

State Election Commission
Wednesday, October 25, 2017 – 11:00 a.m.
Secretary of State Conference Room
Minutes

Members Attending:

Gary Collias, Chair
The Honorable Mac Warner, Secretary of State
Taylor Downs (By Teleconference)
Vince Cardi (By Teleconference)

Others Attending:

Donald Kersey, Director of Elections and Deputy Legal Counsel
Chuck Flannery, Chief of Staff and Deputy Secretary of State
Brittany Westfall, SVRS Coordinator
Missi Kinder, Campaign Finance Specialist
Carye Blaney, Monongalia County Clerk
Kyle Haugh, Monongalia County Deputy Clerk
Jason Welsh, IT Director, Monongalia County
Steve Pearson, Senior Vice President, Voting Systems – Election Systems & Software (ES&S)
Benjamin Swartz, West Virginia State Certification Manager – Election Systems & Software (ES&S)
Richard Lockhart, Casto & Harris
Ethan Tyree, Casto & Harris
Phil Kabler, Charleston Gazette-Mail

The State Election Commission met on Wednesday, October 25, 2017 at 10:00 a.m. in the Secretary of State Conference Room. Chairman Collias called the meeting to order at 10:03 a.m., and a quorum was established by roll call.

Mr. Cardi made a motion to approve the minutes from the June 27, 2017 meeting with Mr. Downs seconding the motion. Motion passed unanimously.

Mr. Kersey addressed the Commission about ES&S's certification request for their EVS 5.2.2.0 and 5.3.2.0 Voting Systems. The Commission will review these two requests separately.

Steve Pearson from ES&S explained that the EVS 5.2.2.0 is a firmware update to the existing system, EVS 5.2.1.0, that was certified for use in West Virginia in 2016. This is a full voting system that is used by several counties in West Virginia. The modifications consist of adding a dual column screen for each race, giving voters the ability to see double to amount of candidates in a particular race at one time and security enhancements. This system has been approved and certified by the Election Assistance Commission (EAC).

Secretary Warner made a motion to approve ES&S's request for certification of the EVS 5.2.2.0 with Mr. Cardi seconding the motion. Motion passed unanimously. This system will be sent to the state computer experts for review and evaluation.

Mr. Pearson explained that the EVS 5.3.2.0 is the same voting system as the EVS 5.2.2.0, with the exception of having modeming capabilities. This modeming feature enables counties to transfer digitally signed and encrypted results to the central counting center on election night. This modeming can be done by dial-up or wireless transmission. This system may be used without activating the modeming feature. Nine states utilize this modeming feature. The Election Assistance Commission has not certified this system due to the modeming component.

This system has never been compromised, and ES&S does not have an incident response plan in place. The company would be available for support, in the event of this issue.

Ms. Blaney stated that she does not believe that modeming would detract from election night procedures. At the close of polls on election night, the system would tabulate all scanned ballots throughout the day, and send the results file to the central counting center. This results file is also stored on a thumb drive and is taken back to the central counting center.

The Commission discussed if the 5.3.2.0 is a voting system or firmware, and noted that if it is an Electronic Voting System; it would be required to meet current federal standards. If it is a firmware upgrade, it would only require an independent testing certification.

Members of The Commission were troubled that the EAC has not approved the 5.3.2.0, and by policy, that would impede certification. The West Virginia Legislature has placed trust in the EAC to set the standards for voting systems. They also agreed that they should respond conservatively, and to remain safe in their position.

No motion was made to approve ES&S's request for certification of the EVS 5.3.2.0.

The Commission agrees that State Code is contradictory, but this system does have real potential. The State Election Commission will work together with the counties and the legislature to get code changed to allow modeming in voting systems.

The Secretary of State's office requested funds from the SEC's budget to purchase educational materials needed to make the public aware of the new Voter ID law. This would most likely be a one-page flyer with simple facts about the new law. Beginning 2018, all voters must have some type of identifying document to vote, and the Secretary of State's office is bound by code to provide ID to anyone that needs one.

Secretary Warner made a motion to release \$4,000 for the Voter ID program with Mr. Downs seconding the motion. Motion passed unanimously.

Mr. Downs made the motion to adjourn at 11:55 a.m. with Secretary Warner seconding the motion. Motion passed unanimously.