

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 21, 2010, at 2:00 p.m. on notice and call of Chairman Kellett.

Present at the meeting were:

Richard H. Kellett	Chairman
Julie R. Jones	Secretary
Anita Yeckel	Commissioner
Steve Garrett	Attorney
Joseph E. Donahue	Director
Joseph A. Goeke, III	Director

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

The Public Forum opened with Cynthia Richards, President of Missourians for Honest Elections. Ms. Richards said she wished to reiterate strongly against the use of the touch-screen machines because they can't be audited properly. A study conducted by their organization found that less than half of voters look at the paper tape. She said the paper tape can be manipulated and that they didn't want to be in the position of saying, "I told you so." She said she hopes that the Board will listen this time and do the right thing.

Mr. Kellett said that after one of the meetings with their organization the Board held a closed session to discuss the matter. He said the only reason he took the job as Chairman of the Election Board is for the integrity of voting. He asked Judge Goeke to report on the honesty of the elections.

Judge Goeke said part of the problem is MOHE say people don't verify the paper trail. The test is, could people check it? The election board has done five or six recounts and we have never had a single touch screen vote not mirror the paper trail. We have had votes adjusted from the paper ballots.

Ms. Richards said the tape doesn't mean anything. Judge Goeke said recent studies show that if we do away with the touch-screens, the alternative is less secure. Equipment is secure if there is no access.

Ms. Richards said you can't say no one can get to the machines at the polling places. Judge Goeke explained procedures at the polling places. The first thing is a check to see that the seal is not broken. If a seal has been broken the machine is checked to verify that there are zero votes. If the machine does not show zero votes, the machine is not used.

From the day the equipment was acquired it has been protected. During Logic and Accuracy testing, during the burning of the media, no one can be alone with the equipment. Everything is done by a bipartisan team. The County did an audit of all IT and they found that our tabulation room is more secure than the 911 system.

Ms. Richards said Cal Tech and MIT said the equipment can be hacked at the polling places by the voter.

Judge Goeke said the paper trail shows what is done and Ms. Richards said it is cosmetic and the voters don't look.

Mr. Kellett said Ms. Richards is entitled to her beliefs and can challenge whatever she wants.

Ms. Richards said poll workers push use of the touch-screen. Although you say 82% of people prefer the touch-screen we find that when they hear about how vulnerable they are, they are horrified.

Virginia Harris said at the August election her father was again pushed to use the touch-screen. Ms. Richards said she did not believe half of the voters who said they checked the paper tape actually did.

Judge Goeke said we have 1700 touch-screen machines. Suppose they could be tampered with; they can't, but supposed they could, they can't tamper with the equipment and make it work.

Ms. Richards said any number of things can be done and wished to defer to Philip Michaels.

Mr. Michaels thanked the board for the opportunity to speak. He said they have been coming for five years and he's sure the board can detect the level of frustration. He said at the public hearings on the equipment 97 people said they did not want the equipment, 3 said they did and the equipment was purchased.

He said he is concerned because it costs more and is slower. Paper ballots are cheaper and easier to use. He said he served in local government in earlier years and does statistical analysis of businesses. He said you can't do an audit if you are told you must assume everything you are told is accurate.

He said no one has reviewed the software and it is not likely in the future as it is proprietary. There are more than 100,000 lines of code and it would take a long time to review. He said there is no chain of custody of the software to the polling place. He said he is not anti-computer at all.

He said the Florida election had many undervotes, all on ES&S iVotronics. The University of Florida was able to study them under limited conditions and on the final page of the 25 page appendix of their report it said a password was available on the net that gets past all ES&S passwords. Mr. Michaels said there can be errors not involving malice and that we are not adversaries. The equipment is extremely vulnerable and unlike other people who have told you this, he is a computer guy.

Ms. Jones asked Mr. Michaels what is the solution? He said have one touch-screen per polling place for the disabled and make paper ballots the norm. It would be cheaper and would take 1,000 iVotronics out of commission right away. He said you can find the right answers and they can help; they can help prove the case to the public.

Mr. Kellett said the majority of voters aren't using the paper ballots. Mr. Michaels replied that if he told them what he has told the board that they would.

Mr. Michaels said there is no way to tell if the paper tape is telling the truth. Judge Goeke said after each election an extensive audit is conducted, comparing the number of signatures in the precinct binders, the number of voter tickets and the number of votes tabulated. In the August election, 25 polling places were hand counted.

He said the undervotes in Florida that had been mentioned were due to ballot layout errors. Judge Goeke also said punch cards were far cheaper, but were no longer an option with HAVA. He said voting on a touch-screen is faster once you know how to use it. Elder voters have loved the touch-screens as they are easier to see and make it easier and faster to make a change.

He said that although we printed fewer ballots that some organizations had wanted, we threw away about \$98,000 worth of paper ballots. He said he is willing to bet that we throw out about 50% of the ballots we print for this November's election.

Mr. Michaels said we assumed that all the software updates are accurate and without error. Judge Goeke said we have received one update and that had to do with daylight savings time. Mr. Michaels said that we can't know the software is accurate even if you know the total number of votes.

Virginia Harris said many times voters aren't given a choice to use the paper ballots and that in some small election there were no paper ballots at all.

Mr. Donahue said we had not received any complaints that people weren't given a choice.

Ms. Harris said it may have been before Mr. Donahue was at the election board.

Mr. Kellett said if that situation would arise, to call him. Ms. Jones said she would keep her eye out for anything like that as she votes at the same polling place.

Ms. Harris said the word "paper" was not used when they were given a choice and that the touch-screen was offered first. She said they may have been using the wrong words.

Ms. Jones said when she was at the polling place there was a problem with the opti-scan and the paper ballots had to be put in the provisional/emergency bin while all the touch-screen machines were fine.

Judge Goeke said Ms. Harris was expecting to be given two choices and she was given two choices. He said one complaint was received in 2007 who said they did not get the choice they wanted. The voter was voting absentee in our office where we have only touch-screens. Absentee paper ballots are only by mail.

Ms. Harris said if a seal is broken, the machine should be taken out of service. At schools kids may have broken a seal. She said she would like to have our full training. Judge Goeke said no one would be given access to our security procedures.

There being no one else who wished to speak, the Public Forum was closed.

Ms. Jones made a motion to approve the minutes of the August 17, 2010 Board Meeting and Ms. Yeckel seconded. There were no changes or corrections. A vote was taken and the minutes were approved.

Mr. Kellett then called for the Directors' Report.

Judge Goeke said absentee voting started today and L&A testing starts Monday. The Election Day ballots have been ordered. All the military and overseas ballots were mailed Friday. Domestic military ballots were mailed yesterday and everything appears to be going well. We hired two election clerks and there are three positions still open, two clerks and one supervisor.

Ms. Yeckel asked if we were getting in many registrations and Judge Goeke replied that there were not as many as in 2008.

Mr. Donahue said the positions we are not filling are due to an agreement with the County Executive. He said we are actively recruiting poll workers at colleges, universities and school districts and providing instruction at elementary and high schools. Florissant Valley is scheduled for tomorrow, Meramec on Monday and Webster in the near future. Teachers are key in recruiting.

Mr. Donahue said our budget meeting is scheduled for tomorrow at 3:00 and it should go well as we've been very conservative. At the cabinet meeting he attended they thanked the Election Board for balancing the County budget.

Mr. Kellett made a motion to accept the Directors' Report and Ms. Jones seconded the motion. A vote was taken and the report was accepted.

There was no Old Business to discuss. Previously the board had tabled a review of the Personnel Manual until there was a full board. It was decided to table that review until all board members are present.

Under New Business, information on open meetings and recording was tabled until it could be reviewed by the full board. Judge Goeke said Mr. Garrett has researched these issues and had given instruction to new board

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members and could be helpful in his matter.

Mr. Kellett said the St. Louis County Election Board has done everything they can for the security and integrity of elections. He said to those individuals who spoke in the Public Forum before the board today that if they think something is illicit or illegal that they should go to the Secretary of State's Office.

Ms. Jones made a motion to receive and file the financial and personnel reports and Ms. Yeckel seconded the motion. The vote was unanimous to receive and file the reports.

Mr. Garrett said there were no legal matters to discuss.

There being no reason to enter a closed session, Mr. Kellett made a motion to adjourn, which motion was seconded by Ms. Yeckel. The vote was unanimous in the affirmative and the meeting was adjourned.


Richard H. Kellett, Chairman


Julie R. Jones, Secretary