# Minutes State Election Commission Meeting July 11, 2016

The State Election Commission meeting was called to order by Chairman Donna Barrett at 12:20 p.m., Central Standard Time, July 11, 2016. The following members and staff were present: Chairman Younce; Commissioners Blackburn, McDonald, Wallace, Wheeler and Younce; Coordinator of Elections Mark Goins and Kathy Summers, Elections Specialist.

Commissioner McDonald made a motion to adopt the minutes from the Voting Machine Subcommittee held on April 11, 2016, Commissioner Blackburn seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner McDonald made a motion to adopt the minutes from April 11, 2016, Commissioner Wallace seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Younce made a motion to adopt the minutes from the telephonic meeting held on May 12, 2016, Commissioner Wallace seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Wheeler made a motion to adopt the minutes from the telephonic meeting held on May 31, 2016, Commissioner McDonald seconded the motion and the minutes were unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

Commissioner Wheeler made a motion pursuant to T.C.A. § § 2-12-101 and 2-12-106, seconded by Commissioner Blackburn and unanimously approved to accept the nomination(s) for county election commission appointments as submitted, and to leave the nomination process open until 4:30 p.m. Central Standard Time Monday, July 11, 2016. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.) (See attached list of appointments made.)

## **Old Business**

• MicroVote – Bill Whitehead – Infinity 4.1 – Bill Whitehead presented the letters of recommendation from users in Indiana and requested the certification of the MicroVote – Infinity 4.1 voting machine.

Commissioner Wheeler made a motion to defer approval until after the November 8, 2016, General Election. The motion to defer approval was seconded by Commissioner Younce and unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

## **New Business**

- Hart InterCivic Voting Machine Demonstration Verity Voting 2.0 Letty Salazar and Bob Heisner from Hart and Chad Colgan from HARP Letty Salazar gave the presentation of the Verity Voting 2.0 voting machine which is EAC certified. Hart InterCivic is requesting an observation of the voting machine, at an election outside of the State of Tennessee, during the November 8, 2016, General Election and will provide more specific details once they have specific locations available.
- ES&S Ben Swartz Voting Machine Demonstration EVS 5.2.1.0 Ben Swartz gave the presentation of the EVS 5.2.1.0, which is EAC certified. Letters of recommendation from various jurisdictions were presented for approval of the EVS 5.2.1.0.

Commissioner Wheeler made a motion to defer approval until after the November 8, 2016, General Election. The motion to defer approval was seconded by Commissioner Younce and unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

• **2016 - TACEO – Attendance** – Ninety-Four (94) current and five (5) prior Administrators of Elections were in attendance. Haywood County Election Commission was excused from attending due to holding the Brownsville City Election on June 21, 2016.

## **Coordinator Update**

• **Private and Public Acts** – Coordinator Goins presented a list of Private and Public Acts enacted during the 109<sup>th</sup> – General Assembly.

#### Lawsuits

• Kidd and Kidd Lawsuit – The Attorney General's office has filed a motion to dismiss this suit against State Election

Commission members. Currently, there is no date set for the hearing.

- o **Minor Party Lawsuit** Both the Constitution and Green parties are suing the State of Tennessee to gain ballot access for the November 8, 2016, General Election.
- o **Amendment 1** Coordinator Goins gave an update on the status of the lawsuits regarding Constitutional Amendment 1, which are in both State and Federal Court.
- NASS and NASED Both the National Association of Secretary of States and the National Association of State Election Directors annual conventions are being hosted by Secretary Hargett and Coordinator Goins in Nashville at the Renaissance Hotel.

Chairman Barrett discussed the voting machine certification review which was given at the April 11, 2016, State Election Comission meeting. At the prior meeting, the Commission requested the Voting Machine Committee and the Coordinators office to come up with suggested legislation. Not all suggestions of the Voting Machine Committee require legislation but could be addressed by updating policies and rules. Chairman Barrett requested a directive to have the Coordinator and the Voting Machine Subcommittee to come up with suggested policies and rules changes.

A motion was made by Commissioner McDonald and seconded by Commissioner Wallace to have Coordinator Goins and the Voting Machine Subcommittee come up with appropriate legislation for consideration by the General Assembly in 2017, and to come up with policies and procedures to be promulgated which will revise the current voting machine certification process. The motion was unanimously approved. (Aye votes: Barrett, Blackburn, McDonald, Wallace, Wheeler and Younce; No votes: None; Abstention: None.)

The next regularly scheduled meeting is set for October 10, 2016, and will be held in the William R. Snodgrass – Tennessee Tower, Nashville Room - 3<sup>rd</sup> floor at 12:00 Noon Central Standard Time.

Chairman Barrett adjourned the meeting.

Respectfully submitted,

Mike McDonald, Secretary State Election Commission

## **Vacant Status**

11-Jul-16

## Crockett

- D Greg Duckett
- R Jimmy Wallace

R

## Jackson

- D Mike McDonald
- R Kent Younce

R

## Meigs

- D Tom Wheeler
- R Judy Blackburn

R

**Total Vacancies: 3** 

## New Appointment Status 11-Jul-16

Jackson

D Mike McDonald / R Kent Younce

R Sue Goolsby

7/11/2016

Appointment

Meigs

D Tom Wheeler / R Judy Blackburn

Melvin Holmes, Jr.

7/11/2016

**Total New Commissioners: 2** 

## PROCEDURES FOR CERTIFYING VOTING MACHINES BY THE TENNESSEE STATE ELECTION COMMISSION

All voting machines/vendors must receive certification from the state election commission and the coordinator of elections before any voting machines or systems may be sold in the State of Tennessee.

#### First Step:

Any interested vendor should submit a written request to the coordinator of elections and the state election commission requesting certification of your company together with the EAC certification number, a financial report and a list of all states that have already bought your voting machines or systems. If you would like to demonstrate your product at a meeting of the state election commission, please make that request in your letter. You will be notified of the date, time, and place of the meeting where you may make your presentation.

#### Second Step:

#### A. Voting Machine Procedure

Following verification of EAC certification and an initial presentation of your product and/or services, you would need to arrange for at least two (2) State Election Commissioners (of opposite parties) and the coordinator of elections (or designee) to view your machines or system in use in an election of a substantial size in another state. An election of a substantial size involves at the minimum the following characteristics:

- The jurisdiction has a population of at least 10,000 persons;
- The jurisdiction has at least two (2) or more district races on the ballots; and
- There are at least two (2) contested races involving both at large and district races on the ballot.

## B. Voting Machine Software Systems Upgrade

- EAC Certification;
- Presentation of software upgrade before State Election Commission at a monthly meeting; and
- Viewing of upgrade in another state (In lieu of viewing machine in another state, at the discretion of the State Election Commission, letters of recommendation from users in other jurisdiction may be used as support for approval.)

#### C. De Minimis Voting System Changes

Any De Minimis change to an EAC certified voting system shall be submitted to the state election commission and
coordinator of elections to be approved. For purposes of approval of the de minimis change to the voting system,
all that will be required is a letter from the EAC stating the change is de minimis, unless further information is
requested by the state election commission or coordinator of elections.

#### Third Step:

The State Election Commission must vote to certify the machine in order for the machines to be used in an election in Tennessee.

You may send any correspondence for both the state election commission and the coordinator of elections to the following address:

312 Rosa L.Parks Avenue, 7<sup>th</sup> Floor William R. Snodgrass Tower Nashville, Tennessee 37243 (615) 741-7956

If you have any further questions regarding certification of your company, please feel free to contact the office of the state election coordinator at the phone number listed above.

# Letters of Recommendation MicroVote Infinity 4.1

Presenter: Bill Whitehead

## **Contents**:

- Hendricks Co, IN
  - Clinton Co, IN
    - Jay Co, IN
- Bartholomew Co, IN
  - Huntington Co, IN
- MicroVote Cover Letter
- EAC Certification Number
   MVTEMS41

## RECEIVED

2016 JUN -2 PM 2: 12

SECRETARY OF STATE

Hendricks County Election and Voter Registration 355 S Washington St Suite 218 Danville, Indiana 46122

Phone: 317-745-9455 Fax: 317-745-9452 www.co.hendricks.in.us

May 31, 2016

Dear Mark Goins,

My name is Laura Herzog and I serve as Election Supervisor in Hendricks County, Indiana.

We currently have a fleet of 280 MicroVote Infinity machines that were upgraded to version 4.1 in February of this year.

I am pleased to report we successfully utilized all 280 panels in the May 3rd Primary Election.

In my 22 years in Elections, MicroVote continues to have great customer service and a voting system that never lets us down. Please contact me if you would like more information.

Sincerely,

Laura Herzog

Hendricks County, IN

aura\_





# Sherri N. Crews Clerk of Clinton Circuit/Superior Courts

265 Courthouse Square Frankfort IN 46041 (765) 659-6335

May 25, 2016

Mark Goins 312 Rosa Parks Avenue 8th Floor Snodgrass Tower Nashville, TN 37243

Dear Mr. Goins:

We use the MicroVote Infinity Voting Machines, and have for approximately 11 years. MicroVote is a great company to do business with. I would recommend MicroVote to anyone that is thinking about a great company to do business with.

Primary Election we upgraded to the 4.1 version and was used successfully in Clinton County. We had all the machines upgraded and refurbished. Had many compliments on the machines easiness to use and the clarity of the screen. We had no problems with the 4.1 version at all. And would recommend this version to everyone.

Sincerely,

Sherri N. Crews

cc: Kathy Summers

SECRETARY OF STAT



## Ellen M. Coats

## Clerk of the Jay Circuit and Superior Courts

120 N Court St, Suite 209 Portland, IN 47371 260-726-6915

ATT:

Mark Goins 312 Rosa Parks Avenue 8<sup>th</sup> Floor Snodgrass Tower Nashville, TN 37243

May 27, 2016

To whom it may concern:

Jay County Indiana updated all of our MicroVote panels to version 4.1 for our May 2016 Primary election with great results. The upgrade improved the voting experience for the voters of our county. In the past voters would sometimes have trouble reading the ballot on the panel screens. This year, to the best of my knowledge, we did not have a single voter who was unable to read the ballot on the panel because of the improvement to the screens from the upgrade.

MicroVote, as always, provided excellent customer service and support for all of our questions involved with the upgrade.

Sincerely,

Ellen Coats

Clerk of Jay County

260-726-6915

2016 JUN 16 AM 10:5



# JAY PHELPS BARTHOLOMEW CIRCUIT / SUPERIOR COURT CLERK 234 WASHINGTON STREET COURTHOUSE P.O. BOX 924 COLUMBUS, INDIANA 47201 (812) 379-1600

May 3.1, 2016

Mark Goins 312 Rosa Parks Ave 8<sup>th</sup> Floor Snodgrass Tower Nashville, TN 37243

Dear Mr. Goins,

This letter is to inform you that Bartholomew County has upgraded to version 4.1 of our Infinity voting machines for the 2016 Primary Election, and the results were nothing short of outstanding. We are a vote center county, which means these machines must hold hundreds if not thousands of votes, and they did this without any mechanical issues. We are very pleased with the outcome and will continue standing by this product in the future.

Sincerely,

Jay Phelps

Bartholomew County Clerk

P.O. Box 924

Columbus, IN 47202

(812) 565-5624

Jay.phelps@bartholomew.in.gov



## The Huntington County Election Board P.O. Box 228 Huntington, IN 46750

Court House 201 N Jefferson Street Room 201 P O Box 228 Huntington, Indiana 46750

Phone: 260-358-4820 Fax: 260-358-4880

May 25, 2016

Mark Goins 312 Rosa Parks Avenue 8<sup>th</sup> Floor Snodgrass Tower Nashville, TN 37243

Dear Mr. Goins,

We recently upgraded our MicroVote Infinity panels to the 4.1 version prior to the 2016 Primary Election here in Indiana. We were assured by MicroVote that this upgrade would be a smooth transition and not noticed at all on the "front end".

This was absolutely correct. The MicroVote team showed up in force to handle the upgrade quickly and efficiently. On Election Day the system ran as smooth as always and we achieved yet another successful election.

MicroVote continues to keep us supplied with the best technology and customer service!

Sincerely,

Pam Fowler

**Huntington County Election Deputy** 

Cc: Kathy Summers

2016 JUN 16 AM 10: 53 SECRETARY OF STATE

Mark Goins 312 Rosa Parks Boulevard 8<sup>th</sup> Floor Snodgrass Tower Nashville, TN 37243

Mark,

Enclosed you will find letters of recommendation from 4 Indiana Counties that just completed the May Primary Election using the latest version of our Infinity Software and Hardware. Version 4.1

Jay County – Vote Center (Equivalent of 25 Precincts) – 60 Units Hendricks County - Over 100 Precincts - 255 Units Bartholomew County - Vote Center (Equivalent of 75 Precincts) - 137 Units Huntington County – Vote Center (Equivalent of 40 Precincts) – 73 Units

I look forward to seeing you all at the July 11 State Election Commission Meeting.

Regards,

Bill Whitehead **Regional Sales Manager** 

Tennessee and Kentucky



## **United States Election Assistance Commission**

#### **Certificate of Conformance**



## MicroVote EMS 4.1 (Modification)

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the 2005 Voluntary Voting System Guidelines Version 1.0. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the EAC Voting System Testing and Certification Program Manual and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

**Product Name: MicroVote EMS 4.1 (Modification)** 

Model or Version:

Version 4.1

Name of VSTL:

**NTS Huntsville** 

**EAC Certification Number:** 

**MVTEMS41** 

Date Issued: July 16, 2015

Chief Operating Officer & Acting Executive Director

ales: Neller

Scope of Certification Attached



## Ellen M. Coats

## Clerk of the Jay Circuit and Superior Courts

120 N Court St, Suite 209 Portland, IN 47371 260-726-6915

ATT:

Mark Goins 312 Rosa Parks Avenue 8<sup>th</sup> Floor Snodgrass Tower Nashville, TN 37243

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Sincerely,

Ellen Coats

Clerk of Jay County

260-726-6915

2016 JUN 16 AM 10: 51 SECRETARY OF STATE

## Hendricks County Election and Voter Registration 355 S Washington St Suite 218 Danville, Indiana 46122 Phone: 317-745-9455 Fax: 317-745-9452 www.co.hendricks.in.us

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Sincerely,

Laura Herzog

Hendricks County, IN

Laura-

2016 JUN 16 AM 10: 51 SECRETARY OF STATE



## Scope of Certification

Manufacturer: MicroVote General Corporation Product: EMS 4.1 (Modification)

VSTL: NTS Laboratories Certification #: MIVTEMS41 Standard: VVSG 2005

Date: 07/16/2015

This document describes the scope of the certification of the modified system identified above, which is the system certified under certificates MVTEMS4 and MVTEMS40B (Modified) with changes modifying the system to MicroVote EMS 4.1 (Modified). Configuration changes, revision changes, additions or subtractions from the system defined in this document are not included in this certification.

## Significance of EAC Certification

An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting system standards. An EAC certification is **not**:

- An endorsement of a Manufacturer, voting system, or any of the system's components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

## Representation of EAC Certification

Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system. Statements regarding EAC certification in brochures, on Web sites, on displays, and in advertising/sales literature must be made solely in reference to specific systems. Any action by a Manufacturer to suggest EAC endorsement of its product or organization is strictly prohibited and may result in a Manufacturer's suspension or other action pursuant to Federal civil and criminal law.

## Language capability:

In addition to English, the voting system has the capability of presenting the ballot, ballot selections, review screens and instructions in Spanish.

## **Definition of Modification:**

A modification is any change to a previously EAC-certified voting system's software, or firmware or hardware that is not determined to be a de minimis change. All modifications to a voting system require testing and review by the EAC in accordance to the requirements of Chapter 4 of the Voting System Testing & Certification Program Manual.

## **Certified System before Modification:**

MicroVote General Corporation Election Management System Release 4.0

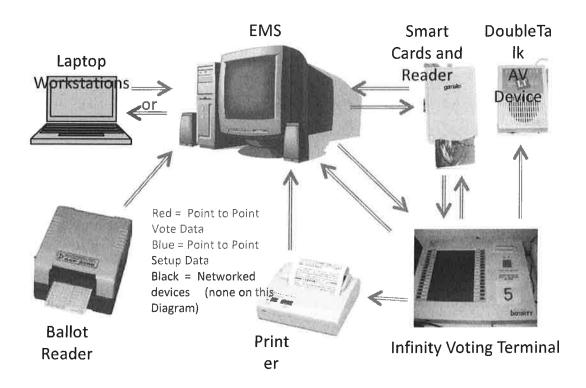
Certificate ID: MVTEMS40

MicroVote General Corporation Election Management System Release 4.0B (revision)

Certificate ID: MVTEMS40B

## **Components Included:**

This section provides information describing the components and revision level of the primary components included in this Certification.



Manufacturer: MicroVote

System Component	Software or Firmware Revision	Hardware Revision	COTS Information	Dependency Notes
EMS Software MicroVote 4.1	Software 4.1.21.0	N/A	<del></del>	MicroVote EMS 4.1
EMS Server Dell Desktop	COTS SQL SERVER 2012 SP1	COTS Model DHM or Dell Optiplex 3010	Windows 7 Professional SP1	MicroVote EMS 4.1
Laptop(s) Dell	COTS SQL SERVER 2012 SP1	COTS Model Dell Latitude PP17L or E5440	Windows 7 Professional SP1	MicroVote EMS 4.1
Infinity Model VP 1 Voting Panel	Firmware V4.10-983	Rev C or Rev D.05	ian	Rev C – All Rev D.05 EMS4.1
Scanner Dual Sided Chatsworth ACP 2200	N/A	COTS Model 605000- 190	22	All Certified Systems
<b>Printer</b> Seiko	N/A	COTS Model DPU- 414 or DPU- 3445		All Certified Systems
<b>Doubletalk</b> Model LT3	BIOS0212	V1.0 LT RC8650		All Certified Systems
Smartcard Reader	COTS	COTS	PC/SC compatible USB contact reader/writer	MicroVote EMS 4.1
Smart Cards	N/A	16K or 115K	PH.	16K – All 115K-EMS 4.1
Voting Booth	N/A	Model 2000	355	All Certified Systems

Manufacturer: MicroVote Certificate: MVTEMS41

## **System Limitations**

This table depicts the limits of the system has currently been exercised and the vendor calculated design limits.

Characteristic	Limiting Component	Evaluated	EMS	Infinity	ACP 2200
Maximum Ballot Positions	Ballot Design Form	150	600	600	402
Maximum Precincts in Election	Precinct Number	559	9,999	9,999	9,999
Maximum Contests in Election	Contests in Ballot Style * Ballot Styles/Election	100	300,000	2,999,700	2,009,799
Maximum Candidates/ Counters in Election	Precinct Counters * Total Precincts	300	5,989,401	5,989,401	4,019,598
Maximum Candidates/ Counters in Precinct	Ballot Design Form	125	599	599	402
Maximum Candidates/ Counters in Activation	Ballot Design Form	125	599	599	- 402
Maximum Ballot Styles in Election	Ballot Style Number	270	1000	9999	1000
Maximum Contests in a Ballot Style	Ballot Design Form	50	300	300	201
Maximum Candidates in a Contest	Bałlot Design Form	68	599	599	401
Maximum Count for any Precinct Element	Transact-SQL Bigint	600	Note 1	65,000	Note 1
Maximum Ballot Styles in a Precinct	Precinct Style Assignment Form	1	1	1	1
Maximum Activations per Ballot Style	I Ruid Activations Form I		99	30	99
Maximum Activations per Election	Act/Ballot Style * Ballot Style/Elec	1300	99,000	299,970	299,970
Maximum Number of Parties	Party Code Combinations	8	50,653	598	400
Maximum Vote For in Contest	Office Vote Limit	56	99	64	99

Note 1: 9,223,372,036,854,770,000

## **Functionality**

This section outlines the features that the system does not provide:

VVPAT	No
Wide Area Network Functionality (No use of modems even if included in COTS devices)	No
Used as a precinct counting device?	No
Local Area Network Functionality	No
(No use if TCP/IP, No use of IRad, No use of Wireless even though those interfaces are	
present on defined equipment)	

Manufacturer: MicroVote Certificate: MVTEMS41

Primary: Open Defined in VVSG 2.1.7.2	
Names of candidates rotation: Defined in VVSG 2.1.7.2	No
Recall: Defined in VVSG 2.1.7.2	No
Ranked Voting: Defined in VVSG 2.1.7.2 (Voters rank candidates in a contest in order of choice (1,2,3,etc.) A write in vote can be ranked)	No
Ranked Vote Tabulation: Defined in VVSG 2.1.7.2	No
Voting method exclusive to multi-member boards.  (Each voter may cast as many votes as there are seats to be filled and may cast two or more of those votes for a single candidate)	
Encryption of data (Per Federal Standards -FIPS 140-2)	No

## Engineering Change Orders (ECOs) Included in the Certified Product:

The system must be configured with all the changes listed in the original certification MVTEMS40, revised certification MVTEMS40B plus for optional Rev D05 Infinity hardware the new changes listed in this table. This table does not include any de minimis changes that may be applied to the system

DATE	ECO Identification	Manufacturer	Description
2/5/2014	# 1505	Carson Manufacturing Co. Inc.	Adjusted scan delay time and clock checks for higher speed main processor
2/27/2014	# 1510	Carson Manufacturing Co. Inc.	Add AAEON PCM-3336- Bridge-A03 as an approved alternate
4/28/2014	# 1518	Carson Manufacturing Co. Inc.	Update Infinity BOM for new production
11/19/2014	#1542	Carson Manufacturing Co. Inc.	New motherboard (baseboard)
5/22/2015	# 1548	Carson Manufacturing Co. Inc.	Modification to mSATA cable to prevent EMI susceptibility
5/26/2015	# 1549	Carson Manufacturing Co. Added su Inc. latest Gem card r	
6/12/2015	# 1553	Carson Manufacturing Co. New RAM and m	

Manufacturer: MicroVote Certificate: MVTEMS41

Inc.	chips

List of Changes to Certified System:

This section outlines the features that have been changed from the originally certified system:

Enhancement	System	Description
E-01	EMS and Infinity Panel	Added support for 115kB tally smart cards. The increased space allows larger jurisdictions to use the tally card feature instead of the direct connect option.
E-02	EMS	Increase undervote manual entry capacity. For elections which contain large numbers of undervoted contests (i.e. a large primary election with a combined absentee precinct) this enhancement will allow a single manual vote entry to input the vote totals eliminating the need to split the entry into smaller pieces.
E-03	EMS	Add tblProcessingError event log to detail audit report for enhanced audit reporting of unexpected processing errors that occur during EMS application execution.
Defect	System	Description
D-01	EMS	Audit reporting is now available within the EMS application as a standard report. Previously this was provided via multiple disk files.
D-02	EMS	Database version control has been added to prevent the opening of backup elections containing executable code from other versions of the EMS software.
D-03	EMS	Method of inserting ballot objects, informational messages, error trapping and logging for the ballot designer have all been improved to address a previously identified ballot designer deficiency.
D-04	EMS	The overall election voter turnout percentage on the Election Summary and All Precincts header was corrected.
D-05	EMS	Candidate reorder warning message is now consistently displayed.
D-06	EMS	Several changes were made to integrate Windows 7 SCAP security hardening.
D-07	Infinity	Shading was removed from contest headers to maintain 3:1 contrast ratio
D-08	Infinity	Lighten/Darken button functionality reversed
Replacement	System	Description
R-01	Infinity	Added Infinity hardware version D05 with new processor board/bridge/heat sink assembly, universal baseboard, LED display, external uninterruptable power supply and optional new smart card reader.