

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

The Westin Tabor Center  
1672 Lawrence Street  
Denver, CO 80202

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on Wednesday, April 15, 2009. The meeting convened at 2:01 p.m. MST. The meeting was adjourned at 2:32 p.m. MST.

## **PUBLIC MEETING**

### **Call to Order:**

Chair Gineen Bresso Beach called the meeting to order at 2:01 p.m.

### **Pledge of Allegiance:**

Chair Beach led all present in the recitation of the Pledge of Allegiance.

### **Roll Call:**

#### **EAC Commissioners:**

Deputy General Counsel Gavin Gilmour called roll of the members of the Commission and found present: Chair Gineen Bresso Beach, Vice-Chair Gracia Hillman and Commissioner Donetta Davidson. Three members were present for a quorum.

#### **Senior Staff:**

Executive Director Thomas Wilkey, and Deputy General Counsel Gavin Gilmour.

#### **Guest Speaker:**

Colorado Secretary of State Bernie Buescher

### **Adoption of Agenda**

Commissioner Donetta Davidson moved to adopt the meeting agenda, which was seconded by Vice-Chair Gracia Hillman. The motion carried unanimously.

### **Welcoming Remarks**

Chair Beach extended a welcome to all in attendance, briefly reviewing how the meeting/workshop would be conducted, and turned the floor over to Commissioner Davidson for the introduction of a special guest.

Commissioner Davidson was honored to welcome Colorado Secretary of State Bernie Buescher to the meeting, after which she briefly described some of the similarities/commonalities between her time as Colorado's Secretary of State and those of Secretary Buescher, in addition to outlining his previous appointments and various accolades/awards.

Secretary Buescher expressed his sincere appreciation for the opportunity to address the Commission, for the honor and experience to serve as Colorado's Secretary of State, and to announce that in an effort to move beyond the conversation phase regarding election reform/voting integrity, he just very recently commenced the rulemaking process by creating an ongoing commission in Colorado entitled "A Best Practices and Vision Commission for Colorado Elections." Secretary Buescher concluded his remarks by pointing out that while elections are run well, there is room for improvement and with the EAC's help this goal can be achieved.

Chair Beach extended words of appreciation to both Ernie Hawkins and Doug Lewis from The Election Center for coordinating EAC's meeting in conjunction with their conference.

### **Correction and Approval of Minutes from the March 17, 2009 Meeting**

Vice-Chair Gracia Hillman moved to approve the minutes from the March 17, 2009, public meeting of the EAC, which was seconded by Commissioner Davidson. The motion carried unanimously.

Vice-Chair Hillman requested that the minutes from the March 17, 2009, public hearing on "Voter Registration Databases: Initial Discussion on Reviewing HAVA-Mandated Guidelines" be amended to incorporate the question/comment period following the presentation by the panelist's testimony. Commissioner Davidson

moved to table the minutes from the March 17, 2009, which was seconded by Vice-Chair Hillman. The motion carried unanimously.

## **Report of the Executive Director**

Executive Director Thomas Wilkey extended a welcome to all in attendance, providing the following update on activities that have occurred since the Commission's March 17, 2009, public meeting:

Under Voting System Testing and Certification; the following information has been posted to EAC's Web site: Approval of the ES&S Unity 3.2 version 2 and the Premier Assure 1.2 version 2 test plans; the draft plans for the ES&S Unity 3.2 version 1 and the Premiere Assure version 1.2 version 1; MicroVote's EMS 4.0 Final Test Report version 5, along with an EAC certification number and hardware environmental report; an implementation plan for the revision and next iteration of the 2005 VVSG, which will eliminate ambiguities and allow for the development of test suites, resulting in testing that is more uniform and consistent. NIST has developed a set of draft test suites and is currently accepting public comments on these through July 1, 2009. Additionally, NIST's project plan for providing guidance on the electronic transmission of voting materials for military and overseas voters was recently posted to the Web site.

Under HAVA Funding; a spreadsheet listing the distribution of FY 2009 state requirements payments and matching contributions has been posted under the "HAVA Funds Management" section of the Web site. A total of \$17.9 million in FY 2008 HAVA requirements payments have been disbursed to date as follows: Colorado \$1.7 million; Georgia \$3.17 million; Idaho \$575,000; Iowa \$1.2 million; Minnesota \$1.9 million; Montana \$575,000; North Dakota \$575,000; Oklahoma \$1.36 million; Oregon \$1.37 million; Pennsylvania \$4.9 million; and, South Dakota \$575,000. Three new advisory opinion requests have been posted, for which public comments are being accepted through April 18, 2009.

Under Research; all states and territories have submitted their responses to the 2008 Election Day Survey which are in the process of being verified and analyzed; and, a workshop was held with the National Academies during the month of March on the subject of Statewide Voter Registration Databases which covered topics on maintenance challenges, intrastate social service collaboration and issues unique to UOCAVA voters.

Under NVRA Regulations Transfer; Mr. Wilkey reported that EAC continues to work with the FEC to facilitate the transfer of the NVRA regulations, pointing out that the FEC has commenced working on a preliminary draft which they will be presenting to their Regulations Committee.

Under Elections Administration; the House Committee on House Administration Subcommittee on Elections held two hearings related to federal elections. Both the Commission's and the EAC Inspector General's testimony have been posted on the Web site along with the transcript from the meeting of the Standards Board which was at the end of February '09 in Orlando, Florida.

Under EAC Operations; Mr. Wilkey announced the following: Both EAC's strategic plan for 2009-2014 along with the 2008 Employee Survey, which he is working closely with the Human Resources Department on to identify areas that may need adjusting, have been posted to the Web site; Mark Abbott has joined EAC staff as its Grants Director and Anne Field has joined EAC staff as its Accounting Director; job announcements for a summer intern position and General Counsel have been posted both on EAC's Web site and at USAjobs.gov. Mr. Wilkey was pleased to announce that two graduate students from Kennesaw State University have been offered positions within EAC's Certification Division.

Mr. Wilkey concluded by reporting that a report recently released by the Inspector General on EAC entitled "Management Letter: Issues Identified During the Audit of the EAC's Fiscal Year 2008 Financial Statement" can be downloaded from the IG section of the Web site.

#### **Questions and Answers:**

Vice-Chair Hillman asked, under HAVA Funding, if the spreadsheet listing the distribution of state requirements payments was 2008 that hadn't been distributed, or new for 2009. Mr. Wilkey clarified that the spreadsheet listing the state requirements payments and matching contributions pertain to what has been appropriated for 2009, pointing out that Grants Director Mark Abbott will be working on preparing a spreadsheet that will merge the requirements payments for FY 2008 and FY 2009, after which arrangements will be made to send a letter to each state outlining where they are, what's available to them, what the 5 percent match is and what they have to do to update their state plan, if necessary. Vice-Chair Hillman also asked Mr. Wilkey to explain, under Voting System Testing and Certification, the steps that happen between a draft

test plan, the test plan, and the final test report. Mr. Wilkey stated, presently, the laboratory, must work with each vendor to look at the product (hardware and software), the product design, it's documentation, and the standards, to develop a test script to meet voting system guidelines, which is filed as a draft and posted for a period of time. Once approved the laboratory is notified, and it goes out as final.

Commissioner Davidson asked, if the 5 percent the states have to meet, to receive grants, is posted on the website. Mr. Wilkey said, yes, that the spreadsheet listing the state requirements also sets forth the 5 percent matching requirement that states must meet in order to receive their grant. And, EAC's intention is to merge those two appropriations into one source and send an individual letter to each state outlining where they are, and any updates in their state plans, if necessary.

Vice-Chair Hillman asked for an update on concerns raised about possible inaccessibility in the MicroVote system that had been certified. Mr. Wilkey reported meeting with various representatives of the disability communities regarding exclusion of the sip-n-puff feature/technology from the 2005 VVSG, reporting that staff is in the process of researching/reviewing the comments that were made during the public comment period on this matter and, additionally, the laboratory which performed the actual test and a representative from the disability community are in the process of discussing this matter. Mr. Wilkey noted that he anticipates being able to provide more details at the Commission's May public meeting.

With there being no other business, Chair Beach adjourned the public meeting, noting that the Commission would be taking a 15-minute recess and reconvening to hold a workshop on the topic of "Cost-Saving Practices for Election Management."

**Meeting was adjourned at 2:32 p.m. MST**

**Minutes of the  
United States Election Assistance Commission  
Workshop  
Cost-Saving Practices for Election Management**

The following are the Minutes of the Workshop of the United States Election Assistance Commission (“EAC”) held on April 15, 2009. The workshop convened at 2:49 p.m., MST. The Workshop was adjourned at 3:56 p.m., MST.

**WORKSHOP**  
**COST-SAVING PRACTICES FOR ELECTION MANAGEMENT**

**Call to Order:**

Chair Gineen Bresso Beach called the workshop to order at 2:49 p.m.

**EAC Commissioners:**

Chair Gineen Beach, Vice-Chair Gracia Hillman, Commissioner Donetta Davidson

**Senior Staff:**

Deputy General Counsel Gavin Gilmour, Executive Director Thomas Wilkey

**Welcome:**

Chair Beach extended a welcome to those in attendance, pointing out that, as Chair, one of her priorities during the remaining year will be to provide a central resource of information for election officials who are unable to travel to future conferences/workshops, in addition to being mindful of the many challenges that election officials are facing and working to deliver solutions that can be implemented in each official’s jurisdiction. Chair Beach reminded everyone in attendance that a Webcast of the workshop and the participants’ presentations would be available for viewing the following day at eac.gov.

**Panelists:**

Connie Schmidt, Retired Election Commissioner, Johnson County, Kansas; Jill LaVine, Registrar of Voters, Sacramento County,

California; and, Scott Doyle, Clerk and Recorder, Larimer County, Colorado

**Panelist:**

Chair Beach was pleased to introduce and welcome Connie Schmidt, Retired Election Commissioner, Johnson County, Kansas.

Ms. Schmidt first addressed the EAC to briefly point out the unique challenges that are faced in managing elections.

Ms. Schmidt's testimony focused on the following two categories of innovative cost-saving techniques that were utilized during her tenure as Election Commissioner for Johnson County, Kansas:

1. Developing partnerships; and
2. Using technology

Ms. Schmidt first spoke about the various partnerships that were developed, at no cost, which included the following: Piggybacking onto any publication already published and distributed by another organization, municipality or school district; various community and school outreach programs (speaking engagements at area schools and civic organizations, taking its show "on the road," development of the Adopt a Polling Place Program, a bi-state Making Voting Popular Program, the Student Poll Worker Program and Celebrate Patriotism foundation), utilizing various county and city government departments; developing partnerships with the media (newspaper, television, radio) and development of the Partners in Democracy Program.

Ms. Schmidt next addressed the use of technology, which included the following: Development of a Web page in-house, at no cost, and implemented in January 1996; desktop technology, which has streamlined workflow and increased efficiencies in all areas, including the scanning of voter registration applications, the development of voter turnout projections which aids in the consolidation of polling locations, the integration of GIS software with the voter registration software, bar coding and electronic poll books.

Ms. Schmidt concluded her testimony by encouraging every election office to set up a designated contingency fund where revenue is deposited to cover the large expenditures associated both with a Presidential election and also for the replacement of voting equipment, computers and software upgrades.

**Panelist:**

Chair Beach was pleased to introduce and welcome Jill LaVine, Registrar of Voters, Sacramento, California

Ms. LaVine addressed the EAC to share the following cost-saving techniques for elections that are currently being used in Sacramento County:

1. Web site and online services, which includes voters being able to access their registration status online, access to the many "How to Guides" in addition to polling place information, the posting of Election Night results, access to "Frequently Asked Questions," the ability to apply for a vote by mail ballot online and online poll worker training.
2. Automation, which includes the purchase of mail sorting equipment, which, not only sorts the ballots, but also captures the voter's signature, thereby decreasing the number of staff previously required to accomplish this task and decreasing costs; and, use of Intelligent Character Recognition (ICR).
3. Hiring a GIS technician, which allows for the updating and printing of maps in-house, including selling over \$5,000 worth of maps the past year.
4. Utilization of ballot on demand, which has eliminated the printing and destroying of unused ballots.
5. Looking for and applying for grants, which recently resulted in the award of \$250,000 for an online video voter pamphlet, and enhancing accessibility of the Web site for the disabled community; and, for the purchase of various election-related items.
6. Working closely with a Postal representative in order to ensure that various materials are printed correctly, and the best rates/discounts are being received.

With regard to future endeavors, Ms. LaVine concluded by reporting that her office has worked with the election vendor who has developed a method to scan the entire page of the roster books



at one time, thereby decreasing both the manpower and time to complete this task, which will be implemented in the upcoming May election; and, she recently received her Board of Supervisors' support to pursue an all mail ballot election.

**Panelist:**

Chair Beach was pleased to introduce and welcome Scott Doyle, Clerk and Recorder, Larimer County, Colorado

Mr. Doyle addressed the EAC to discuss the election-based efficiencies associated with vote centers experienced in Larimer County, Colorado, which were implemented in 2003 to save resources, make voting easier and to address the Help America Vote Act issues with regard to equipment and accessibility.

Mr. Doyle's testimony focused on the following areas:

1. Various aspects of Larimer County, including the number of registered/active voters, number of precincts, vote centers, ballot styles and the percentage of voters that utilized vote by mail, early voting and vote centers during the 2008 election.
2. What vote centers are and the benefits that are derived from using them.
3. Larimer County's experience/results in utilizing vote centers.
4. The vote center process and how they operate.
5. Legislation.
6. The future of vote centers both in Colorado and in other states.

Mr. Doyle concluded his presentation by commenting that legislation has passed technology and urged the Commission to advance its opportunities to push technology.

**Questions/Comments:**

Vice-Chair Hillman inquired of Ms. Schmidt, "In the course of your work, did you ever incur instances where you could see cost

savings procedures but you couldn't implement them because of a requirement under law?

Ms. Schmidt stated that her county, being the largest county in Kansas, developed election management software that managed their entire operation, but that ability was lost when the statewide databases came into place. Ms. Schmidt also pointed out that there is a real need to build the statewide systems to meet the needs of the largest jurisdictions in the states, due to the fact that the larger jurisdictions are still running dual systems in order to manage elections.

Vice-Chair Hillman also asked, cost savings at what cost? Ballot on demand may be cost savings for the Administration, but costs the voter time, in line, to wait for the ballot to be printed.

Ms. LaVine answered that they have the five or ten ballots, per ballot type, on the shelves, so there is no wait for the voter. They'll take those off the shelf, we will reprint and put those back on the shelf. But, there is no, 'at the counter, just pushing the button, and getting the ballot'; it's a second step, of taking that ballot type, entering that into the printer, and then getting the ballot.

Ms. LaVine provided an example in which a decision to separate two languages (Spanish/English) on separate ballots did not result in cost savings.

In response to a question from Commissioner Hillman on early voting versus absentee voting, Mr. Doyle said they track them separately and was quite surprised at 64 percent voting in the mail early. Mr. Doyle explained that early mail in and absentee voting are tracked separately. Mr. Doyle also summarized the process that is utilized to estimate the quantity of each ballot style for the various vote centers. They have 'road runners' that have extra ballots on the trucks and also a couple of technology people available. And, with grid monitoring, watching from the courthouse, they know the number of ballots and each style, at each location and know when they are getting low.

Commissioner Hillman's final question; Other than the cost of employees, what is the single item that increases cost?

Ms. LaVine explained that the single item that increases in cost with each election cycle, other than the costs associated with employees, are the costs associated with the printing of ballots.

Ms. Schmidt said increases in cost with paper, people, and postage. Ms. Schmidt noted that the NVRA requirements to send the confirmation mailings and voter certificates and reminder notices about polling places out is a huge cost factor. Paper to print the poll books, for confirmation notices and voter registration certificates.

Mr. Doyle commented that a great deal of what they're printing and sending is based on legislative change, change in legislation.

Vice-Chair Hillman, in closing, asked if Internet voting would cut down on printing costs, and observed that insufficient budgets can discourage voters when there are no ballots or the lines are long because there's not enough equipment or not enough poll workers.

Mr. Doyle agreed by commenting that democracy is not about the budget, but the budget is, in fact, about democracy, and unfunded mandates from the legislature puts them in the pinch point when faced with technology needs.

Commissioner Davidson remarked that election officials are some of the best budgeters, and asked for an estimate of how much election costs have gone up.

Ms. LaVine reported that the largest, most recent impact to cost of elections occurred when punch cards, which cost 3 cents each, were replaced with optical scan ballots, which cost 49 cents each, and agreed that technology is something to look forward to in the future.

Mr. Doyle reported that while the costs of every election will vary, it is a universal issue across the country that everyone is having a difficult time with finances and being able to conduct elections based on costs.

Ms. LaVine said that with the budget number she has been given she cannot meet the legal mandates and will be forced to cut her staff.

Chair Beach commented that she visited Adams County and Broomfield in Colorado during the past Presidential election and asked how the vote centers were selected, if certain demographics were taken into account.

Mr. Doyle explained that a team from his office looks at the different facilities, meeting with the political parties and putting it on a public hearing schedule with the county commissioners.

Chair Beach asked Ms. LaVine how her online poll worker training worked, as far as questions, interaction/response, and identifying whether or not they went through the program.

Ms. LaVine said attendance and completion of the program were verified via an identification number and ends with hands-on training.

The final question Chair Beach asked was how does the GIS software work as far as the boundaries and the data that is downloaded when you get the information.

Ms. Schmidt explained that they were able to implement the census tracks and match those to precinct boundaries, so that so many census tracks are within the precinct boundary. When the state reapportions and the feds reapportion, that information flows down to us from the state, and we utilize, in our choices, which shows the same GIS software that the state was using with that goal in mind. But, when that reapportionment comes down it can come to us electronically, and it's just then merged with all the other information that's in the GIS software. And, it automatically then updates what's called our street index, which contains all the addresses and which addresses are in which districts. And, it automatically, then, reassigns the voters by just a couple of keystrokes.

Chair Beach concluded the workshop by thanking all the panelists for their attendance, participation and suggestions on best practices for cost savings in administering elections.

**Workshop was adjourned at 3:56 p.m.**