# United States Election Assistance Commission

## Meeting Minutes – December 14, 2004

Minutes of the meeting of the United States Election Assistance Commission (EAC) held on Tuesday, December 14, 2004 at 10:00 a.m. at the EAC offices located at 1225 New York Avenue, N.W., Washington, DC 20005.

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| **Call to Order:** | Chairman Soaries called the meeting to order at 10:00 a.m. |
| **Pledge of Allegiance:** | Chairman Soaries led all present in the Pledge of Allegiance. |
| **Roll Call:** | Chairman Soaries recognized Brian Hancock of the EAC staff who took roll call for the Election Assistance Commission and found present Vice-Chair Gracia Hillman, Commissioner Paul DeGregorio, and Commissioner Ray Martinez. |
| **Adoption of Agenda:** | Chairman Soaries recognized Commissioner DeGregorio, who moved to adopt the agenda for the meeting of December 14, 2004. The motion was seconded by Commissioner Martinez and the motion carried unanimously. |
| **Adoption of Minutes:** | Chairman Soaries recognized Vice-Chair Hillman who moved that EAC adopt the Minutes of the Commission Meeting held November 23, 2004. The motion was seconded by Commissioner Martinez, and the motion carried unanimously. |
| **Updates and Reports:** | Chairman Soaries first recognized Peggy Sims of the EAC staff who reported that to date, EAC has asked the General Services Administration to disburse requirements payments to forty-seven of the fifty-five States and Territories eligible to receive them. Once GSA disburses the over $101 million in requirements payments that EAC requested today, all forty-seven States (including the District of Columbia and the Territory of American Samoa) will have received their requirements payments for fiscal year 2003. These payments will total over $719 million. Thirty-four of these States also have will have received their payments for fiscal year 2004, totaling almost $815 million. Taking into account the payments pending with GSA, more than $1.5 billion will have been disbursed of the more than $2.3 billion appropriated for requirements payments in fiscal years 2003 and 2004. About $785 million will remain available to be paid to States (almost $111 million in fiscal year 2003 funds and approximately $675 million in fiscal year 2004 funds). |

Chairman Soaries next recognized EAC Interim Executive Director Carol Paquette to give an update on the EAC 2005 Budget. Ms. Paquette noted that the EAC budget was signed on December 8, 2005, and after a government-wide rescission, totals $13,888,000 for Fiscal Year 2005. This number included $8 million allocated to support research and studies, and $2.7 million which the EAC will be passing on to the National Institute of Standards and Technology (NIST) to support their work on the voting systems guidelines. Ms. Paquette noted that no money was allocated in the 2005 budget for requirements payments to the states.

Ms. Paquette next outlined the EAC 2005 HAVA implementation action plan. Ms. Paquette noted that as a result of numerous discussion among the EAC Commissioners and staff, and looking at issues that emerged from the 2004 election, the she had recommended to the EAC the following 5 guidance topics and 4 studies for the 2005 HAVA Implementation Action Plan:
Guidance:
1. Voluntary voting systems standards
2. Voter registration statewide database
3. Provisional balloting
4. Section 302(b) voting information (i.e., voter's bill of rights, signage)
5. Section 303(b) voter identification requirements and exceptions

Studies:
1. Section 244 –impact of 303(b) voter ID requirements on voters who register by mail
2. Section 245- electronic (internet) voting
3. Section 246 – free absentee ballot postage
4. Election day, Section 703 UOCAVA and NVRA surveys

Chairman Soaries next asked for a motion to adopt the plan outlined by Interim Executive Director Paquette as the official EAC 2005 HAVA Implementation Plan. Vice-Chair Hillman made the motion to adopt the plan, the motion was seconded by Commissioner De Gregorio, and the motion carried unanimously.

**Presentations:** Chairman Soaries remarked that statewide voter registration databases work to prevent fraud, increase voter access, and ease the use of provisional ballots. The Chairman next introduced Ms. Marci Andino, Executive Director of the South Carolina State Election Commission, and Mr. Bob Rauf, IT Director of the North Carolina State Board of Elections to share their real life

experiences implementing these databases to assist the EAC in developing guidance for all states.

Ms. Andino reported that counties in South Carolina had been accessing the statewide database since 1984 when each county was linked to the state data center by a dumb terminal. Ms. Andino noted that he South Carolina system has developed from a simple voter registration database with modular components and is now a full-fledged election management system. Ms. Andino noted that updates to the system began in 2000 and were continuing to ensure full compliance with HAVA. Ms. Andino also reported encountering many problems with the most recent update, and the possibility that the current work on the 14 year old system may be scrapped completely. Ms. Andino related six specific lessons learned in developing the South Carolina system:

1. County involvement from the beginning is critical to the success of system development
2. Get all agreements from vendors in writing.
3. Develop clearly defined requirements.
4. Ensure proper project management by the State.
5. Use an experienced solution provider.
6. Use State funds, not county money, and understand one-time costs vs. ongoing maintenance costs.

Chairman Soaries next recognized Mr. Bob Rauf of North Carolina to relate their experience with a statewide voter registration database.
Mr. Rauf reported that in 1997, the North Carolina Legislature enacted a requirement to develop a statewide voter registration database, giving the counties the ability to opt into the system or to opt out of the system. Mr. Rauf noted that 93 of 100 counties decided to opt into the system at that time. Mr. Rauf reported that under the initial implementation plan, the State contracted with a vendor to do all the work of developing the system. Ms. Rauf noted that problems developed with vendor management of the project, and in 1999 the State re-evaluated the program, picked up the source-code from the vendor and began to manage the project in-house. For the program the state provided an IT group of 3 individuals and 10 contract employees. By 2000, the system had been installed in 10 counties. Mr. Rauf also reported that by the end of 2000, all 93 counties had been converted to the new system, and in 2002 3 more counties volunteered to join the program. Mr. Rauf reported four specific problems encountered during system development:

1. Difficulties in working to convert 40 different voter registration systems used in counties.
2. Problems converting data from these very old and often unsophisticated systems.
3. Problems finding accurate address information on voters in many rural counties.
4. The biggest potential problem may be in 2005 when the State converts their 4 biggest counties representing 25% of the registered voters in North Carolina.

Finally, Mr. Rauf noted that because of the accuracy of their statewide voter registration system, North Carolina had less than 1% provisional ballot use in the November 2004 election.

Chairman Soaries next introduced the next two presenters, Ms. Sarah Ball Johnson, Executive Director of the Kentucky State Board of Elections, and Mr. Christopher Thomas, Director of the Michigan Bureau of Elections.

Ms. Johnson reported that Kentucky established their statewide voter registration database in 1973 and has proven to be one of the key reasons that the State Board and county clerks maintain current, accurate and relatively trouble free voter registration record of their over 2.7million registered voters. Ms. Johnson noted that because of the features and simplicity of their mainframe-based system, all 120 counties benefit regardless of size. In addition, Ms. Johnson noted that the system does not allow more than one voter record to exist per social security number. Kentucky has utilized the full social security number to identify voters since the 1970's, although to ensure privacy the SSN is not released or printed on any public documents. Ms. Johnson reported that the State Board provides each county clerk with daily reports detailing changes to registrants' records, voter registration statistics per precinct prior to each election, and voter turnout statistics per precinct following each election. Ms. Johnson further reported that in 1985, the State Board of Elections realized that the system needed a quicker and more efficient process to register voters. Utilizing existing hardware and communications infrastructure provided by another state agency, the Board developed a "real time" "on-line" mainframe based system that enabled each county clerk to take over all data entry for their particular county. This enhancement program was implemented in 1986 and cost $796,899 (adjusted for inflation to 2001 dollars). Ms. Johnson noted that the National Voter Registration Act of 1993 (NVRA) led to a complete overhaul of the database in 1995 to include more comprehensive information

on each voter.  The system was also configured to share a "real time" link to the Kentucky Division of Driver's License database and a nightly batch link with the social service agencies' database. This upgrade cost the state $1,160,926 to implement (adjusted for inflation to 2001 dollars).

Mr. Thomas reported that in the Michigan experience with a statewide voter registration database, one of the key factors was developing a partnership between state and local election officials. Under HAVA, local election officials have the expertise with the data and must define what the system needs to do, while HAVA provides the incentive to get the most "bang for your buck."  Mr. Thomas reported that the state has reached the point where almost ¾ of the registration transactions at the Michigan Department of Motor Vehicles (part of the Office of the Secretary of State) represent change of address.  Because of the unique nature of having both elections and motor vehicles under the same office, the system integrates seamlessly with the DMV database, and has eased the transition of a standard definition of residence as being the same for both driving and voting purposes.  Mr. Thomas described the Michigan system as being a distributed database with replication done at the end of each day.  The database has a back-up server in Lansing.  Mr. Thomas also noted that while the locals do their own printing, the system does impose significant statewide uniformity in registration and that over 80% of all registration transactions in Michigan originate through DMV offices.  Mr. Thomas further noted that the backbone of the Michigan system is a good statewide street index to pinpoint the location of each registrant.  Mr. Thomas also remarked that system maintenance is an ongoing task, and that Michigan will be adding further functionality to the system in the near future by adding digitized signatures for each registrant and a module for an electronic poll book.  Mr. Thomas stated that he believed that a good statewide voter registration database was the answer for the use of provisional ballots and noted that Michigan collected only 5,600 provisional ballots statewide in the November 2004 election out of 4,875,692 voters.  Finally, Mr. Thomas reported that the system cost Michigan $7.5 million in 1996 dollars to develop, with annual ongoing maintenance costs of between $1.5 and $2 million.

**Administrative Items:**

Chairman Soaries next moved to several EAC administrative issues.  The first of these issues was the adoption of the proposed schedule of meeting for 2005.  Chairman Soaries asked for a motion to adopt a schedule to include public meetings on:

Thursday, January 27, 2005

Wednesday, February 23, 2005

Tuesday, March 22, 2005

Tuesday, April 26, 2005

Tuesday, May 24, 2005

Tuesday, June 28, 2005

Tuesday, July 26, 2005

Tuesday, August 16, 2005

Tuesday, September 27, 2005

Tuesday, October 25, 2005

Tuesday, November 15, 2005

Tuesday, December 13, 2005

Commissioner Martinez made the motion to adopt the meeting schedule, the motion was seconded by Commissioner DeGregorio, and the motion passed unanimously.

Chairman Soaries next recognized Vice-Chair Hillman to discuss the posting for EAC Executive Director.

Vice-Chair Hillman reported that the EAC was proceeding with all due haste to recruit a permanent Executive Director.  To this end, the EAC had posted the job description and application information both on the EAC web site and on other government jobs web sites.  Vice-Chair Hillman noted that the Standards Board and Board of Advisors would assist with the recruitment as required by HAVA, and would consider all candidates and make recommendations to the EAC.  Finally, the Vice-Chair noted that this process should be completed by March 2005, after which the candidates would be interviewed by the EAC Commissioners.

Chairman Soaries noted that the final agenda item for the meeting was the election of EAC officers for 2005.

The Chairman first made a motion to establish a policy for transition in which the December monthly meeting of the EAC would be used for re-organization, to have the new EAC officers seated on the first Monday in January of the following year

(January 3, 2005). Commissioner Martinez seconded the motion, and the motion passed unanimously.

Chairman Soaries next proposed that the Commissioners nominate and vote on the incoming Chairperson, vote on that position, and then move on to nominate and vote for the incoming Vice-Chair.

Chairman Soaries made the motion to nominate current Vice-Chair Gracia Hillman for EAC Chairperson for 2005. Commissioner Martinez seconded this motion, and the motion passed unanimously.

Commissioner Martinez next made the motion to nominate Commissioner Paul DeGregorio as the EAC Vice-Chair for 2005. Chairman Soaries seconded this motion and the motion passed unanimously.

Chairman Soaries also noted that on Monday Jaunary 3, 2005, a ceremony would be held at the EAC offices to install the new officers.

Chairman Soaries asked for a motion to adjourn the meeting. Commissioner Martinez made this motion, Commissioner DeGregorio seconded the motion and the motion passed unanimously. The meeting was adjourned at 12:36pm.