aired on HDNet on August 14, 2007. As we anticipated, the program included inaccurate allegations about the manufacturing process used to assemble iVotronic touch screen voting terminals.

The program includes allegations about the manufacturing process that was used to assemble iVotronic touch screen voting terminals in previous years. Following are some important details and facts that were not included in the program, because the producers of the program did not ask ES&S about these issues or check the veracity of the statements and allegations they were intending to report.

- First and foremost, ES&S is committed to providing jurisdictions with quality voting technology. We invest the necessary resources and time to ensure that voting systems are reliable, accurate, and secure. That commitment to quality is the basis on which we have built and grown this company over the past three decades.
- The facility referenced in the program is certified for its quality management system as measured by ISO 9001:2000 – the most widely recognized standard in the U.S. and around the world for quality in manufacturing. The standards in ISO 9001:2000 are established through a comprehensive process by experts in various fields. The ISO standards require that manufacturers do a number of things (inspection and testing, quality audits, training of staff, and many others) to ensure the quality of products. That facility continues to meet ISO's stringent requirements. Also, the assembly facility has been regularly audited as part of the previous U.S. federal testing and qualification process for voting machines. In fact, quarterly site visit audits of this facility have been conducted for years by an Independent Testing Authority (accredited by the National Association of State Election Directors), as required by the previous federal qualification process. The most recent site visit audit was in February 2007. (ES&S is in receipt of a more detailed response from Pivot International that provides facts regarding this facility.)
- All ES&S voting technology is designed and built to meet or exceed rigorous federal and state standards. Passing such rigorous tests, it is certified. All voting equipment is then manufactured to these standards.
- All of our voting equipment, including iVotronic terminals, are extensively and repeatedly tested. Despite what the program appears to allege, each iVotronic terminal is tested in several ways before it ever leaves the manufacturing facility. Each terminal assembled through our contract manufacturer network is tested during and after the manufacturing process before it is ever shipped to ES&S's U.S. facilities for staging and quality assurance readiness prior to shipping to an ES&S customer. Such testing includes an assessment of the terminal's performance under some extreme but potentially real-life voting conditions.
- Following that testing, ES&S conducts additional quality assurance testing on each voting terminal to ensure the equipment performs accurately and reliably prior to shipping to any ES&S customer location.
- Local election officials also put each voting terminal through additional testing prior to using the equipment in an election – all of that occurs well before the technology is ever used in an election event.
- The HDNet program apparently includes a "demonstration" of a voting terminal that was deliberately mis-calibrated (in Lee County, Florida) solely for purposes of the television story. As you know, it is important to properly and regularly calibrate any touch screen device. In this situation, the program asked election officials to deliberately alter the function of the machine to make it incorrectly display a selection. It is important to note two things about that deliberately misleading demonstration. First, the equipment had to be tampered with to generate that incorrect display. Second, the staged demonstration shows clearly that a voter using that voting terminal would see how the machine was displaying his or her vote. A

voter would report that problem to election officials and a mis-calibrated machine would be replaced with a properly functioning terminal. The supervisor of elections in Lee County has publicly stated this "demonstration" was "a gross manipulation of the facts," reiterating the county's confidence in and support for the voting system currently being used in that jurisdiction.

- Even though the report focused on the 2006 Congressional race in the 13th District, HDNet failed to even mention the results of numerous Independent reviews of that situation completed by the Florida Secretary of State and Florida State Election Director's office. The collective findings of those reviews demonstrate that Sarasota County's voting system performed properly and exactly as it was designed to function.

Also, we did provide HDNet with information regarding a product recall situation that occurred several years ago and the manner in which we addressed it. We have extremely rigorous and exacting standards for the performance of our voting technology. We expect every element of the voting system to meet those rigorous standards.

Through quality assurance testing in advance of election events in 2002, we identified a noteworthy number of a specific component – the Wire Resistive Touch Screen – within the iVotronic unit – that were not maintaining calibration as we require. These issues occurred only within certain batches produced by one manufacturer – Berquist.

When ES&S management became aware that this problem occurred in specific batches of touch screen components, ES&S took every step to fully review the scope of the issue. This issue would not have affected a voter's ability to cast or record a ballot as planned, or the tabulation of the votes. However, we were determined to fully address the potential problem, ensuring voters had the most accurate and reliable system on which to vote.

After our investigation into this issue, there were approximately 1,300 touch screen components that had been identified for calibration issues near or slightly outside of recommended standards of performance. Out of caution, and our commitment to maintaining voter confidence and enhancing the voting experience for all voters, ES&S went beyond the screens identified as having calibration issues and replaced the entire group of batches of these touch screen components, even those that were still performing well within calibration standards.

ES&S management and assigned associates worked closely with election officials to quickly arrange for the replacement of approximately 22,000 touch screen components from the affected batches, at the expense of Berquist. The vast majority of those machines were sent to Omaha, where the touch screens were replaced with new screens which calibrated in accordance with the recommended standards. For other machines, we utilized technical staff to replace the touch screen components within the jurisdiction.

Again, it is important to point out that this issue would not have affected the ability of a voter to cast a vote as intended. Voters would clearly see the selection highlighted on the touch screen as they were proceeding through the ballot. As voters looked at the display, they would certainly have the ability to notify poll workers if a problem occurred. Further, iVotronic voting systems require and allow all voters to carefully review their selections when the review screen displays all selections made – prior to casting their vote. At any time during the voting process on the iVotronic, voters may choose to change their selections by pressing the touch screen. The issue also had no impact on the tabulation of votes.

Though this problem with some touch screen components would not have impacted any votes cast or tabulated, ES&S requires each piece of technology within our voting systems to perform to our high manufacturing standards.

When that did not occur in this situation, we took steps, working in conjunction with the touch screen component manufacturer and the affected election jurisdictions and officials, to address the issue.

We remain fully committed and prepared to work with our customers to make sure that

upcoming elections go smoothly, and to continue providing voting systems which are secure, accurate, and reliable.

About Election Systems & Software (ES&S)

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**Sharon L. Harrington
Supervisor of Elections
Lee County**



Lee County Supervisor of Elections Sharon Harrington

Statement re. HDNet "Dan Rather Reports" Story
August 14, 2007

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I have very serious concerns about the way in which issues and facts related to the running of elections in Lee County, FL are distorted and misrepresented in the HDNet "Dan Rather Reports" piece that will begin to air this afternoon. Over a period of several months, Lee County personnel cooperated with HDNet to answer questions and – in a factually accurate way – explain our experience with the iVotronic Touch Screen Voting System. From promotional spots I have seen, I can say with certainty that our position is not accurately conveyed in the story. I am deeply disheartened and dismayed about what I see as a direct attempt through this piece to undermine the democratic process in Lee County, the state of Florida, and the rest of the country.

As we explained to HDNet, in 2003, Lee County did experience issues related to the sensitivity of the touch screens on our iVotronic units. However, that issue was rectified fully and immediately when ES&S, without question or pause, replaced all of the screens at no cost to Lee County. Since that time, we have not experienced similar issues. Further, through our continuous testing and maintenance of our voting equipment, we regularly confirm that the system is functioning well. In fact, prior to each and every election Lee County publicly tests every single iVotronic voting unit to demonstrate to our voters the accuracy and reliability of the system and that they can and should have confidence that every vote cast will be counted.

I flat-out reject any suggestion that our touch screen system is not reliable.

Incredibly, in an effort to visually depict the issues we experienced in 2003, HDNet staff requested that our personnel deliberately uncalibrate a touch screen voting unit, completely altering the way in which it would function in a real-world scenario. Again, in the promotional spots I have seen, it leaves the suggestion that these issues are still relevant, today. This is not only a gross manipulation of the facts, but a manipulation of my staff, as well.

Lee County has been and continues to be in full support of our electronic voting system and our vendor. This position was relayed extensively to HDNet throughout the entire interview process.

Sharon L. Harrington
Lee County
Supervisor of Elections



August 16, 2007

Gary Crump, COO
Election Systems and Software, Inc.
11208 John Galt Blvd.
Omaha, Nebraska 68137

Dear Gary:

After the recent report on Dan Rather Reports, I want to assure you that we at Pivot stand behind our products and processes. We believe this story to be biased and inaccurate and we firmly believe we produce solid and reliable machines on your behalf, as well as provide safe and fair treatment to workers in the United States and abroad. We are committed to quality standards in everything we do, from management procedures to our quality control tests.

As you know, Pivot has a longstanding relationship with ES&S dating back to 1998. We have worked closely together on a number of different projects. In fact, management and technical staff from both ES&S and Pivot have been on site for all or part of every major production run in the Manila manufacturing facility to ensure that proper production and quality process were in place and were followed. All test procedures were developed by engineers as a result of consultation between Pivot and ES&S's manufacturing and engineering representatives.

All of the locations involved in manufacturing these machines, including TTI, the manufacturing plant in Manila, are ISO 9000 certified. This means that the facilities have been audited by an independent accredited certification agency and found to be in compliance with the ISO 9000 standards for quality management systems developed and maintained by the International Organization for Standardization. Additionally, the qualification and certification process required by the federal government to ensure your election equipment meets their standards requires that the production facilities for your equipment be inspected and approved. To that end, your independent certification body, Wylie Laboratories, has inspected the Manila plant numerous times, and it always has been approved. These accreditations are not given lightly and speak to the quality of the plant and TTI's employees in Manila.

The plant in Manila is located directly across from the domestic airport. The factory leases the property from the Manila International Airport Authority (MIAA) who has jurisdiction over the airports and the surrounding properties. MIAA governs the development of their properties. MIAA is similar to the Omaha Airport Authority at Eppley Airfield. The production floors are air conditioned.

The factory currently has a full time staff of 48 with an average tenure of 7.4 years. 18 of them have been with TTI over 10 years. TTI management adheres to and meets all Philippine wage standards. On top of basic salary, TTI also contributes to SSS, Medicare and pag-ibig (government's retirement program). Additionally, TTI gives paid vacation & sick leaves.

TTI has no problem hiring people when they need them. Most part time staff are high-school graduates and some have college background. It is interesting to note that one of the former employees interviewed, Jonathan San Pedro was TTI's production manager. He resigned from TTI a few years ago only to ask for his job back after a week in his new job. Unfortunately, his old position was already filled.

TTI operates a customs bonded warehouse as well as the plant. It has all the required regulatory licenses & permits to operate in the Philippines and manages its operation in conformance with the laws of the Philippines.



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Production in the Philippines is actually one of the benefits that we offer ES&S and our other clients. Electronics manufacturers around the world come to the Far East and Southeast Asia for their manufacturing needs because quality products can be produced there at a lower cost than in the United States or other Western countries. Pivot does business there for just that reason. Although legally separate, The Ching family has an ownership interest in both Pivot and the Manila manufacturing facility, TTI. This provides Pivot with an enhanced level of access to management far in excess of a simple subcontract relationship. It is this level of involvement that has enabled Pivot and TTI to be so responsive to your specific business requirements.

Obviously, there were many additional points in Mr. Rather's report with which we take issue. We disagree with many of the allegations and, in fact, many points were simply factually incorrect.

For example, the statement that we only performed "shake" tests is completely untrue. We did perform a shake test but it was only a small part of a complete testing routine that includes eight hours of burn in time and over an hour of final quality control testing. For every iVotronic manufactured, we have a 7+ page document, identified with the unit's serial number, which shows all of the tests performed on the unit and the results of each test.

And as an interesting aside, the video footage of Mr. Ching is in error. The individual shown is not Mr. Ching and is not anyone whom we know. We believe this speaks to the quality of their investigation in Manila.

Eddie Vibar was portrayed as an "electrical engineer". We do not know whether he is today, but he certainly wasn't at the time he worked for TTI. He did work for TTI as a technician making repairs.

However, today, we are simply assuring you of our commitment to our partnership with you, our employees around the world and to producing a reliable product.

We appreciate your continued confidence in Pivot International.

Sincerely,



Kirk Douglass
President
Pivot International, Inc.

Cc: Aldo Tesi, President & CEO
John S. Groh, Sr. Vice-President
Jim Schmidt, Vice-President of Operations

**Statement Regarding Letter from
Election Assistance Commission
August 14, 2007**

It has always been our intent to fully comply with all reporting requirements established by the Election Assistance Commission (EAC). Due to an unintentional oversight on our part, we did not include a listing of a specific final assembly facility used by an Election Systems & Software (ES&S) subcontractor when we submitted a one-time registration form with the EAC. We did provide complete information about all primary manufacturing contractors involved in production of the equipment. We will promptly work with the Commission's staff to update our manufacturer's registration on file and ensure future reports contain all information required.

It is important to note that ES&S has regularly provided information about and access to this sub contracted assembly facility as a part of the previous federal testing and qualification process for voting machines. In fact, quarterly audits of this facility have been conducted for years by an Independent Testing Authority (accredited by the National Association of State Election Directors), as required by the previous federal qualification process. In addition, we frequently provide the location of contracted facilities when responding to requests for proposals from state or local election authorities.

Again, we will correct this oversight as soon as possible.