

October 3, 2007

A meeting of the Board of Election Commissioners of St. Louis County was held at its office located at 12 Sunnen Drive, Maplewood, Missouri, Wednesday, October 3, 2007, 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
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.

Juanita Carl voiced her concerns based on the HDNet Dan Rather Report that testing of voting equipment was done by shaking.

Joan Botwinick spoke of a Pennsylvania research showing that someone with an ES&S password could clear votes. She inquired about our security measures and said in the past elections no one knew they could have voted a paper ballot instead of using a DRE.

Helen McIntosh introduced herself as a poll worker assigned to the Kirkwood Public Library. She said they were unable to reconcile their paperwork in the 2006 Primary and General Elections. She said the DREs were down for over two hours and is concerned that they can crash or be hacked into. She also said it's not too transparent for finding what to do when votes are inaccurate.

Phillip Michaels read from a prepared statement (attached) regarding secrecy and security of the DRE based election process and increased cost for elections.

Patricia Berg referred to an article regarding the ACLU view on DREs and that audits are not verifiable or consistent.

Virginia Harris said they are still waiting for a response to their email request.

Cynthia Richards said she was shocked at hearing there is an unauthorized backdoor in ES&S programming and that is unacceptable. She asked how the Board could justify the continued use of this voting equipment.

As there were no more speakers, Mr. Diehl closed the public forum and proceeded to the next order of business.

Ms. Botwinick interrupted and demanded answers to the questions asked in the Public Forum.

Mr. Diehl explained that Board Meetings are business meetings and the Public Forum is a venue for statements from the public and not a time for questions and answers. He further explained that the agenda for each meeting is set beforehand. He offered to those in attendance that our website provides for ways to contact the Board directly.

After the interruption, Mr. Diehl then returned to the matter of minutes from the previous board meeting, currently before the Board. Mr. Miller made a motion to approve the minutes of the Board Meeting of August 21, 2007 and Mr. Zimbalist seconded. There were no changes or corrections. A vote was taken and the minutes were approved.

Mr. Miller made a motion to approve the closed minutes of the August 21, 2007 Board Meeting and Mr. Zimbalist seconded. A vote was taken and the minutes were approved.

Mr. Diehl asked for the Directors' Report.

Mr. Donahue reported poll worker recruitment is going well and they are reaching many groups. They are working on ways that organizations may be paid directly for members election day wages. The organizations would be restricted to PTOs and PTAs.

He said Pat Redington (County Counselor) has requested the Civil Service Commission to look into the possibility of changing the rule to allow County employees to participate as poll workers. A meeting is scheduled with Kirk McCarley tomorrow discussing flyers, newsletters and a mailing to retirees.

Mr. Donahue reported that Mr. McCarley has set up a system for election day calls. Mr. Diehl asked if it would be stress tested. Judge Goeke said it has been used for Revenue and Assessments during their peak times and that the use of Palm Pilots would greatly reduce the volume of election day calls. The Election Board's 47 lines are supplemented by cell phones used by the techs.

We currently have approximately 3,000 poll workers and need roughly 2,000 more. We recently got 35 new poll workers through Meramec and UMSL. Mr. Donahue said our staff has been extraordinary in their recruiting efforts.

Judge Goeke said absentee has opened for the November 6 election. He also said that each election has seen improvements in efficiency in handling vote processing.

Judge Goeke reported on a meeting with representatives from Washington University. For elections that students would be voting in, there would be a polling place specifically for them. The university was enthusiastic about the idea.

The preliminary budget for next year was approved with the exception of funding for a lobbyist and a reduction in out-of-town travel. Costs associated with REJIS will be covered.

Padded bags for iVotronics have been ordered and the purchase of Palm Pilots appears to be going well.

We should be receiving an ES&S firmware upgrade in the near future. The automatic function for daylight savings time will be in a future upgrade.

Judge Goeke reported on the work being done to facilitate our move to MCVR (Missouri Centralized Voter Registration). We have consolidated precincts and reduced the number of voting precincts by 331 and no voting precincts by 145. Currently the street files are being proofed. It is estimated that this will take approximately 3 weeks. The Secretary of State's Office is working with us to fix the glitches we have found thus far.

There was no Old Business.

Under New Business Mr. Donahue introduced Youth Participation where high school sophomores, juniors and seniors can serve as poll workers (non-partisan) with parental and school principal approval. They would be adept at using the palm pilots and would help reduce lines at the polling places.

Mr. Diehl made a motion and Mr. Zimbalist seconded to authorize Youth Participation as outlined in RSMo 115.104. A roll call was taken and the votes were as follows: Mr. Miller, aye; Mr. Zimbalist, aye; Ms. Yeckel, aye; Mr. Diehl, aye.

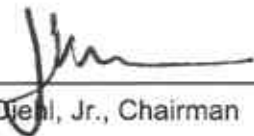
Certification packets (election calendar, forms and guidelines) have been prepared to mail to the entities in St. Louis County. A need for uniformity prompted establishing new procedures for naming conventions, ballot wording and form. Mr. Diehl made a motion to proceed with the mailing as outlined and Mr. Zimbalist seconded. A vote was taken and all voted aye.

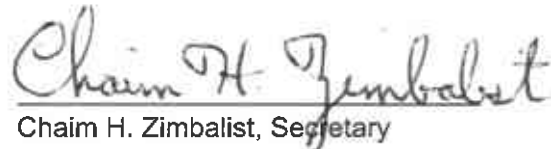
Under Financial, Mr. Miller made a motion to receive and file the Variance Report dated August 31 and the Itemization of Bills dated August 15 to September 19 and Mr. Zimbalist seconded. A vote was taken and the reports were received and filed.

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.

The next Board Meeting will be October 30 and the following on December 4.

Mr. Diehl made a motion to enter into closed session, 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.

  
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John J. Diehl, Jr., Chairman

  
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Chaim H. Zimbalist, Secretary

3 October 2007  
Board of Election Commissioners  
Saint Louis County  
12 Sunnen Drive  
St. Louis, MO 63143

To Whom It May Concern:

A 2006 Zogby poll found that 92% of Americans preferred "observable vote counting over proprietary systems." In the fall of 2005 just prior to the purchase of DRE equipment for St. Louis County this board held a public hearing about the proposed purchase of these proprietary systems. At the public hearing that 100+ St. Louis citizens attend, the percentage of those who were against this purchase was also well over 90%.

The public's concern is based in the complete secrecy of the DRE-based election process. Counting ballots is a complete secret hidden in software, certification of the equipment was conducted in secret, and even the test specifications for certification were secret. The software itself is considered a manufacturer's trade secret. Even after purchasing the equipment, public officials cannot review how the software works.

The inability of this board to review the software employed to record and tally votes by itself demonstrates that this Board can not protect the public from electronic election fraud on the DREs. The perfect example of how open the County's iVotronics voting system is to electronic fraud is the exposure by the State of Florida of the existence of an electronic backdoor in iVotronics touch screen voting machines there. Is there an electronic backdoor here? How would you know?

One might opine that the reasons for spending \$9.1 million on proprietary DREs was to make the election process much more economical. However, the Board of Election Commissioners' budget in the off-election years of 2003 and 2005 was about \$4 million. The 2007 off-election year budget is \$5.8 million, a 40% increase over the past. This budget explosion occurred even though this board's own operational benchmarks call for fewer absentee ballots, fewer registered voters and fewer elections in 2007 than in 2005.

In summary, our elections are now conducted on and the results tabulated by secret software, the elections themselves are more expensive, and a large percentage of the public now believes the flaws found in electronic voting equipment in California, New Mexico, and Florida are the norm for this kind of equipment everywhere. Continued use of this equipment in light of everything we now know is a clear abrogation of democracy. The failure of this Board to acknowledge that and to end the use of this equipment does not serve the people of this county. Therefore, my question today to this body—bluntly put—is, "Exactly who do you serve?"

Sincerely,

  
Phillip Michels

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