

**Minutes of the Public Meeting
United States Election Assistance Commission**

1225 New York Avenue, NW
Suite 150
Washington, DC 20005

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on Tuesday, November 13, 2007. The meeting convened at 10:03 a.m., EDT. The meeting was adjourned at 1:30 p.m., EDT.

PUBLIC MEETING

Call to Order

Chairwoman Donetta Davidson called the meeting to order at 10:03 a.m.

Pledge of Allegiance

Chairwoman Donetta Davidson led all present in the recitation of the Pledge of Allegiance.

Roll Call

EAC Commissioners:

EAC General Counsel Galvin Gilmour called roll of the members of the Commission and found present: Chairwoman Donetta Davidson, Vice-Chair Rosemary Rodriguez, Commissioner Caroline Hunter, and Commissioner Gracia Hillman. Four members were present for a quorum.

Senior Staff:

Executive Director Thomas Wilkey and Acting General Counsel Galvin Gilmour.

Adoption of the Agenda

Vice-Chair Rodriguez offered a motion to adopt the agenda. Commissioner Caroline Hunter seconded the motion. The motion carried unanimously.

Welcoming Remarks

Approval of the Minutes from the Previous Meeting

Chairwoman Davidson opened the floor for approval of the October 4, 2007 minutes of the Commission meeting. Commissioner Caroline Hunter moved to approve the minutes as presented. Vice-Chair Rodriguez seconded the motion. The motion carried unanimously.

Report from the Executive Director

Introduction

Mr. Wilkey offered a welcome to EAC and thanked everyone for being present, including the delegation from Jalisco, Mexico.

A discussion followed in regards to the voting system reports clearinghouse, the voting system certification program, recommendations from the Technical Guidelines Development Committee (TGDC) regarding voluntary voting system guidelines, election management guidelines (quick start guides) and general EAC updates.

Report on Voter Registration Database Study

Dr. Herbert S. Lin, Chief Scientist, Computer Science and Telecommunications Board of the National Research Council, addressed the Commission to present written testimony regarding a study being conducted by the National Academy of Sciences with regard to the State Voter Registration Databases being sponsored by the EAC. Dr. Lin's comments focused on the project's two goals; the first goal is to provide useful advice to the elections community on statewide registration databases and the second goal is to provide the elections community access to information technology experts to catalyze discussions and interaction.

Chairwoman Davidson opened the floor for questions and discussion with respect to Dr. Lin's presentation.

Initial Impressions of the 2007 Draft Voluntary Voting System Guidelines (VVSG) and Timeline Leading to Adoption of Final Version

David Beirne, Executive Director, Election Technology Council (ETC), addressed the Commission to present written testimony regarding the ETC's initial assessment of the next iteration of the Voluntary Voting System Guidelines (VVSG), which included the proposed timeline for implementation, the elimination of software dependent voting systems as a classification, the establishment of open-ended vulnerability testing, usability performance benchmarks, incursion of VVSG into election administration procedures and the financial impact.

Chairwoman Davidson opened the floor for questions and discussion with respect to Mr. Beirne's presentation.

Chairwoman Davidson called for a recess at 11:36 a.m. The Commission returned to open session at 11:55 a.m. at which time Mr. Beirne continued addressing the Commission's questions regarding his presentation.

Report on the Laboratory Accreditation Manual

Brian Hancock, Director of Testing and Certification, U.S. Election Assistance Commission, presented the Commission with the Draft Voting System Test Laboratory Accreditation Manual. Mr. Hancock briefly outlined the steps that will be taken prior to the Commission adopting the Manual and he reviewed the seven chapters contained therein.

Chairwoman Davidson then opened the floor at which time Mr. Hancock responded to questions with respect to the Manual.

EAC Strategic Objectives

Chairwoman Davidson presented a document outlining the Commission's mission statement, functions, guiding principles, statutory requirements, and the following three strategic objectives: Increase transparency, Maximize impact by focusing on relevant issues that can realistically improve election administration for the 2008 election, and Maximize support for election administration improvements for 2010 elections.

The floor was opened for questions and discussion regarding the document.

Commissioner Hillman offered a motion to adopt the mission statement, functions, guiding principles, statutory requirements, and strategic objectives as outlined in the document with the understanding that, 1); staff will review the specific bullet points under the three strategic objectives and provide any recommendations by February 2008, and 2); the strategic plan will cover the timeframe of 2008-2010 as opposed to 2007-2010. Vice-Chair Rodriguez seconded the motion. The motion carried unanimously.

Chairwoman Davidson expressed her appreciation to both the Commissioners and staff for their hard work in preparation of the strategic objectives.

Internal Policy for Handling of State Requests to Change the National Mail Voter Registration Form

Chairwoman Davidson presented the Commission with a document outlining the interim internal procedure for responding to state requests to change the Federal Mail Voter Registration Application Form along with a memorandum from Edgardo Cortés, Election Research Specialist, detailing four state requests for changes to the state specific instructions of the National Mail Voter Registration Form.

Commissioner Hunter expressed both her appreciation and support for the proposal. Commissioner Rodriguez raised for consideration whether any changes to the Federal form should go through the public comment process.

Chairwoman Davidson pointed out that the delegation from Mexico needed to depart. The Commission expressed its appreciation for their attendance and extended best wishes during their travel in the U.S.

The Commission resumed its discussion with respect to whether the interim internal procedure for the handling of state requests to amend the Federal form's state specific instructions should go through the public comment period or whether the Commission can authorize staff to make any and all changes to the form. Commissioner Hillman advised Chairwoman Davidson that she did not feel prepared to vote on the four states' requests due to the absence of both adequate notice that the Commission would be taking action on these requests and also due to the absence of a policy. Chairwoman Davidson advised the Commissioners that she would provide them with a 48-hour time period to consider the requests and would thereafter call for a tally vote.

Commissioner Rodriguez requested a five-minute recess. The Commission recessed at 1:18 p.m. and returned to open session at 1:22 p.m.

Chairwoman Davidson briefly reviewed how the Sunshine Act addresses the Commission's handling of requests by states to amend the state specific instructions of the National Mail Voter Registration Form. Commissioner Hillman noted for the record this was the first opportunity she had to read the Sunshine Act notice to be made aware she was expected to vote on the interim policy.

Mr. Edgardo Cortés addressed the Commission to provide a summary of the four states (Arizona, Colorado, New Jersey and Rhode Island) that are requesting changes to the state specific instructions of the Federal form. Mr. Cortés pointed out that the specific language regarding these four requests were contained in his November 9, 2007, memorandum to the Commissioners.

Commissioner Rodriguez objected to the use of a tally vote for the adoption of the interim internal procedure for the state's requests to change the Federal form,

pointing out that tally votes should only be utilized for the most routine and administrative decisions. The Commissioner also suggested that Chairwoman Davidson consider calling an emergency meeting so that these requests can be voted on in public as opposed to a tally vote.

Brief discussion ensued regarding the handling of Commission meetings via teleconference. Chairwoman Davidson noted she would research whether this would be possible prior to calling for a tally vote. Chairwoman Davidson also expressed deep concern that not taking action on states' requests would result in voters becoming disenfranchised.

Commissioner Caroline Hunter offered a motion to adjourn. Vice-Chair Rosemary Rodriguez seconded the motion. The motion carried unanimously.

The meeting was adjourned at 1:30 p.m.