

# Sedgwick County

525 North Main Street 3rd Floor  
Wichita, KS 67203



*Sedgwick County...  
working for you*

## Meeting Minutes

Wednesday, July 13, 2016

9:00 AM

BOCC Meeting Room

### **Board of Sedgwick County Commissioners**

*Pursuant to Resolution #007-2016, adopted by the Board of County Commissioners on January 20, 2016, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes or such time limits as may become necessary.*

*Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact the office of Crissy Magee, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203. Phone: 316-660-7056, TDD: Kansas Relay at 711 or 800-766-3777*

*Email: [Crissy.Magee@sedgwick.gov](mailto:Crissy.Magee@sedgwick.gov), as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location, date and time of the service or program, your contact information and the type of aid, service, or policy modification needed.*

## **ORDER OF BUSINESS**

### **INVOCATION: Pastor Daniel Syrcle, First Salem Church.**

### **FLAG SALUTE**

### **CALL MEETING TO ORDER**

*The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:03 a.m. on July 13, 2016 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James M. Howell, with the following present: Chair Pro-Tem Commissioner Richard Ranzau; Commissioner David Unruh; Commissioner Tim Norton; Commissioner Karl Peterjohn; Mr. Michael Scholes, County Manager; Mr. Eric Yost, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Misha Jacob-Warren, Assistant County Counselor; Mr. Chris Chronis, Finance Director; Mr. Tim Kaufman, Health and Human Services; Ms. Annette Graham, Executive Director of Aging; Mr. Joe Thomas, Director of Purchasing; Mr. Jon VonAchen, Assistant County Counselor; Ms. Kate Flavin, Public Information Officer; Ms. Laura Billups, Deputy County Clerk.*

#### *Guests:*

*Ms. Barbara Brown, 3020 East Orme Street, Wichita  
Ms. Beth Clarkson, 8619 East Wassall Street, Wichita  
Ms. Joy Darrah, 6620 North Greenwich Road, Wichita  
Ms. Janice Bradley, 214 Buckeridge Street, Wichita  
Mr. Bill Anderson, 1227 North Jefferson Avenue, Wichita  
Ms. Megan Andrews Right-Hagen, 825 North FaithRest Ct. (sic)  
Mr. Dick Jublonski, Election Systems and Software, LLC  
Mr. Richard Harris, 623 ½ Lulu Ave, Wichita*

### **ROLL CALL**

*The Clerk reported, after calling roll, that all Commissioners were present.*

#### **Roll Call**

### **PUBLIC INFORMATION ANNOUNCEMENTS**

### **PUBLIC AGENDA**

### **CONSIDERATION OF MINUTES**

#### **MOTION**

*Commissioner Ranzau moved to adopt the regular meeting of June 8, 2016 and the special meeting of June 13, 2016.*

*Commissioner Peterjohn seconded the motion.*

*There was no discussion on the motion, the vote was called.*

VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Chairman Howell	Aye

A     [16-420](#)     REGULAR MEETING MINUTES OF JUNE 8, 2016.  
All Commissioners were present.

B     [16-436](#)     SPECIAL MEETING MINUTES OF JUNE 13, 2016.  
All Commissioners were present.  
**Approved**

**NEW BUSINESS**

C     [16-425](#)     PRESENTATION OF THE COUNTY MANAGER'S 2017  
RECOMMENDED BUDGET.  
Presented by: Mike Scholes, County Manager.

RECOMMENDED ACTION: Receive and file.

PUBLIC COMMENT  
**Received and Filed**

D     [16-395](#)     CONSIDERATION OF A GRANT IN THE AMOUNT OF \$ 3,021,320  
FOR THE KANSAS DEPARTMENT FOR AGING AND DISABILITY  
SERVICES (KDADS) FY 2017 AREA PLAN.  
Presented by: Annette Graham, LSCSW, Executive Director, Central  
Plains Area Agency on Aging.

RECOMMENDED ACTION: Approve the new Area Plan and  
authorize the Chairman to sign.

PUBLIC COMMENT

*Ms. Annette Graham greeted the Commissioners and said, "Annette Graham, Department on Aging. What I have for you today is the area plan for the Central Plains Area Agency on Aging (CPAAA). We have been receiving these funds for 36 years. The Kansas Department on Aging and Disability Services require all 11 Area Agencies on Aging (AAA) in Kansas to submit annually an area plan that outlines how we will use the funds that are allocated for our planning area. Our area consists of Butler, Harvey and Sedgwick County. We use these funds based on needs assessments that are done on a regular basis. So, for the 2017 funding year that begins October 1, 2016, runs through September 30th, 2017, we have reviewed with our advisory council the funding recommendations.*

*"The funding recommendations are very specific to certain titles that are established by the federal government for the old Americans Act. On May 18th, the Central Plains*

Area Agency on Aging also held a public hearing on the area plan together comments. On the same day that was approved then by our council. The area plan will fund the following programs in 2017. There are \$126,207 for Title III Administration. Those funds are taken out of the other titles, and the state does establish a certain amount that we can use for administration dollars. Under Title IIIB, the Community and Support Service Programs, there are \$468,022. Title IIIC is nutrition, that's our Congregant Program. The federal dollars for that are \$722,427, state dollars \$24,950 and the NSIP (Nutrition Services Improvement Plan) is \$58,235. Title 3C 2 is our Home Delivered Program, also known as Meals on Wheels. There are \$387,564 for federal; state dollars are \$785,327 and the NSIP (Nutrition Services Improvement Plan) dollar amount is \$161,103. Title IIID is our Health Promotion and Disease Prevention Program. That is \$35,938. Title IIIE is the Family Caregiver Support Program at \$251,547.

"These dollar amounts are estimated budget. This is based on our area plan funding allocation that was just based on 2016 because at that point in time we had not received the actual 2017 dollar allocation. So this will be able to be revised once that is received and implemented into the plan. The grant total is \$3,021,320. The required match is \$175,619. Out of that, the Sedgwick County responsibility is \$65,911. The other providers, Butler and Harvey County, provide the remaining match. Now, for the \$65,911, we do make sure that those funds are only allocated to the services that are provided for individuals residing in Sedgwick County.

"With this area plan and with our planning and service area, approximately 80 percent of the seniors covered by this reside in Sedgwick County, about 12 percent in Butler and about eight (8) percent in Harvey. Actual utilization of services probably exceeds a little bit over 86 percent that is actually utilized by residents in Sedgwick County, and part of that is related to the service provision. When we do look for providers to provide these services, a lot of times we don't have a lot of interest in Butler and Harvey County areas. We do work with providers to make sure as much as possible those services are provided in all three counties. For each county, we contract with the Butler County Department on Aging and Harvey County Department on Aging to provide some of the core services, which includes information and assistance under the community based services Title IIIB under IIIE, the caregiver services and some of the in-home services also, for both of those programs. So these dollars, as I indicated, are allocated by the state of Kansas to each Area Agency on Aging. They use an allocation formula, so it's not like they just tell us how much they're going to give us every year and then we report back through this area plan how we will be utilizing those programs and those funding dollars.

"There really wasn't a lot of change from the previous years. Basically the same providers, as you might recall, that we did have a new nutrition program provider last year that started, October 1st of this year, and you have of 2015, and that was due to the Red Cross deciding they would no longer be able to provide that program, so that new provider has been in place now. I think as you were aware, we've talked about this a little bit before, there had been some kind of rough times during the beginning implementation of that. Most of those issues have now been addressed, and they had been in the proposal to provide that service for the next fiscal year. With that, I would be happy to answer any questions and would request that you approve the grant and authorize the signature for that."

#### MOTION

Commissioner Ranzau moved to approve the grant for the Kansas Department for Aging and Disability Services.

Commissioner Unruh seconded the motion.

Chairman Howell said, "Any other discussion? I just want to point out we're about to accept another federal grant. So out of our earlier discussion, here we go. I am also very supportive of this. Thank you for the good presentation. We have a motion and a second. Seeing no other discussion, oh Commissioner Peterjohn."

Commissioner Peterjohn said, "I appreciate your comments in terms of the number of seniors from each of the three counties. Could you just talk for a minute, in terms of how we're in a position to make sure that county tax funds stay in Sedgwick County for this program?"

Ms. Graham said, "We oversee all the reporting, all the service delivery comes back in through us, so we work with a variety of providers and we provide some of the core services by our own staff. Those core services, as I mentioned before, were Information and Assistance, both In-Home Community Services Program, and under the National Family Caregiver Support Program. So, we have staff that actually provide those services and we monitor the service delivery and making sure that those matching funds only go in those core programs to those individuals that reside in Sedgwick County. We also have the In-Home Service Program, where we have a case manager who does the assessment and the ongoing case management. For the 90 day In-Home Service Program and the majority of those services are provided, again, in Sedgwick County."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "Alright seeing no other discussion, before we go to the vote, I should ask, does anybody from the public want to speak to this agenda item? Seeing none, we have a motion and a second. Madam Clerk, please call the vote."

#### VOTE

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Chairman Howell	Aye

Chairman Howell said, "Thank you, Madam Clerk, next item, please."

**Approved**

#### E [16-441](#)

REPORT OF THE BOARD OF BIDS AND CONTRACTS' REGULAR MEETING ON JULY 7, 2016 AND SPECIAL MEETING ON JULY 11, 2016.

Presented by: Joe Thomas, Director, Purchasing Department.

RECOMMENDED ACTION: Approve the recommendations of the Board of Bids and Contracts.

#### PUBLIC COMMENT

Mr. Joe Thomas, Purchasing Director, greeted the Commissioners and said, "The meeting of the Board of Bids and Contracts, our regular meeting of July 7th, results in one item we would like to present to you this morning.

1. VOTING SYSTEM FOR THE ELECTION OFFICE.

*"Recommendation is to accept the proposal from Election Systems and Software, LLC for an estimated initial purchase of \$4,372,895. Plus, nine years of maintenance and support, and that total was \$2,289,375. The initial negotiated peripheral purchase of \$1,179,300. This will make a total estimated 10 year cost of \$7,841,570. And along with that, we would like to establish contract pricing for hardware, software, maintenance and support, and also establish unit pricing for the system consumables, maintenance supplies and the ADA (Americans with Disabilities Act of 1990) peripherals for 10 years.*

*"The results of the special meeting of the Board of Bids and Contracts, this meeting conducted on July 11th involves the Electronic Monitoring Service for the Department of Corrections.*

1. ELECTRONIC MONITORING SERVICE – DEPARTMENT OF CORRECTIONS

*"This recommendation is to accept the proposal from Premier Monitoring and establish contract pricing for one year with two one-year options to renew. I'll be happy to answer any questions you may have. We also have representatives that could do the same. I recommend approval of both items."*

*Chairman Howell said, "Very good. Thank you for the presentation, Mr. Thomas. At this time, I would like to open this up to the public, and ask, is there anybody from the public who wants to speak to this item? I have three people who have signed up to speak. And we are going to go ahead and recognize them first and after that, we'll allow others if you so desire. I would like to begin with asking Bev Clarkson. We'd like to use about five minutes per person, if possible. Thank you so much."*

VISUAL PRESENTATION

*Ms. Bev Clarkson, greeted the Commissioners and said, "I have some slides that I brought with me. This slide I wanted to bring up, this is from an article that I just published in the Kansas Journal of Law and Public Policy. There are copies of that can be passed around. I don't want to go into the details, because I have a Ph.D. in statistics and all of the details of this analysis are given in my article. But in short, this is a graph of the Wichita precincts, that is here in Sedgwick County, for the 2014 election. The Attorney General, the Secretary of State, the Senate and the Governor, as well as all the registered Republicans. This is what's called a cumulative summation analysis. It's an excellent analysis for detecting trends in noisy data sets, which is what voting share data is, and this basically looks like our elections are being rigged. That's what it looks like. I can't say that they are, because the only way to prove that that is going on is to actually look at the paper records of the voting machines. I've sued to get access to those in order to be able to confirm this theory. But I've been denied access.*

*"This is on our current voting machines, which is the Election Software System. I believe that's it. Anyway, that's what they're recommending we purchase as new replacement equipment. And I cannot support this, because our current equipment made by that vendor looks like our elections are being rigged. Now, I have a hypothetical question for our County Commissioners. What happens if someone were to manipulate our voting machines and we were to catch them at it? We were to actually have proof? If they're in Sedgwick County, we can notify the proper authorities. They'll be arrested and hopefully justice will be served. Even if they live and work in another U.S. State, election tampering is a federal crime and consequences can be invoked across the state lines by notifying the proper authorities again, but what if they don't live and work in the United States?*

*"ES&S (Election Systems and Software) corporation is headquartered in Canada. What if we actually discovered that our voting machines were being rigged and the perpetrator lived and worked in Canada? What's going to happen? I don't know. Hopefully there will be some method to get some sort of justice. But as in the Volkswagen scandal from last year, it turned out it was perpetrated by a few individuals working within the company. Most of the company did not know, and they may eventually make settlements and pay fines, but no one is going to go to jail, because they're in a foreign country, and I really don't think it's wise for our voting equipment, the foundation of our democratic process, to be outsourced to a foreign corporation. I have a real problem with that.*

*"Now, being located in the U.S. was not a requirement of the RFP (Request for Proposal) when they looked at this, and I'm not sure that it should be. That seems to me that that's a factor that's best weighed by our elected officials, but would ask you to take that into consideration when you make your decision and vote on this proposal.*

*"And to give you an example of what kind of costs we're talking about, ES&S did have the lowest bid. The next lowest bid, Henry M. Adkins and Son, located in Missouri, which is not that far away, was a little under \$300,000 more, and if you look at that in comparison to the number of registered voters here in Sedgwick County, you're talking about to move our control of our electronic voting counting machines to an outside company as opposed to a U.S. company is a cost savings of less than a dime per voter per year. I'm getting a note that says 30 seconds. I would like to at least give you some thought to think about, do we even need machines to count our votes? We don't. The only way to get total transparency is with voter marked publicly observable, hand counted ballots. But what cost savings are generated when we use this computerized equipment as opposed to counting all ballots by hand? We don't have any idea. We use these computers we're outsourcing the fundamental democracy, and I would hope you would at least look into it enough to know what are the cost savings that we're generating by do so. And I'll conclude at that point. Thank you."*

*Chairman Howell said, "Ms. Clarkson, if you don't mind, because of your history with this topic, I wouldn't mind giving you a couple more minutes, if that's what you need to finish up any other points."*

*Ms. Clarkson said, "Thank you very much. Those are my main points. I do think that it is important to reconsider whether or not this extensive voting equipment is, in fact, what we want to do even assuming that it does provide us cost savings. I would ask that rather than purchasing any system, that you table that purchase until we get information on what the cost would be to do that 100 percent hand counted ballots, and what are those costs relative to those nontransparent counting machines. It does make sense to have ballot marking devices to assist disabled citizens, but we don't need that. And I would ask that you ask, instead of making the decision today, that you ask our Election Commissioner to prepare an estimate of what those costs would be to do without that equipment. Thank you."*

*Chairman Howell said, "Alright, thank you, Ms. Clarkson. I think I have a comment or question from Commissioner Ranzau."*

*Commissioner Ranzau said, "Could you go back to your first slide?"*

*Ms. Clarkson said, "Certainly."*

*Commissioner Ranzau said, "Okay. Now explain to me, what this is saying?"*

Ms. Clarkson said, "What that is saying, this is what's called a cumulative vote share graph. On the 'Y' axis, the up and down axis, you see the percent of the share of the vote that each of those candidates has, or in the case of the bottom line, the light blue line on the bottom, that's the share of the Republicans registered in those precincts. We accumulate those starting with the smallest precinct, which would only have one or two voters in it. Up to the largest precinct, which has several hundred, and what we expect to see with this particular type of analysis, if there is no underlying factor that it's affecting vote share, and then you're going to see more or less a flat line. When you see a trend, which indicates that that factor that you're summing the votes up in is, in fact, influential in determining that final vote share. And what this says is that as the number of votes cast in a precinct increases, you see an increase, the Republican candidate getting an increasing share of the vote and this is in, far in excess of any increase in the share in the Republican voters registered within that precinct. This is a sign that our elections are being rigged."

Commissioner Ranzau said, "Could it be a sign that just more Republicans are showing up in that district? You're making a large leap there, I would say. There's any number of factors that could cause that."

Ms. Clarkson said, "There are any number of factors that can cause that. I absolutely cannot say that is the cause. In order to say that is the cause, I would have to look at the ballots and do a hand count to verify that those counts are accurate. That's the only way to tell our machines are being rigged. That's not being done now and I'm not being allowed to do it."

Commissioner Ranzau said, "Okay. Tell me again and tell me if this is in this article here, but you're saying that the number of people registered in the precinct goes up, more people registered?"

Ms. Clarkson said, "Yes, uh-huh. More people show up to vote at the precincts."

Commissioner Ranzau said, "The more people that show up to vote at a precinct, the more it ends up being Republican."

Ms. Clarkson said, "The higher the vote share of these Republican candidates that I've graphed here."

Commissioner Ranzau said, "The higher the turnout in that precinct the higher the Republican share?"

Ms. Clarkson said, "The higher the number of votes cast in the precinct. That's unrelated to turnout. Because we're not looking at how many people were registered to vote versus how many people showed up. We're looking at how many people showed up to vote, how many people actually cast a ballot."

Commissioner Ranzau said, "That is turn out. The more people that show up, that's people turn out."

Ms. Clarkson said, "It's not relative to how many people were registered."

Commissioner Ranzau said, "I didn't say it was. The more people that show up."

Ms. Clarkson said, "The more people that show up, the higher the percentage of the Republican vote for these candidates. By the way, in the Democratic primaries this year it's been to Hillary Clinton. So, this is not a Republican problem, this is a voting



*machine problem."*

*Commissioner Ranzau said, "I think it's a turnout issue, but nevertheless."*

*Ms. Clarkson said, "But, I have here graphed on this. You can see. This is the percent of the vote of registered Republicans in those precincts."*

*Commissioner Ranzau said, "Thank you."*

*Ms. Clarkson said, "It's certainly not expected."*

*Chairman Howell said, "I think I have a couple questions as well, but I will recognize Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Yes. Just so I understand, this graph that you have here, you have looked just at Wichita precincts?"*

*Ms. Clarkson said, "This is just Wichita precincts. In my article, you will find additional graphs that have different breakdowns, including all of Kansas."*

*Commissioner Peterjohn said, "Because, I was curious, if you had looked at the statewide numbers."*

*Ms. Clarkson said, "Yes, I have."*

*Commissioner Peterjohn said, "Because to make the assertion, and it's a rather strong assertion that you've made. I thought is was rather, was thinking through my own district, in terms of west Wichita. We have some very, very large precincts there."*

*Ms. Clarkson said, "You have some very large precincts. Yes."*

*Commissioner Peterjohn said, "And how the numbers, as opposed to some other parts of Wichita that have smaller precincts, and to come up with a rather large leap that you've made on the assertion. The Election Commissioner, and I was one of a number of Commissioners who participated when they had two of the machine providers in to look at it. Did you participate in that?"*

*Ms. Clarkson said, "Yes, I did."*

*Commissioner Peterjohn said, "I was interested, because it seemed like there was quite a fairly significant consensus from the people I talked to that were leaning towards one piece of equipment rather than the other, but I thought there were an awful lot of folks who participated in the process. And I felt pretty comfortable in that in terms of having public participation. I thought that was very helpful in clearing the air about allegations, because to say something is rigged, I mean..."*

*Ms. Clarkson said, "That's what the data looks like to me."*

*Commissioner Peterjohn said, "I mean, I can cite for the fact that in 2006 there were candidates for the Kansas Legislature, in fact, they were both incumbents, who carried every precinct on election day and lost the election by significant margins. I don't remember allegations at that time, but I am interested, in terms of having an obviously, having fair elections is paramount in this age."*

*Ms. Clarkson said, "Absolutely."*

*Commissioner Peterjohn said, "We're talking about not even requiring citizenship for people being able to vote in some communities. Fortunately not here in Kansas."*

*Ms. Clarkson said, "Really? I've never heard anybody say non-citizens should not be allowed to vote. Some countries do allow that, but never heard that proposed here in the U.S."*

*Commissioner Peterjohn said, "I didn't say here in Kansas, but in other parts of the United States. In fact, it was talked about it in, I believe, both places in California and in New York. But, be that as it may, this rather strong assertion that you've made here. I was interested in terms of seeing if this could be delineated between other Kansas counties as well. You filed a lawsuit, didn't you?"*

*Ms. Clarkson said, "I filed a lawsuit. I've requested access to actually look at the voting machine records in order to check and verify, because without looking at those records, I cannot say definitively that it's been rigged. I can only say that the data shows every indication that it's being rigged."*

*Commissioner Peterjohn said, "Well, what's the status of your lawsuit?"*

*Ms. Clarkson said, "The status of my lawsuit is an appeal has been filed, but it will take a year to two years to work through the system."*

*Commissioner Peterjohn said, "So, what did the District Court rule?"*

*Ms. Clarkson said, "The District Court ruled, I was not allowed to see those records."*

*Commissioner Peterjohn said, "Thank you."*

*Chairman Howell said, "Let me continue that question, because I think it's important to note that Sedgwick County has this on our platform, our legislative platform, that we are asking the state to change the statutes regarding the privacy of voters. We don't want to find out what people vote on, that's not the point. We want to open this up to audit."*

*Ms. Clarkson said, "Yes."*

*Chairman Howell said, "We support you and the issue of auditing the election. We've actually testified to that extent. We've gone to Topeka. We have submitted written testimony at the elections committee in the legislature, asking them to allow us to have an audit. In fact, this last year, that bill moved forward. However, there were some other issues that got attached to it, so it did not pass out, unfortunately but there was the final thing that did move the farthest forward was to allow Sedgwick County specifically to do an audit. We continued to support the idea."*

*Ms. Clarkson said, "Thank you."*

*Chairman Howell said, "The idea that we're trying to have some conspiracy, there's some people here doing..."*

*Ms. Clarkson said, "I'm sorry. I'm not alleging any kind of conspiracy. Certainly not anyone here in Sedgwick County. With our machines, they have been documented as being unfortunately, easily hacked, and they are software and machines are being provided by people that are from outside this area."*

*Chairman Howell said, "Just to be clear, now, you've seen similar results across the country?"*

*Ms. Clarkson said, "I have seen similar results across the country. It is not a Sedgwick County problem, but we are not immune to it either."*

*Chairman Howell said, "Every county would have to have the same type of illegal hacking? It would have to happen everywhere?"*

*Ms. Clarkson said, "No. All that would have to happen is the software be infected."*

*Chairman Howell said, "The proprietary software that is inside that machine would have to be manipulated by someone who has the skill set to do that?"*

*Ms. Clarkson said, "It would need someone about both the skill set and also someone with the access to be able to insert it into there. Although access is not necessarily a big problem in certain areas."*

*Chairman Howell said, "Let me also say I've read some of your material, I believe you've seen a similar problem in some states toward Democratic voters. Is that correct?"*

*Ms. Clarkson said, "Yes."*

*Chairman Howell said, "Have you also seen the similar trends with other types of equipment?"*

*Ms. Clarkson said, "Electronic voting equipment is the big issue. In particular, the current machines we use now, which are the direct record electronic and either do not have a paper trail, such as Johnson County, or have an inaccessible paper trail, such as here in Sedgwick County, show the worst signs. The proposed system, which has a full paper trail, show less symptoms of it and, but it can still be. Anytime you're using a computer to count the votes. You're losing transparency, and it has to be verified with an excellent audit in order to have confidence in those results."*

*Chairman Howell said, "These are nationally certified. There's a federal standards for equipment. So this is..."*

*Ms. Clarkson said, "I'm afraid I don't have a very high opinion of those federal standards."*

*Chairman Howell said, "Let me make my point, though. This is popular equipment across the country. We use ES&S, the vote electronic machines we use now or this new equipment. This is equipment that is popular among other states, among other counties?"*

*Ms. Clarkson said, "Yes."*

*Chairman Howell said, "Other cities. Are there other states that do audits?"*

*Ms. Clarkson said, "Yes, there are other states that do audits, hold on unfortunately, here I have a point about that. Illinois, in Chicago, at the Board of Election meeting this April it was on, this was the last point on this slide, the Board of Election meeting in April for the primary election that they held in March, basically, they had multiple citizen observers testifying that the audit was a farce with fraudulent activity taking place before their eyes, and yet those voting machine results were certified and those*

*citizen observers were ignored."*

*Chairman Howell said, "To that extent, let me just say, that we didn't create this equipment. We purchased it."*

*Ms. Clarkson said, "No, we did not."*

*Chairman Howell said, "It is certified. And there would have to be a pretty, and I know you do not want to use the word conspiracy but, there would have to be a very large conspiracy across the nation..."*

*Ms. Clarkson said, "No, there would not."*

*Chairman Howell said, "To let this type of situation go unchecked?"*

*Ms. Clarkson said, "No, there would not."*

*Chairman Howell said, "No?"*

*Ms. Clarkson said, "No."*

*Chairman Howell said, "Okay, let me say also, we do an open testing, open to the public, a testing of our equipment, every election site."*

*Ms. Clarkson said, "The testing of the equipment only shows that it is capable of doing the job. I am perfectly willing to grant that our machinery is capable of doing the job. The question is, is it? And we can only tell that with post-election audits."*

*Chairman Howell said, "So, in my sinister idea of trying to respond to that, if I were to be a sinister person and do this thing, if I worked at ES&S and I was a, or another company, that maybe similar to ES&S not just anybody who produces electronic equipment, it would have to say something like any Tuesday in November skew the results that that would be the way they would do this."*

*Ms. Clarkson said, "That would be one way to do that and it would pass all tests, but then on election day, something else might occur. Think about Volkswagen, if you will. Only a few people in a very large company had any knowledge or input into this, and yet they fooled testers all across the world, including in the U.S."*

*Chairman Howell said, "Let me just say, you know, our processes and procedures are open to the public. They can watch us do every step of the process. We actually have as a requirement of process and procedures, we have to have bi-partisan staff, bi-partisan poll workers. So, when we go to poll sites. There's people watching people. We want to make sure there are plenty of people watching each other."*

*Ms. Clarkson said, "Yes. There are a lot of checks and balances. We have excellent, I think we have excellent custody of the ballots, that sort of thing. But anytime you are inputting data into the computer and the computer spits out a tape, all the observers can do is say, yeah, I watched it spit out those results. They cannot verify that those results are correct."*

*Chairman Howell said, "Again, we support the idea, but it's not Sedgwick County. We're actually very supportive."*

*Ms. Clarkson said, "No. Sedgwick County, yes, you've been very supportive. Our Secretary of State has been less so, and, in fact, all of the election officials that I have*

*met here in Sedgwick County I feel are excellent individuals working hard to insure that we're having a fair election, but our elections are going to be no better than the equipment that we purchased. Again, I would ask that you not purchase from the same vendors that show signs of rigged elections currently."*

*Chairman Howell said, "You wouldn't want any electronic equipment?"*

*Ms. Clarkson said, "What?"*

*Chairman Howell said, "You don't want us to purchase any electronic equipment? You want us to go to paper only."*

*Ms. Clarkson said, "I think you should at least look into it, in terms of what the cost is. If you are going to use electronic equipment, the equipment that's been proposed is much better than what we're currently using, and I would certainly recommend that you go with a U.S. corporation as opposed to a foreign corporation."*

*Chairman Howell said, "And again, we opened up the review of this equipment to the public. We had around 200 people, I guess, that came and looked at the equipment personally. They got to use it. There was a weighted, I do not have information in front of me, but there was a weighted assessment on a number of items. The total points, I believe, by ES&S versus the Adkins equipment was about a 700 point spread between the two, one having around 2,000 points and one having about 1,300."*

*Ms. Clarkson said, "I'm sorry. The review that I got sent was only a 200 point assessment."*

*Chairman Howell said, "There was about five or six items, a scale of one to five."*

*Ms. Clarkson said, "They had about a dozen different items, and they were ranged in points from five to 50, I think, in various ways."*

*Chairman Howell said, "After public comment, I see the Election Commissioner is here. So, I would like to ask her to verify my details on that, but I do think it's important to note that the public weighed in. The League of Women of Voters was here. Envision came in to look at this, in terms of disability, accessible voting equipment. They invited key players from around the community that would have a likely opinion, and based on all the input from all the folks that looked at that, there was an assessment done, and the statistical result of that was heavily weighted towards ES&S."*

*"My personal opinion is, I looked at, again, assuming we get the audit statutory language changed. I hope we do, there was a lot of paper trail, a lot of checks and balances in place in the ES&S equipment that said, it is designed to be audited, there's things built in to that, that makes the audit more streamlined. It takes a photograph of the ballots, for example, and it does, I do not know what it does, but it does multiple places where files can be verified against each other. Things like that. So, the security of the election on ES&S, I thought, was very well thought out."*

*Ms. Clarkson said, "Yes, it was very well thought out. And as I said, I have no doubts that the machinery is absolutely capable of doing excellent work. My concern is that how can we know without audits and if we were to discover that things were not as they should be. How are we going to proceed if we are dealing with a foreign corporation?"*

Chairman Howell said, "Again, I agree with you. We want to do the audits, but until we can get the state audit changed, that's not possible. Okay, so we're on your side on that issue, but it is not because of us not wanting to do it. We want to do that. We just can't, because the state audit doesn't allow us to do so under the current interpretation by the judges that have weighed in on this issue. I want to make one point, though, and that you made it one of your strongest points was this was a Canadian Company. I'm looking at the website, [www.essvote.com](http://www.essvote.com). And it says right at the bottom of the page. It says ES&S, they sell all kinds of election stuff, all over their page. At the bottom of the page it says ES&S headquarters at 11208 John Galt Boulevard, Omaha, Nebraska 68137."

Ms. Clarkson said, "Yes, I believe that would be their American branch."

Chairman Howell said, "Well, they have an affiliate in Canada, but, in fact is there, we'll get to this in a few minutes as well. I just want to make the point that I talked with them, they are an American company, Okay? They do sell some stuff in Canada, but they are an American company."

Ms. Clarkson said, "My understanding is they are incorporated in Canada."

Chairman Howell said, "I would have to disagree with you. Because I have checked this out. I know this for a fact. I talked to him yesterday. They are headquartered in Nebraska. So, I want to make that point. That was one of your major points, and I want clarify that right now. They are an American company."

Ms. Clarkson said, "When I looked on their website they indicated they were headquartered in Canada."

Chairman Howell said, "They have an affiliate called ES&S Canada, but that's not their headquarters. The headquarters is in Nebraska. Five hours from here. Okay?"

Ms. Clarkson said, "Okay. I still have concerns with regard to the fact that I don't trust the current equipment. I don't want to trust the new equipment."

Chairman Howell said, "I'm going to get into that in a few minutes, because I do believe there are some balance comments, I want to make regarding paper ballots and how they work, how good or bad they are. I will get to that in a minute. If you do not mind. Commissioner Ranzau has another comment or question."

Commissioner Ranzau said, "Go back to that one you talked about, Chicago."

Ms. Clarkson said, "Chicago, yes. I have a website it's in the notes on the PowerPoint presentation. If you want to know where that's."

Commissioner Ranzau said, "You're talking about in Illinois, requires voting machines that are audited. This is an audit by people."

Ms. Clarkson said, "This is an audit by people in Chicago that's required by state law, five percent of their voting machines be audited."

Commissioner Ranzau said, "Okay and you are saying that multiple observers testified that the audit was a farce, with fraudulent activity being taking place by people."

Ms. Clarkson said, "Yes."

*Commissioner Ranzau said, "Well, I have no doubt that's probably true, but that's an indictment of the people running those audits."*

*Ms. Clarkson said, "Absolutely. It's an indictment of the people running those audits, but the reason I brought that up is because it has to do with transparency. Transparency, voter marked publicly observed hand counted paper ballots are the only way to provide complete transparency of voting results to the public. You can do rigorous auditing procedures, and I am a statistician, I worked out those sampling plans and how you would do them to get whatever level of confidence you want in terms of your error rate. Okay, so I am absolutely, 100 percent, you can do audits and get that assurance, but that only provides assurance to people who trust in the people who are doing the audits."*

*Commissioner Ranzau said, "Well I'll just say this and then I have a question for you. This system produces a paper ballot that is then run through a machine."*

*Ms. Clarkson said, "Yes."*

*Commissioner Ranzau said, "I would argue machine counting is more accurate and less open to fraud than having people like this. I mean, you could have people like this counting and being fraudulent about it."*

*Ms. Clarkson said, "It's more accurate in terms of error rates. You can absolutely get machines that will be more accurate than human counters. But it's not easily detected if they're wrong without those auditing procedures. So you have to have either auditing procedures or a hundred count of the vote and it has to be the public in order to have the public confidence and transparency of what's going on, and given what happened in Chicago, I no longer have faith that that's something we can depend on." Commissioner Ranzau said, "I got ya, and I'm not going to talk about the auditing, because the Chairman has talked about that. One question, on that slide with the data. Do you have that data that's used to base that chart in a form that you can send that to us, like Excel or something?"*

*Ms. Clarkson said, "Absolutely, and all of this data comes from the Election Commissioner's website, so it's all publicly available."*

*Commissioner Ranzau said, "Would you be willing to send me the Excel file you're using for that?"*

*Ms. Clarkson said, "Certainly."*

*Commissioner Ranzau said, "I would appreciate it. I want to take it look at that. Thank you."*

*Chairman Howell said, "I have one more question for you as well. Looking at that data. I seemed to have lost it here some, where, but anyway looking at that data the bottom line is registered voters; is that correct?"*

*Ms. Clarkson said, "Yes."*

*Chairman Howell said, "That's Republican registered voters?"*

*Ms. Clarkson said, "I'm sorry, this one. Yes."*

*Chairman Howell said, "The bottom line?"*

*Ms. Clarkson said, "That is the percent of registered Republican voters in the precincts."*

*Chairman Howell said, "And the top four lines are results of people who voted for Republican offices."*

*Ms. Clarkson said, "Yes."*

*Chairman Howell said, "This is a general election, not a primary, in the general election here. So, we're talking about people who are Democrats might vote Republican?"*

*Ms. Clarkson said, "Yes."*

*Chairman Howell said, "And Republicans might vote Democrat?"*

*Ms. Clarkson said, "Republicans might vote Democrat, and roughly, I think a third of our voters are not registered with either party."*

*Chairman Howell said, "So, the unaffiliated are very potentially in those Republican results."*

*Ms. Clarkson said, "Oh, absolutely."*

*Chairman Howell said, "Okay."*

*Ms. Clarkson said, "They are all above the blue line is not an indictment, the fact that the blue line is relatively stable, whereas the other lines all show a sharp increase is what is concerning."*

*Chairman Howell said, "Okay so, and again, I can theorize why that might be, I think again..."*

*Ms. Clarkson said, "There are a lot of possible theories about why that might be. My point is that if our machines were being rigged, this is what the data would look like."*

*Chairman Howell said, "And again, I'll use the word conspiracy. That would take a lot of conspiracy for that to happen."*

*Ms. Clarkson said, "No."*

*Chairman Howell said, "We'll have to agree to disagree on that."*

*Ms. Clarkson said, "We'll have to disagree on that. But unfortunately, as the Volkswagen shows, you can have a very small conspiracy with a very large impact."*

*Chairman Howell said, "Have you ever done any exit polling to ask people who are unaffiliated what they do at the poll site?"*

*Ms. Clarkson said, "No."*

*Chairman Howell said, "Okay, because I think again that this is anecdotal, but I've talked to lots of people at the doors, especially night before a general election and to find out that there are a lot of people who are upset with their party that they used to belong to and they've gone to the unaffiliated position but, given the chance to vote, they probably will end up voting for someone who tends to agree with their ideology"*



*somewhat. So again, the assumption might be that the unaffiliated is going to be split across all candidates. I think that's unlikely."*

*Ms. Clarkson said, "There's no that assumption like that made. I'm not making any assumption of how the unaffiliated would vote. Or that Republicans always vote Republican. I'm only showing as a comparison, that you cannot justify that increase with a similar increase in registered Republican voters in those precincts."*

*Chairman Howell said, "Alright I have some comments about paper ballots in a little while. Any other questions or comments for Ms. Clarkson? Okay, Ms. Clarkson please have a seat. Thank you for your comments."*

*Ms. Clarkson said, "Thank you."*

*Chairman Howell said, "I'd like to call up Jane Burns."*

*Audience member said, "She had to leave."*

*Chairman Howell said, "She had to leave. Okay. Next up is Joy Darrah."*

*Dr. Joy Darrah, 6620 North Greenwich Road, Wichita, greeted the Commissioners and said, "I appreciate the opportunity to speak today. I would also like to express my gratitude to Dr. Beth Clarkson for her hard work, which has not been financially or politically motivated, and I greatly appreciate that. I appreciate my privilege to be able to vote in an election. Voting, half of the voting is casting the vote. Half of the voting is having that vote counted accurately, and so, I greatly appreciate her efforts as well as those other people who have substantiated what her data has shown. What I'm here today for is to ask you to please exercise your privilege and responsibility to assure that my vote is counted accurately, and I think it's reasonable to look into the cost of the paper ballot and counting it that way. I think it's reasonable to postpone the vote today until we have better data. We do not have a state that will allow us to audit our vote at this time. And because of that, I think we need to act accordingly. Thank you very much."*

*Chairman Howell said, "Thank you, Dr. Darrah. Anybody else from the public that would like to speak on this agenda item? I see a few other hands up there. If you don't mind, let me go back to Ms. Bradley next and then we'll work our way around. Thank you."*

*Ms. Janice Bradley, 214 Buckridge, greeted the Commissioners and said, "I've been following the work of Dr. Clarkson for more than a year now, and basically, I think what she's saying and I do have a question about this which maybe someone can clear up about these machines. Do these machines allow the data to be audited if we had the law to do that?"*

*Chairman Howell said, "Absolutely."*

*Commissioner Ranzau said, "They create a paper ballot for every single voter."*

*Ms. Bradley said, "These machines do?"*

*Chairman Howell and Commissioner Ranzau said, "Yes."*

*Ms. Bradley said, "Okay. Well, there is a paper ballot. I mean, I vote by paper ballot now, that's what the mail-in ballot that we're trying to get everybody to sign up for is. It is a paper ballot. And so I would just want to say that I would support people actively*

*requesting a paper ballot when they go to vote or do the mail-in ballot. It allows you to sit down with it and ponder over it, Google people's names and find out all kinds of things that you want in your own home before you sign and send it in. So, that would be my recommendation on this. But, I think what Dr. Clarkson is saying is, without the audits, you can't tell that it hasn't been rigged. I mean, her data is leaning towards, I mean her data is basically showing that there is something questionable going on. So I appreciate the county's support for audits. I hope we can get that law and also, Commissioner Howell, I support the way you're running these meetings and allowing people to speak, giving her extra time, et cetera. I think that's really important."*

*Chairman Howell said, "I really appreciate your final comment especially. Thank you for that. Okay. Please come to the podium and state your name and address for the record."*

*Mr. Bill Anderson, 1227 North Jefferson Street, greeted the Commissioners and said, "I would like to support the statement about this is the most open of City Council, D.O.E. (sic) or legislative forum meetings I've attended. You guys are very receptive to our input. You are reasonable about the time limitations. I certainly appreciate that. I do feel welcomed by you people. All of you. Thank you very much. In regards to what Dr. Clarkson has been saying, when I first read her articles, it certainly piqued my interest. I attended the hearing against us, her and us. I consider her working for us."*

*"I just have two quick observations. I used to be a joke and I'd laugh at it, and it's no longer as funny as it was. The joke was, we've reached a point where a 16-year-old kid in Finland can determine who is going to be President of the United States. That was a joke at one time. It doesn't seem to be as farfetched. And I would like to close with a paraphrase of what Joe Stalin once said. I don't care who votes. What I care is who counts the votes. So thank you very much. This is a serious, serious concern. I am only using paper, and thank you very much for supporting an audit. We have to have confidence that our votes are going to be counted. That is all we have got. We have no other control really. So thank you very much. Appreciate it. Good luck."*

*Chairman Howell said, "Thank you, Mr. Anderson. I appreciate your comments. Anybody else? Please come to the podium and state your name and address."*

*Ms. Megan Wright-Hagen, 825 North Faith Rest Court (sic), greeted the Commissioners and said, "I thank you for opening this up where you did not have to sign up early to make a comment. You had talked about the public access to evaluate the machines and I was one of those people who attended, that and on the survey form, afterwards it did ask about reliability of the machines. In my comments, I pointed up that you really could not determine the reliability of the machines, in terms of how the machines acted, in terms of they had the people who actually worked the polls who went to evaluate the machines, so they would have been looking at it in terms of performing their job. So, what they needed to report back, how easy was that to access, things like that. But, in terms of reliability, the time constraints involved, it really was not set up for you to be able to do that. They had a pile of paper there, they fed it through, it showed results. We did not go back and count, you know, look through the pile of paper to decide on the sample. Conditions, like how many liked the color red versus the color blue or the ice cream flavor versus, you know, some other issues. We did not determine reliability, and that's the question here is the reliability of the machines."*

*"As a citizen, I think, with the process that we have gone through here, I have been disappointed to find out that our Election Commissioner was not automatically performing post-audits with an independent tester to determine who would select*

*what to test and to verify whether the results actually reflected what the voters indicated. I do feel that that's necessary when you are talking about going through a group like ES&S. I did attend the primary results from the 2014 elections in Butler County, and one of the things that stood out, that they had just acquired ES&S machines and they had not purchased the paper tape to go with it, so they do not have a way of auditing it. When they had the primaries that was the meeting that I had attended. There was something that happened with one district in there. The questions didn't match up exactly with the rest of them. So, there was one district that they were having problems getting results from. So you had the City Clerk there saying, because of that, you know, we called the ES&S Guru in, and the Guru suggested not releasing any of the results until they had all of the results together. So on their primaries, they didn't get results until, like, after 11 o'clock at night, whenever everybody else got results much, much sooner.*

*"So when you are allowing a company to do that, your City Clerk can be very honest, really wanting to have the most honest election ever, but you have all of your balls in one basket on this ES&S Guru with propriety information that you really have no idea, and so he has access to all of that information until it's all released after 11 o'clock? He could do anything. You don't know. That's the problem. That's the problem, and why you need to be able to audit with an independent auditor, who would select things properly so it would be a proper audit, why you need to have non-proprietary software when you have even on a selection Commissioners or City Clerks that they could go in and verify that the results are exactly what the voters asked for. Those are my comments. Thank you."*

*Chairman Howell said, "Thank you, Megan. And I didn't catch your last name exactly."*

*Ms. Wright-Hagen said, "Oh, I am sorry. It's a hyphenated name. It's Wright Hagen."*

*Chairman Howell said, "Thank you, Megan. Anybody else from the audience here want to speak to the agenda item? Yes, sir. Please come to the podium."*

*Mr. Dick Jublonski, Vice President of Finance, Election Systems & Software greeted the Commissioners and said, "So I just thought I would chat today to make sure it was well documented that we are from Omaha. We were incorporated in 1979, and we've been in Omaha, Nebraska, ever since. One of our competitors is from Canada, so there may have been some confusion, so I understand that, but we are definitely out of Omaha, Nebraska.*

*"In terms of our equipment, and I know we talked about certification, it is federally certified, state certified in all of the states. We're in 42 states in America. There are debates like this before equipment is purchased, but there are audits that occur clear across this country. And they happen in recounts, close recounts, and I think if you look at audit processes, they go very well. I think you'll find that the equipment is extremely accurate. I have been a part of those audits. They calm the nerves of someone that is seeing new technology for the first time. I would tell you today that we're honored to be in this process, but the technology that you are looking to purchase is state of the art. It's done very well. It's certified nationally and across all states, and I think it would calm someone to actually see how it works, which you have done. And when you do the audit, it validates and gives you a sense of comfort that you may not have when you look at technology from afar. So I wanted to make those comments today and address any questions as a vendor."*

*Chairman Howell said, "First comment I have for you, can you please describe the audit process? If we get the state law changed, what things are built into the system that would allow us to actually audit the accuracy?"*

Mr. Jublonski said, "First of all, I'm Vice President of Finance, so I'm a numbers person. I like statistics. I like numbers, and so whenever you have a paper ballot, you get the best of both worlds here, you feed it through a high speed machine that can count. It is extremely accurate, and it also gives you the ability to, if there is a close race, whether it's a certain number of precincts or if you need to do it county wide, there is a process where you can sit down and count each and every one of those ballots secondarily.

"There are many jurisdictions across this country that do a random sample. They'll select a couple of precincts, and they'll match those up to the number of people that signed in in the poll book. The election results from the equipment, and they match that to a hand audit. So that is done in many jurisdictions across this country. In fact, it's done every election, and it does calm the nerves of those who are a little bit skeptical about the equipment accuracy.

"So it's done all the time. I would say second also, every time there is an election, there is a pretest done. And you have a wonderful election office here and does a great job. There is a pre-election that shows that the equipment is zero when it starts. It feeds some sample ballots that are randomly marked. The machine will come with a result, and then those are hand counted. Once each of those machines is determined to be accurate, they're again zeroed, and they are sent to each of your precincts, and they're locked up so no one can intervene into that equipment. This is not internet based equipment where you can hack it, tap into it from afar. Each machine is deployed individually and has been tested, what I would call certified and is ready for zero status before each election starts. The precinct worker would run a tape that shows there are zero results on there, starting fresh from zero. So I think there are a lot of built-in safeguards that you have today and that you will enjoy in the future with this new equipment."

Chairman Howell said, "What I remember is the first step is that the person goes to a machine after they checked in, they go to a machine, make their selections, and it prints out a paper ballot showing the selections that the voter made. They can take that ballot, actually inspect it and verify that their selections are correct, and if they see a mistake, they can talk to a poll worker, and they can start that process over again. Once they're satisfied the paper ballot has the correct markings on it and it's what they want it to say, they go over to a machine that actually scans that in, and you can see the tallies go up by the amounts."

Mr. Jublonski said, "Yes."

Chairman Howell said, "That's kind of the process. I think alongside that, we still have the ballots we send through the mail, more like what we have today, and they could choose to fill out that type of ballot at the poll site I believe. I do want to make some comments about that process in just a moment. What I described in terms of the ES&S equipment, is that accurate?"

Mr. Jublonski said, "I think it's very accurate. I think it gives you the best of both worlds that you can use technology to vote the ballot. You can then observe your ballot, then you feed your ballot into a machine, an increment by one, an increment with those same results that came off the paper ballot. Should there ever be a close race. An actual recount. What I love about this system you're acquiring is that you can do those recounts with extreme ease and match those same machine totals after the election."

Chairman Howell said, "Is there any way to connect a ballot back to a voter?"

*Mr. Jublonski said, "Never."*

*Chairman Howell said, "Secure and anonymous, so there's no way it can ever be connected to an actual vote?"*

*Mr. Jublonski said, "No, sir."*

*Chairman Howell said, "If there is a stray mark on that ballot or something wrong with that ballot, what does the machine do at that point?"*

*Mr. Jublonski said, "First of all, the equipment that you are purchasing is going to make a very determinate mark. It's going to mark that ballot so that the machine that's going to read it is going to be absolutely certain. If the equipment had any doubt at all, we have built in so many safeguards to the equipment. It will reject that ballot immediately, when the voter deposits the ballot into the machine, and ask him to check again. It will indicate the area of the ballot we would like you to review. So, it really assists the voter on election day, to say your ballot went through clean or we would like you to take a second look at that undeterminable mark. But the new technology that you're purchasing should have very, very few of those."*

*Chairman Howell said, "It takes a photograph of every ballot; is that correct?"*

*Mr. Jublonski said, "It does. That's another very nice safeguard. The reason you do that is for quick tabulation of anyone that would like to write-in a candidate. So write-in votes you can capture by an image and you can have those quickly calculated on election night."*

*Chairman Howell said, "In terms of the data storage as the machine continues to tally those votes throughout the day, there's more than one place where that's recorded. If I remember correctly. You say it's recorded on something they can take back to the election office and something embedded in that machine that cannot be accessed by poll workers. Is that correct? Do you remember that at all?"*

*Mr. Jublonski said, "Well, there's a card that can be taken back to the election office and the results are also stored on the machine, so you have a backup. You have two backups. A hard drive backup and you have a flash drive."*

*Chairman Howell said, "If the power goes out, this machine can operate through the day?"*

*Mr. Jublonski said, "The machine has a battery that would last you throughout the election day."*

*Chairman Howell said, "Very good. I just wanted to stress I guess the quality of these machines again. I think that they're much different than what we have today. Today there's been arguments about I pushed this thing and something else responded because the screen is the touch screen, and it's not calibrated maybe correctly, so maybe there's been some people who have made that complaint. This completely solves that issue?"*

*Mr. Jublonski said, "Yes, it does. Yes, it does."*

*Chairman Howell said, "I think that is great. I have some other comments I'll make in just a moment. Commissioner Peterjohn."*

Commissioner Peterjohn thanked the Chairman and said, "I appreciate you coming and clarifying where you're based out of among other things. I want to visit about the privacy aspect about how this system protects that, because there's a story I like to tell when I'm with my friends, and looking out at the audience, I see all my friends out here. When I first ran for County Commission, there was one jurisdiction in my district, and it was a township, and I carried that district by a five to one margin. That was the actual vote total, five to one, and it's good for a little laugh, but, I mean, in terms of the privacy aspect, that one voter who didn't vote for me, if it had voted for me, the vote total would have been six to zero, and from a privacy point of view, I think we have an inherent problem when we have small election districts. But I'd like you to talk for a minute in terms of the privacy side of it, because when I go in to vote. I'll go in and they'll say you are voter x number on the list. And I go in and cast my ballot. How do you assure the privacy in this system when basically there is a list out there and it will show every voter in order who went in and cast their votes at that precinct on that date?"

Mr. Jublonski said, "Yeah, each ballot, there are no numbers. There is no way to tie back to you if you went in to cast your ballot. You're going to deposit your ballot into a machine, and it's going to get lumped in with all the other ballots. Inside the machine, they can be mixed up and they are during the day. So there is no way that you could factually go back and say the 100 below here would be your particular ballot. They're all intermixed, so once they drop into the machine, there is just no way, no number, no schematic to be able to tie that back to you.

Commissioner Peterjohn said, "Because we've gotten into the issue in terms of the auditability, and that's one of the features, why I think the Election Commissioner is making the recommendation she's made to get us to this point today. And privacy as well as accuracy are two important criteria that I'm looking at going forward. So I appreciate your comments and do want that to be a focus as we continue this discussion. Thank you."

Mr. Jublonski said, "What I do like, one last comment about that, if there were six voters, the machine would tally six. So we can match the poll book, people who came out on election day, signed in to the number of votes, ballots actually, and went through the equipment. So I like that audit step. You'll enjoy that. You have that today, but that's one way to make sure there are no extra ballots put through a machine. It should always tie back to your poll book. You have very good security process on that today."

Commissioner Peterjohn said, "Thank you."

Chairman Howell said, "Thank you very much. I have no other questions for you. Is there anybody else in the audience that wants to speak to the agenda item? Okay sir, please come to the podium and state your name and address."

Mr. Richard Harris thanked the Commissioners and said, "My name is Richard Harris, 623 1/2 Lulu Avenue, Wichita. I'm a retired computer expert and instructor, and I have worked with a lot of sensitive data all the way up to the Defense Department, and I have also worked with some sensitive data that's under the jurisdiction of the Sedgwick County government. I have had some, I'm coming completely unprepared. I turned on my TV just for a lunch break item and saw that you guys were talking about this and heard some questions raised by you, Mr. Chairman, and by others that I think suggested a lack of knowledge of the state-of-the-art of computer security and I wanted to clarify some things for you. Just quickly on my background, I have a degree in Business Computers Communications and I have a state teaching certificate in the education of computers. I taught a number of years for Wichita Area

*Vo-Tech and Technical College. I've been a computer analyst, technician, manager, consultant, instructor and consultant.*

*"The notion that you had raised, Mr. Chairman, that it would require some sort of a vast conspiracy to undermine the security system of a sensitive system, such as a voting system, is simply fully debunked by decades of experience that the Federal Government, including the Defense Department, the National Security Agency (NSA), the Central Intelligence Agency (CIA), and a number of other sensitive organizations have had. They have had numerous situations in which they have been hacked by individuals. They have been hacked by individuals acting alone. They have been hacked by individuals acting from far outside their system, acting alone. They have been hacked by teenagers."*

*"I, myself, have had, let's say, unintended access to things, just out of idle curiosity, because somebody left a door open. And I can tell you that the notion that a government is going to be skilled at the art of maintaining computer security has been thoroughly debunked by history and is thoroughly debunked by developments as recently as within the last five years."*

*"The problem exists in the in two facts. One is the accelerating and highly competitive nature of the computer industry in which every company is trying to beat out the other company with relatively low barriers to entry to competition, because all you have to have is a computer, some code and some imagination, and you can whip up a pretty fantastic project. So somebody else has to have the same equipment and work just as hard as you and just as fast as you, and the commercial nature of the American economy and the free market economy where quarter to quarter is more important at the long-term outcomes. The fact of the matter is, an awful lot of recklessness goes into the production of computer products. And computer products have never been particularly secure, but as time has gone on, they've gotten less and less so due to competitor pressures. As a result nowadays, for instance, almost all of us, in one way or another, are depended upon either Google, Android, Microsoft Windows or an Apple Operating System, which has been developed in haste in an attempt to get on the market before the competitor stole the market from them such as the latest feature such as a cute little game or some pretty little icon."*

*"Sufficiently trivial superficial considerations trump security, quality, stability and reliability in these systems. And so you see, for instance, with Microsoft, about every third operating system they turn out is a disaster, and they have to go back and do it over. If you want to know how bad a disaster it is. Try to operate your computer without doing updates on a daily basis. These are daily updates, multiple updates, many of which are security patches that Microsoft tells you are important, and in some cases urgent. That's on a daily basis. Microsoft windows is now a giant piece of Swiss cheese. It has so many features, so many bells and whistles, so many activities going on in it that it can be hacked from about a zillion different points. All that's necessary is to get in through one. What Microsoft windows is not an exception, and in fact, this is an illusion that we've created for ourselves in this country. That somehow our computer systems, because they're created by clever people, are going to be secure. They are not. They are getting less secure with the passage of time. No corporation in America has the resources of security of the U.S. federal government, and the U.S. Federal government can't keep their systems secure. I think I'll let you dwell on that. Thank you."*

*Chairman Howell said, "Thank you, Mr. Harris. I do want to respond. Have a seat. That is fine. Oh I am sorry. Commissioner Peterjohn has a question for you, sir. I'm sorry. Go ahead."*

*Commissioner Peterjohn said, "I didn't catch your address."*

*Mr. Harris said, "623 1/2 Lulu."*

*Commissioner Peterjohn said, "Thank you. You mentioned the major operating systems software. Have you worked with any of the hardware, software or firmware with ES&S, Everyone Counts or Heart Intercivic at all?"*

*Mr. Harris said, "I've worked with none of that, but I've worked with so many different custom systems for government security. I can tell you I have a sense of industry as a whole."*

*Commissioner Peterjohn said, "Have you been an election worker by any chance?"*

*Mr. Harris said, "Yes."*

*Commissioner Peterjohn said, "Could you go into how much?"*

*Mr. Harris said, "I was a poll watcher briefly. I was also a Civil Rights Commissioner for the City of Wichita and was involved in some election issues. I also served on a great many City Boards and Councils. I might add from that perspective, one of the things I've learned, with all due respect, gentlemen, is that and my experience as an instructor, teaching hundreds of Wichita area business and government people, is that the people who have the least grasp of computer complexities and issues, are those who are involved as public officials or as attorneys, and those are the people who are largely making these decisions."*

*Commissioner Peterjohn said, "So you said you were a poll watcher for the Election Commission office?"*

*Mr. Harris said, "Yes."*

*Commissioner Peterjohn said, "Okay. Thank you."*

*Mr. Harris said, "Thank you."*

*Chairman Howell said, "I'd like to go ahead and respond to that. My background is work in the engineer world on aircraft. We have certified instruments and systems. I don't they don't have access to the outside world. There is no Ethernet connection to the airplane, that allows someone to hack into the airplane and change how it operates. I'll liken that to this. Again, I would like to ask the gentlemen from ES&S if he wants to confirm this, once this equipment has been audited and tested. It is not connected in any way to someone to be able to hack it. So we verified its accuracy and operation, and then it's not connected. Someone mentioned teenagers hack into these systems. There is no way to do that. There is not a wire or a wireless connection that does that. Is that correct?"*

*Mr. Jublonski said, "That is correct. This is proprietary software. It is not internet based. No one could hook into all of the equipment at one time and spread a virus or anything like that. Each machine is a stand-alone computer at that time in each precinct. Each one of those pieces of equipment are tested before each election. So, there is no virus, there's no way for someone from the outside world to get into each particular unit, each voting machine. And as they are deployed, again, they are tested."*

*"So there are many, many people that ask these questions all the time, and this is*



*exactly what the federal Government, certification boards and state certification boards ask these very same questions. There are teams of people that try to do this, try to do something to the equipment that they could influence the outcome. It is very stringent test. It is very difficult. Sometimes it can take a year to pass these tests, so I can appreciate the comments that I just heard. I agree with that in some areas of today's society, but in this particular equipment they're stand-alone units."*

*Chairman Howell said, "Can you please confirm for me once again. These machines have been and continue to be audited before elections? Tested before elections and audited in their actual operation after the elections? In other words, actual results. Those audits have happened and they passed that audit scrutiny. Is that correct?"*

*Mr. Jublonski said, "That is true. Each jurisdiction, and you do a wonderful job here before every election, each piece of equipment is tested and then there is a sample election put through that equipment, and both machine count and hand count need to match, and once they do, we feel like we have very good safeguards in place. It is again zeroed at that point, and then the equipment is sealed until the poll is opened on election day. There is no way to tamper in between the time of the start of that testing, the accuracy of that test, the zeroing of equipment, and prior to opening of the polls. That equipment is locked up and sealed.*

*Chairman Howell said, "But even after the election has been done, there have been audits done to verify, once again, that the ballots match the results of the machine's tally?"*

*Mr. Jublonski said, "This happens all the time across the United States. Yes."*

*Chairman Howell said, "So again, we have no data to cause us to have concern necessarily. We have confidence this equipment is doing exactly what it's supposed to do."*

*Mr. Jublonski said, "Yeah, and I would tell you this has been tested so many times, so many jurisdictions so often. You hear about recounts all the time. I'm not sure you could find recently a recount that has flipped, has changed anything material to that. I think you would find comfort and satisfaction if you did research on that."*

*Chairman Howell said, "Alright. Well, thank you for your explanations. Is there anybody else from the audience that wants to speak to this agenda item? Sir, you've already said what you needed to say. Commissioner Ranzau."*

*Commissioner Ranzau said, "Yeah. I just want to clarify with Ms. Clarkson. I want to make sure what your assertion is so that when I go think about this. You're saying there is an anomaly that exists between paper versus electronic."*

*Ms. Clarkson said, "Yes."*

*Commissioner Ranzau said, "It happens all over the country. Sometimes it's Democrat, sometimes it's Republican biased. Is it only in urban areas?"*

*Chairman Howell said, "Please come to the podium for your answers."*

*Ms. Clarkson said, "You asked if it's only in urban areas?"*

*Commissioner Ranzau said, "Cities, large cities."*

*Ms. Clarkson said, "I do know what the data shows is that the larger the voting unit.*

*The number of people who come together in a group as a precinct or a ward, how those are counted together, the larger that is with electronic machinery, the more likely you are to see this anomaly occur."*

*Commissioner Ranzau said, "Well I asked that question just so I can understand, because you have a graph here that compares Wichita with surrounding areas. The surrounding areas appear to have the line that you would expect."*

*Ms. Clarkson said, "Yes."*

*Commissioner Ranzau said, "Even on electronic machines?"*

*Ms. Clarkson said, "Yes."*

*Commissioner Ranzau said, "Okay. Anyway you have this anomaly that could be explained by tampering or fraud."*

*Ms. Clarkson said, "Yes. It's what we would expect to see if tampering were occurring."*

*Commissioner Ranzau said, "But it could have a number of other ones?"*

*Ms. Clarkson said, "I cannot think of another reason that that would occur, but I cannot eliminate that possibility."*

*Commissioner Ranzau said, "That's what you said in here."*

*Ms. Clarkson said, "Yes."*

*Commissioner Ranzau said, "But the only way to eliminate the possibility of fraud then would be to count the ballots or have some auditing processes."*

*Ms. Clarkson said, "Yes."*

*Commissioner Ranzau said, "So if..."*

*Ms. Clarkson said, "Actually that doesn't eliminate fraud, but it would allow you to determine that fraud has occurred. You can never prove a negative, so you can't prove that that didn't happen, but you can prove that it did happen with auditing procedures. If you can review the software which is proprietary, and we're not allowed to see."*

*Commissioner Ranzau said, "But if we had auditing procedures that were in place, that you would like, this issue would or would not..."*

*Ms. Clarkson said, "We would determine whether or not the anomaly was due to a problem with the machines and a miscount or whether the anomaly was due to some other thing that is not associated with the machines and a miscount. That's assuming we had an accurate paper trail, which the new machinery would provide."*

*Commissioner Ranzau said, "If we have those conditions in place, would you be here telling us not to adopt one of these then?"*

*Ms. Clarkson said, "I think that the ES&S system that is being proposed is much, much, much superior to what we have now."*

*Commissioner Ranzau said, "But it's the lack of auditing that really still leaves the door open?"*

*Ms. Clarkson said, "The lack of auditing leaves the door open and uncertainty. And without that we are not going to be able to know that our results are accurate."*

*Commissioner Ranzau said, "Got it. Thank you."*

*Chairman Howell said, "Even having said that, you said you could never prove it didn't happen. So even if we did the audit, you're not necessarily satisfied?"*

*Ms. Clarkson said, "Well, our current machines have other issues. There are certain types of fraud that could occur that would not be detectable. That would not be the case with the full paper trail system that we've got now if we had an audit."*

*Chairman Howell said, "Alright. Is there anybody else from the audience that wants to speak to the agenda item? Alright, we'll bring it back to the bench here. Commissioners, any other comments or questions? Did we have a motion or second yet? Okay. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "I would be interested in the Election Commissioner who is here, if she would like to make any comments in light of our previous discussion. Comments and questions that both the public and everyone who has participated up to this point. Thank you Mr. Chairman."*

*Ms. Tabitha Lehman, Election Commissioner greeted the Commissioners and said, "I had some questions from individuals, and I believe from some of you, on why we selected this particular vendor versus others. So I have some bullet points. I did want to clarify a couple of things that I heard you asked that I thought, or statements that were made, I thought might need clarified."*

*"One is Chairman Howell, you made a statement about when a ballot is read through the tabulator you can see the totals go up. I would like to clarify and state very clearly, it is only the total ballots counted, not the votes because that's illegal for us to release until after 7:00 P.M. on election day. Just want to state that."*

*Chairman Howell said, "Thanks for the clarification. That's what I meant."*

*Ms. Lehman said, "I know that's what you meant. I wanted to make sure it was clarified. The other one was, I believe, Commissioner Peterjohn, you had a question about how we could keep, I think you were referencing when we take an image of the ballots, how we would keep that private. Those images are actually randomized. When we pull a report, it will have everything read through the machine but it's randomized, so, they are not in any particular order, and this is how that is kept private and that's industry wide, not specific to ES&S, any of these vendors that have a similar product."*

*"With those things kind of being clarified. Just wanted to kind of, wanted to talk through, you know, I was asked specifically after getting it down to the last two why we made the selection we did. I first want to clarify, I don't want to stand up here and bash any of these companies. I think people work very hard and that is not my purpose in doing this, but I do feel that I should explain to you why we have made the choice or recommendation that we have. So my desire being here is certainly not to*

*make anybody look bad, or make their systems look bad. It is just what we are looking at what works for Sedgwick County.*

*"The first thing that we noticed with some of this is programming on our side, some of this voter on the other side. With the Henry Adkins unit, since it's been their nine programming modules that we would be working in, and that's very cumbersome and a step back from what we are used to using now. That was a concern to us. There are very limited font types and sizes that we can use, which would then mean we don't have control over even some of our ballot questions that are submitted to us. I have concerns over being able to actually make them look like the city submitted it to us. A pretty big one, actually a very big one, was the ballot style codes for Unison are only numeric. In Sedgwick County, we do our ballot styles as our precinct numbers, which makes it much easier to do correlation between results and precincts. In this case we wouldn't be able to use precinct name as ballot styles, because we could not use alpha numeric numbers. It was a big stumbling block for us.*

*"Then we did have some very real concerns ADA (American with Disabilities Act of 1990) issues. There is no braille on the Unison System anywhere. The instructions are pretty cumbersome, and that was feedback we received from the ADA community. With the Unison System, there is no way for a visually impaired person to confirm that that printed ballot is what they said. ES&S was the only vendor who responded to us. That had a way with someone with a visual impairment.*

*"What we are doing, sorry, I am going to digress a little bit. We are moving away from having DRE's, which is a direct recording device, what we have now, to a system where we are using electronic ballot marking device. Kind of been established, but just clarifying, print out a paper ballot, the voter can verify, taken to a separate tabulator. If you have someone with a visual impairment, if they have headphones on, it reads it to them they can select their ballot, and then it prints it. How do they know that it printed what they selected? ES&S was the only vendor to allow them at that machine or any other machine at the poll site, stick that ballot back in, it pulls it back up and reads it back to them verbally. So, that they can confirm that it printed what they selected. Then it can be taken over to the tabulator for tabulation. That was a big deal for me, since my nephew is blind, and that matters to me. It matters, anyway, but I actually have discussed this issue with him and what he wants in his machines. He does not live in Kansas, so, I don't, anyway, that's totally not on subject.*

*"We had some concerns about power. With our current system, we can plug power cords into each other on the machine so that we can use power strip in one outlet versus having to have an outlet for every machine. These machines, you can't do that, and some of the machines require two outlets per one machine. We were very much concerned about that with having enough outlets at our polling locations with the number of machines we would need to have. They're also, in the Unison System, no internal battery, which means if the power goes down we're just down. So having to have a backup power supply at every single polling location was cumbersome. Universal power supplies only have a shelf life of so long, we would constantly having to replace batteries. You know, it just became a logistical nightmare.*

*"At the time of the response to the RFP (Request for Proposal) per units. Unison would only provide us with results in a PDF. The way we have our results on our website now would go away. We would just be posting a PDF document of results, and I thought that was a significant step backwards. They are developing a solution, but it would be an additional cost and purchase of additional software, is my understanding.*

*"Getting to scanning our ballots that come through by mail, we have a significant*

*number of people who vote by mail and on paper ballot. The solutions from everybody except for ES&S, were desk top scanners to buy anywhere, and they did not have the throughput and the speed that we were looking for. There was also an issue with each of the vendors, not just Unison, but that use a desk top scanner. It is scanning them and transmitting that to a computer, and that was some concern to me, but we'll leave that one out for the moment.*

*"It's scanning it, but the software has to catch up to it. So by the time it stops, you have to count down and pull the ballot that had a problem and didn't scan in. And that's, in my opinion, very real room for error for the wrong ballot to be pulled, tabulated twice or something, you know, we don't want to have that. The ES&S actually sorts it into separate bins. What's been counted and what wasn't counted and it doesn't rely on us to do that, and having to have the desk top scanners would actually mean we have to buy more of them, have to have more staff to operate them, that sort of thing.*

*"One of the major issues was just the, talking about small company versus a larger company, this combined feed between the four counties is over 800,000 registered voters. Looking at the support available to us for implementation and throughout the life of the equipment. That was a big thing.*

*"We also had put in our request for tiered pricing, and of the two finalists, ES&S was the only one that offered us an actual tiered pricing. So, what that means what you are being presented with right now is full price but we already know because Shawnee County has already purchased this, that when we purchase, we will be in the next tier pricing, so we'll actually be less than what you are actually voting on here, but because it is how the RFP process works. That's how it's presented here, it's my understanding from Purchasing.*

*"But we already know we are going to have more cost savings than are even presented here because we have the tiered system, but then if any other county in the state decides to purchase off of this contract, we will continue to see cost savings. We will continue to get rebates from the vendor as we get pushed into the next tier. That was a big deal. One of the entire, you know, one of the major reasons combining our buying power with the four counties.*

*"And then the other thing is you, Commissioner Howell, you brought up touchscreens, and one of the things I just want to mention is because we are continuing to see that being an issue. Even for this year, we have purchased and are installing on every touch screen an actual stylus. And voters are going to be instructed to use the stylus to vote on the voting machines instead of fingers. Election workers are going to be instructed to use the stylus to cut down on recalibrating the screen. If your handshaking like mine, because I am nervous, or a long fingernail and you punch it wrong. If you use the stylus to do that then we cut down on those issues, but those stylus will then also be transferred and used on the new equipment as well. We're just trying to cut down on those issues that we might have, so those were our main reasons for ending up at the decision that we did. I think I touched on all of them."*

*Chairman Howell said, "Could we talk about the public response. How they graded this equipment with the points?"*

*Ms Lehman said, "That was another thing I want to clarify. I think when you and Miss Clarkson were talking about it, you were actually talking about two different things. Ms. Clarkson was discussing how we rated our fee responses and you were discussing the public demonstration. You were talking about, you were both right, but*

*you were both just talking about two different things.*

*"In our public demonstration, we gave out a questionnaire. We asked people to rate one through five, one being, or I think zero to five actually is what we did. Five being excellent. We asked them to rate ease of use, accuracy, accessibility, vendor presentation, and then overall impression of the equipment. So because we had 130 attendees of the demonstration, but only 94 left us feedback, we had a possible total score of 2,350. Of that ES&S received 2,035 and Henry Adkins received 1,323. So, there was a definitive recommendation from the public. There was some very definitive opinions from the ADA community, some of that is reflected in what I stated before.*

*"We did receive some actually incredibly valuable feedback from the ADA community. One of their complaints with any of the systems was that when they went to the separate tabulator and ran their ballot through, it gave them no audible signal that that ballot had been counted. We have addressed that with ES&S, and they are actually writing into our contract an agreement to have that in place. They're going to do their best to have it in place by the 2018 elections, so that when someone with an ADA ballot can actually hear feedback. It sounds pretty on the screen, thank you for voting for a visual voter. Somebody with a visual impairment cannot see that, so that was very valuable feedback from the public. And that will not just benefit our voters, it will benefit anybody from this point forward who buys this system that will be in place. So that was a very, very helpful from that demonstration."*

*Chairman Howell said, "Commissioners, any other comments or questions for the Election Commissioner? Thank you for your explanation. Any other comments or questions from Commissioners on any part of this RFP?"*

*"I do want to just give a couple more comments, and that is, I 'm the newest Commissioner here on the County Commission. And Commissioner Lehman, you can correct me if I am wrong, between 30, 40 percent of the election now is done by mail ballot. There are mailed ballots that have already been mailed out for the current election, I believe that probably happened yesterday, I assume."*

*Ms. Lehman said, "Ballots went out today for the primary election. We actually have low amounts of those that went out today, compared to what we've seen in last primaries. We only sent out around 5,700 today, but yes we have a large amount of people who vote by mail. Part of that is because in the general elections, our office proactively sends out a completed advanced application to every registered voter. All they have to do is sign it and put their I.D. on it and send it back to us. And we actively push that."*

*Chairman Howell said, "On the mail ballots. On the paper ballots, I have some questions for you. How much do they cost to print?"*

*Ms. Lehman said, "In-county it costs around 33 cents a ballot to print."*

*Chairman Howell said, "Per sheet of paper."*

*Ms. Lehman said, "Per ballot, yes."*

*Chairman Howell said, "How many ballot styles do we have approximately?"*

*Ms. Lehman said, "For the primary we will have 630, approximately."*

*Chairman Howell said, "So, 630 different ballots. Which means depending where you*

*go, you get a different ballot."*

*Ms. Lehman said, "Where you live."*

*Chairman Howell said, "Okay. Again, we don't know how many registered voters we have, but in relevant to that number. How many do you have to print to be ready for the election?"*

*Ms. Lehman said, "For the primary, because we don't expect a high turnout. We will be printing somewhere between 80,000 paper ballots."*

*Chairman Howell said, "I'm sorry, percentage wise."*

*Ms. Lehman said, "We don't do it based on percentage. What we do, we look at the races, we look at hotspots where we think we're going to have higher turnout. We print more ballots. We sit down and we go through candidates. We go through, you know, in this case we have the court injunction that may lead to more provisional ballots. We've gone through and targeted those areas. Printed more paper ballots. Provide more supplies. So, I don't do it based on percentage. I am actively looking at many components to decide how many ballots to provide."*

*Chairman Howell said, "So, logistically, you have to print more. You have to store more. You have to transport more to the right locations. Then after the election, the ones not used after need to be shredded. I understand."*

*Ms. Lehman said, "Correct. The blank ballots. Very clearly on the record. No voted ballots."*

*Chairman Howell said, "Did you say there were some large jurisdictions that did paper only ballot a while back?"*

*Ms. Lehman said, "The State of California is paper only, except for ADA, at least the County of L.A. (Los Angeles). And they've been in the news a lot. It took them 30 days to get their vote totals even with machines counting those ballots."*

*Chairman Howell said, "Okay. And we typically like to see results on the 10:00 news."*

*Ms. Lehman said, "If I don't have results by 10:00 news, people actually yell at me."*

*Chairman Howell said, "Alright. That's all my questions for you. Right at the moment."*

*Ms. Lehman said, "Lots of them."*

*Chairman Howell said, "If you want to make other comments, I agree, we want to have confidence in our elections, and I think this entire discussion about this data. It casts doubt on the process, I think that's unfortunate, because we have a very good system. We'll never be exonerated, because you can never prove, as Ms. Clarkson said, you can never prove the negative. So we are always going to be left with some, you know, some doubt whether everything is working as it should. That's unfortunate, because I think we have a good system."*

*"We have bi-partisan staff. We have an open and transparent process that the public can witness. Anybody who wants to work the polls, we encourage them to work the polls, to see it firsthand, exactly how this is done. There is a lot of security built into our system. We have to know exactly where everything is at all times, we've got cross checks in place. We would love to do the audit, unfortunately, we are not*

*allowed to by state law. We would love to see that changed. I am not a fan of commercial off the shelf equipment versus the proprietary equipment, because I think it leaves us vulnerable in terms of we have to constantly be changing what we use, because the vendors that sell commercial off the shelf equipment don't have a guarantee they are going to continue to carry that product. We'll need to have long-term equipment in place, with this contract for I believe we saw ten years is our plan and at least ten years from now, we'll have consistent equipment we can depend on.*

*"Nothing lasts forever, but at least we have a ten-year window, whereas if you used off the shelf equipment, you aren't guaranteed anything. It could change next year, and so you are always constantly trying to catch up with the changing technology of vendors who sell commercial off the shelf equipment, which is why, in the airplane world where I come from, I don't want to use cots. Cots is vulnerability, and I want my processes to be stable. So I like to use more expensive, potentially, but more dedicated, and equipment that we know is going to be around for a very long time.*

*"We build an airplane, and you select a piece of equipment, and you want to know it will be there as long as that airplane will be in service. Okay. Sometimes we buy stuff that needs to be in service for fifty years. And that technology might change, but we have to know that equipment is going to be available as long as I have that airplane. That's the same thing here, I want to know this equipment will be here and stable for a very long time, and, so commercial off-the-shelf equipment, in my opinion, is a bad choice, as the Atkins equipment uses some of that.*

*"I understand all our RFP was for four counties, in fact, I believe, as I have talked to some people, election office, that this RFP has been now been held as a standard on how to do this. I mean, we actually, Mr. Thomas, do you want to speak to that, about the standard? Our RFP is done very, very well. A lot of work went into that."*

*Mr. Thomas said, "Yes, it did. I went to commend not only Tabitha Lehman and her office, but also Kim Evans, who was our buyer who worked on the RFP. I believe they have sent this to the [U. S. Election Assistance [Commission] [EAC] for review, and the reviews came back that it was one of the best they had seen in the nation. Is that the comment they made? Something very similar to that, so we are very proud of that. Very proud of the work that was done by all those involved."*

*Chairman Howell said, "So as our cities and counties begin to think about buying equipment, they might be given that language as a template to follow, so to speak?"*

*Mr. Thomas said, "Yes, Sir."*

*Chairman Howell said, "And how long have we been working on replacing this equipment? Been in discussion for a long time."*

*Ms. Lehman said, "This is why I didn't go very far. We have, you know, I started raising my concerns about our current fleet after 2012, and just realizing we were getting to end of life, asked the county to begin setting aside funds for that. Started looking at the options that were available, so we have really been working on this since really the end of 2012, sometime in 2013."*

*Chairman Howell said, "So, this is about a six-year process to go from the initial discussions to actually having the stuff in the field being utilized, about a six-year?"*

*Ms. Lehman said, "Four. We are rolling it out next year, not in '18. Our choice to roll this out in '17 was based on when you are rolling out county wide, brand new stuff to*



*all the election workers. All the voters at the same time. We would much rather find our hiccups and bumps in a small turnout election than in a large one."*

*Chairman Howell said, "Sure. It's always been the intent to use something to replace the electronic equipment. We never really seriously thought about using paper only, have we?"*

*Ms. Lehman said, "No, no, quite frankly it's just not something, with the size of our jurisdiction, that I could imagine us doing. I would mention that, oh, I had this great thought and I think it ran away. I guess I won't mention it, I apologize."*

*Chairman Howell said, "Let me, and just talk about the paper ballot for just a minute. I don't know that I need you up here necessarily. But let me just talk about that, my eyes have been opened. I am the newest Commissioner on the bench here. And one of our responsibilities is to do canvassing so we get a chance to actually look at the paper ballots that are the voter intent is not clear. I hope I said that correct. All the processes can determine voter intent. There are no questions. Those ballots are tallied up, and they are not presented to Commissioners. But when voter intent is not clear, then canvassers like us, we've to go and actually inspect these ballots, and we don't know who cast these ballots. That's not the point. We are looking at the ballots.*

*"We're actually looking at some of the entire process. Of course, they come in, there is a signature on the envelope for the mail ballots, again, 30 to 40 percent of our elections are done now through the mail, being done through the mail. We have to inspect the signature to make sure that the signatures match the record of that voter, that's the first step. And then once that's been verified, the ballots are separated, a way to keep the anonymity of the voter. The ballots are separated from the envelopes. Then the ballots are inspected further as long as there are no questions. That's fine. But if there are more questions there maybe additional need for canvassers to look at those ballots at that point.*

*"Let me just say. My eyes have been opened. I am concerned about the entire process of paper ballots. Because as I look at these there has been so many discrepancies. Again, this is open to public inspection. You want to watch us canvass, come on out and see what happens. There are stacks and stacks and stacks of the paper process that we've got to subjectively vote as Commission. Some of these things got a five to zero, all five Commissioners agree this is what the voter intended. Other times its split. Four to one, two to three, three to two. All kinds of subjective opinion about what the voter intended. And that's unfortunate, because I would like to have discreet process where no person actually has to sit there and determine what the voter intended. I don't want people to be involved in that, decision making.*

*"Remember the Florida hanging chads Presidential Election, how they ended up in the courts? That's not a good system. We want a system that's discreet. That's absolutely clear what the voters are intending. We do not have that with paper because. I mean, talk about some of the things and I shared this with Ms. Clarkson when she was over at the demonstration. I showed her some. We talked about some example ballots. Do I like ice cream? Do I like birthday cake? You know, you can pick your selections. And I showed her some of the types of things I've seen on some of these canvassing things.*

*"Again, we have no way of showing real ballots. Because again those are controlled by state law. But we have examples ballots and I have some in front of me. I would be glad to show people who wants to see my example ballots. My favorite local attractions Exploration Place, Botanica, Lake Afton, Sedgwick County Park and on it*

goes. And you can pick one of the above. And I can show people on my example ballot the types of silly things we see.

*"There are stray marks. There's people that vote to the right of the questions. People who double vote. People who put check marks on one, then fill in circle on the next one. It is a hodge podge of crazy response. If people would be able to follow the directions and accurately fill out the bubbles and stuff. That might be a great process. But I'm going to calculate, I looked at two elections, and I don't know which ones these are from, but I pulled results from two elections. One is 9,282 total ballots received in this election and this is June the 9th, 2015, of those 12.7 percent were rejected."*

Ms. Lehman said, "That would be the Maize mail bond election."

Chairman Howell said, "Okay. That would be a fully mail ballot election. Let's say someone goes to the poll site and they fill out a paper ballot. No poll worker is going to look at the ballot. It's private. And someone fills it out with some of the same mistakes we see in canvassing. And they put it in N1000. It's read by a machine. There's no way to know if that person put a check mark to the right of a race.

*"Now this new equipment, I guess, it has some of those check things and stuff are built in it. So, it starts to kick those ballots out and can be inspect those ballots or have questions. But with paper ballots, there's a lot of things that I predict at the poll site where no one will even see those errors. Because the machine read it in and that's it. But the ones that come through the mail. Let me tell you, this 12.7 percent were rejected.*

*"In this election, 4,687 ballots, 376 were rejected. This the city general 2015 4/7/15. I don't know what this ballot, what this election is. But, again, of this eight percent was rejected. So, let's just say an average of ten percent were rejected that come through the mail. Yes, ma'am?"*

Ms. Lehman said, "I would like to clarify, particularly since we are fixing to have an election using this equipment that we currently have in 20 days. If you fill in too many ovals on your ballot at the polling place and read it through the machine, the machine kicks it back and says you made a mistake here. By Kansas law you can be given up to three ballots to correct that. Obviously each one previous to that is voided. But, I don't want people thinking that our current equipment is not, if they write over here, it's not going to see it. But, if they fill in to many ovals, if they make marks through the ovals, it's going to pick that up."

Chairman Howell said, "So, if they over vote, it's rejected. It will go back to the person for more information."

Ms. Lehman said, "Yes, for the voter to fix the defect."

Chairman Howell said, "If they leave a race blank, what happens then? It accepts it."

Ms. Lehman said, "Yeah, well that's what happens with everything now. You are not required, by law, to vote on every race."

Chairman Howell said, "Sure, absolutely, but I guess my point is, I've seen people where they will fill in an oval on one race and put a check mark to the right of the next race. I don't know why they do that. And legally, by looking at that ballot, we can figure out the voter intent. But, those machines are discreet machines. They don't have subjectivity that people have, and it's great if we can determine voter intent,

*that's fantastic, but I can tell you there's a lot of these ballots where we can't determine voter intent because they put a dot between two names. What do you do then? It happens.*

*"The reality is the machines are discreet machines. They are process boxes. They do exactly what they're designed to do and nothing more. And by taking human beings out of the process, in my opinion, you have a much better election. And so to use paper only would be very expensive it would be very, very complex and I think you're introducing a tremendous amount of human error into the system. The more we can do this with verified machines that we know that have been audited.*

*"And again, I would like to fix the audit options at the state level. I think we need to do that and hopefully we will get that done. To me, I would like to give people the assurance and confidence that the processes we're using are fantastic but, just because people have the option to use paper, in my opinion does not necessarily solve all the problems. I think you're introducing a whole [sic] set of problems. Again, we've seen it in canvassing. Canvassing is full of subjectivity and that's unfortunate. Trying to determine voter intent requires Commissioners to actually inspect those ballots, and actually vote.*

*"What about, we look at signatures on the envelopes? Again, I'm getting back to the mail ballot thing, but signatures they will verify the signatures match. Then they're rejected. The signatures need to match. Sometimes people will sign the wrong line. People sometimes they might sign for a member of their family and the signatures don't match. So it's unfortunate that those things happen. But it happens a lot.*

*"And so overall roughly ten percent of these two elections I'm looking at right now have that type of problem. We have name changes. We've been very gracious, I think, to accept anything that seems like we can determine to be voter intent. We've been very gracious trying to accept as many things as possible. There are something's we absolutely can't accept. But for an example if there is a name change on the envelope, we'll certainly, I think, we accept that idea. Discrepancies I've seen. Someone who's signed their name. They changed their name to a shortened version of their name. We've been very gracious to that, things like that. But unfortunately, again it requires a lot of subjectivity in that process.*

*"I think when you have a total paper system. Number one you're going to take 30 days to get through the process to tally that up. Then you have so much human error, potential human error. I don't know if I would have very much confidence in the results. And that's not a system I think I want to put my confidence behind that idea.*

*If you don't mind. I would like to go on. I would like to vote. This has been a four hour meeting at this point. I would like to just move on. I will love to talk to you afterwards. Okay. I appreciate your comments, but we've talked a lot today, and I think we're all getting really tired. Let me go to Commissioner Peterjohn, Commissioner."*

*Commissioner Peterjohn said, "Thank you, Election Commissioner Lehman, I'd like you, and this has been a long meeting and I agree with a lot of the frustrations the Chairman has expressed concerning the canvas, but it is open and available to the public. You can watch us going through the process. Have done it a number of times and it's getting more difficult as the percentage of people taking advantage of mail ballots, I think increases. But the equipment we're looking at here. The proposal before us. I believe this is in use elsewhere and you saw that in Maryland. Could you tell us about that?"*

*Ms. Lehman said, "Yes, we went and we, my Chief Deputy and I, traveled to*

*Maryland and actually observed their presidential primary, because they were rolling out the system statewide for the first time as a state. I think some of the smaller jurisdictions had used it, but this was the first time they have been used statewide. We went specifically before we made up our minds. We wanted to be able to say that we had watched this system in action. We actually did see a couple, one specific item that we have, again just like we have addressed with the audible feedback on a tabulator we found one thing that would significantly improve the process for shutting down a machines and reduce errors on the part of the election workers. Addressed that with ES&S. They're working on a fix on that too. But yes, we did go to Maryland and observe their Presidential primary."*

*Commissioner Peterjohn said, "Are you still looking for election workers?"*

*Ms. Lehman said, "We're always looking for election workers. Never not."*

*Commissioner Peterjohn said, "How many poll watchers positions do you have open?"*

*Ms. Lehman said, "I do not have poll watchers. I have election workers. Poll watchers are poll agents assigned by the candidate and parties and come observe us. I'm hiring election workers. Right now for the primary we have just a couple. We've been fully staffed, over and over again. And people keep cancelling. We had a supervising judge who had a heart attack. So, I think for the primaries we only have a couple positions, but for the general election we're still looking for a good 150 to 200 people."*

*Commissioner Peterjohn said, "150-200 election workers."*

*Ms. Lehman said, "Yep."*

*Commissioner Peterjohn said, "Okay. Thank you."*

*Chairman Howell said, "Alright. Commissioners any, Commissioner Norton."*

*Commissioner Norton said, "Well, I'm ready to vote on this today. I really appreciate Dr. Clarkson coming here and the work she's doing. I think it's going to be paramount that we have comparative data to the next couple elections. If it flattens out, it was an anomaly and we're not going to worry about it probably. If that trend continues that there's spacing and advanced graph that shows there's a differential somewhere, there needs to be more research and I agree there needs to be some audit. I'm not sure that I'm smart enough to know all that, but I am so proud that we have people in our community that are scrutinizing our elections. Because if democracy doesn't work at the ballot box, it doesn't work anywhere else."*

*"I think our staff, both Purchasing and our Election Office have done Yeoman's work trying to figure it out. I also believe that equipment is only as good as the user and the people that monitor it. And I'm going to trust that our citizens will pay attention and learn how to use the new equipment. And that our election staff will make sure they know how to use it. And that they audit themselves, and we do have citizens that volunteer, that observe and that work."*

*"So, I'm ready to move forward. I think this is a better system. A lot of work has gone into it. I'm certainly no expert on election equipment, but the idea that there will be ability to have a paper ballot that you can audit and compare, is much improved to what we have."*

*Ms. Lehman said, "I agree."*

Commissioner Norton said, "And we've wrestled with this for many years. In fact, my first year as a Commissioner, we wrestled with equipment and we're still thinking about it; trying to upgrade it, making sure our elections are accurate and sound, that we protect sensitive information. So, I'm ready to move forward on the recommendation today, but I would urge Dr. Clarkson and others to continue to do their work, monitor. I'm sad that we couldn't open up parts of the information to get that off the table. I didn't rule on that. That's not in my within my preview. It's way above my station. Somebody else made that determination. So, today I'm ready to move forward and let it go."

Chairman Howell said, "Thank you for your comments Commissioner. Any other comments? Madam Clerk do we have a motion and a second? I'd like to make a motion we would accept the Board of Bids and Contracts for clarity on the second item. Does that also make it clear that we're changing direction on the monitoring?"

Mr. Yost said, "Yes, sir."

**MOTION**

Chairman Howell moved to accept the recommendation on Board of Bids and Contracts

Commissioner Ranzau seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh	Aye
Commissioner Norton	Aye
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Chairman Howell	Aye

Mr. Thomas said, "Thank you, Commissioners."

Chairman Howell said, "Madam Clerk, next item please."

**Approved**

**CONSENT**

**Approved**

**F**      [16-442](#)

General Bill Check Register for July 6, 2016 to July 12, 2016.

Mr. Mike Scholes, County Manager, greeted the Commissioners and said, "I recommend you approve Consent Agenda FoxTrot (F)."

**MOTION**

Commissioner Ranzau moved to approve Consent Agenda Item F.  
Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Unruh           Aye  
Commissioner Norton       Aye  
Commissioner Peterjohn       Aye  
Commissioner Ranzau       Aye  
Chairman Howell               Aye  
**Approved**

## **LEGISLATIVE ISSUES**

*Chairman Howell said, "Commissioners, do we have anything for legislative issues today? Or Counselor for today?"*

*Mr. Jon VonAchen, Assistant County Counselor, greeted the Commissioners and said, "I just wanted to follow up on the discussion, the robust discussion, that we had regarding election audit. We'll revisit when it comes time to do the legislative agenda for next year. But we were in support of the Audit Bill in the House. And there was a lot of support for that Bill. It did not, I mean, got out of committee, but never got out of the House. So I think that will be something to look at for next year. One of the other things we identified in canvassing was a flaw in the mail ballot process in which individuals that who are disabled, who may require assistance, they are unable to sign the envelope, then we couldn't even get in to count their vote. So, that maybe something we want to look at, as a tag on to that process, to try and make it easier for disabled individuals who want to use that. If they might be under a Power of Attorney, allow for their Power of Attorney to bring the ballot in with copy of the Power of Attorney, showing that the person actually, you know, hey this this is their vote, and they have the authority to sign for them, even though they can't sign. The affidavit only says that that person would have assisted them, the person who is the elector actually to vote.*

*"So, that will be a couple of items. Then I would, to tag onto that, would want to remind everybody to make sure if you have questions, to contact the Election Commissioner's Office. She will answer those questions, regarding those ballots. And make sure you read the instructions, whether it be at a polling place or on the ballots, because part of the items that show up in canvassing, some voting error does show up is because people have not taken the time to actually read the instructions."*

*Chairman Howell said, "I appreciate your comments. This issue of someone who was unable to sign the envelope actually did happen. We had someone who tried to vote that way, and we couldn't verify the signature and yet seems reasonable with someone who is paralyzed, for example, would not be able to sign the envelope. So, certainly is an issue we need to address."*

*Mr. VonAchen said, "And if they were, that individual were to appear at a polling place we would be able to accommodate them. But on the mail ballots the law is a little bit different and doesn't allow us for us to have that type of accommodation."*

*Chairman Howell said, "Absolutely, and a, I believe, on the legislative bill we supported yet I think it was very popular bill. I think bi-partisans support for the idea of doing auditing, but bills that seem to have a lot of support, get a lot of things attached to them. I believe that is what happened this year. I believe were other issues in the Election Committee that got attached to the bill, that would have allowed audits. That's what potentially caused its demise. It didn't make it through because of other issues."*

*Mr. VonAchen said, "That is correct. And the version that came out of committee*

*actually did have that Sedgwick County, would be for 2016, allowed to do an audit, and then it would be statewide in 2017. So, obviously next session we would be looking at making it a statewide issue. And then, you know, having them look at the bill as proposed would have been a sample of certain precincts by the Secretary of State's office. That's one option, there are other options that we could support, or even possibly help draft.*

*Chairman Howell said, "Very good. Alright. Commissioners, anything else for legislative issues? Alright, Madam Clerk, next item please."*

## **OTHER**

*Chairman Howell said, "Commissioners, what do you have for other today? Commissioner Norton."*

*Commissioner Norton said, "I just wanted to let everybody know that we're really proud of Exploration Place. They got a \$1.25 million grant from NASA (National Aeronautics and Space Administration) to finish the Design Build Fly aviation center and that will upgrade Exploration Place to a really world class, it was one of only nine science centers in the Nation that got part of this grant money, allow them to finish up a major portion of the remodel of Exploration Place, and upgrading their mission, so very proud of them applying and then they got it."*

*Chairman Howell said, "Good job. Alright. Thank you Commissioner. Commissioner Peterjohn."*

*Commissioner Peterjohn said, "Why thank you Mr. Chairman. I would be remiss, that if I didn't point out a couple of things. This morning, according to the data we have in the Sheriff's custody, we have 1,395 prisoners. And I think that's significant, in terms of numbers we've had in the past.*

*"Also, I would be remiss if didn't point out that July 13th is an important day in American history. Particularly those who look at our first principles. On July 13, 1787, under the Articles of Confederation, which we were operating under before the Constitution was adopted. Congress enacted much vilified Articles of Confederation. The Northwest Ordinance was enacted. And the Northwest Ordinance basically set up the rules for government of a huge region, then called the Northwest Territory. It's what we call the modern states of Ohio, Indiana, Michigan, Illinois, Wisconsin and part of Minnesota. And what's significant about this ordinance was Northwest Ordinance in treatment of religion up until that time. There were a lot of state churches, and certain denominations were affiliated with certain states. That was the state church, but the Northwest Ordinance said no person shall be molested on account of his mode of worship or religious sediments in the Northwest Territories. That was a revolutionary idea at that time.*

*"Also, it played a key role in that slavery was banned in that area. Of course, that had huge implications. We know in the early days, we were talking about illuminating slavery much more broadly than occurred, and there were some close votes on it, but Northwest Ordinance moved this in a big direction. Big direction in the right way, in a number of points. So, July 13th is an important day in American history. And I just wanted to get that on the record. Thank you."*

*Chairman Howell said, "Alright, Commissioners are there anything else for other today? Alright. I believe we are at the end of the Agenda. The only thing that is left is the Executive Session, which we do not have today. And before we dismiss or adjourn. Commissioners, is there anything else you want to bring up before we*

*dismiss? See none. Mr. Manager, anything today? Alright we are at the end of the Agenda."*

### **EXECUTIVE SESSION**

### **ADJOURNMENT**

*There being no other business to come before the Board, the Meeting was adjourned at 1:10 p.m.*

BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS

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JAMES M. HOWELL, Chairman  
Fifth District



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*RICHARD RANZAU, Chair Pro Tem*  
*Fourth District*

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*DAVID M. UNRUH, Commissioner*  
*First District*

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*TIM R. NORTON, Commissioner*  
*Second District*

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*KARL PETERJOHN, Commissioner*  
*Third District*

ATTEST:

\_\_\_\_\_  
*Kelly B. Arnold, County Clerk*

APPROVED:

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