



**Board Meeting
2-8-2017**

Attending:

Inajo Davis Chappell, Chairwoman
Robert S. Frost, Member
Jeff Hastings, Member
David J. Wondolowski, Member
Pat McDonald, Director
Anthony W. Perlatti, Deputy Director
Brendan Doyle, Assistant Prosecutor

Linda D. Walker, Clerk to the Board
Anthony Alto, Clerk to the Board

The Board voted unanimously to begin the meeting at 9:37 a.m. via roll call vote:

Chairwoman Chappell: Yes
Board Member Frost: Yes
Board Member Wondolowski: Yes
Board Member Hastings: Yes

Agenda Item 1: Acknowledgement of Secretary of State Directive and Advisory

The Board voted unanimously to acknowledge the following directive and advisory:

- Advisory 2017-01: Purchasing Electronic poll books with State Funding - Reminders
- Directive 2017-01: Updated Election Official Manual and Related Directive

Agenda Item 2: Approval of Board meeting minutes from the January 24, 2017 Board Meeting

The Board voted unanimously to approve the board meeting minutes from the January 24, 2017 Board Meeting as amended.

Agenda Item 4: Certification of Candidates for the May 2, 2017 Primary Election

The Board voted unanimously to certify the candidates for the May 2, 2017 Primary Election.

Agenda Item 5: Certification of Issues for the May 2, 2017 Primary Election

The Board voted unanimously to certify the issues for the May 2, 2017 Primary Election.

Agenda Item 6: Certification of Candidates to the November 7, 2017 General Election in lieu of the May 2, 2017 Primary Election

The Board voted unanimously to certify the candidates to the November 7, 2017 General Election in lieu of the May 2, 2017 Primary Election.

Agenda Item 7: Acknowledgement of Resignations, Appointments, Intent to Retire and Death in Office

The Board voted unanimously to acknowledge the resignations, appointments, intent to retire, and death in office as reflected in the agenda.

Agenda Item 8: Acknowledgement of Withdrawal of Candidates and Issues from the May 2, 2017 Primary Election

The Board voted unanimously to acknowledge the withdrawal of candidates and issues from the May 2, 2017 Primary Election as reflected in the agenda, including Kevin Reilly.

Agenda Item 9: Approval of Vouchers

Business Administration Manager, Sean Webster, stated that in line seven (7) Latino Media Network gave the board a discounted media package.

Board Member Hastings recused himself from voting on his expense reimbursement.

The Board voted unanimously to approve the vouchers except the voucher for Board Member Hastings.

Board Members Chappell, Frost, and Wondolowski voted to approve the voucher for Board Member Hastings.

Agenda Item 3: Selection of Electronic Poll Book Vendor and Approval of Memorandum of Understanding

Chairwoman Chappell stated that the Board has received correspondence from KNOWiNK concerning some issues. The letter is dated February 6, 2017. Staff has prepared a response to the correspondence.

Director McDonald stated that maintenance payments pertain to the software, not the hardware in response to a question as by Chairwoman Chappell.

IT Manager Robin Roy stated the issue was the iPad 2 vs. iPad Air. The iPad mini 2 is the most sold iPad in the market. Staff uses Microsoft Windows 7. The most current version is Microsoft Windows 10. However, the most stable version is the Microsoft Windows 7. Likewise, the iPad mini 2 is the most stable system. The differences between the iPad mini 2 and iPad mini 4 are a better camera, better graphics, and use of a fingerprint scanner. None of these features would be utilized during an election. Also, Apple is not discontinuing any older systems. Staff does not believe the technology will pose a problem.

Board Member Wondolowski asked what the life expectancy is of the iPad mini 2. Roy stated it is about eight (8) years, and that the stands could also accommodate a larger iPad.

Chairwoman Chappell asked if the Board would be receiving a discount since the technology is already two (2) generations old.

Business Administration Manager Sean Webster stated that essentially the Board is receiving a discount. Tenex is selling the Board the iPad mini at market rate. KNOWiNK's product would be more expensive because the cost of the iPad Air is more expensive.

Director McDonald stated that regardless of which vendor was chosen neither was offering the latest generation technology.

Election and Compliance Administrator Shantiel Soeder stated that she will address the items in the letter from KNOWiNK. The first issue she spoke about is the ballot stub scanning issue and whether that was certified for use for elections in Ohio. She asked KNOWiNK whether their latest version was certified in Ohio. KNOWiNK stated the latest version was being used in Madison County and possibly Allen County. While attempting to verify this information, staff did not receive any information regarding ballot stub scanning certification. Staff concluded that the ballot stub scanning component was not certified.

Board Member Frost stated that the memorandum response states that staff was working with KNOWiNK on a different scanning component. Soeder stated that KNOWiNK was asked about the ability to scan ballot codes. By the time of the pilot project in May of 2016, KNOWiNK only provided a working model which did not have all the features that staff was looking for.

Soeder stated the next issue was the dashboard used to monitor election activities. Staff found that Tenex's capabilities were superior to KNOWiNK's. KNOWiNK was willing to upgrade its dashboard but it would only be brought up to the same level as Tenex's. Chairwoman Chappell asked what other jurisdictions use Tenex's dashboard other than Palm Beach. Soeder stated the dashboard is used in every jurisdiction.

Soeder presented the next item, the absentee and supplemental updates. Staff wants to be able to see which polling locations have their absentee data updated. KNOWiNK's product requires an upload of every device, while Tenex's product requires just an upload of one device at each location. Board Member Frost asked Soeder to combine items three (3) and nine (9).

Item nine (9) concerns registration updates. In order to update information with KNOWiNK's product, staff would have to rewrite the entire registration file and manually upload it. To utilize this for Tenex's product, staff would need only manipulate the data, not rewrite the entire file. Tenex's system is more facile. Board Member Frost stated that KNOWiNK's response does not grasp the issue. KNOWiNK is conflating the registration and absentee updates, but they are separate issues.

Soeder stated that for the data selection and initial upload there is misunderstanding on KNOWiNK's side of understanding Tenex's capability. With Tenex, staff can remotely begin the download for the devices, while KNOWiNK's products required each device to be manually uploaded.

The next item is that there was an observation that the KNOWiNK stand was too high to use by some poll workers. This was observed during the mock election. Tenex's product sits lower to the table and flips between the voter and poll worker. The KNOWiNK stand swivels 360 degrees, but the charging cord causes the stand to be limited to only a 180 degree rotation.

The next issue is related to connectivity. Staff has always maintained that they want to connect to central command. Essentially both products fulfill this request.

The next item is in regard to the automatic search parameters. Staff was unaware of the ability to change the automatic search parameters. Tenex's product matches on driver's license number first, while KNOWiNK's matches name and date of birth which could produce multiple matches.

Chairwoman Chappell stated that her driver's license would not scan properly for Tenex's product during the mock election. She stated she had a conversation with Tenex and they assured her that it was just an anomaly.

Soeder stated that the issue is due to a defect with the salmon colored driver's license in Ohio. These driver's licenses will be out of circulation by 2018. Chairwoman Chappell asked if there was an issue during the pilot project. Soeder stated there were a couple instances where it did not read the bar code.

Board Member Hastings asked what the process is if the bar code does not work. Soeder stated they can look up voters using their last name, last four digits of their social security number, and date of birth.

Soeder talked about the administrative functions. There are different functionalities available in the original ID and password. There are two (2) different types of usernames and passwords with Tenex. This would allow only the poll workers at the voter assistance table to access the provisional ballot functions. With KNOWiNK a basic user would be able to access it as well. Staff would prefer that only those authorized at the voter assistance table have access to the provisional ballot functions. KNOWiNK may have a similar functionality, but it was not provided to staff.

The next item is the payroll module. At the mock election KNOWiNK's product could not import the poll worker political party. However, Tenex demonstrated this ability.

During the presentation, staff compared the customer to staff ratio between the two vendors. KNOWiNK stated that if sales staff is included, they have a much better ratio than what was presented. Chairwoman Chappell asked what support we would receive and stated she is not concerned with the amount of sales staff KNOWiNK has. Soeder stated that with either vendor they would support us until staff is ready to perform all functions on their own. Director McDonald stated that it is difficult to put any concrete numbers together, rather it matters more the credibility of the company.

Board Member Wondolowski asked if staff felt comfortable with the support of either vendor. Soeder stated they do.

Soeder stated the next issue is customer retention. KNOWiNK questioned why staff would raise questions in Wayne County, Florida, but not in Hamilton County, Ohio. Wayne County's technology was no longer compatible with KNOWiNK and so they decided to part ways. Staff has had extensive conversations with Hamilton County about Tenex's product and feels that the issues have been resolved.

Board Member Hastings asked if the Board could face the same issues with technology incompatibility like in the case of Wayne County, Florida. Soeder stated that will be addressed in the contract. Deputy Director Perlatti stated that staff has spoken to Tenex about this, and Tenex said they will work with staff to ensure all technology is compatible.

Board Member Wondolowski asked if the Wayne County issue was an oversight by the County. Soeder stated it could have been. Board Member Wondolowski stated that the lesson learned is that if we are going to change technology, make sure it is compatible with Tenex. Chairwoman Chappell asked if the technology is no longer supported, whether there will have to be an upgrade. Soeder stated the current software that Election Support & Services uses is compatible with any operating system.

Soeder stated the Board is getting the market value for each product. The market value of Tenex's product is lower than KNOWiNK's.

Soeder stated the site visit to KNOWiNK included one of the election jurisdictions, however, their trip was delayed for several hours and had to shorten their agenda.

Webster stated that staff did not want to know which company was more financially stable, only that the companies are financially stable. Even though in 2016 KNOWiNK did very well, if Tenex closes out their two prospective contracts, they will be just as profitable.

Chairwoman Chappell asked legal counsel Doyle to include language in the contract that addresses insolvency.

Ravi Kallam, President of Tenex, thanked the Board for the opportunity to do business. He stated it was one of the most intense evaluations they have participated in. It was very open minded, and thoroughly done. He acknowledged the leadership of Pat and Tony and the participation of Shantiel, Sean,, and Robin.

Board Member Hastings asked what type of support Tenex would provide.

Kallam stated they would provide onsite support for at least a few elections. The support starts about 30 days prior. They will make sure that staff understands and feels comfortable with the data. Support will be ongoing throughout the election.

Board Member Hastings asked how clients can avoid any problems with the operating system. Kallam stated the operating system automatically updates. At some point the hardware will be frozen, but that means they will build their system to the operating system. Board Member Hastings then asked if the Board's choice of a new voter registration system could be limited by Tenex's compatibility. Kallam stated the issue in Wayne County was that the new voter registration system refused to cooperate with KNOWiNK.

Chairwoman Chappell asked if there would be any unusual software costs. Kallam stated the agreement would include any upgrades and licenses.

Board Member Wondolowski asked if there were any updates that would interfere with Tenex's programming. Kallam stated yes, but they keep up with Apple's upgrade path and they are part of Apple's developer group.

Legal counsel Doyle stated that he will be working with the other attorneys to ensure that the terms that the Board has requested are in the contract.

Board Member Wondolowski asked if any financial instability issues would be covered by a performance bond in the contract. Doyle stated they would.

Chairwoman Chappell commended and thanked staff for their hard work on this project.

Public Testimony

Ray Rosenberger

Mr. Rosenberger urged the Board to "say no to electronic poll books." The United States has become dependent on communist countries like China to conduct its elections. Many electronic devices come from China. Once the board votes to utilize these poll books they will have handed over one more aspect of American life to another country. During the last election all the equipment came from the same country that hacked them. Mr. Rosenberger ended with a quote attributed to Nikita Khrushchev. Mr.

Rosenberger also stated he lost his hearing at the warehouse.

Adele Eisner

Ms. Eisner stated the citizens have not had the opportunity to comment. There have been a lot of voter suppression techniques like cutting down on early voting. Voter information can be transferred electronically and it is very dangerous. Parties can learn who voted and where. Now there is a complete ability for anybody to see the dashboard to control getting out the vote. It is a shame. The whole process has been skewed from the beginning. There were instances where Tenex misled the Board of Ohio Voter Machine Examiners. Honesty is number one. There were instances of misleading. "There was a non-justified choice to have the security testing be done by NTS. There are ways to sway elections from the inside using electronic poll books and it is very dangerous." The Director is writing furiously. There was damage to her car that happened the last time she was here. A cone was involved. "Something really stinking is going on here."

The Board voted unanimously to enter into a memorandum of understanding with Tenex and permit the Cuyahoga County Council to negotiate a contract on behalf of the Cuyahoga County Board of Elections with legal counsel Brendan Doyle as advocate for the Cuyahoga County Board of Elections for procurement of electronic poll books.

The Board voted unanimously to adjourn at 11:23 a.m.

The Board went back into public session at 11:24 a.m.

Public Testimony

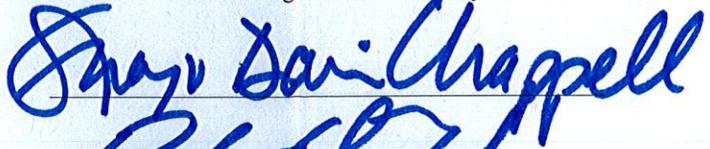
Ray Rosenberger

Mr. Rosenberger stated Secretary of State Directive 2007-32 states the birthdate should be just the day and month. The board of elections voter database also has the year. He called the Secretary of State's Office but they haven't returned his call.

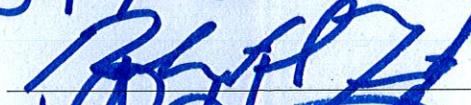
The Board adjourned at 11:27 a.m.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on February 8, 2017.

Inajo Davis Chappell, Chairwoman



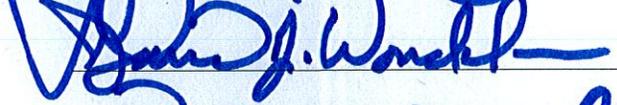
Robert S. Frost, Member



Jeff Hastings, Member



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Pat McDonald, Director

