

**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 Thursday, January 17, 2008. The meeting convened at 10:05 a.m., EDT. The meeting was adjourned at 12:59 p.m., EDT.

PUBLIC MEETING

Call to Order:

Chairwoman Donetta Davidson called the meeting to order at 10:05 a.m.

Pledge of Allegiance:

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

Welcoming Remarks by Chairwoman Davidson

Roll Call:

EAC Commissioners:

EAC General Counsel Juliet Hodgkins 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 General Counsel Juliet Hodgkins.

Adoption of the Agenda

Vice-Chair Rodriguez moved to adopt the agenda. Commissioner Gillman seconded the motion. The motion carried unanimously.

Installation of New Officers

The Chair introduced Alice Miller, Director of Elections, who addressed the Commission to provide brief opening comments regarding the installation ceremony of EAC's new officers, to extend her sincere appreciation to outgoing Chairwoman Davidson for her tireless effort, sincere dedication and down-to-earth approach while chairing the Commission during 2007, and to provide highlights with respect to incoming Chairwoman Rodriguez's experience and background.

Ms. Miller administered the oath of office to Commissioner Rosemary Rodriguez as Chairwoman of EAC.

Cecilia Espenosa was pleased to congratulate and welcome Chairwoman Rodriguez, sharing comments regarding both their friendship and the leadership demonstrated by Chairwoman Rodriguez.

Chairwoman Rodriguez administered the oath of office to Commissioner Caroline Hunter as Vice-Chair of EAC.

Reports by Commissioners Commissioner Davidson reported on the activities and accomplishments of the Technical Development Guidelines Committee (TGDC) during 2007, which included various meetings that were conducted for the purpose of drafting and approving the next iteration of the Voluntary Voting System Guidelines (VVSG), in addition to the submission of the draft VVSG to the Commission on August 31, 2007.

The floor was open for brief discussion.

Commissioner Davidson next addressed the Commission to report on the activities and accomplishments of the Board of Advisors during 2007, which included two meetings, the first of which was held in Washington, D.C., January 22-23, 2007, and the second of which was held in Austin, Texas, December 12-14, 2007. Commissioner Davidson expressed her appreciation for the Board's hard work, dedication and commitment during the previous year.

Commissioner Gracia Hillman addressed the Commission to provide an overview regarding how the Standards Board is organized, what its role is, and to report on its activities and accomplishments during 2007.

Chairwoman Rodriguez was pleased to present Commissioner Davidson with a gavel commemorating her service as EAC's Chair during 2007. Chairwoman Rodriguez read a statement, which she noted would be posted on the EAC website, that expressed her appreciation, anticipation, and respect regarding her duties during the coming year. Chairwoman Rodriguez also provided a brief

overview regarding her duties during the coming year and to outline Committee assignments as follows: Commissioner Davidson will continue to serve as liaison to the TDGC Committee, Commissioner Hillman will serve as liaison to the Board of Advisors, and Vice-Chair Hunter will serve as liaison to the Standards Board.

Vice-Chair Hunter addressed the Commission to provide brief comments regarding her anticipation, appreciation, and assistance during the coming year.

Old Business – Approval of the minutes from the previous meeting

Chairwoman Rodriguez reported that the Commission did not conduct a preliminary review of the draft minutes from the December 11, 2007 meeting and, therefore, approval of the minutes would be deferred.

Old Business - Report from the Executive Director

Mr. Wilkey offered a welcome to the EAC, thanked everyone for being present and extended his congratulations to Chairwoman Rodriguez and Vice-Chair Hunter for taking the oath of office.

A discussion followed regarding the 2008 operating budget, a recent meeting of the Board of Advisors and the Standards Board held in December 2007, FY-2007 appropriations, along with an overview of completed, current, and future HAVA-mandated research projects.

Following a brief discussion concerning the Commission's approval of the 2008 Annual Report, it was agreed that a consensus vote would be prepared.

Chairwoman Rodriguez was pleased to welcome the return of General Counsel Juliet Hodgkins.

New Business - National Voter Registration Act Update RE: States' Requests

Edgardo Cortés, Election Research Specialist, addressed the Commission to report that since the December 11, 2007 meeting a request was received from the State of Georgia to change the state-specific instructions portion of the National Voter Registration Application (NVRA). To date the following states have now requested changes to the NVRA: Arizona, Colorado, Delaware, Georgia, New Jersey and Rhode Island. Mr. Cortés provided a brief overview of what change each state has requested to the instructions portion.

Consideration and Vote on Changes to the National Voter Registration Form

Commissioner Hillman reported that she was setting aside the proposal she prepared with regard to how to handle states' requests for changes to the NVRA, which she addressed with the Commission at its December 11, 2007, meeting. She encouraged the Commission to consider the draft proposal that was prepared and submitted by staff the previous day, pointing out that the proposal was not available for dissemination at the present time. Chair Rodriguez recommended that the proposal be made available in order to allow individuals who have a vested interest an opportunity to respond. Commissioner Hillman concurred with this suggestion.

Vice-Chair Hunter presented the Commission with her proposal in regard to addressing states' requests for changes to the NVRA for its review, comment, and adoption. A motion was made by Vice-Chair Hunter to adopt the Federal Election Commission (FEC) policy for amending state instructions to the Federal Form. Commissioner Davidson seconded the motion.

The floor was open for discussion on the motion. Chair Rodriguez requested a roll call on the motion.

Chair Rodriguez - No
Vice-Chair Hunter - Yes
Commissioner Davidson - Yes
Commissioner Hillman - No

The motion failed on a tie vote.

Consideration and Vote on Disclaimer Proposal to State Instructions Portion of the NVRA Form

Vice-Chair Hunter addressed the Commission to discuss her proposal to post a disclaimer on EAC's website that will notify the public of those states who have requested a change to the instructions portion of the NVRA. The disclaimer would also highlight that EAC has not approved the request. Discussion ensued regarding whether adding the disclaimer to the state-specific instructions portion of the form would constitute a substantive change.

Chair Rodriguez requested a 20-minute break. The Commission recessed at 11:30 a.m. and reconvened at 11:50 a.m.

Discussion continued concerning adding a disclaimer to the state instructions portion of the form. General Counsel Hodgkins requested time to look into this matter due to the fact that this could constitute a substantive change and therefore would require a public comment period.

A motion was made by Vice-Chair Hunter that the EAC adopt a website disclaimer to be posted in red in the section entitled Register to Vote - The

National Voter Registration Act,” which will read as follows, “As of December 18, 2007, the following states have requested a change to their state instructions: Arizona, Colorado, Delaware, Georgia, New Jersey and Rhode Island. The Commission has not yet approved these requests.” The procedure for amending the disclaimer will be: The Director of Elections shall update on the website the list of states that have requested changes within 48 hours of their request coming to the attention of the EAC. The date shall also be updated. Commissioner Davidson seconded the motion.

The floor was open for discussion regarding the website disclaimer. Chairwoman Rodriguez requested a roll call on the motion.

Chair Rodriguez – Yes
Vice-Chair Hunter – Yes
Commissioner Davidson – Yes
Commissioner Hillman – Yes

The motion carried unanimously.

FY 2008 Appropriations

General Counsel Hodgkins addressed the Commission to provide a detailed breakdown as to how the 2008 operating budget of \$16,530,000 that was approved by Congress will be appropriated.

The floor was open for discussion regarding the operating budget.

Briefing Regarding New Grant Program

Mr. Wilkey addressed the Board concerning the need for the \$10 million grant program appropriated by Congress for the purpose of improving the collection of election data, which will award each of five states a grant of \$2 million. Mr. Wilkey also provided a breakdown with regard to the administration of the grant program and he noted that he would provide a written statement setting forth his oral presentation to be incorporated into the record.

General Counsel Hodgkins exited the meeting at 12:19 p.m. at which time General Counsel Galvin Gilmour entered.

Karen Lynn-Dyson presented the Commission with a brief chronology and overview of the timeline regarding the rollout of the 2008 Election Day survey.

Edgardo Cortés presented the Commission with a timeline regarding the distribution of the \$2 million grant to each of the five states that are selected. Mr. Cortés provided further details concerning the timeline for the selection of contractors that will be assisting in the administration of the grant program, the

review, selection and notification process of the five grantees, and the preparation of the report that must be delivered to Congress no later than June 30, 2009, that will detail the success of the grantees.

The floor was open for discussion regarding the grant program.

Consideration of EAC Organizational Chart

Mr. Wilkey presented the Commission with the EAC organizational chart that was prepared by staff along with the assistance of the Office of Inspector General (OIG) for review, comments, and adoption. Mr. Wilkey pointed out that the OMB/OPM requires the development of an organizational chart as outlined in the strategic plan, in addition to the fact that the chart has not been updated since the Commission's formation.

General Counsel Gilmour exited the meeting at 12:37 p.m. at which time General Counsel Hodgkins re-entered.

The floor was open for discussion regarding the contents of the chart.

Commissioner Hillman moved to accept the EAC organizational chart as presented by Mr. Wilkey. Commissioner Davidson seconded the motion. Vice-Chair Hunter voted in opposition to the motion. The motion carried with a vote of three to one.

Commissioners' Closing Remarks

Commissioners Hillman and Davidson stressed the importance of the need for developing an interim policy for adopting states' requests for changes to the state-specific instructions of the NVRA. Both Commissioners Hillman and Davidson expressed their support and appreciation to Chairwoman Rodriguez and Vice-Chair Hunter for their leadership during the coming year.

Vice-Chair Hunter was pleased to introduce Dr. Shelly Anderson, Research Specialist, as the newest addition to EAC staff. Commissioner Hillman was pleased to introduce Maisha Leek as the newest addition to EAC staff. Mr. Wilkey acknowledged the retirement of colleague and staff member Peggy Sims, noting that he would keep the Commission apprised as to what the arrangements will be with respect to an appropriate remembrance/farewell in recognition of her service. Mr. Cortés was pleased to introduce Julianna Milhoffer who very recently joined the Programs and Services Division. Mr. Cortés further noted that beginning Tuesday, January 22, 2007, the Communications Division would be receiving an additional staff member.

Chairwoman Rodriguez was pleased to announce that EAC's homepage contains an "En Espanol" section, which provides information with regard to voter

registration, HAVA, the language accessibility program, a Spanish glossary of election terminology, a voter resources center, and resources for military and overseas voters. Chair Rodriguez recognized the hard work of Laiza Otero, noting that she can be contacted for language needs or questions at lotero@eac.gov.

Chair Rodriguez acknowledged the presence of Leslie Reynolds. Ms. Reynolds reported that on March 6, 2008, a primary forum is being held at Harvard University's Institute of Politics where discussions regarding the NASS Rotating Regional Primary Plan and the primaries that have been held to date will take place. Ms. Reynolds also reported that a meeting of the Secretaries of State would be held in Washington, D.C., February 7-10, 2008.

The Chair announced that the next meeting would be held on Wednesday, February 6, 2008, at the EAC. **The meeting adjourned at 12:59 p.m.**