

**The Ohio Board of Voting Machine Examiners
Testimony before the Ohio Sunset Review Committee
April 12, 2016**

Chairman Jordan, Vice-Chair Brown, and Members of the Sunset Review Committee, thank you for allowing me to present testimony on behalf of the Ohio Board of Voting Machine Examiners. My name is Shawn Stevens. I am a member of the Ohio Board of Voting Machine Examiners. I am also a board member of the Delaware County Board of Elections, and the past President of the Ohio Association of Election Officials.

Attached to my written testimony is a report of the Board, as required by Ohio Revised Code §101.86. In testifying today, I will provide the Committee with a brief summary of the report and answer your questions.

Overview of the Board:

The Ohio Board of Voting Machine Examiners is a statutorily-created Board, which is charged with the duty of examining and approving the voting equipment and systems and electronic pollbooks used in Ohio elections. In fact, in accordance with Ohio law, no voting equipment or system may be used in an Ohio election unless it has been certified by the Secretary of State, which requires the approval of the Board of Voting Machine Examiners and certification by the U.S. Election Assistance Commission. Additionally, no electronic pollbook can be used in an Ohio election unless it has been examined by the Board of Voting Machine Examiners and certified by the Secretary of State. The Board is also charged with reviewing any proposed enhancements or significant adjustments to equipment or voting systems that currently are certified for use in Ohio elections.

The Board of Voting Machine Examiners is unique in that there is no other board, commission, council, or agency in Ohio that examines voting equipment and systems and electronic pollbooks to ensure that they meet Ohio's needs and its requirements for voting equipment. Because there is new voting equipment being developed by voting machine manufacturers and purchased by Ohio counties; existing voting equipment being enhanced or modified; and new systems being certified by the U.S. Election Assistance Commission, there is definite need for the Ohio Board of Voting Machine Examiners. It is vital to Ohio's elections that all voting equipment and systems meet the needs of Ohio's voters and local boards of elections, and satisfy all of the requirements of Ohio law.

The Board consists of four members (two Democrats and two Republicans):

- Two members are appointed by the Secretary of State;
- One member is appointed either by the speaker or the minority leader of the Ohio House of Representatives, whichever is a member of the opposite political party of the Secretary of State; and
- One member is appointed either by the president or the minority leader of the Ohio Senate, whichever is a member of the opposite political party of the Secretary of State.

Ohio law requires that each member of the Board be "a competent and experienced election officer or a person who is knowledgeable about the operation of voting equipment." To that end, the current members of the Board are experienced election officials who are well-versed in the operation of the various types of voting equipment and the needs of Ohio counties in conducting elections. The current members of the Board are:

- Jeffrey Matthews (Stark Co.), Chairperson,
- Joyce Kale-Pesta (Mahoning Co.),
- William A. Anthony, Jr. (Franklin Co.);
- And myself

Jeffrey Matthews is the Director of the Stark County Board of Elections; Joyce Kale-Pesta is the Director of the Mahoning County Board of Elections; and William A. Anthony, Jr., is the Director of the Franklin County Board of Elections.

The members of the Board strive to uphold the Board's statutory responsibilities to ensure that all voting systems or equipment approved for use in Ohio elections are thoroughly tested, function properly, and record accurately every ballot cast. They also strive to make sure that the voting systems and equipment and electronic pollbooks meet the needs of Ohio counties in conducting elections.

Staffing and Workload:

The Secretary of State is required by statute to provide staffing assistance to the Board, at the Board's request. Accordingly, the Secretary of State has assigned members of his staff to assist the Board as a legal advisor and an administrative assistant.

In conjunction with performing their duties at the Secretary of State's office, these staff members allocate whatever portion of work time is necessary to assist the Board in scheduling and preparing for meetings; maintaining the records of the board; advising the Board on various issues; reviewing testing materials and Engineering Change Orders submitted by voting machine vendors; and communicating with voting machine vendors. There are other departments within the Secretary of State's office that assist the Board less frequently and on an as-needed basis (e.g.,

the finance department handles income and expenses of the Board's fund and the communications department issues notices of the Board's meetings).

Generally, the Ohio Board of Voting Machine Examiners meets only when a voting machine vendor or electronic pollbook vendor requests the Board to examine and approve new equipment or to approve an enhancement or adjustment to existing equipment. Thus, the frequency with which the Board meets is dictated largely by the needs of the voting machine and pollbook vendors and the number of proposed modifications to existing equipment. The Board occasionally meets for the purpose of addressing policy issues and compiling documents used by the Board in its examination of equipment.

During meetings held for conducting an examination, the Board reviews each voting system or equipment with an "Examination Matrix," which is a lengthy spreadsheet that includes every requirement for voting systems or equipment established by the Ohio Revised Code and the Ohio Administrative Code. The voting machine manufacturer provides a demonstration of the equipment or system, and members of the Board examine the equipment.

All meetings of the Board are public meetings, and, in accordance with Ohio Sunshine Law, notice of each meeting is posted and provided to the media.

Funding:

Pursuant to Ohio law, voting machine vendors pay a fee of \$2,400 to the Secretary of State's office for the examination and approval of voting equipment or systems. The fees collected by the Secretary of State's office are deposited into the state treasury to the credit of the Ohio Board of Voting Machine Examiners Fund.

The fund is used to pay the Board members for their service, reimburse them for their expenses (e.g., mileage), and pay expenses incurred during the Board's examination of equipment up to the \$2,400. Each member of the Board receives \$300 per day (but no more than \$600 per voting system or equipment) for their service. The costs of reimbursing expenses of the members of the Board for attending an administrative or policy meeting and for any expenses that exceed the \$2,400 fee paid by the voting machine vendor have been paid by the Secretary of State's office.

Again, thank you for allowing me to present testimony on behalf of the Ohio Board of Voting Machine Examiners. I am happy to answer your questions.