

1 STATE OF NEW JERSEY  
2 DIVISION OF ELECTIONS

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6

7 FORMAL HEARING

8 TRANSCRIPT OF PROCEEDINGS

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12 LOCATION: 125 West Stat Street

13 Trenton, New Jersey

14 DATE: Thursday, May 22, 2008

15 TIME: 10:27 a.m. to 1:02 p.m.

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1 COMMISSION MEMBERS:

2

3 RICHARD WOODBRIDGE, Chair

4 JOHN FLEMING

5 ROBERT LESTER

6

7 ALSO PRESENT:

8 SECRETARY OF STATE NINA MITCHELL WELLS

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1           CHAIRMAN WOODBRIDGE: Ladies and  
2 gentlemen, thank you for coming here today. This  
3 is a hearing under Title 19 to take a look at a  
4 voting machine, Sequoia, which will be explained  
5 to you later on.

6           As you may know, this also is a  
7 transitional period where the responsibility for  
8 approving voting machines is moving from the  
9 Attorney General's Office back to the Secretary of  
10 State where it started when I first began this  
11 process in 1982, hard to believe.

12           I would like to say also before we  
13 do that, that I want to really express my  
14 appreciation to the Attorney General's Office for  
15 all that they have done in supporting us, Donna  
16 and Deryl and Jason and everybody. I tell you,  
17 it's been wonderful. It's not an easy job. I'll  
18 explain a little bit more of it later on. But I  
19 think one of the things the State of New Jersey  
20 should be thankful for and probably doesn't  
21 express enough appreciation is how hard the AG's

22 Office has worked in the background and how  
23 fortunate the State is, I think, for not having  
24 the kind of voting machine problems that other  
25 states have had. So if there's some way that the

1 Committee could give you guys a medal, we would do  
2 so. I would say we started with the Secretary of  
3 State's Office, by the way, so this is a wonderful  
4 return.

5           So without any further ado, I'm  
6 going to ask Madam Secretary Nina Wells to give  
7 you a welcome. And then we'll talk a little bit  
8 about the procedure today.

9           SECRETARY WELLS: Thank you so much,  
10 Mr. Chairman. I'm Nina Mitchell wells, as you  
11 heard, Secretary of State for New Jersey. And  
12 although the Division of Elections has been  
13 transferred to the Secretary of State's Office,  
14 the Attorney General's Office will continue to  
15 provide us with ongoing counsel and litigation  
16 support. So we will be working very closely with  
17 them, and we'll have the benefit of all of their  
18 expertise. So we're very pleased about that. And  
19 I do agree that in the short time that I have been  
20 here, I have been so, so pleased and impressed  
21 with their expertise and their tremendous support.

22 So I'd like to say that.

23           And this is my first meeting with

24 the members of the State Voting Examination

25 Committee, and I'd like to start out by expressing



1 my appreciation to the Committee. Our Chairman,  
2 Richard Woodbridge; Robert Lester from Mercer  
3 County; and John Fleming with the Office of  
4 Attorney General, Information and Technology  
5 Section. So thank you so much for taking all of  
6 your time today to be here with us to determine  
7 whether the voter-verified paper trail record  
8 meets State criteria.

9           As the State's Chief Election  
10 Official -- which is my new title, which I'm very  
11 pleased to have, very proud to have, very honored  
12 to have -- the integrity of the State's voting  
13 machine is one of highest priorities.

14           To further public confidence in our  
15 electoral process, the Legislature and the  
16 Governor are requiring that a voter-verified paper  
17 trail record -- you'll hear us refer to it often  
18 as VVPRS -- be implemented for the State's  
19 machines by January 1st of '09, 2009. That's the  
20 purpose of today's hearing.

21           Now, this is the second hearing

22 regarding the Sequoia Advantage, which is in 19 of  
23 our 21 counties here in the State of New Jersey.  
24 The Committee, after its last review of the  
25 Sequoia Advantage, determined that it did not meet

1 all of the State criteria. Sequoia has had the  
2 opportunity to address those deficiencies and is  
3 now back before the Committee to consider whether  
4 Advantage now meets the State's criteria.

5           So again, I'd like to thank the  
6 members of the public also for coming. Having  
7 interested citizens is a very, very important part  
8 of this process. So I want to thank you all very  
9 much for being here today.

10           And now I'd like to defer to our  
11 Chairman. Thank you so much.

12           CHAIRMAN WOODBRIDGE: Thank you,  
13 Madam Secretary. Thank you for giving us an  
14 opportunity to come back. It's always fun to be  
15 here.

16           Just a little bit of additional  
17 background. For those of you who aren't here  
18 regularly -- looks like most regulars are here --  
19 this Committee is structured under Title 19. It's  
20 unusual in that it's the only committee I know of  
21 that requires a patent attorney to be on the

22 committee, which happens to be me. I'm not sure  
23 why that's the case, but patent attorneys tend to  
24 have a technical background, as I do, mostly in  
25 computers and communications, and a legal

1 background, too. The Committee has always been  
2 composed of two other individuals who bring  
3 special expertise to this Committee. And Madam  
4 Secretary has introduced both Bob and John, who  
5 I'm pleased to have with me. Both have been on  
6 this Committee before. John for quite some time  
7 now.

8           The ground rules are I'd appreciate  
9 it if people held their questions until the end.  
10 There will be an opportunity for questions from  
11 the public, input from the public, whatever. But  
12 I think it's critical that we give the vendor an  
13 opportunity to go through this procedure.

14           If you have cell phones, which I do,  
15 turn them off.

16           The hearing that we had on July  
17 24th, took a look at the Sequoia machine with the  
18 VVPAT attachment to it. The hearing, which was  
19 held in hotter conditions than this, went through  
20 the criteria that was put together for VVPATs.

21           Now, one of the issues that we've

22 run into is the Title 19, per se, when it was  
23 drafted really didn't address VVPATs, much less  
24 didn't address DREs. So we had criteria prepared  
25 by the Attorney General's Office, I think, with

1 reference to other states and federal criteria  
2 that we used to look at the DRE plus VVPAT  
3 combination. And that was very helpful.

4           The machines, for the record, had  
5 been reviewed extensively by NJIT prior to our  
6 July 24th hearing. So we looked -- so they looked  
7 at it. They provided us with a report that was a  
8 very helpful report for us in terms of our asking,  
9 I think, relevant questions about the  
10 functionality of the machines, perhaps their  
11 shortcomings. And we used that as a guideline. I  
12 think it was inspired, I use the wording, in all  
13 its best senses by the Attorney General's concern  
14 that we needed to have independent technical  
15 review of these devices, because even though we  
16 collectively have some technical experience here,  
17 having somebody really do thorough testing of it  
18 is very, very useful.

19           As a result of that July 24th  
20 hearing, we produced a report that we sent to the  
21 Attorney General's Office outlining in it

22 roughly -- a number of concerns we had about  
23 the -- 10 concerns we had about the machine in  
24 particular. At that point, we were reluctant to  
25 approve it until we had responses to those



1 concerns.

2           This hearing should, therefore, be  
3 considered a continuation of our hearing on July  
4 24th, because the July 24th hearing really wasn't  
5 conclusive as such. So in that spirit, we have  
6 sent our comments on to Attorney General's Office.  
7 Those were transferred and sent to the vendor.  
8 The vendor is here to respond to those concerns  
9 today.

10           Because we have a fairly small group  
11 here, I'm going ask the vendors here to introduce  
12 themselves. And I'm also going to ask the  
13 audience to introduce themselves for the record.  
14 We're going to start with you.

15           MR. WYNHAM: Andy Wynham, sales  
16 technique support, basically field support for  
17 Sequoia Voting Systems.

18           MR. ALLEN: I'm Dave Allen. I'm VP  
19 of Development of E Voting Solutions for Sequoia.

20           MR. CHAGARIS: I'm Arthur Chagaris,  
21 with the firm of Beattie Padovano, Counsel for

22 Sequoia.

23 MS. VALERIANO: I'm Christine

24 Valeriano. I'm the sales executive for New

25 Jersey.

1 CHAIRMAN WOODBRIDGE: Glad to have  
2 you here. And you all were here last time, as I  
3 recall. Welcome back to New Jersey.

4 I'm going to ask the audience if  
5 they wouldn't mind introducing themselves.

6 MR. POSTELNIK: Deputy Attorney  
7 General Jason Postelnik.

8 MR. DEVLUGT: Louis DeVLugt. I'm  
9 just a Jersey resident.

10 CHAIRMAN WOODBRIDGE: Jersey  
11 resident, okay.

12 MS. HARRIS: Stephanie Harris,  
13 Coalition for Peace Action.

14 CHAIRMAN WOODBRIDGE: Irene.

15 MS. GOLDMAN: Irene Goldman, Chair,  
16 Coalition for Peace Action.

17 CHAIRMAN WOODBRIDGE: Yes, sir?

18 MR. APPEL: Andrew Appel.

19 CHAIRMAN WOODBRIDGE: Man in the  
20 back.

21 MR. ZIMMERMAN: Justin Zimmerman,

22 Director of Legislative Affairs for the Department

23 of State.

24 CHAIRMAN WOODBRIDGE: And Donna.

25 MS. BARBARA: Donna Barbara,

1 Division of Elections.

2 CHAIRMAN WOODBRIDGE: Of course, we  
3 have Donna Kelly over here.

4 MS. KELLY: Right. Assistant  
5 Attorney General.

6 MS. WALCOTT-HENDERSON: Kay  
7 Walcott-Henderson, Chief of Staff, Department of  
8 State.

9 MR. GILES: Bob Giles, Director,  
10 Division of Election.

11 CHAIRMAN WOODBRIDGE: And our good  
12 Madam Secretary of State over there. Glad to have  
13 you here.

14 So why don't we -- again, we  
15 appreciate if you would hold the questions until  
16 the end. I have asked the vendor to do a quick  
17 refresher walkthrough of the machine.

18 So if you wouldn't mind, Andy, why  
19 don't you do that. And if you can, if there are  
20 any changes that are noticeable, then you can  
21 point those out, too.

22           MR. WYNHAM: All right. Briefly, of  
23 course, most everyone in the room has seen this  
24 machine. Some of you who were at the July hearing  
25 saw a slightly different version of this machine.

1 But I need to point out that since the version of  
2 the machine that was reviewed by NJIT that is the  
3 nature of the reports are going to be addressed  
4 today, Mr. Allen will be going over the various  
5 aspects with you. So the changes that we'll talk  
6 about, some of them are physical in nature, some  
7 of them are definitely functional, and I'll try to  
8 go through the process of voting to make clear.

9 I do want to apologize. I know it's  
10 been a long time since we were here. It's  
11 important that you understand that the changes  
12 requested from the July hearing that ultimately I  
13 finalized with NJIT the week of Thanksgiving and  
14 then they prepared their report -- it took that  
15 much time -- they prompted the requirement the  
16 machine have a federal review, otherwise, to make  
17 the changes for New Jersey, change the machine for  
18 federal review.

19 Now, what's happened at the federal  
20 point is that we've made no further changes to the  
21 machine that affected New Jersey. Once we get to

22 the federal review, we have to go back into the  
23 environmental, the heat chambers, and the humidity  
24 chambers, and those types of things. And that's  
25 what we've been doing in the interim.



1           Anything that's happened to the  
2 machine from NJIT to that point has been just to  
3 satisfy federal requirements that are not  
4 requirements or made no functional changes for the  
5 use in New Jersey. So for all practical purposes,  
6 this is the machine that we pulled out at NJIT,  
7 actually, probably right at the beginning of the  
8 year. So we've gotten finally here.

9           Now, what we did when we submitted  
10 the machine, because of the July request, I'm  
11 going to point out in a minute that we have a  
12 slightly different printer on the side. Some of  
13 you who remember the fanfold paper printer that we  
14 demonstrated at the armory, this is a --

15           CHAIRMAN WOODBRIDGE: If I can  
16 interrupt you. Also, if any member of the public  
17 wants to come up and take a closer look, that's  
18 okay.

19           MR. WYNHAM: You'll see that we  
20 moved to a large single roll format paper. It's a  
21 huge quantity of paper that will almost completely

22 alleviate the necessity of changing paper on  
23 election day. In the worst case scenario, if  
24 everybody voted three times, I imagine you could  
25 reach a paper change. Short of that, this roll is

1 very substantive. It's also much easier for a  
2 master board worker or a board worker or a  
3 technician to change. And we'll be happy to  
4 demonstrate that at some point in the day. You  
5 drop the roll in, you feed it to the throat and  
6 it's done. So it's a very simple mechanism.

7 I also found in our internal testing  
8 it to be much more robust and virtually free of  
9 jamming conditions.

10 We made some mechanical changes to  
11 the throat, to the drop, and to the ballot bag.  
12 And again, these are things that you can't see  
13 from where you're seated, but these were things  
14 that were requested to be done and we submitted to  
15 NJIT.

16 We were demonstrating back then both  
17 the Edge and the Advantage. And I remember on one  
18 of our products we had the complaint that on the  
19 third report it didn't hesitate long enough. And,  
20 of course, the machine now hesitates on the third  
21 report to whatever amount of time the voter

22 requires to review their ballot. So they can take  
23 all the time that you'll allow them to have and  
24 review. That was an important change. And,  
25 again, I'll go through a vote process and show you

1 how we have that delay until I actually prompt the  
2 machine to cast the ballot.

3           Other things that the voter will  
4 never see that NJIT required that we do, give a  
5 certain shielding, to have all the cables in the  
6 back shielded and collected; any junction points  
7 for any of the connectors or power cables that not  
8 be is he accessible to voters. That was kind of a  
9 comment I think was made against all vendors. All  
10 of those issues were addressed.

11           Again, I know you have the report,  
12 and I think we'll leave that to Dave to go over  
13 those item by item. But these are the types of  
14 things that we got in back of the machine and  
15 we've got to go around and see.

16           There was a lot of attention to  
17 seals, security seals. The audio box in the back  
18 of the machine actually has a tamperproof seal to  
19 validate the -- for whatever reason that the audio  
20 box would never be removed from the machine. The  
21 results cartridge port has a numbered seal, a

22 recorded numbered seal, that you will work into  
23 your procedures in New Jersey to validate at the  
24 time the machine is set and if that seal is broken  
25 at the end of day to retrieve the cartridge.

1           Likewise, the ballot bag -- again, I  
2 know this is hard for everyone to see, but we're  
3 using the Rifkin clear lock. It's a reusable  
4 locking mechanism with a mass printed seal. It's  
5 a recordable number seal. It's very sturdy. It  
6 actually secures the ballot bag. Of course, this  
7 is done by the pole worker the morning when they  
8 set up the voting machine shouldn't be broken  
9 throughout election day.

10           Seal points, they wanted tamperproof  
11 evidence seals on the cover of the roll of paper.  
12 I think that might be, depending on how you look  
13 at for some people, whether it's a requirement or  
14 necessity, NJIT wanted us to have it on there. If  
15 you remove the seal to change paper, it leaves  
16 evidence of the fact that the paper compartment  
17 has been accessed.

18           Again, we're no longer talking  
19 reel-to-reel VPAT device. So even accessing the  
20 paper gives you know access to actually cast  
21 ballots. It's important to understand.

22           So to some degree, I think that's  
23 kind of a holdover from the concepts and the  
24 discussions of the reel-to-reel but, nonetheless,  
25 it doesn't hurt to have another security point and



1 limited access. It's going to a rare occurrence  
2 that you're going to have to change paper on  
3 election day. If you do, you're going to have to  
4 break the seal, change the paper roll, replace the  
5 compartment, and reseal. And a supply of these  
6 seals will be available. These seals -- the  
7 companies that make these seals, they can  
8 personalize it for the State, they can personalize  
9 them to the County, they can come up with  
10 numbering conventions that satisfy each and every  
11 jurisdiction.

12           So you've got seals on the bag,  
13 seals on the printers. You've got tamper-proof  
14 seals on the CP component in the back. Both CPU  
15 compartments have seal devises. We have sealed  
16 this machine in every place that NJIT could think  
17 to tell us to seal the machine.

18           So functionally now, let's just go  
19 through the function. Of course, nothing has  
20 changed. The operator panel is on the side.  
21 There's the activate button. The pole workers are

22 trained to activate the machine by pressing the

23 activate button. There's a light that illuminates

24 there.

25           Somebody asked earlier about how we

1 handle fleeing voters. My answer is we handle  
2 fleeing voters the way we have for years. We  
3 train poll workers to identify the activate status  
4 of the machine and to not allow a voter to leave  
5 until that status indicator goes out. That will  
6 stay on until the voter completes the process.

7           To demonstrate a voting machine, one  
8 thing I want to point out -- and I'm just going to  
9 vote one office -- whether I vote one office or I  
10 vote every office, it utilizes the same amount of  
11 paper, because it prints the space for the  
12 candidate and the contest name each and every time  
13 on each and every receipt that's printed. So  
14 whether if I vote one or more, it doesn't matter.  
15 I make one choice, I depress the cast vote button.  
16 In about three seconds, it will display the ballot  
17 in the window. And, of course, that you can't see  
18 this. In this case, on this particular ballot --  
19 and this was the NJIT proscribed ballot -- the  
20 entire ballot is now reviewed on one page. You  
21 can see your choices. It will indicate that there

- 22 are no selections made. It will indicate a
- 23 write-in choice if you made and it will indicate
- 24 every office that you selected.
- 25           Now, we have three options in New

1 Jersey to make changes -- actually, two options to  
2 make changes: Your initial choice and two  
3 changes. So if I want to change this ballot, I  
4 have two ways. And one of the things -- of  
5 course, we have work with voters in the future.  
6 Voters are going to have to start noticing the LCD  
7 window that's always been here, but prompts them,  
8 cast this vote yes or no.

9           But I also want to point out in the  
10 old process, if we made a selection that we didn't  
11 mean to make, the way to cancel that selection was  
12 to touch that selection again. That process  
13 remains the same. And, in fact, touching that  
14 selection voided that ballot. So in a sense, the  
15 voter still uses the same process in the past that  
16 they did to deselect an errant choice.

17           I deselected the first choice I  
18 made. I can now make another choice. And I can  
19 actually cast my ballot again. And that process  
20 repeats itself. This is now my second receipt  
21 that I review. It prints the receipt. I review

22 the receipt and I go, oh, again, I still made the  
23 wrong choice. The process remains the same. I  
24 touch the choice that I didn't mean to make, the X  
25 will go off, and I can now make another choice.

1 The difference now is we do have an audio prompt  
2 that says, this is your final choice. So on the  
3 third time, the voter is --

4 MR. APPEL: Audio? Did you say  
5 audio prompt?

6 MR. WYNHAM: I'm sorry. Visual  
7 prompt. Thank you. Someone's listening. Maybe  
8 you all heard that.

9 We do have a visual prompt saying,  
10 this is your final choice, this is the last chance  
11 you have to make a change. The voter has to  
12 indicate okay to that choice. And then they can  
13 proceed to make the necessary changes.

14 As I pointed out before, when I cast  
15 my ballot this time, the ballot doesn't simply  
16 scan by slowly requiring that I review it in some  
17 predetermined time frame. The ballot is produced.  
18 I have all the time that I'm allowed to look at  
19 it. And when I'm ready to leave the booth, I cast  
20 the vote one final time. The ballot's accepted.  
21 Those of you who have seen it, it prints a barcode

22 on the ballot, which is the identifying  
23 information to allow a jurisdiction to scan their  
24 own information for a rapid recount, if you will.  
25 There are lots of uses for the barcode. And



1 that's the process.

2           Again, I think the most visible  
3 change for you when you come to vote is the fact  
4 that you do have the time to review that third  
5 ballot, whatever amount of time that you want.

6           CHAIRMAN WOODBRIDGE: A couple  
7 questions. The spoil ballots, how are they  
8 identified or distinguished from the final  
9 ballots?

10           MR. WYNHAM: Each time that I made a  
11 alternate selection on the ballot, the ballot is  
12 marked voided at the top. And there is a  
13 numbering convention as well. So in the end, if  
14 you're actually going to use these ballots to  
15 recount, you will set aside every ballot strip  
16 that has the word voided on it and you will only  
17 acknowledge the ballots that are in conjunction  
18 with the barcode. Or if in the case of a very  
19 large ballot and there are two pages, there's a  
20 number that links the two pages of that ballot.

21           CHAIRMAN WOODBRIDGE: And there's no

22 barcode on the voided ballot?

23 MR. WYNHAM: There's no barcode on

24 the voided ballot.

25 CHAIRMAN WOODBRIDGE: Also, one

1 thing I was confused about. Again, when you went  
2 back to NJIT in Thanksgiving and they reckoned you  
3 to the federal criteria, does this meet federal  
4 standards at this point?

5 MR. WYNHAM: Yes.

6 CHAIRMAN WOODBRIDGE: All federal  
7 standards?

8 MR. ALLEN: 2002 standards, yes.

9 CHAIRMAN WOODBRIDGE: Okay.

10 I know there's some questions about  
11 the machine. Does anybody in the audience want to  
12 make comments or questions?

13 MS. GOLDMAN: Irene Goldman.

14 Is this the time for public comment?

15 CHAIRMAN WOODBRIDGE: Well, not so  
16 much public comment, but specific questions  
17 related to the function of the machine right now.

18 MS. GOLDMAN: Okay. I'd like to ask  
19 further on your question of federal guidelines.  
20 2002 is the guideline that this courts to. You  
21 said that this is federal -- is being inspected by

22 the federal commission and --

23 MR. ALLEN: No, actually, I didn't.

24 I said it meets the guidelines set down in 2002.

25 MS. GOLDMAN: Right. You said that

1 it meets the 2002 guidelines.

2 MR. ALLEN: That's correct.

3 MS. GOLDMAN: So you -- pardon me, I

4 don't remember your last name.

5 MR. WYNHAM: Andy Wynham is my name.

6 MS. GOLDMAN: I'm sorry. Mr.

7 Wynham, you said that it was -- that that machine

8 is now being reviewed federally.

9 MR. WYNHAM: It has been reviewed by

10 a federal testing lab, Wyle Lab.

11 Dave would be better to address

12 this.

13 MR. ALLEN: We engaged at the

14 State's request Wyle Labs who are a federally

15 accredited VSTL. That's -- I can't remember what

16 it stands for. They change the name so often.

17 Basically, to review and test this machine to the

18 2002 standards, as proscribed by the Election

19 Assistance Commission.

20 I would like to say, one of the

21 things may have been noticed by some members of

22 the public is we first came back -- we first had  
23 this meeting back in July 2007. It's been 10  
24 months. That's rather a long time to do what  
25 appears, from the report, to do a small number of

1 changes. The reason it's taking so long is that  
2 during that period, the EAC effectively reviewed  
3 the 2002 standard. Although they didn't make any  
4 changes to it, they changed their interpretation  
5 of that standard. The result was a much more  
6 vigorous and strict testing process. Some of  
7 things that they would -- in the old days, they  
8 would interpret in a slightly benign way, they  
9 interpreted much more strictly. This resulted in  
10 particular changes to get it to pass their new  
11 interpretation of the ESD, electrostatic  
12 discharge, and radio frequent interference tests,  
13 and a number of other things as well. And that  
14 process has taken a great deal of effort on our  
15 part.

16           Effectively, what we've had to do is  
17 take a machine that was designed quite sometime  
18 ago to accommodate the standards and  
19 interpretation from that time period and bring it  
20 up to standard so that it meets all the current  
21 interpretation of the guidelines.

22           So Wyle has completed that. They've  
23 done the code reviews, they tested the hell out of  
24 it, both hardware testing and the firmware  
25 testing, the functionality testing, accuracy



1 testing. They released their report, which have  
2 been provided to the Attorney General's Office and  
3 the Secretary of State.

4 MR. APPEL: Can you tell me the date  
5 of the Wyle report?

6 MR. ALLEN: May 6, 2006.

7 CHAIRMAN WOODBRIDGE: For the  
8 record, I believe everybody on the Committee, I  
9 assume, have copies of the report that we got. It  
10 is unusual, compared to other reports, in that it  
11 goes into details we haven't seen before: Things  
12 like temperature and RFI interference and stuff  
13 like that. Wyle, as people may recall, has  
14 probably been the major tester, especially on the  
15 hardware side of the equation, for a number of  
16 years. And I'm sure that report will be made  
17 available to you if you want it.

18 Why don't we do this. Why don't --  
19 if there are other questions afterwards -- yes,  
20 ma'am?

21 MS. HARRIS: Can I ask a question?

22           CHAIRMAN WOODBRIDGE: As long as it

23 relates to machine itself.

24           MS. HARRIS. My name is Stephanie

25 Harris. I have read that it is possible for the

1 voter to be viewing a ballot which is not actually  
2 the ballot which drops into the ballot box and  
3 that the ballot that the viewer is looking at can  
4 be generated by prior cast ballots and that what  
5 actually drops into the ballot box is a different  
6 ballot that's printed all together. So could you  
7 please explain how the information travels from  
8 this paper roll, what gets viewed in the screen,  
9 and then what drops into the ballot box, and that  
10 whole process, and respond to this problem?

11 MR. ALLEN: Well, actually, I find  
12 this rather confusing. I certainly haven't heard  
13 of that before, but I will explain the process.  
14 Obviously, you vote. The selections are printed  
15 by the printer. The paper actually comes off the  
16 roll, pass the print head, and gets displayed in  
17 the window, which you see. If you cast a  
18 ballot -- let's take two examples.

19 A single-sheet ballot. If you cast  
20 a ballot, it gets cocked and drops. Once it gets  
21 forced out, it drops into the barrel. That's it.

- 22 Somebody else can't come up and see how you voted.
- 23 It can't be a previous ballot.
- 24           If you void the ballot, it prints
- 25 "void," then it cuts it, and the process is

1 exactly the same.

2 I'm guessing that there's some  
3 confusion about what happens when there's a  
4 multipage ballot, it's longer. Obviously, if you  
5 voided on the first page, it behaves in exactly  
6 the same way. It voids and then it doesn't print  
7 anything else. It waits for you to react again.

8 Let's assume that you voided on the  
9 second page. The first page prints. The voter  
10 looks at it, that looks okay, I'll accept that.  
11 It cuts, drops. The second page gets printed  
12 exactly the same way. The voter now looks at it  
13 and decides, oh, dear, I've made the wrong choice  
14 or I forgot to vote in something, I realize I  
15 wanted to vote in that contest, I'll void it. Now  
16 what happens is it prints "void" again.

17 As Andy pointed out, there's a  
18 number, a unique print number which links the two.  
19 It's printed on both so that you can link the two.  
20 It cuts and drops. There's no way you can get a  
21 situation where a vote comes to the machine and

22 the machine prints a previous ballot or there's a  
23 ballot sitting there already.

24 MR. WYNHAM: Once the voters cast  
25 their vote, there is no mechanism for the system

1 to generate a printout for a prior vote on this  
2 device.

3 MR. APPEL: My name is Andrew Appel.  
4 I asked you this question before, but I'll ask it  
5 for the record. If election officials in the  
6 State of New Jersey wanted to make a provision for  
7 challengers and election workers at the beginning  
8 of the day before the polls open to verify for  
9 themselves that the ballot bag is empty, does the  
10 physical setup you have permit that to be  
11 implemented?

12 MR. ALLEN: Could you clarify  
13 exactly what you mean?

14 MR. APPEL: In elections where  
15 ordinary paper ballots are used in ballot boxes,  
16 in some jurisdictions there's a procedure that the  
17 poll watchers and challengers and witnesses can  
18 see for themselves before the polls open that the  
19 ballot box is actually empty and there aren't  
20 paper ballots in it. And if election officials in  
21 New Jersey wish to implement procedures by which

22 the challengers could satisfy themselves that the

23 ballot bag is empty before the polls open, does

24 the physical setup of your equipment permit --

25 MR. WYNHAM: The answer is yes. We



1 have keys to the bag. That's a procedure for New  
2 Jersey to develop. If they want to give the keys  
3 to the poll workers so they can validate the box  
4 is empty in the morning, that's a choice that has  
5 to developed in New Jersey.

6 MR. ALLEN: That really is a  
7 question for the State rather than --

8 MR. GILES: On that issue, it would  
9 be similar to looking at zero -- and that's  
10 something we would have to put in procedures to  
11 say a challenger can view the bag to make sure  
12 there's nothing in it.

13 MR. APPEL: It's for the State to  
14 decide which procedure it wants to implement, but  
15 it's useful to know whether the equipment permits  
16 those alternatives.

17 MR. GILES: The bag comes out of the  
18 back of the machine, so before it's mounted on the  
19 machine, the challenger has the opportunity to  
20 make sure there's nothing in the bag prior to the  
21 start of the day.

22 MR. APPEL: That's a question I

23 have.

24 MS. KELLY: Maybe that's what the

25 problem was is that you've seen the machine set up

1 already with the bag in it, but that's not how  
2 it's going to be in reality on election morning.

3           Maybe, Andy, you should have kind of  
4 like backtrack a little bit more to explain where  
5 the bag will be and how the board workers and  
6 actually setting it up. That would be very  
7 helpful.

8           MR. GILES: Do you have an empty  
9 bag?

10           MR. WYNHAM: Yes, I do. This  
11 particular bag, I don't have the access key to it.  
12 That's why I've used this one over here. This bag  
13 is folded and secured and in the back of the  
14 machine when they open the machine in the morning.  
15 It's the poll worker's responsibility to remove  
16 the bag, set up the VPAT and mount bag and VPAT  
17 and attach the security seal.

18           CHAIRMAN WOODBRIDGE: When they do  
19 that, they can look in the bag; is that fair?

20           MR. WYNHAM: There's nothing  
21 physically limiting that would prevent you from

22 looking in the bag. I mean, you have a flap on  
23 the top. You can access the bag through the  
24 throat. You also have access to the bag right  
25 here. I have the keys for this bag. You can

1 unlock the bag, validate that it's zero, close the  
2 bag, and I would imagine that you would develop  
3 some procedure for re-securing the keys so it's  
4 not accessible through the day.

5 MR. APPEL: I think what you  
6 explained to me this morning is that one of very  
7 reasonable set of procedures would not permit the  
8 key to open the bag to actually be at the polling  
9 place for security reasons.

10 MR. WYNHAM: I wouldn't use the word  
11 reasonable. That wasn't my choice of words.

12 MR. ALLEN: That really is not  
13 something for us to discuss. That's an issue for  
14 the State to decide what procedure they want to  
15 put in place in terms of security.

16 MR. APPEL: Absolutely. It's for  
17 the State to decide what procedure they want, but  
18 it's good to know which alternatives your  
19 equipment permits the State. And so as Andy  
20 explained to me this morning, one could very well  
21 imagine a procedure by which a key to open the

22 ballot bag is not actually ever physically present  
23 in the polling place. So therefore, the option of  
24 verifying that it's empty by opening it up before  
25 the poll is open is not available.

1           The other option that he showed me  
2 was looking through the slot at the top, which is  
3 not impossible --

4           MR. GILES: To move the hearing  
5 along, that's a process we'll work out with the  
6 State. It's available that you can look in the  
7 bag, that functionally it has the ability to check  
8 that, but for the purposes for moving the hearing  
9 along today, I think that the --

10          CHAIRMAN WOODBRIDGE: We're drifting  
11 away from what I hoped was going to concentrate on  
12 these things right now. We can come back to all  
13 this later. I want to give the public and anybody  
14 else an opportunity to see how the machine works.

15          Why don't reconvene. Let's go  
16 through the issues that we had, see what kind of  
17 responses we get. And when it's all over, then  
18 we'll open up for some more questions from the  
19 public.

20          So you've seen the machine. And  
21 we'll have an opportunity to go back as much as

22 people desire after the formal part of the hearing

23 is closed. Incidentally, we don't really make our

24 decision during the hearing itself.

25 MS. GOLDMAN: Mr. Woodbridge, I



1 don't think your microphone is on.

2 CHAIRMAN WOODBRIDGE: Can you hear  
3 me? Can you hear me now?

4 Sorry about that.

5 We're going to pick up sort of where  
6 we left off. This has been very helpful to know  
7 what's happened, because it's been a long period  
8 of time since the last time we got together and  
9 saw this. And if people have copies of our report  
10 from the meeting of July 24th of last summer, what  
11 I'm going to do is I'm going to read the 10 issues  
12 we had and I'm going to ask for the vendor to  
13 respond.

14 Also, I do note that in addition to  
15 the Wyle report that was referred to, we had a  
16 little sheet giving us a summary of what's  
17 happened. Some of these things go a little bit  
18 beyond the July 24th concerns, so I may ask you to  
19 elaborate on those. I'm assuming you have that,  
20 too.

21 So I'm going to start in the very

22 beginning. And although, it's a little bit  
23 laborious, I think it's probably the most thorough  
24 way to do it. And starting on Page 4 of the  
25 report, walk through our comments and ask, David,

1 if you and Andy would respond to that.

2           The first concern we had, No. 1 was  
3 the inability of the voter to verify his or her  
4 third paper ballot.

5           And our particular comments were,  
6 "When the voter casts his or her third and final  
7 ballot, the paper ballot portion is presented only  
8 momentarily and the voter is not given enough time  
9 to verify that the paper ballot is consistent with  
10 the electronic vote. The voter needs to be able  
11 to review and made to hit the button cast vote  
12 again so that the State knows what the voter's  
13 real intention is. This will make sure that  
14 there's no question as to accuracy and intent of  
15 the voter's choices. The vendor indicated that  
16 this error could be and would be corrected with  
17 firmware way in the near future."

18           Mr. Wynham, I believe you did  
19 address that a little bit. Would you care to  
20 respond to the specifics, though?

21           MR. WYNHAM: Yes. I think I was

22 able to demonstrate this in individual

23 demonstrations this morning so people got to see

24 it for themselves. When you reach that third

25 choice, that ballot will stay there as long as you

1 need to read it. So the only limiting fact are  
2 the procedures in the State of New Jersey. You  
3 are required to hit the cast vote button one  
4 additional time in order to cast that ballot. It  
5 creates an extra step for the voter, but it does  
6 give that voter the opportunity to take whatever  
7 amount of time they have to review.

8 CHAIRMAN WOODBRIDGE: Thank you very  
9 much.

10 Any questions on the Panel on that  
11 issue?

12 I know, John, you had a specific  
13 concern.

14 Issue No. 2, "NJIT pointed out with  
15 regard to a sight-impaired voter that the 'voter  
16 is prompted to print next page after first page on  
17 the write-in LCD screen rather through audio  
18 message.'"

19 And the comment under that was, "The  
20 vender said that this would be corrected also."

21 MR. ALLEN: That has been. The

22 audio message now gets played.

23 AUDIENCE MEMBER: Louder, please.

24 MR. ALLEN: That has been corrected.

25 The sight-impaired voter now gets an audio message

1 telling them exactly what to do, to press the  
2 button for the next page.

3 CHAIRMAN WOODBRIDGE: Perhaps that's  
4 something we may want to demonstrate once we get  
5 through this walkthrough just make sure that's the  
6 case.

7 Issue No. 3, "The printer needs to  
8 be sealed by seals and locking mechanisms."

9 The comment was, "The vendor  
10 demonstrated that the clear plastic paper cover  
11 could be locked or sealed even though it was not  
12 tested in such a state. In addition, the printer  
13 paper did not appear to be secured during the  
14 election testing. It is recommended that either  
15 seals or mechanical locks be used to prevent  
16 unauthorized individuals from tampering with the  
17 paper during the election process."

18 I believe you did show us some seals  
19 on this machine. And I understand you've gone  
20 from the accordion fold to a paper roll; is that  
21 correct?

22           MR. WYNHAM: Yes, sir. And we took  
23 that literally. The recommendation was either  
24 mechanical or tamper-proof seals, and we submitted  
25 to NJIT with tamper-proof seals --



1 MR. ALLEN: Tamper-evident seals.

2 MR. WYNHAM: Tamper-evident seals.

3 Excuse me. That will reveal when the cover has  
4 been removed from the printer.

5 CHAIRMAN WOODBRIDGE: Do you have  
6 any idea how many votes on a typical vote you can  
7 accommodate on a single roll like that?

8 MR. ALLEN: It really does depend on  
9 the size of the ballot, obviously, and how many  
10 voters. But it should easily be able to  
11 accommodate anywhere between 2 and 400, just  
12 depending on the size of the ballot.

13 CHAIRMAN WOODBRIDGE: Just one  
14 question. One of the concerns I know that  
15 California had a year ago was the issue of having  
16 paper ballot lengths. They were quite long. I  
17 think one example was a 39-inch paper ballot. I  
18 think that's because they reprint some of the  
19 questions in total. But what's the typical length  
20 of a ballot in this case?

21 MR. ALLEN: I'm sorry. Could you

22 repeat that?

23 CHAIRMAN WOODBRIDGE: What's a

24 typical length of a cast ballot, do you know?

25 MR. WYNHAM: This ballot is 14

1 inches. You can do the math yourself. This  
2 ballot is 14 inches. It's a 800-foot roll.

3 CHAIRMAN WOODBRIDGE: So each  
4 ballot, every time it casts a ballot it's 14  
5 inches, not plus or minus of that, correct?

6 MR. WYNHAM: There is a plus or  
7 minus because if you said what if it was two-page  
8 ballot. The second page will only use the amount  
9 of print area required. So you can have 14-inch  
10 and then a 2-inch. On this particular ballot,  
11 which is indicative of about 75 or 80 percent of  
12 the ballots in New Jersey in terms of length --  
13 one of the things in your last comment about the  
14 next prompt, the audio for a second page, one of  
15 the things you'll also notice, this is the very  
16 same configuration machine at the last hearing  
17 produced two pages of receipt. One of the things  
18 that's been done is that they're brought down to a  
19 single page to accommodate the majority of the  
20 ballots on a single page. Single page is about 14  
21 inch. You've 800-foot roll of paper right there.

22 You get a low paper warning when you get down to

23 about 750 feet. In which time then you would

24 prompt someone to come and change the paper roll.

25           And of course, the reality is,

1 though we have 750 voter language out there, we  
2 seldom put through more than about 500 voters on  
3 an Advantage without VPAT in New Jersey.

4 MR. ALLEN: Basically, a paper roll,  
5 a 800-foot paper roll can support a minimum of 680  
6 ballots, pages. So obviously, if it's going to be  
7 three pages, it's going to be less complete  
8 ballots than that. So it really does depends on  
9 the complexity and length of the ballot. But an  
10 assumption that on an average election, maybe it  
11 goes on to the second page and uses half of that,  
12 half the space. Then an assumption that you can  
13 get around 400 complete ballots on a printout is a  
14 reasonable one.

15 MS. GOLDMAN: Unless a voter comes  
16 in and votes three times.

17 MR. ALLEN: Of course.

18 MS. GOLDMAN: And you have to count  
19 on that.

20 CHAIRMAN WOODBRIDGE: Out of  
21 curiosity, in real life experience, how many

22 people cast more than one vote.

23 MS. GOLDMAN: It hasn't been used

24 enough to know it.

25 MR. ALLEN: I'm not sure. I don't

1 know.

2 CHAIRMAN WOODBRIDGE: Does the Panel  
3 have any other questions on this third issue?

4 Issue No. 4, "The paper trail  
5 ballots need to identify the particular election  
6 by name (e.g. Primary or General.)

7 "The Committee examined some of the  
8 paper ballots and indeed they did not include the  
9 proper election designation. The vendor indicated  
10 that this would be corrected in the next round of  
11 software enhancements."

12 MR. ALLEN: That's been corrected.  
13 The election name, if it's programmed into the  
14 election definition, that information is printed  
15 on the ballot now.

16 CHAIRMAN WOODBRIDGE: When we were  
17 here last time, I believe you furnished us with  
18 copies of some of the sample ballots cast. Can  
19 you give the Committee some samples showing that  
20 you know it's Primary or General or what-have-you?

21 MR. WYNHAM: We don't have any

22 available, but we'll vote a few times today and

23 give you copies of the ballots that came out.

24           And as Dave pointed out, there are

25 four lines of text available that the counties in



1 the State can decide what data you put in those  
2 four lines. But all four of those lines appear at  
3 the top of every ballot cast.

4 CHAIRMAN WOODBRIDGE: We'd like to  
5 in our files, if we could, copies of those ballots  
6 showing that they do indeed comply with Issue  
7 No. 4, okay? If you can do that.

8 Issue No. 5, "The Committee agrees  
9 that there should be a digital signature on each  
10 digital record."

11 And the comment is "The vendor  
12 indicated that this would be corrected."

13 MR. ALLEN: That is correct. Each  
14 electronic digital -- what we call a ballot image  
15 record now has its own signature. We also  
16 increased the strength of that signature so it now  
17 conforms to the HSA 256 standard. So it's much  
18 stronger now. And when the polls are closed, we  
19 also generate a digital signature on the complete  
20 set of ballots and its records as well.

21 CHAIRMAN WOODBRIDGE: Just to

22 refresh my memory, on the image records, are these

23 like PDF records? Or what kind of--

24 MR. ALLEN: No, no. This is the

25 actual ballot data, the electronic ballot data.

1           CHAIRMAN WOODBRIDGE: And how is  
2 that data captured? In what form is that?

3           MR. ALLEN: In binary form.

4           CHAIRMAN WOODBRIDGE: In binary  
5 form, okay. So it's not a digital picture, so to  
6 speak.

7           MR. ALLEN: Oh, no.

8           CHAIRMAN WOODBRIDGE: And you say  
9 you provide each one of those with some sort of  
10 digital -- unique digital identifier; is that  
11 correct?

12          MR. ALLEN: That's correct.

13          CHAIRMAN WOODBRIDGE: Does that  
14 correspond to the number on printed ballot?

15          MR. ALLEN: No.

16          CHAIRMAN WOODBRIDGE: Is there any  
17 cross-correspondence between those data?

18          MR. ALLEN: What happens is the  
19 printed record has its own hash value calculated  
20 on it as part of the barcode. That is not the  
21 same. The reason for that is if we were to

22 implement that, then we would be forced to  
23 potentially infringe a patent case that's  
24 currently in court. Obviously, I'm quite sure the  
25 State wouldn't want us to -- to try to force us to

1 infringe a patent. Until that case is resolved,  
2 maybe if the Court decides -- we deliberately  
3 avoided infringing that patent. There are some  
4 other companies out there that are contesting  
5 that. They do potentially infringe that patent if  
6 that patent is upheld. At such time that that  
7 case is resolved, if that restriction is removed,  
8 we can -- I'm not saying we will, but we can  
9 consider doing things like including the  
10 individual digital signatures in the barcode as  
11 well. But at this point, we can't.

12           CHAIRMAN WOODBRIDGE: I'd like hold  
13 the questions, if I could. We can come back to  
14 you on this. Again, I see there were some  
15 questions in the audience. Again, we'll come back  
16 to all this and sort it out.

17           MR. ALLEN: We believe that we've  
18 complied with NJIT's requirements. They asked us  
19 to add a digital signature to each electronic  
20 ballot image; and that, we have done.

21           CHAIRMAN WOODBRIDGE: Issue No. 6,

22 "If a mechanical error occurs, the machine needs  
23 to better differentiate between problems, e.g.  
24 paper jam and the like."  
25           The comment was, "Presently the

1 machine only presents two different error  
2 messages, neither of which are sufficient to  
3 differentiate between the types of mechanical  
4 errors that typically occur, e.g., how do you tell  
5 when the paper jams? The vendor indicated this  
6 could be and would be corrected in the next  
7 version of the software."

8           In other words, the messages that we  
9 got really weren't sufficient to tell us precisely  
10 what the problem was.

11           MR. ALLEN: We now produce seven  
12 different error messages which give you a much  
13 better -- as to where the problem is.

14           CHAIRMAN WOODBRIDGE: What kind of  
15 messages are those?

16           MR. ALLEN: Things like -- there's  
17 also a general printer error as a default.  
18 There's printer offline, out of pain, paper near  
19 end, printer not connected, paper empty, printer  
20 unplugged.

21           CHAIRMAN WOODBRIDGE: If the paper

22 jams, what message do you get?

23 MR. ALLEN: I believe it says

24 printer offline. There's no way to know whether

25 it's offline because of a jam or some other



1 reason.

2 CHAIRMAN WOODBRIDGE: Understood.

3 Okay.

4 So as I understand it, we've gone  
5 from two different types of error messages to  
6 seven that are more descriptive of the issue; is  
7 that correct?

8 MR. ALLEN: That's correct, yes.

9 CHAIRMAN WOODBRIDGE: Any questions  
10 on the Panel's part here?

11 Issue No. 7, "There was debate as to  
12 whether or not the machine needs to be able to  
13 process 750 votes without a paper change.

14 "The state statute requires that  
15 there should be one voting machine for every 750  
16 registered voters" -- which doesn't necessarily  
17 mean that there has to be 750 votes in a row  
18 without changing the paper -- "the statute and the  
19 State criteria, however, do not appear to require  
20 the machine be able to print 750 ballots without a  
21 paper change. The vendor indicated that the paper

22 supplier provides cartridges of folded paper in  
23 units of 500 sheets each" -- and this was when you  
24 were seeing an accordion-type fold feed -- "but  
25 that they could probably provide more. After

1 consideration the Committee decided it should be  
2 acceptable for the machine to go through at least  
3 500 ballots before a paper change."

4           We've had some testimony here  
5 indicating that you an 800-foot roll on the  
6 machine; is that correct?

7           MR. ALLEN: That's correct.

8           CHAIRMAN WOODBRIDGE: And that the  
9 ballot length is normally about 14 inches?

10          MR. ALLEN: Correct.

11          CHAIRMAN WOODBRIDGE: We don't know  
12 how many times that voter is going to vote again,  
13 so it could be fewer and 500 voters. But if an  
14 issue is ballots, some of which are spoiled, then  
15 it would seem to me that probably it comes close  
16 to if not exceeding the 500 limit. I don't want  
17 to testify for the vendor here, but we have been  
18 through this issue.

19          Bob, John do you have any additions  
20 to that? No?

21          Issue No. 8, "If the printer is

22 broken, the voting machine does not record in the  
23 event in the DRE's internal audit log."

24           And the comment under that was, "The  
25 vendor indicated this would be fixed with the

1 appropriate software within 2-3 months."

2 MR. ALLEN: That is correct. It now  
3 records the printer error in the audit log.

4 CHAIRMAN WOODBRIDGE: Can you show  
5 us before we go or give us some kind of visual  
6 demonstration of that?

7 MR. ALLEN: Can we print out -- Andy  
8 would have to induce an error.

9 MR. WYNHAM: When we take a break, I  
10 could try to induce an error and force the printer  
11 to malfunction.

12 CHAIRMAN WOODBRIDGE: We'll  
13 definitely take one break at some point here and  
14 resume, and we'll give you a little short list of  
15 things we want to come and revisit. I think  
16 that's one of those that we'd like to verify if we  
17 could.

18 Issue No. 9, "The Committee noted  
19 that there was no box on the side of DRE,  
20 including the required 30 emergency ballots as has  
21 been standard practice in the State of New Jersey

22 for many years."

23           The comment there was, "The vendor

24 indicated this would be corrected as it has been

25 on other Sequoia DREs."

1           MR. ALLEN: Andy's going to show you  
2 that box. That box was available before.

3           MR. WYNHAM: We just didn't have it  
4 at the machine that we had at the armory.

5           CHAIRMAN WOODBRIDGE: So you've got  
6 the emergency ballots and the pencils and stuff in  
7 there?

8           MR. WYNHAM: Yeah. That was the  
9 prior requirement. Had nothing to do with VPAT.  
10 We just didn't think you'd be looking for that  
11 when we were doing the VPAT hearing, so we just  
12 didn't have it on the machine.

13          CHAIRMAN WOODBRIDGE: How does  
14 Hudson County rate a snazzy box like that when  
15 everybody else gets the cheesy box?

16          MR. LESTER: Mercer has that, too.

17          CHAIRMAN WOODBRIDGE: Do you?

18          MR. WYNHAM: We've gotten these in  
19 quite a few.

20          MR. FLEMING: How does that attach?

21          MR. LESTER: Actually, there's a

22 cable that attaches to the hinge plate.

23 MS. GOLDMAN: We can't hear

24 anything.

25 MR. WYNHAM: He asked how it was a



1 attached. There's a cable that attaches the  
2 ballot box to the machine. The ballot box is  
3 stored in the inside in the back of the machine.  
4 It's brought out when necessary, hung on the  
5 machine. The emergency ballots are actually  
6 delivered inside the ballot box itself and is  
7 sealed. And if they have to use emergency  
8 ballots, they open it, they access the ballot,  
9 they reseal it, it becomes the ballot box.

10 MS. GOLDMAN: How many does it hold?

11 MR. WYNHAM: I think the State  
12 distributions 30 to each polling place.

13 MR. LESTER: Title 19 requires 30  
14 ballots. In Mercer for a Primary there would be  
15 30 Republican, 30 Democrats, so it actually does  
16 hold at least 60.

17 MS. GOLDMAN: My comment would be to  
18 the State.

19 CHAIRMAN WOODBRIDGE: Why don't we  
20 hold off. We're going to get to that pretty  
21 quickly because we're almost through this part

22 here. I think what we'll probably do is once we  
23 go through this -- and I have actually one or two  
24 follow-up questions myself -- is take a break, see  
25 if you can provide some of those things we

1 require, and then get the full public input on  
2 that, too, if that's okay with people.

3           Okay. Issue No. 10, "The vendor is  
4 presently negotiating a Non-Disclosure Agreement  
5 with the Attorney General's Office in order to  
6 provide source code.

7           "Vendor indicated that it had  
8 entered into similar agreements with the other  
9 states. Committee encourages the vendor and the  
10 AG's office to expedite the process."

11           What's the status of that now? Do  
12 you know?

13           MR. ALLEN: That's been done.

14           MS. GOLDMAN: I'd like to have our  
15 attorney come in and hear this.

16           CHAIRMAN WOODBRIDGE: Has source  
17 code been provided, do you know?

18           MS. KELLY: This is under the court  
19 proceeding --

20           MR. CHAGARIS: There's currently a  
21 litigation pending involving the testing the

22 source code, which is pursuant to Protective Order

23 of the Court.

24           CHAIRMAN WOODBRIDGE: Okay. With

25 that understanding -- and again, I've got to deal

1 with this issue because it's right here in front  
2 of us. So the issue is there is discussions with  
3 the Court about disclosure of this and testing of  
4 it; is that correct?

5 MR. CHAGARIS: It's pursuant to  
6 Protective Order.

7 AUDIENCE MEMBER: Could you speak  
8 up, please? We can't hear anything.

9 MR. CHAGARIS: There's currently  
10 litigation pending having to do with the source  
11 code. And that source code and the concerns about  
12 it is under Protective Order at this point. So  
13 we're not really at liberty to discuss it.

14 CHAIRMAN WOODBRIDGE: I guess the  
15 question is, it's the delivery of the source code  
16 is under Protective Order; is that correct?

17 MR. CHAGARIS: Yes.

18 MS. KELLY: So at this juncture, it  
19 would not an issue for this Committee.

20 MS. HARRIS: Why not?

21 MS. KELLY: It's been overridden by

22 the Protective Court Order.

23 MS. GOLDMAN: Well, they haven't

24 started it.

25 MS. HARRIS: And it hasn't been

1 agreed to.

2 MS. KELLY: This matter of the  
3 source code is under Court Order that was signed  
4 by Judge Feinberg on Monday. So that's where we  
5 have to --

6 CHAIRMAN WOODBRIDGE: So basically,  
7 the matter is in the hands of the Court at this  
8 time; is that correct?

9 MS. KELLY: Yes.

10 MS. HARRIS: Mr. Woodbridge, are you  
11 asking the question in perpetuity or at this  
12 immediate moment about the availability of the  
13 source code to the State?

14 CHAIRMAN WOODBRIDGE: Well, the  
15 issue is right now the ability, I believe, and I  
16 don't recall all of the context of the original  
17 question, but the issue was whether or not it  
18 would be made available. I don't think the  
19 question of perpetuity or not was the issue at  
20 that stage. I think part of the thing that one is  
21 concerned about is the ability if, God forbid, the

22 vendor goes bankrupt or what-have-you, that there  
23 would be escrow, a code so that you could access  
24 that if there's a problem. That's usually the  
25 concern that you see.



1           Now, again, at the time we went  
2 through this, I can't tell you precisely what  
3 other discussions we had. It's pretty much all in  
4 a very thick record here that you can see. But  
5 that's my major concern when I see the machines  
6 that have software components. If something  
7 happens to the vendor, how do you get your hands  
8 on the source code so you could make whatever  
9 changes have to be done?

10           MR. GILES: I believe that exists at  
11 the county level, because the county is the  
12 purchaser of the software. So I believe the  
13 counties have entered into the agreements to keep  
14 it at escrow.

15           MS. GOLDMAN: I don't know that  
16 that's the case. I don't know that that's the  
17 case in every county.

18           MR. GILES: I believe that is the  
19 case in at least some counties.

20           CHAIRMAN WOODBRIDGE: Why don't we  
21 do this. We have about three, four issues that we

22 may want to come back and revisit after the

23 hearing. I wanted to get through this.

24 I do want to add one other question,

25 just because it sometimes comes up. That is the

1 issue of is it possible to in one way, shape, or  
2 form affect the performance of the machine by  
3 putting in rogue code or something like that? Is  
4 there any opportunity for anybody to do that sort  
5 of thing on a machine like this? In other words,  
6 can some member of the public slip a card in here?

7 MR. WYNHAM: The Advantage machine  
8 has always been built with no external access  
9 point. The only way that election data is loaded  
10 in the machine is through the results port that's  
11 sealed and locked in the machine. There's no key  
12 board connect, no alternate disk drive, there's no  
13 hard drive on this computer. It simply is no way  
14 to introduce code. Then there are firmware and  
15 hardware restrictions inside the machine as well.  
16 But the simple answer for the average guy, there's  
17 just no access point.

18 CHAIRMAN WOODBRIDGE: Okay.

19 Does the Committee have any further  
20 questions?

21 Then why we don't we do this. We

22 have -- I've been sort of trying to keep track of  
23 this. There may be others, but there are several  
24 follow-up issues that we want to deal with. One  
25 is the audio. Point No. 2, I'd like to see a demo

1 of that, our point No. 2.

2 With regard to our point No. 5 about  
3 the paper trail, we wanted to see some of those  
4 ballots, verify the fact you can show primary and  
5 what-have-you.

6 Also, we'd asked, and Mr. Wynham, I  
7 think you said you could probably force it into a  
8 mode that would show the recording of the internal  
9 log; is that correct?

10 MR. WYNHAM: I'll attempt to do that  
11 during the break and then demonstrate it once I've  
12 jammed or somehow --

13 MR. ALLEN: We'll try.

14 CHAIRMAN WOODBRIDGE: That was our  
15 Item No. 8.

16 I guess the Committee will probably  
17 want to discuss the issue of the source code. The  
18 Committee itself wasn't going to do anything with  
19 the code; it was just more of a concern that, in  
20 fact, the code be available.

21 So those really are the issues that

22 we have. I do notice a list that you had  
23 provided, I believe, that went through some other  
24 things, too. Do you have the list? Could you  
25 walk us through those items that don't correspond

1 to our items No. 1 through 10?

2 MR. ALLEN: Okay. There was  
3 obviously, as I pointed out earlier, the EAC's  
4 interpretation of the 2002 standard has become a  
5 great deal more strict. As a result, we made a  
6 number of changes to meet those.

7 There was also a couple of defects  
8 that had been reported, which were also corrected.

9 There are improvements to the  
10 hardware to make it conform to the new strict  
11 interpretation of the electrostatic discharge and  
12 radiofrequency interference requirements in the  
13 2002 specs. That does not effect the function of  
14 the machine at all. It just provides hardware,  
15 additional hardware protection.

16 There was a change. We had a number  
17 of reports out in the field, and this was found by  
18 Wyle as well, that during transport of the machine  
19 the audio cable where it attaches to the  
20 motherboard can become slightly loose. We made a  
21 change to that connecter so it's now retained

22 better, and that improves reliability of the

23 machine after it's been transported.

24           Again, no functional impacts other

25 than improve the operation of the machine, the



1 reliability of the machine on election day.

2           There is a requirement, again, due  
3 to the EAC's new stricter interpretation of 2002  
4 spec, we now will be providing maintenance  
5 instructions and error code, an error code list to  
6 the back of the machine.

7           AUDIENCE MEMBER: Can you speak  
8 louder? I'm sorry.

9           MR. ALLEN: We will providing a  
10 maintenance sheet which has maintenance  
11 instructions and an error code list which could be  
12 attached to the back of the machine.

13           CHAIRMAN WOODBRIDGE: As I recall,  
14 just for the record, I believe you provided us  
15 with maintenance instructions and things like that  
16 in your original submission, but they weren't  
17 attached to the machine; is that correct?

18           MR. ALLEN: The EAC on the 2002 spec  
19 means that there must be a statement of  
20 maintenance and a list of error codes attached to  
21 the machine itself.

22           So I'll ignore the ones that we've  
23 already addressed as a part of addressing the  
24 Title 19 report.  
25           CHAIRMAN WOODBRIDGE: We've gone

1 through those.

2 MR. ALLEN: We've increased the  
3 strength of digital signatures we use to VSHA  
4 standard which is FIPS approved; that means it's a  
5 federally approved algorithm.

6 We removed smart card support from  
7 the diagnostics because that's no longer  
8 available, offered anymore. So it was redundant  
9 codes, so that was removed.

10 There had been reported a defect  
11 that could occur where you could get an incorrect  
12 date and time set in the machine by basically  
13 going to a certain condition and then trying to  
14 move backwards. That defect has been corrected.

15 We have improved the audio quality  
16 considerably. There was reports in the support of  
17 MP3 audio that you could get squawking noises and  
18 a considerable amount of noise in the audio. We  
19 have improved and corrected that so now the MP3  
20 audio is much better quality than had previously  
21 been supported.

22           We reported in the field was a  
23 number of random key selections or presses that  
24 could cause the system to lock up. That defect  
25 was tracked down and corrected.

1           MR. LESTER: Excuse me. Could you  
2 explain that more please? What keys are you  
3 referring to?

4           MR. ALLEN: I can't tell you details  
5 of what keys they were. I don't have that  
6 information in front of me.

7           There was a defect was reported in  
8 the last primary whereby if a poll worker  
9 accidentally selected a code and then -- selected  
10 a switch option, a party option and then selected  
11 an unused switch, that caused an issue. That  
12 defect has been corrected. And that defect, by  
13 the way, was specifically tested by Wyle as well  
14 that that had been corrected.

15           We made improvements to inter-board  
16 communication to prevent some of the failures and  
17 lockup conditions that has been noticed in the  
18 field. That's been corrected now or improved.

19           We improved the hardware error  
20 checking process to prevent spurious error  
21 reporting, hardware error reporting that was

22 occasionally occurring.

23           And of course, lastly the code

24 review, Wyle reviewed the code and came up with a

25 number of code, what they call code defects, which

1 we corrected those. Those are mostly comments or  
2 coding standards issues like length of particular  
3 lines of codes, things like, and they were all  
4 corrected as well.

5 CHAIRMAN WOODBRIDGE: I had a  
6 question I probably should have asked up front.  
7 The machine in its present configuration with the  
8 VVPAT, has that been used in any elections today?

9 MR. WYNHAM: No. You're the first.

10 CHAIRMAN WOODBRIDGE: You mean we  
11 will be the first perhaps.

12 Are there any other states in line  
13 with the same trajectory to have this kind VVPAT?

14 MR. ALLEN: There are a number of  
15 states which use this machine that have expressed  
16 an interest in going with the VPAT selection.

17 CHAIRMAN WOODBRIDGE: Now, if I  
18 understand correctly, though, the first DRE,  
19 that's the electronic part of that machine, is  
20 used in other states in addition to New Jersey?

21 MR. ALLEN: That's correct. The

22 Edge machine has been used with a VPAT

23 configuration for a number of years now.

24 CHAIRMAN WOODBRIDGE: Now, this is

25 not the Edge; is that correct?



1 MR. ALLEN: No. This is Advantage.

2 CHAIRMAN WOODBRIDGE: Okay. Has the  
3 Edge machine, is it currently using this  
4 particular VPAT configuration.

5 MR. ALLEN: No. The Edge uses its  
6 own different style of VPAT.

7 CHAIRMAN WOODBRIDGE: Like the one  
8 we saw last time; is that correct?

9 MR. ALLEN: Yes.

10 MS. VENETIS: The Edge is touch  
11 screen.

12 CHAIRMAN WOODBRIDGE: We have gone  
13 through our 10 concerns and plus a few more of our  
14 own. We've gone through the list of --  
15 comprehensive list of changes that we've gotten  
16 from the vendor. We've noted a number of things  
17 that we do want some additional feedback before we  
18 conclude these hearings. Like Bob here, I'm a  
19 little bit curious about the improbable key  
20 combination issue. If we can get a little bit  
21 more information about that, that would be

22 appreciated.

23           This is probably an appropriate time

24 to take a break, so why don't we take about a

25 10-minute break and reconvene. If things go

1 smoothly, it would be good we can probably  
2 conclude this by about 1:00 this afternoon. I  
3 can't guarantee it, but let's see where this goes.  
4 After the break, we'll ask the vendors to respond  
5 to the four areas -- actually, five issues we  
6 talked about, and then we'll come back and take  
7 all the public comment, too.

8 (Whereupon, a recess was taken.)

9 CHAIRMAN WOODBRIDGE: We're going to  
10 go back on the record again. I hope that was  
11 close to 10 minutes.

12 When we last stopped, we had  
13 finished going through the basic points and  
14 additional items that the vendor had noted. And  
15 we were going to come back when we adjourned and  
16 deal with the four or five issues where we had  
17 lingering questions.

18 Is Andy hiding behind the machine?

19 I was just mentioning that now is  
20 the time to revisit the four or five questions  
21 that we had. And the first issue we wanted to

22 revisit was the issue of the audio. And if could

23 you tell us where you are on that.

24 MR. CHAGARIS: Before we begin that,

25 if I may, the question came up at very end about

1 the source code. And I can confirm to the  
2 Committee that the source code is in escrow with  
3 Iron Mountain, which is a repository of source  
4 codes for the benefit for the State of New Jersey.

5 CHAIRMAN WOODBRIDGE: For the  
6 benefit of the State of New Jersey?

7 MR. CHAGARIS: Yes.

8 CHAIRMAN WOODBRIDGE: So if the  
9 balloon goes up and something, God forbid, happens  
10 to Sequoia, we have access to that; is that  
11 correct?

12 MR. CHAGARIS: That's correct.

13 CHAIRMAN WOODBRIDGE: Also, there  
14 was a question of whether or not some of the  
15 counties had access to that.

16 MR. CHAGARIS: The entire State of  
17 New Jersey.

18 CHAIRMAN WOODBRIDGE: Do any the  
19 counties individually have access?

20 MR. CHAGARIS: It's in escrow with  
21 Iron Mountain for every county in the State of New

22 Jersey.

23 And then the question, I guess, was

24 asked of the audio. Dave.

25 MR. WYNHAM: You mentioned before

1 about hearing the next prompt on the audio. We're  
2 demonstrating today a single-page ballot, so there  
3 would be no next prompt that I can demonstrate at  
4 this point in time. I can certainly demonstrate  
5 that at a later date or demonstrate it for staff,  
6 just for the purpose of proving that it does  
7 function. Whatever the Committee's discretion is.

8           CHAIRMAN WOODBRIDGE: We would like  
9 some verification of it. Now, how you do that is  
10 going to be your problem, not ours. One thing --  
11 it's a little premature, but I'll bring it up  
12 right now. We are going to expand the public  
13 comment period. Again, we don't make our  
14 decisions today. And we will be taking public  
15 comment up until 5 p.m. on Friday, May 30th. That  
16 basically gives people an extra eight days to add  
17 whatever they'd like, including the vendor if the  
18 vendor can provide that kind of response. The  
19 sort of thing that might be useful if it's not a  
20 large file is a fairly simple video clip or  
21 something like, if you can show it. That might

22 work. If you keep it down to maybe a minute or

23 two so we can get it.

24 MR. WYNHAM: To see that it

25 functions when I hit the button and --



1           CHAIRMAN WOODBRIDGE: Yes. Send us  
2 an MPEG or whatever. It doesn't have to be high  
3 grain quality. We just want to be able to verify  
4 it, if we could. Or anything else that would be  
5 useful to show us, in fact, we do get that audio  
6 signal.

7           Let's hold it until we get finished.

8           So you'll provide us with some --

9 how soon can you do that for us?

10          MR. WYNHAM: I can do that before  
11 the middle of next week. When is the public  
12 comment?

13          CHAIRMAN WOODBRIDGE: Public comment  
14 will be finished eight days from today, which will  
15 be 5:00 on Friday of next week.

16          Now, keep in mind, all responses do  
17 not come to us individually. They're to go to --  
18 I guess now it goes to the Secretary of State. So  
19 make sure that it goes to them. They'll forward  
20 that information to us, because we try to  
21 discourage discussions between -- and Irene wants

22 to make sure she gets a copy of whatever it is.  
23 So there should be some mechanism, I assume, on  
24 the Secretary of State's web page or whatever so  
25 the public can get access to some of this

1 material.

2 MS. VENETIS: I just have a  
3 logistics question, Mr. Chairman. Two questions:  
4 Number 1 is, where does the public send its  
5 comments to, the Secretary of State or to your  
6 office?

7 CHAIRMAN WOODBRIDGE: That will be  
8 the Secretary of State's Office. Actually, we'll  
9 be getting to that towards the end of this program  
10 today.

11 MS. VENETIS: And then second is,  
12 when will be the transcript become available so  
13 that if we wish to reference the transcript we can  
14 do so in our comments? Because I think that would  
15 be helpful to everybody involved.

16 CHAIRMAN WOODBRIDGE: I don't know  
17 the answer to that.

18 MR. GILES: By Tuesday, we'll have  
19 the transcript.

20 MS. VENETIS: And it will be posted  
21 on the Secretary's web site?

22 MR. GILES: We'll try to get it

23 posted. If not, you can reach out to us and we'll

24 get you a copy.

25 CHAIRMAN WOODBRIDGE: It's a little

1 bit premature, but now that you bring it up --

2 MR. GILES: I'm sorry. I'll give  
3 out my cards. You can send the comments to me at  
4 the Division of Elections' Office and then we will  
5 get a repository for those.

6 CHAIRMAN WOODBRIDGE: On that same  
7 issue -- and again, it's a little bit premature  
8 but it's worth noting. The Wyle report that we  
9 referred to, the copy that the committee has is an  
10 unofficial partially confidential one. They will  
11 be posting a redacted version of that. I have no  
12 idea what they redact.

13 SECRETARY WELLS: And that will be  
14 done today.

15 CHAIRMAN WOODBRIDGE: That will be  
16 done today, so you'll be able to see the Wyle  
17 report in all its glory, although I've got no idea  
18 what in there is especially confidential, but  
19 that's regardless.

20 Okay. So you'll provide us --  
21 you'll try to provide us with something that

22 demonstrates to us and shows the audio on the next  
23 page issue; is that correct?

24 MR. WYNHAM: Yes, sir.

25 CHAIRMAN WOODBRIDGE: And Wednesday

1 is when you'll be able to get that done?

2 MR. WYNHAM: Yes.

3 CHAIRMAN WOODBRIDGE: Issue No. 2

4 was the question of the ballots. And I think

5 there are two issues: One is showing the General

6 and the Primary, and the other is the issue of the

7 internal audit log. Actually, they're two

8 different questions. So why don't you show how

9 the ballots now show us whether we're voting in

10 General or Primary.

11 MR. WYNHAM: What I've basically

12 done for the Committee is just provided a copy of

13 the output from the VPAT. And at the top of each

14 form, you'll see in this case of this

15 demonstration ballot it says Essex County,

16 November 4, 2008, denotes it as a General

17 election. That one line actually contains all the

18 information that you required. However, if you

19 note, I circled the area on the form where the

20 software that sets up the coding for the machine

21 allows you four lines of text, so if you want to

22 break that out -- some counties spell it out in

23 great detail, election, the date, and all the

24 pertinent information you request.

25 CHAIRMAN WOODBRIDGE: Also,



1 likewise, last time if you could provide us with a  
2 couple of your spoiled ballots just for the files.

3 MR. WYNHAM: And that's what these  
4 are.

5 CHAIRMAN WOODBRIDGE: This says  
6 accepted.

7 MR. WYNHAM: And there's two --

8 CHAIRMAN WOODBRIDGE: Oh, I'm sorry.

9 The public should get a copy or have a chance to  
10 see these also.

11 Okay, fine. So that deals with that  
12 issue.

13 The issue of the audit log, I take  
14 it you ran something during the break; is that  
15 correct?

16 MR. WYNHAM: This is the audit log  
17 from -- actually, I just generated an audit log.  
18 I had to unplug the printer this morning as I  
19 set up the machine. It generated an error code.  
20 So all I did during the break was print the audit  
21 log and let you review it for yourself.

22           CHAIRMAN WOODBRIDGE: What we're  
23 looking at here looks like a chronological event  
24 log of things that happens in the machine; is that  
25 correct?

1           MR. WYNHAM: Every event. You'll  
2 see every time I turned the power on, if opened or  
3 closed the polls, everything that happens to the  
4 machine is recorded in the log.

5           CHAIRMAN WOODBRIDGE: And I note  
6 that there are three instances where it indicates  
7 a power off; is that correct?

8           MR. WYNHAM: Yes, sir.

9           CHAIRMAN WOODBRIDGE: I've got to  
10 ask a stupid question. Are these times here --  
11 is this this time zone or is this a different time  
12 zone? Because I notice it says 8:49. I wonder if  
13 that was --

14          MR. WYNHAM: That was the time that  
15 we were setting up this morning, yes.

16          CHAIRMAN WOODBRIDGE: In other  
17 words, you provoked these errors --

18          MR. WYNHAM: Instead of generating a  
19 new error, I just went and printed the audit log.  
20 Rather than me manipulating something, you're just  
21 seeing the audit log from this morning.

22           CHAIRMAN WOODBRIDGE: Okay.

23           We talked about the source code

24 issue, and that is the State is the beneficiary;

25 is that correct, of the Iron Mountain escrow

1 account?

2 MR. CHAGARIS: Yes.

3 CHAIRMAN WOODBRIDGE: Also, the

4 issue was raised about the improbable key

5 combinations. Were you able to get any more

6 information on that?

7 MR. ALLEN: That was an error that

8 was discovered during our QA testing. I've asked

9 our QA department to track down records on that.

10 They're doing that at the moment.

11 CHAIRMAN WOODBRIDGE: So they can

12 provide us before --

13 MR. ALLEN: They won't necessarily

14 be able to provide you with the exact key presses

15 that cause it. I mean, these guys -- it's

16 different ballots it would have been -- they do

17 all sorts of things to these machines.

18 CHAIRMAN WOODBRIDGE: We'd certainly

19 like to know at least what one or two of these

20 things look like. So if we can --

21 MR. ALLEN: It locks up the machine.

22           CHAIRMAN WOODBRIDGE: That, I  
23 understand. I guess the question goes through my  
24 mind is show us what one of these improbable key  
25 strokes combination --

1           MR. ALLEN: As I said, we may not be  
2 able to reproduce it on one of your ballots.

3           CHAIRMAN WOODBRIDGE: It doesn't  
4 necessarily have to be on one of ours. We just  
5 want to know what an improbable combination looks  
6 like. If it's like A, B, C, that's one thing. If  
7 it's like --

8           MR. ALLEN: That doesn't exist  
9 anymore on this machine.

10          CHAIRMAN WOODBRIDGE: I'm still  
11 confused. What I'd really do is I'd like to know  
12 what the improbable key combination was on  
13 whatever machine it was that provoked this issue.  
14 If you could do, that would be what I'd like to  
15 see.

16          MR. ALLEN: I'll try and provide  
17 more information for you.

18          CHAIRMAN WOODBRIDGE: If you can,  
19 that's what I'm looking for.

20          So we have, it looks likes, really  
21 two issues hanging, and one is the improbable key

22 stroke issue --

23 MR. ALLEN: Can I say that I don't

24 really believe that improbable key stroke issue

25 was actually pertinent to this meeting.



1           CHAIRMAN WOODBRIDGE: It may not be.  
2 I just want to know what the improbable key stroke  
3 issue is. I want to see what is it that provoked  
4 that. I want to see how improbable this  
5 combination was. That's my question.

6           And the issue of the audio, we  
7 talked about you're going to give some sort of  
8 demo. It doesn't have to be in a MPEG. That  
9 might be the easiest way. So all questions should  
10 go to the Secretary of State.

11           So at this stage, I think we've sort  
12 of walked through this. We have some additional  
13 things we're waiting for input from. As soon as  
14 the official comment period is finished, the  
15 Committee here will do its magic and come to  
16 whatever conclusions it's going to come to.

17           I'm going to ask the Committee  
18 before we go any further if John or Bob, if you  
19 have any further questions you would like pose.

20           MR. FLEMING: I always have at least  
21 one. I guess just from a logistics standpoint

22 from the county end, the machines that they have  
23 now, what is it going to take to convert them from  
24 what they presently have until what they will end  
25 up getting if this gets approved as it is?

1 I'm just trying to get an idea of  
2 the feel and, hopefully, this will give some  
3 information to the counties what it's going to  
4 take, you know, like, would it be one machine a  
5 day. Get an idea of what --

6 MR. ALLEN: Again, really, that's  
7 outside the scope of this hearing. The exact --  
8 once a contract is signed, if a contract is  
9 signed, the exact schedule for doing these  
10 upgrades will be put together with the county and  
11 we will as a company -- we will ensure that we  
12 meet any milestones, scheduled commitments that we  
13 make at that time.

14 MR. FLEMING: Do you have a ballpark  
15 figure?

16 MR. ALLEN: I can't tell you.  
17 That's an operations issue.

18 CHAIRMAN WOODBRIDGE: Bob, any  
19 questions?

20 MR. LESTER: No.

21 CHAIRMAN WOODBRIDGE: While we have

22 the Madam Secretary here, do you have any

23 questions?

24 SECRETARY WELLS: I do not.

25 CHAIRMAN WOODBRIDGE: I think we're

1 probably finished with the formal part of this.

2 And we would respectfully solicit any questions

3 that the audience has or any comments.

4           Go ahead. Make sure you identify

5 yourself when you stand up.

6           MS. HARRIS: Stephanie Harris. I

7 have two questions. One is about the retrofit

8 which you were just asking. My first question is,

9 in order to retrofit that printer onto that DRE,

10 knowing the DREs that New Jersey now has, what

11 other components will be required in order to make

12 that retrofit? In other words, do we need to add

13 an audio pack or anything else? And the second

14 part of that question is, how much will that

15 retrofit cost? That's my first question.

16           CHAIRMAN WOODBRIDGE: Thank you,

17 Stephanie. I appreciate and I'm glad you

18 addressed the question to the Chair because that

19 way we can keep traffic down.

20           Again, just to remind people, the

21 Wyle report will be posted. We will have comment

22 period from the public up until 5 p.m. on Friday.

23 I apologize for repeating myself. I just want to

24 make sure on record that it got there.

25 David and Andy, the retrofit

1 question.

2 MR. ALLEN: That's not finalized at  
3 this time.

4 CHAIRMAN WOODBRIDGE: So the  
5 question is -- when you say it's not finalized, I  
6 think what Stephanie was asking was will it  
7 require additional hardware stuff to attach onto  
8 the existing machines?

9 MR. ALLEN: The upgrade consists of  
10 a kit of a number of things that are altered and  
11 added. And the cost to the State is subject to  
12 negotiation. It has not been finalized at this  
13 time.

14 CHAIRMAN WOODBRIDGE: So in other  
15 words, you're telling us basically that at the  
16 present time you don't know what you're going to  
17 put on them because you haven't finished  
18 negotiating with the State what that's going to  
19 be?

20 MR. WYNHAM: We know what the  
21 upgrade is. I'm not going to go through a detail

22 of that. At that time, that information will be  
23 provided to the counties at that such time that  
24 during the negotiations. And the cost to the  
25 counties is under negotiation and it's not been



1 finalized.

2 CHAIRMAN WOODBRIDGE: By upgrade,  
3 you mean the physical attaching of the printer to  
4 the existing machine?

5 MR. ALLEN: All components.

6 MS. GOLDMAN: That's avoiding the  
7 question. The question to you, through the  
8 Chairman, was what parts are required? What do  
9 you require to add to existing DREs and what will  
10 that cost? What are the parts? You're asking for  
11 an approval today.

12 CHAIRMAN WOODBRIDGE: I think Irene  
13 has a good point. What do you need to attach one  
14 of those things to the existing machine and what  
15 do you need to attach the printer assembly to this  
16 machine. Do you have any idea of what the  
17 hardware is going to be? The cost may be a  
18 separate issue, but --

19 MR. ALLEN: Is the Committee asking  
20 me to provide a detailed list of all the changes?

21 CHAIRMAN WOODBRIDGE: I'm not asking

22 for the list of changes; I just want to know what

23 the major -- what are you going to do to attach

24 that to an existing machine.

25 MR. ALLEN: We cut a hole in the

1 panel, put the fittings on it. We put this  
2 extension box on the back to house the  
3 daughterboard. There's changes to some of the  
4 electrical components inside, things like that  
5 that are added to give an ESD protection.  
6 Obviously, the bag. There's some parts and  
7 changes, mechanical parts to strengthen the  
8 structure of the machine to take the extra weight.  
9 And that's a rough summary of the changes.  
10 There's some membranes that are added to things  
11 like where there's LCDs to give it additional  
12 protection from electrostatic discharge. There's  
13 a number of things. And obviously, the build of  
14 the materials process, doing the upgrade, the  
15 details will be provided to the counties at some  
16 time that we enter into a contract.

17 CHAIRMAN WOODBRIDGE: It would seem  
18 to me -- I don't mean to jump ahead, but it would  
19 be premature to negotiate the price of these  
20 things until they're approved by the State; is  
21 that correct?

22           MR. ALLEN: Yes. Initial  
23   discussions have taken place, but obviously  
24   nothing has been finalized.  
25           CHAIRMAN WOODBRIDGE: And I realize

1 fully that nothing has been negotiated, but do I  
2 recall at one time an estimated price of about  
3 \$2,000 per VVPAT? Is that ballpark, is that high  
4 or low or --

5 MR. ALLEN: Approximately. It's of  
6 that order of magnitude, yes.

7 MS. GOLDMAN: To continue on that,  
8 you've mentioned the extension box, you've  
9 mentioned the bag, the structural strengthening,  
10 the membranes, kit of materials. You describe how  
11 to do all that. But you also mentioned that there  
12 are changes in electrical components to interface  
13 into the DRE itself. Now you're changing the DRE.  
14 It's not just the printer. You're affecting it  
15 through electronic changes. This not then a  
16 certified machine onto which you are attaching a  
17 printer. You're here to speak to the printer, but  
18 the Committee has to deal with whether or not the  
19 DRE itself has been changed in some way and  
20 affected in some way and doesn't the have to be  
21 recertified, or certified in the first place,

22 depending on your point of view.

23 CHAIRMAN WOODBRIDGE: Do you want to

24 respond to that?

25 MR. ALLEN: These are additions to a

1 certified machine. I disagree with your view.

2 MS. GOLDMAN: They are not  
3 additions?

4 MR. ALLEN: They are additions to a  
5 certified machine.

6 MS. GOLDMAN: You're changing a  
7 certified machine. You're making changes to a  
8 certified machine.

9 MR. ALLEN: These are additions to a  
10 certified machine.

11 MS. GOLDMAN: So they are changes.  
12 That's not your word, but it's my word. You're  
13 not agreeing to it.

14 Mr. Chairman, that's what we see  
15 this to be. The Committee has to answer that for  
16 themselves. Is a change a change?

17 CHAIRMAN WOODBRIDGE: That's  
18 something we'll probably talk about. And again,  
19 we haven't come to -- the purpose of this hearing  
20 is a hearing, not to make --

21 MS. GOLDMAN: I have other comments,

22 but I'll wait.

23 CHAIRMAN WOODBRIDGE: Stephanie.

24 MS. HARRIS: The second part of my

25 question, I tried using this machine -- and my



1 children tell me I'm technologically challenged.  
2 But I really did follow all of the instructions  
3 that were on there, and I tried to void according  
4 to your instructions and the instructions that are  
5 printed. I tried to void my ballot, and it took  
6 away the ballot and it said voided, but then  
7 nothing else appeared. So either do you want to  
8 print an error code and tell me what I did wrong?  
9 Or how do I get the machine to then function?  
10 Because it froze and it wouldn't go any further.  
11 I couldn't do anything more to it. So what did I  
12 do wrong?

13 MR. WYNHAM: Mr. Chairman, the  
14 function that she described meets the  
15 specifications laid out before by the State of New  
16 Jersey. She voided a ballot. The voided ballot  
17 was deposited in the bag. She was now free to  
18 make new selections and cast her ballot again.

19 MS. HARRIS: Which I tried to.

20 MR. WYNHAM: I'll try to finish.

21 Nothing should present itself as another ballot

22 image until such time as you cast the ballot  
23 again. So what she describes and what I heard is  
24 exactly what was proscribed for us to happen by  
25 the specifications of New Jersey NJIT.

1           CHAIRMAN WOODBRIDGE: Now, do I  
2 understand correctly that you tried to cast a  
3 second ballot after that stage?

4           MS. HARRIS: Yeah. I tried to cast  
5 it but the little green X wouldn't move from the  
6 person who I was trying to remove and to the  
7 person I was trying to cast a ballot for. So I  
8 was unable to change my vote.

9           MS. VENETIS: It appears that the  
10 machine froze.

11          MR. WYNHAM: Again, we're taking  
12 testimony on something that appeared to happen.  
13 We can either demonstrate it right now in front of  
14 the group again and she can try to reproduce the  
15 error condition. You could repeat the step you  
16 took.

17          MS. VENETIS: It's still frozen on  
18 the screen. Let her go over there.

19          MR. WYNHAM: The cast vote button is  
20 illuminated. It's waiting for you to make  
21 choices.

22           CHAIRMAN WOODBRIDGE: So are we  
23 right now in the middle of a voting process?

24           MR. WYNHAM: I can tell you, as I  
25 described to the Committee when I did the

1 demonstration, she is on her third ballot. In the  
2 LCD prompt right now there is the message warning  
3 the voter that this your final ballot with the  
4 prompt to press the button to the right of the  
5 arrow where it says okay. This right here. So if  
6 you will press the enter button.

7 MS. HARRIS: It says okay, but it  
8 doesn't say to press enter. It just says okay.

9 MS. WYNHAM: I understand the point  
10 that you're trying to make, but this is the way  
11 the machine functions. She simply hasn't pressed  
12 the enter key next to the okay prompt. If you'll  
13 do so -- because as necessary, we had to give the  
14 voter a warning that this was their final chance.

15 MS. HARRIS: It says to press the  
16 okay button, but there is no okay button. So you  
17 have to know to press the enter button.

18 MR. WYNHAM: Again, I understand  
19 your -- it does not say to press the okay button.  
20 There's an arrow that points to the enter button.  
21 It's asking you to caution, your final ballot,

22 okay? And then the function.

23 MR. FLEMING: There will be an

24 instruction that will explain that?

25 MR. WYNHAM: A component of this

1 process is going to be voter outreach and poll  
2 worker training.

3 CHAIRMAN WOODBRIDGE: I sympathize  
4 with being challenged on these machine, too.  
5 You'd think after all these years it would be easy  
6 I for me, but...

7 Any other question?

8 Penny.

9 MS. VENETIS: Thank you, Mr.  
10 Chairman. I have some comments and questions.  
11 The first comment is I'd like to put my formal  
12 objection on the record about lack of public  
13 knowledge about this hearing. I found out about  
14 it yesterday late in the morning through the  
15 Public Advocate's Office. And there was no  
16 notice. I had to completely revamp my schedule.  
17 Our expert witnesses who would have like to have  
18 been for the whole day, one couldn't make it, the  
19 other had a conference where he's speaking in  
20 Philadelphia. He gave us a few hours of his time  
21 and he had to leave. And it really is not

22 sufficient notice to -- the Public Advocate found  
23 out about it at 10 o'clock or so in the morning.  
24 It's not sufficient notice to tell the public 24  
25 hours or less than 24 hours in advance of this



1 hearing. We believe there would have been  
2 concerned citizens and concerned members of the  
3 computer science community here who would be able  
4 ask very important technical questions. And as a  
5 result of this lack of notice, I think that the  
6 Committee in general is not benefiting from the  
7 comments of other members of the public and  
8 members of the computer science community who  
9 could focus some of the issues for the Committee.  
10 So that's my objection on the record.

11           And the other comment that I want to  
12 make really echoes what Ms. Goldman stated a  
13 little while ago. And that is, the members of the  
14 Sequoia team, just in response to the Committee's  
15 questions, stated that they're introducing a  
16 sisterboard into the process. And they're going  
17 to drill a hole in the existing DREs that all the  
18 counties have and they're going to attach a  
19 sisterboard, where a sisterboard is an entire  
20 computer -- new computer system. And my  
21 understanding of that is that this new computer

22 system is going to be communicating with a Z80  
23 chip that's currently in the machines that are  
24 used in the electronic computers used in New  
25 Jersey. And in addition to that software,

1 brand-new software, they're also going to  
2 introduce new hardware into the whole voting  
3 process. It is my belief that that is a material  
4 alteration that could impair the accuracy and  
5 efficiency and capacity of the current machines  
6 and that the entire system would warrant  
7 recertification because they are introducing a  
8 totally new voting system that not only has the  
9 printer capacity, but also there is a new computer  
10 system involved and that that computer needs to go  
11 through the certification process.

12           Additionally, my other comment is  
13 that given the complexity of the software and the  
14 introduction of a new set of software, a new set  
15 of communications between the printer, the new  
16 sisterboard and the motherboard, that I believe  
17 quite strongly -- and this is upon consultation  
18 with computer scientists at Princeton  
19 University -- that it would benefit the  
20 Committee -- and I hope I'm not speaking out of  
21 place, but it would benefit the Committee to seek

22 the assistance of individuals who have knowledge  
23 of computer science and computer security issues  
24 if indeed the Committee holds a recertification  
25 hearing so that those individuals can advise the

1 Committee on matters concerning computer and  
2 electronics issues that perhaps the Committee does  
3 not have the capacity right now to analyze. So  
4 those are my comments.

5 My questions are as follows: And  
6 this is a question for the Committee. Is the NJIT  
7 team going to reexamine the printers that are now  
8 being presented to the Committee? Because it  
9 appears that, obviously, representatives of  
10 Sequoia are here saying that they fixed all the  
11 problems, but they obviously have a vested  
12 interest and a financial interest in saying that  
13 everything is fine. And that I want to show  
14 whether the NJIT team is going to have an  
15 opportunity to examine the printers again. So I  
16 don't know if the Committee would answer my  
17 question.

18 CHAIRMAN WOODBRIDGE: Do you want to  
19 respond to the question?

20 MR. ALLEN: First of all, I'm afraid  
21 that the professor was incorrect in some of her

22 statement. The daughterboard is -- the new board  
23 is already in the machines as part of the  
24 requirement for the audio upgrade, which has  
25 already been certified in the State of New Jersey.

1 It's not - that board is not additional to this  
2 particular upgrade. This is a -- these are  
3 modifications to an existing certified machine  
4 with the audio function.

5 CHAIRMAN WOODBRIDGE: So in other  
6 words, the printer driver mechanism and all that  
7 was on the machine that we certified before?

8 MR. ALLEN: That's firmware.

9 CHAIRMAN WOODBRIDGE: Was that on  
10 the -- was that firmware on the machine that was  
11 certified before or not?

12 MR. ALLEN: That's software. Mrs.  
13 Venetis' comment was related to -- specifically  
14 related to the accusation we're adding a new  
15 processing card.

16 MS. VENETIS: No, I said you're  
17 adding firmware and software.

18 MR. CHAGARIS: Mr. Chairman, we  
19 didn't interrupt Ms. Venetis. I would appreciate  
20 if she would not interrupt the response.

21 CHAIRMAN WOODBRIDGE: Okay.

22           MR. WYNHAM: The specific statement  
23 was a sisterboard. And there is no new board  
24 that's added to the already certified audio  
25 machines in New Jersey. That's what we're trying



1 to clarify.

2 MS. VENETIS: I want to clarify my  
3 comments.

4 MR. CHAGARIS: Mr. Chairman, there  
5 were two comments and there was also a question.  
6 I'd appreciate if we be given the opportunity to  
7 respond in an orderly fashion.

8 CHAIRMAN WOODBRIDGE: Please do.

9 MR. ALLEN: I'd also like to state  
10 that all the modifications that are part of this  
11 upgrade have been fully tested by  
12 federally-approved test lab at the request of the  
13 State of New Jersey to show and to prove that it  
14 is compliant with the federal 2002 standards.

15 The other - there was another  
16 question related to the printer. NJIT were  
17 presented with the printer and we tested in  
18 November 2007. So NJIT have seen it, have looked  
19 at it, have tested it.

20 CHAIRMAN WOODBRIDGE: When you say  
21 that they've seen it and tested it, was it whole

22 thing there, or is it just -- what is it?

23 MR. ALLEN: The whole thing.

24 MR. WYNHAM: This very configuration

25 with the exception of the ESD stuff that we work

1 through that we're required by Wyle.

2 CHAIRMAN WOODBRIDGE: Did they  
3 generate a report on that? Do you know?

4 MR. CHAGARIS: Isn't that part of  
5 the December 22nd report?

6 CHAIRMAN WOODBRIDGE: Okay. Thank  
7 you.

8 MS. VENETIS: If I may, Mr.  
9 Chairman. The question is still open whether this  
10 system has any new firmware. And again, any sort  
11 of new firmware or new hardware to the machine  
12 impairs the accuracy, efficiency, and capacity so  
13 that the entire system needs to be recertified.  
14 This Committee has not seen the whole system  
15 working, has not seen everything from soup to  
16 nuts, has not been able to test the system as a  
17 whole. And whether you call it a sisterboard or  
18 something else, it seems like the Sequoia folks  
19 were seizing on that word daughterboard, were  
20 seizing on that word and were not really answering  
21 the question as to whether or not there's

22 additional software/firmware that is being  
23 introduced into the system.  
24           The other comment is about the  
25 federally approved test labs. Well, the State

1 requires that the machine be certified, any voting  
2 system be certified by the State. And there's no  
3 requirement, statutory or otherwise, that says  
4 that the State relies heavily or at all on any  
5 sort of federal testing, the testing labs, the  
6 federal -- the testing labs upon which states rely  
7 have been decertified by the EAC. So that really  
8 is not a legally cognizable analysis.

9           CHAIRMAN WOODBRIDGE: I think one  
10 lab, Cyber, was decertified. I don't think Wyle  
11 was decertified.

12           MS. VENETIS: And the software that  
13 the Sequoia folks are saying was certified by the  
14 State of New Jersey, that was based on tests that  
15 were performed by Cyber after it had been  
16 decertified. So my comment still holds that the  
17 system as a whole needs to be reexamined by the  
18 Committee and that the Committee would most likely  
19 would certainly benefit with having the technical  
20 expertise of computer security experts.

21           So I just wanted to reiterate that

22 it is a different system and there is new  
23 software. And that's the Sequoia folks are saying  
24 whether it's on a daughterboard or sisterboard or  
25 otherwise, it's a technicality that really is not

1 the focus of my comment is.

2 The other thing is that I just want  
3 the Sequoia folks to confirm that they concur with  
4 the Wyle reports on the record if they believe  
5 that they are accurate. And then I just have a  
6 comment concerning that, the Wyle report. So I,  
7 through the Chair, ask if they concur with the  
8 findings of the Wyle report.

9 CHAIRMAN WOODBRIDGE: Does the  
10 vendor want to respond to that?

11 MR. ALLEN: I can certainly say that  
12 we concur with the summary findings of the Wyle  
13 report.

14 MR. CHAGARIS: She had a comment  
15 that I wanted respond to.

16 MS. VENETIS: Well, I'm not quite  
17 finished yet.

18 MR. CHAGARIS: Ms. Venetis  
19 reiterated her statement that this is an entirely  
20 new system that needs new certification. And we  
21 reiterate that it's not. And the testimony on the

22 record is that this is an addition to an existing  
23 certified machine. That's what the testimony is.  
24 It was also reviewed by NJIT. As the Committee  
25 knows, was designated by the then Attorney General



1 at the time prior to the July '07 hearings for  
2 that very purpose and there's no need for any  
3 other experts. That's the whole reason, in fact,  
4 statutorily this Committee that makes the  
5 determination. The Attorney General at the time  
6 determined that for benefit for this Committee who  
7 has jurisdiction, the NJIT would be involved. And  
8 they were involved and have been involved  
9 extensively and have submitted extensive reports.  
10 I think that this surrebuttal of a surrebuttal of  
11 a surrebuttal is unnecessary. I think Sequoia has  
12 complied with the requirements of NJIT completely.

13 MS. VENETIS: The NJIT team, I just  
14 want remind members of Committee, examined only  
15 the printers. The NJIT team did not look at the  
16 underlying computer system. NJIT has not examined  
17 any of the source code, any of the software at all  
18 and has not actually analyzed the computer and  
19 software of the printers. They really did a  
20 physical examination of the hardware.

21 CHAIRMAN WOODBRIDGE: As they say on

22 Jeopardy, is that in the form of a question or a  
23 statement?

24 MS. VENETIS: That was the comment  
25 based on comment that was made. I just want to

1 remind everyone that the NJIT team didn't look at  
2 the voting computer, it looked at the printer  
3 exclusively. So any sort of comments by the NJIT  
4 committee deals exclusively with the printer.  
5 They're very clear about the whole thing. And  
6 they also looked at the physical nature rather  
7 than the software.

8 MR. CHAGARIS: The NJIT look at the  
9 software, looked at the entire system, not just  
10 the printing part of it. It's in the record, in  
11 the reports. The Committee will review these  
12 records, I'm sure, and review the reports and come  
13 to their own conclusion.

14 MS. VENETIS: Again, it's in the  
15 NJIT report they looked at the printer, they  
16 didn't examine any software or source code.

17 The other comment I want to make on  
18 the record is that there was some discussion  
19 earlier about the source code. And Ms. Kelly  
20 stated that there's some sort of protective order  
21 in place that would prevent the discussion of a

22 source code, anything related to the source code.  
23 That is not true. Nobody has signed a Protective  
24 Order. The Protective Order is valid concerning  
25 information gleaned from examination of the source

1 code. So any discussion of the source code in  
2 public hearings is not prohibited by any order.  
3 And any representations by the Attorney General's  
4 Office to that effect are simply untrue.

5           So I just wanted to make one last  
6 comment about the Wyle report. The Wyle report,  
7 my understanding is -- and this was confirmed by  
8 the gentleman in the brown shirt. I don't  
9 remember what your name is, sir. But Professor  
10 Appel told me that in discussions with the  
11 gentleman in the brown shirt -- can somebody tell  
12 me his name?

13           CHAIRMAN WOODBRIDGE: Mr. Allen.

14           MS. VENETIS: Mr. Allen in the brown  
15 shirt. My understanding is that, Mr. Allen, you  
16 confirmed to Professor Appel that the new system  
17 uses a flash memory; is that correct? That's what  
18 you said to Professor Appel, and that there is  
19 control data on the flash memory? That was said  
20 to Professor Appel earlier in the day. He asked  
21 you the question and then you followed up and

22 checked in on that matter?

23 MR. ALLEN: There is flash memory on

24 the existing certified system, not the new board.

25 The board is not new. That is flash memory on the

1 daughter card that's already part of a certified  
2 audio system.

3 MS. VENETIS: Well, this flash  
4 memory was not part of the 1987 component, is that  
5 correct, that was examined and certified?

6 MR. ALLEN: The audio system, the  
7 Advantage with an audio capability has been  
8 certified in the State of New Jersey and that  
9 board with that flash memory is part of that  
10 certified system.

11 MS. VENETIS: Well, it's a new  
12 system that was -- my understanding it was a new  
13 system that was attached to what was certified in  
14 1987. The reason I raise this is, again, this is  
15 new software that was introduced. And in every  
16 single study that has been done with DREs in  
17 California and Ohio, they have found that systems  
18 that use flash memory that have control data on it  
19 are eminently hackable, that you can hack a system  
20 through that system. The 1987 version of this DRE  
21 that was certified by this Committee did not have

22 that flash memory. It didn't exist  
23 technologically, and it was something that was  
24 introduced. And Sequoia is very cagey in  
25 answering the question. So this is more



1 indication that the whole system, because there's  
2 so many additional components that were not part  
3 of the 1987 system that was reviewed by this  
4 Committee, that the whole system in and of itself  
5 has to be reexamined and that the Committee would  
6 benefit from looking at the Ohio reports and the  
7 California reports and looking at those points of  
8 vulnerability and checking out this system as a  
9 whole on which 10,000 people in the State of New  
10 Jersey will be voting.

11           We're all concerned about the  
12 accuracy and integrity of systems, and the  
13 Committee, in my opinion, should look at this  
14 system as a whole because, again, these  
15 components, this software and this entry into the  
16 entire system is something that was introduced  
17 after 1987. And that is -- unless there's a  
18 comment made that I need to respond to, those are  
19 my comments.

20           CHAIRMAN WOODBRIDGE: Just one quick  
21 question. You mentioned controlled data on the

22 flash memory. I'm a little confused by what you  
23 mean controlled data. Do you mean by executing a  
24 code or do you just mean data?  
25 MS. VENETIS: Data that can control

1 the machine, that can say, okay, do this, machine.  
2 And again, if you look at the Ohio reports and the  
3 California reports in every report that's been  
4 done that has been sanctioned by another state --  
5 it's not sanctioned by me or my experts or  
6 anything like that, but that has been sanctioned  
7 by a state, they have found -- and Florida as  
8 well, that that is a very, very big point of  
9 vulnerability. Those reports are available on the  
10 web sites of the Secretaries of State of those  
11 states that I will be happy to send to the  
12 Committee those reports and highlight the specific  
13 pages because that is a very, very big point of  
14 vulnerability and that is a feature that was  
15 introduced into this voting system after 1987. So  
16 I believe that given that very, very critical new  
17 feature that the integrity of the system has been  
18 impaired and its accuracy, efficiency, and  
19 capacity has been changed significantly so that  
20 the recertification of the entire system is  
21 warranted.

22           CHAIRMAN WOODBRIDGE: A quick  
23 question I'd ask you, though. We did broach a  
24 subject related to that, and that was what access  
25 would an outsider have to the machine. And the

1 response, I believe, was that it would be  
2 virtually impossible physically to do that. So I  
3 guess the question I have is, if we were to assume  
4 the worst case scenario that you could mess it up,  
5 how do you get access to it to do that?

6 MS. VENETIS: All you need is the  
7 card.

8 CHAIRMAN WOODBRIDGE: But if you  
9 can't get access to the port, how do you do that?

10 MS. VENETIS: Well, you know, as I  
11 said -- it's part of my objection earlier.  
12 Professor Appel who is a computer security expert,  
13 if he were here, he would easily be able to answer  
14 any questions that you might have concerning this  
15 matter. Unfortunately, because of the lack of  
16 notice, he had to be in Philadelphia to deliver a  
17 paper at a conference that was scheduled six  
18 months, so he could not make other arrangements.

19 CHAIRMAN WOODBRIDGE: That, I  
20 understand. But even so, if he can't get access  
21 to the port, how can he mess it up?

22 MS. VENETIS: Well, I think that  
23 anyone have access to the card -- if you have  
24 access to the card and you change the program data  
25 on the card itself and you put the card into

1 whatever place it is in the county official's  
2 office, then you have automatically changed --  
3 it's really access to the card. Once you have  
4 access to the card and change the data on the  
5 card, then any well-intentioned poll worker thinks  
6 they're putting program data A into the machines  
7 may very well inadvertently be putting program  
8 data Z into the machine. So that is a very, very  
9 important feature and that is a post-1987 feature  
10 that needs to be reexamined.

11 CHAIRMAN WOODBRIDGE: Does the  
12 vendor have any comments on that?

13 MR. FLEMING: Going back in our  
14 records, this machine was revisited in '05.

15 MS. VENETIS: No, not the machine.  
16 There was, I believe the ES system.

17 MR. FLEMING: That was in '06. I  
18 have Advantage and Edge was before the Committee  
19 and at that point it was determined that it did  
20 not require recertification.

21 MS. VENETIS: Well, you know, I've

22 been in litigation with the State for many years

23 on this. I don't have a copy of that document.

24 MR. FLEMING: This is a compilation

25 of all --



1 MS. VENETIS: I don't have that  
2 information.

3 MR. FLEMING: I'm just stating that  
4 you were going back to '87. It was brought before  
5 the Committee in '05.

6 MS. VENETIS: Well, what was?

7 MR. FLEMING: Advantage and Edge.

8 MS. VENETIS: Pardon?

9 MR. FLEMING: The Advantage and the  
10 Edge.

11 MS. VENETIS: Was the Committee made  
12 aware that new software was being introduced?

13 MR. FLEMING: It was based on  
14 software update.

15 MS. VENETIS: A software update?  
16 Was there an explanation of this new component  
17 using the flash memory device and the control data  
18 on the flash memory device?

19 MR. FLEMING: My mind doesn't  
20 remember that far back. We can pull that report  
21 and see. But the idea of -- at that point is when

22 they would have gone through the whole demo of

23 showing you that the product work, so the

24 Committee did see this machine later than '87.

25 MS. VENETIS: Okay. Well, the

1 question is when was this device introduced?  
2 Because it seems like Sequoia has been working on  
3 this feature of adding the printer post-2005. So  
4 the question is --

5 MR. FLEMING: I believe that the  
6 audio kits had to be on there before '05.

7 MS. VENETIS: Well, I don't know.  
8 I'm raising these issues for the Committee.  
9 Perhaps members of the Committee can go back in  
10 their records and ask of Sequoia -- they're not  
11 really speaking up to let you know when this flash  
12 memory device was introduced. And that, again, as  
13 I said, is really the vulnerable -- a very, very  
14 vulnerable feature that has been highlighted by the  
15 other states.

16 MR. FLEMING: But the way you state  
17 it's vulnerable, and the same statement I made  
18 since I've been on the Committee is the security  
19 of anything -- I don't care if it's a piece of  
20 paper or a machine or going back to a lever  
21 machine -- if you lose physical security of that

22 product, whatever it is, you've lost the battle.  
23 That's what the counties are responsible for, is  
24 to make sure that the machines are physically  
25 secured so that nobody can get in there. I'm

1 assuming that flash memory is not something that's  
2 out on everybody desks in the county so it can  
3 grabbed and then thrown on desk to be picked up  
4 again.

5 MS. VENETIS: Well, again, I  
6 respectfully request the Committee members look at  
7 the reports that have been written by members  
8 of -- released by the states of Ohio and  
9 California.

10 MR. FLEMING: I truly understand  
11 that.

12 MS. VENETIS: And then you can talk  
13 about it. Again, I am not a computer expert. And  
14 my experts would have been here had they been able  
15 to rearrange their schedules on such short notice,  
16 but those vulnerabilities are discussed. And  
17 again, I'm not saying that poll workers or county  
18 officials are careless, but there are ways -- the  
19 reason that Title 19 is this thick with talking  
20 about where you can stand what you say is because  
21 for as long as there's been voting, there's been

22 vote tampering. And if this is a way to tamper  
23 with the system, then the Committee should know  
24 about it and should also know when it was  
25 introduced and should test for vulnerabilities of

1 these systems with that in mind.

2 CHAIRMAN WOODBRIDGE: I think we may

3 already have done that. We've actually looked at

4 seven -- at least seven Sequoia systems since

5 2001. And this was the upgrade software we did

6 look at -- and I can't remember what date it was,

7 but this sounds about right -- to this system.

8 Flash memory, everybody's using that to replace

9 whatever they had before because that's cheaper

10 and faster and it doesn't require any backup. So

11 I'm not sure whether flash memory in itself is

12 especially --

13 MS. VENETIS: No, not the flash

14 memory, it's the data -- the thing is that the

15 problem that Wyle has pointed out is that there is

16 data, information data control on the flash memory

17 card. It's not the flash memory card itself

18 that's problematic; it's the fact that there is

19 data control flash memory card.

20 CHAIRMAN WOODBRIDGE: What would be

21 useful for me is if you could send to the

22 Committee that portion of the Ohio reports and the  
23 other reports. I'd like to take a look at it.

24 MS. VENETIS: Absolutely.

25 Then there's another question. And



1 this is for Sequoia. Does Smartmatic still own  
2 the source code of Sequoia? Because that's an  
3 open question and it is very, very important to  
4 know who is in charge of the source code and  
5 whether it's Smartmatic still owns it.

6           There's a conference that was  
7 recently held where there was someone from Sequoia  
8 very high up in the corporate ladder who said that  
9 it was Smartmatic who actually owns the source  
10 code for these machines, not Sequoia. So that  
11 goes to the source code question.

12           CHAIRMAN WOODBRIDGE: When you talk  
13 about own, do you talk about own in the legal  
14 sense or owned as in physical possession?

15           MS. VENETIS: In the legal sense.  
16 Whose intellectual property is it?

17           MR. CHAGARIS: If I may, Mr.  
18 Chairman. First of all, I don't know if Mrs.  
19 Venetis was present at the time that I made the  
20 statement. And I'll repeat it for her benefit.  
21 The source code is being held in escrow for the

22 benefit of the State by Iron Mountain, so that's  
23 not an issue. It's not the Protective Order.  
24 That question was modified by that statement, that  
25 the source code is in escrow by Iron Mountain for

1 the benefit of State of New Jersey.

2 Also, Smartmatic is not involved in  
3 the ownership of Sequoia and that the ownership of  
4 the IP intellectual property and the source codes  
5 and the firmware and software is all in the name  
6 of Sequoia Voting Systems, Inc.

7 CHAIRMAN WOODBRIDGE: You did raise  
8 a question early on about notice. And I'm going  
9 to ask the Secretary of State --

10 SECRETARY WELLS: Our Director is  
11 going to respond to that. Thank you.

12 MR. GILES: We got everyone  
13 scheduled together. We received the Wyle report,  
14 contacted the members, and as soon as we were able  
15 to confirm everyone's scheduled, we posted it on  
16 our web site May 15th last Thursday. And in  
17 addition on this past Monday, we sent notice to  
18 the Star Ledger and the Trenton Times.

19 MS. VENETIS: Were they published,  
20 though? You sent notice, does that mean that  
21 these were these published in the Trenton Times

22 and the Star Ledger?

23 MS. HARRIS: And if so, when were

24 they published?

25 MR. GILES: We were told they were

1 published. I did not physically see those, but we  
2 did -- we posted it on our web site last Thursday.

3 MS. VENETIS: Well, did you pay for  
4 an ad to publish it? I mean, that's how normally  
5 you do it. If you want to give notice, you pay  
6 for an ad in the papers.

7 MR. GILES: Yes.

8 CHAIRMAN WOODBRIDGE: It might be  
9 useful to get a copy of that in the record, just  
10 for the safety of it.

11 Irene.

12 MS. GOLDMAN: Thank you very much.  
13 And thank you all for your time. And I'm glad to  
14 see the Secretary here today in person, and Kay.  
15 And congratulations to Mr. Giles on your new  
16 battle.

17 SECRETARY WELLS: Collaboration.

18 MS. GOLDMAN: Collaboration.

19 And I look to you, Madam Secretary,  
20 exactly for that reason. You know, historically  
21 we have had a great deal of difficulty with the

22 Attorney General's Office. And Ms. Kelly would,  
23 I'm sure, agree that we've had some four years of  
24 litigation here. So we have a concern. The  
25 public has tried everything in its power to speak

1 to the Attorney General, to speak to the Governor,  
2 to speak to the Legislature to resolve what could  
3 have been resolved years ago. And with the  
4 Secretary of State just taking this on fairly  
5 recently we hope that after that first meeting  
6 reflecting an openness that that will continue and  
7 that we will get a resolution to this problem  
8 quickly. But right now we are in court against  
9 the State.

10           You are really, at this point, in  
11 charge of what's going to happen with these  
12 machines. You protect the public. We are the  
13 public. And the fact that the vote has been  
14 privatized in the State of New Jersey for all  
15 these many decades is outrageous. How it  
16 happened, I don't know. It is the case.

17           We should own in the State of New  
18 Jersey our own source code. It should be open.  
19 It should be free. The State of New Jersey should  
20 be able to look at it not in case of something  
21 that they think may have happened and go to an

22 escrow, but to be able to own that code open,

23 free, and clear. You can make that happen.

24 I have a fairly -- a two-page

25 statement. I'm not going to read the whole thing.



1 I do want to say about public notice, it is not a  
2 secret that the Coalition of Peace Action, that  
3 Stephanie Harris, that Irene Goldman, that Penny  
4 Venetis are interested in what happens. I am  
5 deeply disappointed, deeply disappointed that no  
6 communication came to us directly. We saw Mr.  
7 Giles and Ms. Kelly on Friday in court. It wasn't  
8 maybe the place for them to have mentioned it.  
9 Maybe they didn't feel like it or it wasn't on  
10 their minds, but it was an opportunity where if  
11 things were different you might have at that  
12 moment said, you know, we're going to have the  
13 certification hearing. Check back with me. I  
14 would have been delighted to call the office or  
15 wherever you said and say, okay, if you have date,  
16 what is the date? And I would have been relaxed  
17 and informed my attorney and other citizens who  
18 have grave concerns from all over the State. It's  
19 not just us. We happen to be locally based and we  
20 can show up. And what we're not doing today, we  
21 should be doing. Just as what you -- we're all

22 very busy.

23           And so there's a real disconnection

24 when the citizens cannot have enough notice to

25 come to speak. Even if it's hard for you all to

1 hear our complaints and our nervous reaction,  
2 we're very serious. We tell the truth. We do not  
3 put out any false statements. We seek the truth,  
4 and we expect that from our State officials. In  
5 some cases, we're very pleased; and in some cases,  
6 we're very disappointed.

7           Sequoia is a private vendor. They  
8 have 19 counties. One of the counties is Edge, 18  
9 are Advantage. It is in their interest to make  
10 good business decisions for them. I have no  
11 argument with the way that they conduct the  
12 hearing or that the way that they respond. It's  
13 our responsibility as the public to question them  
14 and to ask them pointed questions.

15           We believe we are asking you very  
16 serious questions. We believe that the changes  
17 made to that DRE were made and were not tested and  
18 not certified. That's what we believe. And it is  
19 for our Commission members, our Committee members  
20 to note that and to -- I'm not sure I -- I really  
21 am interested in what information you have, Mr.

22 Fleming, and that was very nice of you to make us  
23 aware of that for the first time four years to  
24 know that. That's good. Maybe it's not  
25 exactly -- what was tested is not exactly what

1 we're talking about. So we do need to find that  
2 out.

3 I will hand you this document so  
4 that you have it for yourselves. I am upset, and  
5 you know that. And we ask questions and we want  
6 to be intelligent and friendly. With all respect,  
7 we should not be here to discuss the kinds of  
8 matters that are raised here today, feeling that  
9 the State in some way has been in concert through  
10 the Attorney General's Office has been in concert  
11 with Sequoia to the extent that the public has  
12 been disadvantaged. So that's my statement.  
13 Thank you.

14 CHAIRMAN WOODBRIDGE: Thank you. A  
15 very good statement, too.

16 The two-page comments you gave to  
17 us, I think, will be included in the report. I  
18 think over the years one the purposes of this  
19 Committee, which has no stake of the outcome  
20 whatsoever, is to try to be an honest and open in  
21 this whole effort and to try to make sure that the

22 right things are done.

23           This is an unusual time for this

24 Committee. I've been on it and off it for

25 probably too long. But the interesting squeeze on

1 the other end is that there's a big push by the  
2 legislature to put VVPATs on voting machines by  
3 January. So it creates -- again, we are not  
4 officially pressured by this and probably do  
5 whatever our pleasure is. On the other side of  
6 the coin is there is a lot of concern about  
7 whether the voting machines that we use have  
8 integrity, whether there's a verified trail. And  
9 as a friend of mine put more eloquently than I  
10 can, where does the bald man stop washing his  
11 forehead? With all due respect to whoever may fit  
12 in that category.

13 MS. GOLDMAN: Mr. Chairman, I thank  
14 you for that comment. You are the last arbiters  
15 here.

16 The Legislature under great duress  
17 and pressure from the State of New Jersey's  
18 Attorney General's Office was convinced to give,  
19 with great promises, an extension when the  
20 legislation was first being considered. In July  
21 of 2005, with pressure from the then powers in the

22 Attorney General's Office, the drop dead date was  
23 not 2006; they insisted January 1, 2008, because  
24 of then for sure and for certain they would be  
25 able to provide the State of New Jersey not



1 printers; it's not about the touch screen  
2 machines, it's about a voter-verified paper  
3 ballot. It could be a piece of paper and a  
4 pencil, it could be optical scan technology, it  
5 could be a touch screen machine with a printer  
6 added on. It's agnostic. They refused and  
7 dragged their feet until they were -- even the  
8 Court was too slow in all of this and did not  
9 respond to the Court's demands and urged the  
10 Legislature to pass legislation which the  
11 Legislature didn't really want to but did. And  
12 passed it to extend it to June of 2008. Oh,  
13 please just do it until 2008.

14           Then they pressed the Legislature to  
15 say, oh, no, we really want it until January 1,  
16 2009. When will that end? Who is depending the  
17 public here? When they close the doors to other  
18 technology, they make it an unfriendly state for  
19 optical scan or whatever technology that may exist  
20 that I don't even know about, you don't know  
21 about. There may be things out there that have

22 been made, companies, inventors -- the State of  
23 New Jersey could itself design a machine with open  
24 source code and could have done that and certified  
25 it itself and been, you know, a star in that way.

1 Maybe the Secretary will do that. Who knows?

2 Maybe she has a machine in mind. We never know.

3 We have scientists.

4 CHAIRMAN WOODBRIDGE: I think you  
5 put it very well.

6 MS. GOLDMAN: So that's the point.

7 CHAIRMAN WOODBRIDGE: And we're sort  
8 of right stuck in the middle of all this, too. On  
9 the one side of the coin, we have technology  
10 that's fairly new that's continuing to evolve.

11 And on the other side of the coin, the State has a  
12 drop dead date, and being between now and then,  
13 even if everything is approved, there's got to be  
14 purchasing, put together specs, money spent,  
15 things built, you know.

16 MS. GOLDMAN: That's their problem.

17 CHAIRMAN WOODBRIDGE: Well, it may  
18 be their problem, but we're also right in the  
19 middle of it.

20 Again, we officially don't respond  
21 to that. Our only interest is to continue to be

22 very picky and careful about what we do, as best  
23 we can. Sometimes, frankly, the statutes, the old  
24 statutes aren't particularly helpful. That's been  
25 one of our problems. So we have to pray a lot in

1 this business.

2 MS. GOLDMAN: Be strong.

3 CHAIRMAN WOODBRIDGE: So I think we

4 have pretty much wrapped up the input part.

5 Again, please, if you have comments, documents,

6 papers, anything you think that's relevant, please

7 provide it to Secretary of State Office before a

8 week from tomorrow at 5:00. And we will

9 definitely go through all that material.

10 And I would say it is always a

11 pressure to be here. I welcome the Secretary of

12 State back into the process.

13 SECRETARY WELLS: Thank you.

14 (Applause.)

15 CHAIRMAN WOODBRIDGE: With the

16 assistant with the Attorney General's Office.

17 (Applause.)

18 CHAIRMAN WOODBRIDGE: And appreciate

19 what the vendors have done and how they responded

20 to difficult questions. We are looking forward to

21 those two particular additions of material.

22           It will probably take us -- my guess  
23 is at least a week after the final date to come up  
24 with some kind of report. And keep in mind, the  
25 report is a recommendation. We do not certify

1 anything.

2 MS. GOLDMAN: I'm sorry. You did  
3 instruct Sequoia to also copy us with whatever  
4 they're providing, new material for you to  
5 consider. The public wants to know what that  
6 material is.

7 CHAIRMAN WOODBRIDGE: I haven't  
8 instructed them yet. All of that material will go  
9 to the Secretary of State's Office. It's really  
10 up to the vendor as to whether or not they want to  
11 interface with individuals, I assume.

12 MS. GOLDMAN: Well, through you --

13 CHAIRMAN WOODBRIDGE: Can you  
14 provide to the individuals here?

15 MR. CHAGARIS: I have to consult  
16 with my client what the mechanics will be. We'll  
17 look into it. We'll make a good faith effort to  
18 look into it.

19 MS. GOLDMAN: We'll be in touch with  
20 the Secretary of State's Office. That's easier.

21 CHAIRMAN WOODBRIDGE: You will

22 obviously provide them with your e-mail address

23 and whatever else.

24 MS. GOLDMAN: Sure.

25 CHAIRMAN WOODBRIDGE: It's important



1 that you guys get the information, too.

2 MS. GOLDMAN: Thank you.

3 MR. GILES: Just for the record, we  
4 were able to supply them with a copy of Wyle  
5 report today before they left.

6 CHAIRMAN WOODBRIDGE: Thank you very  
7 much.

8 Are there any further comments?

9 If not, I'm going to thank you all  
10 for attending, and we look forward to your further  
11 comments. Thank you.

12 (Meeting adjourned at 1:02 p.m.)

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1           C E R T I F I C A T E

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3           I, Lisa C. Bradley, a Certified

4 Court Reporter and Notary Public of the State of

5 New Jersey, do hereby certify that the foregoing

6 is a true and accurate transcript of the testimony

7 as taken stenographically by and before me at the

8 time, place and on the date hereinbefore set

9 forth, to the best of my ability.

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LISA C. BRADLEY, CCR, RPR

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CCR NO. 30XI00228700

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18 DATE: May 23, 2008

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