

>> HELENA MOSES DONOHUE: How are you?

>> DOUGLAS KELLNER: Okay.

Good morning, everyone.

**I am calling this meeting to order.**

Present are Commissioners Donahue and Kelleher

Donahue and Kelleher.

We will avoid calling the roll of the staff again.

I take it we don't have minutes from yesterday's meeting yet?

>>: Not yet.

>> DOUGLAS KELLNER: We will not do that.

Are there any staff reports on anything new since yesterday?

We have four items of old business that we had put on for the agenda for the next meeting.

Is there a motion to continue them for the next meeting?

>> HELENA MOSES DONOHUE: I move that we continue them for the next meeting.

>> DOUGLAS KELLNER: Okay.

Those in favor say aye?

(All members responded "aye.")

>> DOUGLAS KELLNER: The old business is continued.

Are there any new items for this morning?

>> HELENA MOSES DONOHUE: Yes.

Before we go to the voting on the machines, I have a very brief statement in explanation of yesterday.

I had heard by the grapevine and in the halls that we the Republicans

renege on a deal to accept one machine.

I will tell you there was no deal, at least not one that included me.

If it were I wouldn't broadcast it because according to Mr. Free man, it is illegal.

I have been consistent in my belief that there should be a choice.

If you end up without one, please remember who prohibited it.

I will not leave here today without a vote.

I will not afflict upon you a 40 minute dissertation on my reasonings for voting and the way I do it.

I was raised by a lovely Irish lady who reminded me from time to time that God created us with two ears and one mouth, and act appropriately.

>> NEIL KELLEHER: Thank you very much, Mr. Chairman.

Before we get into whatever vote is going to be placed before the board this morning, let me once again make sure

that you understand Commissioner Kelleher's position here.

A position I've stuck to for several weeks.

That is to make as many machines as possible available for you local Commissioners to make a choice.

Now, for some reason it seems that some people on the board, be they the Commissioners or part of staff,

seem to think that you're not capable of doing that.

That what we've got to do is make a decision for you and take away the possibility of your picking a machine

that you think might do a better job for you or your people.

You look at these people who are here with all this equipment.

Millions of dollars, evidently, have gone into the research and the engineering departments and so on to make equipment

available that they think will do the job.

These people have got to be exhausted, lugging those machines on and off of trucks, traveling all over,

following us like kids on a birthday party wondering what the heck we will do next and it will probably be the wrong thing.

We've certainly done some wrong things in the last 24, 48 hours.

And you know the one that we can all hang our hat on is the one that found most of you asleep by 3:15 yesterday afternoon.

I guess all I'm going to ask you before we get into this and I guess maybe in order to give you something to take home,

there's going to be some reluctant votes taken this morning.

I want you to understand as far as I'm concerned, there's something a lot worse than reluctant.

And I guess so I know just exactly whether or not I performed as you want me to perform, I would just ask you before

I turn the microphone over to Commissioner Kellner how many of you people here stick with me that you want to have the opportunity

to look at as many machines as possible?

Raise your hands.

Thank you very much.

>> DOUGLAS KELLNER: And Commissioner Kelleher, I just want to endorse that.

I agree that the county Commissioners should look at as many machines as possible.

The question now is what's possible.

Our decision is not a political decision.

It's a legal decision.

That at this point it is our job to make available to the county Commissioners for selection every machine that

complies with the New York rules and law.

And if a machine doesn't comply with the law and regulations by this point, then there comes a point where we have to say no,

they can't keep going on because we have to start making decisions and plan for the primary election in September.

So I had been very careful to base my decisions strictly on whether or not the machine complies with the law and regulations.

And the issue is not whether the machine is an optical scanner or whether it's a DRE, because I think each has their pros and cons.

The issue is whether the machine complies with the very detailed requirements that the legislature put into the statute.

And then, of course, we also have to consider whether or not the machines comply with the federal help America vote act as well.

All right, we've gone through those issues.

Is there a motion?

>>: I'm sorry, is that tape on?

Wait a minute.

Our

>> DOUGLAS KELLNER: All right, now it's on.

>>: Is that the solo owe all right, thank you.

>> HELENA MOSES DONOHUE: Yesterday we tried to put a vote up as a package.

It did not succeed.

So I am recommending that we put the machines up individually and we can vote on each one and that will be our vote.

Do you want me to read them?

>> DOUGLAS KELLNER: Let's do them one by one then.

>> HELENA MOSES DONOHUE: The first one I have here and it is by no coincidence or anything else how they got here.

It ain't political.

(Chuckles.)

>> HELENA MOSES DONOHUE: Avante DRE.

Should we vote as we go along or put them all up at once?

>> DOUGLAS KELLNER: No, I think we should do each one of them.

I think we should do each one of them and on the Avante DRE, maybe I should call on staff to go through the report on the legal issues

>> HELENA MOSES DONOHUE: I think they all know this.

>> DOUGLAS KELLNER: I'm trying to make a record, too, in case a vendor objects.

>> HELENA MOSES DONOHUE: Just vote.

>> DOUGLAS KELLNER: Well

I'm just going to state for the record that the Avante DRE did not comply with election law 7 104,

did not comply with the accessibility provisions of the help America vote act with respect to the independent verification.

Did not comply with the election law 7 2021e with respect to the verification requirement.

I add that I have nothing against it because it's a direct recording electronic machine.

It's just that it fails to comply with those legal requirements.

>> ALLISON: We have a statement.

>> TODD VALENTINE: You want to say it?

>> ALLISON: On the other hand, our position on the Avante DRE is that it does comply with New York State's election law.

It displays a full face ballot in the entirety.

They brought in a scanner for the independent verification when Kellner was referring to 7 2021e.

That's why we're voting yes.

>> HELENA MOSES DONOHUE: You want to call the vote?

>> DOUGLAS KELLNER: Okay.

We'll call a vote on the motion.

Those in favor?

Commissioner Donohue?

>> HELENA MOSES DONOHUE: Aye.

>> DOUGLAS KELLNER: Commissioner Kelleher?

>> NEIL KELLEHER: Let me just for a moment reiterate what I said a few moments ago.

That is, you heard Commissioner Kellner make some decisions having to do with whether or not this machine meets the legal requirements.

That's not our job to decide whether or not it meets legal requirements.

Our decision is to meet with you people and find out just exactly what your problems are and what we can do to help solve them.

And the most important one, as I say I'll be glad to listen to any one of you or all of you telling me I'm wrong.

I guess I have a respect for your people's ability to make sure it meets the legal requirements and everything else.

And I'm glad and I'm happy and I trust you enough to let these decisions be made by you.

But I guess up here we're going to have some people who do not want you to make your own choice.

The choice is going to be made by the State board and that's not

As a matter of fact, we may not even be legal in doing so, in preventing you from having the opportunity to vote or make the decision on more machines.

I'm not going to tell you you haven't got legal brain enough to make a decision on these machines.

I'm going to tell you as I told you yesterday and the last couple of weeks, let's have at least four or five machines.

We finally got there and now we are going to start tearing them apart because we are not going to

So up here we're going to have people not only going to do their job as Commissioners, but they're going to do your job.

They're going to make a decision as to what you should have the opportunity to inspect and review and make a decision

on because you don't have the ability, apparently, to perform accordingly.

I'm going to vote on this thing because we've got to take something home.

But I want to keep reminding you that my decision was to make sure that you were able to show just what kind of ability and talent,

legal or otherwise, that you people have got.

It's a real sad day when we have taking this kind of action after all the effort you put into trying to make this possible

and to move along with our responsibilities.

Aye.

>> DOUGLAS KELLNER: All right.

I vote no.

Therefore, the motion fails to attain a majority.

Want to do the next one, Commissioner?

>> HELENA MOSES DONOHUE: The second one that I would like to put up for a vote is the Premiere Automark.

Supposedly it is in the process of being delivered with the full face quality.

I put that up for a vote.

>> ALLISON: Give them until Monday

>> HELENA MOSES DONOHUE: Oh, they are supposed to be here by Monday, but I think it will be before then.

>> DOUGLAS KELLNER: I am going to vote in favor of this also.

I believe that the, it's my position that the submission that was already made does comply with the law in that it starts with a premarked,

a preprinted full face ballot and that it ends with a marked full face ballot.

Therefore, it complies with section 7 104 and that it also complies with the help America vote act disability access requirements.

I understand that they want to make a modification that has been requested by the Republican Commissioners.

In fact, I saw a version of that modification this morning which unlike the Avante did present a full face ballot that was legible and therefore,

I don't have any problem with that modification either.

So I will vote aye.

Commissioner Kelleher?

>> NEIL KELLEHER: Aye.

>> HELENA MOSES DONOHUE: I will vote aye with the improvement that we mentioned.

You want to do the next one?

>> DOUGLAS KELLNER: Go ahead.

>> HELENA MOSES DONOHUE: The third one is the Sequoia Dominion.

I would present that for a vote.

>> DOUG: Sequoia Image Cast produced by Dominion.

Okay.

I have no issues on that.



All right.

I believe that it does comply with the help America vote act disability provisions and the New York statute and so I vote aye.

>> NEIL KELLEHER: Aye.

>> HELENA MOSES DONOHUE: Aye.

The next one for consideration is Liberty.

>> DOUGLAS KELLNER: With respect to the Liberty machine, it is my view it does not comply with the help America vote act disability provisions

and the provisions of election law 7 2021E for independent verification of the ballot in a usable form.

And in addition, it does not produce a ballot that meets the requirements of election law 7- 104 and for that reason

I would also incorporate by reference into my remarks the memoranda that was submitted by the Brennan center of law and also by the League of Women Voters,

by the center for disability advocacy.

What is it?

Susan, what is the name of your group?

>>: New York State independent living council.

>> DOUGLAS KELLNER: Thank you.

The League of Women voters and the New Yorkers for verified voting.

So I'm voting opposed.

>> ALLISON: May I?

On the Liberty system, Liberty has brought in a new independent verification system.

We have no problem with accepting this modification which will allow the machine to meet 7- 2021E.

On producing the full face ballot we find no provision in 7 -104 which requires a machine to produce a full face ballot at the end of voting.

Therefore, I'm encouraging my Commissioners to vote yes.

>> NEIL KELLEHER: Don't you wish you had the opportunity to vote on this yourself?

(Chorus of yes and no.)

>> NEIL KELLEHER: But it's going to be taken away from you.

I vote aye.

>> HELENA MOSES DONOHUE: Aye.

And the fifth one.

>> DOUGLAS KELLNER: Let me announce the result.

Two votes in favor, one oppose the.

It fails to gain the required three votes.

>> HELENA MOSES DONOHUE: The last one is ES and S Automark with modification.

>> DOUGLAS KELLNER: All right.

I have the same remarks as with respect to the Premiere Automark, that the

It's my opinion that the system as originally submitted did comply with the help America vote act and New York legal requirements.

I have no objection to the modification and so I will vote aye.

>> ALLISON: With the modifications, vote yes with the modifications.

>> HELENA MOSES DONOHUE: With the modifications.

>> NEIL KELLEHER: And I vote aye with modifications.

>> HELENA MOSES DONOHUE: I'm sorry, there is one more.

The Avante ballot marking device ops scan.

>> ALLISON: No on that one.

>> DOUGLAS KELLNER: So, with respect to the Avante optical scan ballot marking device, it's the same issues that it presented what purported

to be a full face ballot for three seconds.

But if you actually freeze frame it and magnify it it's illegible because the pixels are so small that when they are magnified, they are not legible.

So it did not comply with the ballot requirements 7- 104 and then in addition there was no adequate means of independent verification

as required by election law 7- 2021E and did not comply with the help America vote act disabilities requirements.

>> HELENA MOSES DONOHUE: Just for interests sake, I agree with Doug and will also vote no.

(Laughter.)

>> HELENA MOSES DONOHUE: I want you to know there is an open minded person hanging out up here.

(Applause.)

>> NEIL KELLEHER: In case you're wondering which one of us up here has a closed mind, I guess it's me.

Because I'm on your side.

>> DOUGLAS KELLNER: So how are you voting?

>> NEIL KELLEHER: Vote no.

>> DOUGLAS KELLNER: That fails.

A no vote in favor.

Any other business?

We need to set our next meeting date.

>> HELENA MOSES DONOHUE: We may have to do that ...

>> ALLISON: Set your next meeting.

>> NEIL KELLEHER: Recess?

>> ALLISON: We need to meet on the day after counties are to select so that if they haven't selected, we can select for them.

>> DOUGLAS KELLNER: Right.

>> ALLISON: So February 9, February 10

>> DOUGLAS KELLNER: The 11th is the first day we have on the time line for doing that was Monday, February 11th.

>> NEIL KELLEHER: Mondays are bad for you.

>> HELENA MOSES DONOHUE: It doesn't make any difference ...

>> ALLISON: We can do

>>: Stay with that?

>> ALLISON: Yeah.

>> NEIL KELLEHER: February 11?

>> HELENA MOSES DONOHUE: Does that work for you?

>> DOUGLAS KELLNER: Whatever date it is.

>>: What role does the staff need after February 8 so the Commissioners have something to vote on.

I know we have timing issues

>>: We gave you

>>: Are we submitting the order for the county or are we submitting the products and the county submits the order?

>> DOUGLAS KELLNER: Do you remember what happened two years ago when we ended up.

(Overlapping speakers).

>> DOUGLAS KELLNER: Commissioners on the phone and we tried to

Do you want to do it the same way at least in the first instance?

>> HELENA MOSES DONOHUE: Whatever is legal.

>> DOUGLAS KELLNER: Strikes me that's probably the best way to start out because if it's partisan, it's going to be

>>: Quiet please!

>> DOUGLAS KELLNER: So if it's all right with you, I would announce to the county Commissioners that if they don't agree,

then what we've discussed is that the State Commissioners will inspect the two

>> AUDIENCE MEMBER: Would you tell us which machines were passed and which ones weren't?

>> DOUGLAS KELLNER: So the ones, there were three that were adopted.

The Sequoia Image Cast, the Premiere Automark with modification and the ES&S Automark with modification.

Have we got a date?

While the staff just reviews what the date options are, the three Commissioners suggest that what we would do in the event that the county

does not make a selection by the February 8th deadline is that we would attempt to mediate between the two county

Commissioners to help them reach a decision.

Obviously with the weight of the State Commissioners being able to

Hopefully break a dead lock if the dead lock exists.

So that whatever date we would select, if the county Commissioners have not put in their orders and are on that list where the State board

has to make the choice for them, we would ask they be available either to come to Albany to meet with us in person or to be available

by phone at the time the State Commissioners hold their meeting to determine what machines to order for the county.

Commissioners Scanapicio. Do you want to use the mic?

>>: I think I

>> DOUGLAS KELLNER: Come up here so you'll be on the camera, too.

>>: If the majority of this room thinks the same as you and can't

(Overlapping speakers).

>> DOUGLAS KELLNER: Each of the vendors has assured us that they would be able to meet the full requirements statewide.

My suggestion would be that if in fact the vendor doesn't do that, there will not be primaries at every single poll site in September.

So the first allocation that would be made would be to have those jurisdictions that don't have primaries in September give up their machines.

And if there are still

You know, I don't even see that scenario happening.

The vendors have all said that they are able to meet the schedule, even if all of the counties should choose the same vendor.

Does anybody else want to address that issue?

>> ALLISON: Well, they said 6500.

They didn't say the 8,000 because we already have a couple hundred out there.

>>: Are we going to see the

>>: Modifications, disapproved three machines, based upon modifications you were received. We have to make registration by February 8.

When are we going to see those modifications?

>> HELENA MOSES DONOHUE: They should be in tomorrow, Monday at the latest.

>>: Hopefully tomorrow we can see them here?

>> HELENA MOSES DONOHUE: Will they be here?

I don't know if they are sending them to our office or not.

>> ALLISON: Do you want to see them here?

>>: Of course!

>>: If they are here, we can

We have a choice of three, it will be helpful.

>> ALLISON: We can tell the vendors.

I'm sure that if they have a modification that they can make while they're here

>> DOUGLAS KELLNER: I believe that the Premiere machine already has the modification that's out there.

I want to make clear just for the legal record that the reason I went along with this is because in my view this machine already met the State legal

requirements and that the modification is a very minor change that is surplusage.

Essentially the only modification that I understand it that is going to be made is that the first screen that will appear to the voter

will be a full face ballot rather than simply a listing of candidates for the first office on the ballot, which is how it appears now.

But I believe if you want to see what it looks like, you can look at the Premiere machine that's here.

It is an example of what they are doing.

>> ALLISON: Well, again, we haven't seen the modifications yet.

We've got to make sure that we accept the modifications as well.

>> DOUGLAS KELLNER: I have agreed to that.

>> NEIL KELLEHER: Yeah.

>> DOUGLAS KELLNER: I've agreed.

>> TODD VALENTINE: Right.

>> DOUGLAS KELLNER: I'm not trying to block you from doing that.

I want to make it clear legally that the only reason I'm going along with this is because I believe it already complied, as distinguished

from other vendors who wanted to still submit modifications but did not meet the January 10 deadline.

>> ALLISON: We are not accepting it like it was.

We are accepting with modifications.

>> TODD VALENTINE: We've got it.

I see what you're saying.

>> DOUGLAS KELLNER: All right.

Date?

No, no, wait

All right, go ahead.

>>: I'll wait.

>> DOUGLAS KELLNER: Come up.

>>: Come up so

>> DOUGLAS KELLNER: Come up so you can appear on the screen.

>>: Shall I get a shave first or something?

(Chuckles.)

>>: If a county does work to go with the Image Cast and had the large amount of unspent capital money in the allocated funds,

are we going to be able to use that for bat lot printing purposes spread over more than one year?

Which I estimate we probably would have, should Essex county go that route, particularly if we consolidated poll sites.

We will have a lot of money left.

>> DOUGLAS KELLNER: Do you know the answer to that?

Go ahead and say it.



>>: I believe that will be an issue that will be talked about this afternoon in the OGS session and beyond, but it is my understanding

that when you see the contracts and the terms and the pricing that the vendors had proposed, that that would be something that you could buy through

the contract and to the extent you haven't, if you have funds available you can

That's an approved use of the funds.

>>: The contracts are five year contracts?

>>: And the contracts are five year contracts, Anna added.

>> DOUGLAS KELLNER: Let me take a moment to discuss one other issue with my fellow Commissioners here.

That is, there are six counties that have gone on record saying that they would like to replace the lever voting machines this year and it is my view

that that will be feasible for those six counties.

And for any other county that wishes to pursue that.

That thinks that they can do it in a way that they can complete the necessary training and poll worker recruitment in order to implement it this year.

What involved is that we are getting all of the plan A submissions.

The deadline is tomorrow for submitting the hardware for certification testing under plan A.

The some of the systems are much further along in the testing process than others.

For example, the Sequoia Image Cast submitted to the certification commission and that certification process is nearly complete.

We have agreed at the State Board of Elections that any tests that were done for the federal certification can also apply to the New York certification

so that all that sys test will have to do to finish testing for the Sequoia Image Cast is to do the additional tests required by New York's regulations

that are not already required by the federal regulations.

So that it's possible that New York will have full certification for the Sequoia Image Cast this summer.

Even if we don't have full certification, if the three Commissioners agree with any of the systems that they can be safely used on an experimental basis,

we also have the authority to authorize that and I would certainly be inclined to do it if there were no known problems with the system.

So for those counties that do want to do this all in one step and think that they can do it without any the problems that other states have experienced

in doing the transition, then certainly I have no problem in authorizing them to do that.

>> TODD VALENTINE: We agree.

That's certainly part of the plan we put forward to the Department of Justice was that if that machine got to the point where the testing satisfied

what we believed that it works, we're ready to approve that.

And that process has started.

We are looking at the machine now.

>> DOUGLAS KELLNER: Dates?

>>: Another question.

>> DOUGLAS KELLNER: Who has the question?

>> DOUGLAS KELLNER: Come on up.

>>: Prices before February 8.

>> DOUGLAS KELLNER: The prices are supposed to be released today.

So Bob and Anna are saying that the prices will be distributed to you this afternoon here in Saratoga.

Come on up, Dave.

(Applause.)

>> DOUGLAS KELLNER: Dave?

Dave, stand up here so that the camera

>>: That's a contract price.

>> DOUGLAS KELLNER: Go ahead, Todd.

>> TODD VALENTINE: There will be a session this afternoon by the office of general services explaining the terms of the contract.

The prices that have been set are a ceiling.

If you are able to come to lower terms with the vendor, you have that ability.

We've said set, you know, the top price that they can charge depending on if you want to negotiate a lower price, you are free to.

Prices can always go down.

They can't go up.

>> ALLISON:

One system.

>> DOUGLAS KELLNER: Sorry.

>> STANLEY ZALEN: Specifically

Sorry, Dave, you'll get it back.

Specifically OGS should be here the last third of the 2 to 3:00 o'clock hour that we were assigned.

So you'll want to be here for that when OGS shows up, somewhere between 2:30 and 3:00 o'clock specifically.

Okay.

>>: Anybody else?

(Chuckles.)

>>: No, I would just like to say, I think we have to put this into context a little bit.

We are being told that two weeks from tomorrow we have to make the choice.

I don't need to say that I'm very disappointed in the lack of choice because it really is lack of choice, but that said, to put it further into context,

not only are we asked to do this in two weeks without full information, we have a primary to run February 5.

And you're talking about us making a decision that will impact the voters, tax payers in all of our counties in two weeks when this process

has been going on for years.

I just think this is a bad day for the voters.

I think it's a bad day for us.

And you know, I'm very disappointed.

I do want to

People are putting things on the record.

To ask us to do this in two weeks because in the real world that we live in, our decision is going to be put under the microscope, as it should be.

We'll be asked for cost analysis, does this system cost X?

And it's a lot more than what the machine costs.

It's going to be warehousing, storage, manpower, people power.

We are going to be asked a lot of questions to justify the decision that we are going to make with a gun to our head.

Again, in just two weeks when it's right in the middle of running a Presidential primary.

So you know, again this is not the only board at the state or the only people in the State that put the gun to the localities,

and I'm confident that we are going to do our best job possible, but it's a really disappointing day when we are asked to do a job

like this in two weeks and run a Presidential primary.

Thank you.

(Applause.)

>> DOUGLAS KELLNER: Is there anyone else who wants to address the Commissioners?

Susan, you had asked

>>: We will know how much HAVA money we have?

>> HELENA MOSES DONOHUE: Yes.

>> DOUGLAS KELLNER: Yes, you will know what your HAVA fund availability is.

Susan, would you come up?

>>: Thank you.

>> DOUGLAS KELLNER: Introduce yourself.

>>: Thank you, Commissioner.

Thank you, Commissioner Kellner.

My name is Susan.

I'm with the New York State independent living council.

I also coordinate the statewidedisability coalition called New Yorkers with disabilities getting equal voting access.

Its comprised of 20 major not for profit disability organizations.

I want to say first of all we take this issue very seriously.

I have worked night and day.

I worked as close to as many hours as you guys do.

Been working on it for four years.

We are very disappointed in the whole process.

I have been to every meeting for four years, both at the legislature and the State board.

It has been very difficult.

Individuals with disabilities want to vote.

They want to be part of the electoral process.

They don't want to vote absentee ballots.

They want to be part of the communities and be active citizens.

This help America vote act was our opportunity to do so and we have been very excited with the passage.

We have not been excited with the process, all of the lawsuits that have gone on.

The process ended up with three machines and we want to let the counties know we are there for you.

We have a strong network throughout the State.

There are independent living centers and other experts.

I will be sending you all of you an amicus brief we sent to Judge Sharp, talking about some of the technical issues, the pros and cons of the different systems,

the different accessibility features that we need.

All I ask from the group here, this is to consider

I know the speaker before said it very articulately.

You have a huge task.

All you want to

All we want to do is make it go as smoothly as possible.

It includes poll site access, includes transportation, poll worker training, all the aspects related to disability.

I want you to know that we are there to help.

We will sending you all packages as soon as I get the right e mail.

You can call us for technical assistance.

We want to help you make the best decision possible.

Know it's important to us and voters are dependent on your decisions.

We really care.

You are not alone.

Thank you very much for all your hard effort.

Thank you.

(Applause.)

>> DOUGLAS KELLNER: Thank you, Susan.

All right, I'm told that in terms of dates for our next meeting that we should meet February 11th or soon thereafter.

So should we agree on February 11th today?

>> NEIL KELLEHER: That's fine.

>> TODD VALENTINE: That's one day.

That's a Monday.

That's up to you.

>> DOUGLAS KELLNER: We will agree that February 11 is our next date.

Are there any other Commissioners that want to address this before we adjourn our meeting?

Go ahead, of course.

>> HELENA MOSES DONOHUE: I would like to tell you that Evelyn is not here.

Most of you know that she had serious surgery and then she fell.

>>: Oh, my gosh!

>> HELENA MOSES DONOHUE: So if any of you would like to send a card to her, I think she's going to her daughter's house,

but you can send it to the State Board of Elections and I know that Donna will send it on to her.

I'm sure she misses you as much as we misses her.

Thank you for your kindness.

I appreciate all the advice I got last night.

You're wonderful.

>>: Motion to adjourn.

>> HELENA MOSES DONOHUE: Motion to adjourn?

>> DOUGLAS KELLNER: Come on up.

>>: I'm from Avante.

>> DOUGLAS KELLNER: Come on up. Come on up here.

>> NEIL KELLEHER: The

microphone Could you go Doug the

camera is there.

You can stand there if you want to try to address both the camera and us.

>>: Quiet, please.

>>: I'm Glen Beasley from Avante international. Our CEO Charlie is going to make a brief comment about what has been going on.

>>: Thank you very much for permitting me to make a comment.

Of course, as a company we are very disappointed.

However, we also think equally speaking there are two aspects.

I think Commissioner might have made mistake judgment in terms of how to read the code.

Here is two comments.

One is called independent verification of the vote.

Basically based on supposedly federal guidelines, so the software independent verifications.

All the current system have proved uses a bar code to retract that to get templates from the machine that map the device.



So therefore it's not software independent.

Legally that interpretation is totally false and mistaken.

So I believe that should be rejected at the end and we will put legal challenge against them.

Number two is that the same law requires full face presentation of the ballots.

Actually also requires should be in spirit full face presentation and selection by the voter at all times.

So if that's the case, our 42 inch ballot marking device is the only system that satisfies that requirement as well.

Again, I think the Commissioners probably in this case make a wrong judgment as well.

That's my comment.

Thank you very much.

(Applause.)

>> HELENA MOSES DONOHUE: Make a motion to adjourn.

>> DOUGLAS KELLNER: So those in favor, say aye?

Aye.

(Chorus of aye).

>> DOUGLAS KELLNER: We are adjourned until February 11.

(The meeting concluded.)