



U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

The EAC received multiple Freedom of Information Act requests for the following:

For both VSTLs Pro V&V, as well as SLI Compliance (and under their previous names) - please provide:

- 1) From 2016 thru December 2020 - all original emails, with official EAC-issued (unedited) Certificate of Accreditation as attachment to both listed VSTLs
- 2) From 2016 thru December 2020 -all original (unedited) EAC-issued Certificate of Accreditation for the listed VSTLs
- 3) From 2016 thru December 2020 - all EAC commissioner meeting minutes, where VSTL accreditation was discussed
- 4) From 2016 thru December 2020 - all applications for accreditation renewal or supplemental information the VSTLs provided to the EAC

Pursuant to 5 U.S.C. § 552(a)(2)(D)(ii)(II), the EAC is making the following records available for public inspection in an electronic format.

From: Brian Hancock<BHancock@eac.gov>
Sent on: Wednesday, January 17, 2018 2:13:03 PM
To: tmapps^{(b) (6)}
CC: Brian Newby<BNewby@eac.gov>; Ryan Macias<RMacias@eac.gov>
Subject: Certificate of Accreditation
Attachments: SLI-Compliance_2018 (1).pdf (266.56 KB)

Traci,
Good morning. Hope you are well.
Attached please find the new EAC Certificate of Accreditation for SLI Compliance. Congratulations! I know it has been a long wait.
Looking forward to seeing you at NASS/NASED next month.

Brian

[Brian J. Hancock](#)
Director, Testing and Certification
U.S. Election Assistance Commission

^{(b) (6)}
www.eac.gov





United States Election Assistance Commission

Certificate of Accreditation

**SLI Compliance,
Division of Gaming Laboratories International, LLC
Wheat Ridge, Colorado**

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2002 Voting Systems Standards, the Voluntary Voting Systems Guidelines versions 1.0 and 1.1 under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. SLI Compliance is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Effective Through

January 10, 2021

A handwritten signature in blue ink, appearing to read "B. Newby".

Date: 1/10/18

*Brian Newby,
Executive Director, U.S. Election Assistance Commission*

EAC Lab Code: 0701

From: Lesley Hoppert<(b) (6)>
Sent on: Friday, May 19, 2017 7:21:29 PM
To: Brian Hancock<BHancock@eac.gov>
CC: Ryan Macias<RMacias@eac.gov>; Traci Mapps (b) (6)
Subject: SLI Compliance 2017 EAC Application
Attachments: 1. EAC 2017_ Section 1-Information and Documents.pdf (180.82 KB), 3.4.1.08-09 Evidence of Insurance.pdf (17.81 KB), 3.4.1.11 SLI Compliance VSTL Org 2017-03.pdf (238.08 KB), 3.4.1.12a SLI Statements of Ethics and Independence.pdf (136.85 KB), 3.4.1.12b SLP-QS-13 Control of Conflicts of Interest.pdf (100.82 KB), 3.4.1.12c VSTL_Lab_Independ_Policy_Acknowledgement.pdf (28.86 KB), 3.4.1.12d VSTL_Confidential_Financial_Disclosure_Form.pdf (166.02 KB), 3.4.1.13 Employee Background Investigation Procedure WI-LG-046.pdf (358.79 KB), 3.4.1.14 SLP-VC-22 Archiving.pdf (101.48 KB), 3.4.2 EAC VSTL Letter of Agreement 2017.pdf (80.29 KB)

Hello, Brian,

Our 2017 application files are attached. Please let us know if you have any questions or need additional information.

Best Regards,

Lesley Hoppert

Quality Systems Controller

SLI Compliance

4720 Independence St.

Wheat Ridge, Colorado 80033

(b) (6)

Web: www.slcompliance.com

"A Division of GLI LLC"



1. INFORMATION AND DOCUMENTS (EAC LABORATORY ACCREDITATION PROGRAM MANUAL 3.4.1.)

The applicant laboratory must submit the information and documents identified in section 3.4.1 as part of its application.

The items below (as provided or referenced as attachments) address the information requested by the EAC for review prior to issuing an accreditation.

1.1 Legal Name of the Laboratory (section 3.4.1.1)

SLI Compliance, a Division of Gaming Laboratories International, LLC

1.2 Mailing Address of the Laboratory (section 3.4.1.2)

SLI Compliance

4720 Independence St.

Wheat Ridge, CO 80033

1.3 Physical Location of Laboratory (section 3.4.1.3)

SLI Compliance

4720 Independence St.

Wheat Ridge, CO 80033

1.4 Voting System Testing Program Contact Information (section 3.4.1.4)

Traci Mapps, Director of Operations

SLI Compliance

4720 Independence St.

Wheat Ridge, CO 80033

(b) (6)

1.5 President or CEO Contact Information (section 3.4.1.5)

James Maida, President and CEO

Gaming Laboratories International

600 Airport Road



Lakewood, New Jersey 08701

(b) (6)

1.6 Laboratory Contacts per Section 2.13 of EAC Manual (section 3.4.1.6)

Name, phone number, fax number and email address of the individual or individuals designated to speak for and take action on behalf of the laboratory pursuant to Section 2.13 of this manual

Traci Mapps, Director of Operations

SLI Compliance

4720 Independence St.

Wheat Ridge, CO 80033

(b) (6)

1.7 Business Contact (section 3.4.1.7)

The business contact information (such as point of contact, address, Web site, e-mail address) to be posted by the EAC on its Web site.

Traci Mapps, Director of Operations

SLI Compliance

4720 Independence St.

Wheat Ridge, CO 80033

(b) (6)

SLI Compliance website:

www.slicompliance.com

1.8 Insurance Requirements (Sections 3.4.1.8 – 3.4.1.10)

The identity of the laboratory's insurer(s), name of insured, and coverage limits for any comprehensive general liability policies, errors and omissions policies, professional liability policies and bailee policies. A written assessment of the laboratory's commercial general liability. The laboratory shall provide a signed statement certifying that it maintains workman's compensation policy coverage sufficient to meet the applicable state's minimum requirements.



Please see attached GLI's certificate of insurance which meets the insurance requirements of the US EAC VSTL application.

SLI also certifies that we maintain worker's compensation policy coverage that meets the State of Colorado's minimum requirements.

Signed:

A handwritten signature in blue ink, appearing to read 'Traci Mapps'.

Name: Traci Mapps

Title: Director of Operations

1.9 Laboratory Organizational Chart (section 3.4.1.11)

A copy of the complete laboratory organizational chart which includes the names of all individuals responsible for the testing of voting systems.

Please see the attached SLI VSTL organizational chart.

1.10 Laboratory Conflict of Interest Policy (section 3.4.1.12)

A copy of the laboratory's conflict of interest policy which implements the standards of Section 2.5 of EAC manual.

Please see attached policies:

- SLI Compliance Statements of Ethics and Independence
- SLP-QS-13 Control of Conflicts of Interest
- SLI Compliance VSTL Lab Independence Policy Acknowledgement Form
- SLI Compliance VSTL Confidential Financial Disclosure Form

1.11 Laboratory Personnel Policy (section 3.4.1.13)

A copy of the laboratory's personnel policy which implements the standards of Section 2.6 of EAC manual.

Please see attached GLI policy Employee Background Investigation Procedure. In particular, please reference Page 13, the table titled BACKGROUND CHECK LIMITATIONS FOR ALL US EMPLOYEES.

1.12 Laboratory Recordkeeping Policy (section 3.4.1.14)

A copy of the laboratory's recordkeeping policy which implements the standards of Section 2.15 of EAC manual.

Please see attached policies:



- SLI Compliance Record Keeping Policy:
 - SLP-VC- 22 Archiving Voting Test Materials

1.13 Laboratory Facility Brochure (section 3.4.1.15)

A copy of the laboratory facilities brochure

In lieu of a facilities brochure, please see the following lab description, which was included in SLI's NVLAP application in 2016 for 2017:

SLI Compliance maintains and operates its Voting System Test Laboratory (VSTL) within the Gaming Laboratories International Colorado office and does not currently maintain nor operate any remote sites or mobile units. VSTL operations are located at this address:

Gaming Laboratories International (GLI)
4720 Independence Street
Wheat Ridge, CO 80033

The offices at GLI are located on the first floor of a 2-story office building with a typical office build-out environment. SLI space on the 1st floor of the GLI building totals about 4,000 square feet. All entrances to the building are equipped with keycard access denial systems. All workstations are controlled using password access. Test artifacts are maintained on SLI's internal Voting server with access restricted to designated test and management staff. Voting system testing is conducted in test lab rooms. Each test lab room has a single entry that is also equipped with an access denial door lock, with access restricted to designated test and management staff.

SLI's VSTL performs electronic voting system certification activities per requirements drawn from current versions of these standards:

- NIST Handbook 150 and ISO 17025
- NIST Handbook 150-22
- Voluntary Voting System Guidelines (VVSG 2005 and VVSG 1.1 2015)

VSTL voting system certification test campaigns do not require any specialized test equipment. Any hardware tests required for such test campaigns are situated at VSTL approved, accredited hardware test lab facilities and are overseen by an SLI hardware test specialist.

1.14 Laboratory Annual Report and Board of Directors (section 3.4.1.16)

A copy of the most recent annual report, the names of the current board of directors and the previous year's board of directors, the names of any majority shareholders, and audited financial statements of the companies



or entities that own and operate the laboratory. Laboratories not incorporated should provide comparable information

As a privately held corporation, SLI Compliance and GLI do not produce an **Annual Report** to shareholders. Therefore, no Annual Report is included with this application. SLI would be happy to provide any specific information required by the EAC to satisfy this requirement.

Audited financial statements are available upon request through the following contact:

Bruce A. Hecht
Chief Financial Officer
Gaming Laboratories International
600 Airport Road
Lakewood, NJ 08701

(b) (6)

Majority shareholders are James Maida and Paul Magno.

Below, please find an account of SLI's present and previous year's **Board of Directors**.

2016, 2017

As a division of Gaming Labs International, we do not have an outside board.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/9/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Borden Perlman Insurance Agency 250 Phillips Boulevard, Suite 280 Ewing, NJ 08618 www.bordenperlman.com 9085390	CONTACT NAME Abbie Douglas	PHONE (A/C, No, Ext) (b) (6)	FAX (A/C, No) (b) (6)
	E-MAIL ADDRESS (b) (6)	INSURER(S) AFFORDING COVERAGE	
INSURED Gaming Laboratories International, LLC GLI, LLC 600 Airport Road Lakewood NJ 08701	INSURER A Federal Insurance Company	NAIC # (b) (6)	
	INSURER B Chubb Insurance Company NJ	(b) (6)	
	INSURER C Executive Risk Indemnity, Inc	(b) (6)	
	INSURER D		
	INSURER E		
	INSURER F		

COVERAGES

CERTIFICATE NUMBER: (b) (6)

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE L MIT APPL ES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			(b) (6)	1/1/2017	1/1/2018	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 1,000,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ Included
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			(b) (6)	1/1/2017	1/1/2018	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB OCCUR CLAIMS-MADE			(b) (6)	1/1/2017	1/1/2018	EACH OCCURRENCE	\$ 10,000,000
	DED RETENTION \$						AGGREGATE	\$ 10,000,000
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	(b) (6)	1/1/2017	1/1/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	
							E.L. EACH ACC DENT	\$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	\$ 1,000,000
C	Professional Liability			(b) (6)	5/20/2016	5/20/2017	5,000,000 Liab Limit	
B	Crime			(b) (6)	1/1/2017	1/1/2018	1,000,000 Limit	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of Coverage

CERTIFICATE HOLDER

US Election Assistance Commission
 Brian Hancock
 1335 East West Highway, Suite 4300
 Silver Spring MD 20910

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Douglas Borden

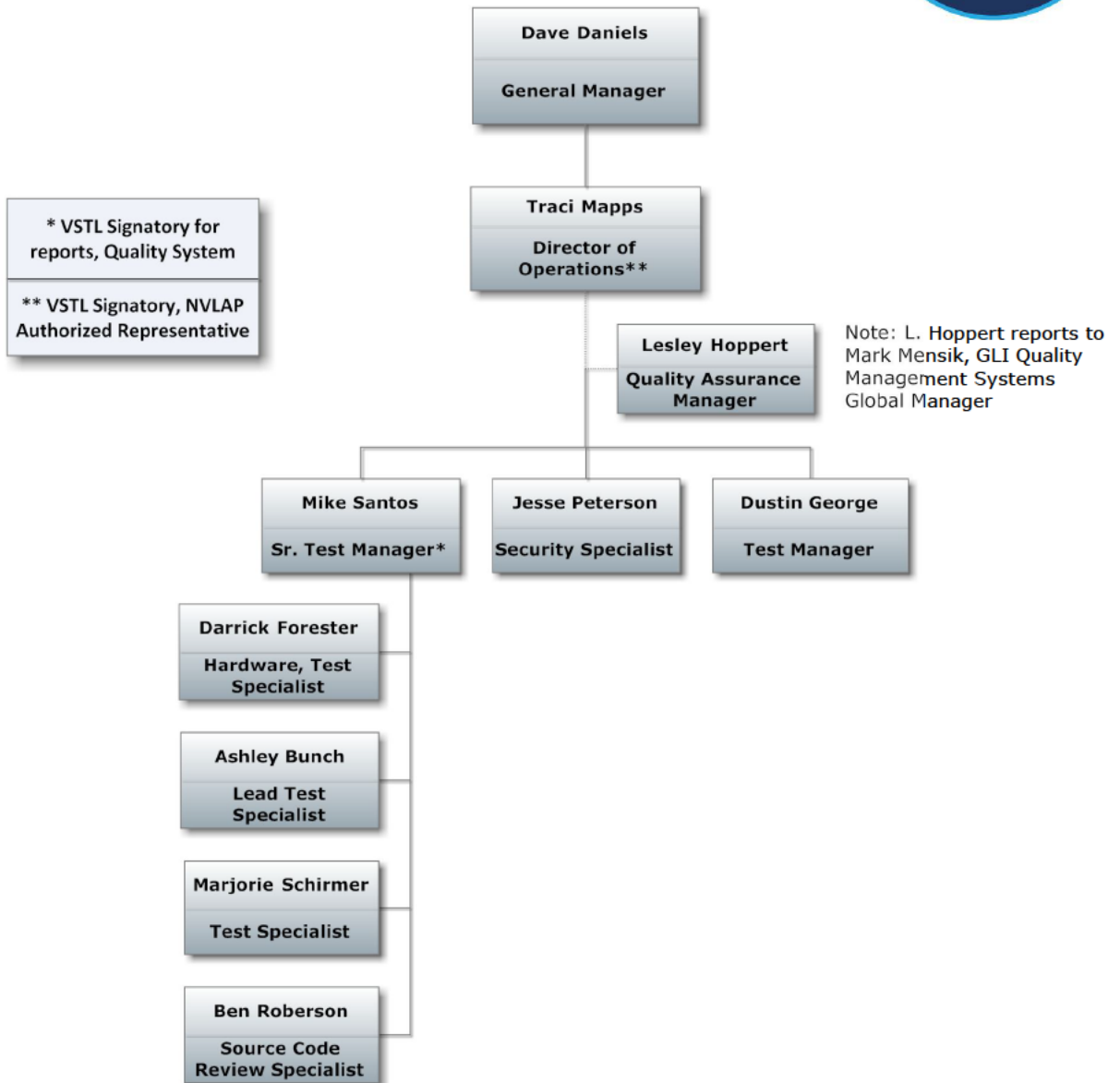
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ACORD 25 (2016/03)

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**SLI Compliance, a Division
of Gaming Laboratories
International, LLC**

**VSTL
Organization
2017 March**





SLI Compliance Statements of Ethics and Independence

These statements from the SLI Compliance Quality System Manual address ethics and independence.

1.1 Voting Test Statement

SLI Compliance is governed by the following Voting Test Statement for all voting test work as authorized by the Election Assistance Commission (EAC):

In regards to all test-engineering activities performed as a VSTL, SLI Compliance, all employees of SLI Compliance, and SLI Compliance's testing subcontractors and their employees shall remain mindful of the following priorities:

PUBLIC INTEREST in a voting system that is accurate, reliable, maintainable, usable, secure, and meets all applicable standards for voting systems

QUALITY, COMPREHENSIVENESS, INTEGRITY, and OBJECTIVITY in Voting System Test Engineering activities and a continuous effort to monitor and improve quality

SECURITY of the testing environment, equipment, and materials as well as adherence to contracts and agreements with clients

AUTHORITY of the EAC in Voting System Certification and consistency among Voting System Test Laboratories

Throughout voting test activities, all employees of SLI Compliance and its testing subcontractors shall actively search for issues or problems that might jeopardize the integrity of testing or put any voting in an election at risk. If an employee encounters such an issue, the employee must immediately report said issue to a Manager. The issue will then be investigated and defined by the Project Team and summarily reported by the Test Manager, Director of Operations, and/or Quality Assurance Manager, who will follow through to ensure that the issue has been resolved.

1.2 Statement of Independence

The management and staff of SLI Compliance and its testing subcontractors and their employees shall maintain an independent decisional relationship between SLI Compliance and its testing subcontractors and SLI's clients, affiliates, or other organizations so that the Laboratory's capacity to render test reports objectively and without bias is not adversely affected.

SLI Compliance and its testing subcontractors and their employees shall maintain independence from Voting System Manufacturing clients whose systems are under VSTL



test or are scheduled for a VSTL voting system test campaign. Specifically, employees shall not have a direct beneficial interest in a voting system product.

As a VSTL, SLI Compliance will not perform engineering development work on voting systems and will not perform both developmental testing and accredited (national certification) testing of a particular voting system or system component.

The Test Laboratory, whether on-site at SLI Compliance or at its testing subcontractor's facility or at a client's site, shall be organized so that staff members are not subjected to undue pressure or inducement that might influence their judgment or the results of their work.

In connection with the requirements of Sections 2.5 and 2.19 of the EAC VSTL Accreditation Program Manual, it is essential that all staff involved in any way with voting systems Manufacturers avoid even the appearance of conflict of interest in all verbal and written communications with voting system Manufacturers, and their employees, officers, agents and representatives. Statements to any person who is not a member of SLI's management or the SLI testing team working on a particular testing project that may be understood as predicting or anticipating any testing results, whether general or specific, express or implied are prohibited.

All employees or contractors of SLI Compliance involved in the testing of voting systems are required to attend SLI's Laboratory Independence Training and sign the SLI Laboratory Independence Policy Acknowledgement form when hired and annually thereafter. The form can be found on the SLI SharePoint VSTL – Federal site. Hard copies of signed forms are kept in the employee's VSTL personnel file.

See also SLP-QS-13 - Control of Conflicts of Interest.

1.3 Management Commitment

SLI Compliance Management is thoroughly committed to a policy of following a systematic set of processes and procedures to ensure effective and efficient completion of all voting system test campaigns. It is the responsibility of the Management team to ensure that all voting system test campaigns are planned, executed, and completed following ISO 17025 and NIST Handbooks HB-150 and HB-150-22, the EAC Testing and Certification Program Manual and the EAC VSTL Accreditation Program Manual as well as SLI's Standard Lab Procedures and that, if and when required, the appropriate actions take place to cover all unexpected circumstances. SLI's statement of Management Commitment:

The **MANAGEMENT TEAM** of SLI Compliance is **COMMITTED TO ENSURING**:

- that all test campaigns are carried out following SLI Compliance's repeatable SLPs



- that all test campaigns employ the most effective and efficient communication to all parties involved and that all communications are tracked to ensure adherence to procedures and standards
- that all test campaigns are governed by a process of continuous improvement for all quality management procedures and SLPs
- that the appropriate resources are made available to continue to develop and improve the Quality System Processes and associated QSM
- that when changes to the management system are planned and implemented, the integrity of the management system is maintained – this includes ensuring that key management positions are filled by qualified individuals; that applicable governing requirements are fulfilled in the Quality System; and that Quality System policies and processes are followed in all VSTL test campaign activities
- that appropriate communication processes are established within the laboratory and that communication takes place regarding the effectiveness of the management system
- that training is both available and provided to SLI Compliance staff
- that the processes for both internal and external audits are supported with personnel resources, time and budgets
- that at no time will SLI violate its statement of independence by engaging in any activity that would place the company and/or its employees in a compromising position or in a position of conflict of interest
- that the goal of all test campaigns is first and foremost to demonstrate whether or not a voting system:
 - meets the applicable version of the Voting System Guidelines
 - meets the voting system manufacturer’s requirements.
- that SLI Compliance recognizes and understands that its commitment and obligation is to the Election Assistance Commission and ultimately the citizens of the United States in carrying out our part to ensure that voting systems certified for use in elections within the United States are reliable, accurate, secure, usable and meet all applicable voting system standards.



Laboratory Independence Policy Acknowledgement Form

SLI Compliance, a Division of Gaming Laboratories International, LLC

The 2002 Help America Vote Act (HAVA) created the U.S. Election Assistance Commission (EAC) and assigned the EAC the responsibility for the testing and certification of voting systems. The procedural requirements for the EAC's laboratory accreditation program are specified in the US EAC Voting System Test Laboratory Program Manual (EAC VSTL Manual). Key requirements in this manual include prohibition of conflicts of interest (Section 2.5) and provisions regarding Laboratory independence from manufacturers of voting systems (Section 2.19). Specifically, Section 2.5 of the EAC VSTL Manual states:

“As a condition of accreditation, all laboratories must maintain and enforce policies which prohibit and prevent conflicts of interest or the appearance of conflicts of interest. A laboratory shall ensure that neither the Laboratory, its parent corporation, contracted third party laboratories, nor any individual staff member involved in the testing of voting systems have any vested interest in the outcome of the test process. Laboratories must have a written policy in place. This policy must, at a minimum, (1) prohibit conflicts of interest and other prohibited practices and (2) provide for enforcement, consistent with the subsections below.”

Section 2.19 of the EAC VSTL Manual states:

“As a condition of accreditation, all laboratories shall maintain their independence from voting systems Manufacturers, consistent with their roles and responsibilities as a key component of the EAC Certification program. VSTLs shall maintain an arm's length relationship with the Manufacturers and avoid even the appearance of improper conduct.”

Specific requirements with respect to the required independence are set forth in the full text of Sections 2.5 and 2.19 of the EAC VSTL Manual.

As an employee or contractor of SLI Compliance involved in the testing of voting systems, you are required to be familiar with the EAC VSTL Manual, including without limitation the requirements of Sections 2.5 and 2.19, and to comply with those requirements. Failure to comply with the requirements set forth in the EAC VSTL Manual or any other policies or procedures of SLI Compliance applicable to your work will result in disciplinary actions, which may include termination of your employment or termination for breach of your contract with SLI Compliance. The full text of SLI Compliance's current policies and procedures applicable to voting systems testing are contained in the SLI Compliance VSTL Quality System Manual (QSM). Copies of the EAC VSTL Manual and the QSM are located in the Quality System.



In connection with the requirements of Sections 2.5 and 2.19 of the EAC VSTL Manual, it is essential that all staff involved in any way with voting systems Manufacturers avoid even the appearance of conflict of interest in all verbal and written communications with voting system Manufacturers, and their employees, officers, agents and representatives. Statements to any person who is not a member of SLI Compliance management or the SLI Compliance testing team working on a particular testing project that may be understood as predicting or anticipating any testing results, whether general or specific, express or implied are prohibited. Substantial discussions with a manufacturer concerning testing shall be recorded per SLP-VC-03 Communication with Manufacturers.

By signing below you confirm that (i) you have completed the SLI Compliance Laboratory Independence Training and understand the requirements of Section 2.5 and 2.19 of the EAC VSTL Manual; (ii) you have read and understand the contents of the EAC VSTL Manual and the QSM; (iii) you agree to comply with the requirements set forth in the EAC VSTL Manual and the QSM, as revised from time to time; and (iv) you understand that any violations of the requirements set forth in the EAC VSTL Manual or the QSM will result in disciplinary action, including termination of employment or your contract in appropriate circumstances.

THE UNDERSIGNED EMPLOYEE/CONTRACTOR confirms each of the statements set forth in the foregoing paragraphs and agrees to comply with the policies and requirements applicable to voting systems testing work performed for SLI Compliance.

Employee Signature

Date

Employee Printed Name

To be completed by the Trainer, Supervisor, or HR:

Laboratory Independence Training was completed.

Trainer/HR/Supervisor Signature

Date

Trainer/HR/Supervisor Printed Name



CONFIDENTIAL FINANCIAL DISCLOSURE FORM

Employee's Name (Last, first, middle initial):	Position/Title:	Reporting Status: <input type="checkbox"/> New Employee <input type="checkbox"/> Annual Report
Date of Hire:	Home Address:	

Privacy Act Statement

The primary use of the information on this form is for review by SLI Compliance, a division of Gaming Laboratories International, LLC (referred to herein as "Company") to determine compliance with applicable government policies and regulations and to avoid actual or potential conflicts of interest affecting your independent judgment in connection with voting systems certification testing or other voting system test work performed by the Company. Disclosures of the information on this report may be required: (1) to a customer of the Company or to a Federal, State or local law enforcement agency if the Company becomes aware of a violation or potential violation of law or regulation; (2) to a court or party in a court or governmental administrative proceeding if the Company is a party or in order to comply with a subpoena; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to prime contractors or governmental agencies if required in records management inspections; or (5) in response to a request for discovery or for the appearance of a witness in a judicial or administrative proceeding, if the information is relevant to the subject matter. The Company will hold the information reported on this form as confidential except for disclosure in the circumstances detailed above or as may be determined by the Company to be reasonably required in connection with the Company's business.

Penalties

Falsification of information or failure to file or report information required to be reported may subject you to disciplinary action by the Company, which may include, but not limited to, termination of employment. Knowing and willful falsification of information required to be reported may also subject you to civil or criminal prosecution.

Part I: Investments and other Financial Relationships

NOTE: Ownership of stocks in voting system companies must be disclosed. However, mutual funds investment is allowed even though there may be a possibility of voting system company stocks present, which is out of the direct control of the employee; mutual funds investment need not be listed below.

List below for yourself, your spouse and your dependent children (i) any direct or indirect ownership interest held currently or in the past twelve months in any supplier of voting systems software or hardware or any of the hardware test laboratories specified below, including without limitation any ownership interest in any of the companies listed below (including their parent companies, subsidiaries or affiliates) (referred to herein as "Voting Systems Industry Companies");



and (ii) any other financial relationship with any Voting Systems Industry Company, including without limitation any employment relationship, loans or other benefits received:

- Avante International Technology, Inc.
- Clear Ballot Group, Inc.
- Democracy Live, Inc.
- Dominion Voting Systems Corporation
- ELECTEC Election Services, Inc.
- Election Systems and Software, Inc. (ES&S)
- Everyone Counts, Inc.
- Hart InterCivic, Inc.
- MicroVote General Corporation
- N.V. Nederlandsche Apparatenfabriek "Nedap"
- Open Source Digital Voting Foundation
- Populex Corporation
- Precise Voting, LLC
- Premier Election Solutions, Inc.
- Smartmatic USA
- SOE Software, a ScytI Company
- TruVote International
- UniLect Corporation
- Unisyn Voting Solutions (A division of International Lottery and Totalizator, Inc.)
- VotRite

Hardware Test Laboratories:

- Element Materials Technology Denver (formerly Cascade Technical Sciences)
- NTS Longmont (formerly EMC Integrity Inc.)
- Nebraska Center for Excellence in Electronic (NCEE)
- Intertek Testing Services

Check box if none

Financial Relationships with Voting Systems Industry Companies and/or specified hardware labs (identify, business relationship, stock ownership, other investment interest, or any indebtedness to or other financial relationship with any Voting Systems Industry Company)	(X) if no longer held	Number of shares held/Describe any other financial relationship
<input checked="" type="checkbox"/> Check box and attach additional pages if needed		



Part II. Outside Employment, Consulting and Other Relationships

The Company is required to ensure that you do not have any involvement in voting system development activities (for example, providing consulting services to current or prospective vendors of voting systems). List below for yourself only any consulting relationships, employment, board positions, advisory or other relationships, whether or not compensated, with any person or entity (other than employment by the Company), held currently or during the past twelve months. Exclude positions with religious, social, fraternal or political entities or those solely of an honorary nature.

Check box if none

Organization (Name/Address)	Type of Organization	Title/Type of Position	(X) if no longer held
<input type="checkbox"/> Check box and attach additional pages if needed			

Part III: Agreements or Arrangements

Report below (for yourself only) any agreements or arrangements in effect currently or during the past twelve months for current or future employment, leaves of absence, continuation of payment by a former employer (including severance payments), or continuing participation in an employee benefit plan.

Check box if none

Terms of Agreement or Arrangement	Other party(ies) to agreement or arrangement/address	Date of Agreement or Arrangement
<input type="checkbox"/> Check box and attach additional pages if needed		

Part IV: Gifts and Travel

List below for yourself, your spouse and your dependent children all gifts and travel reimbursements received during the past twelve months that are of more than nominal value (excluding gifts and travel reimbursements received from the Company, family members or close friends who are not involved in any way with any voting systems vendor). For purposes of this report, a payment of under \$100 or a gift with a value of under \$100 is considered nominal value



unless such payment or gift is received from a voting systems vendor. Any gifts or payments received from voting systems vendors must be reported.

Check box if none

Source/Address	Description (for travel, include itinerary)	Date
<input type="checkbox"/> Check box and attach additional pages if needed		

I certify that the statements I have made on this form and all attached statements (if any) are to the best of my knowledge true, complete and correct as of the date set forth below my signature.

Signature

Date

To be completed by the Company:

Date received:	<i>On the basis of the credit bureau information reviewed and the information contained in this report, the undersigned reviewers have concluded that, except as noted in "comments" box below, the filer does not pose a risk of compromising the independence of the Company in performance of services requiring independent testing and evaluation.</i>
Date of review:	Signature of Supervisor: _____ Name: Title:
Date of review:	Signature of Compliance Officer: _____ Name: Title:
	Comments of Reviewers: (attach additional page if needed)



4720 INDEPENDENCE ST • WHEAT RIDGE, COLORADO 80033 • 844-754-8683 • 303-422-1566

slicompliance.com *SLI Compliance, a Division of GLI**

May 5, 2017

Brian Hancock
Director, Voting System Certification
U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Mr. Hancock:

The undersigned representative of SLI Compliance (hereinafter "Laboratory"), being lawfully authorized to bind the Laboratory and having read the EAC Voting System Test Laboratory Program Manual, accepts and agrees on behalf of the Laboratory to follow the program requirements as laid out in Chapter 2 of the Manual.

The Laboratory shall meet all program requirements as they relate to NVLAP accreditation; conflict of interest and prohibited practices; personnel policies; notification of changes; resources; site visits; notice of lawsuits; testing, technical practices and reporting; laboratory independence; authority to do business in the United States; VSTL communications; financial stability; and recordkeeping.

The Laboratory further recognizes that meeting these program requirements is a continuing responsibility.

Failure to meet each of the requirements may result in the denial of an application for accreditation, a suspension of accreditation or a revocation of accreditation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Traci Mapps".

Traci Mapps
Director of Operations

From: Diane Gray (b) (6)
Sent on: Monday, March 5, 2018 9:01:34 PM
To: Jack Cobb (b) (6); Brian Hancock<BHancock@eac.gov>
CC: Michael Walker (b) (6)
Subject: RE: Lab Audit Agenda
Attachments: Quality Assurance Manual.pdf (456.45 KB)

Hi Brian,

I'm attaching our Quality Manual. I've also listed our staff below. We look forward to seeing and talking with you. Please let me know if you have any questions or need other information.

Thanks,

Diane

Pro V&V Staff

Laboratory Director: Jack Cobb

Quality Assurance Manager: Diane Gray

VSTL Program Manager: Wendy Owens

VSTL Project Manager: Michael Walker

Project Engineers:

Stephen Han

Ryan Wilson

Alan Simmons

Larry Hillman

Hunter Medlock

Mancy Hammond

William Bush

Brent Bofenkamp

Research and Program Development Manager: Becky Santos

Office Manager: Melissa Moran

From: Jack Cobb

Sent: Monday, March 05, 2018 2:23 PM

To: Brian Hancock <BHancock@eac.gov>

Cc: Michael Walker (b) (6); Diane Gray (b) (6)

Subject: Re: Lab Audit Agenda

We are both on the road but I will get Diane on this

Sent from my iPhone

On Mar 5, 2018, at 3:21 PM, Brian Hancock <BHancock@eac.gov> wrote:

Jack, Mike,

Attached to this email is the agenda for our upcoming lab audit of Pro V&V. We are really looking forward to talking with you and your staff and getting a peek at your new facilities.

At your earliest opportunity, could you please forward us the most up-to-date Quality Manual for Pro V&V as well as an updated staff list? We'll do a bit of homework before we come down to save us all some time.

Brian

[Brian J. Hancock](#)

Director, Testing and Certification

U.S. Election Assistance Commission

202-459-7861

www.eac.gov

<Outlook-1492015432.png>

<ProVV_Compliance_Lab_Audit-Agenda.pdf>

From: Diane Gray (b) (6)
Sent on: Wednesday, April 25, 2018 7:09:48 PM
To: Ryan Macias<RMacias@eac.gov>; Jerome Lovato<JLovato@eac.gov>; Brian Hancock<BHancock@eac.gov>
CC: Jack Cobb (b) (6); Michael Walker (b) (6); Wendy Owens (b) (6)
Subject: RE: Lab Audit Plan
Attachments: Configuration Management Plan.pdf (915.61 KB), Pro V&V Documents List for EAC.pdf (104.61 KB), Pro VV Ethics Policy.pdf (201.25 KB), QP-1 Process Improvement.pdf (104.69 KB), QP-10 Contracts, Subcontracts, and Purchasing.pdf (183.29 KB), QP-20 Organizational Procedure.pdf (279.27 KB), QP-21 Organizational Details.pdf (168.22 KB), QP-30 Handling Equipment and Test Items.pdf (175.29 KB), QP-40 Statistical Sampling and Sampling Plan.pdf (105.21 KB), QP-50 Test Report Procedure.pdf (180.82 KB), QP-60 Cause Analysis, Nonconformance, CA, and PA.pdf (179.93 KB), QP-70 Service to Customer.pdf (171.43 KB), QP-80 Internal Audits.pdf (108.16 KB), Quality Assurance Manual.pdf (456.47 KB)

Hi Ryan,

As requested, I am attaching a list of the QMS documents you requested for the audit. I hope you don't mind, but I made a couple of notes on the list for clarity (document title 'Pro V&V Documents List for EAC'). They are highlighted in yellow. I also sent another copy of the QA Manual. There were some revisions made after the document was previously sent to you.

If you need additional documents or information, or if you have questions, please let me know.

We'll be seeing all of you soon!

Best regards,

Diane

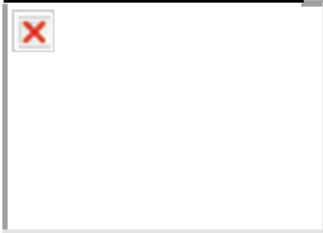
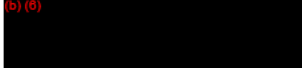
Diane Gray

Pro V&V

700 Boulevard South

Suite 102

Huntsville, AL 35802



From: Ryan Macias [mailto:RMacias@eac.gov]
Sent: Wednesday, April 25, 2018 11:46 AM
To: Jack Cobb (b) (6); Michael Walker (b) (6); Wendy Owens (b) (6); Diane Gray (b) (6)
Cc: Jerome Lovato <JLovato@eac.gov>; Brian Hancock <BHancock@eac.gov>
Subject: Re: Lab Audit Plan

Pro V&V,

As Brian mentioned in the previous email, attached is a copy of the Audit Plan.

Please note that Page 3 has a list of documents that the EAC will need to review during the audit. Therefore, please have them available (electronic copy is sufficient) for us when we begin the audit. Further, if it is not too much inconvenience to provide them to us prior to the audit, we will review them in advance in order to facilitate a more efficient audit.

If you have any question or concerns regarding this information, feel free to contact me or any of the EAC staff conducting the audit.

Thanks,

Ryan Macias, CERA

SeniorElection Technology Specialist
U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910
(202) 579-5496
www.eac.gov

From: Brian Hancock

Sent: Wednesday, April 25, 2018 10:34 AM

To: jack.cobb (b) (6); michael.walker (b) (6); Wendy Owens; Diane Gray

Cc: Ryan Macias; Jerome Lovato

Subject: Lab Audit Agenda

Good morning Jack.

We are very excited about finally getting the opportunity to come down and see the new, expanded Pro V&V. Attached is our agenda for the audit. Ryan will be forwarding a copy of our audit plan sometime tomorrow.

Looking forward to seeing you all.

Brian

[Brian J. Hancock](mailto:brian.j.hancock)

Director, Testing and Certification

U.S. Election Assistance Commission

202-459-7861

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- Pro V&V's Configuration Management (CM) Plan
- Pro V&V Ethics Policy
- **Organizational Procedure (QMS Quality Procedures):**
 - QA-21 Organizational Authorizations
 - QP-1, Process Improvement
 - QP-10, Contracting, Subcontracting, and Purchasing
 - QP-20, **Organizational Procedure**
 - QP-30, Handling of Equipment and Test Items
 - QP-40, Statistical Sampling and Sampling Plan
 - QP 50 Test Report Procedure
 - QP-60, Cause Analysis, Anomaly Reporting, Nonconforming Work, Corrective Actions, and Preventive Actions
 - QP-70, Service to Customer
 - QP-80 Internal Audits

Pro V&V Quality Assurance Manual



PRO V&V ETHICS POLICY

Author: Jack Cobb

Origination Date: 11/14/2011

Policy Description: To avoid the involvement in any inappropriate activities that diminish the quality and confidence in its competency, impartiality, judgment, and operational integrity of the work performed by Pro V&V, Pro V&V requires all personnel to read, understand, and acknowledge in writing annually the Ethics Policy.

1.0 INTRODUCTION AND PURPOSE

Pro V&V is committed to honesty, fairness, and providing a safe and healthy working environment that respects the dignity due to all. All employees desire and deserve a workplace where they feel respected, satisfied, and appreciated. Pro V&V will not tolerate harassment or discrimination of any kind - especially involving race, color, religion, gender, age, national origin, sexual orientation, or disability.

The goal of Pro V&V is excellence in the workplace and creating an environment that supports honesty, integrity, respect, trust, and responsibility. While every person who works for Pro V&V must contribute to the creation and maintenance of this environment, our management personnel is charged with special responsibilities for fostering a work environment that is free from the fear of retribution. Supervisors must take care that words and actions avoid placing, or seeming to place, pressure on subordinates that could cause them to depart from acceptable ethical behavior.

Pro V&V senior management has designed and implemented the Quality Management System (QMS) in order to provide assurance to employees and customers that no conflicts of interest exist between personnel and customers, so that all aspects of testing are performed without undue pressure, and with competence, impartiality, and operational integrity. All employees of Pro V&V must adhere to the requirements of this Ethics Policy and the Pro V&V QMS.

2.0 CONFLICTS OF INTEREST

At all times, Pro V&V operations must be performed without any actual or perceived conflict of interest. If a conflict occurs, or any Pro V&V employee perceives that a conflict may occur, the employee should discuss the matter with their immediate supervisor, or any Pro V&V senior management.

Situations which should be avoided by all members of Pro V&V:

- Ownership or financial interest (other than nominal amounts of publicly traded company stocks) by either the employee or member of the employee's immediate family, in any supplier, customer, or competitor of Pro V&V. If the employee's spouse, child, or other immediate family member becomes employed by a customer or competitor of Pro V&V, the employee must immediately notify Pro V&V in writing.
- Any consulting or employment relationship with a supplier, customer, or competitor.
- Any outside business activity which is competitive with Pro V&V business.

- Any outside activity which is extensive enough to question the ability of the employee to devote the time and attention necessary to their job duties with Pro V&V.
- Serving on any board of directors or customer, supplier, or competitor unless serving has been disclosed to and approved by Pro V&V.
- Directly supervising, reviewing, and/or evaluating the work performance of any family member.
- Using any opportunity learned during employment with Pro V&V that an employee takes advantage of which is in conflict with Pro V&V's interests.

Any situation which presents a conflict of interest for an employee of Pro V&V may also present a conflict with the employee's immediate family. Employees should discuss any possible instances with senior management.

3.0 RECORDS

All employees must maintain accurate and complete company records. Transactions between Pro V&V and outside individuals and organizations must be promptly and accurately entered in our books in accordance with generally accepted accounting practices (GAAP) and principles. No member of Pro V&V should rationalize or even consider misrepresenting facts or falsifying records. Falsifying or misrepresenting company records will not be tolerated and will result in disciplinary action, including the possibility of immediate termination of employment.

4.0 TIME KEEPING

Pro V&V requires all employees to accurately and correctly report hours charged to work projects. Any Pro V&V personnel found deliberately charging incorrect work to a customer will be subject to potential disciplinary action, up to, and including, termination. Any Pro V&V personnel who become aware of any inappropriate time charging should report such instances to their immediate supervisor or senior management of Pro V&V. This reporting may be anonymous.

5.0 EXPENSE REPORTS AND REIMBURSEMENTS

All expense reports and reimbursement requests must be accurate. Any Pro V&V personnel requesting reimbursement must ensure no false or misleading requests are submitted. Pro V&V will ensure GAAP is followed for reporting corporate funds.

6.0 ENTERTAINMENT, GIFTS, AND PAYMENTS

Pro V&V will treat all persons and firms with whom it has business relationships in a fair and impartial manner. As accepting gifts, entertainment, favors, personal discounts and similar gratuities might influence or raise doubts as to the impartiality of the recipient, damage the reputation of Pro V&V for fair dealing, and violate federal statutes where Government contracts are involved, misunderstandings usually can be avoided by business conduct that makes clear Pro V&V and its representatives transact business on an ethical basis and will not seek or grant special consideration.

Business courtesies, such as payment for a lunch or dinner in connection with a business meeting, are not normally considered a gift within the context of the Pro V&V QMS and this Ethics Policy.

Advertising novelties are not inappropriate to give or receive provided the item is of nominal value and is widely distributed to others having essentially the same business relationship with the donor.

Each agency of the Federal Government has regulations prohibiting agency personnel from accepting entertainment, gifts, gratuities, payments or other business courtesies that may be acceptable in the commercial sector. No Pro V&V employee shall receive a gift from, or give any gift to, any employee or agent of the United States Federal Government or any state, local or foreign government.

5.0 POLITICAL ACTIVITY

Pro V&V encourages all employees to vote and be a part of the political process. No Pro V&V employee will make political contributions in the company's name or using company funds. Pro V&V property and facilities will not be used for political activities.

6.0 TRADE SECRETS AND CONFIDENTIAL AND PROPRIETARY INFORMATION

Confidential client information and proprietary Company information may not be disclosed to anyone without proper authorization.

Pro V&V employees shall hold in strictest confidence and shall not (other than as specifically allowed in writing by Pro V&V) disclose or use any trade secrets and confidential and proprietary information directly or indirectly, either during the term of employee's employment, or at any time thereafter, except as required by Pro V&V in the course of the employee's employment. All employees will refuse any improper access to Pro V&V trade secrets and confidential and proprietary information, and to that of any other company, including Pro V&V's competitors.

This confidentiality includes but is not limited to, documents, drawings, schematics, contractual information, financial information, proprietary software, proprietary hardware, test schedules, test data, test outcomes, and test reports.

7.0 IMPLEMENTATION

7.1 Responsibilities

All Pro V&V personnel shall be issued this Ethics Policy upon employment and will review the Ethics Policy on an annual basis. Each time the Ethics Policy is issued to personnel, the Compliance Certification must be signed verifying receipt, understanding, and acceptance. Signed Compliance Certifications will be retained in the employee's personnel file. Any personnel requested to perform an activity which does not comply with the requirements of the Ethics Policy shall promptly report the incident to their supervisor or to any Pro V&V senior management.

Pro V&V management is responsible for implementing the requirements of the Ethics Policy. Managers are responsible for reporting to senior management any instances of noncompliance which are reported to them by employees or which have come to their attention. The Laboratory Director will review the Compliance Certification forms to determine if any conflicts exist. Any conflicts, or potential conflicts, will be addressed with the employee.

Violations to the requirements of this Ethics Policy are grounds for disciplinary action, up to, and including, termination. Depending on the nature of the violation, civil or criminal actions may be taken against the employee.

7.2 Annual Certification

This Ethics Policy shall be distributed to all Pro V&V personnel on an annual basis. All Pro V&V personnel are required to read the Ethics Policy and certify understanding of and compliance with its requirements by completing the Compliance Certification form.

COMPLIANCE CERTIFICATION TO PRO V&V ETHICS POLICY

By signing and dating below, I certify:

- I have received and read the attached Pro V&V Ethics Policy and understand the terms. I agree to abide by the requirements of this Ethics Policy.
- I understand that failure to comply with the requirements of this Ethics Policy will be cause for disciplinary action up to, and including, termination of employment.
- To the best of my knowledge, neither I nor members of my immediate family have any interests which might be a conflict of interest with the provisions of this Ethics Policy.

_____/_____
Signature of employee/ date

Printed Name of Employee

Instructions: Please separate this form from the Ethics Policy and return to your supervisor within five days of receipt. The Pro V&V Ethics Policy should be retained by you. Please direct any questions regarding this Ethics Policy or certification to your immediate supervisor, or any Pro V&V senior management.

Minutes of the Public Meeting United States Election Assistance Commission

Held at

Ritz-Carlton Pentagon City
1259 South Hayes Street
The Diplomat Room
Arlington, Virginia 22202

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (EAC) held on Wednesday, January 6, 2016. The meeting convened at 10:02 a.m., EDT. The meeting was adjourned at 11:04 a.m., EDT.

PUBLIC MEETING

Call to Order:

Chairwoman Christy A. McCormick called the meeting to order at 10:02 a.m., EDT.

Pledge of Allegiance:

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

Roll Call:

EAC Commissioners:

Chairwoman McCormick called roll of the members of the Commission and found present: Chairwoman Christy A. McCormick, Commissioner Thomas Hicks and Commissioner Matthew V. Masterson. Three members were present for a quorum.

Adoption of the Agenda

Commissioner Hicks made a motion to adopt the agenda for the Board's public meeting. Commissioner Masterson seconded the motion. The motion carried unanimously.

Welcoming remarks

Chairwoman McCormick said it has been almost a year since she and Commissioners Hicks and Masterson were appointed and it's been an exciting and interesting year. She reported that a lot has been accomplished with the help of staff, stakeholders and partners in the election community. Between the three Commissioners, they visited 30 states this year, went to many conferences and meetings, and received a lot of good input concerning where the Commission should be headed.

Chairwoman McCormick reported that accomplishments during the past year included passing the Voluntary Voting Systems Guidelines 1.1 (VVSG 1.1); updating the testing and program manuals; reinstating the EAC Advisory Boards, the Standards Board and the Board of Advisors; publishing the 2014 Election Administration and Voting Survey (EAVS), the National Voter Registration Act (NVRA) and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) reports; recreating the Technical Guidelines Development Committee to work on the next iteration of the Voluntary Voting Systems Guidelines; holding a successful Election Data Summit; holding a public meeting focused on accessibility issues; and, hiring a new Executive Director and General Counsel. Chairwoman McCormick thanked Alice Miller, who served as acting Executive Director and kept the Commission going during the years when it had no Commissioners. She also reported that Alice Miller is no longer with the EAC.

Chairwoman McCormick introduced Brian Newby, the new Executive Director and Cliff Tatum, the new General Counsel.

Commissioner Hicks said he is looking forward to the new year working with his fellow Commissioners, state and local election officials, and other stakeholders, to further the goals of the EAC and the American people. He welcomed Brian Newby and Cliff Tatum and expressed his thanks to Alice Miller for all the work she did over the last five or six years with the EAC.

Commissioner Masterson said that the focus of the Commission this year will be to serve its customers, the election administrators, across the country to make sure they have the resources they need to continue to serve the voters. He thanked Chairwoman McCormick for the work she did last year and he echoed the thanks to Alice Miller for the work she did to keep the EAC running and to push it forward.

Old Business:

Approval of the minutes from the previous meeting

Commissioner Masterson made a motion to accept the minutes from the July 28, 2015, public meeting. Commissioner Hicks seconded the motion. The motion carried unanimously.

New Business:

Report of the Executive Director

Executive Director Brian Newby said he only has three things for the Commission since he just joined EAC in November. He first echoed the thanks to Alice Miller and commended her for her leadership during a time when there were no Commissioners.

Mr. Newby reported that the EAC does not foresee backfilling the Chief Operating Officer at this time, although they will be looking at the overall staffing needs.

Mr. Newby reported that there is major communication activity underway today, including a roundtable. In addition, a communications video is scheduled for later this month relating to postal issues.

Mr. Newby reported they are reviewing the voter registration information on the EAC website. They are looking at starting a regular process where they will ask state election directors to review the instructions and let EAC know if any changes need to be made to be consistent with laws. In response to a question from Commissioner Masterson, Mr. Newby confirmed that the EAC Website will direct voters to individual state's websites for online registration or their state-specific registration form.

Recommendation and Discussion on VVSG 1.1 Transition Date – Brian Hancock, EAC Director, Testing and Certification, and James Long, Voting Systems Program Manager, NTS

Presenter: Brian Hancock, EAC Director, Testing and Certification

Mr. Hancock addressed the Commission to provide testimony with respect to recommendations on VVSG 1.1 transition date.

Mr. Hancock reported that at the EAC public meeting on March 31, 2015, the Commissioners unanimously voted to adopt VVSG 1.1

for the testing of voting systems and the EAC staff recommended it be immediately available for the testing and certification of voting systems. Staff also suggested, and the Commissioners agreed, that within six months the Commissioners, with input from stakeholders, could identify a timeline for transitioning more fully from the 2005 VVSG. Staff also recommended that modifications to systems certified to the 2005 VVSG 1.0 could still be submitted for testing and certification to that standard after the transition to VVSG 1.1.

Mr. Hancock believes that they have received enough feedback from stakeholders to recommend a reasonable timeframe for transitioning fully to VVSG 1.1. Stakeholders suggested from as little as eight to 12 months for the transition, while others suggested as long as three years. He believes it must also be recognized that EAC, the National Institute of Standards and Technology (NIST), the Technical Guidelines Development Committee (TGDC), and the working group members have already started the process of developing the next iteration of VVSG. He believes consideration should be given very early in the process as to how and when the next iteration should be implemented by the election community. He urged everyone to become part of that process.

Mr. Hancock reported that the EAC staff recommends, in light of the information received from stakeholders over the past nine months, and acknowledging that the next iteration of VVSG is now under development, that the Commissioners vote to require all new voting systems submitted for EAC testing and certification be tested to VVSG 1.1 18 months from today's date or the date of their vote. At that time, the 2005 VVSG 1.0 would no longer be used for testing new voting systems, but would be available for testing modifications to systems previously certified to that standard. Staff will provide clarification regarding the definition of what constitutes a "new" voting system at an EAC public meeting later this year.

Presenter: James Long, Voting Systems Program Manager,
National Technical Systems (NTS)

Mr. Long addressed the Commission to provide testimony with respect to recommendations on VVSG 1.1 transition date, providing a summary of NTS's perspective on how the implementation and adoption of VVSG 1.1 is progressing.

Mr. Long noted the distinction between "implementation" and "adoption" as implementation being the ability to operationalize the standard, or take it from its written version and put it into test cases,

and adoption being that the manufacturers are able to adopt the requirements, incorporate them into their systems, and then submit those systems.

Mr. Long explained that with any new standard, a common understanding of each requirement must be reached and this consensus shapes the scope of testing, and in turn drives the cost of testing. The absence of consensus can impede implementation of the standard. Because consensus is used to design the testing so everyone gets tested the same way, without consensus they cannot operationalize the standard. Currently, they are working through a couple of requirements with the EAC Testing and Certification Division to get consensus among the manufacturers and testing labs as to how they should be tested. NTS will continue to work with EAC to establish a common understanding for other requirements that are in question over the next 18 months.

Mr. Long then addressed adoption by saying that before any of the benefits of the new standard can be realized, it must be adopted and incorporated into the voting manufacturers' design processes. While there are many factors that can drive adoption, Mr. Long addressed two – economics and sunseting. He said the most common factor is usually economics. In the electronics world, the reason companies continue to develop new things such as iPhones and computers is because there is money to do so, and there is a return on that money. However, in the voting systems industry the economics are different, and Mr. Long said they will not be relying on that to see this adoption.

Mr. Long explained that sunseting is the process of taking a standard as previously required and setting a fixed date on which it will no longer be applicable and EAC has used sunseting to move standards forward. Mr. Long noted that sunseting can inadvertently cause gridlock in the certification of new or modified voting systems.

Mr. Long noted that the recommendation is for incorporating VVSG 1.1 in 18 months and discontinuing the testing of new voting systems to the 2005 VVSG at that time. Because the recommendation includes that voting systems already certified to 2005 can be modified and tested to the 2005 standard, the recommendation, if accepted, should allow for an extended period of use while manufacturers shift to designing systems to meet VVSG 1.1. This will minimize the risk of gridlock in the certification industry.

Mr. Long described how NTS worked with voting system manufacturers, EAC Testing and Certification staff, and other interested parties, this past fall to introduce and discuss the new requirements. Over the next 18 months NTS will continue to work with the voting system manufacturers and EAC to help the industry migrate to the new standard.

Questions and Answers

In response to Chairwoman McCormick's first question regarding how the certification division had begun preparing for the transition to VVSG 1.1, Mr. Hancock reported that they learned from adoption of the 2005 VVSG that there are always many interpretation questions and they are trying to address those at this time, not waiting until the transition date. They have been doing this by having meetings about VVSG 1.1 with the test labs and talking with the manufacturers.

In response to another question from Chairwoman McCormick regarding what requirements are preventing implementation of VVSG 1.1 right now, Mr. Long responded they are working through some of the operational environmental hardware testing because of military specifications on temperature ranges. He said the other large requirement they are working through is the scope of the source code review. He said the requirement itself is not in question, but the issue is that it is very expensive to test that requirement. They are looking at the scope of that review and how to leverage automated testing to alleviate that cost.

In response to Commissioner Hicks' first question with regard to whether the VSTLs and the manufacturers believe they can actually implement VVSG 1.1 18 months from now, Mr. Hancock responded that he understands the VSTLs will get up to speed as quickly as possible. At some point they will have to be reaccredited by the National Voluntary Laboratory Accreditation Program (NVLAP) to the new standard, but until that time they can remain viable in testing. Concerning the manufacturers, Mr. Hancock believes they generally fall in two camps. The more traditional manufacturers that have a lot of legacy systems have more work to do to catch up to some of the items in VVSG 1.1 and they would like the implementation date pushed further out. The newer manufacturers have developed a good portion, or perhaps all, of their system to the VVSG 1.1 standard so they have significantly less issues. Mr. Long responded that from the VSTLs' perspective there is no issue in adopting the VVSG 1.1 standard; they were already incorporating the standard before it was even approved. However, as mentioned

by Mr. Hancock, the scope of accreditation will need to be adjusted by NVLAP. He said there is nothing preventing them from operationalizing in the next couple of months. He believes the 18 months is more to allow the industry itself to work through the adoption of the standard.

In response to another question from Commissioner Hicks' on the impact of VVSG 1.1 on the 2016 election cycle Mr. Hancock responded that he does not expect it to have a great impact because right now there is only one system in the very early stages of testing to VVSG 1.1, although they may get others later this year. He said that perhaps there will be a more significant impact on the 2018 election cycle.

In response to Commissioner Masterson's first question regarding whether systems can be submitted for testing to VVSG 1.1 at this time Mr. Hancock confirmed that they can be submitted now.

In response to Commissioner Masterson's follow-up question regarding whether EAC is ready to take applications from manufacturers to get certified to VVSG 1.1 Mr. Hancock responded that they are ready to do so. He reiterated that they have one system already in the early stages of testing to VVSG 1.1 in pursuance of certification.

In response to another follow-up question from Commissioner Masterson concerning whether manufacturers have contacted NTS Mr. Long said they have been contacted by all of their customers and they have had individual discussions about migration to VVSG 1.1. He noted that VSTL does not get involved in development so it cannot provide any guidance there, but it has started conversations about achieving conformance and testing.

In response to another question from Commissioner Masterson regarding changes in the program manual to create efficiencies for the speed of testing and the ability to continue to test to the 2005 VVSG, Mr. Hancock responded that early on in the program the biggest complaint was that testing takes too long and perhaps is too expensive. He said that early on manufacturers submitted voting systems not yet ready for testing which resulted in time consuming back and forth between the test lab and manufacturer. He believes that working with manufacturers has led to them now submitting voting systems that are much more ready for testing. Mr. Hancock added that EAC has implemented a pre-test to verify that systems are ready for testing. This includes ensuring the manufacturer has all the hardware needed for the test and ensuring

the source code looks like it is generally correct and maintainable. Mr. Long added that the readiness of the voting systems being submitted now is very different than those originally submitted and the time to test and the cost has been reduced tremendously. In addition to improvement in the readiness of the voting systems being submitted, Mr. Long said NTS has reduced the testing cost through efficiencies such as more efficient testing and a more efficient process for generating reports and collecting data.

In response to another follow-up question from Commissioner Masterson asking if due to the work done by EAC the time to test modifications has gone from months to a month or even, in some cases, weeks with the cost being significantly lower, Mr. Long responded affirmatively.

In response to Commissioner Masterson asking for a walk-through of the standards development process and a plug for how people can get involved with the standards development process Mr. Hancock obliged. He said that over the last five or six years everyone knew the old way of developing the standards wasn't working. The process essentially involved a lot of up front work by NIST, the TGDC and the EAC to develop a document for public comment and the public input was not received at the time it was needed to affect the document. This time they reversed the process and have used working groups to get public input early in the process. In addition, they realize that the VVSG has not necessarily reflected the election process as it really happens and by getting more up front information from as many groups as possible, such as state and local election officials, academics, technologists, and test labs, they hope to develop a better document.

In response to Commissioner Masterson asking how an election official can get involved with the public working groups Mr. Hancock said the easiest way is to go to the vote.nist.gov site. The EAC also has a link on its website. Individuals can sign up for any or all of the working groups and NIST maintains the mailing lists.

In response to Commissioner Masterson asking about the value, in the test lab community, of an iterative process approach for the next VVSG Mr. Long stated that it provides flexibility and adoption to new changes in technology. Mr. Long said the pitfall, from the lab point of view, is that it has to be testable. The lab cannot test if something is "good" – it has to be measurable and there must be a way to judge conformance equally among all manufacturers.

In response to a follow-up question from Commissioner Hicks asking if one has to be an election official to participate in the working groups Mr. Hancock said that election officials are not the only participants. He reiterated that the test labs, manufacturers, and members of the general public who feel they have something to offer to the process can be a member; anyone can join.

In response to a question from Chairwoman McCormick about the impact transitioning to VVSG 1.1 will have on state certifications Mr. Hancock responded that it will probably not have a heavy impact in most states. He said that many states rely heavily on the EAC certification and then go ahead and do whatever is unique to their own state in the testing process. Mr. Long responded that the impact should not increase; a new system for at least the next 18 months would be able to be tested to the 2005 VVSG. He added that if manufacturers are getting modifications tested to the 2005 VVSG or VVSG 1.1, the paradigm does not shift for the state certification process; they still have to go to the state for certification.

In response to a follow-up question from Chairwoman McCormick asking if EAC and NTS have heard from local election officials with concern whether old systems that were tested under 2005 VVSG would still be certified or whether they should be purchasing systems tested only to VVSG 1.1 Mr. Hancock responded that he has heard those concerns. He explained that in the past there was a hard and fast cutoff date and local election officials had systems that could not be modified under the EAC program, but EAC learned from that. He said that allowing modifications to the 2005 VVSG should alleviate that past problem and the VVSG 1.1 adoption can move forward. Mr. Long responded by echoing Mr. Hancock and adding that the states and local jurisdictions should work with their manufacturers because it is ultimately the manufacturers' decision on what to do with the older systems, whether it's economically viable to maintain them to VVSG 2005. He added that from what has come through his lab, very few 2005 VVSG certified systems could meet the VVSG 1.1 standard; something would have to be done to the older systems to make them VVSG 1.1 compliant and that is a manufacturer's decision.

In response to another follow-up question from Chairwoman McCormick asking if local election officials can demand that a system be tested to VVSG 1.1 Mr. Long responded that it would be their decision. He said they could write that requirement into RFPs and/or work with their manufacturers and that would drive adoption

from the manufacturer if the manufacturer wanted to continue with the jurisdiction.

Commissioner Masterson made a motion to adopt full implementation for VVSG 1.1 at the date 18 months from today's vote with no new systems being tested to the 2005 VVSG after that date. Commissioner Hicks seconded the motion. The motion carried unanimously.

Recommendation of Policy Regarding Employee Participation with Outside Organizations

Presenter: Cliff Tatum, EAC General Counsel

Mr. Tatum addressed the Commission to provide information with respect to recommendations on policies regarding employee participation with outside organizations.

Mr. Tatum provided information on the EAC administrative manual and EAC's policies on employee conduct noting that all EAC employees are responsible for conducting themselves in a manner consistent with federal laws and regulations, commonly referred to as the Standards of Ethics for Employees of the Executive Branch. He said the majority of the regulations and statutes set forth standards that deal with financial conflicts of interest and outside employment activities. Accordingly, he intends to propose draft policies/regulations to develop standards that specifically address the appearance of impropriety and impartiality associated with outside activities as well as employment related activities to provide more clarity to situations not specifically addressed by criminal statutes or the civil statutes or the Code of Ethics and for situations that involve appearances of conflicts.

Mr. Tatum provided a highlight of draft regulations intended as a starting point for the Commissioners noting that the draft regulations are not yet ready for public comment. After the Commissioners make edits and revisions and suggestions, Mr. Tatum will contact the Office of Government Ethics (OGE) for assistance in preparing the regulations for joint concurrence and publication in the *Federal Register*. Highlights of the draft regulations include policies prohibiting outside employment and business activities related to the elections industry; whether employees can participate in non-profit organizations or non-federal organizations that advocate for or against any particular policies associated with the elections industry; a process for employees to

seek approval to participate in what might be a covered activity; and, definitions of covered activities.

Questions and Answers:

In response to Chairwoman McCormick's first question with respect to whether approval of an employee's activity absolves an employee of any violations of the ethics policy Mr. Tatum responded that it would not. Under the current Codes and criminal statutes employees can receive approval for some activities, but if that activity moves toward a violation, then the employee would be responsible for the conduct.

In response to Chairwoman McCormick's follow-up question asking what happens if an employee commits a violation Mr. Tatum said the employee would be asked to stop participating in the activity and if the activity reached the level of criminal activity there would be a referral to the OGE. The Department of Justice (DOJ) would decide if criminal prosecution was warranted.

In response to another follow-up question from Chairwoman McCormick asking whose responsibility it is to ensure that the ethics policy is not violated Mr. Tatum said that ultimately it is the employee's responsibility to make certain that any outside activities they participate in are not a covered activity prohibited by federal statutes or by EAC supplemental regulations. Employees should seek approval/clearance from his office before participating in any activity they believe maybe a covered activity. In addition, Mr. Tatum noted that supplemental regulations do not supplant the Code of Ethics.

In response to Commissioner Hicks' first question concerning whether the proposed regulations prohibit any of an employee's First Amendment rights of association and whether they are a blanket prohibition for them to have any sort of outside activities Mr. Tatum responded that the regulations are not a blanket prohibition; they are a starting point to address activities that might have the appearance of impropriety.

In response to Commissioner Hicks' follow-up question regarding whether other agencies have similar supplemental regulations Mr. Tatum responded that roughly 50 plus agencies have submitted supplemental regulations, with the Federal Election Commission (FEC) being the most similar to this agency.

In response to Commissioner Masterson's first question concerning whether the draft regulations and the EAC's Code of Ethics will jive with each other Mr. Tatum responded that they will.

In response to another question from Commissioner Masterson regarding whether the staff will be appropriately trained so they understand their responsibilities Mr. Tatum responded that they will be trained.

In response to another question from Chairwoman McCormick asking if the supplement regulations will affect the Commissioners Mr. Tatum replied that he will look further into that matter. He noted that the Commissioners are subject to the Code of Ethics and that he did not draft these regulations with the intent of any further prohibitions for the Commissioners.

In response to another question from Commissioner Hicks concerning the timeframe Mr. Tatum responded that he proposes receiving the Commissioners' edits and revisions within the next couple of weeks and then in February move forward to have discussions with OGE.

In response to a follow-up question from Chairwoman McCormick concerning whether a vote would be needed Mr. Tatum replied that a vote would probably be needed for him to move forward with OGE.

Commissioners' Closing Remarks

Commissioner Hicks said he is looking forward to the 2016 election cycle and the Commission continuing its job. He also noted that at 2:00 p.m. today they will be broadcasting their version of TED Talks on the website.

Commissioner Masterson noted there is a roundtable today at 2:30 p.m., a conversation with battleground jurisdictions.

Chairwoman McCormick concluded by noting that this will be a very interesting and exciting year.

The public meeting of the EAC adjourned at 11:04 a.m.

Minutes of the Public Meeting United States Election Assistance Commission

1335 East West Highway
First Floor Conference Room
Silver Spring, Maryland 20910

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on Thursday, December 15, 2016. The meeting convened at 10:32 a.m., EDT. The meeting was adjourned at 2:02 p.m., EDT.

PUBLIC MEETING

Call to Order:

Chairman Thomas Hicks called the meeting to order at 10:32 a.m., EDT at which time he led everyone present in the recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners:

Chair Hicks called roll of the members of the Commission and found present himself, Vice-Chair Matt Masterson and Commissioner Christy McCormick. Three members were present for a quorum.

Adoption of the Agenda

Commissioner McCormick made a motion to adopt the previous public meeting agenda which was seconded by Commissioner Masterson. The motion carried unanimously.

Commissioner Masterson made a motion to adopt the public meeting agenda as written which was seconded by Commissioner McCormick. The motion carried unanimously.

The Commissioners expressed their deep appreciation to colleague Brian Lewis for his dedication and leadership on behalf of the EAC and requested that everyone keep him in their thoughts and prayers during his illness.

Commissioners’ Opening Remarks

Chairman Hicks extended his sincere appreciation to election officials across the country, EAC staff, poll workers and advocates for a successfully run presidential election, in addition to noting that a roundtable is scheduled for January 12, 2017, at which time the EAC will take a more in-depth look back at the 2016 elections.

Commissioner McCormick extended her congratulations and appreciation to election officials, the thousands of poll workers and EAC staff on running an excellent, successful, legitimate and fair election in addition to commenting briefly on her Election Day travels/observations which included stops in Philadelphia, PA, Clark County, Nevada and Los Angeles, California.

Commissioner Masterson echoed his sincere thanks to state and local election administrators and poll workers for all of their hard work in an election that was run with integrity, security and accessibility. Commissioner Masterson also shared two takeaways from the election, the first that the election community as a whole embraced the conversation, the transparency and welcomed voters to become educated regarding the facts and processes surrounding an election; the second which focused on the work that remains towards making the process even better.

Report from the Executive Director

Brian D. Newby addressed the Commission to provide some brief comments/highlights regarding EAC staff's perspective pertaining to Election Day, which also included EAC's efforts with respect to the BeReady16 series. Mr. Newby also addressed areas that EAC will be focusing on during 2017, the centerpiece of the program, which will be the Election Administration Voting Survey (EAVS).

De-Brief on the 2016 Election (Election Officials)

Chair Hicks introduced and welcomed the following three panelists: Denise Merrill, Connecticut Secretary of State; Veronica DeGraffenreid, Election Preparation & Support Manager, State Board of Elections, North Carolina; and Rob Rock, Rhode Island Director of Elections.

Secretary of State Denise Merrill addressed the Commission to share her experiences related to both the State of Connecticut, in addition to her experience as president of the National Association of Secretaries of State (NASS) during the 2016 presidential election, which included the impact of social media, the success of online voter registration and Election Day registration. Secretary Merrill also highlighted the success that resulted

from a \$230,000 grant Connecticut received from the EAC for research and development with respect to a post-election audit process.

Ms. DeGraffenreid addressed the Commission to provide some general data and statistics related to North Carolina surrounding election events, election technology, which included the use of e-poll books and the development of both an Election Night reporting application along with an election results web application. Ms. DeGraffenreid also provided observations regarding how elections officials within her state have met various challenges from both the 2016 primary and general elections which include the handling of post-election processes and pointed out several high-level takeaways that North Carolina will be focused on in elections to come.

Mr. Rock addressed the Commission to provide testimony regarding the efforts that Rhode Island has taken to modernize elections, which included an overview with respect to the implementation of new voting equipment which included the compilation of a voting equipment taskforce and was rolled out for the September 13, 2016, primary election; an e-poll book pilot program wherein 37 precincts used e-poll books for the primary election and was expanded to 57 precincts for the November election; and implementation of an online voter registration portal which was rolled out August 1, 2016.

Questions and Answers

In response to Commissioner McCormick's first question regarding whether there were any concerns that voting systems were hacked or that outside entities changed the outcome of the election at all, both Mr. Rock and Ms. DeGraffenreid replied in the negative. Ms. DeGraffenreid pointed out that while it did raise questions, a great deal of effort/conversation went into exploring whether or not it was possible and she is quite satisfied it would be extremely difficult, if not impossible, to hack a national election in any meaningful way. Commissioner McCormick inquired into what data the panelists found most helpful in increasing efficiency with respect to the election. Ms. DeGraffenreid commented on the importance of checks and balances. Mr. Rock pointed out the importance of online voter registration and the data generated from e-poll books will prove to be very helpful. In response to what type of safeguards/backups Rhode Island had in place to ensure that there were no cyber issues with its voter registration list Mr. Rock credited his IT team who worked with the Department of Homeland Security (DHS) and other individuals to ensure that the system was operating, in addition to numerous reconciliation pieces that were involved. With regard to Commissioner McCormick's inquiry into what advice Mr. Rock would give to other states who are considering purchasing new voting equipment, he emphasized the

importance of collaboration/feedback from the stakeholder community. In response to Commissioner McCormick's question with respect to what training on technology was provided to election officials and poll workers, Ms. DeGraffenreid noted that software simulations, guidance from resource manuals and webinars were utilized both with e-poll books and the election night reporting technology. In reply to Commissioner McCormick's inquiry into what voters/media need to know about elections, aside from the fact that the election system is decentralized and that no one is connected to the Internet, Secretary Merrill pointed out helping them understand the openness/transparency in the election process is very important.

In response to Commissioner Masterson's question regarding what lessons were learned with regard to the implementation of new voting equipment, e-poll books and online voter registration in a presidential election, Mr. Rock replied the successful outcome was due to teamwork within his state, which included the assistance of the EAC. In reply to Commissioner Masterson's inquiry into how states can meet the challenge of moving forward with innovations while at the same time ensuring secure and accessible elections, Ms. DeGraffenreid and Mr. Rock emphasized the importance of engaging all aspects of the community to include voters, advocacy groups and the media. Secretary Merrill stated that in light of recent concerns raised over technical security in addition to accuracy versus speed, it was her recommendation that states consider taking advantage of voting centers similar to UCONN that could do background work towards the integrity/security in connection with modernizing elections may be very beneficial.

In reply to Chairman Hicks' question to the panel with respect to what lessons were learned during the primary election they were able to change for the general election in terms of just overall improving the process, Ms. DeGraffenreid pointed out the importance both regarding utilization of data and reconciliation in addition to looking towards their voting systems vendor for future improvement. Mr. Rock and Secretary Merrill pointed out that utilizing the new technology in a real environment was essential. In response to Chairman Hicks' second inquiry into what sort of challenges North Carolina's overseas voters faced in terms of casting their ballots and lessons that were learned, Ms. DeGraffenreid replied that her state has worked hard over the past two presidential election terms since 2008 to improve access to voting for UOCAVA voters which has proven successful with the majority of overseas voters utilizing email for requesting, receiving and returning their ballots. In response to Chairman Hicks' final question regarding what recommendations/requests the panelists have pertaining to the 2018 election cycle, both Mr. Rock and Ms. DeGraffenreid urged that the EAC continue serving as an information portal/clearinghouse. Secretary Merrill encouraged the development of a grant program in order

to help standardize elections which she pointed out would be very beneficial.

[The Commission recessed at 12:06 p.m. and reconvened at 12:15 p.m.]

De-Brief on the 2016 Election

Chairman Hicks introduced and welcomed the following four panelists: David Beirne, Acting Director, Federal Voting Assistance Program; Adam Ambrogi, Program Director, Elections, The Democracy Fund; Michelle Bishop, National Disability Rights Network; Don Palmer, Fellow, Bipartisan Policy Center.

Mr. Beirne addressed the Commission to provide an overview regarding both the Federal Voting Assistance Program (FVAP) and the Department of Defense's activities in support of the 2016 election, to identify lessons learned and provide a summary of the trends it witnessed and steps that are being taken in preparation of the 2018 election cycle.

Mr. Ambrogi addressed the Commission to provide remarks regarding The Democracy Fund's observations with respect to the 2016 election which included its efforts at helping the public distinguishing the difference between the process and the results, support provided to election officials, ways to reduce the impact of lines, an overview of voters' sentiments with respect to the U.S. election system and the results of a poll it conducted to assess what can be done to assist election officials talk about how to have faith and trust in the election system.

Ms. Bishop addressed the Commission to provide an overview regarding what the National Disability Rights Network (NDRN) observed in connection with the 2016 election in terms of things that went well which included an increase in media coverage and public attention to voters with disabilities, the accessibility of caucuses during the primary season and the success of the voting rights card for voters with disabilities. Ms. Bishop pointed out some of the challenges that were observed include long lines and how to provide accommodations for individuals with disabilities, ensuring that individuals who are hospitalized outside of their county or jurisdiction of residence receive a ballot, voters who were denied the right to have someone assist them in casting their ballot, the preparedness of poll workers to provide reasonable accommodation to individuals with disabilities in addition to knowing the accessibility features of the voting equipment. Included in her comments was the importance of real and meaningful partnerships between those running elections and individuals with disabilities, the importance that all voters can vote by one method in addition to the importance with regard to funding and research

in order to ensure that voting systems are accurate, secure and accessible for all voters.

Mr. Palmer addressed the Commission to provide an overview of what the Bipartisan Policy Center (BPC) has been doing to improve the voting process for all voters which includes a partnership with Cal-Tech MIT to collect and measure Election Day lines at polling places across the country in an effort to reduce the potential for lines and improve the voting process; and, focusing on ways to improve the security, capabilities and integrity of statewide voter registration systems in addition to understanding what voter registration systems can do to serve voters more effectively and protecting their personal information.

Questions and Answers

In response to Commissioner Masterson's first question regarding what steps election officials took to manage lines better during the 2016 election and where improvements have yet to be made based on the data that is being collected, Mr. Palmer pointed out that technology, data and preparation were the key ingredients to an efficient process.

In response to Commissioner McCormick's question regarding how each of the panelists would rate the improvement of the voting process on a scale of one to ten since the passage of the Help America Vote Act (HAVA), UOCAVA, the MOVE Act or the Presidential Commission on Election Administration (PCEA) Mr. Rock ranked it at seven with reference to the MOVE Act pointing out that while the electronic delivery has proven to be successful, it still remains to be seen in terms of the usability of the experience. Mr. Ambrogi rated it 7.5 to eight, Ms. Bishop stated that she would give it a score of roughly 1,000 based upon the fact that HAVA has had an immeasurable impact for people with disabilities and Mr. Palmer ranked it at a 8.5 or a "B" since implementation of both HAVA and the MOVE Act, pointing out with advancements in technology along with increased data it is his belief the voting process can improve to an "A".

In response to Chairman Hicks' inquiry into whether early voting/absentee voting played a role in lessening long lines on Election Day, Mr. Palmer commented that from an election administration point of view early voting/voting by mail definitely both reduces the pressure on Election Day and also allows election officials to plan for mitigating lines. With respect to Chairman Hicks' second question to the entire panel regarding what they would like the EAC, or others, to be working on to avert any sort of crisis Mr. Beirne emphasized the importance of supporting election officials by means of the clearinghouse function. Mr. Ambrogi concurred that the clearinghouse function is essential in addition to the need for more funding. Ms. Bishop emphasized the importance of the VVSG in addition

to guidance around anything that does not end up being covered through the VVSG, the accessibility of online voter registration systems, ensuring the development and effectiveness of e-poll books, replacing outdated voting equipment and determining how it will be funded, making sure that manufacturers who are developing new voting systems are truly innovating so that it is user friendly for all voters. Mr. Palmer commented that the EAC's main focus will need to be on the technology crisis and cyber security.

[The Commission recessed at 1:22 p.m. and reconvened at 1:27 p.m.]

10th Anniversary of the Testing and Certification Program

Chairman Hicks introduced and welcomed the following three panelists: Ed Smith, Vice President, Product Development, Clear Ballot; Steve Pearson, Vice President, Voting Systems, Election Systems & Software (ES&S); Brian Hancock, Director, EAC Testing and Certification Program.

Mr. Smith on behalf of Clear Ballot addressed the Commission to extend his congratulations both on maintaining and improving the Testing and Certification Program, to reflect on the changes that have taken place within the program and where continuous improvements can be made. Mr. Smith extended an invitation to anyone interested in learning about the testing and certification of systems to become involved to see firsthand how it has progressed since its inception ten years ago.

Mr. Pearson on behalf of ES&S addressed the Commission regarding the 10th anniversary of the Testing and Certification Program by reflecting on the challenges faced, lessons learned, accomplishments and opportunities for improvement.

Mr. Hancock addressed the Commission regarding the 10th anniversary of the Testing and Certification Program by recognizing the various EAC staff members that helped contribute to the program from its inception up to the present time, the skill and credibility of the test laboratories and all of the great colleagues across the country that are engaged in certification work of voting systems.

Questions and Answers

In response to Chairman Hicks' question regarding whether there are any suggestions for improvements with respect to the Testing and Certification Program as work continues on the next iteration of the Voluntary Voting System Guidelines (VVSG) and the EAC in general, Mr. Smith pointed out the EAC needs to be on the watch for and prevent a small but vocal group of individuals who seek to stifle both the implementation and testing of

systems. Mr. Pearson emphasized that maintaining stability is a critical factor along with allowing sufficient time for changes/migrations in systems.

Adjournment

Commissioner McCormick made a motion to adjourn the meeting which was seconded by Commissioner Masterson. The motion carried unanimously.

The public meeting of the EAC adjourned at 2:02 p.m.

Meeting Minutes
United States Election Assistance Commission
BOARD OF ADVISORS MEETING
April 23-24, 2018
Hyatt Regency Coral Gables
50 Alhambra Plaza
Coral Gables, Florida 33134

The following are the Minutes of the United States Election Assistance Commission (“EAC”) Board of Advisors held April 23-24, 2018. The meeting convened at 8:44 a.m. EDT on Monday, April 23, 2018, in Coral Gables, Florida at Hyatt Regency Coral Gables and adjourned on Tuesday, April 24, 2018 at 12:05 p.m. EDT.

Monday, April 23

Call to Order

Chairperson Sarah Ball Johnson called the meeting to order and welcomed everyone to Miami.

Pledge of Allegiance

Vice-Chairman Michael Winn led all present in the recitation of the Pledge of Allegiance.

Roll Call

Secretary Michael Yaki called roll for the Board of Advisors and found present himself, David Beirne, James Dickson, Sarah Ball Johnson, Marc Guthrie, Ricky Hatch, Daniel Ivey-Soto, Neal Kelley, Linda Lamone, Sarah Ball Johnson for Connie Lawson, Alysoun McLaughlin, Jeffrey McLeod, Gregory Moore, Sachin Pavithran, Richard Pilger, Gary Poser, Donald Mark Ritchie, Shane Schoeller, Barbara Simons, Philip Stark, Patricia Timmons-Goodson, and Michael Winn.

Secretary Michael Yaki declared a quorum was established.

Welcome Video from Congresswoman Ileana Ros-Lehtinen to the Advisory Board of the United States Elections Assistance Commission.

Welcoming Remarks from the EAC Commissioners

EAC Chairman Thomas Hicks welcomed the Board of Advisors members to Miami and thanked everyone for their dedication to the EAC Board of Advisors.

Chairman Hicks mentioned the challenges election officials have faced in recent years and that insight about these issues from the Board of Advisors members serves as a key resource to the commission. He talked about the public hearings, workshops, round tables and meetings that the EAC commissioners conducted in 26 states across the country in 2017 in order to expand resources to election officials and voters. Chairman Hicks also provided a detailed synopsis of the 2018 EAC Summit that was held on January 10th in Washington, D.C., which highlighted a spectrum of issues that state and local election officials will face as they work to administer a secure, accessible, and efficient 2018 Federal Election. Attendees heard from keynote speakers and expert panelists who addressed topics such as election security, voting accessibility, and how to use election data to improve the voter experience. He also gave examples of the tools and resources that the commission provided to election officials at the summit to help strengthen their ability to serve millions of American voters.

Mr. Hicks expressed the EAC's commitment to making the \$380 million in 2018 HAVA election funds available as soon as possible to support election activities to approve the administration of elections.

Mr. Hicks expressed his appreciation for all members of the Board of Advisors and introduced Vice-Chairperson Christy McCormick.

EAC Vice-Chairperson Christy McCormick welcomed all in attendance to Miami and expressed her appreciation for their presence and dedication and for their on-going hard work. She further expressed the importance and great value of the Board of Advisor's perspectives and advice to guide the commission in their decisions to best determine where to concentrate efforts in the election community going forward.

Vice-Chair McCormick explained that the commission needs to be on guard for any possible attempts to interfere with our elections and our democracy, and they are now required now to review everything with an eye towards security. She expressed the EAC's desire to support and assist in any way they can to help with all the important tasks for this coming year, and that the commission is looking forward to hearing the perspectives of all those in attendance. She thanked the staff for their hard work in organizing the Advisory Boards' meetings in Miami.

Introductory Business:

Adoption of Agenda

Chairperson Johnson called for a motion to approve the agenda as submitted. Gary Poser made the motion and Mark Ritchie seconded the motion. Chairperson Johnson called for a vote. The motion was carried.

Approval of Minutes

Chairperson Johnson called for a motion to approve the minutes from the May 23-24, 2017, meeting of the Board of Advisors as submitted. Gregory Moore made the motion and Barbara Simons seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

Overview of Bylaws and Proposed Amendments

Chairperson Johnson reminded everyone that all members received a series of emails between December and early January to review the current bylaws and submit any proposed amendments. She reported that no proposed amendments to the bylaws were received as a result of that request. She further asked if any member present wished to propose an amendment to the bylaws at this time, and hearing none, she reported there are no proposed amendments to be considered at this time.

Procedures to Fill Executive Board Vacancies

Chairperson Johnson provided an overview of the history, terms, and procedures for electing new Board of Advisor officers. She also detailed the job description and responsibilities of the open position of the Board of Advisors Secretary. Ms. Johnson announced that Gary Poser, a member of the Board of Advisors representing the National Association of State Election Directors (NASSED), has requested to be considered for the position of Board of Advisors Secretary. Ms. Johnson asked for any other members interested to come forward for consideration.

Chairperson Johnson called for a motion to nominate Gary Poser as the named candidate for Secretary of the Board of Advisors. Neal Kelley made the motion and Alysoun McLaughlin seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

Chairperson Johnson called for a motion to nominate Michael Yaki as the named candidate for Vice-Chairman of the Board of Advisors. James Dickson made the motion and Philip Shark seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

Chairperson Johnson called for a motion to nominate Michael Winn as the named candidate for Chairman of the Board of Advisors. Michael Yaki

made the motion and David Beirne seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

In Memory of Wendy Noren

Several members shared personal stories in honor of Wendy Noren, recently deceased Boone County Missouri Director.

Resolutions Committee Appointed

Chairperson Johnson announced the appointment of a Resolutions Committee with appointed Chairman as Michael Winn. Michael Yaki volunteered to join as a committee member. She encouraged all present with a resolution to confer with the Resolutions Committee.

Introduction of New Members

Chairman Thomas Hicks performed the official swearing in of the new members to the Board of Advisors. (Members names were not announced).

The Board recessed at 9:15 a.m. and reconvened at 9:41 a.m.

Federal Advisory Committee Act (FACA) Responsibilities and Role of the Board Under the Help Americans Vote Act (HAVA)

Clifford D. Tatum, EAC General Counsel, presented slides explaining that the Federal Advisory Committee Act (FACA) is the framework in which the Advisory Boards operate. The EAC Advisory Boards were created by the Help America Vote Act (HAVA) to assist the EAC in developing the Voluntary Voting Assistance Guidelines (VVSG), reviewing and participating in creating best practices recommendations for the EAC, and to review the absentee voting processes and procedures for overseas and uniformed voters.

Mr. Tatum explained that the three EAC Advisory Boards are the Standards Boards, the Board of Advisors, and the Technical Guideline Development Committee (TGDC), and they are established by statute. He further explained the operating terms and the duties of board members, including that there is a federal law that prohibits members from being a lobbyist.

Mr. Tatum stated that the Act requires a Designated Federal Officer be assigned, and currently Commissioner Christy McCormick is the Vice-Chair and the Designated Federal Officer (DFO) for the Standards Board. Commissioner Thomas Hicks is the Designated Federal Officer (DFO) for the Board of Advisors, and at this point the EAC does not have an officer for the Technical Guidelines Development Committee.

Overview of EAC Mission & Objectives for 2018 & Beyond (EAC Video)

A video was shown which describes the purpose and the role of the Elections Assistance Commission.

EAC's 2018 Campaign (and beyond) Preview

Mr. Newby thanked the EAC staff for the hard work that was done to prepare and organize this meeting. The staff continues to work hard to make the EAC a reliable and responsive organization.

Mr. Newby described what the local voting jurisdiction that might most benefit from the services of the EAC might look like. He estimated that is a community of perhaps 50 to 150,000 people. The process of sharing best practices can help state and local jurisdictions. He encouraged more people to get involved with the EAC, and the staff continues to attempt to determine what the best way to measure effectiveness might be.

David Kuennen, Director of Research at EAC spoke about the election administration and voting survey. EAVS attempts to gather data with the use of surveys, which are sent out to all of the states and territories every two years. The survey consists of six sections and contains hundreds of questions about many types of election data points. The goal is to attempt to make the EAVS more impactful and relevant to members. Attempts continue to make filling out the survey easier. Attempts will also be made to determine how election technology has shifted over the years and what impact that has had on elections. The next iteration of EAVS is close to completion. There currently is a one-page fact sheet which provides high-level data from the EAVS on voter registration turnout, how people voted by mode, by mail, etc. For the first time the website contains a data interactive which can be an effective tool that allows data to be reviewed on a state or local level. Some small changes will be made for the 2018 survey. A separate document now exists inside the survey which provides instructions for completing the survey. A new outside EAVS contractor is currently out for bid. It is anticipated that a new contractor will be in place by June. He reported on the research and clearinghouse projects at EAC. The purpose of the clearinghouse is to connect members of the election administration field to one another to share knowledge and experiences. Clearinghouse activities range from large scale convenings of election officials to smaller scale efforts like blog posts and white papers. Work has been performed on improving voter facing information provided on the website. This can assist individuals looking for information on how to register to vote or update their registration information. Additional efforts have been placed on adding information on voter registration. The main goal is to provide basic information to the public and then submit that information to state and local election officials. In 2017, the CLEARIE awards were first presented. The

award is given for outstanding innovation in election administration, improving accessibility for voters with disabilities and best practices for recruiting, training and retaining election workers. Two events have been planned for the summer of 2018. The first will be in Philadelphia, Pennsylvania on July 12th, which will be a platform for state and local election officials from Pennsylvania and around the country to share information on how they use data to improve the election process. The second will be co-hosted by the Democracy Fund Voice in Washington, D.C. and will focus on helping election officials share information on how to better serve voters with limited English proficiency.

Natalie Longwell, Public Affairs Specialist at EAC, explained some of the resources the EAC has developed and the growth that has occurred with online engagement. The sharing of best practices along with updating and professionalizing the look of the website are goals for 2018. Ms. Longwell explained the considerable work being done to bring people together to share best practices and share lessons learned.

Brenda Bowser Soder, Director of Communications and Public Affairs at EAC, stated that work is being done to reboot the Standards Board newsletter in an effort to highlight the accomplishments of the Board. Ms. Soder encouraged members to share the security video with stakeholders. She mentioned the Women in Election Series that the staff worked on with Vice-Chairperson McCormick, which highlighted the work of women from across the elections community. She also emphasized the new thematic approach to communications that is now being developed. The communications office is always available to members whenever people need help.

Mark Listes, the EAC's Director of Policy, discussed current efforts in long term planning and encouraged everyone to let him know how he can assist members. He invited everyone to visit the EAC website and review the strategic plan and provide feedback.

Program Amendment Request

Michael Winn, as Chair of the Resolutions Committee, requested an amendment to the program to allow time for presentations of proposed resolutions.

Chairperson Johnson called for a motion to amend the program. Mr. Ritchie made the motion and David Beirne seconded the motion. Chairperson Johnson called for a vote. The motion was carried.

The Board recessed for lunch at 11:30 a.m. to 1:20 p.m. for a Presentation by Robert Kolasky, the Acting Deputy Under Secretary for National Protection Directorate at the United States Department of Homeland Security.

Chairman Hicks introduced the lunchtime speaker, Mr. Robert Kolasky, Acting Deputy Under Secretary for National Protection Directorate at the United States Department of Homeland Security.

Mr. Kolasky began by reminding everyone that in January 2017 the Secretary of Homeland Security designated election systems as critical infrastructure. Though a controversial decision at the time, the result is that the federal government will put more of a coordinated, enhanced and prioritized effort toward what can be done to help secure the nation's election systems. Mr. Kolasky described the various ways in which the Department of Homeland Security (DHS) works to make the nation's elections more secure. The DHS has not yet noticed any new activity threatening our elections similar to what took place in 2016. The threat does remain however. Improvements have been made in the communications between the federal government, the EAC and other similar organizations and with state and local elections jurisdictions. It is important to understand that it is not as important to stop incidents from occurring, it is important that the effects of those incidents be minimized. Mr. Kolasky finished by taking questions from the members.

Voluntary Voting System Guidelines (VVSG)

Chairperson Johnson introduced Brian Newby, who provided an introduction to the VVSG 2.0 presentation by Brian Hancock and Ryan Macias, EAC Testing and Certification.

Brian Hancock explained the VVSG 2.0 structure, consisting of a set of 15 principles and 53 accompanying guidelines. He defined the on-going task of developing the requirements and test assertions. The requirements being the technical details that the vendors will use to develop the voting systems and the test assertions will be the specifications to test those voting systems. Mr. Hancock described the process of VVSG 2.0 and the differences between VVSG 2.0 and previous versions of VVSG.

Ryan Macias provided details about the manuals that are currently used by the EAC, the Testing and Certification Manual and the Voting System Laboratory Manual, and further explained that these two manuals were voted on by previous commissioners. They are the policies that the EAC is governed by, and their three-year term is close to expiration. In preparation of that expiration, they are being modified to align with the VVSG 2.0 model.

A considerable amount of questions and some opposing concerns were expressed to the panel and discussed immediately following the presentation. Legal counsel was consulted to provide clarifications.

Chairperson Johnson asked for all comments regarding the VVSG language be submitted in writing. She stated all comments will be added to the comments spreadsheet that will be delivered to the EAC for review.

The Board recessed at 3:00 p.m. and reconvened at 3:17 p.m.

Grants Panel

Mark Abbott presented an overview of the process to distribute available funds and a map detailing the distribution areas. He stated the distribution is a population-based formula that has a minimum of \$600,000 for territories and \$3 million for states. He provided a history on HAVA funds and how the different funds can be used.

Mr. Abbott expressed his interest in having the election community and stakeholders engaged around this strategically as the money is distributed.

Chairperson Johnson stated that the Board will distribute a copy of the explanation letters that were sent to states. The Board of Advisors will also review ways to announce when states receive these funds.

Election Security Panel

Chairperson Johnson provided a brief history and an overview introduction of the election security panel.

Presentation Video on Election Security

Following the election security video, Mark Listes, EAC Director of Policy introduced Geoff Hale, Director of the Election Task Force at the Department of Homeland Security (DHS). Some of the goals of the Election Security Panel were to assist in the understanding of the basic terms of elections security and definitions of government acronyms. The panel finished their presentation with a moderated Q & A session in which all those in attendance were encouraged to answer or ask questions regarding critical infrastructure and how critical infrastructure applies to cybersecurity in general.

Geoff Hale of DHS stated that in 2017, Jay Johnson, the former Department of Homeland Security Secretary, designated election systems as critical infrastructure and he recited the official definition of critical infrastructure drawn from the USA Patriot Act as: Systems and assets whether physical

or virtual so vital to the United States that the incapacity or destruction of those systems and assets would have a debilitating impact on security, national economic security, national public health or safety or any combination of those matters.

Mr. Hale provided an overview of the focus on the dynamic threat environment, both from a cyber perspective and with respect to physical vulnerabilities across 16 critical infrastructure sectors. He further explained that critical infrastructure also includes venues that serve as public gathering places, city squares, our arenas, and all things that are the core life in the United States and that remain attractive targets to adversaries. He explained critical infrastructure sectors and sub sectors establish both sector coordinating councils (SCC) and government coordinating councils (GCC). He defined a SCC as being for private sector members largely in the elections arena, such as manufacturers of voting systems, database vendors, etc. and a GCC, as being for government entities, such as federal, state, local, designed to enable interagency and cross-jurisdictional coordination.

Mr. Hale clarified that the critical infrastructure partnership advisory council framework is a voluntary framework. It is about bringing together a community of owners and operators of critical infrastructure who work together to develop strategies for the broader community. They are not rules, they are not regulations. They are in the nature of guidance and opportunities to enhance the security and resilience of designated critical infrastructure, in this case America's election system. He encouraged members to locate their connection points either into the Government Coordinating Council or in the Sector Coordinating Council, and to be part of the process going forward.

Chairperson Johnson expressed her thoughts and perspectives, along with additional history involving the beneficial relationship between the EAC and DHS. Several other members provided their insight and experiences as it related to the subject.

Mark Listes reminded all in attendance that the EAC is continuing to post new critical infrastructure resources, along with a cybersecurity shared dictionary and other resources that help everyone navigate everything from terms to new developments on their website at EAC.gov. Panelists acknowledged several times that it is challenging, yet very important for everyone to become familiar with the terminology, definitions and acronyms when dealing with this subject.

A considerable amount of questions and comments were brought before the panel and discussed immediately following the presentation.

Miscellaneous Announcements & Business

Chairperson Johnson requested all members to review the draft resolutions and prepare any questions for the originators of those draft resolutions in anticipation of a deliberation and voting on those resolutions.

The meeting recessed at 4:52 p.m. EDT

Tuesday, April 24

Chairperson Sarah Ball Johnson called the meeting to order at 8:31 a.m. EDT

Chairperson Johnson called the meeting to order and confirmed that a quorum existed.

A motion was made by Mr. Yaki and seconded by Mr. Winn to amend the agenda to move the VVSG section to earlier in the meeting. The motion carried by voice vote.

VVSG Discussion Continued

Chairperson Johnson read Resolution 2018-01: "Therefore, be it resolved that the Board of Advisors recommends to the United States Election Assistance Commission to consider the draft VVSG 2.0 principles and guidelines for full adoption considering the comments offered by the board and that the EAC adopt within the testing and certification program quality and program manual a provision providing for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of the EAC commissioners." The resolution was so moved by Chairperson Johnson. The motion was seconded by Mr. Dickson. There was considerable discussion by the members.

There was a call to question the motion by Mr. Yaki and seconded by Ms. Lamone. There was some discussion by the members. Chairperson Johnson called for a vote. The motion failed.

Mr. Beirne proposed an amendment to after the semicolon and the highlights, striking that and inserting, 'further we request the EAC to create a strategy for the consideration of updates to VVSG requirements and test assertions to be updated in the absence of the EAC commissioners or in the absence of a quorum of EAC commissioners.' There was considerable discussion of the amendment by a number of members.

Mr. Beirne made the motion and Mr. Ivey-Soto seconded the motion. Chairperson Johnson called for a vote. The motion failed by a vote of 8 to 13.

Mr. Ivey-Soto proposed an amendment striking from the resolution “a provision providing for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of the EAC commissioners.”

Mr. Ivey-Soto made the motion and Mr. Beirne seconded the motion. Chairperson Johnson called for a vote. The motion failed by a vote of 2 to 16.

A motion was made by Mr. Ivey-Soto to substitute the entirety of the Standards Board resolution previously passed by that Board in lieu of the current drafted resolution from the VVSG committee. The amendment is as follows: Title: Advanced Voluntary Voting System Guidance (VVSG) 2.0. Whereas the Election Assistance Commission (EAC) is an agency of the United States federal government created by the Help America Vote Act; whereas, the Elections Assistance Commission Technical Guidelines Development Committee unanimously voted for approval of the draft of the VVSG 2.0 principles and guidelines on September 12, 2017; whereas the Elections Assistance Commission Board of Advisors VVSG Committee has reviewed and commented on the draft VVSG 2.0 principles and guidelines and submitted those comments to the full board for review and comment, now therefore, be it resolved by the Board of Advisors of the Election Assistance Commission that Section 1 of the United States Election Assistance Commission Board of Advisors recommends to the United States Election Assistance Commission that the proposed modifications to the Voluntary Voting System Guidelines recommended by the Technical Guidelines Development Committee on September 12, 2017, be adopted by the commission, Section 2, the United States Elections Assistance Commission Board of Advisors further recommends to the United States Election Assistance Commission that the modifications be designated as “Voluntary Voting Systems Guidelines 2.0,” to reflect the nature of the modifications. Section 3, the United States Elections Assistance Commission Board of Advisors further recommends the United States Election Assistance Commission in its consideration of the recommendations and modifications take into account the following. Subsection one, the schedule and procedures to implement Voluntary Voting Systems Guidelines 2.0 should be as efficient as possible to ensure a smooth transition to the new guidelines. Subsection two, the role of the entire membership of the Board of Advisors under HAVA should be respected and preserved with regard to the implementation and modification of more detailed technical procedures and standards employed to conduct the certification of voting systems under Voluntary Voting

Systems Guidelines 2.0. Section 4, that the Board of Advisors recommends the United States Election Assistance Commission to consider the draft of VVSG 2.0 principles and guidelines for full adoption considering the comments offered by the Board, and that the EAC adopt within the testing and certification program quality and program manual a provision for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of EAC commissioners.

Mr. Ivey-Soto made the motion and Mr. Beirne seconded the motion. Chairperson Johnson called for a vote. The motion was carried by a vote of 20-1.

Chairperson Johnson called for a vote of the original resolution as amended. Ms. Johnson made the motion and Mr. Dickson seconded the motion. Chairperson Johnson called for a vote. The motion was carried by a vote of 21-0.

Special Recognition

Greg More announced the death of Congressman Al Swift who was the author of the National Voter Registration Act.

Election Day Procedures

Richard Pilger, Director of the Election Crime Branch of the United States Department of Justice and a member of the Board of Advisors addressed the assembly on the role of the federal government in the state and local election process. Mr. Pilger emphasized that the Department of Justice recognizes the important principle of federalism that constrains the entire federal government in the area of elections. Mr. Pilger shared various incidents that have occurred where the Department of Justice has jurisdiction regarding polling places and where it does not. Federal law enforcement officers are not permitted to enter a local polling place so long as voting is taking place. In addition, it is important to understand that the Department of Justice can not necessarily stop an incident from happening. It must, unfortunately let the incident occur and then prosecute. Mr. Pilger took numerous questions from members.

Open Discussion & Resolutions

Mr. Dickson proposed Resolution 2018-2 which was seconded by Mr. Kelley. There was considerable discussion on the resolution.

Ms. Simons made a motion to amend the resolution to change the resolution section to "be it resolved, that when paper ballots are used every voter must be provided a means to mark, verify and cast a ballot privately,

independently and accurately.” The amendment was seconded by Mr. Stark. There was considerable discussion.

Ms. Simons made the motion and Mr. Kelley seconded the motion. Chairperson Johnson called for a vote. The motion failed by a vote of 7-13. One abstention.

Mr. Stark made a motion to amend the resolution stating that “it does not preclude the use of hand marked paper ballots as a component of a voting system. The motion was seconded by Mr. Yaki. Discussion followed. The amendment was accepted as a friendly amendment. No vote was taken.

Mr. Dickson made the motion and Mr. Kelley seconded the motion. Chairperson Johnson called for a vote on the Resolution. The motion was carried by a vote of 20-1 with one abstention.

Mr. Stark proposed Resolution 2018-3. The motion was seconded by Ms. Simons. Discussion followed. Mr. Ivey-Soto proposed a friendly amendment to delete the word ballots. To change the word paper from an adjective to a noun. The friendly amendment was accepted. Ms. Timmons-Goodson proposed a friendly amendment to change the word advise to recommend. The friendly amendment was accepted.

Mr. Dickson made the motion and Mr. Kelley seconded the motion. Chairperson Johnson called for a vote. The motion was carried by a vote of 10-8 with four abstentions.

Mr. Stark proposed Resolution 2018-4. Mr. Yaki proposed a grammatical change in the first sentence and a change to say, “not certify.” The changes were accepted as friendly amendments. The motion was seconded by Mr. Ivey-Soto. Discussion followed.

Mr. Stark made the motion and Mr. Ivey-Soto seconded the motion. Chairperson Johnson called for a vote on the resolution with the friendly amendments. The motion was carried. The motion failed by a vote of 9-11 with two abstentions.

Mr. Dickson made a motion to ask the officers of the Advisory Board to send a letter to Congress and to the White House requesting a full commission, if permissible per the EAC General Counsel. The motion was seconded by Mr. Ivey-Soto. Discussion followed.

Mr. Dickson made the motion and Mr. Ivey-Soto seconded the motion. Chairperson Johnson called for a vote. The motion was carried unanimously with one abstention.

Welcome & Introduction of New Officers

Chairman Hicks swore in the new officers of Board of Advisors.

Plenary Adjournment

Chairperson Sarah Ball Johnson adjourned the meeting.

The April 23-24, 2017 meeting of the Board of Advisors adjourned at 12:05 p.m. EDT

Meeting Minutes
United States Election Assistance Commission
STANDARDS BOARD MEETING
April 19-20, 2018
Hyatt Regency Coral Gables
50 Alhambra Plaza
Coral Gables, Florida 33134

The following are the Minutes of the United States Election Assistance Commission (“EAC”) Standards Board held April 19-20, 2018. The meeting convened at 8:51 a.m. EDT on Thursday, April 19, 2018, in Coral Gables, Florida at Hyatt Regency Coral Gables and adjourned on Friday, April 20, 2018 at 10:53 a.m. EDT.

Thursday, April 19

Call to Order

Chairman J. Bradley King called the meeting to order and welcomed participants to Coral Gables, Florida.

Report of the Proxy Committee

Gary Poser reported that for this Standards Board meeting, 19 proxies were reviewed and approved by the Proxy Committee.

Report of the Resolutions Committee

Bradley King reported Resolution 2018-01 has been reviewed by the committee and so determined to be in conformity with statute and in proper form according to counsel for the EAC.

Welcome Video from Congresswoman Ileana Ros-Lehtinen to the Standards Board of the United States Elections Assistance Commission.

Pledge of Allegiance

EAC Vice-Chairperson Christy McCormick led all present in the recitation of the Pledge of Allegiance.

Roll Call

Sally Williams was elected as Secretary pro tem. She called roll for the Standards Board and found present: Alaska- Carol Thompson, Proxy for (Josie Bahnke); Arkansas- Chad Pekron; Arizona- Reynaldo Valenzuela

Jr., Proxy for (Eric H. Spencer); Colorado- Dwight K. Shellman III, Rudy Santos; Connecticut- Peggy Reeves, Timothy DeCarlo; Delaware- Elaine Manlove, Howard G. Sholl, Jr.; Guam- Maria I.D. Pangelinan, Joseph D. Iseke; Idaho- Patty Weeks, Tim Hurst; Illinois- Lance Gough, Bernadette Matthews; Indiana- Bradley King, Proxy for Jim (Silrum),(Carol Morris), (Doug Sanderson); Iowa- Dennis Parrott, proxy for (Ken Kline); Kentucky- Kenneth Barger, Proxy for (Jared Dearing); Louisiana- Lynn Jones, Proxy for (Kyle Ardoin); Maryland- Nikki Baines Charlson; Michigan- Sally Williams, Jan Roncelli; Minnesota- Debby Erickson, Gary Poser, Proxy for (Maria Matthews); Mississippi- Hawley Robertson, Baretta Mosely; Nebraska- David Shivey, Heather Doxon; Nevada- Justus Wendland, Joseph P. Gloria; New Hampshire- Anthony Stevens, Robert Dezmelyk; New Jersey- Bob Giles, Proxy for (Stuart Holmes),(Linda Von Nessi),(Neal Kelley), (Paul Lux); New Mexico- Kari Fresquez, Dave Kunko; New York- Douglas A. Kellner, Rachel L. Bledi; North Carolina- Veronica Degraffenreid; North Dakota- DeAnn Buckhouse; Oregon- Steven N. Trout, Derrin "Dag" Robinson; Pennsylvania- Jonathan Marks; Rhode Island- Rob Rock; South Carolina- Marci Andino, Wanda Hemphill; South Dakota- Carri Crum, Kristin Gabriel; Tennessee- Mark Goins, Proxy for (Lynn Bailey),(Brian Kemp),(John H. Merrill); Texas- Keith Ingram, Dana DeBeauvoir; Virgin Islands- Genevieve Whitaker, Proxy for (Fiti Tavai), (Terri Rethlake), Lisa Harris-Moorhead; Virginia- Greg S. Riddlemoser, Chris Piper; Washington- Jerry Pettit; West Virginia- Brittany Westfall, Proxy for (Brian Wood); Wisconsin- Barbara K. D. Goeckner, Meagan Wolfe; Wyoming- Kai Schon, Jackie R. Gonzalez; Alice Miller; Louise Phaneuf; Chad Pekron

Secretary Williams reported that the Roll Call shows a quorum is present.

Welcoming Remarks from the EAC Commissioners

EAC Chairman Thomas Hicks welcomed the Standard Boards members, especially the new members, to Miami.

Chairman Hicks mentioned the challenges election officials have faced in recent years and that insight about these issues from the Standards Board members serves as a key resource to the commission. He talked about the public hearings, workshops, round tables and meetings that the EAC commissioners conducted in 26 states across the country in 2017 in order to expand resources to election officials and voters. Chairman Hicks provided a detailed synopsis of the 2018 EAC Summit that was held on January 10th in Washington, D.C., which highlighted a spectrum of issues that state and local election officials will face as they work to administer a secure, accessible, and efficient 2018 Federal Election. Attendees heard from keynote speakers and expert panelists who addressed topics such as election security, voting accessibility, and how to use election data to

improve the voter experience. He also gave examples of the tools and resources that the commission provided to election officials at the summit to help strengthen their ability to serve millions of American voters.

Chairman Hicks expressed the EAC's commitment to making the \$380 million in 2018 HAVA election funds available as soon as possible to support election activities to approve the administration of elections for federal offices.

EAC Vice-Chairperson Christy McCormick welcomed all in attendance to Miami and thanked them for their patience and dedication in dealing with the government shutdown in early 2018 and for their on-going hard work through working with limited resources. Vice-Chair McCormick explained that the commission needs to be on guard for any possible attempts to interfere with our elections and our democracy and they are now required to review everything with an eye towards security. She expressed the EAC's desire to support and assist in any way they can to help with all the important tasks for this coming year and that the commission is looking forward to hearing the perspectives of all those in attendance. Vice-Chair McCormick thanked Robin Sargent for her hard work in organizing the Miami Standards and Advisory Board meetings. She also thanked all the staff being led by the new Executive Director, Brian Newby.

Introductory Business:

Approval of Minutes

Chairman King called for a motion to approve the minutes from the April 27-28, 2017, meeting of the Standards Board as submitted. Gary Poser made the motion and Rudy Santos seconded the motion. Chairman King called for a vote. The motion carried unanimously.

Adoption of Agenda

Chairman King called for a motion to approve the agenda as submitted. Lisa Moorehead made the motion and Peggy Reeves seconded the motion. Chairman King called for a vote. The motion carried unanimously.

Introduction of New Members to the Standards Board

Chairman King recognized the following new members to the Standards Board and asked them to come forward to receive a certificate in recognition of their service: Kyle Ardoin, Kenneth Barger, Carri Crum,

Heather Doxon, Lynn Jones, Ken Klein, Jonathan Marks, Lisa Moorehead, Chrissy Peters, Jerry Pettit, Chris Piper, Kai Schon, and Meagan Wolfe.

Overview of VVSG, Bylaws, EAVS, EAC Clearinghouse, and USPS Committees

Bradley King, Bylaws Committee, reported there are no proposed amendments nor committee business to transact at this time.

Sally Williams, United States Postal Service (USPS) Committee, reported that the committee has been focused on key messages related to USPS issues for 2018 and creating awareness of the useful information about key USPS issues and resources available to state and local elections officials through a one-page PDF document posted on the EAC website that can be downloaded and sent to local officials.

Greg Riddlemoser, Voluntary Voting Systems Guidelines (VVSG) Committee, reported there will be a presentation and detailed discussion on the new proposed VVSG 2.0 later in the day per the agenda that will include staff comments.

Mark Goins, Election Administration and Voting Survey (EAVS) Committee, reported the committee is focused on simplifying the survey while maintaining quality and accurate data.

Genevieve Whitaker, Clearinghouse Committee, reported there have been technology issues and challenges, but the committee is focusing on best practices and communications with EAC staff and a greater working relationship within the committee to strategize the management of the clearinghouse going forward.

Federal Advisory Committee Act (FACA) Responsibilities and Role of the Board Under the Help Americans Vote Act (HAVA)

Clifford D. Tatum, EAC General Counsel, presented slides explaining that the Federal Advisory Committee Act (FACA) is the framework in which the Advisory Boards operate. The EAC Advisory Boards were created by the Help America Vote Act (HAVA) to assist the EAC in developing the Voluntary Voting Assistance Guidelines (VVSG), reviewing and participating in creating best practices recommendations for the EAC, and to review the absentee voting processes and procedures for overseas and uniformed voters.

Mr. Tatum explained that the three EAC Advisory Boards are the Standards Boards, the Board of Advisors, and the Technical Guideline

Development Committee (TGDC), and they are established by statute. He further explained the operating terms and the duties of board members, including that there is a federal law that prohibits members from being a lobbyist.

Mr. Tatum stated that the act requires a Designated Federal Officer be assigned and currently, Commissioner Christy McCormick is the Vice-Chair and the Designated Federal Officer (DFO) for the Standards Board. Commissioner Hicks is the Designated Federal Officer (DFO) for the Board of Advisors, and at this point the EAC does not have an officer for the Technical Guidelines Development Committee.

Mr. Tatum stated the presentation slides are available for download from the website.

2018 Help Americans Vote Act (HAVA) Funds

Brian Newby, EAC Executive Director and Mark Abbott, EAC Director of Grants, conducted a presentation to explain the funds that are being distributed due to the Help Americans Vote Act (HAVA).

Mr. Newby stated that the act was passed in March and \$380 million was provided to the EAC to be distributed in accordance with HAVA section 101 to improve administration and security in federal elections.

Mr. Abbott started with a brief history and explanation of what it means to have HAVA funds, the guidelines for receiving the funds, drawing down the funds, the five-year expiration date on the funds, administrative requirements, cost principles, audit requirements and items that are red flags to auditors. He explained that when spending plans are submitted, they will be reviewed to ensure the plan constitutes improvement to the administration of elections and the security programming will be used to boost public confidence.

Mr. Newby stated that although the EAC was allowed 45 days to distribute the HAVA funds, the EAC has committed to get it out in 30 days, and expressed his gratitude to Mark Abbott, along with other staff members, for his hard work that will ensure that 30 day commitment is met.

Elections Security Panel

Brian Newby provided an overview introduction of the election security panel and the video that was created as a tool to assist with educating community members on election security. Mr. Newby also stated the video can be downloaded from the EAC website with an accompanying

Leader's Guide that can be printed to assist in presenting information in their communities.

Presentation Video on Election Security

Following the election security video, Mark Listes, EAC Director of Policy, was joined by Robert Giles of New Jersey, Mark Goins from Tennessee and Dave Wulf, Deputy Assistant Secretary of Infrastructure Protection from the Department of Homeland Security (DHS) to present the election security panel's goals, an understanding of the basic terms of elections security, and definitions of government acronyms. The panel finished their presentation with a moderated Q & A session in which all those in attendance were encouraged to answer or ask questions regarding critical infrastructure and how critical infrastructure applies to cybersecurity in general.

Dave Wulf of DHS stated that in 2017, Jay Johnson, the former Department of Homeland Security Secretary, designated election systems as critical infrastructure and proceeded to recite the official definition of critical infrastructure drawn from the USA Patriot Act as: Systems and assets, whether physical or virtual so vital to the United States that the incapacity or destruction of those systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

Mr. Wulf provided an overview of the focus on the dynamic threat environment, both from a cyber perspective and with respect to physical vulnerabilities across 16 critical infrastructure sectors. He further explained that critical infrastructure also includes venues that serve as public gathering places, city squares, our arenas, and all things that are the core life in the United States and that remain attractive targets to adversaries. He explained critical infrastructure sectors and sub sectors establish both sector coordinating councils (SCC) and government coordinating councils (GCC). He defined a SCC as being for private sector members largely in the elections arena, such as manufacturers of voting systems, database vendors, etc. and a GCC, as being for government entities, such as federal, state, local, designed to enable interagency and cross-jurisdictional coordination. Mr. Wulf pointed out that Bob Giles and EAC Chairman Thomas Hicks are both members of the GCC executive committee.

Mr. Wulf clarified that the critical infrastructure partnership advisory council framework is a voluntary framework. It is about bringing together a community of owners and operators of critical infrastructure who work together to develop strategies for the broader community. They are not rules, they are not regulations. They are in the nature of guidance and

opportunities to enhance the security and resilience of designated critical infrastructure, in this case America's election system. He encouraged members to locate their connection points either into the Government Coordinating Council or in the Sector Coordinating Council, and to be part of the process going forward.

Mark Listes reminded all in attendance that the EAC is continuing to post new critical infrastructure resources, along with a cybersecurity shared dictionary and other resources that help everyone navigate everything from terms to new developments on their website at EAC.gov. Panelists acknowledged several times that it is challenging, yet very important for everyone to become familiar with the terminology, definitions and acronyms when dealing with this subject.

A considerable amount of questions and comments were brought before the panel and discussed immediately following the presentation.

The Board recessed for lunch at 11:45 a.m. for a Presentation by the Elections & Disaster Recovery Panel, moderated by EAC Vice-Chairperson Christy McCormick, including panel members Bob Giles, Walt Latham, Genevieve Whitaker, and Michael T. Morley.

Vice-Chair McCormick opened the discussion with a brief overview of the panel and the introduction of the panel members. She invited each member to share their bio and personal stories of how disasters and recovery plans affected elections and basic life in their states.

Panel member Michael T. Morley recently authored a Law Review article on elections and natural disaster emergencies. He detailed the importance of having state emergency statutes in place to insure politically charged decisions are not made on the spot in the midst of an emergency, without potentially recognizing some of their implications.

Robert Giles provided his thoughts and insight on the devastation that Hurricane Sandy caused in his state of New Jersey.

Voluntary Voting System Guidelines (VVSG) Panel

Chairman J. Bradley King introduced Brian Newby, who detailed the background history of the VVSG from its first adoption by the EAC in 2005, through all prior versions to current date, including VVSG 2.0, which has gone through significant development with the TGDC and was voted by the TGDC and presented to the Executive Director in the fall of 2017.

Mr. Newby introduced Brian Hancock and Ryan Macias, EAC Testing and Certification; and Greg Riddlemoser to present and answer questions

regarding the VVSG. Brian Hancock explained the VVSG 2.0 structure, consisting of a set of 15 principles and 53 accompanying guidelines. He defined the on-going task of developing the requirements and test assertions. The requirements being the technical details that the vendors will use to develop the voting systems and the test assertions being the specifications to test those voting systems. Mr. Hancock described the process of VVSG 2.0 and the differences between VVSG 2.0 and previous versions of VVSG.

Ryan Macias provided details about the manuals that are currently used by the EAC, the Testing and Certification Manual and the Voting System Laboratory Manual, and further explained that these two manuals were voted on by previous commissioners. They are the policies that the EAC is governed by, and their three-year term is close to expiration. In preparation of that expiration, they are being modified to align with the VVSG 2.0 model.

Greg Riddlemoser thanked all the current VVSG subcommittee members: Veronica DeGraffenreid of North Carolina, Robert Dezmelyk of New Hampshire, Kari Fresquez of New Mexico, Bob Giles of New Jersey, Lance Gough of Illinois, Tim Hurst of Idaho, Keith Ingram of Texas, Paul Lux of Florida, Marion Snyder of Pennsylvania, Dwight Shellman of Colorado, Steve Trout of Oregon, Ray Valenzuela of Arizona and Brian Wood of West Virginia.

A considerable amount of questions and some opposing concerns were expressed to the panel and discussed immediately following the presentation. Chairman King reminded membership that as part of the deliberation and voting process of Resolution 2018-01 that is scheduled to take place this same day, it is appropriate for members to propose amendments to either add or delete language to address expressed concerns. He further suggested members who have concerns that they believe rise to the level of an amendment to compose language to be reviewed during that process.

The Board recessed at 3:15 p.m. and reconvened at 3:50 p.m.

VVSG Continued and Consideration of Resolution 2018-01

Chairman Bradley King called for a motion to adopt Resolution 2018-01. Greg Riddlemoser made the motion and recited the resolution. Robert Giles seconded the motion. Mark Goins requested a roll call vote. Chairman King announced at the end of a discussion and consideration without objection, a roll call vote will be ordered. Chairman King announced the consideration of Resolution 2018-01 to begin.

Robert Giles offered an amendment (amendment #1) to insert new language to the resolution that would so read.... “adopt within the testing and certification program quality and program manage manual a provision providing for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of the EAC commissioners.” Gary Poser seconded this amendment for consideration.

Chairman King called for a vote. In the opinion of the Chairman, the ayes have it and the motion to adopt amendment #1 was carried. Chairman King led discussion to adopt Resolution 2018-01 as now amended.

After further discussions, Chairman King called for a roll call vote. The Secretary reported that the motion received 75 aye votes, four no votes, and one abstention. Motion to adopt Resolution 2018-01 as amended was carried.

Miscellaneous Announcements & Business

Chairman Bradley King called for any further business to come before the board, hearing none. He announced the board stands in recess until Friday, April 20, 2018.

The meeting recessed at 4:28 p.m. EDT

Friday, April 20

Chairman Bradley King called the meeting to order at 8:21 a.m. EDT

Chairman King reconvened the meeting of the United States Elections Assistance Commission Standards Board.

Executive Committee Report

Chairman King reminded everyone that the bylaws provide for three officers, a Chair, Vice-Chair and Secretary who each serve a one-year term expiring on April 29, 2018. Mr. King then announced the results of the election of new executive committee officers for the coming year. Chairman, Greg Riddlemoser of Virginia. Vice-chair, Sally Williams of Michigan. Secretary, Reynaldo Valenzuela of Arizona. Chairman King asked each person to come forward and address the assembly.

Mr. Riddlemoser thanked the assembly for asking him to serve. It is Mr. Riddlemoser’s hope to continue the work of the VVSG and the TGDC and he encourages everyone to contact their member of Congress to ask the congressional leadership to appoint people to the current vacancies on the

EAC commission. He looks forward to working with the EAC commissioners and staff during the coming year.

Ms. Williams stated that she is happy to serve as Vice-Chair during the coming year. She looks forward to working with the VVSG, and is proud to serve alongside Mr. Riddlemoser and Mr. Valenzuela.

Mr. Valenzuela thanked Chairman King for his service, and he looks forward to working with Mr. Riddlemoser and Ms. Williams. Mr. Valenzuela stated that he is honored to serve such an amazing consortium of election officials.

Chairman King also announced the election by the Executive Board of Reynaldo Valenzuela to serve as Secretary and the election of Genevieve Whitaker to serve as Vice-Chair for the current unexpired terms until April 29, 2018. Mr. King asked Ms. Whitaker to address the assembly.

Ms. Whitaker thanked her fellow Executive Board members and everyone in attendance for the important work that they are engaged in. She also thanked the Executive Board for appointing her to the position of Vice-Chair. She then announced that she will be stepping down from her position at the Election Systems in the Virgin Islands, as she is running for the Senate. She again expressed her appreciation for all of the work performed and she hopes it continues.

Chairman King thanked those that volunteered to serve on the various committees of the Standards Board and asked the chairpersons of the committees to announce the names of the new committee members.

Chairman King began by announcing the members of the Bylaws Committee: Bradley King of Indiana, Chair. Members Wanda Hemphill of South Carolina. Maria Pangelinan of Guam. Dennis Parrott of Iowa. Chris Piper of Virginia. Howard Sholl of Delaware. Brittany Westfall of West Virginia.

Ms. Whitaker announced the members of the Clearinghouse Committee: Rudy Santos of Colorado, Chair. Members Joe Gloria of Nevada. Lynn Jones of Louisiana. Doug Kellner of New York. Bradley King of Indiana. Bernadette Matthews of Illinois. Aulii Tenn of Hawaii. Patty Weeks of Idaho. Brittany Westfall of West Virginia. Bradley King will serve as the liaison to the executive committee.

Mark Goins announced the members of the Cybersecurity Committee: Mark Goins of Tennessee, Chair. Members Marci Andino of South Carolina. Robert Giles of New Jersey. Neal Kelley of California. Bradley King of Indiana. Gary Poser of Minnesota. Steven Reed of Alabama.

Greg Riddlemoser of Virginia. Reynaldo Valenzuela of Arizona. Sally Williams of Michigan.

Mr. Goins also announced the members of the Election Administration and Voting Survey (EAVS) Committee: Mark Goins of Tennessee, Chair. Members Lynn Bailey of Georgia. Nikki Charlson of Maryland. Kristin Gabriel of South Dakota. Stuart Holmes of Washington. Keith Ingram of Texas. Gary Poser of Minnesota. Jan Roncelli of Michigan. Howard Sholl of Delaware. Mishelle Tassinari of Massachusetts. Carol Thompson of Alaska. Patricia Wolfe of Ohio.

Mr. King announced the members of the Executive Director Search Committee: Bradley King of Indiana, Chair. Members Josie Bahnke of Alaska. Dana Corson of Montana. Carri Crum of South Dakota. Steve Harsman of Ohio. Rob Rock of Rhode Island. Jan Roncelli of Michigan.

Gary Poser announced the members of the Nominating Committee: Gary Poser of Minnesota, Chair. DeAnn Buckhouse of North Dakota. Steve Harsman of Ohio. Rob Rock of Rhode Island. Eric Spencer of Arizona.

Mr. Poser also announced the members of the Proxy Committee: Gary Poser of Minnesota, Chair. Members Marci Andino of South Carolina. Timothy DeCarlo of Connecticut. Elaine Manlove of Delaware. Patricia Wolfe of Ohio.

Mr. King announced the members of the Resolutions Committee: Bradley King of Indiana, Chair. Members Marci Andino of South Carolina. Dana Debeauvoir of Texas. Lisa Harris Moorehead of Virgin Islands. Holly Robertson of Washington.

Mr. King also announced that the representatives to the Technical Guidelines Development Committee (TGDC) will be Robert Giles of New Jersey and Greg Riddlemoser of Virginia.

Sally Williams announced the members of the United States Postal Service (USPS) Committee: Sally Williams of Michigan, Chair. Members Josie Bahnke of Alaska. Kenny Barger of Kentucky. Barbara Goeckner of Wisconsin. Jackie Gonzales of Wyoming. Bradley King of Indiana. Maria Pangelinan of Guam. Sandy Pinsonault of Vermont. Peggy Reeves of Connecticut. Derrin Robinson of Oregon. Justus Wendland of Nevada.

Mr. Riddlemoser announced the members of the Voluntary Voting System Guidelines (VVSG) Committee: Greg Riddlemoser of Virginia, Chair. Members Veronica DeGraffenreid of North Carolina. Robert Dezmelyk of New Hampshire. Heather Doxon of Nebraska. Kari Fresquez of New Mexico. Robert Giles of New Jersey. Lance Gough of Illinois. Tim Hurst

of Idaho. Keith Ingram of Texas. Paul Lux of Florida. Jonathan Marks of Pennsylvania. Dwight Shellman of Colorado. Steve Trout of Oregon. Reynaldo Valenzuela of Arizona. Brian Wood of West Virginia.

Committee Meeting Breakouts

Mr. King announced the beginning of committee meeting breakout sessions and invited non-committee members to attend any meeting they may choose. There will also be an open mic session with the commissioners that may also be attended.

The Standards Board was then recessed at 8:40 a.m. EDT

Committee Reports

Chairman King reconvened the meeting of the Standards Board at 9:47 a.m. EDT and asked for committee reports.

Bylaws Committee: Chairman King reported that the members discussed the structure and role of the Bylaws Committee. Regarding amendments to the bylaws, they are considered by the entire membership after a solicitation is sent out inviting any member to submit proposed amendments. They are then considered by the full membership and require a supermajority to pass. There was discussion regarding a potential amendment to address the succession of officers to make certain that there is a procedure in place to ensure there is always an officer who is available to act on behalf of the board.

United States Postal Service Committee: Ms. Williams reported that committee members welcomed their two new members. Members reviewed some of the work performed previously by the committee. The members heard an update from Tammy Patrick of the Democracy Fund. The update included information about an upcoming USPS forum meeting which will take place in San Antonio, Texas next month. One of the days of the forum will be devoted to election issues.

EAVS Committee: Mr. Goins reported that there was consideration of forming a working group to look at section A. The committee would like to review whether EAVS is getting the right data to ensure that improvements can be made. Consideration is also being given to updating section A to incorporate OVR and automatic voter registration.

Clearinghouse Committee: Mr. Santos reported that Mr. Gloria was appointed Vice-Chair and Mr. Kunko was appointed Secretary. The committee plans to meet bimonthly and emphasize attempting to educate

election officials across the county who are not involved with the election center or the EAC.

VVSG Committee: Mr. Riddlemoser reported that the committee hopes to hold monthly webinars.

Overview of EAC Mission & Objectives for 2018 & Beyond (EAC Video)

A video was shown which describes the purpose and the role of the Elections Assistance Commission.

EAC's 2018 Campaign (and beyond) Preview

Mr. Newby thanked the EAC staff for the hard work that was done to prepare and organize this meeting. The staff continues to work hard to make the EAC a reliable and responsive organization.

Mr. Newby described what the local voting jurisdiction that might most benefit from the services of the EAC might look like. He estimated that is a community of perhaps 50 to 150,000 people. The process of sharing best practices can only help state and local jurisdiction. He encouraged more people to get involved with the EAC. Staff continues to attempt to determine what the best way to measure effectiveness might be.

Sean Greene, Director of Research of the EAC spoke about the election administration and voting survey. EAVS attempts to gather data with the use of surveys, which are sent out to all of the states and territories every two years. The survey consists of six sections and contains hundreds of questions about many types of election data points. The goal is to attempt to make the EAVS more impactful and relevant to members. Attempts continue to make filling out the survey easier. Attempts will also be made to determine how election technology has shifted over the years and what impact that has had on elections. The next iteration of EAVS is close to completion. There currently is a one-page fact sheet which provides high-level data from the EAVS on voter registration turnout, how people voted by mode, by mail, etc. For the first time the website contains a data interactive which can be an effective tool which allows data to be reviewed on a state or local level. Some small changes will be made for the 2018 survey. A separate document now exists inside the survey which provides instructions for completing the survey. A new outside EAVS contractor is currently out for bid. It is anticipated that a new contractor will be in place by June. The survey has changed significantly since the survey began in 2004. Mr. Greene asked for input regarding improvement to the questions currently asked on the survey. Any input by members is greatly appreciated. Mr. Greene concluded his comments by announcing that he will be leaving his position with the EAC in June.

David Kuennen, Senior Research Program Specialist at EAC, reported on the research and clearinghouse projects at EAC. The purpose of the clearinghouse is to connect members of the election administration field to one another to share knowledge and experience. Clearinghouse activities range from large scale convenings of election officials to smaller scale efforts like blog posts and white papers. Work has been performed on improving voter facing information provided on the website. This can assist individuals looking for information on how to register to vote or update their registration information. Additional efforts have been placed on adding information on voter registration. The main goal is to provide basic information to the public and then submit that information to state and local election officials. In 2017 the CLEARIE awards were first presented and have continued since then. The awards are given for outstanding innovation in election administration, improving accessibility for voters with disabilities and best practices for recruiting, training and retaining election workers. Two events have been planned for the summer of 2018. The first will be in Philadelphia, Pennsylvania on July 12th, which will be a platform for state and local election officials from Pennsylvania and around the country to share information on how they use data to improve the election process. The second will be co-hosted by the Democracy Fund Voice in Washington, D.C. and will focus on helping election officials share information on how to better serve voters with limited English proficiency.

Natalie Longwell, Public Affairs Specialist at EAC, explained some of the resources the EAC has developed and the growth that has occurred with online engagement. The sharing of best practices along with updating and professionalizing the look of the website are goals for 2018. Ms. Longwell explained the considerable work being done to bring people together to share best practices and share lessons learned.

Brenda Bowser Soder, Director of Communications and Public Affairs at EAC, stated that work is being done to reboot the Standards Board newsletter in an effort to highlight the accomplishments of the Board. Ms. Soder encouraged members to share the security video with stakeholders. She mentioned the Women in Election Series that the staff worked on with Vice-Chairperson McCormick, which highlighted the work of women from across the elections community. She also emphasized the new thematic approach to communications that is now being developed. The communications office is always available to members whenever people need help.

Mark Listes, the EAC's Director of Policy, discussed current efforts in long term planning and encouraged everyone to let him know how he can

assist members. He invited everyone to visit the EAC website and review the strategic plan and provide feedback.

Mr. Newby thanked Mr. Greene for his service and wished him well. He then asked for a round of applause for Mr. Greene. Mr. Newby then opened the floor to questions.

Mr. Riddlemoser was concerned about the risk of users of the website clicking on links that might lead to other websites that contain false information. Ms. Soder acknowledged that Mr. Riddlemoser made a valid point. She stated that they are aware that other websites can have stale and/or false information and they will be sensitive to this moving forward.

Ms. Westfall asked when members will be informed of any new questions on the EAVS survey in order to prepare local jurisdictions for the changes. Mr. Greene responded by stating that there will be no new questions for the 2018 survey, only some formatting and language changes. Mr. Greene acknowledged that there will be changes in the future and he is aware of the members need for lead time if significant changes are made, or if additional questions are included.

Ms. DeGraffenreid complimented the staff on the quality of the video shown the previous day. She believes the video can be shown in any jurisdiction and will be a great tool.

Mr. Dezmelyk asked if there could be different versions of the video depending on the needs of individual jurisdictions. Mr. Newby said this was anticipated and that they may be able to create a generic version by removing certain portions.

Ms. Williams asked if members could get a copy of the video. Ms. Soder stated that she would be happy to work with any jurisdiction and try to develop something that will work for most officials.

Mr. Newby again complimented the staff of the EAC. He pointed out that there are certain risks involved with working with the EAC, but he greatly appreciates their efforts. He then asked everyone to please let him or the staff know if there is anything that they can do to help.

Chairman King thanked the panelists for presenting valuable information to everyone.

Additional Announcements & Business

Chairman King then welcomed two new members to the board, Secretary of State Mark Martin of Arkansas and DeAnn Buckhouse, Election Coordinator of North Dakota. Both were presented with certificates.

Chairman King reminded everyone that at some point after the meeting an email will be sent out regarding post meeting documentation. Everyone was asked to anticipate receiving the email and to respond to it.

Chairman King then asked if there were any other announcements or further business to conduct before the Standards Board meeting is adjourned for the day. Seeing none, he recognized Secretary Martin for a motion to adjourn and then recognized Mr. Riddlemoser for a second to that motion.

Adjournment

A motion to adjourn was made by Mr. Martin and was seconded by Mr. Riddlemoser.

The motion carried on a voice vote and the meeting was adjourned.

The April 19-20, 2018 meeting of the Standards Board adjourned at 10:53 a.m. EDT

Meeting Minutes
United States Election Assistance Commission
PUBLIC MEETING
April 10, 2019

149 Union Avenue
Continental Ballroom (Mezzanine Level)
Memphis, Tennessee 38103

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (EAC) held April 10, 2019. The meeting convened at 1:13 p.m. on Wednesday, April 10, 2019, in Memphis, Tennessee, at The Peabody Memphis and adjourned at 3:31 p.m.

PUBLIC MEETING

Call to Order

Chairwoman Christy McCormick called the meeting to order at 1:13 p.m.

Welcoming Remarks and Opening Statements of Commissioners

Chairwoman Christy McCormick expressed her excitement at having a full complement of Commissioners for the first time in many years and noted that the Voluntary Voting System Guidelines (VVSG) will be out for public comment until May 29, and urged those interested in filing to do so.

Vice Chair Benjamin Hovland was pleased to have a full quorum of Commissioners as well, and explained that, just days after being sworn in, all four Commissioners unanimously voted to start the 90-day comment period on Voluntary Voting System Guidelines 2.0. Vice Chair Hovland acknowledged all the great work done by various organizations to make the comment period possible.

Commissioner Thomas Hicks congratulated Chairwoman McCormick on becoming Chair and welcomed Commissioner Palmer and Commissioner Hovland to their new positions. Commissioner Hicks noted the importance of VVSG 2.0 and that he looks forward to hearing from the witnesses on how the Commission may best move forward with its implementation.

Commissioner Donald Palmer thanked Chairwoman McCormick, staff, and NIST in their work to complete VVSG 2.0

Panel I – Voluntary Voting System Guidelines Version 2.0 History and Comments

Chairwoman McCormick introduced and welcomed the following panelists: Brian Newby, Executive Director, EAC; and Ryan Macias, Acting Director of Testing and Certification, EAC.

Executive Director Brian Newby addressed the Commission to provide testimony regarding the history and background of VVSG and explained each witness's role in the day's meeting. Mr. Newby discussed upcoming hearings and further opportunities for public comment.

Acting Director Ryan Macias addressed the Commission to provide testimony regarding the Testing and Certification program at EAC and its role in developing VVSG. Mr. Macias expressed his appreciation to the Commissioners for their work in the development of VVSG 2.0 and provided background and history on its development, including the challenges of the Commission losing its quorum and thus the process halting, as well as detailing the substance of public comments received to date.

Questions and Answers:

In response to Vice Chair Hovland's inquiry as to finalizing the requirements, test assertions, and timeline, Mr. Macias explained that he would be giving a full presentation April 11, 2019, at the following day's hearing and gave an estimated timeline of 60 days after finalization of outstanding items of the requirements.

Commissioner Hicks inquired into the public's participation in the process, to which Mr. Macias explained the involvement of working groups and the public's ability to develop these principles and guidelines to where they are today, in conjunction with the requirements and test assertions.

Commissioner Hicks commented on the dearth of public comments and opined that there may be so few because of the length of time the public has had to comment, to which Mr. Macias agreed. Mr. Macias explained that vendors and manufacturers have been involved in the public working groups as well.

In response to Chairwoman McCormick's inquiry as to vendors' input and manufacturers' concerns regarding VVSG 2.0, Mr. Newby explained that manufacturers don't know what to manufacture without better-articulated test assertions and requirements. Mr. Macias added that manufacturers' public comments center around language ambiguity and that designing systems is difficult without the specific requirements currently with the Technical Guidelines Development Committee (TGDC) and test assertions. Chairwoman McCormick inquired as to the length of the

process and that the EAC may not see any new systems until 2020 or 2021.

Commissioner Palmer inquired as to manufacturers' ability and willingness to update to VVSG 2.0, to which Mr. Macias explained that the public working groups and test assertions have cleared up some ambiguity on where the requirements are headed, unlike in VVSG 1.0. Mr. Newby opined that moving manufacturers to VVSG 2.0 would be easier if there were no more enhancements or changes to VVSG 1.0 and by making VVSG 2.0 a good business proposition.

Chairwoman McCormick inquired of Mr. Macias as to why systems are not being brought into VVSG 1.1 since it's been available for over four years, to which Mr. Macias explained that, while he can't speak for the manufacturers, he has heard that it's costly to upgrade and make modifications to current systems, and that if VVSG 2.0 is available, the manufacturers want to bypass VVSG 1.1 directly to VVSG 2.0. Mr. Macias went on to analogize Microsoft XP's obsolescence as a viable option to compel manufacturers to upgrade to VVSG 2.0, and that he believes manufacturers see the need to upgrade due to new security and accessibility requirements.

Panel II – Development of Voluntary Voting System Guidelines 2.0

Chairwoman McCormick introduced and welcomed the second panel of witnesses: Mary Brady, Manager, National Institute of Standards and Technology; Greg Riddlemoser, Chair, EAC Standards Board; Michael Yaki, Vice Chair, EAC Board of Advisors; and Mark Goins, Coordinator of Elections, State of Tennessee, and former Chair, EAC Standards Board.

Ms. Mary Brady addressed the Commission to provide testimony regarding background on VVSG versions, actions that led to a new structure for the VVSG, and steps that were taken to utilize nearly 500 experts from the election community in the development of the VVSG 2.0.

Mr. Greg Riddlemoser addressed the Commission to provide testimony regarding the involvement of the public working groups, the TGDC, the Standards Board, and the Board of Advisors to develop VVSG 2.0, but focused specifically on the role of the Standards Board.

Mr. Michael Yaki addressed the Commission to provide testimony regarding the processes of the Board of Advisors, adoption of resolutions of support, as well as issues of disability access and auditability. Mr. Yaki expressed the importance of every vote counting and that Americans need to have faith in our voting systems.

Mr. Mark Goins addressed the Commission to provide testimony regarding the makeup of the Standards Board and its role in the development of VVSG 2.0, as well as his experience in Tennessee in working with the EAC and encouraged the EAC to continue the same process to develop the best guidelines possible to certify voting equipment.

Questions and Answers:

In response to Vice Chair Hovland's inquiry as to whether the VVSG 2.0 effort is a significant step forward to modernize voting technology and to bring these standards more into line with other industries, Ms. Brady responded that the VVSG 2.0 encapsulates many of the changes that have occurred in the security community over the last 10 years and that new auditing techniques will be possible under this new paradigm. Vice Chair Hovland asked Ms. Brady to clarify NIST's work on the requirements and test assertions, to which Ms. Brady replied that the vast majority of the requirements are done and that NIST is in discussions with the EAC of aspects of VVSG 2.0 that may be better placed in the EAC policy manuals. Ms. Brady went on to explain the role of the test laboratories.

Commissioner Hicks inquired of Ms. Brady whether the quality of the test assertions will be affected by a third laboratory dropping out of the process, to which Ms. Brady responded that NIST has historically had only two laboratories, and so this would not affect the quality of the test assertions moving forward. Commissioner Hicks then inquired about Ms. Brady's impression of the 1,000 individuals working on the new principle and guidelines, to which Ms. Brady shared that, while discussions in the public working groups have been sometimes challenging, overall it has been worthwhile.

Chairwoman McCormick followed up on Commissioner Hicks' inquiry with a question as to whether disagreements in the public working groups were over principles and guidelines or over requirements, to which Ms. Brady responded that the temporary shutdown of the public working groups were necessary to strengthen NIST's ethics rules for participation in the working groups, and that the problems stemmed primarily from discussions during the requirements development process.

Commissioner Palmer inquired of Ms. Brady as to her belief that manufacturers will participate in the implementation of VVSG 2.0, to which Ms. Brady responded that, like Mr. Macias, she cannot speak for the manufacturers, but that manufacturers have been participating in the discussions and she is optimistic that they will be strong partners in VVSG 2.0. Commissioner Palmer then asked about accessibility technologies that may be available in VVSG 2.0, to which Ms. Brady responded that accessibility is important but that security is as well, and one shouldn't be

a tradeoff for another. Commissioner Palmer then expressed his appreciation that the development of requirements is 90 percent complete and inquired as to the laboratories' input in that process. Ms. Brady responded that NIST should reach out to engage the laboratories in smaller group discussions to hash out any particular issues that they see in terms of being able to build voting systems before requirements are finalized.

Chairwoman McCormick followed up on Commissioner Palmer's question with an inquiry about keeping costs under control so that manufacturers are able to meet the requirements in a cost-efficient way so that jurisdictions can afford to buy new voting systems under VVSG 2.0, given election funding issues, to which Mr. Yaki responded about the importance of all stakeholders communicating the need to invest in VVSG 2.0.

Chairwoman McCormick went on to comment about the possibility of dissociating the requirements from the higher-level principles and guidelines may affect the involvement of the Standards Board and the Board of Advisors in the future and asked the panel their perspective. Mr. Goins responded that the Standards Board must not be cut out of the process. Mr. Riddlemoser responded that there has to be a way to leverage innovation and agility and that this paradigm, properly implemented, is one where the principles and guidelines are exactly that and not be changed every several years. Mr. Yaki responded that he believes the Board of Advisors' role is embedded in the charter and statute of the Help America Vote Act (HAVA), and that staff will certainly be involved in the rollout.

Chairwoman McCormick followed up on the comments by the witnesses with an inquiry about the Commission's role if there is no need for another VVSG for many years and if it's just staff updating the requirements and no vote by the Commission, to which Mr. Riddlemoser responded that the EAC will need to continually recommend things to the boards for advice and that the EAC is an integral part of the process as vendors create new products. Mr. Yaki commented that the EAC's policy-debate role is vital to the process. All panelists then agreed that the EAC's vote on requirements constitutes policy.

Commissioner Hicks pointed out that EAC is involved in much more than just VVSG, activities such as cybersecurity, voter registration, and election-night reporting and that VVSG, while important, is just one aspect of EAC's work.

Commissioner Hicks then went on to inquire of Mr. Goins about Tennessee's purchase of new voting equipment, \$7.5 million allocated from Congress, and the need for more funding, to which Mr. Goins replied

that new voting equipment will be purchased with part of the \$7.5 million. Commissioner Hicks then commented that States have said they could use additional funding apart from the \$380 million given out last year by Congress. Mr. Goins expressed concern about sunseting equipment and voter confidence and then went on to detail Tennessee's plans regarding new equipment purchases.

Commissioner Hicks made a further comment concerning security of elections and that he wants to ensure that, as VVSG 2.0 is implemented, that accessibility and security are not mutually exclusive.

Vice Chair Hovland inquired of the panelists whether they agree that the EAC is at its best when it identifies areas of our decentralized system that lend themselves to these economies of scale or where there's an ability to believe from Federal involvement, to which Mr. Goins and Mr. Riddlemoser agreed and expounded on EAC's good work and importance.

Vice Chair Hovland then pointed out that the Voluntary Voting System Guidelines are voluntary, and so the full value of them is only realized if the States and jurisdictions use them and adopt them. Mr. Riddlemoser opined that, once the manufacturers have started making products against VVSG 2.0, that both States and locals will embrace VVSG 2.0. Mr. Goins pointed out that requirements should not be put forward that manufacturers can't meet.

Panel III - Voluntary Voting System Guidelines 2.0

Chairwoman McCormick introduced and welcomed the third panel of witnesses: Edward Perez, Global Director of Technology Development, OSET Institute; Meagan Wolfe, Administrator for the State of Wisconsin Elections Commission, and Chief Election Official for the State of Wisconsin; and Rob Rock, Director of Elections for Rhode Island Secretary of State Nellie Gorbea.

Mr. Edward Perez addressed the Commission to provide testimony regarding three topics that the OSET Institute has determined to be critical to the assurance that VVSG 2.0 is a success in the facilitation of critical innovations for high-confidence elections: ongoing flexibility in the understanding of the term voting system, component-level certification and common data standards to support interoperability, and enhanced agility in the Federal certification process to meet rapidly changing cybersecurity threats. Mr. Perez explained that the OSET Institute believes that the VVSG 2.0 and the EAC Federal certification program must support agile updates and upgrades to our election infrastructure to afford it the verifiability, accuracy, security, and transparency essential to free and fair

elections, elections where ballots are counted as cast, and where confidence in the outcomes is high.

Ms. Meagan Wolfe addressed the Commission to provide testimony regarding the adoption of the VVSG 2.0 principles and guidelines and the deficits of the current EAC standards. Ms. Wolfe urged the Commission to allow the EAC Testing and Certification staff the authority to approve their requirements and test assertions independent of the Commission and to include a mechanism for approval absent a quorum or in the case of a deadlock of the Commission.

Mr. Rob Rock addressed the Commission to provide testimony regarding the importance of the principles and guidelines of the VVSG 2.0 and suggested that the requirements and test assurance of the systems should be a responsibility of the EAC Testing and Certification staff or that there should be a mechanism by which future iterations of the VVSG can move forward in the absence of a quorum or in the case of a deadlock vote by the Commission to ensure that future voting systems receive proper vetting before being released.

Questions and Answers:

Commissioner Palmer asked Mr. Perez how he would frame component testing within the existing structure of HAVA, to which Mr. Perez responded that security is important and a ballot design software layout tool could be useful and that a component-level certification regime is going to rest heavily on the decisions that the States want to make.

Commissioner Hicks inquired of Mr. Perez about DARPA possibly making a system and then his thoughts on the Prime III system in New Hampshire, to which Mr. Perez opined about the value of DARPA, with the support of the Federal Government, treating this as highest-level critical democracy infrastructure.

Vice Chair Hovland followed up on Commissioner Palmer's inquiry about component testing and whether Mr. Perez makes a distinction between the system allowing for individual component testing or if a jurisdiction brings a full system that has interoperability so that it can be made up of different components, in which Mr. Perez responded he appreciates both of those scenarios.

Vice Chair Hovland inquired of Ms. Wolfe whether she believes the focus should be more on the Commission having a quorum or the Commission having deadlock issues, to which Ms. Wolfe replied both are important and that ideally the Commission would be able to approve changes in a timely manner.

Commissioner Hicks followed up on Vice Chair Hovland's inquiry regarding the quorum with a comment that he believes the process is working better now than in the past. He commented on his appreciation for Ms. Wolfe's testimony and comments and that he and his fellow Commissioners will take them under advisement.

Chairwoman McCormick reiterated a question to a previous panel in asking whether requirements for the voting systems constitute policy, to which Ms. Wolfe demurred and wasn't sure of the importance of making such a definition.

Commissioner Hicks inquired of Mr. Rock to elaborate on the difference between a nonvote by the Commission and a deadlock vote, to which Mr. Rock suggested that there be a way to move forward when VVSGs need to be updated in the event of a deadlock vote by the Commission or a quorum not being established.

Chairwoman McCormick followed up on Commissioner Hicks' inquiry by asking whether Mr. Rock proposes the Commission set aside congressional statute to move forward in the case of a deadlock or non-quorum, to which Mr. Rock suggested to put a mechanism in place to circumvent a deadlock or non-quorum.

Commissioner Palmer then inquired of Mr. Rock that if there was a deadlock of the Commission on certain requirements which may involve accessibility, that a staff member of the EAC should just make that decision, to which Mr. Rock reiterated a request that there be a mechanism in place or an appeal process to circumvent the Commission if such were to happen.

Closing Remarks

Chairwoman McCormick expressed her appreciation to the panelists for their testimony and time, and urged other members of the public to utilize the public comment process to make further comments to the VVSG 2.0 principles and guidelines document that is open for public comment until May 29th.

Adjournment

Chairwoman McCormick made a motion to adjourn the public meeting, which was seconded by Commissioner Donald Palmer.

The Public Meeting of the Election Assistance Commission adjourned at 3:31 p.m.

Meeting Minutes
United States Election Assistance Commission
PUBLIC MEETING
May 20, 2019

1335 East West Highway
Silver Spring, Maryland 20910

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (EAC) held May 20, 2019. The meeting convened at 1:35 p.m. on Monday, May 20, 2019, in Silver Spring, Maryland, and adjourned at 3:52 p.m.

PUBLIC MEETING

Call to Order

Chairwoman Christy McCormick called the meeting to order at 1:35 p.m.

Pledge of Allegiance

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

Roll Call

Chair McCormick called roll and found present Vice Chair Benjamin Hovland, Commissioner Donald Palmer, and Commissioner Thomas Hicks and declared a quorum present.

Adoption of the Agenda

Chairwoman McCormick called for a motion to approve the agenda, as submitted. After being seconded by Commissioner Palmer, the motion carried unanimously.

Welcoming Remarks and Opening Statements of Commissioners

Chairwoman Christy McCormick thanked everyone for their attendance at the Election Assistance Commission's third public hearing regarding the Voluntary Voting System Guidelines (VVSG) 2.0 and explained that the public comment period will end on May 29, 2019, and urged those still interested in filing to do so by that date.

Vice Chair Benjamin Hovland outlined briefly what was discussed at the previous two public hearings in Memphis and Salt Lake City and thanked

all who worked on the VVSG 2.0 for the past several years and also reminded anyone interested in filing public comments to do so by May 29, 2019. Vice Chair Hovland expressed his appreciation to the witnesses for their attendance.

Commissioner Donald Palmer asked anyone with input into the VVSG 2.0 to please provide their comments by the deadline as well in order to assure correct implementation.

Commissioner Thomas Hicks thanked the Commissioners for the three public hearings and specifically expressed his appreciation for the hard work of Brian Hancock, Jessica Myers, and Ryan Macias. Commissioner Hicks congratulated Jerome Lovato on his new position as Testing and Certification Director and went on to reiterate the Commission's desire for public comments, the 1,200 comments received thus far, and again mentioned the May 29 deadline.

Voluntary Voting System Guidelines Version 2.0 Comments

Chairwoman McCormick introduced and welcomed Paul Pate, the Iowa Secretary of State and President-elect of the National Association of Secretaries of State (NASS).

Secretary Paul Pate addressed the Commission to provide testimony regarding the Iowa Secretary of State's position on the development and implementation of VVSG 2.0. He explained that his remarks represent only his role as Iowa Secretary of State and not the National Association of Secretaries of State.

Secretary Pate expressed his appreciation to the EAC and Department of Homeland Security (DHS) for working with Iowa and the other States to protect the integrity of elections, which helped ensure a secure 2018 election. Secretary Pate expressed his concern about the structure of the VVSG document and how quickly changes can be made to update the components of the VVSG as needed, especially in light of the unknown future cyber threats.

Secretary Pate agreed with the proposed VVSG 2.0 guidelines but was concerned about the flexibility and adaptability of requirements, especially if there happens to be a lack of quorum. Another issue raised by Secretary Pate included the time limit of disbursement of Help America Vote Act (HAVA) funds. Secretary Pate explained that, as Iowa Secretary of State, he will be asking Congress to assure that the EAC will be fully staffed and adequately funded, assure that EAC maintains a continuous quorum, and find ways and resources to bring additional testing labs into the election space.

Questions and Answers:

In response to Chairwoman Christy McCormick's inquiry as to what kind of voting systems are used in Iowa, Secretary Pate responded that Iowa is a paper-ballot State, the local county jurisdictions pay for the voting systems with the exception of the initial HAVA funding, and Secretary Pate assured Chair McCormick that their systems are secure because they are paper ballots and Iowa conducts post-election audits.

Vice Chair Benjamin Hovland asked Secretary Pate to comment on his experience as Secretary before and after EAC's existence, to which Secretary Pate explained that the major difference is the level of cyber threat that exists now and that the EAC will be a valuable partner in ensuring the security of elections.

Commissioner Donald Palmer asked Secretary Pate about the accessible voting equipment used in Iowa, to which Secretary Pate responded that he would be happy to send the Commission a complete list at a later date. Commissioner Palmer then inquired as to the HAVA funds provided to Iowa, and Secretary Pate explained that those funds were provided directly to the counties based on a formula. Commissioner Palmer asked Secretary Pate which of the principles he believes the Commission should be most focused on, and Secretary Pate responded that the language may be ambiguous, the absence of a quorum needs to be addressed, and the ability of the Commission to respond quickly to changes is important.

Commissioner Thomas Hicks followed up on Commissioner Palmer's inquiry about counties paying for voting equipment rather than the State, to which Secretary Pate reiterated that is indeed true with the exception of the HAVA funds distributed some years back but that the cyber training and support systems are being covered by the State. Commissioner Hicks then asked whether the 5 percent match from the \$380 million appropriated by Congress came from counties or the State, to which Secretary Pate responded that the 5 percent match came from the State.

Chairwoman McCormick followed up with a question regarding the oldest of all voting equipment in Iowa, to which Secretary Pate responded 10 or 15 years old.

Commissioner Hicks asked whether different accessibility standards could be tested at different labs depending on expertise, and Secretary Pate responded that any option that affords greater access and faster response should be considered.

Panel of Technical Experts – Voluntary Voting System Guidelines 2.0

Chairwoman McCormick introduced and welcomed the second panel of witnesses: Joseph Lorenzo Hall, Chief Technologist and Director of the Internet Architecture Project, the Center for Democracy and Technology; Traci Mapps, Director of Operations at SLI Compliance; and Jack Cobb, Laboratory Director at Pro V&V.

Dr. Joseph Lorenzo Hall addressed the Commission to provide testimony regarding the Center for Democracy and Technology's perspective and important issues in the VVSG 2.0 process. Dr. Hall explained that the most critical aspect of developing and adopting the VVSG 2.0 is the need to design it to be flexible and agile even when a quorum doesn't exist. Dr. Hall suggested that the EAC define a separate process that outlines ongoing and regular public comment for VVSG requirements and a mechanism for members of the TGDC and the EAC to flag specific requirements that might require a Commission deliberation, discussion, or vote. Dr. Hall provided some suggestions on transitioning between VVSG testing regimes, adversarial testing and vulnerability handling, the consideration of hiring a security testing program evaluator, and the critical areas that exist outside the scope of the VVSG.

Ms. Traci Mapps addressed the Commission to provide testimony regarding the proposed VVSG 2.0 principles and guidelines from a Voting System Test Laboratory's (VSTL) standpoint. Ms. Mapps outlined SLI Compliance's role in Federal certification testing of voting systems, which includes functional testing, usability and accessibility, hardware and software analysis, telecommunications, security, quality assurance, and configuration management audits. Ms. Mapps requested that modification of VVSG 2.0 principles and guidelines be considered to reduce ambiguity of language and expressed concern that SLI Compliance has yet to see the requirements that have been developed, which, in her opinion, could have been better developed with VSTLs' input into the process.

Mr. Jack Cobb addressed the Commission to provide testimony regarding Pro V&V's perspective on the VVSG 2.0 principles and guidelines. Mr. Cobb began with a brief overview of the steps that led to the development of VVSG 2.0.

Questions and Answers:

Vice Chair Benjamin Hovland asked the panel to discuss whether VVSG 2.0 falls in line with other industry standards and the significant changes between VVSG 1.0 and VVSG 2.0. Ms. Mapps responded with her concerns about the ambiguity of language in the principles and guidelines such as terms like "robustly," "gracefully," and "clear." Dr. Hall concurred

with Ms. Mapps' determination that the language needs to be clear so that engineers can implement it. Vice Chair Hovland inquired of Dr. Hall whether wireless technology should be included as a principle/guideline or as a requirement, and Dr. Hall responded that he believed it would be inappropriate to ban wireless technology in the principles and guidelines since wireless can be used in many different ways and so language determining the usability of wireless technology should be included in the requirements.

Commissioner Donald Palmer asked the panel what the Commission could do to ensure timeliness of system implementation, and Mr. Cobb responded that, because of HAVA, implementation necessarily takes time because of the process of the public comment period but that the high-level principles and guidelines with more specific requirements will make changes over time easier to implement, and Ms. Mapps agreed. Dr. Hall responded that it may be beneficial to try to come up with a continuous process for updating the requirements so that new ideas may be vetted and possibly implemented quickly. Commissioner Palmer asked Dr. Hall why Dr. Hall doesn't believe that the Commissioners can vote on more than a handful of requirements at a time, to which Dr. Hall responded that there may be thousands, which require a lot of extra information and would be too time-consuming. Mr. Cobb agreed with Dr. Hall that it would be beneficial to the manufacturers to update their systems a little at a time. Ms. Mapps agreed as well that a phased approach may be the best way for manufacturers to update their systems to new standards.

Commissioner Thomas Hicks inquired of Ms. Mapps whether SLI Compliance had worked on the test assertions for VVSG 1.0 before or after the final Commission vote, and Ms. Mapps responded that the test assertions were not developed until after VVSG 1.0 was implemented. Commissioner Hicks then asked about standards in other industries like the auto industry, and Dr. Hall responded with his limited knowledge on auto industry standards. Commissioner Hicks inquired whether testing could be expanded out to more groups, and Mr. Cobb responded that skill sets are very specific, third-party labs are able to perform some of the work, and compartmentalization may be useful in the future. Ms. Mapps feels that her VSTL is qualified to do all of the work but that it would be nice to be able to subcontract some things.

Chairwoman Christy McCormick inquired of the panel whether they believe an additional lab is necessary, and Ms. Mapps responded that it would be hard to keep three labs busy but that two labs are essential. Mr. Cobb responded with a history of specific labs such as iBeta, SLI, Wyle, and Cyber and that he agrees with Ms. Mapps that two labs at all times would be ideal. Chairwoman McCormick asked Ms. Mapps about the ambiguity of language in VVSG 1.0, and Ms. Mapps responded

contradictions in language with font size and National Registry listings. Chair McCormick asked Dr. Hall whether the manufacturers will continue to allocate resources into changing their systems or whether they will wait for the EAC to update the requirements, and Dr. Hall responded that manufacturers should have a continual process to change their systems but that it's hard to predict what the manufacturers will do but that proper incentives to evolve their systems will be necessary. Chair McCormick expressed her concern that the manufacturers have had many years to implement 1.1 and they still haven't and what that means for 2.0 implementation. Chair McCormick then inquired of Ms. Mapps as to whether SLI Compliance had been involved in any of the discussions for the requirements for 2.0, and Ms. Mapps explained that they'd begun to participate in the public working groups but it was unproductive and a waste of time.

Vice Chair Hovland inquired of the panel whether the requirements could be broken out into themes or categories within the requirements, and Mr. Cobb responded with hardware testing, precertification testing, and usability requirements. Ms. Mapps responded that she agreed with hardware testing and that security improvements should be done in a phased approach.

Commissioner Palmer asked the panel about incentivizing manufacturers to move to VVSG 2.0, and Dr. Hall responded that there should be a point past which manufacturers can't test to old standards that essentially are so outdated that they don't provide value. Ms. Mapps suggested that that must be driven by the market, by the States themselves, because it is a voluntary program. Mr. Cobb agreed and added that the States will continue doing what they're doing until forced to change. Commissioner Palmer then asked about adversarial testing and vulnerability handling and the suggestion of a security testing program evaluator handling the penetration testing if the EAC had funding for it, and Dr. Hall responded that that type of security work could be subcontracted out but that there needs to be standards and handling processes in place so that manufacturers can accept the report of a vulnerability and fix the vulnerability in a timely way. Mr. Cobb noted that VSTLs are not allowed under HAVA to subcontract work out. Ms. Mapps pointed out that an outside security subcontractor would be more expensive than doing it in-house.

Commissioner Hicks inquired of Dr. Hall what he meant by "trained security experts," and Dr. Hall explained that those are people who are hired to break into people's systems to find vulnerabilities. Commissioner Hicks followed up on Ms. Mapps' opinion that SLI Compliance's involvement with the working groups was a waste of time and asked her to

expound, to which Ms. Mapps apologized for her terminology but that she feels changes to the public working groups would be beneficial.

Chairwoman McCormick inquired of the panel whether the requirements should be attached to the high-level principles and guidelines, and Dr. Hall and Ms. Mapps both believe that they should be. Chair McCormick asked whether, after passage of VVSG 2.0, updates to the principles and guidelines will never be necessary because they are so high level, and that changes will only be needed to the requirements, and Mr. Cobb responded that the principles and guidelines are broad enough that they shouldn't need to be changed. Chair McCormick asked whether the boards would be necessary any longer after passage of 2.0, and Dr. Hall responded that they would be to ensure the requirements are in compliance with the principles and guidelines.

Vice Chair Hovland followed up on Chair McCormick's question by asking if the requirements should align with the principles and guidelines but they don't necessarily need to be one document, and Dr. Hall agreed that they can't be completely divorced from each other. Vice Chair Hovland then asked particularly about barcodes and that the barcode should meet the principle of auditability, and Dr. Hall responded that barcodes are technical in nature and therefore should be addressed in the requirements. Vice Chair Hovland then inquired of the panel how often a review should occur once a requirement is passed, and Mr. Cobb responded that, because of the political nature of the requirements, different groups will see the requirements differently. Dr. Hall and Ms. Mapps suggested an appeal process would be useful.

Public Commenters

Guillermo Mena from the National Hispanic Caucus of State Legislators provided testimony to the Commission regarding his organization's opposition to the VVSG 2.0 and cited examples of ambiguous language in the document that he believes would lead to unintended consequences.

Maurice Turner, Senior Technologist at the Center for Democracy and Technology, Election Security and Privacy Project, provided testimony to the Commission regarding particularly Principle 5, Principle 6, and Principle 8: Specifically, HAVA calls for voters to be able to vote privately and independently without assistance from others; foreign interference in the 2016 elections sharpened priorities for local, State, and Federal officials on the security of digital technologies used throughout the election systems; and that there is an increased expectation of accountability in the election process as a means of reducing the ability of interfering with votes and voters.

Adjournment

Chairwoman McCormick made a motion to adjourn the public meeting, which was seconded by Commissioner Donald Palmer.

The Public Meeting of the Election Assistance Commission adjourned at 3:52 p.m.

Meeting Minutes
United States Election Assistance Commission
VVSG 2.0 Virtual Public Hearing
March 27, 2020

1335 East West Highway
Silver Spring, Maryland 20910

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (EAC) held March 27, 2020. The virtual meeting convened at 10:00 a.m. via Zoom web conference on Friday, March 27, 2020 and adjourned at 11:49 a.m.

PUBLIC MEETING

Call to Order

Chairman Benjamin Hovland called the meeting to order at 10:00 a.m.

Roll Call

Chairman Hovland called roll and found present Vice Chair Donald Palmer, Commissioner Christy McCormick, and Commissioner Thomas Hicks and declared a quorum present.

Adoption of the Agenda

Chairman Hovland called for a motion to approve the agenda, as submitted. After being seconded by Commissioner McCormick, the motion carried unanimously.

Welcoming Remarks and Opening Statements of Commissioners

Chairman Hovland thanked the members of the Technical Development Guidelines Committee (TGDC), EAC and NIST staff, members of the public, and the EAC's Standards Board and Board of Advisors for their hard work in drafting the VVSG 2.0 requirements.

Vice Chairman Palmer announced that this was the first of three public hearings that will be held on VVSG 2.0. Also announced two avenues that the EAC is using to solicit comments on VVSG 2.0: EAC Boards (Board of Advisors and Standards Board) and the 90-day public comment period via [regulations.gov](https://www.regulations.gov).

Commissioner Hicks expressed appreciation for everyone's participation and also announced the June 22nd deadline to receive public comments. Also acknowledged Acting Executive Director, Mona Harrington, and welcomed new EAC staff.

Commissioner McCormick highlighted importance of public engagement in the VVSG 2.0 development process and encouraged public engagement during the 90-day public comment period. Expressed that VVSG 2.0 must be reasonable to support voting systems that are viable and affordable for jurisdictions and emphasized that reliability is critical.

Opening testimony from the panelists

10:11 a.m.

Chairman Hovland introduced and welcomed Neal Kelly, Orange County Registrar of Voters and member of the TGDC.

Neal expressed appreciation to the commissioners for their leadership and guidance throughout the development process. TGDC engaged in robust discussions over the requirements.

Why is VVSG 2.0 better than VVSG 1.1? Interoperability, human factors, accessibility, and security. Interoperability is bold and brings much needed flexibility to voting systems. VVSG 2.0 is based on functions not solely devices.

One key question: what requirements should election officials be focused on? At minimum, high quality design – election definition, closing polls, tabulation. Transparency – security. Interoperability – how a voting system uses data. Auditability – ensures that voting systems are auditable and support evidence-based audits.

10:19 a.m.

Chairman Hovland introduced and welcomed the NIST panelists: Mary Brady – Voting Program Manager, Dr. Sharon Laskowski – Human Factors Technical Lead, and Gema Howell – Cybersecurity Technical Lead.

Mary expressed the goal of VVSG 2.0 is for voters to have an improved voting experience and that the final count expresses the true will of the voters. Mary addressed the changing landscape of elections, provided an overview of election systems, and highlighted the updates to the VVSG definition, which included: activate ballots for voters, record votes cast by voters, label ballots needing special treatment, export election data, and the ability to produce records in support of audits.

Mary provided an overview of the process to develop public working groups and the scope of each group: Pre-Election, Election, Post-Election, Usability and Accessibility, Cybersecurity, Interoperability, and Testing. Mary noted that the TGDC adopted the VVSG 2.0 Principles and Guidelines in September 2017 and provided an overview of the Principles and Guidelines.

Mary highlighted the proposed new structure for VVSG 2.0: Principles and Guidelines, Requirements, and Test Methods. She also explained the development process and provided an overview of major discussion items at each of the TGDC meetings from August 2019 to February 2020. Items that were discussed during the meetings: common data formats, indirect voter associations, barcodes, wireless, internet technology, E2E systems, voting system definition, accessibility and security, and clear boundaries between voting and election systems.

Mary highlighted what is new with the VVSG 2.0 Requirements:

- Inclusion of industry and technology best practices
- Human factors reference federal accessibility standards, Section 508, and Web Content Accessibility Guidelines
- Updated voter interface requirements
- Common data formats
- Low-level support for risk-limiting audits
- Defensive coding practices, reliability, and electrical requirements were reviewed, updated, and streamlined
- Testing and certification guidance will be moved to the EAC's Testing and Certification Program Manual
- New security requirements for software independence and advanced auditing methods
- Dedicated section on ballot secrecy
- Two-factor authentication is mandated for critical voting operations
- Cryptographic protection and new system integrity requirements
- All sections of the prior VVSG were reviewed, rethought, and updated

Mary provided an overview of the core requirements: High Quality Design, High Quality Implementation, Transparency, and Interoperability. She also highlighted that changes to the core requirements:

- Voting functions are organized as phases of an election
- Ensures usability, security, and reliability are designed from the start
- Strengthened documentation requirements
- Updated coding practices
- Streamlined electrical requirements

- Mandates greater interoperability and moves VVSG closer to component certification
- Manufacturer must document data format
- All hardware interfaces must use common methods and standards
- Barcodes and other data encodings must use open standards and include documentation
- Updated guidance and technical references
- Comprehensive documentation for design, evaluation, and operation is detailed in the transparency section

Mary concluded her testimony by mentioning the four types of common data formats that have been published by NIST: NIST 1500-102 Cast Vote Records, NIST 1500-101 Election Event Logging, NIST 1500-100 Election Results Reporting, and NIST 1500-103 Voter Records Interchange.

10:40 a.m.

Dr. Sharon Laskowski provided an overview about human factors requirements: accessibility, usability, and privacy. Human factors requirements are in Principles 5 through 8 and one requirement in Principle 2. Sharon covered the goals for updating the accessibility and usability requirements for VVSG 2.0. A universal design approach was used in developing the human factors requirements.

Sharon highlighted the key updates to the requirements, which included text size, plain language, ballot review and verification. She also discussed:

- Equivalent and consistent voter access modes of voting (Principle 5)
- Voter privacy (Principle 6)
- “POUR Principles” – perceivable, operable, understandable, and robust (Principle 7)
- Robust, safe, usable, and accessible (Principle 8)
- High quality implementation (Principle 2, Guideline 2.2)

10:51 a.m.

Gema Howell provided a security overview by discussing an expanding threat model, which includes natural disasters and nation-state attacks. Gema then discussed innovations since 2007 in industry (stronger network protocols and security frameworks) and in voting systems (risk-limiting audits and E2E protocols). Security requirements are mostly under Principles 9 through 15 and some are under Principle 2.

Gema stepped through each principle and provided highlights of changes in each principle.

- Principle 9 – Auditable: software independence, E2E, and support for audits
- Principle 10 – Ballot Secrecy: distinguishes between ballot secrecy from voter privacy, no voter information in the voting system, and prevents the ability to associate a voter with their ballot selections
- Principle 11 – Access Control: strengthen access monitoring and requires multifactor authentication
- Principle 12 – Physical Security: logs physical connections and disconnections and restricts physical access to voting system ports that accommodate removable media
- Principle 13 – Data Protection: protects artifacts and transmitted data
- Principle 14 – System Integrity: improves system integrity including system hardening and secure configurations
- Principle 15 – Detection and Monitoring: additional log types and updateable and configurable detection and monitoring systems

Gema discussed remote ballot marking. VVSG 2.0 requirements do not apply to remote ballot marking devices and applications. However, remote ballot marking devices must comply with federal accessibility requirements.

Gema discussed external network connections such as electronic pollbook and modems used for transmitting results. She also addressed the security concerns associated with those connections and possible solutions to address those concerns. Gema discussed internal wireless connections such as Bluetooth keyboard and mouse with an election management system, and highlighted security concerns and how the requirements addressed the concerns including how voters can use assistive technology with voting systems.

Gema concluded her testimony by summarizing the security changes that were made in developing the VVSG 2.0 Requirements.

Questions and Answers:

11:12 a.m.

Chairman Hovland started off the Q&A by asking Mary if the requirements provided enough detail for manufacturers to build voting systems. Mary confirmed that the requirements do provide that detail. Commissioner Hovland followed up by asking if the new systems would reflect modern technology. Mary confirmed that NIST updated all of the requirements to reflect modern and best practices.

Chairman Hovland asked Sharon if the voter experience would be more user friendly compared to current voting equipment. Sharon confirmed that they would provide a better experience.

Chairman Hovland asked Gema if she was confident that new voting systems would be more secure than current voting systems. Gema confirmed that they would.

Chairman Hovland asked Neal to discuss the impact of the requirements on election officials in the years to come. Neal responded that he think they would because they provide more flexibility.

Vice Chairman Palmer asked the panelists the impact of air gaps in polling locations. Neal responded by stating that he currently has air gaps with his voting system and that he doesn't think the requirements are onerous. Mary responded that NIST had many conversations with manufacturers and election officials regarding air gaps. Manufacturers had no issue with it and election officials preferred it.

Vice Chairman Palmer followed up with asking about the transmission of results from a polling place. Gema responded that the requirements stop at the export of date and that transmission of results from a polling place are not covered by the requirements

Commissioner Hicks asked Mary, Sharon, and Neal if they could talk about the discussions the TGDC had about voting systems. Neal responded that the TGDC had a lengthy discussion about the number of devices that would be required in a polling place. Mary responded that NIST highlighted requirements that are legal requirements that manufacturers must be followed. Sharon added that accessibility has always been mandated and that we shouldn't underestimate the number of devices that should be required and that poll worker proper training take place.

Commissioner Hicks asked if the manufacturers would build universal equipment with the new requirements similar to cellphones. Sharon responded that the requirements support universal design.

Commissioner Hicks followed up by asking about the percentage of usage for accessible voting equipment. Sharon responded that accessibility devices have broad coverage. Neal mentioned that universal design is ideal.

Commissioner Hicks asked Gema if a poll worker inputting data would increase risk of errors. Gema responded that there is always a potential for user error.

She tried to share two options: barcode scanner or user to verify if information is correct.

Commissioner McCormick thanked the panelists and asked Mary if NIST took into account that requirements may be too difficult for manufacturers to meet. Mary responded that NIST took that into consideration. NIST also heard from manufacturers that they may be hold off building new voting systems until the new requirements are approved.

Commissioner McCormick asked Neal about how COTS would benefit election officials and why TGDC allowed them in the VVSG 2.0 requirements. Neal provided an example of a printer going down in a legacy system and how election officials would be able to purchase COTS hardware in a pinch.

Commissioner McCormick asked Gema to explain what changes were needed to make for risk-limiting audits. Gema responded that there was some key items that needed to be added to allow for conducting risk-limiting audits including identifiers, which led to additional requirements to ensure that an identifier cannot be linked to a voter.

Commissioner McCormick asked Gema to explain software independence. Gema explained that software independence provides the capability to tabulate results independent of a voting system.

Commissioner McCormick asked Sharon for an idea of how much input the manufacturers and test labs had in developing the usability requirements. Sharon responded that many of the developers participated in the NIST public working groups. Sharon also mentioned that NIST has seen an evolution with the manufacturers in going from hardware developers to user interface designers.

Public Commenter

11:43 a.m.

Caitriona Fitzgerald from Electronic Privacy Information Center. Caitriona supports the VVSG 2.0 principles on voter privacy and ballot secrecy, accountability, and that voting systems cannot be connected to external networks.

Adjournment

Chairman Hovland made a motion to adjourn the public meeting, which was seconded by Commissioner McCormick.

The Public Meeting of the Election Assistance Commission adjourned at 11:49 a.m.

Meeting Minutes
United States Election Assistance Commission
VVSG 2.0 Requirements Public Hearing 3:
Manufacturers, Technology, and Testing Labs
Virtual Public Hearing
May 20, 2020

1335 East West Highway
Silver Spring, Maryland 20910

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (EAC) held May 20, 2020. The virtual meeting convened at 1:30 p.m. via Zoom web conference on Wednesday, May 20, 2020 and adjourned at 3:35 pm.

PUBLIC MEETING

Call to Order

Chairman Benjamin Hovland called the meeting to order at 1:30 p.m.

Roll Call

Chairman Hovland called roll and found present Vice Chair Donald Palmer, Commissioner Thomas Hicks, and Commissioner Christy McCormick.

Adoption of Minutes

Chairman Hovland submits a motion to adopt the minutes from May 6, 2020, the second Virtual Public Hearing on VVSG 2.0 Requirements. Commissioner McCormick moves to adopt the minutes as submitted. All are in favor and the minutes are adopted.

Adoption of the Agenda

Chairman Hovland called for a motion to approve the agenda, as submitted. Vice Chair Palmer moves to adopt the agenda as submitted. All are in favor and the agenda is approved.

Welcoming Remarks and Opening Statements of Commissioners

Chairman Hovland thanks the participants for this hearing and thanks the experts who have helped develop the VVSG 2.0 requirements over several years. Chairman Hovland notes that these new guidelines are focused on increasing the security and accessibility of voting systems, strengthening interoperability, and encouraging innovation. Chairman Hovland acknowledges some questions still need to be answered in regard to the new requirements, and this hearing will provide input from manufacturers and Voting Systems Test Labs (VSTLs).

Vice Chair Palmer notes that this is the third hearing, and therefore a number of EAC stakeholders have provided comment. These include Federal partners such as NIST, local and State election officials, and other experts in the field. Vice Chair Palmer thanks EAC staff for their work and notes the importance of this hearing involving manufactures and VSTLs.

Commissioner Hicks recognizes the importance of manufacturers in the VVSG process. He notes that it is important to move forward with VVSG once the current pandemic has passed, and States will be dealing with constrained budgets. Commissioner Hicks notes that, for the most part, states will choose the best value for the level of service from the manufacturers.

Commissioner McCormick welcomes the public and thanks the panelists. Commissioner McCormick highlights that it is important that the Commissioners get this right. To do that, the Commissioners have heard from a variety of stakeholders in order to balance interests in order to strengthen security, usability, and accessibility, but also encourage innovation and usher us into the future of voting technology.

Opening Testimony-Panel One

Chairman Hovland recognizes that the first panel involves perspectives from voting system manufacturers. Chairman Hovland notes that the manufacturers will be developing the new voting technology, and are therefore critical to the VVSG conversation. The panel includes Senior VP of Certification for ES&S Steve Pearson, Director of Federal Certification for Dominion Ian Piper, Director of Global Services and Certification for Smartmatic Edwin Smith, Chief Information Officer for MicroVote Bernie Hirsch, Chief Software Architect and Director of Software Development for Unisyn and member of the TGDC McDermot Coutts, Executive Director of VotingWorks Ben Adida, Chief Technology Officer for Hart InterCivic Jim Canter, and Federal Certification Program Manager for Clear Ballot Group Russ Dawson.

Steve Pearson

Mr. Pearson thanks the Commissioners for including ES&S in the conversation and notes that ES&S has a long history of building voting systems to emerging standards.

Ian Piper

Mr. Piper thanks the Commissioners. He provides three principles that he thinks will help the industry to build to VVSG 2.0 as a more dynamic and flexible format. These include agility, clarity, and stability.

Edwin Smith

Mr. Smith thanks the Commissioners. He notes that VVSG 2.0 is an improvement and provides for better security, reliability, and usability of voting systems. He appreciates that VVSG 2.0 makes very explicit the need to bake in architectural features around security, accessibility, and usability. He also appreciates that VVSG 2.0 includes an innovation class, but cautions banning certain technologies and advocates for using the Cloud.

Bernie Hirsch

Mr. Hirsch thanks the Commissioners. He notes that the systems, at a high level, are hardware, software, and documentation. Mr. Hirsch acknowledges that the prior certification process took years, and this new process could take just as long. He emphasizes that it needs to be clear how manufactures can maintain existing voting systems for the next ten years. Mr. Hirsch

concludes by saying security is a process, and they need to be able to update on a more regular basis.

McDermot Coutts

Mr. Coutts thanks the Commissioners. Mr. Coutts believes the VVSG 2.0 started with much promise, but slowly got off track. Mr. Coutts thinks that any system built to this will be very homogenous and very expensive. Mr. Coutts thinks that the standards will not be reactionary to future problems and cites the FIPS 140-2 standard of encryption. He also notes the cost increase of the UL 37-rated locks as an example of price increases. Finally, Mr. Coutts believes that it will not really be possible to retrofit existing systems into the VVSG 2.0 as it stands now.

Ben Adida

Mr. Adida thanks the Commissioners and EAC Staff. Mr. Adida believes the VVSG should encourage and enable completion amongst manufactures and provides three points on how VVSG 2.0 can to do that. He commends the interoperability section of the requirements and the addition of user-centered design, but recommends some expansion of these sections. Finally, he believes that all vendors need to be held to the same standards, as VotingWorks is currently the only vendor subject to the 2015 standards.

Jim Canter

Mr. Canter thanks the commissioners. He recommends circling back to this group once all public comments have been received in order to discuss the technical language of the requirements themselves. Mr. Canter notes that some of the current standards lacks sufficient detail and cites the language in Principle 9 on audibility.

Russ Dawson

Mr. Dawson thanks the Commissioner and notes that many of his comments have already been addressed. He notes that ClearVote is eager to embrace the revised Voluntary Voting System Guidelines that are crafted to enable more rapid and frequent enhancements to be introduced into the marketplace.

Questions and Answers for Panel One:

Chairman Hovland begins the Q&A session by asking all panelists yes or no, do they believe the VVSG 2.0 requirements are an improvement and necessary modernization from the current guidelines. All say yes, with some reservations on specifics.

Chairman Hovland then asks all panelists if there are specific requirements that they have identified as overly burdensome, difficult to implement, or unnecessarily costly.

- Mr. Pearson notes that the current requirements for voting system screen size and resolution will result in higher cost, as will the requirement for drill- and pick-proof UL locks.
- Mr. Piper says they are still reviewing, but they will need the test assertions before fully answering.
- Mr. Smith says that 10.2.2.2-F around FIPS compliance add many months to the process.
- Mr. Hirsch says that 9.1.1-A on software independence should not call out DRE as a software -dependent voting system. He also thinks 10.2.1-B, indirect voter associations should be allowed for a paper-based system. Mr. Hirsch also believes 1.2-F on continuous operation testing needs to include a DRE VVPAT combination similar to BMD or new technologies. He also thinks the 1.2-G temperature change will be more costly and take more time. Mr. Hirsch also thinks the whole environmental hardware section under 2.7 should only apply to voting devices used in the polling place. Finally, he believes that 2.7.1 on electrical testing is too restrictive.

Chairman Hovland ends the line of question due to time constraints, but encourages panelists to submit comments in writing.

Vice Chair Palmer asks all panelists if they have a timeline in mind to build and bring voting equipment up to VVSG 2.0 requirements.

- Mr. Pearson notes that that none of their fielded systems today can be upgraded as the standards are currently written. He thinks it will take 18-36 months to build to these standards. He also emphasizes a need for test assertions.
- Mr. Piper notes they have begun work on building to 2.0 requirements, but they need the test assertions to decide a timeline.

- Mr. Smith says they are continuing to evaluate.
- Mr. Hirsch says they do not have a full timeline, but estimates two to three years to develop and build the first prototype.
- Mr. Coutts says they have also begun work to meet the new requirements, but estimates it will be years before a system can be fielded.
- Mr. Adida recommends ways for the EAC to speed up the timeline. He notes that certain VVSG 1.1 standards were never met, but have been carried over which will add time. He also notes that the requirement for seven straight days of testing machines adds time and cost.
- Mr. Canter notes that Verity has already met some 2.0 requirements, but upgrading existing systems to 2.0 requirements will be challenging.
- Mr. Dawson agrees with other projected timelines and emphasizes the need for test assertions.

Vice Chair Palmer notes that the Commissioners are dedicated to developing the test assertions sooner than later in order to expedite the timeline.

Commissioner Hicks asks all panelists about principle 4 on interoperability and how it impacts manufacturers, especially in terms of who will address issues in the long-term.

- Mr. Dawson notes that Principle 4 includes four NIST standards, which will impact how rapidly they can bring a product to market.
- Mr. Canter says interoperability has a high return on investment for the local election community. He says it will take time to work through the source of truth issue and it is difficult to develop, but the benefits are very real.
- Mr. Adida thinks it is critical to include interoperability and it can be incremental. Mr. Adida says the first step in this process is to require that all existing formats that are actively used be open for everybody to observe and that they be documented.
- Mr. Coutts says it is hard to determine who will be responsible for errors under interoperability and that the EAC would need to test everyone together.

- Mr. Hirsch says interoperability reduces diversity and needs to have component-level certification.
- Mr. Smith says it has a technological piece and a marketing piece. He says from the technological side it can be done, but it will be up to the labs to assess compliance. From a marketing perspective, he cites Los Angeles's use of a prime integrator as a solution for responsibility.
- Mr. Piper says it is still unclear how interoperability will be tested and there are still concerns over security of the system.
- Mr. Pearson agrees with Mr. Piper, and says there are still a lot of questions around interoperability.

Commissioner McCormick notes that the limit on time is unfortunate and recommends the manufacturers submit written comments. Commissioner McCormick asks if the increase in cost will be prohibitive to election administrators and what the increased cost will do to the market in general. All agree that it will increase cost and could be prohibitive. Many note that state budgets will be constrained following the recent pandemic.

Chairman Hovland thanks all of the panelists. He again emphasizes the importance of written comments and expresses some discontent in not hearing from the manufacturers sooner. He turns it over to Vice Chair Palmer for panel two.

Opening Testimony: Panel Two

Vice Chair Palmer thanks the panelists for agreeing to join the conversation. He notes that VSTLs play a vital role in voting system testing and certification. Vice Chair Palmer introduces the panelists, Senior Test Manager for SLI Compliance Mike Santos and Co-founder and Laboratory Director of Pro V&V, Inc. Jack Cobb.

Mike Santos

Mr. Santos thanks the Commissioners. He notes that the new standards need to be as unambiguous as possible and cites that for VVSG 1.0 there were over 20 requests for interpretation. Clear standards reduces time and prevents inconsistencies in testing amongst VSTLs. Mr. Santos notes that he has not participated in the development of test assertions for VVSG 2.0,

which is a concern he has. He asks that the VSTLs have the opportunity to review the test assertions before they are finalized.

Jack Cobb

Mr. Cobb thanks the Commissioners. He notes that while he has not fully assessed the requirements, he believes it is a step in the right direction. Mr. Cobb notes that VVSG 2.0 takes a new approach by looking at the required functions of a computerized system to be a voting system. Mr. Cobb finds that evaluating systems that States are using to combat the pandemic are difficult to evaluate against VVSG 1.1. He believes VVSG 2.0 provides a better framework where new technologies can be evaluated more easily.

Questions and Answers for Panel Two:

Vice Chair Palmer asks both panelists how VVSG 2.0 will impact testing and if there are any obvious advantages or disadvantages. Mr. Santos highlights the clarity and layout as advantages of VVSG 2.0, but some ambiguities can be ironed out. Mr. Cobb agrees, and emphasizes the importance of new test assertions.

Chairman Hovland asks Mr. Cobb if VVSG 2.0 solves the decibel level concern he previously had with VVSG 1.0. Mr. Cobb says he had not analyzed that point.

Chairman Hovland asks if Mr. Santos has anything to add. Mr. Santos says it looks like some of the content for usability was taken from an RFI that was put out in 2013, but not all of it. He says this impacts the relevant sample size.

Chairman Hovland asks both panelists what provisions have adequate details to test to and what provisions require additional detail to build test assertions. Mr. Santos says 85% of the provisions do not need test assertions, but he does think some need more updating. Mr. Santos agrees with the previous panel that some clarification on terminology is necessary in order to avoid different interpretations. Mr. Cobb adds that as 2.0 was being written the purpose was to ensure that they could test to certain things instead of build to those things.

Commissioner Hicks ask both panelists what sort of technologies cannot conform to the old standards. Mr. Cobb points out the requirement in VVSG that the device that captures the vote has to be auditable, but a smartphone cannot be audited. Mr. Santos acknowledges the difficulty of implementing technologies like smartphones. Mr. Santos believes the requirements have still been thought of along the lines of traditional polling place devices.

Commissioner McCormick asks what is the biggest reason for lengthy testing times and if the new requirements address or exacerbate it. Mr. Cobb says the main issue causing the lengthy testing time in the past was system preparedness, which is better today. Mr. Santos adds that when the previous standards came out the EAC was just getting off the ground, so he expects this time around will be more streamlined. Mr. Santos also adds that ambiguities in prior VVSGs added time, and 2.0 is much better in that regard.

Commissioner McCormick follows up and asks both panelists from a VSTL standpoint if the new requirements will require manufacturers to start from zero in designing new systems and increase the timeline as noted in the previous panel. Mr. Cobb says he would need to evaluate a system on paper against the actual requirements to answer that question. Mr. Santos says that architecturally there are some big impacts from VVSG 2.0 so it could take time.

Chairman Hovland asks if there is enough detail for manufacturers to start designing and building when the requirements are adopted. Mr. Cobb says yes it is enough to start, but they will still need the test assertions. Mr. Santos agrees with Mr. Cobb, but says if the EAC resolves certain ambiguities and establishes best practices it will save time.

Vice Chair Palmer asks both panelists how the EAC can provide clarity on the innovation class. Mr. Cobb says the innovation class in 1.1 was not used to his knowledge and thinks this is in large part due to the prior lack of commissioners. Mr. Cobb emphasizes that innovation is inspired by the

EAC. Mr. Santos says VVSG 2.0 has locked down innovation and innovation may be slowed based on the bans of certain technologies.

Commissioner Hicks asks both panelists what their thoughts are on the labs participating the process at various points in the process but still leaving the VSTLs as the final determination of the certification process. Mr. Cobb says that things could be going on in parallel and cites that it might be easier to allow the manufacturers to do the hardware testing and bring the VSTLs a report. Mr. Santos likes it as a concept if properly implemented, but if it would have to be tightly managed. He also adds that it could create more overhead, but there are things to gain.

Commissioner McCormick asks the panelists to give some visibility on the problems in VVSG 1.1 that prevented manufacturers from submitting systems to test and if that will continue to be a problem under 2.0 standards that carry over from 1.1. Mr. Cobb says he is unsure of the specific issue, but the EAC should take manufacturer comments into consideration. Mr. Santos says he remembers two requirements giving manufacturers trouble under 1.1. The first was the cyclomatic complexity requirement, which Mr. Santos does not recall seeing in VVSG 2.0. The second was the usability/accessibility requirement for hands free voting, which he thinks is still in 2.0. Mr. Santos thinks that there are workarounds for manufacturers on this requirement, but it would be a significant effort.

Public Comment

Lauren Lochridge and Christopher Hughes of the Voting Methods Working Group recommend that VVSG 2.0 casting and tabulation standards be revised to match their work product, Voting Methods and Tabulation Methods Standards Draft NIST SP1500-107.

Adjournment

Chairman Hovland thanks the public commenters and participants. He notes that the next step in the process is to discuss the requirements of the Standards Board and Board of Advisors in June. He reminds everyone that

the public comment period is open until June 22nd and emphasizes the need for comments.

Chairman Hovland calls for a motion to adjourn the Hearing. Commissioner Hicks so moves and Commissioner McCormick seconds the motion.

The Public Meeting of the Election Assistance Commission adjourned at 3:35 p.m.