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U.S. ELECTION ASSISTANCE COMMISSION

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PUBLIC MEETING

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Taken at the Hilton Santa Fe Hotel

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Historic Plaza, Mesa C

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100 Sandoval Street

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Santa Fe, New Mexico

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Taken on the date of:

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Thursday, July 13, 2006

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U.S. ELECTION ASSISTANCE COMMISSION

22 1225 New York Avenue, Northwest, Suite 1100
23 Washington, D.C. 20005
24 Start time: 9:30 o'clock, a.m.
25 Taken by: Deborah L. O'Connor, court reporter

1 I-N-D-E-X

2 MEMBERS OF THE COMMISSION:

- 3 Paul De Gregorio, Chairman
- 4 Ray Martinez, Vice Chairman
- 5 Donetta Davidson, Commissioner
- 6 Gracia Hillman, Commissioner
- 7 Thomas Wilkey, Executive Director
- 8 Juliet Hodgkins, General Counsel

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1 (The previous proceedings were not reported.)

2 MR. HANCOCK: Manufacturers may only

3 represent the modification as provisionally

4 certified by the EAC until it expires.

5 Manufacturers will not be permitted to represent the

6 entire system has been fully tested and holds a full

7 EAC certification. In addition to this, the

8 manufacturers will be required to submit to the EAC

9 a report within 60 days of the November general

10 election on the modified system. The report will

11 identify and describe any performance failures

12 regarding that system, any technical failures,

13 security failures, and/or any accuracy problems

14 encountered with systems holding EAC certified
15 modification.

16 Manufacturers, of course, must submit to
17 us a detailed description of the modification at
18 issue. In addition to that, we will require that
19 they tell us and give us the description of their
20 quality control system within their company as well
21 as their system for version control and change
22 control of modifications that they do make in the
23 field. They will be able to submit to us or will be
24 required to submit to us, I should say, a test plan
25 showing exactly what tests will be run on the

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1 modification, technical data package, which would be
2 an updated accumulation of all of the detailed
3 information and manuals regarding the system and the
4 modification. And, finally, of course, a test
5 report will be required to be submitted to us on the
6 testing of the modification.

7 As far as the EAC actions are concerned,
8 when the EAC receives these applications that I have
9 been speaking of, they will be reviewed

10 expeditiously. They will be -- the vendors -- we
11 will acknowledge that we received the packet and we
12 will promptly notify the manufacturers if we find
13 any -- if there is some deficiency to that
14 application. We will also notify via the executive
15 director the manufacturers when an application has
16 been accepted or reviewed.

17 There will be a period of technical review
18 here as well. After we receive and accept
19 application, the EAC will evaluate the submission
20 for technical compliance to the 2002 voting system
21 standards. In the event there is some issue of
22 noncompliance that arises, the manufacturer will be
23 notified and will be able to provide an opportunity
24 to provide explanation and information to fix the
25 problem prior to the final EAC decision. The final

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1 decision on these certifications will be made by the
2 EAC's executive director, Tom Wilkey, and all of
3 those, of course, will be regarding compliance with
4 the 2002 voting system standards. We will also make
5 the information related to these modifications and

6 the certifications available on the EAC's web site
7 at www.eac.gov.

8 The effect of the certification is
9 certainly not an endorsement of the product. The
10 certification signifies only that the modification
11 to the voting system meets the requirements of the
12 2002 voting system standards and that the
13 modification has successfully completed integration
14 testing. It does not, as I said, signify that the
15 modified system in its entirety has been fully
16 tested and certified by the EAC at this point.

17 There is an appeal process for
18 manufacturers here as well that we have
19 incorporated. Manufacturers may appeal to the full
20 EAC commission any agency decision that would deny
21 certification. The manufacturers must request the
22 appeal within three calendar days of its receipt of
23 the final EAC decision, and the appeal must identify
24 the conclusions it wishes to be considered as the
25 basis for its appeal. The manufacturer will then be

1 allowed an additional five days to forward any

2 arguments, facts, and documentation to support its
3 contention on the appeal. Upon receipt of all of
4 the manufacturer's materials or the passage of five
5 calendar days, the commission will render a written
6 decision on the appeal, and at this point the
7 decision on the appeal should be final and binding
8 on the manufacturer.

9 Mr. Chairman, Mr. Vice Chairman,
10 Commissioners, this is the outline of the program.
11 I'd be happy to take questions at this time.

12 CHAIRMAN DE GREGORIO: Thank you, Brian,
13 for your presentation. Fellow Commissioners, we
14 have a recommendation of the staff to approve the
15 staff recommendation on a pre-election voting system
16 certification. Do I have a motion to accept the
17 recommendation of the staff?

18 COMMISSIONER HILLMAN: So moved.

19 VICE CHAIRMAN MARTINEZ: Seconded.

20 CHAIRMAN DE GREGORIO: Do we have
21 discussion on this issue? Do members of the
22 commission have questions for Mr. Hancock before I
23 move for adoption?

24 VICE CHAIRMAN MARTINEZ: First of all, let

25 me start, Brian -- Mr. Hancock, thank you for the

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1 work that you've been doing on this issue. I know
2 that for a small agency with a lot on the agenda
3 every one of our staff members has been working
4 diligently on various aspects of the
5 responsibilities that this agency has to implement,
6 both HAVA and other election administration laws and
7 mandates, and this is a very critical piece of what
8 this agency is doing. So I want to thank you for
9 the very diligent work that you've been doing for
10 this proposal. So thank you for that.

11 I have a couple of quick questions. The
12 first would be, we are talking about doing a
13 provisional certification using the 2002 voting
14 system standards although this agency has adopted in
15 final form an updated version of the 2002 voting
16 system standards. The reason we're still testing
17 the 2002 VSS is because the newer guidelines, as we
18 call them, do not kick into effect until 2007. Is
19 that correct?

20 MR. HANCOCK: Yes, sir, the 2002 voting

21 system guidelines do have the date of December 2007.

22 VICE CHAIRMAN MARTINEZ: And then my
23 second question is with regard to the definition of
24 modification. Of course, this national
25 certification program is a voluntary program, states

1 buy into it by essentially codifying that in order
2 to do business in their particular state, a vendor
3 has to achieve national certification before their
4 product can be then marketed into that particular
5 jurisdiction.

6 And so I know that you've looked into the
7 issue as to how each state, if in fact they do, how
8 are these certain states dealing with the issue, how
9 they define modification. We have put in in this
10 proposal, what you are recommending, is a broad and
11 I think appropriate -- appropriately broad
12 definition of modification so that we can capture
13 those types of changes, patchworks, at the last
14 minute, et cetera, that have -- that have
15 complicated matters at the state level and local
16 level in the past. From my position or from my

17 perspective, it would be advantageous to have one
18 definition of what modification means that is
19 applicable both to our interpretation but also to
20 how states view modification -- states view
21 modifications. Any thoughts about that topic that
22 you can offer?

23 MR. HANCOCK: Yes, Mr. Vice Chairman. As
24 you say, I have spoken with a number of states
25 regarding this very issue, and from what I have been

1 able to find, although it wasn't a systematic 55
2 state and jurisdiction survey, it does appear that
3 most states have either a very, very broad
4 definition similar to what we have in this document
5 or in some instance no definition yet of what meets
6 a modification.

7 Some of the election directors I spoke of
8 did think it was important that in cooperation with
9 the EAC perhaps that we do come up with some sort of
10 at least broad definition of what a modification is.
11 So I think we're on the right track here with the
12 language we have in the document.

13 VICE CHAIRMAN MARTINEZ: I agree with that
14 and I urge and I know you will do it, but I would
15 urge also our counsel's office to try to reconcile,
16 if we can. Because I think it would be a service to
17 the election community and, quite frankly, to the
18 voters of the country if we could have some sort of
19 an agreement on what a modification means. That way
20 you don't have to rely upon state language. And in
21 some cases a modification might mean something very
22 broad, in other cases it might mean something very
23 narrow.

24 So I applaud the work you're doing.
25 Mr. Chairman, I support the proposal and I

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1 appreciate the time for questions.

2 COMMISSIONER HILLMAN: Thank you for
3 following up on the modification question. What
4 triggers a vendor to have to go for certification of
5 some kind of modification? What puts that process
6 in motion?

7 MR. HANCOCK: Well, essentially, because
8 the program has and continues to be voluntary, as

9 are the standards, it's essentially a state-driven
10 process. States require that voting system vendors
11 have their system certified or qualified, whatever
12 the case might be, on a national level to whatever
13 the current standards are. At that point it is
14 required that those vendors go through federal ITA,
15 national ITA, through the program and have their
16 systems tested. And, again, the modification, as I
17 said, generally has been looked at as pretty much
18 any change to the hardware, software or firmware of
19 those systems.

20 COMMISSIONER HILLMAN: So could the
21 vendor -- I guess what I'm trying to get to is could
22 the vendor trigger that process on --

23 MR. HANCOCK: Absolutely. Yes, ma'am.

24 COMMISSIONER HILLMAN: So either the
25 jurisdiction, local or state, or the vendor could

1 trigger?

2 MR. HANCOCK: Oftentimes the vendors come
3 up with, you know, improvements to their system,
4 modifications that will allow election officials to

5 in fact do their job much better, much quicker, more
6 securely, and they will present those to the test
7 labs as well.

8 COMMISSIONER HILLMAN: And just a quick
9 revisit on the year date of the guidelines standards
10 question. I don't think we can overstate it for
11 clarification. That currently in existence we have
12 the 2002 standards that were adopted by the U. S.
13 Federal Election Commission and the Election
14 Assistance Commission will continue to test systems
15 under this interim program and also under our
16 certification program once it's adopted sometime in
17 December. Is that correct?

18 MR. HANCOCK: That's correct. The
19 difference will be that now the NVLAP program is
20 going to be looking at labs to make sure they can
21 test to the 2002 voting systems standards but also
22 to see that they can test to the new 2005 voluntary
23 voting system guidelines. So once the EAC is
24 provided with a list of labs that are competent to
25 test to the 2005 VVSG system will be able to take

1 and test under that program.

2 COMMISSIONER HILLMAN: That won't be a
3 requirement until, what, 20007?

4 MR. HANCOCK: Correct, December 2007.

5 COMMISSIONER HILLMAN: And, Mr. Chairman,
6 I think it is difficult for our constituents and our
7 stakeholders to really appreciate the difference
8 between 2005, 2002, what's being certified, what the
9 labs are being accredited to, so hopefully any
10 information that we can put up either on our web
11 site and in our other materials that spells it out
12 as plainly as we can without doing a disservice to a
13 rather complex process would be helpful so people
14 won't be confused by that.

15 And my last question for you, Brian, and
16 this is more for the record, but if you could
17 explain NVLAP, what it belongs to, what it is, and
18 what its relevance is to the work that the EAC does.

19 MR. HANCOCK: Certainly. NVLAP is the
20 National Voluntary Laboratory Accreditation Program.
21 They are part of NIST, the National Institute of
22 Standards and Technology. And their role is
23 essentially to go out and look at labs to make sure

24 they are accredited in the field of competence that
25 they want to do business in.

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1 COMMISSIONER HILLMAN: Any field --

2 MR. HANCOCK: Well, ours happens to be
3 voting systems. There are labs that are accredited
4 for security encryption, any number of things, and,
5 of course, as you know, NIST is an arm of the U. S.
6 Department of Commerce.

7 COMMISSIONER HILLMAN: And what role will
8 NVLAP play for us? What is the work NVLAP does for
9 the EAC?

10 MR. HANCOCK: NVLAP will be sending
11 qualified assessors to these labs to look at any
12 number of things. To look at their quality
13 management and personnel and their technical
14 competence to test. At that point, if the lab
15 passes and NVLAP thinks they can do this, they will
16 receive NVLAP accreditation and under HAVA, NIST
17 will forward to us a list of these accredited labs
18 for the EAC to vote on to become EAC accredited
19 labs.

20 COMMISSIONER HILLMAN: And last
21 clarification, the word voluntary in the NVLAP name,
22 who is it voluntary to?

23 MR. HANCOCK: Well, the labs actually
24 apply to the programs, it's not a requirement, but
25 in fact in this -- in our field voting systems,

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1 NVLAP had a Federal Register that is, I believe,
2 last August requesting applications from
3 laboratories. Initially they received applications
4 from three labs. Since that time they've received
5 three additional applications, so as of -- as I'm
6 aware now, there are six in the process, six labs in
7 the process.

8 COMMISSIONER HILLMAN: So the voluntary is
9 that whoever applies to be accredited does so
10 voluntarily. It's not voluntary about getting the
11 accreditation. They must be accredited to do the
12 work for us.

13 MR. HANCOCK: Right.

14 CHAIRMAN DE GREGORIO: Thank you.
15 Commissioner Davidson.

16 COMMISSIONER DAVIDSON: I only have one
17 thing, Mr. Hancock, and I think it's more just I
18 want everybody to realize -- and I hope I'm saying
19 this right. Our rephrase is only for the
20 modifications. Any new system that would come in is
21 going to have to wait until we go into the full
22 phase at the end of the year. Is that correct?

23 MR. HANCOCK: Yes, ma'am, any new voting
24 system that has not been through the NASED process
25 before, has not been tested or received

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1 qualification, will need to wait until the
2 implementation and adoption of the full program
3 later in the year.

4 COMMISSIONER DAVIDSON: And I'm also
5 correct that one of the reasons why is because we do
6 not feel there's time to actively test it and go
7 through the procedures correctly.

8 MR. HANCOCK: That's correct,
9 Commissioner, absolutely. Any new system does have,
10 as you might imagine, a more protracted period. The
11 test labs need to review in detail all the

12 documentation on that system before they even get
13 around to the testing part and then, as you know,
14 the hardware needs to be tested, the software
15 tested, source code reviewed, and for a brand-new
16 system, that can take quite some time. Sometimes up
17 to a year or longer.

18 COMMISSIONER DAVIDSON: Thank you,
19 Mr. Chairman.

20 CHAIRMAN DE GREGORIO: Thank you,
21 Commissioner Davidson. Brian, I have a couple
22 questions. The vice chairman brought up a very
23 important point about the definition of
24 modification, what that might mean. I know you've
25 followed the NASED certification process very

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1 closely over the past many years. You've had
2 experience with this for many years. What would be
3 a typical modification that you have seen on the
4 NASED prior to an election?

5 MR. HANCOCK: Well, immediately prior to
6 an election, generally speaking, the modifications
7 are quite limited. If the state has an issue of any

8 sort or change in -- a late change in their laws,
9 for example, or a change in valve positions of the
10 source code, the coding would have to be changed for
11 the balance.

12 CHAIRMAN DE GREGORIO: Do court rulings
13 sometimes impact modification systems?

14 MR. HANCOCK: Yes, sir, they do. I'm sure
15 any of our friends out in the audience that are
16 election officials will tell you that happens quite
17 often, you know, and they are bound by the court
18 rulings. Even though sometimes those come up to the
19 day before the election, they're still bound by
20 them.

21 CHAIRMAN DE GREGORIO: I'd like to ask you
22 and perhaps our executive director if you might just
23 go through very briefly how we're going to get to
24 the full program, the process that's involved. I
25 know you've done a lot of work in this area, but

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1 we're going to look at this in a way that's going to
2 be very public and very transparent, as I understand
3 it, and be published in the Federal Register. We

4 know many people in the country, not only election
5 officials, have an interest in what we're doing in
6 this area, and perhaps if you can describe perhaps
7 with the executive director the process over the
8 next few months.

9 MR. WILKEY: Mr. Chairman, certainly the
10 staff has worked creatively and hard to get this
11 first phase up because we saw the need to make sure
12 that any modifications that needed to be done to
13 support the 2006 election would be done in support
14 of our state and local jurisdictions. However, the
15 document that you will next see for the full program
16 will certainly be much, much more comprehensive, it
17 will have 11 chapters and appendices, about 200
18 pages, it will have all the necessary forms and
19 internal documents that are being developed, and
20 they're near completion being developed.

21 As you know, Mr. Chairman, we must go
22 through the Paperwork Reduction Act. Some of us
23 don't know why they call it reduction since it adds
24 about six weeks to our work, but be that as it may,
25 it will be submitted to the Office of Management and

1 Budget for about a four- to six-week approval
2 process and during that time it will also be put in
3 the Federal Register for 30 days and on our web site
4 for 30 days so that those within the community, the
5 community advocates, the community certainly can
6 make any comments they wish to make for possible
7 inclusion in the document.

8 As Mr. Hancock indicated, NVLAP is
9 continuing to do assessments of the six laboratories
10 who have filed applications to be permanently
11 accredited. That is a very lengthy process because
12 NVLAP is part of an international standards setting
13 association. They use international standards, ISO
14 11025, which is a very, very comprehensive set of
15 guidelines that laboratories must follow to be
16 accredited to this, and that is a worldwide
17 organization of agencies throughout the world.

18 The new requirements will also take in a
19 couple of other areas that are very important.
20 Manufacturers will need to register with the EAC and
21 disclose information about its company, the owners,
22 board of directors, some decision makers. They will

23 be subject to the conflict of interest analysis
24 including whether anyone involved may be barred from
25 doing business in the U. S. and will be examined

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1 very carefully as it will be transparent. These
2 will be available to anyone who wants to see them.
3 It will be a quality assurance program put in place,
4 via site visits and field inspections, where
5 EAC-authorized contractors will go into facilities,
6 vendor facilities, to see how equipment is being
7 managed, what their quality assurance program is
8 about and, of course, there will be a process for
9 decertification of equipment based upon information
10 that is received from states and jurisdictions will
11 give us the opportunity to go back in and look at
12 certification.

13 And I might add just for clarification,
14 Mr. Chairman, that while I will be the initial
15 decision maker in this process, certainly that will
16 be an administrative decision only and will be based
17 solely on the recommendations that we receive from
18 the technical advisors that we will have reviewing

19 these reports from the ITA. But I think you will
20 find, Mr. Chairman and Commissioners, that what we
21 will present to you next will be a very, very
22 comprehensive set of policies and procedures as we
23 move forward into the permanent program.

24 CHAIRMAN DE GREGORIO: Thank you,
25 Mr. Wilkey. I appreciate your comments and

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1 explaining that to us and to the public as we know
2 that it's going to be a very important program for
3 the EAC and we know that you all on our staff are
4 taking this responsibility very seriously.

5 Madam Counsel, do you have any comments
6 before I call for a vote?

7 MS. HODGKINS: Actually, I just have one
8 point of clarification and perhaps Brian can just
9 clarify this as well. The systems that we will be
10 looking at modifications on that have previously
11 involved by NASED, they will also be eligible, if
12 you will, for full EAC certification beginning with
13 the full program, is that right?

14 MR. HANCOCK: Absolutely. In fact, they

15 will be required to go back through the process and
16 receive full EAC certification.

17 MS. HODGKINS: Thank you.

18 CHAIRMAN DE GREGORIO: Commissioners, we
19 have before us a motion and a second to adopt the
20 staff recommendation regarding the pre-election
21 voting system certification, the U. S. Election
22 Assistance Commission. I'd like to now call the
23 question on this motion. All those in favor, please
24 signify by saying aye.

25 Ayes have it. Thank you very much. Thank

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1 you, Mr. Hancock, for your excellent work and
2 presentation. I believe the secretary of state from
3 California, Mr. Pearson, has joined the room.
4 Welcome to the meeting today. We appreciate the
5 work you do. We know that you and Mr. Wilkey had a
6 great session yesterday afternoon. I appreciate the
7 recommendations you've made to the EAC. Welcome. I
8 believe Sandy Steinback is also in the room.
9 Ms. Steinback, you've had a great deal to say about
10 the NASED voting system certification. You've been

11 the chair of a committee. So we appreciate your
12 participation in this meeting and your assistance to
13 the EAC the past few months.

14 I would like to next go to our panels, and
15 if they may be seated as I introduce the subject
16 matter, the folks from Design for Democracy, Mary
17 Quandt and Elizabeth Hare. We are next going to
18 discuss important work that has been conducted for
19 the EAC and we have two panels that will discuss the
20 work in designing -- in Design for Democracy. We're
21 going to focus on the issue of effective ballot
22 design and polling place signage. We are certainly
23 aware throughout the country how elections, when
24 they are conducted, new federal, state, and even
25 local requirements require certain signage, whether

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1 it's for the public or whether it's for the use of
2 the poll workers and the election officials, and
3 HAVA certainly has its own requirements of what's to
4 be posted at the polling place. Then there is the
5 question of ballots and we see many states making
6 change overs to different balloting systems, but it

7 all has to do with serving the public in the best
8 way that we can to make the design of these posters
9 and signs the best possible. And the ballot, the
10 way that it's laid out with questions that might be
11 asked, the font size is important. Over the past
12 few months, the EAC in its contract with the
13 American Institute of Graphic Arts have been working
14 to develop templates for polling place signs and
15 effective methods for ballot layout.

16 We will hear from two panels of speakers
17 today. The first panel includes two persons
18 representing the AIGA, as the American Institute of
19 Graphic Arts is known, and the contractor that has
20 been working with the EAC on this important task.
21 The second panel includes election officials who
22 have developed effective and easy-to-read polling
23 place signs, ballot design techniques.

24 We are very fortunate that Design for
25 Democracy is working with us on this project. They

1 have done significant work in the public sector on
2 other matters involving serving the needs of human

3 factors of the American people in other ways,
4 particularly in the private sector. But today
5 they're helping us and they've been helping us for
6 several months certainly in this area to serve the
7 public in the area of democracy, so we're very
8 pleased to have with us Elizabeth Hare, who is the
9 project manager for this project. She is the
10 managing director of Design for Democracy's
11 strategic initiative of the AIGA. She formerly
12 worked as a designer for Discovery Online and as a
13 business consultant in direct media for Razorfish,
14 Digitest, Nikon, and Nicholson. Her prior
15 experience and user experience, strategy has
16 recently been applied to Citizen Nation
17 Collaboration, and she is testifying before this
18 commission in the current capacity as project
19 manager for this project.

20 Mary Quandt is the project usability
21 specialist for Design for Democracy. She is a user
22 experience strategist working on this project. She
23 works with industry, government, and private users
24 to define solution criteria for validation and
25 testing scenarios. She worked as a senior design

1 analyst in project development in interactive media
2 for many companies throughout the United States, and
3 she is currently working with Ms. Hare on this
4 project.

5 Ms. Hare, I believe you will go first in
6 this particular panel. I welcome and -- we welcome
7 your comments today.

8 MS. HARE: Thank you very much. Today I'm
9 going to review the design requirements. The
10 current state of our ballot and sign exhibits --

11 CHAIRMAN DE GREGORIO: If you could move a
12 little closer to the mic.

13 MS. HARE: I'll be reviewing the design
14 requirements and current state of our ballot and
15 sign exhibits and Mary will be summarizing our
16 research and usability testing methodology and
17 outline core goals for the remainder of our project.

18 In September 2005 AIGA was awarded a
19 research and design contract by the Election
20 Assistance Commission to assist states in meeting
21 election reform requirements for ballot design and

22 publicly posted voting information as mandated by
23 Sections 241(b)(2) and 302(b) of HAVA. These
24 sections cover ballot designs for elections for
25 federal office and the public posting of signs on

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1 election day to cover sample ballots, election date
2 and hours, voting instructions, particularly for
3 provisional ballots, also for first time voters and
4 mail-in registrants, and the public posting of
5 voting rights, including provisional ballot rights,
6 official contacts for suspected voting rights
7 violations, and legislative information on
8 misrepresentation and fraud.

9 This project remains a landmark
10 opportunity for Design for Democracy to assist the
11 U. S. Government in improving the quality of the
12 voting experience for all by means of effective
13 design. We thank the EAC for entrusting us with
14 this responsibility.

15 As we cycle through iterative stages of
16 development, our key project activities include
17 examining the voting experience as a collaboration

18 among voters, election officials and other
19 administrators, poll workers, voting machine
20 manufacturers and printers. We monitor election
21 reform news and legislation. We're auditing current
22 practices for election design. We incorporate
23 usability requirements for our solutions gathered
24 from legislature accessibility experts, and advocacy
25 groups. We design solutions that are tested for

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1 success, and eventually we will compile a best
2 practices set of guidelines for the design of
3 election materials.

4 Commissioner DeGregorio spoke a little bit
5 about the AIGA, but I will just say that AIGA is the
6 professional association for design and is the
7 oldest and largest membership organization for
8 professionals engaged in the discipline, practice,
9 and culture of designing. Its mission is to further
10 excellence in design as a broadly defined
11 discipline, strategic tool for business, and
12 cultural force.

13 Design for Democracy is a strategic

14 initiative of AIGA, as was stated, and our goal is
15 to increase civic participation by making
16 experiences clearer, more understandable, easier to
17 accomplish, and more trustworthy. Prior to being
18 award to our current project for the EAC, Design for
19 Democracy spent five years developing successful
20 election design solutions in Cook County, Illinois,
21 the state of Oregon, and with NIST, the National
22 Institute of Standards and Technology.

23 So as part of our solution, the
24 requirements we've been following heavily the 2005
25 voluntary voting systems guidelines and we know that

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1 every U. S. citizen is entitled to privacy and
2 independence while voting. In identifying best
3 practices to enable this right, our project team is
4 challenged by two main forces, legislative
5 imperatives and the practical operational challenges
6 of the election design environment at state and
7 local levels. While conducting our work, we strive
8 to reconcile these forces, practicality, how
9 elections are run, and legality, the state and

10 federal bottom lines, and acknowledge our own
11 responsibility, the imperative to bring proven
12 design principles to the voting experience to
13 clarify written communication.

14 So these tensions, plus others presented
15 to us from our patchwork of election laws, hint that
16 best practices probably won't be embodied as static
17 rules on paper but in the intangible realm of hard
18 decisions and trade-offs made by officials in the
19 best interest of their constituents.

20 The core set of government regulations
21 that are influencing the work that we do come from
22 HAVA, the 2005 voluntary voting system guidelines,
23 the Americans with Disabilities Act publications,
24 the Voting Rights Act of 1965, and NIST documents,
25 particularly the moderate test ballot guidelines and

1 the ballot design guidance document.

2 So in the election design environment, we
3 are targeting our final set of best practice
4 materials at election officials, although we know
5 that they don't act alone to prepare for elections

6 or have sweeping authority over voting design
7 decisions. We attempt to understand how they
8 collaborate with teams that are influenced by
9 forces, the voters, the county clerks, state laws,
10 the budgets, the judges, the voting machine
11 manufacturers and printers, to name a few, to arrive
12 at their ballots and signs each polling day. We
13 would like our final solutions to be as relevant as
14 possible given the operating sphere of these
15 officials while we point them to the best visual
16 manifestations of federal mandates.

17 So with our ballot designs, our signs and
18 our ballots are primarily visual communications.
19 Voting signals cued to users by typography, color,
20 layout, illustration, and symbols should emphasize
21 usability, clarity, and consistency. A voter or
22 poll worker should not have a learning curve to cast
23 a ballot.

24 According to electionline.org's Election
25 Reform 2000-2006 report, voting system use in

1 January indicated 41 percent of registered voters

2 use optical scan ballots and 38 percent use
3 electronic formats. Because these technologies
4 provide nearly 80 percent of all voter experiences,
5 we have opted to focus our ballot design energies on
6 them.

7 Here is a breakdown visually. So we're
8 focusing on these two formats. The main attributes
9 of our current ballot prototypes include clear
10 delineation of content hierarchy, completion of
11 navigation guidance, visual instructions, alternate
12 language support, and one color of high contrast
13 solution. Improving voters' understanding of
14 complex referenda content would also be a
15 significant reward for voters. Currently our
16 ballots show content from this document and includes
17 sample referenda language.

18 So for our optical scan prototype, we have
19 developed a black and white series of four pages.
20 The current template is derived from our NIST ballot
21 design guidance document and has been modified
22 several ways for the research and testing that
23 they're doing. It is a legal-sized document, and we
24 have broken down the areas into sort of the core

25 components. At the top we have the election type

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1 and the language the ballot is in. This ballot is
2 actually a bilingual ballot, in English and Spanish.
3 We have ballot instructions, we have voting
4 instruction, we have indicated the hierarchy of the
5 headers with reversed black scannable solution. We
6 have the name of the contest and the district. We
7 have candidate party indicators and vote marks and
8 we have ballot navigation.

9 These are the primary components of this
10 ballot and because it's bilingual, it runs
11 approximately four pages. But here is the referenda
12 and the content. It also adds length to the
13 content. One of the color integrations that we
14 looked at, because we know it's a factor for
15 usability and readability, we just have gone to the
16 field with different solutions to see how users and
17 voters actually react to seeing different colors.

18 We have DRE scrolling ballots. This is
19 actually the rolling screen. DRE ballots generally
20 offer a voting experience mediated by a touch screen

21 interface, unlike the optical scanner and
22 paper-based ballots. Although security and
23 reliability concerns hover around paperless voting,
24 we know that most polling places meet accessibility
25 requirements by owning at least one DRE machine.

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1 So for our rolling or landscaped oriented
2 prototype, we separate the voting and reviewing
3 processes into discrete activities. We designed and
4 tested an interactive touch screen demo with a very
5 basic voting functionality.

6 So here is an example of a language
7 selection screen. Here is a screen for a contest,
8 presidential and vice presidential elections, and
9 we've broken this down into sort of common
10 components like the ones we have for our optical
11 scan. They vary slightly for the technology.

12 This is actually an amendment page, but
13 you can see the length of the content. And there
14 are rules governing how content can break across
15 pages or screens, and in this case it can't break,
16 so we have a scrolling. And we have a ballot cast

17 page.

18 The other DRE sketch we're working on
19 solution is a full face ballot. It's a hybrid.
20 Some states require a full face ballot to present
21 all election contests in a single matrix. Voters
22 will input selections into an electrified
23 transparent screen overlay on paper. We were able
24 to see variations structured in New Jersey when we
25 observed primaries there on June 6. And the

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1 connections and the content for this solution is
2 very similar to that of our optical scan ballot. So
3 this is actually a large ballot on paper that is
4 slipped under a transparent screen that voters can
5 put their voting choice into. And the components
6 are very similar to the ones we had described
7 previously for other ballots types.

8 Another ballot type we are aware of is the
9 WPAT. It's not part of our contract, but we would
10 like to consider probing an opportunity to include
11 guidelines for WPAT for part of our other ballot
12 guidelines because 25 states now require this type

13 of voter verified audit paper trail.

14 In our voting information designs, we have
15 developed a five-category system for temporary
16 polling place signs that support HAVA and ADA
17 requirements plus other identified environmental and
18 voter needs that we've discovered. Our solutions
19 are for easily reproducible paper signs in common
20 sizes that address variables such as voting
21 education, layouts, logistical constraints and
22 regional information. And the ones I've highlighted
23 here in yellow are the ones that are required.

24 So the voters bill of rights poster, the
25 general information poster, and the polling place

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1 identification poster is a requirement. So for our
2 example of the voters bill of rights, we have the
3 bilingual poster. We have translated it into German
4 for our design purposes to make sure that the line
5 lengths are long enough to accommodate any other
6 language we think would actually be applied at a
7 jurisdictional level. The anatomy is very clear.
8 The title banner, we have headings, we have body

9 text in dual languages that we've included, and
10 we've included symbols and icons where appropriate,
11 and in this case we're trying to -- because the
12 voters bill of rights content is very lengthy from
13 state to state, we try to come up with a summary set
14 of rights that someone could look at in a
15 generalized way. We divide the content into
16 information that would be useful to know prior to
17 election date and also a content that would be
18 useful to have during the election when you're
19 voting.

20 Our second sub-system is instruction. We
21 have sample ballot, voting instructions, and
22 provisional voting posters that are required at
23 voting places. Our sample ballot shows the sample
24 of technology that would be available at that
25 particular polling place. In this case it's an

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1 optical scan. And this is a sample ballot for a DRE
2 screen based on our current prototype. And for
3 voting instructions and instructions on all of our
4 ballots and posters, we're attempting to use a lot

5 of visual illustrations for people with literacy
6 issues. We have a provisional voting poster that's
7 required and all of the information that would be --
8 for someone interested in learning about provisional
9 voting.

10 Another sub-system is our exterior
11 identification system when accessible main entrance
12 and accessible alternate entrance are both required.
13 This is very visual, not a lot of text. They're
14 very similar.

15 The identification interior
16 sub-system, none of these are actually required by
17 law, but we're exploring ways to round out our
18 system that we think will be useful based on
19 practices that we've observed. Very simple
20 information and low text graphic posters.

21 The way finding sub-system is for
22 accessible routes that are required and accessible
23 restrooms. And we have a sub-system called
24 regulatory that we're developing right now. There's
25 just one that's required by ADA and it's the

1 restricted entrance sign. And now I'll stop and
2 turn this over to Mary to talk about research and
3 visibility.

4 MS. QUANDT: In this portion of our
5 presentation we want to share with you very general
6 findings from our primary research. If at any point
7 you have questions about specific findings related
8 to each ballot or sign, we are able to answer those
9 at length probably. But in the interests of time,
10 we want to keep our initial presentation general
11 about our three-phase design and research process.

12 As mentioned earlier, we are following a
13 test design process where we analyze, create,
14 evaluate, and refine. The materials you just saw
15 were created based on an analysis of ballots for 25
16 states, our foundational work with Cook County and
17 Oregon over the last few years, from Phase 1
18 investigations with election officials, and for the
19 end of Phase 1 these materials were evaluated by
20 potential voters in our iterative process.

21 That said, Phase 1 of our work includes
22 basically two types of qualitative research:
23 Formative field research and usability evaluations.

24 In terms of formative field research, by looking at
25 the election community and the context in which

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1 ballots and signs are situated, our intention was to
2 better understand the interests, attitudes, and
3 needs of election officials. This approach is
4 ethnographic and observational and was designed to
5 expand our realm of inspiration and insight.

6 The following themes were our focus
7 for this portion of our research: Common practice
8 in ballot and signage development; challenges and
9 pitfalls experienced by both election officials and
10 voters; current successes, tips and great examples
11 that we could find that are currently in the field;
12 and constraints as well as new opportunities both
13 related to technical and legal constraints.

14 We spoke with a number of people by
15 way of interviews and in person -- both by phone and
16 in person. We spoke with 17 election officials, 22
17 expert advisors. We held observation and interviews
18 on the June 6 primaries in both rural Hunterdon
19 County, New Jersey, as well as Newark, New Jersey,

20 which is an urban setting. And we held focus groups
21 with 16 election administrators in three locations,
22 Nebraska, Maryland, and Orange County, California.

23 The usability portion of our Phase 1
24 research included conducting task-based usability
25 evaluations of our optical scan and DRE ballot

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1 prototypes with 43 potential voters. Ballot content
2 was based on this moderate text ballot document,
3 legislative requirements that we had gathered, and
4 insights from our field studies. Tasks were
5 assigned to participants such as choose appropriate
6 candidates in a multicanidate contest, vote for or
7 against referendum, skip or modify a contest, and
8 review and cast a ballot. As each participant
9 sought to accomplish the assigned tasks, we
10 evaluated design elements that we believed would be
11 important and likely to impact voters such as ballot
12 size, sequencing patterns, fonts, text size and
13 alignment.

14 I want to share with you some general
15 highlights from the ballot in particular. Overall,

16 from the prototypes that we saw voter preference
17 favored our DRE prototype. It was considered
18 shorter, faster, and easier to use than our optical
19 scan paper ballot despite identical content.
20 Security, not usability, was the primary voter
21 concern. Sample voters appreciated ballot content
22 overview. They considered it useful in
23 understanding their voter place and progress in
24 ballot sequence and in reviewing their contest
25 selections. In that sense the optical scan ballot

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1 was preferred because they could get a one-shot
2 overview versus the sequential thing that often
3 happens in the electronic ballots. So that's
4 something that we're building into our next round.

5 We did some extensive testing of the
6 presentation of multilanguage on a single ballot.
7 We noticed a number of -- that multilanguage
8 practices ranged from a simultaneous translation
9 display to translation booklets in Los Angeles
10 County, California, for non-English readers to
11 consult against an English ballot. Although voters

12 supported multiple language options, a majority
13 preferred ballots to be in a single language
14 presentation. It allowed them to work faster and
15 with greater clarity, although I do know that some
16 jurisdictions require it -- require the ballots to
17 be multilanguage, which we found to be less
18 effective when it was presented that way.

19 A significant although not a
20 surprising finding was that legibility and
21 readability in referenda proved problematic for some
22 users. We were also somewhat surprised that there
23 were issues around labels and voting instructions.
24 When simple -- when some words that were used that
25 were as simple as edit and modify for low literacy

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1 readers, that proved difficult. So simple language
2 is definitely an area of interest for us.

3 We also did some extensive -- or some
4 initial exploring into color with the ballots and we
5 found that it did significantly improve usability of
6 the ballots. Some election officials and
7 participant voters feared, though, that color would

8 dumb down the ballots and contribute to lazy
9 discernment of candidates when it was applied
10 specifically to party names. And so the use of
11 color and how it may be used in ballots needs to be
12 explored so it can be applied appropriately for
13 usefulness.

14 I just wanted to highlight, too, we
15 did get very detailed feedback from users as they
16 moved through the ballots about the specific areas
17 that we had focused on. So at some point we can
18 share with you, if it's of interest, exactly how
19 they reacted to, say, the presentation of the font
20 size that was used in the instructions. But I
21 thought it was too difficult to go over right now.
22 But we do have detailed information both on the
23 optical scan ballots that were used as well as the
24 DRE ballots.

25 Some general research highlights in

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1 terms of signage. Election officials and voters
2 both acknowledge a typical sense of information
3 overload when entering the voting place. In some

4 cases a multitude of visual language and resources
5 makes the information difficult to prioritize and
6 digest. In testing, our bolder, color-keyed headers
7 were appreciated and considered useful, visually
8 distinct and perceived as financially feasible in
9 their one- or two-color print requirement. Testing
10 showed that simple language and short paragraphs and
11 bulleted text lists organized by step or by topics
12 made posters easier to read and remember as well as
13 more likely to approach.

14 The variation in polling place
15 signage -- or polling place layout posed challenges
16 for us when determining general signage materials
17 and guidelines. Some jurisdictions offer standard
18 and site-specific training packages for poll place
19 workers on where to hang signs and how to use them.
20 But few provided guidance to poll workers
21 strategizing signage effectiveness rather than
22 compliance.

23 One other point on the signs that we
24 found an interesting challenge. Wall space,
25 signage, and transportation, the logistics of

1 getting signs to the polling places was of primary
2 concern for officials. Posters that we observed and
3 gathered from election officials were commonly 11 by
4 17 or smaller to accommodate these restrictions
5 while larger posters were considered easier to read
6 and of more interest to voters. So there was a
7 trade-off.

8 In terms of general election design,
9 I just wanted to highlight a few things that I think
10 we've heard but it continues to be reinforced and we
11 thought it was worth pointing some of these things
12 out here as well as it comes up in ballot design and
13 signage. Ballot design practice is generally
14 constrained by budget limitations, staffing and
15 technology performance and by election processes
16 left little need for change or a limited history of
17 meaningful innovation. Voter need is often trumped
18 by legislative requirements particularly at a state
19 level, which drives election planning and design
20 activities. Trained design resources are rarely
21 used to address ballot and planning strategy with
22 voter expectations in mind. Election officials,

23 legislatures, machine manufacturers, and voters may
24 seek value and change in their practices, but voters
25 often find comfort in the status quo and election

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1 officials often argue cost to justify that. The
2 evolution of election design practices may need to
3 be gradual to accommodate both these aspects, users'
4 learning curves as well as manufacturers' ability to
5 adopt guidelines.

6 As our team foresaw, there's no one
7 size fits all solution for every jurisdiction. But
8 we are identifying successful practices and leaning
9 towards modular design elements that can be adopted
10 incrementally. Also not of surprise, successful
11 ballot and poll place signage implementation is
12 dependent on poll worker knowledge and preparation.
13 Training and familiarity with the signs and the
14 ballots should help attune workers to a variety of
15 voter needs since many with disabilities -- the
16 disabilities are invisible, we feel the poll worker,
17 training is critical to the success of the ballots
18 and the signs so they are used in a smooth and legal

19 fashion.

20 These are some of the top level
21 findings from our Phase 1 research. We have two
22 more phases of research that are scheduled for this
23 project. Having researched the current and
24 successful practices nationwide now, we are refining
25 the materials that you just saw to reflect the

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1 findings that we have and we are incorporating a
2 full and complete set of compliant design solutions
3 for our prototypes. More usability testing is
4 planned, but our intended focus in Phase 2 will be
5 consultation with our network of experts and
6 advisors to meet HAVA requirements across audience
7 segments. That means that we're really focusing on
8 some things such as low visual needs for the blind,
9 low visual, literacy, et cetera, in this phase. We
10 do also have some usability testing. We will be
11 conducting six usability tests. It's focused here
12 in New Mexico this afternoon and all of our
13 participants are bilingual to get a more direct
14 input on language translations and how that's

15 managed. We also are planning -- seeking partners
16 for our public online survey focused on nationwide
17 ballot practices and design elements. That may be
18 adopted incrementally or in full. But that's not
19 yet solidified.

20 Phase 3. We will again be refining
21 our documents based on Phase 2 findings. It's again
22 a very iterative process and in Phase 3 we believe
23 to effectively assess our work, our team will need
24 to analyze the Phase 2 materials in simulating a
25 polling place environment. Thus far our studies

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1 have been conducted in laboratory type settings.
2 Not actually in laboratories, but in conference
3 rooms and that type of thing and we find it needs to
4 be much more realistic to get realistic results. We
5 plan to consult with the EAC and our advisory
6 network to author protocols and requirements for
7 simulated usability tests.

8 Finally, we wanted to discuss our
9 best practice guidelines. Our final deliverable is
10 a document that includes best practice guidelines.

11 In this document we -- excuse me. Our team has been
12 auditing similarly conceived guidelines and
13 checklist examples from state and federal resources,
14 private organizations, and election officials to
15 determine the most successful format for our
16 recipients. Our guidance will provide adequate
17 flexibility and consistency within our ballot and
18 signage systems to establish basic and minimum
19 standards to be implemented across jurisdictions and
20 voting technologies and other local variables.

21 The attributes of this final document
22 are listed here. We know that they need to be in
23 simple language, the guidelines themselves. We need
24 visual explanations, data that's key to federal
25 requirements, and we know it needs to be a modular

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1 design system component that can be adopted
2 incrementally. We also plan to show variations so
3 we can show differences in how things are managed
4 from one jurisdiction to another and still adhering
5 to our common design system.

6 In closing, we are honored to be

7 contributing to this important effort and
8 acknowledge our best practices are a work in
9 progress. The work this team pursues is one facet
10 of a complex system of influences that make for
11 smooth and effective election solutions. Our team
12 continues to solicit resources and relationships
13 that will positively contribute to the development
14 of useful, usable, efficient, and replicable
15 election design recommendations, examples and
16 practices we hope will make an impact.

17 CHAIRMAN DE GREGORIO: Thank you. This is
18 the first time in the United States this has ever
19 been done and this is very important work and you
20 certainly have outlined in the last 30 minutes or so
21 what you've done. It's been quite enlightening to
22 all of us, but certainly something that we recognize
23 as needed; otherwise, we wouldn't have contracted
24 with you to do this. I'd like to ask my colleagues
25 if you have questions of our panelists this morning.

1 Ms. Davidson.

2 COMMISSIONER DAVIDSON: I only have one.

3 You know, I do think this is a very important
4 process that we're going through and having you go
5 out to the community and finding out from, you know,
6 the language of minorities or any of that area
7 that -- the disability groups I think is very
8 important. How they can see and utilize the --
9 whether it's the ballot or the signs or for the
10 polling place I think is very important.

11 The one question I have is more of a
12 statement than a question. But I wanted to get a
13 response from you. I see as one of the biggest
14 positive processes of this program is that when
15 we're finished, the templates will be up where
16 states and locals can change it to modify it to
17 their own law or they're identifying it to their own
18 locality even and be able to use that where they're
19 not spending money going back out and doing studies
20 of this kind again. Do you agree with me?

21 MS. HARE: Yes. Our intention is to make
22 modular suggestions or to break down our
23 recommendations into modular components that are
24 going to be easily digestible and adoptable by
25 people at the local levels. That's going to be the

1 secret to its success.

2 COMMISSIONER DAVIDSON: And I'd like for
3 everybody to take note, there's one sign -- polling
4 place sign in the back and that was on loan to us by
5 D. C. Alice Miller uses it. It's what you're
6 looking at. When you leave, you can look at it.
7 But she has said it's even reducing the cost of her
8 printing because she has those signs from year to
9 year and they've been very effective because they
10 scan and roll down or roll up, I can't remember
11 which way it is, but it's been very effective. So
12 the audience, when you leave, make sure you look at
13 it. And it's a brand-new idea that I think many of
14 us need to take note of. Thank you.

15 CHAIRMAN DE GREGORIO: Ms. Hillman.

16 COMMISSIONER HILLMAN: A couple of
17 questions. In your presentation, specifically on
18 what I have as page 10 of the testimony that you
19 submitted to us, it's in the section -- it's
20 actually item 6, research highlights, ballots. The
21 observation about the use of colors and the optical

22 scan ballot with the attempt, as I understand it, to
23 develop a presentation of information that will be
24 user friendly for individuals who were lower on the
25 literacy level than perhaps others, but I'd like if

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1 you could explain further about the fear about the
2 dumbing down of the ballot or the contribution to
3 lazy discernment. Could you talk about that a
4 little bit, please, or talk about it as much as you
5 have to.

6 MS. QUANDT: You'll notice, although the
7 people in the audience may not, that the dumb down
8 and lazy are in quotes. Those are quotes that were
9 gathered from participants during our usability
10 testing, I think more so than election officials.
11 But a number of people made statements that if
12 the -- in the examples that we presented, the
13 instructions and the contest titles were color
14 coded. Some people explored with us verbally the
15 option of color coding parties so that as you looked
16 across the ballot, you could see anybody who was,
17 for example, of the purple party, I'll just say it

18 that way, and some people believed that it would
19 have people not be as discerning as they would just
20 look for purple and they wouldn't really evaluate
21 the options.

22 So it may or may not be a valid concern,
23 but it was something that came up by a number of
24 participant voters a number of times and we thought
25 that it was worth bringing attention to this because

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1 that is something that we have considered exploring,
2 particularly for primary elections, depending how
3 jurisdictions manage, you know, a single party vote,
4 how can that be managed effectively.

5 COMMISSIONER HILLMAN: In your comments,
6 though, you said that although you support black and
7 white -- you actually say a -- with compliant in
8 parentheses "black and white ballots, we plan to
9 address colored paper and ink." Roll that out for
10 me in terms of the final report and recommendations
11 you will be making to the EAC.

12 MS. QUANDT: At this point I feel
13 comfortable saying that we are sure that black and

14 white provides enough contrast for anybody that
15 might have low vision. We are at the level of
16 contrast may be an issue. So black and white is an
17 easy solution. We've been exploring the application
18 of color in such a way that may provide the same
19 level or an adequate level of contrast but may also
20 provide more information for users. It's not an
21 area where we have a recommendation yet or a final
22 solution, but I do feel that it is an area that is
23 worth further investigation.

24 For example, there are some areas --
25 Hawaii uses color coding. I'm not sure yet how

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1 effective it is. But they do use it by party or by
2 contest to separate different things, and some
3 jurisdictions I know use color to highlight the
4 voting mark, the place where you mark the ballot,
5 and that doesn't really distract at all from the
6 readability of the ballot. But I just don't feel
7 comfortable making a recommendation about color yet.
8 The goal is contrast and more clarity.

9 COMMISSIONER HILLMAN: Thank you. And my

10 last question is, in your research and study to
11 date, have there been any surprise findings for you?

12 MS. QUANDT: Sure.

13 COMMISSIONER HILLMAN: Any that jump out
14 that are more significant than others?

15 MS. QUANDT: I think that there -- I mean,
16 there's definitely more work to be done for me, and
17 I think for our team a lot of rich information comes
18 from the qualitative evaluations that have been
19 conducted with voters. So far we've talked to 43
20 voters, potential voters, and I have been surprised
21 by two things in particular. One is how well
22 received the DRE prototype that we showed was by
23 people who we anticipated may have some visibility
24 or learning issues. But --

25 COMMISSIONER HILLMAN: Visibility or

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1 what --

2 MS. QUANDT: Visibility or learning
3 issues. Not from a cognitive perspective but
4 because of perhaps some novice technology. I don't
5 know. And there was one woman in particular in

6 Minneapolis, her name was Eunice, and she had only
7 graduated from eighth grade and she was completely
8 delighted to have had the experience of using a DRE
9 ballot successfully because she just didn't know
10 that that was possible.

11 And so I think it's been interesting for
12 us to learn how to craft our prototype to help users
13 overcome the initial perceived fear of not knowing
14 how to do it and just get them into the ballot
15 because once they're in, it's very easy. So that's
16 just been a little bit of a surprise about how
17 overwhelming popular it has been with people we
18 considered there to be novice technology issues.

19 I just have to say I've been somewhat
20 surprised at the low literacy issues. We haven't
21 specifically titled targeted low literacy
22 participants at this point, but we have fielded some
23 of that information and there are design techniques
24 that we can use to guide people through a ballot
25 that are going to be necessary. So far we've only

1 made one significant change and it's following one

2 of the manufacturer's templates they have a point 5
3 line weight. We found that when we moved that to a
4 2 point line weight, it helped people read the
5 ballots more easily. So some people who are not
6 strong readers didn't know how to move up and down
7 the ballots. So there's little techniques we are
8 finding that are surprising.

9 COMMISSIONER HILLMAN: Ms. Hare?

10 MS. HARE: I guess I was surprised to
11 really understand how -- because I have more of a
12 design background, how highly political the process
13 for getting content into a ballot and all of the
14 collaborating forces, as I think we tried to outline
15 a little bit in our testimony, come together to
16 effect what I as an end-user voter actually sees and
17 interact with on voting day. I find it interesting
18 that printers -- at least in the case that -- you
19 know, the research I've done, they actually own the
20 templates for ballots that are used for different
21 jurisdictions. You know, in my mind, that's
22 artwork. And when you hire someone to do artwork
23 for you, you pay for it and you own it and you own
24 the rights to it. And if certain people got hit by

25 buses tomorrow, I think they're be jurisdictions who

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1 would be kind of high and dry. I think it would be
2 interesting and I think we also mentioned that there
3 weren't really many standards or certifications for
4 people who design ballots and signs and I think that
5 might be something to be considered if everything
6 else about the process is being certified.

7 COMMISSIONER HILLMAN: And just one final
8 question, that is, is there anything in your
9 research to date that would suggest fear of the
10 ballot or fear of not knowing how to go through the
11 voting process on election day would be a reason why
12 people don't vote.

13 MS. QUANDT: I have not found that.

14 COMMISSIONER HILLMAN: If in your surveys,
15 if you come across that, I think it would be useful
16 to note because we also try to identify what
17 contributes to low voter participation in the United
18 States and the question of whether people see these
19 ballots with lots of complicated questions on them,
20 if that's a reason that keeps them out of the ballot

21 box. Thank you.

22 CHAIRMAN DE GREGORIO: Vice Chairman
23 Martinez.

24 VICE CHAIRMAN MARTINEZ: Thank you. I'll
25 be very brief. I actually want to pick up right

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1 where you all left off. And that is, it seems to me
2 that in your example of Eunice, if Eunice has a
3 preconceived notion that it's going to be difficult
4 to cast a DRE ballot but then you take her through a
5 prototype where she comes out surprised, saying it
6 was a lot easier than I expected, you've actually
7 removed a barrier. So Eunice may not have been
8 inclined to cast a DRE ballot until he or she is
9 able to figure out that in fact this can be designed
10 in a way that's going to be pretty simple to do. So
11 I think it gets back to the fear we're taking about
12 is the intimidation of the technology in a sense.

13 My personal story on that is that my
14 mother, when I was first approached about becoming
15 an EAC commissioner, and my colleagues have heard me
16 say this before, and I told her I was going to be

17 taking this job, she said, "Great. Just make sure I
18 never have to use one of those computer voting
19 machines." She's passed away now, but she was 76
20 years old at the time, never used a computer before,
21 and for her, in my small south Texas community, they
22 were about to move over to some DRE machines.

23 So I think that's the goal, isn't it? I
24 mean, the goal is to try to remove these barriers.
25 And so my final comment is that that's the role of

55

1 this agency. The role of this agency is to put as
2 many tools out there for our state and local
3 election officials so that they can then take what
4 they can, personalize it is a good point by
5 Commissioner Davidson, make it specific to their
6 localities of jurisdictions, and be better able to
7 provide a better service to entice and make sure
8 there are no barriers to voters when they do want to
9 come out and exercise their right to vote.

10 What was surprising to me, we have this
11 laundry list in Section 241 of our governing statute
12 of HAVA that says here are all the things that you,

13 EAC, can spend money on, your research dollars. Not
14 that we have a lot of it, but that we can spend our
15 research dollars back -- and I think back in
16 February of 2005 at a board of advisors meeting
17 Commissioner Hillman presented the laundry list to
18 the board of advisors, an influential group of 35 or
19 so people, election officials primarily, and said,
20 "What do you think from this laundry list we ought
21 to prioritize first?" And correct me if I'm wrong,
22 but I think this was at the top of the list. I
23 think they're just as committed to doing this as
24 anybody else. I think they want to get it so that
25 this is not a barrier to voters.

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1 I think the work you're doing is critical.
2 I look forward to your final conclusions and your
3 recommendations. I think this work is probably
4 among the most important we're doing for this
5 agency. I don't have any specific questions. I
6 thank you for the work you're doing.

7 CHAIRMAN DE GREGORIO: I certainly echo
8 the work you're doing. You know, many states have

9 made their own efforts to improve their ballot
10 styles and such, certainly since the 2000 election
11 butterfly ballot, you know, the punch card, and many
12 states after that prohibited the use of butterfly
13 ballots in their states and they've also taken steps
14 to improve ballot language. I know you've seen it
15 in some of your research in some states when
16 propositions or constitutional amendments are
17 presented they're in very legalese type of wording
18 on a ballot. And I know that's a difficult thing
19 that you all have to deal with in trying to come up
20 with what a ballot design might be to present
21 something like that.

22 I'm familiar with your work in Cook
23 County. I was there for their primary election in
24 2004, I think, when you introduced the work that you
25 did in Cook County and I know it was very -- it was

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1 very well received by the voters of Cook County.
2 But in your research and when you look at these, is
3 there a minimum font size and type of font that you
4 may suggest to be used for voters? I mean, I'm 54,

5 I have bifocals, but, you know, sometimes voters
6 complain that font size gets so small it's just hard
7 to read. Do you see that in your research?

8 MS. QUANDT: Sure. I think one of the
9 things that's difficult to balance is again the
10 state and local requirements that sometimes
11 contradict usability issues. For example, in some
12 states I believe they are required to keep the
13 ballot to -- for example, an 11 -- 8 1/2 by 14 page
14 two-sided and they're not to go beyond that and that
15 makes it difficult depending upon the length of
16 information that needs to be presented particularly
17 in presidential elections when I try to cram that
18 information into that size paper and still have it
19 be legible. So we believe there's some work that
20 needs to be done that may be out of the realm of our
21 contract here to help legislators understand how
22 those state requirements could be modified to
23 improve user experience.

24 One of the benefits of the electronic
25 ballot is that those adjustments are easily

1 calibrated per user and it's cost effective after
2 the initial investment but it's easily modifiable so
3 it's less of an issue in terms of type size,
4 contrast, et cetera. Once a ballot is printed, it's
5 printed. So that's something we're trying to work
6 with both in terms of font size, required length of
7 ballot, and also in those jurisdictions where more
8 than one language needs to be presented, it poses a
9 lot of problems in terms of font size.

10 CHAIRMAN DE GREGORIO: You know, I know
11 that in Cook County and the City of Chicago they're
12 facing a dilemma this November because they have 71
13 judges on the ballot for retention and I was
14 speaking to the directors of -- the county clerk and
15 the director of elections in Chicago just last week
16 and Chicago has decided to have just one ballot,
17 it's going to be 11 by 17 both sides to accommodate
18 because they felt voters should only be given one
19 ballot where in Cook County, pretty much the same
20 ballot as the City of Chicago has decided they're
21 going to do two because they don't want the font
22 size to be so small. They're worried the poll
23 workers might give out two of the wrong ballots

24 instead of two of the right ballot. So you're faced
25 with these qualifications when the number of

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1 candidates on the ballot become so cumbersome. But
2 I know that's part of your research.

3 My final question to you is, when can we
4 expect -- what is the timetable for the next phases
5 of your work and when can we expect that work to be
6 completed and shared?

7 MS. HARE: Our original -- our project
8 plan date for final delivery of materials to be
9 disseminated on EAC.gov is mid October and we are
10 holding ourselves to that time line. I think for
11 our next phase of research we would like to really
12 go through the full production process with an
13 election official partner to really walk a mile in
14 their shoes and get this stuff produced in the way
15 it's going to be produced by everybody we give this
16 to at the end of the project. So we're hoping to
17 partner and make arrangements as soon as possible
18 with potentially a manufacturer who may partner with
19 us to get our designs and, you know, build their

20 software compatible with their systems. We would
21 like to secure an election official partner that
22 we've been working with in Nebraska and make sure
23 it's going to be comfortable for them. We'd like to
24 get all that done in August, and we'd like to spend
25 September and October refining everything, pulling

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1 everything together.

2 CHAIRMAN DE GREGORIO: Thank you very
3 much. Thank you for the work you're doing every day
4 on the project. We know not just the EAC but my
5 colleagues, election officials, and voters of the
6 nation appreciate the work you do. Thank you for
7 your work, Ms. Hare, Ms. Quandt. We're now going
8 to take a five-minute recess.

9 COMMISSIONER DAVIDSON: Can I add one
10 thing. I just wanted to ask something that I was --
11 gathered information on when I was in Utah for their
12 primary. The University of Utah did an exit poll to
13 all the voters that went in to vote in several
14 precincts on -- it's two pages and there may be
15 something in there that would help your study on,

16 you know, how well the ballot was laid out,
17 usability, I mean, there was a lot of things, it was
18 a two-page, and so if you contact the -- it's the
19 lieutenant governor's office in Utah that runs the
20 elections. They can tell you who to contact at the
21 college, I know. I don't have a contact name. I
22 thought that might be help.

23 CHAIRMAN DE GREGORIO: We're going take a
24 five-minute recess and bring back our panel No. 2.

25 (A recess was taken.)

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1 CHAIRMAN DE GREGORIO: To continue this
2 discussion about the important issue of ballot
3 design, we are pleased to have in our second panel
4 two people representing two states who have worked
5 on this issue certainly in the past few years and
6 our first speaker on this panel will be Paddy
7 McGuire. Paddy is someone that certainly has worked
8 with the EAC very closely in -- in support of us and
9 provided us good advice over the time that we've
10 been in existence and we certainly want to state
11 from the beginning we appreciate that. But you have

12 been deputy secretary of state for the state of
13 Oregon since 2000, you have considerable experience,
14 and you provide policy advice to Secretary of State
15 Bill Bradbury and Secretary of State Bradbury, we
16 believe, has been one of the leaders on election
17 reform. You manage the day-to-day operations of all
18 seven divisions of the secretary of state's office
19 and that is certainly an important responsibility.
20 You've had federal responsibilities too in your
21 career serving the Department of Interior for many
22 years, and so we appreciate your participation in
23 this panel.

24 Ms. Matthews, Maria Matthews, is the
25 assistant general counsel, Florida Department of

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1 State. She's served as the assistant general
2 counsel for the secretary of state since 2000 with
3 primary responsibility over election law and public
4 records. Previously she was chief staff for the
5 Florida senate committees on commerce, the
6 judiciary, regulated industries as well as being an
7 associate with a law firm in Florida. We

8 appreciate, Ms. Matthews and Mr. McGuire, your
9 attendance at our meeting this morning and,
10 Mr. McGuire, I'd like you to proceed with your
11 testimony.

12 MR. MCGUIRE: Thank you, Mr. Chairman. It
13 is a pleasure to be here. I'd be remiss if I didn't
14 point out that a year from now the National
15 Association of Secretaries of State is going to be
16 meeting in Portland, Oregon, and we certainly hope
17 you'll find an occasion to have a meeting in
18 conjunction with that meeting in Portland. We'd
19 love to have you in the Northwest.

20 Mr. Chairman, my name is Paddy McGuire.
21 I'm deputy secretary of state in Oregon. I
22 appreciate the fact that you've invited me here to
23 discuss the work Oregon has undertaken to improve --
24 to use design to improve the voter experience in
25 Oregon.

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1 I first became aware of the role of design
2 in the world of elections at a conference that we
3 held in 2002 in Portland of elections officials, a

4 joint conference with the state of Washington with
5 election officials from our two states, local,
6 county, and state election officials, and Marsha
7 Lawson from Design for Democracy came and spoke at
8 this experience. She led three breakout sessions,
9 and the first was sort of lightly attended and the
10 second was jammed and the third was spilling out
11 into the hall as word spread around the conference
12 that this was not to be missed. And what Marcia
13 explained to us and showed us was the role that
14 design can play in improving the voter experience.
15 They had completed their initial work in Cook County
16 and they came in and did a little show and tell and
17 it was a great experience.

18 After the conference was over, in the
19 evaluations that folks did, overwhelmingly Marcia's
20 presentation was rated the best. She skillfully
21 showed us that the words election reform don't
22 necessarily require us to spend a fortune on the
23 latest voting machines. Election reform can be
24 accomplished in part by simply designing a ballot to
25 make it more readable and reduce the potential for

1 voter errors.

2 Let me give you an example. The infamous
3 butterfly ballot in Florida in 2002, we've all seen
4 this and it's been analyzed and the reaction to this
5 was that scorn was heaped upon this process and the
6 Design for Democracy people took a look at this and
7 said, you know, there's got to be a better way to
8 use this technology to make it provide for a better
9 voter experience. And this is their redesign of
10 that same technology and the difference is, I think,
11 apparent to even the most casual observer. The
12 exact same technology but with smarter design,
13 better design, and in a way that would drastically
14 reduce the chance that voters would make an error.
15 The message to us was very clear. Although voting
16 technology issues are very real and demand
17 attention, bad design is as troublesome as bad
18 technology. In Oregon we've committed ourselves to
19 both good design and good technology with the
20 understanding that good design is a whole lot
21 cheaper than good technology.

22 I want to publicly applaud the EAC for

23 your leadership in working with Design for Democracy
24 and making redesign a priority for elections
25 officials around this country. Design improvements

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1 are the most cost effective way to improve a voter's
2 experience and they can have huge impacts. After
3 Marcia's presentation at our conference, we
4 approached her about selecting Oregon's vote by mail
5 system as a new project for Design for Democracy and
6 she agreed. Our end of the deal was to provide
7 \$20,000 so Marcia and her design students at the
8 University of Illinois at Chicago could study our
9 election materials and propose redesigns.

10 Marcia's senior level design class
11 reviewed all of our material, studied and researched
12 all the components of Oregon's vote by mail process.
13 They then traveled to Oregon, interviewed election
14 officials, advocacy groups, and individual voters.
15 They sent research kits out to select Oregon voters.
16 These were UPS packages. You know, since our voters
17 don't come to polling places, we needed to send
18 materials to them, and we UPS'd -- we found 20

19 volunteers around the state with a wide variety of
20 educational experience, experience with voting, age,
21 disability, sent them a packet that included diary,
22 a disposable camera to take pictures of literally
23 how they voted, you know, the kitchen table, spread
24 out the elections materials, show us how they voted.
25 And then all this was returned to the Design for

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1 Democracy folks and studied by the 20 students.
2 They then presented us with a redesign of our voter
3 registration card, our voting in Oregon guide for
4 new voters, and the packet that each voter receives
5 in a vote by mail election, which includes their
6 ballot, voter confirmation card, and all of our
7 election manuals that the public uses for our
8 participation, the various quorums, and our
9 statewide voters pamphlet.

10 Quite simply, we were astounded at the
11 high quality of the students' work and what we were
12 able to purchase for \$20,000. Where else would we
13 be able to take advantage of the energy of 20
14 talented designers for so little money. We

15 immediately set upon a plan to implement as much of
16 the students' work as we could. Some of the design
17 changes were quick and others that required
18 statutory change or resulted in significant costs
19 took longer but -- and some are still in progress.
20 But we've already implemented most of the
21 recommendations.

22 And here's what we did. First we hired a
23 full-time designer. We were able to hire one of the
24 20 students who had worked on our project to move
25 from Chicago to Salem, Oregon, to work on redesign

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1 of our elections materials. Gretchen Solberg has
2 been working with us for a couple of years now and
3 her work is invaluable to the whole agency. We
4 immediately began redesigning our voter registration
5 card. At the table I gave Mr. Wilkey a copy of our
6 old voter registration cards with weird
7 conglomerations of perforations and folds that only
8 manage to confuse voters. When John Lynbeck moved
9 to Oregon to become our state elections director
10 from Alaska, he was, frankly, completely baffled.

11 Somebody who had worked in the elections business
12 for more than a decade, he was completely baffled by
13 the card. And so one of the things we were
14 committed to early on was changing our voter
15 registration cards.

16 We had new requirements for identification
17 under HAVA, and on the screen is the first iteration
18 of our voter registration card that's now been
19 updated with the new HAVA requirements now that we
20 have a centralized voter registration system to
21 provide space for Oregon driver's license numbers
22 and the last four digits of the Social Security
23 number. These are confusing requirements for new
24 voters, and we worked very hard and tested with new
25 voters, young people, old people who hadn't voted

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1 before to try and make the explanation of those
2 rules as simple as we could make them.

3 The next thing we tackled was our voting
4 in Oregon. I do have the new version there and I
5 would point out to you pages 4 and 5 which explain
6 the ID requirements under HAVA in both we hope

7 simple language and graphic examples of how to fill
8 out the card appropriately so people -- so people's
9 registrations take effect immediately. We -- the
10 guide uses both words and pictures to explain our
11 processes, and we're very proud of that.

12 We then worked on ballot inserts. One of
13 the requirements of HAVA is that we explain to
14 voters how to get a replacement ballot. This is
15 mailed with -- a version of this is mailed with
16 every ballot to every voter that explains both how
17 to correct a mistake and include a contact to get a
18 ballot if you've made a mistake. The -- we've also
19 done some pretty significant redesign work with our
20 ballots, and there's a bit of a story here. When we
21 first approached county clerks about redesigning
22 ballots, the -- and we have -- you know, I don't
23 want to cast aspersions on our county clerks because
24 we've got a great group of people that we're very
25 proud of, but the very first reaction was no, it

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1 can't be done, it can't be changed, these are the
2 way they have to be. So what Gretchen did was we

3 have a printer who prints ballots for 32 of our 36
4 counties. Gretchen drove to Bend, Oregon, and sat
5 down with the printer and said, "Look at my redesign
6 for ballots. Isn't this great?" And Tom Ryder, who
7 is one of the best in the business, said, "Man,
8 Gretchen, that's great. I can do that, you know, or
9 if we change this a little bit, we can do that, we
10 can make that work." And so we started with a pilot
11 in five counties using a redesigned ballot and it's
12 now in place in the 32 counties that Tom Ryder
13 prints their ballots and our voters tell us it's
14 simpler, it's easier to understand, and they like
15 it.

16 The one thing I'd like to change in our
17 statute is we require that all our initiatives, that
18 the full text of all our initiatives be printed on
19 the face of the ballot. Several years ago when we
20 reformed -- there was a proposal to change the
21 weight and mile tax for trucks. The text of the
22 weight and mile tax was 12 pages and that had to be
23 printed on ballots. It was a nightmare of epic
24 proportions. We've worked with our legislature to
25 try and get that changed. It hasn't happened yet.

1 We continue to work on that.

2 The next thing I want to show you -- there
3 is full text. This is a piece that we designed
4 initially as a training tool for our call center.
5 Under HAVA we were required to provide a way to find
6 out -- for individuals to find out if their
7 provisional ballots had been cast. We decided to
8 take that a step further and establish 1-800 number
9 where voters could get information about elections
10 generally. We've had long-standing experience in
11 the secretary of state's office using a call center
12 for our Corporation Division at the Oregon State
13 Correctional Institute where we have inmates
14 answering the phone and we decided to expand the
15 call center to include election information. We
16 knew that this was a complex issue and there were a
17 lot -- going to be a lot of complicated, difficult
18 questions on a variety of issues, and so Gretchen
19 put this PDF document together.

20 One of the issues we faced was the inmates
21 could have computers but they couldn't have Internet

22 connections for obvious reasons. We couldn't put
23 this on the Web for the inmates. We had to make it
24 a PDF document so it was there on their computers.
25 Through a series of tabs, people are able to ask

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1 questions on what they know -- I know it's hard to
2 see with the lights this bright. You can click on
3 the voter's registration tab and through a series of
4 two or three tabs, you can get down to really
5 detailed information about voter registration. Or
6 where to drop. We have a series of drop sites. We
7 didn't want inmates to have access to -- we didn't
8 want them asking for people's home addresses. What
9 they were instructed to do is to ask where is the
10 intersection closest to your home and they'd enter
11 that and we'd be able to tell them where their
12 nearest drop site is and provide directions on how
13 to get from where they are to a drop site and
14 that's -- and, frankly, in the days leading up to
15 the election, where is my drop site is the most
16 frequent question we get.

17 In rolling this out to elections officials

18 around the state and the county clerks to show them
19 what we were doing, everybody said, gees, can we use
20 that for our employees? And what began as a
21 training tool for our inmate employees is now used
22 by elections officials all over the state to answer
23 questions. You know, particularly for temporary
24 employees hired around the election, it's a great
25 tool.

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1 We weren't done. We have -- you have
2 copies of several of our manuals. We produce a wide
3 variety of manuals, and I'll tell a little story
4 here. In the past the old design of our manuals was
5 all the manuals for a given year were the same color
6 and the most prominent on the front of every
7 manual -- we produce about 12 different manuals a
8 year. The most prominent thing on the front of
9 every manual was the year. And it turns out the way
10 that this had evolved was that every year the manual
11 was a different color because it's a sort of like a
12 badge of honor. Our employees kept the manuals on
13 their bookcases to sort of show how long they had

14 been there. And they were different colors and they
15 looked really great on the bookcase and people liked
16 that. And there was -- people made suggestions
17 every cycle about what color the books should be
18 this year. And when the Design for Democracy folks
19 came out and said, okay, why is the year the most
20 important thing and why aren't all the manuals the
21 same color, people said, of course, it's always been
22 done that way. They said, well, probably having
23 different colored manuals would be more useful to
24 the users. It might not look as great on your
25 bookcases, but probably having different colored

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1 manuals would be more useful to users who may need
2 to refer to two or three. And so we now have
3 different colored manuals and, no, they don't look
4 as good on the bookcases anymore, but they're a lot
5 more usable for the users. We've used keys on the
6 inside to highlight the most important information,
7 little exclamation points, I think there are a
8 couple copies of our manuals there, consistent
9 themes throughout.

10 You'll see the blue shaded box there on
11 the bottom. Anything where there is a time
12 requirement that something be done by a certain date
13 is in a blue box. There's a little clock that you
14 can't see at the top of the blue box. Consistent
15 keys throughout the manual that make it more useful.
16 That's -- I have to show one more thing. The
17 chairman the other day at lunch issued a warning
18 about having your secretary of state appear on too
19 much of your HAVA-produced material. Here we have
20 our secretary of state in front of a billboard at
21 the Salvation Army thrift store.

22 We are now using the consistent design
23 that came from Design for Democracy that you saw in
24 their presentation on a -- on all our elections
25 materials and we think this has really improved the

1 voter experience and provided clear visual evidence
2 that something is election related. We use that on
3 ballot envelopes and it's something that Oregonians
4 are getting used to.

5 Let me just say one other word. We were

6 able to do all this in really difficult budgetary
7 times in Oregon. In my seven years in the secretary
8 of state's office, we haven't been able to innovate
9 very much outside the elections world because there
10 simply hasn't been money. We have been able to do
11 this because of HAVA and because of the money that
12 we got from the Congress to improve the
13 administration of federal elections. And I can't
14 tell you how important that is for us and I think
15 the progress that we have been able to make in
16 really tough budgetary times in Oregon is because
17 this federal money came to us.

18 That said, we are being very careful about
19 how it's being spent. Our goal at the end of the
20 two and a half years left in the Bradbury
21 administration is that half of the HAVA money that
22 we receive is going to be in a savings account and
23 we're going to be living off the interest and
24 hopefully those that come after us are going to be
25 able to use the interest and not the principal to

1 maintain these things and continue to innovate.

2 But, you know, I can't tell you what it
3 meant to us to have this freedom to innovate and the
4 funds to make that happen. It's made a world of
5 difference for us and I think has made a clear and
6 tangible difference to the voters in Oregon and
7 we're very proud of that. So thank you,
8 Mr. Chairman.

9 CHAIRMAN DE GREGORIO: Thank you,
10 Mr. McGuire. Thank you for your comments. I know
11 there will be questions from colleagues. We'll turn
12 to Ms. Matthews from the state of Florida.

13 MS. MATTHEWS: Thank you, Chairman
14 DeGregorio, and the members of the commission for
15 the opportunity to speak on behalf of the Florida
16 Division of Elections. Director Dawn Roberts who
17 due to a prior engagement was not able to be here,
18 she sends, once again, her apologies.

19 I'm going to speak on ballot design and
20 polling place signage. If you have to hail back to
21 an event which kickstarted our most recent election
22 reforms, the 2000 presidential election is the place
23 to start. It was no surprise when a number of
24 legislative proposals were filed in 2001 by the

25 Florida legislature including a bill with the simply

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1 stated line of legislative intent that said that we
2 are going to enact a uniform ballot law. Chapter
3 2000-40 was the major piece of election law reform
4 passed after the 2000 presidential election. The
5 law implemented many of the recommendations from the
6 governor's task force on election standards,
7 procedures, and technology as well as the senate
8 committee report from the ethics in elections
9 committee entitled Review of Voting Irregularities
10 of the 2000 Presidential Election. To paraphrase
11 only slightly a line from that report, it said, "The
12 abilities of a voting system to accurately reflect
13 the voter's intent is inextricably tied to ballot
14 design." Until then, ballot design was largely a
15 matter within the discretion of local supervisors of
16 the election. No formal process existed for review
17 or approval of a ballot design, although a
18 supervisor was required to publish sample ballots in
19 the local paper or to mail one to the registered
20 voters in their jurisdiction.

21 Without delving too much into our painful
22 past in Florida, Florida did become known as the
23 home of the butterfly ballot, the caterpillar
24 ballot, and even the Monica ballot, which I won't
25 even go there because there's been a lot more

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1 written about this by much more qualified persons
2 which made for entertaining reading.

3 The Florida legislature took deliberative
4 but swift action. For example, the punch card
5 voting system was banished much in the way of the
6 dodo bird. In addition to a number of other
7 changes, the legislature focused on revising a
8 section of law pertaining to ballots. So that it
9 was clear what the Florida legislature intended
10 regarding its intention to provide uniformity and
11 clarity in primary and general election ballot
12 instructions, design, and formats, the legislature
13 retitled the section specifications for ballots and
14 it directed the Department of State to adopt rule,
15 quote, graphic -- to include graphic depictions of
16 sample uniform primary and general election ballot

17 forms for each certified voting system in the state.
18 Rule 1S-2.031, which you have before you, entitled
19 the uniform primary and general election ballot,
20 further implemented that law and was first adopted
21 in 2002. We have subsequently revised it since then
22 as well.

23 The rule underwent an extensive rule
24 making development process which allows for
25 workshops, publications, and public hearings to

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1 obtain input from the public and private sector.
2 The rule emphasizes such things as that a voter can
3 only vote for one candidate per office, and this was
4 done in part by requiring specific instructions,
5 prompting and notifying the voter that you either
6 overvoted or you've under voted and what-not. It
7 also specifies the mark and place for a voter's
8 choice, prohibits any single race from appearing in
9 more than one column of an optical scan ballot or on
10 more than one screen of a touch screen ballot. It
11 specifies the minimum font size of ten points and
12 consistent font size for each category. It requires

13 the Division of Elections to approve any deviation
14 from the rule and provides uniform sample ballots
15 and instructions for use with each of the primary
16 types of certified voting systems in Florida.

17 The goal was to provide standardization of
18 the ballots and the ballot instructions and to make
19 them more voter friendly. We think the state of
20 Florida has done that as evidenced by the record in
21 years since. Obviously, the rules are always
22 subject to review and revision and as new voting
23 systems come on line and are certified, the rules
24 may have to be changed. I understand that under
25 HAVA, ballot design is an area that, obviously, the

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1 EAC is examining at this time, and I brought copies
2 of that rule so that if you wanted to show that as
3 part of your study. Obviously, Florida, even as
4 much as we have enacted and adopted to date, we can
5 always use the benefit of the knowledge gained from
6 your study, and we look forward to that.

7 Polling place signage. I kind of feel
8 like a stepchild now after listening to the

9 democracy and design presentation and Oregon's, so
10 on this topic I'm going to be very brief. Although
11 I didn't know it at the time, I still am. The truth
12 of the matter is that the mantra we have in terms of
13 our signage is keeping it simple. The Department of
14 State produces for the supervisors of elections two
15 major signs that are posted in polling places, the
16 voter's bill of rights and voter responsibilities
17 and instructions to voters.

18 There is nothing fancy in our production
19 or our layout. It simply says what it has to say
20 and according to law in bold black print on a white
21 poster. Given the limited amount of space on the
22 walls in some of these polling places sometimes due
23 to the requirement to post constitutional
24 amendments, which Florida is one of those states
25 that has a lot of those, some suggestion has been

1 made about changing the manner of display from a
2 wall poster to a floor display. Of course, that's
3 very superficial, but that's one suggestion.

4 In accordance with Section 101.031, the

5 Florida Department of State is required also to
6 produce the instructions for voters to use in
7 voting. The instructions include at a minimum the
8 operating hours, the requirement that a photo ID
9 with signature must be provided or else that a voter
10 will have to vote a provisional ballot. The brief
11 specifics of how to cast a ballot if using an
12 optical scan or a touch screen and the notice that
13 the poll workers have full authority to maintain
14 order in the polling area. As part of the 2001
15 election changes, the Florida legislature also
16 required the supervisors of elections to post in all
17 the polling places the voter's bill of rights and
18 voter's responsibilities. In some ways we were
19 ahead of the HAVA provision. The law spells out
20 exactly what's got to be contained in that poster.
21 As I said, there's the rights and then there are the
22 responsibilities that a voter has including
23 familiarizing himself or herself with candidates and
24 issues, maintaining a current address with the
25 supervisor of elections office, knowing the location

1 of their polling place, bringing proper ID,
2 familiarizing themselves with the operation of
3 voting equipment, and treating precinct workers with
4 courtesy and respect.

5 In sum, simplicity, that's where we are
6 right now, but after listening to the presentation
7 today, I think the state of Florida could definitely
8 use a lot of assistance in making better signs that
9 will improve communication to voters because I think
10 we all can agree that voters are inundated with
11 information and finding a way to give them the
12 information that they need so that they can do what
13 they need to do and feel confident that the process
14 is there for them and their vote is going to count
15 is very key.

16 Once again, I'd like to thank you for the
17 opportunity to speak before you all, and if you have
18 any questions -- I can show you very briefly, I'm
19 kind of shy now to show this, but this is what we
20 have right now. It's just the brief instructions.
21 So as you can see, it's very straightforward as well
22 as the voter's bill of rights and the voter's
23 responsibilities.

24 Now I would like to just briefly add,
25 though, that we also do two other publications. One

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1 is the 2000 -- the Florida voter registration and
2 voting guide and this guide provides a lot of
3 information useful for voters, answers a lot of, you
4 know, typical questions that they might ask,
5 provides contact information on supervisors of
6 elections, and these things are circulated down or
7 distributed down to the supervisors who end up
8 having that available for their voters. We also
9 produce a publication on the dates to remember for
10 each election cycle and it contains key dates
11 relating to registration and voting as well as
12 candidate qualifying and what-not. And then the
13 last thing that we do is -- this is pursuant to
14 rule. We have adopted a polling place procedures
15 manual and this manual is used by the election
16 officials during early voting as well as election
17 day that provides guidance to them on the procedures
18 to follow during voting. And I apologize that I
19 don't have enough copies. I asked for multiple, but

20 I guess they think the EAC is only consisting of one
21 person because that's all they sent me. But I will
22 hand this over to the chairman.

23 CHAIRMAN DE GREGORIO: Thank you. I'm
24 sure our executive director will share them with the
25 rest of us. Vice Chairman Martinez.

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1 VICE CHAIRMAN MARTINEZ: Thank you both
2 for your very excellent testimony. I'm always just
3 so taken and so informed by having our partners come
4 and testify to help inform us and, Ms. Matthews, I
5 don't have a lot -- I really don't have much at all,
6 but I guess one of the things that pops into my head
7 is that are there other states -- this veers a
8 little bit off the topic, but are there other states
9 that have codified the need to have uniformity in
10 ballot design which Florida so obviously did after
11 the 2000 presidential election? Are you aware of
12 other states that have done the same?

13 MS. MATTHEWS: No, Commissioner, I am not
14 aware. Actually, they all were adopted before I
15 arrived at the Commission of Elections. I would be

16 happy to look into that. Obviously, we were
17 prompted by the circumstances that happened in our
18 state. So --

19 VICE CHAIRMAN MARTINEZ: Paddy, do you
20 know if you all have anything codified, you know, to
21 that effect, that there has to be uniformity --
22 actually called for -- explicitly called for in
23 state law.

24 MR. McGUIRE: Commissioner, no, we have
25 not done that yet, and we have done this through

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1 positive reinforcements and have been pretty
2 successful at that.

3 VICE CHAIRMAN MARTINEZ: I think it's an
4 interesting side note, just to know what the
5 prevailing sentiment is, if it has been codified in
6 other states. And, again, I can understand why
7 Florida did it, quite frankly, but it's interesting
8 to know whether other states have followed it since
9 then.

10 So then the legislature passed this and I
11 assume the secretary of state was then authorized to

12 produce rule making and administrative
13 pronouncements, and was there any use of design
14 experts or usability experts that you know of when
15 these designs were being done?

16 MS. MATTHEWS: All I know, I did ask if
17 that had been the case, and they could not recall if
18 that had been provided as part of the public hearing
19 or what-not. We, obviously, had the benefits of the
20 reports from the governor's task force as well as
21 the senate committee that offered a lot of details,
22 but I would have to go back and see on that.

23 VICE CHAIRMAN MARTINEZ: It sounds to me,
24 like -- Dawn Roberts is one of the best, I think.
25 It sounds like there is a receptive attitude to

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1 taking a look at the templates that we're working
2 on, so we may influence not just your ballot design
3 work but perhaps publications that you all put out
4 in terms of better usability and better design. So
5 it sounds like you're saying this is all good and
6 positive work.

7 Mr. McGuire -- I was going to call you

8 Paddy because I've known you for 15 years or so. I
9 want to make a comment about John Lynbeck. John
10 Lynbeck, your state elections director, is one of
11 the smartest guys I know. If he couldn't navigate a
12 state election card, you guys had some trouble.

13 MR. McGUIRE: One of the reasons that the
14 card was such a mess was that it was designed so
15 that the card would fit in the file drawers that
16 were in use in a lot of county election offices.
17 And every time it got redesigned, they had to make
18 sure that the perforations were such that the card
19 was the same size as every card ever produced so
20 they'd all go down in the same file drawers.

21 VICE CHAIRMAN MARTINEZ: Did John ever get
22 registered to vote?

23 MR. McGUIRE: He is registered to vote.

24 VICE CHAIRMAN MARTINEZ: You've done
25 extensive work in this area, not just in ballot

1 redesign and, obviously, you've talked about
2 redesigning voter pamphlets and so forth but of your
3 voter registration card as well. What areas

4 required you to seek statutory changes to be able to
5 redesign? Did you have to go to your legislature,
6 for example, to just graphically redesign your state
7 voter registration card or were there other aspects
8 that you had to go to your legislature to ask
9 permission before you actually did design work.

10 MR. MCGUIRE: Commissioner, the area where
11 we needed statutory changes was our voter's
12 pamphlet, which was, for elected officials in
13 Oregon, a truly sacred document. We're one of the
14 few states that allows any Oregonian to purchase an
15 argument on a ballot measure and every candidate
16 purchases a half page with their picture and great
17 things about themselves and those are mailed to
18 every household in the state.

19 Over the years, there has been a wide
20 variety of rules about what needed to be included in
21 the voter's pamphlet, how big the type needed to be
22 and whether it had to be all caps, and so that was
23 the area where we needed statutory change to give us
24 some flexibility to make this more usable. And I
25 was surprised how receptive the legislature was to

1 letting us change.

2 VICE CHAIRMAN MARTINEZ: It also brings up
3 another interesting question for me and one that
4 perhaps our Design for Democracy consultants ought
5 to think about. We put these templates out from
6 state to state. Which of these are going to be more
7 difficult even if the state wants to? Seeking
8 legislative change is not often an easy thing to do.
9 So you might have a great template that we put out
10 there, but if it's a redesign of a voter pamphlet
11 that requires the legislature to give the secretary
12 of state permission to do it, we should just
13 anticipate that.

14 MR. McGUIRE: I know the challenges faced
15 in Cook County in the initial project that Design
16 for Democracy undertook is that there were a raft of
17 legislative changes that needed to happen where
18 there were specifics -- particularly related to the
19 ballot about font size and all caps and all sorts of
20 things. And so, you know, I think that process was
21 easier in Cook County because of what had happened
22 in Florida and there was a recognition that change

23 was probably a good idea.

24 VICE CHAIRMAN MARTINEZ: Thank you both
25 and thank you, Paddy, for what I think proves what

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1 we all believe in and that is HAVA is already making
2 a difference if for no other reason we are providing
3 state and local governments with much needed and
4 overdue federal dollars to be able to improve the
5 process of election administration. At a minimum
6 HAVA is good from that perspective. So thank you
7 for your comments.

8 CHAIRMAN DE GREGORIO: Commissioner
9 Hillman.

10 COMMISSIONER HILLMAN: Thank you, and
11 thank you to both of the panelists. I'm going to
12 digress a little bit. Paddy McGuire, you brought
13 the subject up. Tell me a little bit about the call
14 center that is staffed by the prison inmates. How
15 does that work? I assume it's the inmates.

16 MR. MCGUIRE: Yes, it is inmates. We have
17 for nearly 20 years in -- for our Corporations
18 Division had a call center at the Oregon

19 Correctional Institute. It's the medium security
20 prison in Salem. We employ right now about 20
21 inmates and in an office like setting. It is,
22 frankly, the best job inside and we have -- we
23 generally have 40 to 50 applicants for any time a
24 position becomes open. And it's a fairly rigorous
25 process to -- a screening process before persons get

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1 hired and if they mess up, they get fired. We have
2 two non-inmate employees that staff the call center
3 anytime it's open that are set up in much the same
4 setting that you are to us. The phone answering
5 persons, the inmates, are at a series of desks lined
6 up this way with glass fronts. The two supervisors
7 sit at the front of the room and face out. They
8 have the ability to listen in to every phone call
9 without the inmate being aware of -- that they're
10 being monitored.

11 We have in 20 years experienced very few
12 problems and, in fact, we have hired three former
13 inmate employees in the secretary of state's office
14 upon their release to work for us on the outside.

15 Two of those persons are still with us. One is back
16 inside and not our employee.

17 COMMISSIONER HILLMAN: Recidivism and
18 rehabilitation. Sometimes they work together and
19 sometimes they don't.

20 MR. McGUIRE: We're very careful in that
21 process to make sure they aren't gathering any
22 information that would be inappropriate for them to
23 have. There's absolutely no reason for them to have
24 credit card numbers, anything of that sort. They're
25 not involved in financial transactions in any way.

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1 When persons want the identity of -- or the location
2 of the nearest drop site, we ask them to give us the
3 intersection rather than their physical address.

4 There are a lot of safeguards in place.

5 Let me tell one other story. When I
6 travel around the state, when my boss travels around
7 the state, we go to rotary clubs, meet with folks.
8 One of the things I hear all the time is, you know,
9 I called your 800 number and, you know, I talked to
10 Mark or I talked to Juan and, man, he did a really

11 nice job and the next time you see him, you tell him
12 he's doing a great job. You know, and, frankly, for
13 our employees out there, one of the reasons it's
14 such a good job for them and I think that we are
15 able to be so selective in who we hire is because it
16 allows them the opportunity to interact with persons
17 without identifying themselves as inmates. They get
18 to talk on the phone to persons on the outside in a
19 normal business transaction that I think allows them
20 the opportunity to feel like a normal employee and
21 one of the reasons we have been happy to be able --

22 COMMISSIONER HILLMAN: They're clapping
23 for you.

24 MR. McGUIRE: -- be able to hire persons
25 after they're released is because of that good

1 experience.

2 COMMISSIONER HILLMAN: Through this
3 program do the employees who staff the call center
4 give feedback to your office about either the types
5 of questions that come in or whatever that -- sort
6 of redesign the flow of information.

7 MR. McGUIRE: Absolutely. We track --
8 part of what we do is track the subject of every
9 call. So at the end of a call, the inmates on their
10 computer have a way to check a couple boxes to say,
11 you know, this was a call about a drop site
12 location, this was a call about the voter
13 registration deadline, this was a call about
14 whatever. So we have quite extensive data on what
15 calls come in. And then we also have the ability,
16 which I don't think I mentioned before, is from the
17 call center to directly transfer persons to 36
18 county elections offices if it's a question that
19 can't be answered. If it is truly a question about
20 the status of my provisional ballot or I didn't get
21 a ballot in the mail, how come, what the inmates
22 then do is transfer the call, still on our dime, to
23 their county elections office so that those
24 particular -- you know, the specific questions that
25 can't be answered by inmates without access to the

1 voter registration data base.

2 COMMISSIONER HILLMAN: I digress one other

3 point. Are inmates allowed to vote in Oregon?

4 MR. McGUIRE: In Oregon they are not.

5 COMMISSIONER HILLMAN: Ms. Matthews, for
6 Florida do you have any initiatives or programs
7 underway that address how individuals who are unable
8 to read or have limited reading capacity -- and I'm
9 not talking about sight impairment. Do you have any
10 programs that deal with those issues for voters.

11 MS. MATTHEWS: We have provisions that
12 require alternative programs of things to be
13 provided, but it's generally left at the local level
14 to implement those. They are -- voters do have the
15 right to ask their poll workers for assistance.
16 When they first register, they can indicate that
17 they need some assistance and they can be, because
18 they have -- you know, they can't read although they
19 don't have to specify what their disability might be
20 or they can also ask for assistance on the very day
21 that they vote.

22 COMMISSIONER HILLMAN: Thank you. No more
23 questions. Thank you.

24 CHAIRMAN DE GREGORIO: Commissioner
25 Davidson.

1 COMMISSIONER DAVIDSON: First of all, I
2 think I'd like to follow up on that question and,
3 well, very first is thank you for being here and how
4 much we appreciate it. Obviously, we learn. This
5 is the way we gather information, and having you be
6 here with us is very important.

7 On that, does either one of you take like
8 your initiatives and your sample ballot and make it
9 available in libraries or anything like that so that
10 it can be provided to the hearing -- I mean the
11 visually impaired?

12 MR. MCGUIRE: We do several things. We do
13 ballots on tape. We in fact now tape the entire
14 text of the voter's pamphlet, which last fall was
15 about 125 pages long, and I dare say there's
16 probably not an Oregonian alive who actually
17 listened to it start to finish. But if they wanted
18 to, that was available to them. We record that on
19 DVDs and have a relationship with our state library
20 which has a program of distributing materials to
21 blind Oregonians and so every blind Oregonian who

22 signed up with the state library gets a CD rom in
23 the mail of the voter's pamphlet, of their sample
24 ballot automatically without asking for it. We post
25 it on the Web.

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1 We are working very hard to find more and
2 better and innovative ways to get that in the hands
3 of persons. I mean, it's great to produce it and --
4 but figuring out how to get it in the hands of the
5 persons who need it has been a challenge and
6 something that we've spent a lot of time and effort
7 and working with advocacy groups out there to make
8 sure that the folks who can use that know it exists
9 and know how to get it and that we get it in their
10 hands easily.

11 MS. MATTHEWS: As I stated, our law
12 provides that election materials have been provided
13 in alternative formats, but I should have added upon
14 request made to the Department of State and we
15 simply haven't received that. So when we receive a
16 request from the supervisor of elections that they
17 need something in an alternative format, then we

18 provide it, but it's as needed and, quite frankly,
19 there hasn't been any.

20 COMMISSIONER DAVIDSON: Okay. The other
21 question I have for both of you is, you know,
22 developing the signage and developing the ballot
23 style and -- that you have done, do you feel that
24 it's been a real positive of having it the same
25 throughout the state? In other words, not having

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1 one county do it, that it's the same, so for me, I
2 believe when voters move, if they see the same
3 signage in another county, it really helps them in
4 knowing a little bit more about what's going on.
5 What is your feeling?

6 MR. McGUIRE: Commissioner, we believe
7 that the consistent branding of election materials
8 and official documents related to elections is
9 really important and have been very excited about
10 our ability in working with Design for Democracy and
11 our designer from Design for Democracy that we've
12 been able to make progress in that area. The one
13 challenge that we face is that there are two

14 different systems of optical scan ballots in Oregon,
15 so we can't -- in the Voting in Oregon guide you
16 will see that there are both instructions on how to
17 complete the arrow and how to fill in the oval. You
18 know, it would be simpler and more straightforward
19 if we only had to explain that once or one way
20 without a judgment about which one is better, but
21 that remains a challenge. But, you know, at least
22 we're no longer explaining how to punch out a tab
23 and how to make an arrow and how to fill in an oval.

24 COMMISSIONER DAVIDSON: And some states
25 are faced with having more than five different types

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1 of equipment and so it is a challenge. I
2 understand. Ms. Matthews.

3 MS. MATTHEWS: Commissioners, I think
4 that -- I think anecdotally we have not received any
5 complaints since we've implemented this rule. The
6 complaint we do receive most often is that, you
7 know, ballots can be very long and, of course,
8 that -- those are the constraints. Even as you want
9 to design a very good ballot, you have certain

10 information that has to get on there, and
11 constitutional amendment language is typically one
12 of the lengthiest things to include on a ballot, but
13 I think overall that having that uniform ballot rule
14 has tremendously improved the voting process.

15 Now, even with that said, we do have a
16 provision in the rule that allows for deviation
17 and -- waivers have been requested for certain
18 modifications to that. You need to do whatever the
19 jurisdiction requesting it.

20 COMMISSIONER DAVIDSON: Thank you very
21 much. I appreciate both of you being here and I
22 understand what you mean -- being from Colorado, we
23 also had a lot of ballot questions, whether they
24 were initiatives or referendums, and it is very
25 difficult. Maybe we should look at what California

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1 has. You know, they only allow so much of what goes
2 on in the ballot and it might really help us in the
3 long run. Thank you.

4 CHAIRMAN DE GREGORIO: Thank you,
5 Commissioner Davidson. Ms. Matthews, this document,

6 looking through it just briefly, it's very specific.
7 I mean, you have gone through great detail here in
8 specifying the ballot instructions for every type of
9 equipment used in Florida and you showed us the
10 signs that are produced by your department
11 presumably under HAVA because HAVA requires you --
12 the chief election authority to produce some of
13 these. But on the signs that are at the polling
14 places in the individual counties, the supervisor of
15 elections in Florida, are they free then when they
16 have to post ballot language or ballot issues to
17 post whatever size of whatever type they want? Do
18 you give them any guidance in this issue?

19 MS. MATTHEWS: I believe we do provide
20 some guidance, but I don't know whether there's any
21 uniform thing put down on that. I think it's all in
22 law and I don't have the election code with me so
23 I'm trying to remember. We have a very good ongoing
24 dialog with the supervisors of elections, so any
25 questions they have regarding anything like that we

1 do respond to. But at this point I don't know

2 specifically what directions they're given as to
3 posting. It just has to be in a visible place.

4 CHAIRMAN DE GREGORIO: I just want to
5 complement you again on the excellent work that
6 you're doing across the country and certainly you
7 have articulated this morning the kind of good use
8 of that money that has gone to your state and the
9 work that you have done with Design for Democracy
10 and certainly you were present for the previous
11 panel and we're hopeful when that evolves in the
12 coming months and certainly perhaps next year that
13 the testimony you can give in other jurisdictions to
14 say this is a good thing for you to do would be
15 helpful.

16 I know many of your election officials in
17 the state of Oregon and how independent they can be.
18 But what advice can you give other states that are
19 working through a process of Design for Democracy in
20 encouraging locals, in your case 36 counties, to use
21 this information for the benefit of the voters in
22 their county?

23 MR. McGUIRE: Getting local election
24 officials who are autonomous to a great degree to

25 sort of all pull in the same direction can certainly

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1 be a challenge. I think one of the things that
2 we've worked very hard at is helping persons to come
3 along, you know, in not a command and control way of
4 dictating. And certainly our situation was far
5 different than what they faced in Florida, so I
6 don't mean this as a criticism at all. But almost
7 sort of the Missouri way of show me and spending
8 time at our annual clerks conference with
9 presentations like this and taking small steps and,
10 you know, starting with a voter registration card
11 and saying, you know, look at it. Look how much
12 clearer this is. And you know what? We're going to
13 have a centralized voter registration system soon.
14 This was in the past and so we don't need to be
15 quite so concerned about the size of the drawers
16 anymore. And we'd get them to think about other
17 things and that's okay.

18 And so -- I mean it is -- to summarize,
19 move slowly, don't change everything in one glorious
20 moment but have small successes and bring persons

21 along and then use -- to the extent that there is
22 HAVA money available to the states, remaining HAVA
23 money, use financial incentives to help persons to
24 afford to do the right thing. We don't -- for
25 example, we don't have any counties in Oregon that

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1 meet the language requirements of the National Voter
2 Registration Act. We had a county come forward last
3 year and say to us we want to produce ballots in
4 Spanish and can we -- because I think -- we had a
5 clerk who said, I think this is the right thing to
6 do. I've got people that I know could use this and
7 I want to do it and can you help me afford it? And
8 we said, sure. We will pay you -- we will pay with
9 HAVA money the marginal difference of what it costs
10 you to translate the language and the extra printing
11 costs to do that.

12 So part of what we've been able to do is
13 use our HAVA funds to allow clerks to innovate on
14 their own and we think that's an important part of
15 the HAVA legacy and that, hopefully, the word will
16 spread beyond Linn County, Oregon, to other counties

17 with significant populations of Oregonians who are
18 more comfortable in Spanish and other languages that
19 even though this isn't a requirement, it's the right
20 thing to do and it's being done.

21 CHAIRMAN DE GREGORIO: Being from
22 Missouri, I appreciate that show me attitude, and I
23 certainly appreciate what both of you had shown to
24 all of us what you do in your state. I'd like to
25 ask our executive directive Tom Wilkey, who has a

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1 question.

2 MR. WILKEY: Thank you very much. Anyone
3 who has been around me for more than 20 minutes in
4 my career in this business knows this is very
5 important to me. We have lot of projects going on
6 in our shop and I'm trying not to show a preference
7 for one or the other, but this work is very
8 valuable. I've worked a lot with the advocacy
9 community on literacy issues over the years. It is
10 something I think is tremendously important and
11 something that government has not focused on fully.
12 We have a major problem in this country with

13 literacy issues. So I'd like to ask you, I know
14 when I was state director, not a form that went out
15 the door that didn't pass through a literacy
16 organization. We need to catch up with advertisers
17 who know how to speak to people. Government hasn't
18 done that yet. Have either of you worked with
19 literacy organizations in your state to take a look
20 at these forms? Because I really feel strongly that
21 we are losing some persons out there who simply
22 don't go to the polls because they are afraid
23 they're not going to be able to read or understand
24 the ballot, ballot position, and so on. If you
25 could address that, I'd appreciate it.

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1 MS. MATTHEWS: Mr. Wilkey I can't answer
2 definitively on that. But we have a liaison with
3 the governor's office that deals with literacy
4 advocacy issues and I'm presuming that they do run
5 that by, but that will certainly be something I'm
6 going to ask about.

7 MR. MCGUIRE: And, yes, we do. We work
8 with our state Education Department to review all

9 our elections materials. To the extent that it
10 would be a full text, there's nothing we can do
11 about that, but everything that we're responsible
12 for the text, we do that.

13 Let me tell you about one other thing that
14 we're doing we're pretty proud of that we just
15 started. The League of Women Voters has worked in
16 the '04 election cycle producing an easy to read
17 voters guide related to both our candidates and our
18 measures, which the one thing we hear about our
19 voter's pamphlets is that persons are overwhelmed by
20 the amount of information and its complexity and
21 consistently I hear, can't you make the voter's
22 pamphlet simpler and easier to understand. The
23 league has taken the lead on this and produced an
24 easy to read and understand voter's guide which
25 attempts to explain the measures on the ballot and

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1 the positions of the candidates on 10 or 12 issues
2 in language at approximately an eighth grade reading
3 level. You know, explaining the way mile tax, you
4 know, at a 16th grade reading level is daunting and

5 getting there at the 8th grade level, you know, is a
6 real challenge. We are -- we are in partnership
7 with the league on this project. We, using HAVA
8 funds, are going to be paying for the distribution
9 of those materials.

10 There are legal issues that we face
11 regarding producing the materials ourselves, so
12 we've entered into partnership with the league and
13 they're paying to distribute that widely around the
14 state. It's produced both in Spanish and in
15 English, and we think it's going to be over time a
16 great resource for Oregonians to help persons to
17 understand pretty complex issues in easier to
18 understand language and, you know, frankly, we've
19 heard from pretty well educated people who say that
20 the easy to read guide, they really like it.

21 MR. WILKEY: You saw me give the thumbs up
22 earlier to Elizabeth and Mary because we've had some
23 long discussions about getting their work through
24 some literacy organizations. When advertisers out
25 there who stick to the eighth grade level in

1 advertising campaigns, we need to get our state
2 legislatures to understand that they need to do it
3 too in government.

4 Just final point. Ms. Matthews, as a
5 future voter of the state of Florida, you know, I'm
6 hopeful that you will make the printing a little
7 bigger because as my friend Commissioner Martinez
8 will tell you, I'm getting into my declining years
9 and I want to be able to read that ballot when I get
10 down there.

11 CHAIRMAN DE GREGORIO: Ms. Hodgkins.

12 MS. HODGKINS: Thank you, Mr. Chairman. I
13 don't have any questions.

14 CHAIRMAN DE GREGORIO: Thank you. Well,
15 thank you, Mr. McGuire and Ms. Matthews, for your
16 excellent presentation and for the work that you do
17 for your respective states, and we certainly
18 appreciate the comments that have been made today by
19 previous panelists and our own staff. We want to
20 encourage the audience there and the people who have
21 an interest in the work that we do to comment to us.
22 We have an e-mail address. It's HAVAINfo@EAC.gov.
23 That's info@EAC.gov. We ask that you please make

24 our web site perhaps your home page, www.EAC.gov. to
25 keep up with what we do. We change it every week.

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1 We add things to it all the time.

2 We certainly appreciate the interaction
3 that we've had with many people in the audience the
4 past few days. I know personally I've talked to
5 many of you one on one about your concerns about
6 America's election systems and we appreciate that
7 and would encourage you to continue to communicate
8 with us any concerns that you might have.

9 I'd like to ask our commissioners for any
10 final comments they might have before we ask for an
11 adjournment. Thank you. So I ask for a motion to
12 adjourn.

13 VICE CHAIRMAN MARTINEZ: Motion to
14 adjourn.

15 CHAIRMAN DE GREGORIO: Second?

16 COMMISSIONER HILLMAN: Second.

17 CHAIRMAN DE GREGORIO: The motion to
18 adjourn and a second. All those in favor signify by
19 saying aye.

20 COMMISSION MEMBERS: Aye.
21 (Thereupon, the above proceedings was
22 concluded at approximately 12:21 o'clock,
23 p.m.)

24 * * * * *

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1 REPORTER'S CERTIFICATE

2 I, DEBORAH L. O'CONNOR, New Mexico CCR #297, DO
3 HEREBY CERTIFY THAT ON July 13, 2006, the proceedings
4 in the above-referenced matter was taken before me
5 and I did report in stenographic shorthand the
6 proceedings set forth herein and the foregoing is a
7 true and correct transcription of the proceedings
8 had.

9

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12

13 Deborah L. O'Connor, RPR, CRR

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Certified Court Reporter #297

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License Expires: 12/31/2006

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