

Meeting Minutes
United States Election Assistance Commission
STANDARDS BOARD
February 24-25, 2011
Sheraton Oklahoma City
One North Broadway Avenue
Oklahoma City, OK 73102

The following are the minutes of the United States Election Assistance Commission (“EAC”) Standards Board Meeting held February 24-25, 2011. The meeting convened at 8:15 a.m. on Thursday, February 24th at 9:00 a.m. CST in Oklahoma City, OK, at the Sheraton Hotel, One North Broadway Avenue, and adjourned on Friday, February 25, 2011, at 3:06 p.m., CST.

Thursday, February 24

New Member Orientation

Matt Masterson, Deputy Director, EAC Testing and Certification Programs, addressed the new members of the Standards Board for the purpose of providing a background with regard to the Voluntary Voting System Guidelines (VVSG) and the role they play in the Election Assistance Commission, which included an explanation of the progress being made to update the 2005 VVSG, in addition to the progress being made with respect to the Next Iteration of the VVSG by the Technical Guidelines Development Committee (TGDC) and the National Institute of Standards and Technology (NIST).

Call to Order

Executive Board Chair Jim Silrum called the meeting to order at 9:05 a.m., CST.

Welcoming Remarks

Commissioner Gineen Bresso expressed her appreciation to Commissioner Donetta Davidson for the opportunity to continue serving as the Board’s Designated Federal Officer (DFO). Commissioner Bresso welcomed everyone in attendance, after which she conveyed her sincere thanks to both the members of the Executive Board and the EAC in preparing the meeting agenda. She concluded her remarks by expressing her appreciation to both Sharmili Edwards and Emily Jones for their hard work in connection with setting up and coordinating the meeting. Thomas E. Prince, Chairman, Oklahoma Board of Elections, extended a warm welcome to everyone in attendance, after which he provided some

background/historical facts with regard to Oklahoma, in addition to an overview of how elections are conducted in his State and that, in the end, elections are ultimately about the voters.

Roll Call:

Executive Board Vice-Chair Brad King called roll and found present: Gail Fenumiai and Shelly Growden of Alaska; Vaitoelau Filiga of American Samoa; Amy Bjelland and Reynaldo Valenzula, Jr. of Arizona; AJ Kelly of Arkansas; Wayne Munster and Gilbert Ortiz of Colorado; Elaine Manlove (by proxy) and Howard G. Sholl, Jr. of Delaware; Rokey Suleman of the District of Columbia; Lori Edwards of Florida; Tim Fleming and Lynn Bailey (by proxy) of Georgia; Judy A. Gold and Lyndon Yoskioka (by proxy) of Hawaii; Patty Weeks of Idaho; Becky Glazier and Lance Gough (by proxy) of Illinois; Brad King and Fran Satterwhite of Indiana; Sarah Reisetter (by proxy) and Ben Steines of Iowa; Bryan Caskey and Donald Merriman of Kansas; Sarah Ball Johnson and Kevin Mooney of Kentucky; Angie Rogers (by proxy) and H. Lynn Jones, II of Louisiana; Julie L. Flynn (by proxy) and Lucette S. Pellerin of Maine; Nikki Baines Trella and James E. Massey, Jr. of Maryland; John McGarry of Massachusetts; Sally Williams and Janet Roncelli of Michigan; Gary Poser and Sharon K. Anderson of Minnesota; Leslye Winslow and Richard T. Struckhoff of Missouri; Charlotte Mills of Montana; John Gale and David Dowling of Nebraska; Anthony Stevens and Robert Dezmelyk of New Hampshire; Robert F. Giles and Linda Von Nessi (by proxy) of New Jersey; Robert A. Brehm and Robert C. Howe of New York; Deborah J. Bedford of North Carolina; I. James Silrum and Michael M. Montplaisir of North Dakota; Matt Damschroder and Steven P. Harsman of Ohio; Thomas E. Prince and Doug Sanderson (by proxy) of Oklahoma; Chet Harhut and Regis Young of Pennsylvania; Maria D. Santiago-Rodriguez and Nestor J. Colon-Berlingeri of Puerto Rico; Marci Andino (by proxy) and Edith Redden of South Carolina; Aaron Lorenzen and Patty McGee of South Dakota; Mark Goins of Tennessee; Paul Miles and Dana DeBeauvoir of Texas; Robert Pero of Utah; John Abramson, Jr. and Corrine Halyard Plaskett of Virgin Islands; Shane Hamlin and Kristina Swanson of Washington State; Layna Valentine-Brown of West Virginia; Nathaniel Robinson and Sandra L. Wesolowski of Wisconsin; and, Peggy Nighswonger and Julie Freese of Wyoming.

Vice-Chair King reported that 68 members were present. Chair Silrum declared a quorum present.

Adoption of Agenda

Chair Silrum called for a motion to adopt the agenda as published. Nathaniel Robinson (WI) made the motion and Donald Merriman (KS) seconded to adopt the agenda. The motion carried unanimously.

Adoption of Minutes

Leslye Winslow (MO) made a motion to approve the minutes from the July 27, 2010, virtual meeting of the Standards Board as printed, which was seconded by Brad King (IN). The motion carried unanimously.

Appointment of Parliamentarian

Chair Silrum announced that Nebraska Secretary of State John Gale would be serving as parliamentarian for the meeting.

Committee Introductions

Chair Silrum introduced the members of the Proxy Committee, the Resolutions Committee, and the Election Certification Committees.

Leslye Winslow announced that the Resolutions Committee would be meeting at the conclusion of the day and that any resolutions which the members wished to submit would be accepted until 5:30 p.m.

EAC Update

Brian Hancock, Director, EAC Testing and Certification Division, addressed the Board to provide an overview of what his division has accomplished in the past year with respect to voting system certification engagements, EAC's quality monitoring program, in addition to its work with UOCAVA remote electronic voting in accordance with the Military Overseas Voter Empowerment (MOVE) Act.

General Counsel Mark Robbins addressed the Board to provide an update on the following grants that EAC's Grants Management Division is in the process of negotiating: Pre-Election Testing and Post-Election Audit Grant; Accessible Voting Technology Initiative Grant; Military Heroes Initiative Grant; College Program Grants; and, Student Mock Election Grants. He next summarized the 2010 election data and thereafter provided an update with respect to EAC's various educational resources to include the following materials: The translation of the NVRA form into six languages, three new Quick Start Guides, five new Election Management Guidelines and Voter Guides that have been translated into ten languages. Mr. Robbins concluded his presentation by explaining the

status of both the NVRA regulations and the Maintenance of Expenditure policy.

Jeannie Layson, Director, EAC Communications, Congressional Affairs and Clearinghouse, provided an overview of the six categories which comprise EAC's newly designed Website.

Peggy Nighswonger asked how the EAC is working with the Federal Voting Assistance Program on the Election Day survey. Mr. Robbins answered that Executive Director Tom Wilkey has had several meetings and Commissioner Davidson said that it's important that FVAP hears from the States on what they want, such as, keeping the survey the same as it has been the last two years. Ms. Nighswonger reiterated that the Election Day survey be ready for election officials at least a year prior to the election.

Secretary Gale had a question on the various iterations of the VVSG. Mr. Masterson replied that the TGDC recommended, in August of 2007, the Next Iteration of the VVSG to the EAC, and it is continuing to be developed. The TGDC met earlier this year to work on areas like, open ended vulnerability testing, software independence, accessibility and usability, to update the requirements, and to answer some outstanding questions that the Commission had regarding those. When the EAC has a quorum, it can be put it out for public comment as the EAC version, and information contained in that is being used to update the 2005.

Nominating Committee Report

Julie Freese (WY) presented the report of the Nominating Committee on behalf of Chair Lynn Bailey (GA) which set forth the process of electing members to the Executive Board of the Standards Board, along with a description of the tasks that the Committee performed in preparation for the election.

Bylaws Committee Report

Brad King (IN) reported that the Committee received no written proposals for amendments to the Bylaws since the last meeting of the Standards Board and, therefore, there were no recommendations for any amendments to the Bylaws to be adopted by the Board.

Proxy Committee Report

Gary Poser reported that proxies were submitted as follows: Angie Rogers of Louisiana assigned her vote to H. Lynn Jones, II Louisiana; Elaine Manlove of Delaware assigned her vote to Howard Sholl, Jr. of Delaware;

Lance Gough of Illinois assigned his vote to Becky Glazier of Illinois; Lyndon Yoshioka of Hawaii assigned his vote to Judy Gold of Hawaii; Lynn Bailey of Georgia assigned her vote to Tim Fleming of Georgia; Doug Sanderson of Oklahoma assigned his vote to Thomas E. Prince of Oklahoma; Linda Von Nessi of New Jersey assigned her vote to Bob Giles of New Jersey; and, Marci Andino of South Carolina assigned her vote to Tim Fleming of Georgia.

Vice-Chair Brad King corrected the record to announce that 77 members were present.

The Board recessed at 10:24 a.m. and reconvened at 10:48 a.m.

COTS Presentation

Brian Hancock, Director, EAC Testing and Certification provided a detailed overview of the Commercial Off-The-Shelf (COTS) roundtable that was held on February 14-15, 2011, at EAC's offices and was Webcast live. The participants included two voting system manufacturers, two election officials, a State certification tester, a representative from the Department of Defense/Navy and a representative from the Federal Communications Commission (FCC); the purpose of the roundtable; the realities of COTS as it relates to voting system certification; other industries that utilize COTS; and, a summary of the discussion items that were considered during the roundtable. Mr. Hancock concluded his presentation by reviewing potential next steps for the EAC and COTS.

Robert Dezmelyk commented that an appropriate thing to look at is the extent to which the standards have to be structured, so that as end of life issues are addressed, that there's an appropriate testing process to validate new configurations that result from swaps in particular components.

Secretary Gale asked, as a piece of new equipment goes through the certification and the testing process, if it consists of a number of COTS products, do you have to test those, each time, separately, as part of the functionality of the total system? Mr. Hancock answered that the manufacturer not only provides a very specific piece, a Dell OptiPlex GX260, for example, for the VSTLs to test on, they also provide the specifications for that system, and as long as it has the same specifications, that they can swap out the next generation Dell, as long as it has the same specifications that that original computer had.

Chair Silrum asked, how does software, that is constantly being updated, apply to COTS? Mr. Hancock provided that patches, as products are in certification, are allowed to be added and tested in the certification

process. And, when those systems are actually being fielded, COTS updates need to be made in the field. Dr. King added that software is the most difficult aspect of the COTS configuration and jurisdictions have to be very creative in how to maintain that configuration that was certified. Mr. Hancock said that more discussions are needed on how to deal with software, and how election officials can manage the lifecycle of their voting systems is going to be the topic of another roundtable by the EAC, sometime in April.

Secretary Gale asked if the certification process would be quicker if COTS products could be approved separately from the certification process. Mr. Hancock stated that it has, and that is one of the purposes of the roundtable.

Mr. King asked for a longer term overview of the consideration of COTS issues, and some resolutions that might be able to be brought forward.

Mr. Hancock said some of the issues that were brought up at the first roundtable needed to be looked at, with a group of specific individuals, maybe a larger group, but one of the things that's hampering planning purposes, for the remainder of this year, is the Continuing Resolution.

Chair Silrum asked Mr. Hancock if the subject of virtualization had been addressed in the COTS discussion. Mr. Hancock indicated that it had not been discussed.

Mr. King asked Mr. Hancock if the EAC had a vision for the completion of the consideration of COTS issues. Mr. Hancock indicated that there would need to be additional discussions with a larger group before that could be known.

Mr. Sholl asked for an update and timeline on the common data format. Mr. Hancock replied that, at the January TGDC meeting, Commissioner Davidson gave priorities to the TGDC, and common data format was one of the top priorities.

Chair Silrum asked Mr. Hancock if the centralization of IT in state and local governments had been during the COTS discussion. Mr. Hancock said that it hadn't been discussed, but it is certainly something to be considered.

Secretary Gale asked Mr. Hancock how the EAC was reacting to the fact that as the guidelines for voting equipment continue to become more complex, the funds available to purchase the equipment that will meet those guidelines is dwindling. Mr. Hancock identified that this was the

topic of the upcoming roundtable dealing with sustainability or voting system lifecycle.

Amendment to Agenda

Brad King (IN) made a motion to amend the agenda to allow for candidate presentations/campaign speeches to be moved ahead of schedule, which was seconded by Leslye Winslow (MO). Brief discussion was held on the motion. The motion carried unanimously.

Campaign Speeches

The following candidates for State representatives on the Executive Board for 2011-2013 addressed the membership: Brad King (IN), Jim Silrum (ND) and Leslye Winslow (MO). Chair Silrum pointed out that Don Palmer, who recently moved from Florida to Virginia retained his membership on the Board and was also running for election. The following candidates for local representatives on the Executive Board for 2011-2013 addressed the membership: Robert Dezmelyk, (NH), Julie Freese (WY), Shelly Growden (AK), Donald Merriman (KS), Linda Von Nessi (NJ) and Sandi Wesolowski (WI).

The Board recessed at 12:04 p.m. and reconvened at 2:00 p.m.

Cost Savings & Elections Panel

Brad King (IN) introduced Dana DeBeauvoir, Travis County Clerk, Texas, who welcomed the newest Board members and thereafter discussed the following: How elections and the cost to conduct elections vary dramatically from election to election, State to State and jurisdiction to jurisdiction; how a centralized versus decentralized approach to conducting elections can impact costs; the benefits of cost sharing; and, the power of purchasing in bulk.

Mr. King introduced Merle S. King, Associate Professor of Information Systems and the Executive Director for the Center for Election Systems, Kennesaw State University, who addressed the Board via a PowerPoint slide presentation to first stress the importance of finding, leveraging and implementing efficiencies in order to achieve cost savings. Dr. King next demonstrated in detail what the Center for Election Systems has done to create a document management system on its Website with respect to ballot production and the synergies that are derived from this particular system.

Mr. King introduced Gary Poser, Director of Elections, Minnesota Office of the Secretary of State, who addressed the Board via a PowerPoint slide

presentation to discuss in detail the various methods which the State of Minnesota has implemented to reduce duplication of effort and thereby reduce the cost of elections by working directly with their counties, political parties and local election officials.

Amy Bjelland asked if Minnesota had statutes governing limitations on sharing the statewide voter registration database with political parties. Mr. Poser explained that Minnesota requires that the requester of the database be a registered Minnesota voter and that the stated purpose be election-related.

Janet Roncelli asked how Minnesota would prevent someone from voting an absentee ballot if the signatures will not be matched because of the match of the last four digits of the SSN or driver's license (such as a wife voting her husband's ballot). Mr. Poser explained that there is no way to prevent that other than the oath on the absentee ballot, and it is a felony to violate that. Ms. Roncelli asked if there had been any problems with that as she sees people signing for others often and Mr. Poser explained that he was not aware of any problems of that nature in Minnesota.

Mr. King introduced the final panelist Rokey W. Suleman, II, Executive Director, District of Columbia Board of Elections and Ethics, who addressed the Board via a PowerPoint slide presentation to demonstrate through a series of graphs/charts the process that the District of Columbia has employed to determine its cost of running elections in order to justify its budget and show trends over several years by breaking down the costs of registered voters versus the cost of actual voters and measuring the inefficiencies in between for the time period covering 2004-2009, in addition to capturing and comparing costs in the following three departments: voter registration, voter services and election operations for the time period covering 2006-2009.

Mr. Struckhoff asked if early voting increased cost of elections. Mr. Suleman said that early voting as a cost saver is correct in the longterm, but there is a need to trend it through a complete Presidential election cycle.

Ms. DeBeauvoir commented that the value of early voting is the absence of hour-long lines at every polling place on Election Day.

Dr. King agreed that you may not see efficiencies in early voting, but that once the practice is in place, there is room to manage the budget around the process.

The Board recessed at 3:32 p.m. and reconvened at 3:48 p.m.

Congressional Staff Panel/Election Results

Commissioner Gineen Bresso was pleased to introduce panelists Peter Schalestock, Deputy General Counsel, Committee on House Administration, U.S. House of Representatives, and Jamie Fleet, Democratic Staff Director, Committee on House Administration, U.S. House of Representatives, pointing out that their purpose in meeting with the Board was to discuss legislative priorities which affect election administration matters and are being contemplated for the 112th Congress.

Mr. Schalestock expressed his appreciation for the invitation to meet with the Board and gain its perspectives, after which he provided some insight into what the Committee on House Administration does and the members of the Committee.

Mr. Schalestock, in his presentation, provided an overview of a bill that was introduced by Congressman Cole to eliminate the Presidential election campaign financing system, provided some highlights with respect to a hearing on military and overseas voting, and also explained that the Committee on House Administration is very interested in receiving feedback from State and local election officials with respect to federal regulations and statutes that could be changed to help reduce the cost of elections in light of the overall federal budget picture.

Mr. Schalestock concluded his presentation to discuss the details with respect to H.R. 672, that would eliminate the EAC, which was introduced by Congressman Harper. He encouraged the Board to provide their input/suggestions with respect to this pending legislation.

Mr. Fleet expressed his appreciation for the invitation to not only address the Board, but also, receive its feedback on the work that the Committee does. Mr. Fleet addressed the Board to summarize the following pieces of legislation that the Committee worked on during the last Congress, and are hoping to revisit this Congress, which affect the administration of elections: H.R. 2510 that was introduced by Congresswoman Susan Davis and Congressman Kevin McCarthy, H.R. 1604 that was introduced by Congresswoman Susan Davis, H.R. 2393 that was introduced by Congressman Kevin McCarthy, and H.R. 1719 that was introduced by Congresswoman Zoe Lofgren. Mr. Fleet concluded his remarks to state that he would be having a more in-depth conversation with the Committee members the following week regarding Congressman Harper's proposal to eliminate the EAC, and that he looks forward to working with the Board in determining what the best course of action is for the future of the EAC.

On a question from Ms. McGee, Mr. Schalestock responded that the National Association of Secretaries of State adopted a resolution that

recommended to Congress that when the EAC's authorization expired in 2006, that it not be renewed and the resolution was readopted in 2010. In terms of the testing and certification program, the existing staff that works on that would be moved over to NIST, and then, NIST would take over the responsibility for putting out the standards that would be approved by the members of the Federal Election Commission. The FEC members would approve the VVSG, they are presidentially appointed, Senate confirmed Commissioners who have some connection with elections.

In response to a question from Mr. Valenzuela on the role of the Standards Board, Mr. Schalestock said that it might be advisable to keep the Standards Board in its current form, or something similar to it, and keep that running, but relating to the FEC in its new role, rather than the EAC.

Mr. Valenzuela commented that it is a big concern, with no local or State voice in the voluntary voting system guidelines.

Ms. Johnson remarked that the FEC has primary focus with campaign finance, with the Disclose Act, and some of the Court cases and will not be responsive to election administration. Mr. Schalestock replied that the Members who introduced the bill were of the view that the cost savings and the efficiency were the priority, at this point, and that they understand the tradeoff there, but that they were willing to make it, in this case, to have the greater efficiency of not having a standalone agency that's as small as this one is, and that takes on all the overhead that goes into that. They would still be the Oversight Committee for the FEC, and certainly, would expect them to give an appropriate amount of attention to these functions when they go over there, and would want to hear from election officials if that wasn't happening. Mr. Fleet added that it's a priority, to make sure that there is a formalized, legitimate way to hear from the State and local election officials and that there are serious concerns about the FEC's capacity to manage this process.

Ms. DeBeauvoir proposed getting rid of the FEC, and move everything to, or consolidate with, the EAC.

Mr. Hamlin asked what the process is, the timeline of the bill and who to contact. Mr. Schalestock replied that there will be a hearing on the bill, and that it will be voted on by the Committee, so, there is at least a few weeks to provide input. Mr. Schalestock gave his phone number as area code 202-225-3293 and e-mail address as peter.schalestock@mail.house.gov.

Secretary Gale stated that what happened in Florida undermined a sense of security, transparency, accountability, reliability, across the nation. The

National Association of Secretaries of State and the National Association of State Election Directors made it a very, very high priority that if the Federal Government was going to impose standards and mandates on all of the States, that they not be unfunded mandates, and that the States preserve as much of their integrity as the administrators of elections, as possible, and prevent it from being a federalized system. The EAC does a lot of studies, research, best practices recommendations that could be eliminated. But, their jurisdiction over the supervision of testing and certification is probably the key area that impacts election administrators and election manufacturers. And to see that drift over to the FEC would be of great concern, even if you significantly eliminated some of the authority of the EAC. Secretary Gale also said that the idea is somewhat simplistic, simply to shift the TGDC and NIST over to FEC, it needs to be connected with election administration, State and local, like the Standards Board, which do review the VVSGs that come out as iterations.

Mr. Schalestock remarked that there are concerns about the costs of the online registration, and ballot tracking, and absentee voting bills, in that they would be unfunded, or it was going to be an additional federal expenditure at a time when it was difficult to make those. In terms of the other point on the testing and certification, the fact that that function is preserved in Congressman Harper's bill is a recognition that it is something that's very important, and it needs to get done somewhere.

Mr. Massey stated that some counties are very isolated in conducting elections, and lack the sophistication or knowledge to be efficient. The EAC, because it's a smaller agency, is much more responsive to the needs of the small local election boards. Mr. Schalestock responded that there are organizations, like The Election Center for the local officials, NASS, and NASED for the State officials, that can continue to fulfill a function of giving election officials a forum to meet with each other, share ideas, organize educational programs, that don't necessarily have to be done by the Federal Government.

Mr. Filiga said that he traveled 19 hours to get to this meeting; the main reason why he is here, is to raise American Samoa's disappointment with this new law that has been proposed. With a very small population, a small voter base, but a very large military voter base, the last election was the first election that electronic mailing to all our military personnel was implemented and they were amazed when they received their voting materials, their ballot materials before the 45 day requirement. The main reason for this successful campaign is because of the funding from the EAC. Mr. Schalestock responded that the point about the requirements payments, getting money from the Federal Government makes it easier to do things that you might not have been able to do otherwise. The hard reality, right now, is that that money just isn't there. Mr. Fleet said that the

success in distributing ballots to military men and women, the process, the tools that you use, the policies that govern the way you distributed them, that is all information that everyone else in this room would like to know and share. One of the things that the Standards Board does, and the EAC does, is provide a central place, for the sharing of that type of information. And no matter the future of this agency, that's something that needs to continue.

Mr. Valenzuela asked what is the cost savings other than eliminating the agency overhead? Mr. Schalestock answered that the Inspector General, at the EAC, found about half of the staff is attributed to overhead, so, even with moving the people who do the testing and certification work over, there's still a very substantial savings, in terms of the overall agency.

Mr. Hamlin added that he believed the Testing and Certification program has made great improvements in the last year, due to the hard work of Brian Hancock and his team, as well as the Executive Director and Commissioners. While he has been critical of the program, he wanted to recognize the improvements made.

Julie Freese asked if there was a breakdown of the cost savings and was directed to the EAC website to see the Congressional justification. Mr. Schalestock said this could best be found in the budget justification that the EAC submitted for the 2012 year.

Election Certification Committee Report – Election Results

Michael Montplaisir (ND) announced the members of the Executive Board for 2011-2013 as follows: State representatives Jim Silrum, Brad King, Leslye Winslow and Don Palmer; and, local representatives Robert Dezmelyk, Julie Freese, Shelly Growden, Donald Merriman and Sandra Wesolowski.

Chair Silrum reminded everyone that the following day's session would commence at 9 a.m., after which he encouraged Board members to have an interchange with one another following the close of the day's meeting in order to share their thoughts and ideas.

The meeting recessed at 5:05 p.m.

Friday, February 25, 2011

Chair Silrum called the meeting to order at 9:01 a.m.

New Executive Board Swearing-in

Chair Silrum administered the oath of office to the newly elected members of the Executive Board for 2011-2013, after which he encouraged the membership to reach out to the Board with any questions and issues that they would like addressed. Chair Silrum expressed his appreciation to the Board members for their willingness to serve.

MOVE Act Panel

Dr. Nelson Hastings, Senior Advisor for Voting Standards, NIST, addressed the Board via a PowerPoint slide to discuss in detail the UOCAVA roadmap and the various activities that the EAC, the Federal Voting Assistance Program (FVAP) and NIST are doing to establish guidelines for electronic absentee voting systems, which included an overview of the initial research that has been conducted and is in the process of being conducted in developing the guidelines; the initial guidance involved in developing the guidelines; areas that are prime for implementation of electronic absentee voting systems; possible pilot projects to be conducted with specific goals; the development of materials to support the possible pilot projects that have been completed or in the process of being developed; and, an overview of the steps that will be taken towards the development of final guidelines for remote electronic absentee voting systems.

Paddy McGuire, Deputy Director for Election Official Assistance, FVAP, addressed the Board via a PowerPoint slide presentation to discuss the steps that FVAP has taken to assist military and overseas citizens is by changing its focus in the following three areas in order to serve as a portal as opposed to an agency: Providing better direct assistance to voters, getting ballots to voters and back again and expanded assistance to election officials. Also included in Mr. McGuire's presentation was an overview of what FVAP's Website looks like to a voter; statistics pertaining to the online ballot wizard that was utilized in 2010; FVAP's communication strategies; the success of the expedited ballot return as part of the MOVE Act; and, FVAP's key initiatives and grant programs for 2012.

Howard G. Sholl, Jr., Deputy Director, New Castle County Delaware Department of Elections, addressed the Board via a PowerPoint slide presentation to discuss implementation of the MOVE Act in the State of Delaware. Included in Mr. Sholl's presentation was the following: Why Delaware embraces MOVE; the steps that it took to implement MOVE; comments with regard to the waiver of the 45-day ballot delivery deadline; a demonstration of the ballot marking wizard as it pertains to the return of ballots via e-mail and some voters' reactions to this tool; an overview of

the ballot lookup tool; data with respect to ballots that were returned via mail, e-mail and fax; future steps that will be taken with respect to implementing MOVE; and, some issues that were encountered with the return of ballots.

Shane Hamlin, Co-Director of Elections, Washington State, addressed the Board via a PowerPoint slide presentation to discuss implementation of the MOVE Act in the State of Washington. Included in Mr. Hamlin's presentation was the following: A snapshot of how Washington State serves UOCAVA voters; data before and after MOVE; Washington's program for UOCAVA voters prior to MOVE; why Washington applied for a waiver of the 45-day ballot delivery deadline; findings from a survey of 50,000 UOCAVA voters on how they prefer to receive their ballot; its participation in FVAP's voting support wizard; 2010 turnout details; and, future steps that will be taken with respect to implementing MOVE.

Layna Valentine-Brown, HAVA Coordinator, West Virginia, addressed the Board for the purpose of providing testimony with respect to the UOCAVA pilot program that was conducted in West Virginia for both the 2010 primary and 2010 general election for both receipt and casting a ballot online. Included in Ms. Valentine-Brown's presentation was the following: An overview of the results from the five counties that participated in the pilot project during the 2010 primary election; an overview of the results from the eight counties that participated in the pilot project during the 2010 general election; the advantages and results of West Virginia's participation in the ballot delivery pilot project with the Department of Defense and FVAP through the use of LiveBallot; benefits of both pilot projects; an overview of the security measures that were implemented; and, some examples of positive feedback from voters who participated in the pilot projects.

Ms. Nighswonger asked what FVAP is doing with respect to the return of overseas ballots by the U.S. Postal Service and other entities. Mr. McGuire responded that they work very closely with the military postal service. The Express Mail system for the November 2010 election was brand new for them and they learned a lot. He said they work less closely with the U.S. Postal Service, but are there to help if need be.

Chair Silrum asked about the electronic return of a ballot, that the States are moving ahead but the Federal Government is holding back, and so what is NIST's understanding of what needs to be done? Mr. Masterson replied that in response to a request from election official members at the TGDC, NIST is putting out best practice publications, as the State's move forward, hopefully using those best practices, the lessons learned from the States on that is what's going to inform the requirements in order to get them out there, so that FVAP can run that demonstration project. The

MOVE Act says, "Give election officials best practices and guidelines to run pilot projects and develop this full set of requirements." Dr. Hastings said that from a technical perspective on ballot return, there is some technology that's starting to emerge that a remote system can be inspected, remotely, and see the state of that system. Also, the UOCAVA working group, and the TGDC is using the CAC card as a way of remote authentication, because the cryptographic material for that is generated randomly. Mr. McGuire encouraged States to do non-centralized ballot return systems.

Mr. Hamlin said that in Washington, they've tried three years in a row to get true Internet voting through the State legislature and have backed off. They understand there are serious security issues, but if stakeholders and constituents and concerned parties accept some level of risk, even if it's the same level of risks that exist in current systems, it will be a big step forward.

Chair Silrum asked if they see a difference between an online system and an e-mail return system? Dr. Hastings replied that as a result of the summit that happened in August, there was a consensus that ballot return by e-mail was not the best solution, assuming that you weren't using cryptography, and the biggest concern is the end user system, once an e-mailed ballot gets put in the system and propagating malicious software.

The Board recessed at 10:35 a.m. and reconvened at 10:52 a.m.

Resolutions Committee Report

Leslye Winslow (MO) announced that no resolutions were submitted to the Committee for the Board's consideration.

Announcement

Chair Silrum announced that a vacancy exists on the TGDC due to the fact that Russ Ragsdale (CO) has announced his retirement from the elections world as of March 1, 2011. Discussion was held regarding whether the Committee replacement will need to be approved by a vote of the EAC, whether the Commission lacking a quorum may affect this appointment and also whether HAVA outlines whether the replacement must be a State or local election official.

Resolutions Committee Report (Cont'd)

Nikki Trella (MD) raised a question regarding the status of the resolution adopted at a previous Standards Board meeting that asked for an update on pending/prior resolutions and whether this will continue to be part of the

process for future meetings. Chair Silrum directed Brad King (IN) to look into incorporating this as a matter of the Boards' Bylaws.

TGDC Update & Resolutions

Belinda L. Collins, Ph.D., Senior Advisor for Voting Standards, NIST, addressed the Board via a PowerPoint presentation for the purpose of providing an overview of the TGDC meeting that was held in January 2011 at NIST which focused on UOCAVA and HAVA activities. Included in Dr. Collins' presentation was the following: The TGDC's focus and goals which include finalizing VVSG 1.1 and developing test suites thereto; developing a baseline VVSG 2.0; developing common data format standards and a risk management model framework; and, developing a revised version of VVSG 2.0 along with revised test suites.

Dr. Collins also updated the Board on the following resolutions: Resolution #01-11 pertaining to the whitepaper titled "Possible UOCAVA Pilot Projects for the 2012 Federal Election," Resolution #02-11 pertaining to demonstration project guidelines, Resolution #03-11 pertaining to a whitepaper on "Accessibility and Usability Considerations for UOCAVA Remote Electronic Voting Systems," Resolution #04-11 pertaining to the whitepaper titled "Report of the Auditability Working Group rev. 2010-2011," Resolution #05-11 pertaining to the white paper on "VVSG 2.0 and Beyond: Issues and Gaps in the Usability and Accessibility Requirements," Resolution #06-11 pertaining to the accessibility of voter-verifiable paper ballots and Resolution #07-11 pertaining to accessibility requirements for voting systems used outside of a polling place.

Dr. Collins concluded her presentation which included a summary of the TGDC's next steps. Mr. Masterson related, as background, the two items that are highest priority both for the TGDC, and as instructed by NIST, are development of a common data format and the development of the UOCAVA requirements.

Ms. DeBeauvoir asked if resolution number seven is referring to curbside voting. Dr. Collins replied that the working group considered such things as phone voting, and are looking for guidance, there seems to be many new kinds of non-traditional polling places. Mr. Masterson said that the TGDC struggled with how to word this resolution, the accessibility working group discussed the legal requirements that dictate how accessible UOCAVA needs to be, the accessibility of non-polling place voting. Commissioner Davidson added that every State has their own State laws, and this is one of the areas that the EAC would like to have comments on this resolution.

Ms. Gold asked what is the version that voting system vendors are required to provide their voting systems, and how would 1.1 and 2.0 affect them? Mr. Masterson replied that currently, new applications for testing of voting systems, including modifications, are tested to the 2005 VVSG, so Version 1.0. Some of the systems are already certified to the 2002 VSS, which was the FEC requirements. One system is still in for testing under the 2002 VSS. That's the Sequoia system. From there, one of the policy decisions that the Commissioners will make with VVSG 1.1, or the revision to the 2005, is an implementation date, which is to be determined.

Mr. Valenzuela stated that Resolution 06-11 from the TGDC says that an individual must be able to independently cast the three processes of generating a ballot, verifying the vote selections of that ballot, and casting the ballot. AutoMARK does not meet those standards. Mr. Masterson said that the Next Iteration is not finished and that the TGDC was trying to focus on that, someone should be able to get through the entire process without having to handle it, and your verification should be provided to you in the same way that you voted. Secretary Gale added that with an AutoMARK system, a ballot marking system that has worked very well, and has a paper trail, it meets that requirement to the highest degree, and now it looks like you're trying to kill it by imposing some unreasonable standards on, simply, the process of moving the ballot from the machine to ballot box, when you have trained poll workers who are there for the purpose of assisting the voters.

Chair Silrum stated that, as a simple explanation of how the separation is created, currently, with the standards. when the e-poll book initiates the ballot, then it is connected to the tabulation system. But, if there is a poll worker translation where the e-poll book says, just as in a paper poll book would say, this voter receives this ballot, and then, they, in turn, deliver that ballot to the voter.

Mr. Massey said that it would be appropriate for NIST to see what technology is available in developing voting systems outside the polling place to reduce the cost of elections and make it that much more convenient for our voters.

Mr. Poser, talking to resolution seven, would like to see that the Executive Board is working closely with the EAC, so that election officials have input into what clarification of the scope might be.

Ms. McGee asked if there are States that are not using certified equipment, not meeting the requirements. Mr. Masterson answered that the certification process is voluntary, which means that States can choose to use as little or as much of the process as they want, so some States are using non-certified systems. There's an interactive map on the EAC

Website that shows the counties that are using EAC certified systems as reported by the vendors.

Secretary Gale inquired into the definition of common access card as mentioned in resolution 2-11. Mr. Masterson replied that military personnel are issued a common access card. It's a card that they use to interact with computers, as well as virtually anything that they use. The key point in that resolution, is that the demonstration project that's required by law, by Congress, requires only a military demonstration project. And so, that allowed the TGDC to scope the resolution to a common access card, because the demonstration project is only scoped to the military. So, overseas voters that are non-military wouldn't necessarily have the common access card, but because of the law saying, it's only military, that's why it's scoped that way. And, that's a really important distinction and was an important topic at the TGDC.

The Board recessed at 12:05 p.m. and reconvened at 1:33 p.m.

Media Panel – Journalism and Election Officials: Working Together on Behalf of America's Voters

Jeannie Layson, Director, EAC Communications, Congressional Affairs and Clearinghouse, provided a brief overview of the roundtable and was pleased to introduce as the moderator for the panel/roundtable, Dr. Merle King.

Dr. King provided a brief explanation regarding the genesis of the roundtable along with an explanation that its purpose was to begin a discussion about ways in which the election community can better serve its requirement to communicate to the voters, find ways to improve relationships with the media and, also, so that the Board can perhaps look for technological, innovative solutions that someday may be built into the tabulation systems to provide secure feeds for media and other interested parties.

Dr. King introduced the members of the panel as follows: Kelly P. Kissel, Arkansas News Editor for The Associated Press, Dick Pryor, Deputy Director/Managing Editor OETA, Lori Edwards, Supervisor of Elections, Polk County, Florida, Kurt Gwartney, news Director for Radio Station KGOU, and Gail Fenumiai, Alaska Director of Elections, after which he posed the following series of questions:

1. What are the election night priorities and how are they established?

Representatives from the media replied that not only does the information need to be fast, but more importantly it needs to be

reliable, continuous, the ability to provide trend information, in addition to having as much information about the votes as possible is important. Election officials responded by saying their concerns are on the operational side, not being pressured into giving results any faster than they know is correct, providing public access to information, and that there is sufficient information that is fast and yet readable.

2. What constitutes a good partner, in terms of a working relationship, trust and moving forward?

Representatives from the media responded that customer service is an essential part of a good partner, is someone who provides the information that you need, is patient and can anticipate your needs. Election officials replied that a good partner is one that is patient, reports the information accurately as you've given it to them, is an outlet that can reach the most people as possible with the information, someone who is willing to invest time in advance of election night, in order to become knowledgeable in the administration of elections, is someone that you've had a longstanding relationship of trust with and that a two-way communication is maintained.

3. What steps do the media take to pre-identify issues/stories? How do election officials gear up in terms of dealing with requests from the media?

Representatives from the media responded by stating that having as much information as quickly as possible about the candidates, and possibly even photographs of each candidate, along with ballot initiatives is important towards covering stories, in addition to any changes in voting systems, code and law. Other steps that were mentioned included drawing on the knowledge of both poll workers and experts in the field of elections. Election officials responded that providing media packets is essential along with giving enough information to the media.

4. How has advanced voting changed the way election officials and journalists cover elections? Are there concerns about how the coverage of advanced voting may impact voter behavior? How has advanced voting changed the way in which election officials communicate with the media and in turn the media with the voters?

Representatives from the media responded that while they promote early voting heavily it's not that big of an issue, that the extent early voting is reported deals mainly with the mechanics and that early voting has changed in a subtle way the way they cover elections. Responses on the part election officials were that from an

administrative standpoint early voting has not created an additional workload and in terms of the media, it just requires getting the information out earlier, which on the upside gives the media more events to cover and brings more attention to elections.

Ms. Layson posed the following question:

5. How do election officials explain very complex situations to the media, who, in turn will most likely only have a short amount of time to report the information to the public?

Responses on the part of the election officials included keeping the information in as simple, clear terms in a way that they can relate to in their everyday life is important in order to maintain public confidence in elections.

Ms. Freese provided comments on the importance that the media understands and reads the information that is given to them from election officials, so that they can convey it correctly to the public. Ms. Johnson said that her office provides a media guide, a tri-fold pamphlet, before every election, that contains basic information, like numbers of precincts, types of voting equipment, what are the rules for provisional ballots, how many registered voters are there, how do I apply for an absentee ballot.

A press conference before each election was another recommendation.

Mr. Dezmelyk commented that the media is an integral part of election security in the process between transmitting results from precincts up to the State, because we have a practice where we simultaneously provide results to the public, live to the media, and to the State. So, if there's an error in the tabulation process, we've already reported the results, locally obtained, to the public, the media, and the State. So, if there's any error in any of the three, there's kind of a self-correcting process where you don't end up with that situation you see in other States, where all the data is coming out from a State tabulation center, and if there's a tabulation error, it looks like there's a sudden shift in vote results that's unexplained. We have a system for preventing that, just by disseminating the information early, and from multiple sources.

Mr. Harhut made the point that the media fails to report the positive on Election Day. Ms. Layson said that it's important that journalists remember the impact that they may have on voter behavior.

Members of the panel summarized what they wanted the EAC and the Board to take away from the roundtable discussion. Mr. Gwartney made the point of the media putting the information out to people in the form that

they want it, communicating that fine data that really isn't broad enough or general enough to make it to air. But there are enough people interested, who are signed up for specific things that they are going to be interested in knowing that particular piece of information. Ms. Fenumiai said it all boils down to a reciprocal relationship of trusting, respecting each other. Ms. Edwards stated that her take home point would be that freedom of the press and the confidence in the process is really what our democracy depends on. Mr. Pryor said that supplying background information, such as photos, is very important in election officials' relationship with the news media. Mr. Kissel emphasized the relationship is like a marriage, where there is a need to be in touch and there's an obligation to work together.

Ms. Layson remarked that the EAC would like to collect some of the examples of solutions, such as, a questionnaire for candidates that would contain information that would be helpful to the media, a modern media kit, with photos, with videos, West Virginia's VIMEO, and links to election officials who have sections that are called, "Fact vs. Fiction."

Dr. King reported on themes heard through the discussion; professional respect of each other's roles, the common goal of getting things right, and, confidence in elections and confidence in the press.

Dr. King and Ms. Layson extended their thanks to both the panelists and the Board for their participation, in addition to thanking the EAC for sponsoring the roundtable discussion.

Concluding Remarks

Chair Silrum expressed his sincere appreciation to the members for their attendance at the meeting, in addition to their diligent work both on the Standards Board and in each of their respective States as election officials.

Adjournment

With there being no further business to come before the Board, Brad King (IN) made a motion to adjourn the meeting of the Standards Board which was seconded by Leslye Winslow (MO). The motion carried.

The meeting of the Standards Board adjourned at 3:06 p.m.

I, Jim Silrum, Chair of the U.S. Election Assistance Commission (EAC) Standards Board, do hereby certify that the foregoing constitutes a true and accurate copy of the unapproved minutes* of the EAC Standards Board meeting duly called and held on the Twenty-fourth through Twenty-fifth day of February, 2011.

*Final approval of the minutes will occur at the next meeting of the Standards Board.



Jim Silrum, Chair
Standards Board
U.S. Election Assistance Commission

May 3, 2011
Date