

STATE ELECTION COMMISSION

AGENDA

January 27, 2021

10:00 a.m.

1122 Lady Street, Suite 500
Columbia, South Carolina 29201

Approval of Minutes: December 16, 2020 (SEC)

New Business:

Certification of Engineering Change Order 1103 for EVS 6.1.1.0
Statements of Economic Interest
Agency Goals for Calendar Year 2021

COMMISSIONERS

JOHN WELLS
Chairperson

JOANNE DAY

CLIFFORD J. BDLER

LINDA MCCALL

SCOTT MOSELEY

MARCI ANDINO
Executive Director

Old Business:

Legislative/Budget Update
Election Infrastructure Security Update
Legal Update
Eugene Baten v. Henry McMaster, et al.
Mary T. Thomas, et al. v. Marci Andino, et al.
Kylon Middleton, et al. v. Marci Andino, et al.
League of Women Voters, et al. v. Marci Andino, et al.
JoAnn Shernoff, et al. v. Marci Andino, et al.

Next Meeting(s):

Wednesday, February 17, 2021 at 10:00 a.m. (SEC)

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Suite 500
Columbia, SC 29201

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**STATE ELECTION COMMISSION
MEETING MINUTES**

January 27, 2021

10:00 a.m.

1122 Lady Street, 5th Floor
Columbia, SC 29201

Present: Mr. John Wells, Chairman; Ms. Joanne Day, Mr. Clifford J. Edler, Ms. Linda McCall, Mr. Scott Moseley (all commissioners joined via teleconference)

Others Present: Marci Andino, Executive Director; Harrison Brant, General Counsel; Howard Knapp, Director of Voter Services; Barbara Pittelli, Fiscal Tech

Chairman Wells called the meeting to order. Ms. Andino advised all notices of the meeting had been posted as required by the Freedom of Information Act.

COMMISSIONERS

JOHN WELLS
Chairperson

JOANNE DAY

CLIFFORD J. EDLER

LINDA MCCALL

SCOTT MOSELEY

Approval of Minutes

The first item of business was the approval of minutes for the meeting of December 16, 2020 (SEC). A motion to approve the minutes was made by Mr. Moseley, seconded by Ms. Day. The motion was approved by unanimous vote.

New Business

MARCI ANDINO
Executive Director

The first item of new business was the certification of Engineering Change Order 1103 for EVS 6.1.1.0. Ms. Andino informed this is a change to an extended life battery for the ballot marking device when the time comes to replace the original. It has no impact on the system's operation. A motion was made by Ms. Day to certify the change seconded by Mr. Edler, and approved unanimously.

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The next order of new business was the Statements of Economic Interest. Ms. Andino stated these forms must be submitted online by noon on March 30, 2021.

The last order of new business was the agency goals for calendar year 2021. Ms. Andino informed the board members the agency will be working on the following:

- County Compliance Audits
- Implementation of Electionware Updates
- Define Use of Electronic Pollbooks
- Update County and Poll Manager Training Materials

- Develop Regulations
- Strengthen Election Infrastructure Security
- Improving the Intranet Site Communication with Counties

Old Business

The first item under old business was the legislative/budget update. Ms. Andino advised the agency submitted a budget to the House Ways and Means subcommittee requesting \$930,000 in recurring funds to support the statewide voting system, including the costs of ballot cards, audits, and the transporting of machines to and from every polling location. Ms. Andino stated the agency also requested \$1.35 million in non-recurring funds to support matching funds with HAVA, and to improve the administration of elections including election technology and security improvements.

The next order of old business was the Election Infrastructure Security Update. Ms. Andino advised the agency is updating end user agreements to strengthen the authorized use of election infrastructure. She also stated the agency is reviewing the security of the E-Poll Book system and UOCAVA ballot delivery tools. Ms. Andino advised the agency continues to work with state and federal law enforcement and intelligence partners and DHS scans show no vulnerabilities.

The last order of old business was the legal updates. Mr. Brant advised in the case of *Eugene Batten v. Henry McMaster et al* that the time to file an appeal has passed. As no appeal was filed, the case is now closed. Mr. Brant also advised the cases of *Mary T. Thomas et al v. Marci Andino et al*, *Kylon Middleton et al v. Marci Andino et al*, and *JoAnn Shernoff, et al v. Marci Andino et al* have been voluntarily dismissed. Lastly, Mr. Brant stated the *League of Women Voters et al v. Marci Andino et al* is still pending on appeal, the trial has been stayed pending the outcome on appeal.

Chairman Wells reminded the board members the next meeting will be held on February 18, 2021 due to a scheduling conflict.

With no further business, Ms. McCall made a motion to adjourn, seconded by Mr. Edler. The motion was passed unanimously.

Respectfully submitted,



Barbara Pittelli



January 11, 2021

Sent Via Email

Ms. Marci Andino
Executive Director
South Carolina State Election Commission
1122 Lady Street; Suite 500
Columbia, SC 29201

RE: Notification of Engineering Change Orders (ECOs)

Dear Ms. Andino,

Pursuant to Election Systems & Software, LLC (ES&S) company policy, notice of Engineering Change Orders (ECO) to state certified hardware or software components is to be provided to the South Carolina State Election Commission prior to any ECO being implemented into the field. All ECOs that are submitted to the South Carolina State Election Commission are both reviewed and approved by an EAC accredited Voting System Testing Laboratory (VSTL) and the Election Assistance Commission (EAC) prior to any state being notified of a modification.

Recently, Pro V&V and the EAC issued their approval of one ECO. Below is a table displaying the ECO number, description of change, and the VSTL/EAC resolution of the ECO. Modifications that are determined to be De Minimis are defined by the EAC as a modification that is minor in nature and has no impact on the systems certified operation therefore does not require a new voting system certification for the modification to be implemented.

Table with 3 columns: ES&S ECO #, ECO Description of Change, and EAC Resolution. Row 1: 1103, ExpressVote - Internal CMOS Battery, De Minimis 12/22/2020

At your earliest convenience, ES&S respectfully requests the South Carolina State Election Commission provide written approval of ECO 1103 presented in this correspondence. If you require additional information, please do not hesitate to contact me at 402-970-1143 or via email at brswartz@essvote.com.

Sincerely,

Handwritten signature of Benjamin Swartz

Benjamin Swartz
Sr. State Certification Manager
Election Systems & Software, LLC

Attachments: 20210111_SC ECO Submission.pdf;
ECO1103_VSTL Approval.pdf;
ECO1103_EAC Approval.pdf



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
633 3rd St. NW, Suite 200|
Washington, DC 20001

December 22, 2020

Sent via e-mail

Sue McKay, Vice President of Federal Certification
Election Systems & Software
11208 John Galt Blvd.
Omaha, NE 69137

Re: ECO 1103

Dear Ms. McKay,

This correspondence is to inform you that ES&S ECO 1103 is approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Aumayr".

Paul Aumayr
Senior Election Technology Specialist

Cc: Pro V&V

PRO V&V



ENGINEER CHANGE ORDER (ECO) ANALYSIS FORM

Manufacturer: Election Systems & Software (ES&S)

System: ExpressVote V2.1

ECO Number: 1103

ECO Description: Design in a new part

Overview:

Update V2.1 CMOS battery to extend time between maintenance events.

01-290-00096 – ASSY, Battery, CMOS, ExpressVote, Extended Life, replaces 01-290-00055 for ExpressVote 2.1

Systems Affected:

Federal: EVS 5240, EVS 5400, EVS 5410, EVS 6000, EVS 6020, EVS 6021, EVS 6030, EVS 6040, EVS 6043, EVS 6100, EVS 6110

State: EVS 5241, EVS 5300, EVS 5303, EVS 5310, EVS 5320, EVS 5321, EVS 5330, EVS 5340, EVS 5341, EVS 5501, EVS 5502, EVS 6010, EVS 6042, EVS 6050

Supporting Documentation:

ECO-1103_C ORIGINAL.pdf (*ES&S ECO*)

ADAPTER CR2032_Pre1.0 DIAGRAM .pdf (*specification document*)

Engineering Recommendation:

Technical documentation review and hardware testing performed to approve change. Successful testing determined the modification does not impact system operation; therefore, system certification should not be adversely impacted.

No additional testing required.

Engineering Analysis: De Minimis – No additional testing

Reviewer:

Wendy Owens

Printed Name

Wendy Owens

Signature

12/14/2020

Date

Approver:

Michael L. Walker

Printed Name

Michael L. Walker

Signature

12/14/2020

Date

