

**Butler County Board of Elections
Board Meeting Minutes
September 29, 2017**

The Butler County Board of Elections met on Monday, September 29, 2017, at 11:30 a.m. for a special meeting. Roll call was taken and present were Chairman Frank Cloud, Member Kathy Wyenandt, Member Todd Hall, Member Chris Wunnenberg, Director Diane Noonan, Deputy Director Jocelyn Bucaro, Early Voting Administrator Eric Corbin, and Journal News Reporter Denise Callahan.

Chairman Cloud stated the purpose of the meeting is to discuss the request from the Butler County Board of Commissioners that the Board of Elections renew its Hardware Maintenance Agreement for voting units and contract for on-site Election Day support from Dominion Voting Systems. He brought up the point that many of the problems the office has had with the voting system is with the software, and that this agreement does not address any software issues we have.

Director Noonan explained that the cost of the Hardware Maintenance Agreement is \$83,776.80 for the TSX machines and \$6,195.00 for the central count scanners, and the cost for on-site election day support \$4,500.00. She explained two options for an inspection to renew the Hardware Maintenance Agreement the first option includes a charge for \$40,000 for two employees from Dominion Voting Systems to inspect the TSX machines over ten days, while the second option involves a charge of \$8,000.00 for two employees from Dominion Voting Systems to inspect the TSX machines during the November 2017 logic and accuracy testing. She explained the cost of the warranty since 2010 has been \$454,261.75 plus the cost of shipping. Member Hall asked how much it costs to ship damaged units for repair. Deputy Director Bucaro answered the shipping costs run between \$300.00 and \$1,000.00 depending on the number of TSX machines to be shipped.

Member Hall asked for clarification on the number of TSX machines that are currently in need of repair. Deputy Director Bucaro explained the housing of the TSX machines include the legs and printer, and are interchangeable with the tablets. There are 93 housing units that need to be repaired and about 40 tablets. Member Hall asked if the 93 units would be

covered under this agreement. Deputy Director Bucaro answered, only if the office signs an agreement beginning January 1, 2017. If we start an agreement October 1, 2017 those units would not be covered but can still be sent in for repairs at \$175.00 per hour plus shipping. Member Hall asked why the machines were not sent in when they were under warranty. Deputy Director Bucaro stated it was staff oversight.

Member Wunnenberg suggested dating the contract October 1, 2017 and having office staff fix the TSX machines in need of repair. Deputy Director Bucaro said there are 14 good housing units the office received from Belmont County for free. Member Hall asked how long the 93 units have been in need of repair. Deputy Director Bucaro said at least since November 2016. Member Wyenandt brought up the point that more TSX machines will need to be sent out to polling locations next year in 2018. Deputy Director Bucaro stated the maintenance agreement that has been in force for several years never covered all 1,688 TSX machines but rather covered 1,563 because we never used all the TSX machines in one election or needed all the units to be covered at \$53.60 each.

Member Wyenandt noted this maintenance agreement does not cover consumables or other smart cards and memory devices, and asked if we can get new memory cards? Deputy Director Bucaro said we cannot buy new memory cards or any other parts for these TSX machines. All the available parts are used.

Member Hall asked who was responsible to make sure the 150 TSX units were fixed under the last warranty program. Director Noonan said it was ultimately the responsibility of herself and Deputy Director Bucaro. Member Hall expressed that paying for a warranty and not using it is a waste of money.

Member Wunnenberg asked if the on-site election day support includes hardware and software support. Deputy Director Bucaro explained that on-site election day support is usually provided by contractors who do not know as much about the system as our Database Administrators Jay Klein and Joe Andrew. These contractors contact the same help desk that the office has access to for free, which is why we discontinued the service. Member Hall asked why we had on-site election day support for so long. Deputy Director

Bucaro said it took some time for Jay and Joe to become comfortable with the system before they felt they no longer needed the on-site election day support. Member Hall asked if Dominion provides a written scope of abilities for the contractor. Deputy Director Bucaro said they do not provide a written scope nor do we get much information about who will be on-site.

Member Wyenandt asked if we know what other counties are doing in relation to this issue. Director Noonan stated that Montgomery County has never had an extended warranty, Lucas County does have an extended warranty and last year was their worst year for TSX machine repair. They had to replace 600 screens which would have cost \$100,000.00 but their extended warranty cost \$96,000.00. She also added that Stark County does not have an extended warranty on their TSX machines. Member Wunnenberg asked what will be charged if we send the 150 TSX machines to be fixed? Deputy Director Bucaro responded we will be charged \$175 per hour. Member Wunnenberg asked how would we know what it would have cost without the warranty for Lucas County to have their machines repaired? Deputy Director Bucaro replied that it is an estimate. Member Hall asked if parts are included in the cost. Deputy Director Bucaro replied there is no charge for parts, only for labor.

Member Hall asked if it would cost more to purchase the warranty effective January 1, 2017 or fix the 150 TSX machines that are currently in disrepair? Deputy Director Bucaro said it would be a lot less expensive to fix the TSX machines here at the office. Member Wyenandt asked if it is prudent to commit to this agreement if we don't think we need the warranty because we can do our own repairs? Member Hall said we are not in the business of supporting election systems; we are in the business of conducting elections.

Deputy Director Bucaro recounted a phone conversation from the previous day where she and Director Noonan communicated with Mark Beckstrand, a sales associate, and Lois Doneson, a customer support specialist, from Dominion who have both been with the company for a long time. Lois suggested the Board of Elections forego any inspection from Dominion because Dominion knows the Butler County Board of Elections is not going to send out any TSX machines that do not work. Deputy Director Bucaro explained it was her

understanding there would be no charge for inspections. When the new quote arrived this morning, it does not match what was discussed the day before.

Member Wunnenberg suggested negotiating the \$8,000.00 charge out of the agreement and that we should have the on-site election day support. Deputy Director Bucaro stated we will get the on-site election day support if the Board wants it, but we do not need it. Member Wunnenberg mentioned the Butler County Commissioners offered IT support from the county office. Member Hall said he would like IT support from all three places, the Butler County Board of Elections Staff, Butler County Information Services and on-site election day support from Dominion Voting.

In regard to the Butler County Board of Commissioners request to renew the hardware maintenance agreement, Member Hall made a motion to approve and accept option 2 not to exceed \$102,471.80 with the understanding the office staff should work to negotiate the \$8,000.00 for inspection oversight to be no cost to the Board of Elections; seconded by

Member Wunnenberg. Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

With no further business, Member Hall moved to adjourn; seconded by Member Wyenandt.

Roll call:

Chairman Cloud	yea
Member Wyenandt	yea
Member Hall	yea
Member Wunnenberg	yea

All in favor; motion carried.

The meeting was adjourned at approximately 12:10 p.m.

Frank Cloud, Chairman

Diane Noonan, Director

Todd Hall, Member

Chris Wunnenberg, III Member

Kathleen Wyenandt, Member