

September 16, 2008

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, September 16, 2008, at 4:00 p.m. on notice and call of the Chairman, John Fox Arnold.

Present at the meeting were:

John Fox Arnold	Chairman
Chaim Zimbalist	Secretary
Anita Yeckel	Commissioner
Bill Miller	Commissioner
Steve Garrett	Attorney
Joseph A. Goeke, III	Director
Joseph E. Donahue	Director

Mr. Arnold called the meeting to order and opened the Public Forum. Phillip Michaels, Cynthia Richards, Virginia Harris and Rebecca Ewing had signed cards to speak and were invited to the podium in the order they chose.

Ms. Richards said that Missourians for Honest Elections (MHE) has repeatedly stated to the Board that our physical safeguards are useless and there has been no thorough review of source code. She said that malicious code can remain hidden and voters at the polls can easily, quickly and surreptitiously change the programming. She said there is no software independent audit possible and finds it incredible that the Board continues plans to deploy the DREs. She asked why the Board does not follow the example of California and provide one DRE at each polling place only for disabled voters who request their use and have everyone else vote on paper ballots. She said use of DREs puts the election results at risk and finds it irresponsible on the part of the Board to ignore the facts MHE has presented. Ms. Richards said that if the election is contested and the majority of voters use DREs, an accurate recount is impossible. She asked that the Board take prudent action.

Mr. Michaels expressed his concerns that election rigging is easy to do, giving his opinion as an expert, being a programmer since 1968. He said he spoke with the sole volunteer who looked at the source code (a professor at Washington University) who told him he examined the code for three or four days. Mr. Michaels said it would take months to examine the code and that Missouri state law says that the code can only be reviewed in the case of bankruptcy of the trust it's held in, as it is proprietary. He said the Board has taken no apparent action on these concerns. He said the ES&S equipment failed in Sarasota, Florida and a backdoor has been found where passwords can be changed. He said other states have discarded DREs. Ms. Yeckel asked if the backdoor is in every machine and Mr. Michaels said he did not know, that he needed to look at the source code. He said he would answer any questions that the Board may have.

Mr. Miller said when the public was asked, the majority wanted DREs (with the exception of MHE). Mr. Michaels said at the public hearing only 3 of 100 people wanted DREs. Mr. Miller said that on the many occasions that equipment was presented to the public, the majority expressed a preference for DREs. He said he tries to represent the people's wishes and asked Mr. Michaels what his position would be if everything goes well at the November election. He

answered that only one programmer knows the code and that person was hired by a politically motivated individual. Mr. Miller asked if he felt so strongly about the matter, why he wasn't educating the public. Mr. Arnold inserted that the discussion had gone beyond the scope of the Board Meeting.

Ms. Ewing, of the Obama for America organization, requested a polling place at UMSL as students residing on campus, often without transportation, would be required to walk in excess of one-half mile along Natural Bridge, a dangerous road with no sidewalks. Ms. Ewing had been given an estimate of 1,000 student voters. Mr. Arnold told her to speak with our staff after the meeting on this matter. She also voiced her concern about the backlog of voter registrations and said according to the Secretary of States office the Election Board was processing 100 registrations per week. She, on behalf of her organization and the Democratic party, offered to help get volunteers to assist.

Ms. Harris came to the podium and said she would like to pick up the discussion between Mr. Miller and Mr. Michaels. She said the percentage of voters who used DREs was not indicative of the percentage who wanted to use them, as some were told they had no choice and some were steered toward the machines. She asked if the 2009 elections would be solely DRE. Ms. Harris said the MHE had given the Board information and websites to go to for additional information. She offered to have one on one discussions outside of Board meetings. She suggested that it's not impossible to have all paper elections and have DREs only for the disabled who want to use them. She also said the Board would save money by not deploying DREs, given the expense of transportation and storage. She would also like the Board to provide tutorials and education on the ballot counting process, and related issues, so they would know what they are looking at during the ballot counting. She said the process is still opaque to the MHE. Ms. Harris wanted to know what percentage based on the 2004 general election would be used for paper ballots for this year's November election.

Mr. Arnold said that he had met with the MHE and had given questions to Judge Goeke based on that meeting. Judge Goeke provided him with those answers, but he has not had time to look at it in detail yet.

As there were no more speakers, Mr. Arnold closed the Public Forum and proceeded to the next order of business.

Ms. Yeckel made a motion to approve the minutes of the August 19, 2008 Board Meeting and Mr. Miller seconded. A vote was taken and the minutes were approved.

Mr. Arnold called for the Directors' report. Judge Goeke gave a report on the recounts conducted last week. He estimates that it took 250 man days to complete. It began on Thursday, included Saturday (10 hours) and concluded Monday afternoon.

Judge Goeke said we will be current with voter registrations by the time the precinct binders are printed. Voter data is entered in MCVR and REJIS. The precinct binders are printed from REJIS files and the Palm Pilots are loaded with voter files from MCVR.

A call center is being added and we should have 23 additional stations by Friday. Starting Monday we will have more than 20 temps and more than 50 people working on voter files.

Ms. Yeckel asked where the registrations were coming from. Judge Goeke said several groups are working on registrations including the presidential campaigns, ProVote, a women's group and ACORN. He said that although there had been problems in the past with registrations from ACORN, they are much better now.

Judge Goeke said there are lots of registrations, lots of absentee ballot requests and everyone is busy all the time now. He said 3 lawsuits had added propositions to the ballot and the length of the ballot forced us to go from a 17" ballot to a 19" ballot. Because of the additions to the ballot the law provides that we can delay the opening of absentee voting to the 24th of September but we plan to have everything ready so absentee voting can begin on Tuesday, the 23rd. There will be more DREs in the office for absentee voting than we've had in the past so they will not be set optimally for privacy as they are in the polls. Voters will be educated to position the doors for privacy.

Voters will have a minimum of 37 things to vote on, with a maximum of 44. Since we cannot effectively use print-on-demand with 19" ballots, more ballots were ordered from the printer. For absentee 40,000 ballots were ordered. We have planned for 725,000 voters but will be able to vote 778,000. We currently have approximately 660,000 registered voters.

Judge Goeke gave the Board members a sample ballot from November 2006 to compare to the November 2008 sample ballot. Layout and shading make the ballot for this upcoming election easier to read. Sample ballots will be available on our website and will also be at the polling places for voters to look at while they are in line.

Judge Goeke said we will have 25 percent more equipment at the polls on election day than we have ever had. The state requires one voting device for every 150 voters. We will have one device for every 109 voters. One thing we have no control over is how long a voter takes to cast their ballot. For voters who do not want to wait for a writing surface to vote their paper ballots, they can use the privacy sleeve

Mr. Donahue reported the training video has been completed. There is a poll worker training video and a short tech video. They will be duplicated shortly and the Board members will receive a copy.

Poll worker recruitment is being reviewed on a daily basis. We need more than 5,200 poll workers and 300 standby's. We are at 65-68% now. These numbers do not include college students (we currently have 350 with a goal of one per polling place) or high school volunteers of which we currently have 175 also with a goal of one per polling place. Next week KSDK will start Public Service Announcements encouraging poll worker recruitment. Laclede Gas will include a message on their bills. As far as our corporate sponsors (part of the At Work For Democracy program) Edward D. Jones has provided 80 poll workers already and UMSL, Meramec and Maryville are cooperating with us.

Mr. Zimbalist asked about groups wanting demonstrations. Judge Goeke said we had not planned for any at this time, as we began that process two years ago, and we have used the new equipment for 11 elections already, but we could do so.

Mr. Donahue said we are planning for a tremendous turnout on election day. Judge Goeke said we will have a better feel for the numbers when absentee voting begins next week.

Mr. Arnold said he and Secretary of State Robin Carnahan have been encouraging corporations to give their employees the day off to work at the polls. This program is ongoing through October 2. Congressman Clay and others have requested information on preparations for the November election. The responses will be provided by this week.

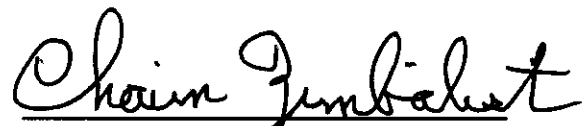
There was no old business to bring before the Board. There was no new business.

Mr. Miller made a motion to receive and file the Variance Report and Itemized Bills. Ms. Yeckel seconded the motion. Mr. Arnold asked if there were any questions about the financial reports. The Directors said the only significant change to the budget is expanding the mezzanine into the cave area of the warehouse for better storage. Ms. Yeckel asked about an item in personnel services. Judge Goeke said the Secretary of States office reimbursed us for MCVR training and the County provided us with 20 volunteers for two days to help us with the recount. Only overtime is charged to an election. By unanimous vote the motion passed to file the reports as received.

Mr. Arnold asked for a motion to receive and file the Personnel Action Report. Mr. Miller made a motion to receive and file and Ms. Yeckel seconded the motion. By unanimous vote the motion passed to file the report as received.

Mr. Arnold asked for a motion to enter into executive (closed) session. Mr. Zimbalist made a motion that the Board enter into closed session to discuss legal and personnel matters. Ms. Yeckel seconded the motion. A roll call was taken and the votes were as follows: Ms. Yeckel, aye; Mr. Miller, aye; Mr. Zimbalist, aye; Mr. Arnold, aye. The motion was approved and the Board entered into closed session.


John Fox Arnold, Chairman


Chaim Zimbalist, Secretary