

**CHARTER OF THE
U.S. ELECTION ASSISTANCE COMMISSION TECHNICAL GUIDELINES
DEVELOPMENT COMMITTEE**

- 1. Committee's Official Designation (Title).** Technical Guidelines Development Committee.
- 2. Authority.** In accordance with the requirements of Section 221, of the Help America Vote Act of 2002 (P.L. 107-252, codified at 52 U.S.C. § 20961), the U.S. Election Assistance Commission (the “EAC” or “Commission”) hereby charters the Technical Guidelines Development Committee (the “Committee” or “TGDC”), and established the Committee in accordance with the provisions of the Federal Advisory Committee Act (“FACA”), as amended, 5 U.S.C. App. 2.
- 3. Objectives and Scope of Activities.** Pursuant to 52 U.S.C. § 20961(b)(1), the Committee will act in the public interest to assist the Executive Director of the EAC in the development of the voluntary voting system guidelines. The Committee may, by simple majority vote, adopt resolutions, make motions, or make recommendations to the Commission for consideration. New resolutions, motions, and recommendations will, however, be treated as advisories to the EAC. The EAC will only consider resolutions, motions, or recommendations passed by majority vote and determined to be within the scope of the Committee's duties as outlined at 52 U.S.C. § 20961(b)(1). The Committee shall work only on those new items with which EAC has tasked the Committee.
- 4. Description of Duties.** The U.S. Election Assistance Commission was established by the Help America Vote Act of 2002 (P.L. 107-252), hereinafter referred to as the Act. The EAC is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration. EAC also accredits testing laboratories and certifies voting systems, as well as audits the use of HAVA funds.

The Committee shall function solely as an advisory body, in accordance with the provisions of FACA, implementing regulations, and applicable agency policies and/or guidelines. Pursuant to 52 U.S.C. § 20961(b)(1), the Committee will act in the public interest to assist the Executive Director of the EAC in the development of the voluntary voting system guidelines.
- 5. Agency or Official to Whom the Committee Reports.** The Committee shall report to the Executive Director of the Commission.
- 6. Support.** Selected staff within NIST’s Information Technology Laboratory will provide staff support for the Committee. NIST’s cost for this support is covered by the budgetary pass through, including all direct and indirect expenses. The Committee may, by simple majority vote, pursuant to 52 U.S.C. § 20961(e), request technical support from NIST, within the scope of the Committee's objectives and duties as outlined at 52 U.S.C. § 20961(b)(1). Any such request must be approved by the DFO

before the TGDC may communicate the request to NIST.

7. **Estimated Annual Operating Costs and Staff Years.** EAC's annual cost of operating the Committee is estimated at \$153,469.66, including 0.4 staff years. Annual operating costs include meeting expenses, travel, staff salary and benefits, and other expenses. Committee members shall not be paid for their time or service. As for persons intermittently in the government service, members shall be reimbursed for their travel-related expenses to attend meetings in accordance with 5 U.S.C. § 5703.
8. **Designated Federal Officer.** Pursuant to FACA, the Designated Federal Officer (“DFO”) (and alternate DFO) shall be a full-time or permanent part-time federal employee, appointed in accordance with EAC procedures. The DFO must approve or call all Committee meetings, approve the agenda for all meetings, attend all committee and subcommittee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest, and chair meetings in the absence of the designated Chair. EAC's DFO must have notice of all subcommittee meetings.
9. **Estimated Number and Frequency of Meetings.** The Committee may meet as often as called by the DFO and chair. It is estimated that the Committee shall meet at least 1 time per year.
10. **Duration.** The duration of the Committee is continuing.
11. **Termination.** The Committee is subject to a biennial review and will become inactive two years from the filing date of the charter, unless, prior to that date, it is renewed in accordance with Section 14 of FACA. The Commission's Organizational Management Policy Statement ensures that the charter may be renewed every two years according to the procedures in section IV, which provide for ongoing operation of the Commission's Boards and Technical Committee (adopted 2-24-15). The Committee will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The members will be appointed as Representative members, Regular Government Employees, or Special Government Employees in accordance with the Office of Government Ethics designations. The Committee shall be composed of:
 - A. The Director of the National Institute of Standards and Technology (NIST) who shall serve as its chair.
 - B. A group of 14 other individuals appointed jointly by the Commission and the Director of NIST, (Regular Government Employee) consisting of the following:
 1. An equal number (3 or 6) of each of the following:
 - i. Members of the Standards Board (Representative Member(s)).
 - ii. Members of the Board of Advisors (Representative Member(s)).
 - iii. Members of the Architectural and Transportation Barrier Compliance Board (Access Board) under section 502 of the Rehabilitation Act of 1973 (29 U.S.C.

792) (Representative Member(s)).

2. A representative of the American National Standards Institute (Representative Member).
3. A representative of the Institute of Electrical and Electronics Engineers (IEEE) (Representative Member).
4. Two representatives of the National Association of State Election Directors (NASSED) selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party (Representative Member).
5. Other individuals (not more than seven) with technical and scientific expertise relating to voting systems and voting equipment (Special Government Employees or Regular Government Employees).

Terms of Service and Vacancies:


1. Members of the Committee shall serve for a term of two (2) years and may serve for a longer period only if reappointed for an additional term or terms.
2. A member of the Committee who has not been reappointed at the end of his or her term may continue to serve on the Committee until such time as he or she is either reappointed or replaced.
3. Any vacancy in the Committee shall be filled in the manner in which the original appointment was made.
4. If an individual is appointed to fill a vacancy, that individual shall serve on the Committee for the remainder of the term for which the vacancy existed.
5. Notice of vacancies on the Committee for those individuals jointly appointed by EAC and NIST will be published in the Federal Register as well as on the Commission's website.
6. Members of the Committee shall not be compensated for their services, but will, upon request, be reimbursed for or provided with travel and per diem expenses in accordance with 5 U.S.C. 5701 et seq., while attending meetings of the Committee or subcommittees thereof, or while otherwise performing duties at the request of the Chair with approval from the DFO, while away from their homes or regular places of business.
7. In accordance with the Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions, issued by OPM on 08/13/2014, federally registered lobbyists shall not be appointed to the Committee.
8. The Committee shall not act in the absence of a quorum, which shall consist of a

simple majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee.

13. **Subcommittees.** The EAC will create any subcommittees of the TGDC that may be necessary to accomplish the TGDC's function. In addition, the EAC will establish such operating procedures as required to support the TGDC, consistent with the Federal Advisory Committee Act, as amended, implementing regulations, and applicable agency policies and/or guidelines. Subcommittees will report only to the Committee.
14. **Recordkeeping.** The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2, Item 2 or other EAC records disposition schedule. These records shall be available for public inspection and copying subject to the Freedom of Information Act, 5 U.S.C. 552.

CHARTER FILING DATE:

This Charter was filed on the 13th day of April 2023.

Signed: 

Christy McCormick
Chair, Election Assistance Commission