United States Election Assistance Commission
Public Meeting

1225 New York Avenue, NW

Suite 150

Washington, DC 20005

Held on Thursday, March 11, 2010

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the Public Meeting of the United States Election Assistance Commission ("EAC") held on Thursday, March 11, 2010. The meeting convened at 10:00 a.m., EDT. The meeting was adjourned at 11:14 a.m., EDT.

PUBLIC MEETING

CHAIR DAVIDSON:

Good morning. If everybody would take their seat, we'll start and get started. While everybody is getting settled and everything, would you please turn off your cell phones and -- or put them on vibrate, at least? But the BlackBerries we do ask for you to turn them off because it does interfere with our technical equipment that we have. So if everybody would please stand with me, now that I've got you seated, and then we'll do the Pledge of Allegiance.

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[Chair Donetta Davidson led all present in the recitation of the Pledge of Allegiance.]

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CHAIR DAVIDSON:

First of all I'll turn to Tamar Nedzar. Would you please give us the roll call? She's with our -- she's our Associate General Counsel.

MS. NEDZAR:

Certainly, Commissioners please respond when I call your name. Chair Donetta Davidson.

CHAIR DAVIDSON:

Present.

MS. NEDZAR:

Commissioner Gracia Hillman.

COMMISSIONER HILLMAN:

Here.

MS. NEDZAR:

Commissioner Gineen Beach.

COMMISSIONER BEACH:

Present.

MS. NEDZAR:

Madam Chair we have a quorum present.

CHAIR DAVIDSON:

Thank you. In creating the agenda today, I inadvertently omitted an item on the agenda for the minutes from our last public meeting. And I would like to ask for a motion to place that on the agenda so that we can, actually, either approve the minutes, or change them and move forward, as our normal practice is at the EAC. Do I have a motion to amend the agenda?

COMMISSIONER HILLMAN:

Yes, I would move to amend the agenda to place review and approval of the minutes under first item under Old Business.

CHAIR DAVIDSON:

Thank you, do I have a second?

COMMISSIONER BEACH:

I second.

CHAIR DAVIDSON:

All those in favor say aye please.

[The motion carried unanimously.]

CHAIR DAVIDSON:

The motion has carried, so we'll move forward. Now, I'll ask for the review of the minutes, thank you very much, and is there any

changes that needs to be made? Or is there a motion there a motion to approve the minutes?

COMMISSIONER HILLMAN:

Probably in my motion, I should have said that they were the minutes of the previous meeting dated February 19, 2010.

CHAIR DAVIDSON:

That's…

COMMISSIONER HILLMAN:

No, I'm sorry, I'm sorry, I'm sorry, there's no date on this.

CHAIR DAVIDSON:

…February 19th…

COMMISSIONER HILLMAN:

It is? Okay.

CHAIR DAVIDSON:

Um-hum, 2010.

COMMISSIONER HILLMAN:

Right, right.

CHAIR DAVIDSON:

It's in the first...

COMMISSIONER HILLMAN:

Yes.

CHAIR DAVIDSON:

…sentence.

COMMISSIONER HILLMAN:

Yes, yes, okay.

CHAIR DAVIDSON:

Is there…

COMMISSIONER HILLMAN:

Move adoption.

CHAIR DAVIDSON:

Okay, a second?

COMMISSIONER BEACH:

I second.

CHAIR DAVIDSON:

There's a motion to adopt the minutes of February 19, 2010. All those in favor please say aye. Opposed?

[The motion carried unanimously.]

CHAIR DAVIDSON:

All right, moving forward, we'll turn to Mr. Wilkey, which is our -- the individual that we always refer to every public meeting to give us the report, as our Executive Director.

EXECUTIVE DIRECTOR WILKEY:

Thank you, Madam Chair. And we want to thank everyone for being here today. It's been a busy few weeks since our last public meeting.

Under Requirements Payments, we've begun accepting comments on the proposed draft Maintenance of Expenditure policy. The deadline for submitting a comment is March 24th. A draft of the policy and information on how to submit comments are posted on our Web site.

Since our last meeting, we have disbursed 1.05 million in FY 2008 payments to the State of Kansas. This brings the total amount of disbursed payments to 79.3 million for 2008 and 51 million for FY 2009.

Under Grants, the deadline for the Mock Election grant was yesterday, and the deadline for our College Poll Worker grant is March 31st. Our Web site has additional information about the programs and application process.

Under Testing and Certification, our Boards, that is our Standards and our Advisory Boards, recently commented on Phase II of the Election Operations Assessment, which you'll be hearing more from, about, today. Their comments are posted on our Web site in the virtual meeting room. We've posted a list of frequently asked questions about the Election Operations Assessment. It explains, in simple language, the project's goals, scope and purpose. We've also posted the ES&S Unity 3.2.1.0 Draft Test Plan version 3.0. We have to come up with a new numbering system so that I can -- before I get more confused.

Research, Policy and Programs, we've issued the final designed versions of the Election Management Guidelines on Building Community Partnerships, Canvassing and Certifying an Election, Communicating with the Public, Conducting a Recount, and Provisional Ballots. And today we're announcing the availability of the National Mail Voter Registration Form in Chinese, Japanese, Korean, Tagalog and Vietnamese. We also would like to remind everyone that our Language Accessibility Program, which facilitated the translation of the form, has produced several election resources in the five Asian languages and in Spanish including: A comprehensive glossary of election terms and a voter's guide to federal elections.

Under Tally Votes, the Commission has certified four tally votes since our last meeting. Approval of EAC's FY 2010 Operating Budget, Resolution of Wyoming's Audit Appeal, Advisory opinion for the Virgin Island's Request to use HAVA Section 251 payments to outfit space for the office of the supervisor of elections and the submission of proposed information quality guidelines for public comment.

In other news, the EAC Inspector General has posted a HAVA funding audit report for the State of Arkansas. The position of General Counsel of the EAC has been open since February 24th, and the deadline for submitting applications is March 26th. And finally, I'd like to personally, and on behalf of all the staff of the EAC, congratulate our Chair Donetta Davidson for being selected as this year's recipient of the National Association of Secretary of State's Freedom Award. And that award will be presented at their summer meeting in Providence, Rhode Island.

Madam Chair that is my report.

CHAIR DAVIDSON:

Thank you. That is quite an honor for me. I really -- I'm taken back.

But is there any questions for Mr. Wilkey by the Commissioners?

COMMISSIONER HILLMAN:

I do have a couple of questions.

CHAIR DAVIDSON:

Okay.

COMMISSIONER HILLMAN:

And let me begin by adding my congratulations to the fold, an honor well deserved.

CHAIR DAVIDSON:

Thank you very much.

COMMISSIONER HILLMAN:

Not many people have had the opportunities that you've had to do elections at every level of government, from the local all the way up to the federal.

CHAIR DAVIDSON:

It's kind of been in my blood.

COMMISSIONER HILLMAN:

Mr. Wilkey, on the National Mail Voter Registration Form…

EXECUTIVE DIRECTOR WILKEY:

Um-hum.

COMMISSIONER HILLMAN:

…it is my understanding that people who want to use that form to register to vote can actually type in the responses online to the form and then print it out and sign it and mail it in.

EXECUTIVE DIRECTOR WILKEY:

That's correct.

COMMISSIONER HILLMAN:

Okay. I would encourage EAC to make that known when we advertise and talk about the form because a lot of election officials have expressed that perhaps their single concern about the use of the form is that they can't read the many creative handwriting styles that exist and a lot of errors result in that, and then it translates into provisional ballots. So, if we make it known that this form can be

filled out online before it's printed, I think hopefully that will quell some of the concerns that registrars have.

EXECUTIVE DIRECTOR WILKEY:

Thank you Commissioner and we will do that. And since I'm one of those that my handwriting isn't always the best, I understand what you're talking about. So, we'll make that -- we'll make sure we get that information out.

CHAIR DAVIDSON:

Commissioner Beach?

COMMISSIONER BEACH:

Yes, I have a quick question. Under what you had said about the Maintenance of Expenditure policy, you indicated that it's posted on our Web site. Is it also posted in the *Federal Register* for comment, as well?

EXECUTIVE DIRECTOR WILKEY:

I believe it is.

MS. NEDZAR:

It is not.

EXECUTIVE DIRECTOR WILKEY:

No, it isn't Counsel? No, it isn't. It wasn't one of those that we had to put in the *Federal Register*.

COMMISSIONER BEACH:

Why?

COMMISSIONER HILLMAN:

Well, I would ask that we check our Policy…

EXECUTIVE DIRECTOR WILKEY:

Policy and Procedures?

COMMISSIONER HILLMAN:

Yes, because I think we address that under that Policy. So…

EXECUTIVE DIRECTOR WILKEY:

Okay I will do that.

COMMISSIONER BEACH:

Okay, because I have…

EXECUTIVE DIRECTOR WILKEY:

If it needs to be done, then we'll make sure it's done.

COMMISSIONER BEACH:

Because I have the Notice and Public Comment Policy here and it indicates that there can be a waiver to put it under *Federal Register*, but there would have to be good cause for an exception. I wasn't sure if there was one that was done and I just didn't -- wasn't aware of it.

MS. NEDZAR:

I did see traffic of a waiver request and a grant.

EXECUTIVE DIRECTOR WILKEY:

The waiver, yeah we did, that's right we did. I'm sorry, I forgot about that waiver.

COMMISSIONER BEACH:

Why weren't -- at least myself, why wasn't I advised of that?

EXECUTIVE DIRECTOR WILKEY:

Well, I think part of the problem was that we wanted to make sure that we could get that on our agenda early enough to get it, discussed, and if there were any further changes to that that we could then put it out again if we had to.

COMMISSIONER BEACH:

So, what's the good cause then?

EXECUTIVE DIRECTOR WILKEY:

If it's the desire of the Commissioners to put it in the *Register*, then we can do that.

COMMISSIONER HILLMAN:

I -- as the person who advanced the policy on Notice and Public Comment, I just want to reiterate my position that EAC posts things in the *Federal Register* as the norm and as the default position, and though some people don't understand the relevance or importance of the *Federal Register*, I know that some of our things are required to be in the *Federal Register*. And I would say that for consistency if people know they can look to the *Federal Register*, a lot of people do on a regular basis, that we do that. And I just think if it's posted for 30 days the extra two or three days it would have taken to get the notice -- now I understand sometimes budget is a concern, but this is not a very long document. So, I just would join Commissioner Beach in saying that we always follow the policy, unless we are in one of the situations where we've got to turn it around in less than, you know, 45 days, because our own policy says 30 days, unless you decrease the time. It's posted for 30 days?

EXECUTIVE DIRECTOR WILKEY:

30 days.

COMMISSIONER HILLMAN:

So, I think 33 days to get it in the *Federal Register* wouldn't have broken the bank.

EXECUTIVE DIRECTOR WILKEY:

Certainly, we'd be glad to do that.

COMMISSIONER BEACH:

Okay.

EXECUTIVE DIRECTOR WILKEY:

We'll get that up there.

COMMISSIONER BEACH:

Thank you. That's it.

EXECUTIVE DIRECTOR WILKEY:

That's it?

CHAIR DAVIDSON:

As we move forward, I left out the welcoming remarks, but at the end of the meeting I'll make sure that if anybody has any remarks we can do the welcoming and the ending all at the same time. So, I'll make sure that you have opportunities to do that.

As we move forward in the agenda, next is New Business, and we have Brian Hancock, which is our Director of Testing and Certification with us today, that will discuss the Wyle Lab recent recertification or -- is that the way you basically talk…

MR. HANCOCK:

Reaccreditation.

CHAIR DAVIDSON:

Reaccreditation, reaccreditation. So, I'm going to turn it over to Mr. Hancock now for his testimony.

MR. HANCOCK:

Thank you Madam Chair, Commissioners. I appreciate the opportunity this morning to discuss and give you an update on where we are with the Wyle Laboratories' reaccreditation.

As you may remember, on October 4th, 2007, the Commission unanimously voted to accredit Wyle Laboratories of Huntsville, Alabama, as an EAC voting system test laboratory to carry out the testing, certification, decertification and recertification of voting systems, as required by Section 231 of the Help America Vote Act.

An EAC grant of accreditation for a laboratory is valid for a period of two years. VSTLs renew their accreditation by submitting an application package, consistent with the procedures in Section 3.4 of the EAC's Laboratory Accreditation Manual. And a VSTL retains its accreditation during the EAC application review period.

As its accreditation was expiring, Wyle submitted a renewal application package to the EAC for consideration in October of 2009. EAC staff then conducted a review of the documentation which Wyle provided to ensure that it was complete and met the requirements of our Program Manual.

In addition, on January 25th and 26th, 2010, the EAC conducted an onsite policy and procedures review of Wyle to fulfill its requirements under Section 4.5.1 of the Voting System Test Laboratory Program Manual. This section of the Manual requires the EAC to conduct an onsite review once every two years to verify that the laboratory's policies, procedures and practices meet the requirements, not only of the EAC laboratory accreditation program, but also of international standards.

The EAC assessment audit of Wyle found no non-conformities in the lab policies or procedures determined to be

critical to the VSTL's technical capability to test voting systems. In addition, the assessment found no items that would require the laboratory to initiate immediate corrective action or to formally resolve a non-critical compliance. The EAC did recommend the following improvements to Wyle: Our audit noted that while Wyle records all teleconferences and communications with manufacturers, as required by our Manual, they could improve the organization of these documents by copying and archiving each of the records into an appropriate project test folder.

Also, while Wyle currently has adequate processes in place to enable corrective actions to occur, meeting the minimum requirements of both the EAC and NVLAP accreditation, the EAC recommended that Wyle further develop and document processes for corrective action, specifically including root cause analysis for potentially non-conforming work or departures from their own internal policies or procedures.

At the time of the audit, Wyle did not have a complete process in place to notify the EAC of lawsuits, as required by our program, and the EAC recommended that this policy be updated immediately.

We also found that while Wyle has adequate policies and procedures to protect conflict of interest violations, the EAC recommended that the specific language of their policies be revised to reflect the very specific language in our Program Manual contained in Section 2.5.

And finally, while we found that Wyle has very good training programs and procedures for full-time staff, their training appeared

slightly different for some of the people that they had as contract employees. The EAC therefore recommended that Wyle work to bolster their training program, particularly for those employees working as contractors on voting system test campaigns.

I should note that Wyle fully addressed each of these recommendations in a submission to the EAC on March 5th, 2010, and what's notable about that is, it is the first time I've brought a reaccreditation before you in which all of the recommendations that the EAC made during its audit had already been taken care of by the lab. So, I think that's very significant.

As required by Section 3.5.4. of the Lab Accreditation Program Manual, I will now forward a letter of recommendation to renew the EAC reaccreditation of Wyle Laboratories to the Chair of the Commission.

Upon an affirmative vote of the Commission on this reaccreditation, I will, of course, inform the VSTL of the decision, issue an updated Certification of Accreditation, and update the EAC Website and work with our communications division to inform all of the stakeholders of the Commission's decision in this area.

With that, I would be happy to answer any questions that you might have.

CHAIR DAVIDSON:

Thank you, Commissioners, questions?

COMMISSIONER HILLMAN:

Yes.

CHAIR DAVIDSON:

Commissioner Hillman.

COMMISSIONER HILLMAN:

Could you remind me how many labs are accredited by the EAC at this current time?

MR. HANCOCK:

Correct, we currently have four labs accredited by the EAC.

COMMISSIONER HILLMAN:

Okay. And is Wyle accredited for both hardware and software? In other words, are they a full-service lab?

MR. HANCOCK:

They are indeed, yes. In fact, they're the only one of our labs…

COMMISSIONER HILLMAN:

Okay.

MR. HANCOCK:

…that do all of their own testing in-house.

COMMISSIONER HILLMAN:

Okay. Our consideration of their reapplication took about five months. Is that about average? I mean, forgetting the snow, setting a week or two aside for snow, is that about what the average would be?

MR. HANCOCK:

Right, and that included not only the document review from their reapplication package, but also scheduling the onsite audit, going down there and doing the audit and then, you know, working on writing up the audit for the documentation I will submit to the Chair.

COMMISSIONER HILLMAN:

Okay. One of the things that I've come to learn and appreciate from my colleagues and friends in the election official community is

plain language, and in laboratory and federal government speak I have this question for you. Is saying no non-conformities the same as saying they are in conformance with?

MR. HANCOCK:

Yes.

COMMISSIONER HILLMAN:

All right, I just want to be sure because sometimes, you know, there's a little something in there that you get tripped up on.

And when you say that Wyle has fully addressed EAC's recommendations, have they actually put in place the policies and procedures that were recommended or they've just acknowledged that they have to do it?

MR. HANCOCK:

No ma'am, they've put those procedures in place and have forwarded to us a CD containing all of the revised language and documentation that they have put in place at their lab.

COMMISSIONER HILLMAN:

Okay. And my final question is more of a global one in terms of the labs.

MR. HANCOCK:

Um-hum.

COMMISSIONER HILLMAN:

Do we have a kind of assessment that would, say, on a scale of one to ten, a lab is meeting the requirements and expectations, 7.5, eight, five, four? I mean, do we have a bar where the labs know that, "At this point you're doing a good job, but you probably have some steps to go"?

MR. HANCOCK:

You know, I think the recommendations that we give the labs sort of gives them a clue as to where they are on a scale of things. And also, you know, they do get feedback from us on a regular basis as we go through test campaigns, you know. They understand when we have, perhaps, issues with the way they're doing a test plan, or perhaps a test report, or our technical reviewers perhaps have some issues with the way they're doing some of the testing, so that dialogue is really constant back and forth. And we hope that the labs take that as constructive criticism most of the time.

COMMISSIONER HILLMAN:

Do we ever get any constructive criticism back, in terms of what they need from EAC, that they feel they're not currently getting in order to achieve standards?

MR. HANCOCK:

For the accreditation process, we do. They certainly let us know, you know, what they think of our program. We haven't gotten many negative comments. And we have to remember that, you know, NVLAP was part of this process also...

COMMISSIONER HILLMAN:

Um-hum.

MR. HANCOCK:

…and before we did our reaccreditation, NVLAP went out and reviewed our labs, as well, so that's sort of another avenue of feedback that I kind of forgot to talk about. So, it's a really a three-prong process that includes NVLAP.

COMMISSIONER HILLMAN:

Okay. But I take it that if we get that kind of feedback, we take it seriously…

MR. HANCOCK:

Absolutely.

COMMISSIONER HILLMAN:

…and process it?

MR. HANCOCK:

Sure, sure. And some of the feedback could potentially result in clarifications to our Laboratory Program Manual, and things like that, which we have done in the past.

COMMISSIONER HILLMAN:

Okay, thank you.

CHAIR DAVIDSON:

Commissioner Beach.

COMMISSIONER BEACH:

I have a couple of questions. From the time a lab's accreditation expires, to the time that if the Commission desires to vote for reaccreditation, is there any impact on the manufacturers that come in, or anything during that window of time that affects their testing or anything they do?

MR. HANCOCK:

No not at all. Our program allows the lab to continue to operate until the assessment is complete and a decision has been made.

COMMISSIONER BEACH:

Okay. And I know you were present and went down for the audit of this lab...

MR. HANCOCK:

Yes ma'am, correct.

COMMISSIONER BEACH:

…and others. What was your general impression of Wyle Labs?

MR. HANCOCK:

I think during the audit and really in our day-to-day work with Wyle our general impression, and I think I speak for all of our staff as well, is that they are a consummate professionals. They do a great job. Again, they have an efficient process. It is all in-house, as we spoke of earlier. They are the only lab that has a completely separate quality assurance department within their lab, that has to review everything that comes out of their voting system testing vertical, as well as any other part of Wyle. So, that's really even an additional check on the work that they are doing. They have their own sort of little oversight group here, that makes sure that they're following their own laboratory processes and procedures. So, we have had nothing but good things resulting from our work with Wyle.

COMMISSIONER BEACH:

Okay. And Wyle Labs, refresh my memory, was the one that had certified the -- or tested the Unisyn system?

MR. HANCOCK:

Yes, correct.

COMMISSIONER BEACH:

If you could, could you elaborate a little bit on the timeframe that it took to test that system and potential costs, if you're able to discuss that for…

MR. HANCOCK:

Sure, sure. That again…

COMMISSIONER BEACH:

And that was to the 2005 VVSG?

MR. HANCOCK:

It was, to the 2005 VVSG, correct. The process was very smooth with Wyle and Unisyn. Both of them worked very well together with us. I think the test campaign took approximately eight months from start to finish. The costs were somewhere in the neighborhood of $800,000 to the vendor, and that's an approximation, but it's, I think, pretty close. And so, we were very pleased at, not only the quick turnaround, as far as timeframe, but the costs, you know. We, certainly, heard enough from manufacturers to how expensive our costs have been in the past through our labs, so I think this is a step in the right direction for our program.

COMMISSIONER BEACH:

Okay great, I have one last question. Under the EAC recommended improvements…

MR. HANCOCK:

Um-hum.

COMMISSIONER BEACH:

...you said that Wyle did not have a complete process in place for notifying the EAC of lawsuits at the time of the audit. Are we aware, were there any lawsuits filed during that time?

MR. HANCOCK:

There were not, no.

COMMISSIONER BEACH:

Okay.

MR. HANCOCK:

No.

COMMISSIONER BEACH:

Okay that's all I have, thank you.

CHAIR DAVIDSON:

Thank you. Just about all the questions I can think of have been asked. But, on the test plans that you've been getting from them, are they -- have they been -- I know that's one of the areas that's taken a lot of time, working through, is test plans. How do you find Wyle Labs' test plans that come to you? Are they what you would say -- well, I'll just let you answer how you really find their test plans.

MR. HANCOCK:

I think they've done a good job working with the test plans. We've given instructions to the labs on, for, how perhaps they could improve their test plans over the past year-and-a-half or so. Wyle stepped up to the plate, incorporated those suggested improvements immediately. And I think it showed. A lot of our early test campaigns, we had four, five, six, seven, eight iterations of test plans before we got one approved. I believe the Wyle campaign was either only two or three, at most, iterations of the test plan. So, that in and of itself, you know, is a time and money saver.

CHAIR DAVIDSON:

And I know this is a little bit off the subject, but I know that we get comments from the public, at times, that feel that the laboratories work directly with the manufacturers, and I know that that doesn't happen. Would you kind of describe that process once you get a

manufacturer that has submitted, for review, a system, how that really works forward, and just briefly, so that the public really kind of starts understanding what happens?

MR. HANCOCK:

Sure. You're correct, and I think that perception stems from the fact that under our program, you know, the EAC -- because the EAC is not allowed to receive or disburse funds, the process has to work, whereby manufacturers contract directly with our VSTLs for the testing process. And I think that's where some of that perception occurs, in the fact that because they have this contractual relationship, somehow the labs are beholden to the manufacturers. We have very strict procedures and policies in place to prevent any undue influence from the manufacturers. Those are also -- international standards require some of that, as well, so NVAP looks at some of those things. But we go way beyond that. We make sure that at no time is any manufacturer representative present in any of the rooms where any of the testing is to be conducted. If they are onsite at all, they are segregated completely from the testing process and are only consulted on the rare occasions where there may be a malfunction of the system that would require specific technical input from them. Otherwise, the test labs work completely independently.

CHAIR DAVIDSON:

Okay, thank you. So, upon the recommendations that you've given us, I'm going to ask the Executive Director to prepare a tally vote for the Commissioners to move forward on this accreditation.

Is there any other comments from the Commissioners?

COMMISSIONER HILLMAN:

No.

COMMISSIONER BEACH:

No.

CHAIR DAVIDSON:

Okay thank you, Brian.

MR. HANCOCK:

Thank you Madam Chair.

CHAIR DAVIDSON:

All right, next we'll have our panelists come forward. And, as they come forward, we will have Brian Hancock and Matt Masterson and then Dr. Alec Yasinsac will be here to testify. And definitely, as we move into this segment, I know that we definitely have had quite a bit of time in doing this program, so I think that it's getting close and I'm excited about the final presentation that's going to be made today.

But I'm going to turn it over to Brian Hancock, so that he can run this panel as he sees fit, with having Matt here as the Deputy Director of the Testing and Certification Program, and then Dr. Yasinsac, which was the main individual in charge of this program. So, Brian I'll turn it over to you, thank you.

MR. HANCOCK:

Thank you Madam Chair. As you know…

COMMISSIONER HILLMAN:

Can I just ask one question, so I know how I'm listening to this? Am I listening with a view toward there will be a recommendation

coming forward about Phase II? Or is this just a general absorption…

MR. HANCOCK:

This will be an update, and you will hear me say, at the end of our presentation, that upon receipt of the final deliverables we will make a recommendation to the Commission.

COMMISSIONER HILLMAN:

Okay, thank you.

MR. HANCOCK:

Again, thank you Madam Chair. As you noted, to my right is my Deputy Director Matt Masterson, and to Matt's immediate right is Dr. Alec Yasinsac. You did note Dr. Yasinsac was the project lead for the risk assessment project. He is Professor and Dean of the School of Computer and Information Sciences at the University of South Alabama. He is also a co-founder and co-director of the Security and Assurance and Information Technology Laboratory at Florida State University.

Dr. Yasinsac's primary research interests are in information security, secure software, formal methods, security modeling, and voting system security issues. He's published over 50 peer review research papers in these areas. And, he and his team have been an invaluable partner in this effort. As you noted it has been a fairly long engagement, but I think we've all learned quite a bit from it. And hopefully, we can answer any questions you have during our presentation today.

The EAC's Election Operations Assessment came about as a result of the public comment period resulting from the August

2007 TGDC delivery of a set of recommendations for the next Voluntary Voting System Guidelines. These recommendations considerably expanded the number of security and other requirements for voting systems. They also introduced several new concepts to be applied to system design and testing. It's up to the EAC to decide how to utilize these recommendations as they create their next iteration of our Voting System Guidelines. This requires answering the question of how to specify sufficient level of security protection without requiring disproportionate tradeoffs against other desirable attributes such as the ease of use, efficiency of operation and, certainly something we've heard about, reasonable cost. At the time the TGDC recommendations were forwarded to the EAC, there was no complete analysis of the risks posed to voting systems and the potential resulting harms.

To gather input for its deliberations on the next iteration of the VVSG, the EAC convened a series of seven roundtables of all major stakeholder groups to discuss these proposed guidelines. One focus point for all of these roundtables was the lack of a definitive risk assessment model for voting systems, and the necessity of having such an assessment in order to provide a framework for identifying and prioritizing security requirements as we move forward. This is consistent with federal -- this policy is consistent with federal information security policy, in general, as well as IT industry security best practices.

As a result of this feedback, the EAC conducted a competitive procurement process to obtain the services of an inter-disciplinary team to perform a scientifically based comprehensive

Voting System Risk Assessment. The University of South Alabama team, with Dr. Yasinsac as its principal investigator, was selected by the Election Assistance Commission.

Now, I'd like to turn it over to Matt for a few moments to discuss the Election Operations Assessment itself.

MR. MASTERSON:

Thank you, Brian. And thank you Chair Davidson, and the rest of the Commission, for this opportunity to speak to you today about the Election Operations Assessment. I'll talk briefly to you today about the assessment itself and the project's development process.

The assessment project work was laid out in two distinct phases. The first phase created two sets of reference models. The first, election process models, to define the operational context in which voting systems are used; and the second, voting system models by generic technology type to identify the variations in threats and potential impacts across the range of voting technologies. The generic voting types analyzed were: hand counted paper ballots, direct recording devices, precinct based optical scanners, vote-by-phone, Internet voting, vote-by-mail and central count optical scanners.

In the second phase, the models were analyzed to identify risks associated with each voting technology and to perform assessments of the potential harms and possible mitigations for these threats. The end product is a set of risk assessments for the range of voting technology approaches. The intention of this analysis is not to rate one technology as better or as worse than another or to identify the best system, but rather to identify security

requirements necessary for all types of systems to achieve a specific level of confidentiality, integrity and availability. Achieving a mix of all three of these may be technically more difficult for some technologies and/or expensive and entail undesirable tradeoffs against other important design considerations, such as usability.

There were two deliverables for the second phase of this project. The first of these was an analysis of the voting system models to identify generic threats associated with each voting technology. This information was captured as a set of threat trees using NIST 800-30 threat definitions, one threat tree for each technology type.

The second Phase II deliverable was the development of a tool to assist EAC in evaluating the relative harm magnitude of identified threats and to facilitate a cost-benefit analysis on the potential mitigations for those threats. The tool was required to be usable by non-expert users, so that the EAC without the assistance of technical experts could use it, and it could not use any restrictive proprietary data formats.

One of the mandated project tasks was also to create buy-in from various sections of the elections community on the assessments process and work product. This buy-in was accomplished by having each phase of the assessment peer and subject matter expert reviewed. While many of the project artifacts were created by individual team members, every artifact was vetted through the following levels: the team level, the assessment Advisory Board level, a formal review panel, and feedback from the EAC's Board of Advisors and Standards Board. The project team

and project advisory board members represented a broad spectrum of election and technology experts, thus ensuring a breadth of experience and perspective in the vetting process. Additionally, several project deliverables were sent to external reviewers for further comment.

Over the course of this project the University of Alabama and the EAC have worked closely together to ensure a work product that is both useful and useable. The assessment tool created by the project team will serve as a valuable resource as the EAC moves forward with the development of the next iteration of the VVSG. EAC staff, in conjunction with the technical experts from the National Institute of Standards and Technology, will use the tool to conduct in depth cost/benefit analysis of proposed requirements. This analysis will ultimately lead to a standards document that is both rigorous and cost effective.

Thank you.

MR. HANCOCK:

Alec?

DR. YASINSAC:

Thank you very much for that kind introduction, but I wasn't sure you were talking about me there for a minute. It was very, very nice.

Thank you all very much for the opportunity to speak before the EAC today. And I'm here today representing the members of the investigatory team of the EAC's Election Operations Assessment project. Of course my comments relate specifically to that project, which our final report is the definitive data. These

comments are not intended to supplement that data or that report, but simply to illustrate and amplify some of the things that were included in that.

The notion of risk is straightforward. Risk is simply a computation -- a collective computation of the likelihood and prospective impact of a fault or failure. The challenge of our project was to provide the EAC actionable risk data; that is, to provide resources that will allow the EAC to rigorously analyze voting systems risks and then to use that analysis to make corresponding, well-founded decisions relative to voting system standards. The project team's efforts were driven exclusively by that goal.

Three tests were necessary to achieve this outcome. One, establish a reference model as a foundation for analysis, as Matt mentioned. Two, identify generic voting system threats; and, three, to develop a risk assessment approach that's appropriate for that required analysis.

The project team first created a set of reference models that included detailed descriptions of voting systems, processes, actors, et cetera. The investigatory team delivered those descriptions and models in early 2009, and after extensive review they were accepted by the EAC in May of 2009.

The second task was to identify generic threats associated with each of the seven selected voting technologies. The investigatory team captured the outcome of this work on a set of threat trees using NIST 800-30 threat definitions, creating one threat tree for each selected technology type. These threat trees

are documented within our final report and give the EAC a solid foundation for beginning a formal risk assessment process.

The project's ultimate goal was to develop a tool to assist the EAC in evaluating voting system risks and to facilitate cost-benefit analysis on the potential mitigations for identified threats. The investigators developed the Threat Instance Risk Analyzer or TIRA for that purpose. TIRA is described in detail in the report, but it's important to note that TIRA has two fundamental properties.

First, TIRA is designed to capture the expertise of the analyst in a way that the analyst's decisions can be reviewed, debated and digested. During the review process, we found that TIRA facilitates team analysis that can synergistically capture the cumulative voting system expertise of an analysis team.

Second, TIRA's second fundamental property is that its analysis is exclusively comparative. That is, TIRA's result is a unit-less number that is meaningless by itself. Value is only gained through comparative analysis that allows the analyst to assess, for example, relative merits of incorporating two different controls to mitigate a threat in a voting system.

My comments so far have described what the project deliverables are designed to do. The following comments relate to things that our deliverables are not intended to be.

The project is not intended to be a comprehensive threat analysis. While the team conducted extensive research to identify voting system threats for this project, there's essentially an infinite number of possible threats for any non-trivial voting technology. The threats that we present were found in the literature or news

articles or derived through the expertise of the project team and the many reviewers that have commented on the threat trees. Nonetheless, we do not claim that we have captured all relevant threats.

Number two. This project did not analyze risk for any specific operational voting system. The threat trees were designed at a high abstraction level and represent a starting point for voting system risk analysis. Whether or not the described threats apply to a specific voting system depends on the implementation of the system in question. The trees and the proposed controls in our report can facilitate data capture to support systematic risk analysis, but should not be projected onto any operational system without mapping all relative properties of that system to the threat tree. This is precisely the task that the EAC described as their required functional capability. The TIRA environment, which is in Microsoft Excel, is widely available and is designed to allow analysts to create, copy, modify voting system threat trees for use with TIRA.

Number three. This project is not intended to answer all questions about relative risk in voting systems. In fact, the investigators conscientiously avoided rendering such judgments. Rather, the project provides resources to allow the EAC to reach sound decisions relative to voting system standards that include consideration of systematic risk analysis.

Number four. This project does not evaluate the effectiveness of mitigation strategies or controls. Again, the project

intends to facilitate these decisions by the EAC, as they relate to voting system standards.

Let me now shift to a few details about the project process. An essential element of each component of each phase of this project was peer and subject matter expert review. The review process was rigorous and at many stages the requirement to accomplish a thorough review dictated the project pace.

Project deliverables were formally vetted through a four-tier process that included at least one review at each of the following levels: project team review, project team advisory board review, formal review panel, and review and feedback from the EAC advisory bodies, the Standards Board, the Board of Advisors and the National Institute of Standards and Technology.

In addition to the formal review, several artifacts were sent to external reviewers for further comment, and the project team presented the threat trees and risk assessment tool to the Technical Guidelines Development Committee, receiving substantial feedback both during and after that presentation. The project team carefully and systematically analyzed and incorporated comments from the review process into the project artifacts.

On behalf of the project team and the University of South Alabama, I offer our deepest thanks and appreciation to the many professional and experts that volunteered their time on this project. And there were many. There is no substitute for their valuable contribution and we are indebted to them for the work that they offered.

Thank you again for the opportunity to speak. I have four colleagues from our team here in the audience. Harold Pardue, LisaAnn Benham, Richard Benham and Jeremy Epstein were all a part of our investigatory team. And I am pleased to answer questions if any exist.

CHAIR DAVIDSON:

Thank you. And I also would like to thank our Standards Board and our Board of Advisors and the Technical Guidelines Development Committee for all of their input and valuable comments that came forth to help in this project. So, I definitely agree with you that the people really that we have there working on that and giving us great input makes the project much better. Thank you.

I'll turn to the Commissioners for their questions. Commissioner Hillman.

COMMISSIONER HILLMAN:

Thank you, I really, probably, only have a couple of questions. One is specific and the other is more of a general nature, and my first question is to Mr. Yasinsac. Under your presentation, when you talked about what the deliverables are not intended to do, or to be, you used the term "any non-trivial voting technology." Could you please elaborate on what is considered -- or what are considered non-trivial voting technologies?

DR. YASINSAC:

Perspectively -- raise your hand to vote. If you are in this room and you wanted to have a -- you raise your hand to vote, that might be considered a trivial voting technology.

In terms of giving a formal definition for what that means, that's a bit mathematical and deals with exponential advice or big-O notation for the complexity. So, I think it would suffice, maybe hopefully, for the Commissioner to consider the example of a simple "yea" or "nay" voice vote, maybe would be considered trivial. It may not if the room is large enough.

COMMISSIONER HILLMAN:

Um-hum.

DR. YASINSAC:

But we didn't consider -- the notion was that voting systems, in general, are pretty complex. And for those voting systems, in that complexity, the number of risks and the number of threats that could occur with those, essentially, explode very quickly and it becomes impossible to enumerate that list of risks -- of threats.

COMMISSIONER HILLMAN:

And then, for Mr. Hancock and Mr. Masterson, I think this goes more toward where EAC goes next, but I'm wondering if you would be able to spend a few minutes talking with us about the feedback that you got from -- or that we received from the Standards Board and the Board of Advisors during the virtual meeting room exercise and how that helped illuminate and inform. And then, beyond that, in a real sense, what EAC would do with this deliverable, this product.

MR. HANCOCK:

Do you want to start?

MR. MASTERSON:

Sure. And that's -- I appreciate the question, Commissioner Hillman, because the Board of Advisors and Standards Board members, particularly the ones that were assigned via the Ad Hoc Committee system, in vetting it, and then, through the virtual meeting room, the full boards dedicated a great deal of time and energy to vetting both Phase I and II. And their inputs and feedback, and I'm sure Dr. Yasinsac will tell you this, as well, was invaluable. They brought -- you know, we had election officials on the team and certainly, in the advisory board, within the project -- but they brought such perspective, both geographically and specifically, to the way that they run elections, that the feedback they provided was much needed and very much appreciated.

Examples of the feedback that they provided were analyzing the process models, and whether we correctly identified places as the ballot moved through the process in Phase I. And then, moving onto the risks and threats in Phase II, when we marched the Board of Advisors and Standards Board members through the TIRA tool and using the TIRA tool, they were extremely anxious to provide us feedback on where we perhaps misidentified mitigations or missed a mitigation, misidentified a risk, or perhaps laid it out in a way that wasn't realistic in what they see in the voting environment. And so, their elections experience and the amount of time they dedicated to providing us that feedback, in the virtual meeting room, and through that process was incredible. They dedicated a lot of hours and a lot of time to providing that feedback.

I don't know if you want to comment. I know you spent a great deal of time, too, working with them, we both did, on the calls

in the nature of the feedback, if you want to speak to the nature of the feedback.

DR. YASINSAC:

Sure. It was very important to have -- and the thing that they did that was most valuable to me was to give us the level of abstract and to say that when we -- our experiences of our team was not comprehensive. And so, they would say -- for example point out facts and say, “Well that’s not done that way in our state.” And it allowed us to back up to a higher level to represent a more generic view of the trees. It was much more broadly applicable, for example.

And so, another important place where they were able to help us, simply, in terminology. The -- and I’ll give you a simple example. The term PCOS is a term that I have known for years and years and years that represents a very specific type of technology, Precinct Count Optical Scan, and there were several folks in these boards that said they were not familiar with that term, that did not work in their communities and it wasn’t clear. And that helped us to understand that even though I think most of -- a lot of elections officials in the country would be familiar with PCOS, it’s important to know that not all are. And so, that level of detailed feedback was very important in us producing a report that everyone will be able to look at, and read, and understand what we’re doing, from a terminology standpoint. So, it was invaluable feedback that we received.

MR. MASTERSON:

I think your second question pertained to, you know, the usability of the tool, how are we going to use that. And that's a great question, one that actually the Standards Board and the Board of Advisors members raised when vetting this, can you give us an example of how you think this will be used? And I'm I guess, dipping my toe dangerously into an area that perhaps I shouldn't be speaking on, but we'll give it a try. And the example we used…

COMMISSIONER HILLMAN:

Only attorneys would dare do that.

MR. MASTERSON:

The example we used on the calls, and I think it's a good one, and certainly our friends at NIST may come back to me and say it's not, but in the next iteration of the VVSG there's a requirement for a hardware crypto module, a hardware cryptographic module. And presumably that that requirement -- and that's different than what's in the 2005, and what's been considered. Presumably that hardware crypto module that's contained within the equipment itself provides a certain level of assurance or a security beyond, perhaps, a software cryptographic module or some other form of cryptography. And so, what this tool will allow us to do is sit down with the NIST experts and say, "Okay this requirement is for a hardware cryptographic module. What does that do for us? Here are a list of some of the threats. What threats can this cryptographic module provide for us?" And then, we can run another analysis where we say, "Okay let's say there's no cryptography on the system at all. What threats are there now?" And then, we can look and say, "Okay software cryptographic

module, what are we looking at, what threats are there, what mitigations?" And then, as Alec mentioned we can do a comparative analysis and say, "What are we gaining with this hardware cryptographic module, this software cryptographic module, or just some general cryptographic requirements? What have we mitigated? What risks have we provided? And what level of assurance have we gotten?" And then, we can go out and talk to our vendors and experts in the field in cryptography, and say, "How much does this cost? How much does this hardware cryptographic module cost versus software? Are we getting bang for our buck by requiring hardware and -- or software? What are we getting out of this for our money?" And so, that provides a great level of insight for us that we haven't had before when looking at these threats and these risks, and saying, "What are we getting out of this requirement?"

MR. HANCOCK:

The only other thing I would add was that as far as some of the concerns, I think there were some real concerns expressed on the possibilities that this tool could, perhaps, be misused. I think we need to make it very clear, in the documentation that we provide, as Matt said, it's primarily for the use of the EAC in looking at the next iteration and making determinations on specific items in that document. It will be available, however, and we need to make it very clear that the use of this tool depends very heavily on the input of very specific assumptions and procedures for a specific type of voting system. And, you know, perhaps Alec can expound on this, but the tool will not really work, and certainly shouldn't be used as a

general way of comparing or looking at voting systems. Alec would you agree?

DR. YASINSAC:

Yes. The notion is really a comparative analysis, and the example that I mentioned in my comments was to compare mitigation threats for a specific technology. Now, the numbers might -- someone might be able to look at the numbers from two different voting systems, and try to compare those two numbers, but the further away you get from comparing apples and apples, the less meaningful that number becomes. And so, I believe that, you know, any tool, possibly, could be misused or misrepresented. But, this one is quite clear in the way it works and the capabilities it has and its strengths and weaknesses, that I think that the concerns will soon be found to be not well founded, that I don't believe we'll -- we'll see this concern manifest.

COMMISSIONER HILLMAN:

Just a quick follow-up question, and when you say "misused," were the concerns raised that the tool might be misused by EAC and NIST?

MR. HANCOCK:

The concerns that I saw were that it might be misused by outside parties.

COMMISSIONER HILLMAN:

Okay, all right, so because, right now, if I understand correctly, the tool would be used by EAC and NIST.

MR. HANCOCK:

Correct.

COMMISSIONER HILLMAN:

That others -- it will be publicly available information, but EAC is not teeing this up as a tool for anybody to use?

MR. HANCOCK:

Right, that's exactly correct.

COMMISSIONER HILLMAN:

So, the concerns were about use of it by entities other than EAC and NIST?

MR. HANCOCK:

Yes just, as you said, for the fact that it will be a public document and it will be out there for people to look at.

COMMISSIONER HILLMAN:

Okay, so in its simplest terms we're hoping that these trees will be approved for future increased security of voting systems, is that where we're headed? Yeah?

MR. HANCOCK:

Yeah, I think so.

COMMISSIONER HILLMAN:

Okay, thanks.

MR. MASTERSON:

Absolutely.

COMMISSIONER HILLMAN:

Thank you.

CHAIR DAVIDSON:

Commissioner Beach.

COMMISSIONER BEACH:

Okay, Dr. Yasinsac I know the Standards Board VVSG Ad Hoc Committee spent a lot of time, you know, reviewing Phase I and Phase II and providing comments. Would you give me an example of any changes that were made due to the comments that they had given you in either Phase I or Phase II of the report?

DR. YASINSAC:

Gosh.

COMMISSIONER BEACH:

Because I know you mentioned that there was input on, you know, different uses of terminology and what not. But I didn't know if there were any specific changes that were made based on that.

DR. YASINSAC:

Let me see, nothing comes to mind. Let me -- I'm sure LisaAnn will have a perfect example for us. Something off the top of your head? Oh, excellent, perfect example. I apologize. We had -- in one threat iteration of our threat trees, we had used the phrase "recommended controls" as the way to deal with -- potentially deal with a potential threat. Well, it was pointed out to us that that really wasn't a recommended control, because our goal was not to produce a set of recommended controls, it was to be able to produce a set of prospective or possible controls. And that clarified what the meaning of that chart was to the EAC, and then -- both to the EAC and to the public as they understand what's going on with voting system standards. Additionally, we got some feedback that the terminology, even in our controls, was not clear; that when you talk about things like high assurance software, that that term was not -- it was not clear what we meant by using that as a control for

voting systems. And so, we devoted extensive effort to go back in and produce much more detailed descriptions of what our controls absolutely were. So…

COMMISSIONER BEACH:

Did you find that the terminology, or the recommended terminology, that was presented with consistent among the election officials throughout the nation? Or were there, you know, different regions that used the term differently in different parts of the country or different, you know, urban, rural?

DR. YASINSAC:

That's a very excellent question. And again, this is what I think was the power of having the review process, because it helped me to understand how different the terminology was, and how strongly that each region believed their terminology was the correct terminology. And so, we would get feedback from one area of the country that said, "No, that terminology is not what that means, it means this." And then, we'd go from another area of the country and get their feedback that, "Well that terminology is not," they want us to go back to what we had in the past. And so, we had to go back to a higher level of abstraction that would capture both concepts as best we could in the terminology, and sometimes there were not ways to necessarily do that, and we would -- but the bottom line was, I think the review made it a much stronger set of documents, because it incorporated those vantage points of the different regions in the way they do things. And obviously, you know that in the Northeast they don't do things the same way that they do in California or in Florida, and so trying to combine all of

those different viewpoints was essential for this project. But it wasn't easy.

COMMISSIONER BEACH:

I imagine so.

MR. MASTERSON:

And Commissioner Beach if I could just, you know, one of the examples I could use from the Standard Boards/Board of Advisors that popped into my head that was incredibly valuable was a demand for consistency, consistency throughout the models and consistency throughout the trees. You know the way the project team set up the process, which was a very efficient way of doing it, was having individual team members or groups of team members work on, you know, PCOS, or central count optical scan, and so they were a little bit separated from each other. And then, when the Board of Advisors and Standards Board started looking at either the trees or the models they said, "Look you've got some inconsistencies from PCOS that -- to central count optical scan that perhaps don't appear apparent on the front, but when you match them together you go oh, yeah, that's what those are." Ad so, they provided a great deal of feedback on, "Hey you need to get consistent with your terminology with the way you describe this and the way you describe a threat or a risk that's to two different types of system." And so, that feedback and that demand for consistency was incredibly important to us.

DR. YASINSAC:

Yes, thank you.

COMMISSIONER BEACH:

I have another question for you. You mentioned that the use of the tool was subjective in nature and depended on the input of the user. It sounds like this means that the user must explain their subjective assumptions when using the tool. Is that correct? And if so, how does the tool capture these assumptions?

DR. YASINSAC:

Excellent question. There was a lot of debate about how best to do this, whether it should be required that people comment. And what we ended up doing, the present state of the tool, is that it allows the analyst to document some reasons behind the setting that they create for each particular variable, but it doesn't require entry in those areas. And part of the reason for that is, as we know, when you require people to do things, a lot of times you get -- you get bogus feedback anyway. And so, there is -- and that was a valuable feedback, by the way, from one of our Boards, was that we needed to expand the capability to capture the reasons for making these entries. And again, our vantage point in creating this tool was that the number is there and two analysts can talk about why that number is there if they want to challenge it. But it certainly makes sense, when you think about it in the long term, to have that -- some of the concept of the arguments that go into creating that variable at the level you do inside that document. And so, we adjusted the tool to be able to capture those comments.

COMMISSIONER BEACH:

And my last question is somewhat broad, but I wanted to get your opinion on that. Is it fair to say that voting systems of the United

States is more of a decentralized system than a centralized system when you're looking at security or…

DR. YASINSAC:

Well of course the…

COMMISSIONER BEACH:

Right, I'm comparing it to other countries.

DR. YASINSAC:

Yeah and I'm actually not able to comment really on the standards and the policies in other countries. I've not done significant study there.

COMMISSIONER BEACH:

Okay.

DR. YASINSAC:

But, what I will tell you is that the supervisor of elections in Ocala Florida doesn't do elections the same way the supervisor of elections in Leon County Florida does. And that doesn't even talk about the differences between the issues in the different localities in other states. It's a dramatic variety of approaches and interpretations of federal instructions and federal recommendations, as well as different ways that states individually handle it. And again, that became very evident during our review process and the feedback that we got from the different -- even different -- I mean, I was at IACREOT and the feedback from the local elections officials was far different than the feedback at the state election officials at NASED, which was even different again from the NASS feedback. And so, the variety is almost exponential in that sense from those different perspectives.

COMMISSIONER BEACH:

Okay thank you.

DR. YASINSAC:

Thank you.

CHAIR DAVIDSON:

Thank you both, I've just got a couple of questions. Dr. Yasinsac the first thing that you kind of mentioned in your testimony is that the project focused on general voting systems and -- such as a precinct optical based system. Can you confirm that this project did not focus on any specific voting system type or manufacturer, basically, the vendor? You didn't pick one vendor and specifically look at their system?

DR. YASINSAC:

We did not pick any specific system. I made that clear in my written testimony that this was generic voting systems, and again, we had to reconcile many of the notions of how things work in these generic systems across many states. And so, for the analysis to be effective, these generic voting system models would need to be modified and expounded upon, in detail, to capture the precise properties that the system in question has. So, for example, to analyze a Diebold OS -- or I'm sorry, a Premier OSX system, that system properties, in detail, would need to be captured in the threat tree in order to be analyzed in TIRA. The generic trees are not -- did not apply to that technology directly.

CHAIR DAVIDSON:

Okay. And probably, basically, you didn't even have specific information from a manufacturer, a vendor to be able to even weigh into this?

DR. YASINSAC:

Well, we reviewed specifications of systems to be -- to try and capture the generic properties that they have. So, there's a lot of information available on the Internet and we did extensive review. And there was a lot -- there are papers in the literature that we reviewed, as part of our bibliography, that included specification of specific systems. But none of these systems were ever captured as "the" model, or there was ever any intention by the team or any specific investigator to try and look at a specific implementation of one of the seven technologies. It wasn't our charter, it wasn't our direction, and we never had that intent to do it. But, in order to give a comprehensive analysis of the technologies, we felt it was reasonable and necessary to be able to look at many of the specific systems to understand what they can do, what their capabilities are, and what they do most often.

CHAIR DAVIDSON:

Okay, this one goes to either one of you, either Matt or Brian. And we're doing a lot of work in UOCAVA. Can this tool be utilized in our test pilot program that we're doing in that area?

MR. HANCOCK:

I think so. You know, as Alec has said, you know, it's very general in nature, you know. Some states, particularly West Virginia, right now, are looking at doing UOCAVA pilots via the Internet. That was one specific general technology that was required, and that

was looked at by this tool, so, I think there is great general applicability there. Would you agree?

MR. MASTERSON:

Yeah, yeah I absolutely agree. And I think, generally, it will help us identify both the risks that exist with the current process, UOCAVA process, and perhaps the risks that exist with new and innovative technologies to deal with UOCAVA. So, it provides that kind of analysis as well, not to compare one to the other, but instead to look at the trees themselves and say, you know, what risks are inherent in, you know, perhaps vote-by-mail process, or whatever versus the Internet. So, it provides that level of comparison, as well, which is, I think, very valuable in the work we're doing with UOCAVA.

CHAIR DAVIDSON:

Very good, and my last question is, I don't know if it goes to Mr. Hancock or to Dr. Yasinsac, but can we expect a delivery of -- the final delivery, EAC? Does one of you have…

DR. YASINSAC:

When you want it to be finalized. Right now, our contract is extended to give us time to clean up details. The work is fundamentally done. We're actually expecting to maybe make changes out of this meeting, but if that's not to occur, I think we can turn this around very quickly and have this project wrapped up with the final deliverables to you in a reasonable period of time. Two weeks? Is two weeks a reasonable framework for this to provide…

MR. HANCOCK:

Yeah I think...

DR. YASINSAC:

…all the pod casts, the 350 page report, in final form? I think probably in two weeks, if we don't have any substantial changes come out of this.

MR. HANCOCK:

I think the end of March was our goal, as well, so that works out well.

CHAIR DAVIDSON:

All right, very good. Is there any -- Mr. Wilkey, do you have any questions for them?

EXECUTIVE DIRECTOR WILKEY:

I don't have any questions, but I think it would be interesting for the audience, as well as those who are listening to the Webcast, to know that anytime we do a project like this, regardless whether it's our Management Guidelines, or a project of this depth, that we use a very broad-based advisory group to work with us. And, I'd like you to comment on that, if you could, Professor Yasinsac, because I know this particular group is very broad based in its representation.

DR. YASINSAC:

Yes, that's true. And in response, specifically, to the solicitation which noted that we needed to have the broad base of support, we -- on our team, we had local elections officials, this is on the investigatory team, we had computer scientists, local elections officials, folks in information systems management technology that understand dealing with data and databases and risks. And we also had a Secretary of State on our team. And so, we had that

breadth of perspective for the different views of elections on our team. And then, we went out to our advisory board to get an internal, what we called our VRSA, at that time advisory board, that provided feedback to us, and we got a broad spectrum, a very broad spectrum. We actually got some help from the EAC in attracting some members that had experience with accessibility, and we were very happy to have Diane Golden work with us. We were able to get some retired state elections directors to help in that process. We had local elections directors nominated by friends of our team that we reached out to. George Gilbert ended up working with us on some of this, from North Carolina. And we had David Beirne who was, at that time, working with the Election Technology Council as a vendor, Paul DeGregorio, who has seen elections from many different perspectives, from being a Commissioner, to being now a vendor on the vendor side. And so, we had a depth and breadth of expertise on these teams. And let me just emphasize that we turned to them -- and I personally turned to that group many times, one on one, calling on the phone, sending emails, sending documents, interacting, to get perspective to allow us to get this right, to get the data in as usable form as we could, because we wanted it right, but also because people had to understand that it's right. No matter how good a work you do to get the process correct, if you can't describe to people how you've done it, then, in the election community, as you all know, you really haven't solved the problem with all that good work. And so, we spent a lot of time using the advisory board in that capacity. And then, again, the final reviews through your Boards which are

diverse by, I guess, direction or -- was also very, very helpful in those tones. But thank you for allowing me to make that emphasis. And those were really the volunteers that I was speaking about in my formal statement, the thanks to Sandy and David Dill and Dan Wallick and the group that were not remunerated for their efforts. They did this because they care about getting this thing right, and they helped us extensively, and I owe them a personal debt of thanks.

MR. MASTERSON:

The only additional thanks I'd add is to Merle King…

DR. YASINSAC:

Oh.

MR. MASTERSON:

…who actually moderated all of the roundtables, and we've all seen his good work on that. So, he volunteered his time again to help us out with this.

DR. YASINSAC:

And many, many times Merle was on the other end of the phone in helping us with decisions. He was extremely helpful. And thank you for reminding me, Matt.

EXECUTIVE DIRECTOR WILKEY:

Thank you. I just thought it was necessary that the breadth and depth of the group that you were dealing is something that we try to do in all of our projects. And this one, particularly, was just an outstanding group of people, and we thank you, and thank staff as always for their hard work on this.

Thank you Madam Chair.

CHAIR DAVIDSON:

You're welcome. Okay, thank you very much, and as soon as we get the delivery, you can let us know and then we'll move forward to do a tally vote.

MR. HANCOCK:

I will do that Madam Chair.

CHAIR DAVIDSON:

Okay. I would like to also allow the Commissioners -- I want to thank everybody for coming today, and definitely those that were watching on the Webcast, I appreciate it, and hopefully it was useful. Since we've been Webcasting, we've gotten a lot of feedback that people really like that, so we appreciate you tuning in.

And then, I'd also like to give my thoughts and prayers to Haiti and Chile, as they work through rebuilding their lives and their communities, obviously, their homes and everything.

And then, I'll turn to my colleagues if they have any comments that they would like to make today before we adjourn.

COMMISSIONER HILLMAN:

Thank you very much. Let me just say, just to follow-up on Haiti, I noted an article, I believe, yesterday, that Haiti is struggling with how to conduct its elections. It recognizes the inextricable link between, you know, stable democracies and being able to rebound economically and socially for the betterment of its people. And I cannot just -- I mean, I can't imagine what it must be like when half your records are gone, whether personal records or institutional records, to try to create a system that's going to facilitate voting

when people are so distracted by day-to-day activities. And I was pleased to hear that the United States, through the State Department, will be helping in that regard.

And I also want to say, though this is not something that EAC has any responsibility for, this is Census month. And I think whereas we encourage citizen participation in the election process, we ask people to be registered, to know their rights and responsibilities as voters, we encourage people to be poll workers, and to consider a profession in elections, I would also encourage people who view our meetings and follow our work to make sure that their communities fully participate in the Census, as well. The Census numbers have everything to do with our work, in terms of knowing accurately the numbers of people who are eligible to vote in this country, and the Census Bureau uses those numbers to do its projections about voter registration and participation rates.

Thank you.

CHAIR DAVIDSON:

You're welcome. Commissioner Beach.

COMMISSIONER BEACH:

Well, I didn't say it before, but I would like to personally congratulate you on being this year's recipient for the NASS Freedom Award.

CHAIR DAVIDSON:

Thank you.

COMMISSIONER BEACH:

We look to the ceremony in July.

CHAIR DAVIDSON:

Thanks so much, I appreciate that. Well, I'll just make the final announcement that our next meeting will be April 8th and it's going to be more of an all-day meeting, so it won't be just a morning meeting.

So, I appreciate everybody coming, thank you so much panelists, and we'll move forward as quickly as we can. So, I appreciate everybody being here today.

Is there a motion to adjourn?

COMMISSIONER BEACH:

I make a motion to adjourn.

COMMISSIONER HILLMAN:

Second.

CHAIR DAVIDSON:

All those in favor?

[The motion carried unanimously.]

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[The public meeting of the EAC adjourned at 11:14 a.m. EDT]