United States Election Assistance Commission
Board of Advisors Meeting

Held at

The Crowne Plaza Chicago Metro
733 West Madison
Chicago, Illinois 60661

Wednesday, May 4, 2016

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) Board of Advisors meeting that was held on Wednesday, May 4, 2016. The meeting convened at 8:33 a.m., CDT and adjourned at 4:43 p.m., CDT.

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CHAIRMAN HICKS:

Good morning everyone, a couple quick things before we get started. One, we have a packed day-and-a-half of meetings. The microphones on the table all you need to do is press them once and then they will light up and go, but the audience, when you are speaking you need to hold down your microphone. So you need to press the button and continually hold it to be able to speak, okay?

With that, I want to introduce Lance Gough and David Orr to come up and give a presentation on welcoming to Chicago. Unfortunately, the mayor was not able to make it but Lance and David are experts here in Chicago and are going to do a great job. I also want to thank you both for the wonderful tour that we got yesterday at the warehouse, it was absolutely phenomenal. So with that, come on up.

MR. ORR:

Good morning, it's good to see a lot of old friends out here and some new friends, you know. Welcome to Chicago. Chicago, as you know, is the biggest city in Illinois and we have no budget, but we don't care.

[Laughter]

MR. GOUGH:

We don't care, why? Because the Chicago Cubs are first, have the best record in the National League and the White Soxs have the best record in the American League and we are going crazy. So anyway it's great for us.

Now, I know you tried to get Mayor Rahm Emanuel and he couldn't make it. And then I know you tried to get Richard J. Daley because he was the longest serving mayor in Chicago's history and he took over for his father, who before him was the longest serving mayor in Chicago's history. So since, you know, Chicago is a city of contrast, I think Tom decided, well, if we can't get the real mayor or the longest-term mayor, let's get the shortest term mayor. So, those of you that don't know your Chicago history, you're looking at the shortest, not in stature necessarily, the shortest term mayor in Chicago's history. Back in 1987, when Harold Washington was mayor, I was his vice-mayor, he passed away, but in a great Chicago tradition the vice-mayor became mayor, not until the next election, only until the city council picked a replacement. So since I was not a darling of the old democratic machine, my term was one week.

[Laughter]

MR. ORR:

1   But there's very few mayors if any in the world, big city mayors or in

2   the U.S., that has the record that I do. In my entire term no taxes

3   were raised.

4   [Laughter]

5   MR. ORR:

6   In fact, for you history buffs I want to tell you one more thing that

7   nobody in the world knows but maybe 12 people. We had a similar

8   crisis in terms of leadership. Back in 1933 Anton Cermak was our

9   mayor and he was traveling with Franklin Delano Roosevelt. There

10   was an assassination attempt. They're still debating on who was

11   the attempt at, but Cermak was killed. There was no succession

12   policy in the Chicago city council when it came to replacing the

13   mayor and so they found someone who served the second shortest

14   term in Chicago history. His name was Corr, C-o-r-r, so waiting for

15   the next likely sounding name.

16   Okay just one political story, okay? My staff told me not to

17   tell it but I'm old, I'll tell it anyway. Now this is a true story. Back in

18   the council wars in the 1980s, you know, there was a gentleman

19   named Fred Brody. He was a very powerful Alderman. He was a

20   1st Ward Alderman. He was a 1st Ward Alderman which is

21   important because if you're part of the machine, which 45 out of 50

22   Alderman would be, you didn't have to pay attention. If Fred voted

23   yes, you voted yes. If Fred voted no, you voted no. Fred was also

mobbed up. I can say that now because he passed away. And he later in his career went to jail for his mob activities. But that particular morning the city council -- I had been talking to Fred before the meeting and I was kind of shocked because we weren't the closest of buddies, but he did say to me that his wife, his wife's maiden name was the same as mine, Orr. Well I was speaking on the floor and when you speak on the floor, the old guard over there, Fred and bunch of folks like to make a lot of noise to try and encourage the press not to pay attention to you. But as you know as elected officials you get used to that stuff, it doesn't bother you. But that particular day since I talked to Fred before the meeting I stopped in the middle of what I was saying and I said, "As you can see," and I pointed to the crowd over there, "that even though Fred's wife is married to an Orr it hasn't done me any good" sat down and immediately 25 press walked -- or ran from where they sit, shoved a bunch of microphones in my face and said, "Did you just call Fred's wife a whore?"

[Laughter]

MR. ORR:

All day long the notes kept coming up, "Hey Orr, the cement truck is out in front for you."

Anyway, fortunately I lived through that one and Fred is now gone so I can tell the story.

Just two quick other historical points, very historical, Lance is going to give you a little stuff about more current stuff, but a couple things that are fascinating. Like I say, Chicago is a place of contrast, amazing achievements and some other things we're not so proud of. But one of those, and you may know the story, and if you have time when you do come back to, you know, travel the river, take the historical architectural tour it's wonderful. The particular story, you probably know it, but the reversing of the Chicago river, very, very important. Back around the turn of the century the Chicago River, all the way coming from various angles from the Mississippi, flowed into the lake. That meant all that horrible filth moved into the lake and at that time around the country, particularly trying to deal with the very dangers of the pollution affecting the water and so forth, so they came with this amazing engineering feat. They reversed the flow of the water. Now to do that, if you've traveled over there, they built the locks so now you go up for the lake, and now so the lake water flows down. The good news is it saved us all from all the various diseases. The bad news is we just dumped all of our filth on the rest of Illinois, which is probably why downstate is still not too happy with us. That particular achievement in 1999 was given the Civil Engineering Monument of the Millennium. It was an amazing feat and if you have a chance and you haven't, go over there, ride one of those

boats and they'll tell the story.

The second thing which is fascinating to me, kind of an entrepreneurship, some of you have read that very interesting book "Devil in the White City" and if you haven't you'd really get a kick out of it because it's about the famous World's Fair of 1893 and also some interesting murders going along at the same time. But the Ferris wheel that they built, named of course Ferris, we all know him now, this particular Ferris wheel was enormous, okay? The gondolas didn't hold one or two people, they held 40 people each. Now think of that weight, think of that. What's fascinating to me about it is they weren't even sure that it was going to work a week-and-a-half before the fair started. Can you imagine that today? I mean you have to have approval from thousands and thousands of inspectors, you know, four, five, six, ten years ahead of time. So it was a fascinating feat, it did work, but it just shows the different kind of culture entrepreneurship lack of what you might call regulations at that time, fascinating thing.

So I'm delighted that you're all here enjoying our town. I used to be on the Board of Advisors. I know the good work the EAC does and I certainly congratulate the work that Tom and Christy and Bat are doing.

[Laughter]

MR. ORR:

I can't help it, I talk about Bat Masterson. It gives me a big thrill.

So I know it's important work you're doing. I want you all to make sure that you hopefully met Noah Praetz yesterday and if you haven't, meet him some time. He's my Director of Elections, he's wonderful. He's brilliant doing a good job and fortunately usually can step in for me.

So have a great conference, welcome, enjoy your time.

[Applause]

MR. GOUGH:

Good morning. Just a follow-up, David is a great history buff and he's great in the past. When Chairman Hicks told me that you were coming to The Crowne Plaza on Madison Street the first thing that hit me was that's skid row. What happened? They're not on Michigan Avenue. And then I remembered, because I do live in this city and I walk down these streets all the time, I said this is a huge development area. They built a Mariano's, a Whole Foods. I mean the young people are moving in. Anytime you see pet stores you know young people have moved in. And about five blocks from here there's a huge dog park. So this whole area has been revitalized. They're getting ready, here at St. Pat's Church, to build a new apartment building. It's going to be one of the largest in the city.

The city is really moving. Now, yes, we're a big city. We

have a lot of problems where there's some issues with crime that are being worked out on. As David mentioned, we do not have a state budget. As usual people are arguing over nickels and dimes. The teachers are talking about going on strike. But if you look around the city you'll see cranes, you'll see construction going on. It's still a vibrant city and I love it. This city has been very, very good to me.

Some of the other unusual areas we were driving from the warehouse and we went by Pilsen. We went to other parts. This city is built on immigrants. I mean the Irish came and did railroads. The Italians came and built shops. I mean the city is built on backs of immigrants and we embrace the areas in the city. You have from Chinatown. You have Pilsen. You have Little Village. We have a lot of different areas. And when you drive from the airport if you don't go through the expressway and cut through side streets you'll go through so many different parts of the city and it's wonderful.

So again I'd like to thank the EAC for coming to Chicago. You have a lot of cities to pick from and I'm just glad you're here. We love to show off the city. And the people that came to tour our warehouse yesterday I want to thank you. My staff -- I'm still getting emails from my staff. They were so happy that you came to our warehouse and they were able to show off.

So again, thank you very much.

[Applause]

CHAIRMAN HICKS:

Thank you. We're excited to be here. Next on the agenda our

Secretary Sarah Ball Johnson will do the roll call.

MS. JOHNSON:

Good morning everyone. So Barbara Bartoletti?

MS. BARTOLETTI:

Here.

MS. JOHNSON:

David Blount?

SENATOR BLOUNT:

Here.

MS. JOHNSON:

Matt Boehmer.

MR. BOEHMER:

Here.

MS. JOHNSON:

James Burn? Jim Dickson.

MR. DICKSON:

Here.

MS. JOHNSON:

Marc Guthrie.

MR. GUTHRIE:

Here.

MS. JOHNSON:

Kathryne Harper.

MS. HARPER:

Here.

MS. JOHNSON:

Ricky Hatch.

MR. HATCH:

Here.

MS. JOHNSON:

Ernie Hawkins.

MR. HAWKINS:

Here.

MS. JOHNSON:

Chris Herren? Sarah Johnson is here. Neal Kelley?

MR. KELLEY:

Here.

MS. JOHNSON:

Linda Lamone?

MS. LAMONE:

Here.

MS. JOHNSON:

Tim Mattice? Denise Merrill she's not able to be here. Matt

McCullough?   Gregory Moore? Wendy Noren?

MS. NOREN:

Here.

MS. JOHNSON:

John Murante? Richard Pilger? Helen Purcell?

MS. PURCELL:

Here.

MS. JOHNSON:

Tom Schedler?

MR. KELLEY:

He is here. I did see him earlier.

MS. JOHNSON:

Shane Schoeller?

MR. SCHOELLER:

Here.

MS. JOHNSON:

Barbara Simons?

MS. SIMONS:

Here.

MS. JOHNSON:

Christopher Thomas?

MR. THOMAS:

Here.

MS. JOHNSON:

Patricia Timmons-Goodson? Linda von Nessi?

MS. VON NESSI:

Here.

MS. JOHNSON:

Michael Winn?

MR. WINN:

Here.

MS. JOHNSON:

And Michael Yaki?

CHAIRMAN HICKS:

I have a count of 18. A quorum being present we're able to proceed with our meeting.

So next on the agenda I would like to welcome -- I would like to give my opening remarks and then I will turn it over to my fellow Commissioners to give theirs.

Again I want to welcome you all to Chicago. My fellow Commissioners and I are looking forward to a very productive day-and-a-half of meetings with you Board of Advisors. I want to welcome you to Chicago and thank you once again for your willingness to serve on the Board.

Since our last meeting we had a very busy year. You will hear from numerous EAC staff and other election partners on our

many accomplishments and projects this past year. You'll also hear about a few of our goals for the upcoming year.

The Commissioners and I are very happy to announce three new hires since our last Board meeting. Brian Newby was hired as Executive Director, Cliff Tatum was hired in the late fall to serve as General Counsel and Pat Layfield was hired to serve as the Inspector General for the EAC.

We filmed a webisode on the recruitment and training of poll workers or election workers, traveled to nearly a half dozen states to talk to state conferences and other stakeholders, work with FVAP on the EAVS, held a hearing to listen to voters and election officials on disability access, held our Standards Board meeting and planned a -- and planning a hearing for late May on two topics; election workers and resource allocation. And we'll also hold a language summit. For some government agencies that may be a year's work. That's the work that the EAC did within the last 30 days. So as we meet over the next day-and-a-half I want you to take stock in what we are here to fully participate in and helping the EAC carry out our mission.

Most, if not all of you, have been put on committees; special committees' assignments. It is my hope that those committee assignments are used to gather information and provide information to the staff of the EAC. EAC staff will be in contact with you to

further gather that information.

One example, one of the special committees that come to mind is the Clearinghouse Subcommittee. It is my hope that this and all committees meet regularly either by phone or by webinar. The EAC both has conference lines and WebEx to discuss the important information that is gathered and disseminated.

The way that we gathered information over the last ten years will not be the same as the way we gather information in the next ten days, so how -- the next ten years. So how can the Board of Advisors ensure that the EAC remains relevant and responsive to our stakeholders? And that's what you are here to help us determine. Lastly I want you to think about and discuss how the EAC can better assist election officials and voters now and in the future.

So I want to thank you again for being here and let's all get to work. So with that I want to turn it over to my Vice-Chair Matt Masterson.

VICE-CHAIR MASTERSON:

Well thank you Mr. Chairman and good morning to all of you. Thank you for taking the time out of your busy schedules in what is no doubt an extraordinarily busy year to come here to Chicago for the annual Board of Advisors' meeting.

I want to start by thanking Chairman Hicks. It's a privilege

and honor to serve as his Vice-Chair. It's the second most important vice in Washington, D.C. We don't talk about it a lot but Vice-President Biden and I have weekly meetings about it, so watch your back Commissioner Hicks.

[Laughter]

VICE-CHAIR MASTERSON:

I only have a couple welcoming remarks to share with you all and it's more in the means of encouragement for your involvement. Many of you in this room have for a long time been involved with the work of the EAC and as we move forward I want to encourage you to remain involved but, in fact, to get more involved. Later today I will be sitting on a panel with representatives from NIST, the EAC and LA County Dean Logan, talking about the next set of voting system standards. Several of you in this room serve on the Technical Guidelines Development Committee. Many of you have been involved already in the public working groups that we've established. I need the rest of you to be involved. We will talk about how you can be involved, what role you can play in setting the next set of standards and how best to efficiently use your limited amount of time this year to help impact the next set of voting system standards. The goal for the next standards, as you'll hear later this afternoon, is to have them done by the end of next year, beginning of 2018. It's ambitious. It can only be accomplished

through your input, your feedback and your involvement right now.

We cannot wait until the end of the process to receive feedback on

the next set of voting system standards. So I encourage you after

lunch get a cup of coffee, get whatever you need. Mary Brady from

NIST and Brian Hancock from the EAC will actually show you a

picture of what the next set of standards may look like. And then

we're going to push you to get involved and give us the feedback

because we're committed to getting this done and moving this

process forward and it cannot be done without your feedback.

The other thing I'd encourage you to do while you're sitting

there or during a break is to check out the EAC's BeReady16 effort.

That is our effort this year to provide clearinghouse, best practice

information around a variety of topics that are impacting election

officials now. I think the Executive Director will talk about that a

little bit. But we need your feedback on, one, what we're missing;

and two, we need you all to submit information to the BeReady16

effort. And so as we walk through that if you can identify areas

where you have information, best practices, resources that we can

take and disseminate. We've had a great response from election

officials across the country to the information that we're providing.

Finally I want to highlight a hearing that we held last week

that -- in Boston, that quite honestly had a big impact on me. We

held a hearing last week in Boston with voters with disabilities and

heard directly from those voters. And it was a powerful experience

to hear both the successes we've had since HAVA and the

challenges that remain to fulfill the full promise of HAVA. And so I

want to encourage each and every one of you, go to our website,

read the testimony that was submitted to us and watch the

testimony -- the video testimony and hear directly from those voters

because it struck me as I listened that much of the challenges that

remain in that area to fulfill the mission of HAVA aren't ones of

better or more training or more resources, but in fact just better

communication and understanding the needs of those voters. And

that came through in the testimony we heard. And so I felt like I

walked out of that room with a much better understanding of steps

we can take to better serve voters with disabilities and the immense

challenges that still remain. So I want to encourage you all to

check that out and to really listen and hear the words of those

voters.

With that, again I want to thank you all for your time. Thank

you all for what you to do to help make the EAC better. We can't

do this without you and I look forward to the next day-and-a-half of

meetings. Thank you.

COMMISSIONER McCORMICK:

Good morning, I'm just a Commissioner now which is…

[Laughter]

COMMISSIONER McCORMICK:

>...kind of great that I survived the year as Chair with these other
>
>two. You can see Tom actually did compete a coup and become
>
>chair.

[Laughter]

COMMISSIONER McCORMICK:

>But welcome and thank you for being here. It's tough following
>
>Commissioner Masterson because he says everything, period.

VICE-CHAIR MASTERSON:

>But not well, but not well.

[Laughter]

COMMISSIONER McCORMICK:

>But I reiterate the welcoming remarks of my fellow Commissioners
>
>and I want to thank you for being here especially during this busy
>
>election year. I know you have lots of other things to do, so thank
>
>you for your dedication to the EAC.
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>I was able to speak with some of you yesterday and I hope
>
>to talk with each of you at some point during the next couple of
>
>days. So I hope you'll grab me. I want to hear what you have to
>
>say, your concerns, your issues, your input. It's important for me to
>
>hear that. We've made a lot of progress over the last year re-
>
>invigorating the EAC and we're continually working to making this
>
>agency better and improving our assistance to election

administrators who do the hard work of elections across this

country. We don't run elections, you all do, and we -- hats off to

you because that is an immensely hard job and we know that. So if

there's anything we can to be of assistance to help your job -- make

your job easier, we want to be there for you. As Commissioner

Masterson said you're critical to this agency and the work we've

been tasked with under HAVA. So I want to thank also to our

fantastic staff who are so dedicated and who do a great job of

putting these events together. We appreciate each of you.

And I look forward also to the next couple of days listening to

the conversation and discussion and presentation. And again

thanks for being here. And thanks for your dedication and your

work supporting the EAC. Thank you and welcome to Chicago.

CHAIRMAN HICKS:

I thank both of my fellow Commissioners for those welcoming

remarks. And I want to also acknowledge a couple of folks who

were out of the room when we did the roll call. Greg Moore is

present and Tom Schedler is also present.

In your binders we have a -- under tab number five -- I mean

tab number four the approval of minutes of the 2015 April 28-29th

meeting down in Williamsburg. Do I hear a motion to approve

those minutes?

SECRETARY SCHEDLER:

So moved.

MR. WINN:

Second.

CHAIRMAN HICKS:

Okay thank you, so approved.

[No vote was called for on the motion.]

CHAIRMAN HICKS:

Next in our binders we have the overview of bylaws and proposed

amendments. We are not going to talk about that right now. We

have an extensive discussion tomorrow on that and then next we

will hear from Chris Thomas on the procedure to fill Executive

Board vacancies.

MR. THOMAS:

Good morning. Okay, so we're going to do an election of some sort

here being there's a lot of election officials present. Okay, we…

MR. DICKSON:

I want a recount.

[Laughter]

MR. THOMAS:

We've already done that. Okay, so we -- there is a Nomination

Committee put together. Tom asked me to Chair that and the

members are Jim Dickson, Kathryne Harper, Michael Winn and

Linda Lamone also sat on that committee. We had conversations

and have come up with nominees. And I think the way we'll handle

this is the -- I will give the committee nomination for the office and

we'll start with Chair, Vice-Chair and then Secretary as the bylaws

require and then if there's any nominations from the floor on any

one of those offices we will take them in that order and we'll vote in

that order. Under the bylaws there is a secret paper ballot that is

used if there is more than one nominee. If there's only one

nominee, we will by popular acclamation put that person in their

chair.

So beginning with Chair, the committee is nominating Neal

Kelley to move up who, currently serves as the Vice-Chair. So I'm

going to place him in the nomination and do I hear any other

nominations from the floor? There being none, I would ask for an

acclamation that Neal be the chair of the Board of Advisors. All say

aye.

[The nomination carried by acclamation.]

MR. THOMAS:

Okay, second, Vice-Chair. The Committee has nominated Sarah

Ball Johnson who has been serving as our Secretary and any other

nominations from the floor? Hearing none I'll call for a vote, all in

favor?

[The nomination carried by acclamation.]

MR. THOMAS:

Okay, Secretary, the Committee has nominated Michael Winn and nominations from the floor. Hearing none, call for acclamation, all in favor aye.

[The nomination carried by acclamation.]

MR. THOMAS:

Okay, no recount. Thank you all.

CHAIRMAN HICKS:

I just want to give a quick round of applause to those folks who are going to be the next Executive Board.

[Applause]

CHAIRMAN HICKS:

Thank you for your willingness to serve. And I wanted to just clarify one thing that Chris said, in that I asked them to serve at the direction of the Executive Board, so it wasn't…

MR. THOMAS:

And that too.

CHAIRMAN HICKS:

Right, so with that, I think we are running a little ahead. But with that I want to introduce Brian Newby who is our -- who is the third Executive Director for the Election Assistance Commission behind Tom Wilkey and Acting Executive Director Alice Miller. Brian was hired in November to fulfill that role and he's going to come up and talk about the -- an overview of the EAC operations, so Brian

Newby.

[Applause]

MR. NEWBY:

Thank you and good morning. First of all thank you, and this probably concludes my orientation tour. I think in the last few months since being selected in November I've come around to some different introductory meetings and that's just sort of a little bit of code for, I think the expectations are going to be amped more on me and I'm ready for those in the coming months.

First of all I'd like to thank Commissioner Hicks, Chairman Hicks and Vice-Chair Masterson but also past Chair, not just a Commissioner, Christy McCormick. Thank you for the confidence you've put in me in selecting me. Thank you to the Board of Advisors and the Standards Board members who had a role in my selection, thank you. And really what I want to do over this time is just continue to affirm that selection. So one of the things I said is really pretty much about a year ago that I applied for the job and interviewed a few months later, but what I would like is for those three individuals and then for other Commissioners who are appointed and serve after that to look back at their time at the EAC and say, "I achieved this, this and this, and I don't think I could have done that without Brian Newby." And I really want that to be the case. That's my goal. And I would like that also to be the goal of

you as election administrators hopefully, this is aspirational, that you would look back and say "We needed to do these things in our jobs and we couldn't have done it without the EAC." And I want to have a role in that as well.

One other member of our leadership team that I want to recognize is Cliff Tatum and I'm just so glad that he is with me and he's become, you would think this out of General Counsel, but really just a trusted advisor. It's just been a great combination, in my opinion. And then one other person who is not really on the EAC but he's sort of a de facto member, at least he's kind of who we want to be when you grow up, and that's Matt Boehmer from FVAP.

[Laughter]

MR. NEWBY:

We've had a lot of meetings and it just -- you know even though we're separate agencies we seem to have a lot of overlap especially as we talk about postal issues, obviously military issues. And he's kind of really provided us a lot of guidance but also me personally, so thank you.

So what I'm going to do is figure out, first of all, how to find my presentation. As we've mentioned, we've had a series this year in terms of a theme that we've done and that's BeReady16. And I kind of go back a little bit to something that a couple of members of

I guess really people you know very well Doug Lewis and Chris Thomas who mentioned things that they thought that the EAC could do as they did sort of an analysis, kind of a transition goal report more than a year ago. And one of the things was they felt that we should have at the agency more individuals over time at least who had elections background. And what I -- I would say first of all Cliff and I have had similar jobs in different jurisdictions, but it's become clear to me that that's not kind of what we do at the EAC. We are -- it's good for us to have an election orientation but we're really meeting planners, we're event organizers, we're connectors, I'm going to talk about that some more. But -- it's really good that we have that orientation but we really need to know that from you. We need to know the drivers you have. And when I say about what the EAC can do to help you, I think it would be too presumptive for us to say that we know what that is. So we need to know that from you and that started to get to the whole idea of the BeReady16. So the idea was to spend a year in the shoes of an election administrator as we came up with different programs, and I'm going to discuss some of that.

But also today you're going to hear about some of the other things that we do within the EAC. And I'm not going to discuss those because you'll have much smarter people who are going to cover those things later today and tomorrow, but grants,

certification, the election survey which you hear often referred to as EAVS, clearinghouse and communications. And I put those separate even though I think technically they are the same or I think over time you're going to see them more the same. The reason I put them separately is because we're going to have an overview tomorrow I believe on our website changes and so I wanted to separate those two roles for the purpose of being here. But I think the clearinghouse and communications over time that is one function. Now these are items that we are focused on at the EAC. These are things you're going to hear other people talk about over the next day-and-a-half, so I'm not going to really cover much of these. I want to get more into the thought process on BeReady16 and then what we've been doing since then.

And so I mentioned Chris Thomas earlier and he sent me, as many of you did, an e-mail when I was announced coming to the EAC. And I've known Chris for quite awhile. When he sends a note I ponder it, and read it, and he gives advice and you can really take it. And I think summing up what his advice was is he's seen federal agencies get scope creep and his advice from the beginning was don't let that happen at the EAC, you know, and I pondered that. And I'm paraphrasing but that's kind of what he said. And so I really wanted to make sure that we use HAVA as our guide. We are a unique agency in that there is a law that says what we do,

and it is human nature to try and get arms and legs and do new

things, but I felt that we should focus on what HAVA said we could

do and I mentioned some of those already. But the idea then with I

guess the operating mission, the project value that I want to have is

that we're going to attack those things, kind of get deeper, not

wider. So in other words broader within the things that we should

be doing within the scope of the HAVA items, not wider, so deeper

not wider, broader. We want to go down and we want to be better

at the things that HAVA tells us to do, as opposed to come up with

new, fun things to do that really aren't our mission. And that's

where we're focused right now.

And so earlier I mentioned about listening to you and

understanding what you need and how we can address those

things. And it's a little bit like focusing on you as individuals and

what our role has been as key -- how we can look at you as key

connectors. And very specifically I've been thinking a lot of EAC.

When do we create things, when do we connect, when do we do

both? So I believe our role really is to connect a lot of the smart

people in the industry with each other, with you. But if we just

simply do that we're probably not adding complete value, so there's

times we're going to need to create ourselves. We're going to need

to analyze data. We're going to need to provide you some

reference points. But specifically when do we create, when do we

connect, when do we do both? And looking at you as influential

people in this governing body, also the Standards Board another

group of influential people, and how do we really utilize you to get

that message out and use you as the people that we're connecting

with. So really I look at it as a key connector strategy and the

spoke, the influentials, which is kind of just a way of saying that's

what you are, you probably do everything except tell people how to

vote. I know you don't do that, but you do process the votes. But

it's just really simply just looking at you as hubs and trying to get

the word out. It's very similar to an outreach strategy that we had

when I was an election administrator where we knew we needed to

get, for instance, 150,000 people to vote in advance and we had no

outreach dollars so what would we do? We utilized different

outreach organizations. We used candidates who have an interest

in getting people out, different things to get the word out in terms of

communicating our message. And so for us this whole strategy is

something we're going to focus on over the next, say, year or two

because the BeReady16 is going to continue much further than just

'16. Here's a -- we'll have some other themes as we get into '17

and beyond.

      Here's some ideas, some of the things we did, and I'm going

to show a video in a second of a trailer of one that we did and then

we're going to cut through to another one. Karen Lynn-Dyson who

will speak later today will discuss a third. But here's some events

that Chairman Hicks discussed early on and said that we covered

some things already this year. One was a continuity planning

roundtable we did right away early January and it really started off

more if you were a swing state how would you prepare but it really

kind of veered into continuity planning. We had a lot of Secretaries

of State on that roundtable. In February we created votebymail.gov

which is just simply a web page for all issues related to vote by mail

issues and in conjunction with FVAP the Commissioners sent a

letter to the United States Postal Service. We had a meeting where

we were able to follow up and create a webisode and I'm going to

show in just a second a little trailer. I know some of you have seen

it already but -- others haven't so I want to play that. And in fact let

me do that right now. I think I intended to do the election worker

one but we're going to save that one.

[Playback of webisode segment]

MR. NEWBY:

So we rolled that out early on and we called it a webisode because

we were trying to be careful with the -- we knew it would be called a

podcast but we were waiting to get ourselves established in the

iTunes store and we're still doing that. So that soon will be

something where you can actually go to iTunes and subscribe to

our podcast and then have these things pushed to you. And we've

broken this particular segment up several ways, so if you go to our

website you can watch part of that webisode without having to

watch the whole thing or you can listen to it. But we thought it was

real important to have it early on in the year because we think the

postal issues are going to be something that everyone is going to

be dealing with all year long. So now as the primaries end there's

going to be a little bit of a lull, but this will be a huge deal again

coming up.

And one of the things we wanted to look at was something

like, say, 45 days ahead of when something was going to be an

issue. So staying 45 days ahead of the next thing and that's what I

mean about a year in issues of election administrators. And so

along the way though we did -- we started working on something

associated with election workers and it's sort of gotten kind of arms

and legs I guess and we're going to discuss that more when Karen

comes up. So it's going to be part of our May 25th meeting.

We did though have a disability hearing and I want to go

back to something we did just a little kind of a video press release,

if you want to think of it that way, and it will be on our website, we'll

send it out. It has a little bit of a PBS feel to it.

[Playback of video press release.]

MR. NEWBY:

So just to give you an idea of a couple of things that we've been

doing that were mentioned and that -- we'll send out -- that was a very powerful meeting and we thought there was value in making sure, if nothing else, people on our media list got to see how many people were there and got to see actually what was happening. So even though if it didn't get true press coverage I wanted to be able to show it to you and then also hopefully it will get some coverage out as well. So that sort of gives you an idea.

Something that Chairman Hicks said, this is how our year has looked so far. And if you look at the different -- I tried to create little colors for different types of meetings. We had a public meeting in January, we have one coming up in May, we had the roundtable in January as well, we have a language summit in June where we're going to -- it's coming together, it will be something in the D.C. area really looking at different language challenges that election officials face. We had a couple webisodes. Technically the one on the election worker manual, that's going to be rolling out in May with that public meeting and we'll talk a little bit more about that. I think Karen will talk about it too. We had the disability hearing. And I wasn't really quite sure how to call these two meetings we've had, this one and the one -- the Standards Board in April. I could have called them HAVA meetings because they're required really by HAVA. But it gives you a sense like two, four, six, eight, nine things we've had, pretty major things in just those

first few months of the year. And we're looking at carrying that out

throughout the year. So part of the BeReady16 series is to have a

schedule and we've left a couple openings because we want to

make sure that we -- if something comes up we can hit it. And

that's really what we're doing with May. So the May public meeting

was at first going to be a time when we rolled out stuff associated

with our election worker manual but we also wanted to discuss

some of the lessons learned related to the primaries in terms of

lines, management of lines. So lessons learned and also highlight

tools that people are using, you know, some of the ones you've

heard it before, Charles Stewart and others, highlight those tools

and then talk about that in May because that's the time to begin

thinking about November what you're going to do with lines and

also just kind of overall learnings. So we're making that the May

meeting.

    We did have planned to do a few more things already. One I

said the 45 before 45, meaning we know that UOCAVA ballots will

be going -- obviously I think 45 before 45 is sometime in August

meaning 90 days before we want to have some sort of webisode

that instructs election administrators to be focused on what they

need to do to get ready to send those ballots out. We're going to

have kind of a boot camp related to the Election Administration and

Voting Survey, just tips on how to fill that out because that's coming

and we want to use that survey in '17 maybe even in a more robust

way than we have in the past and really try and get learnings out of

that. So the key there is that people complete it properly upfront.

And I know from being an administrator every time that thing came

out I'm sure we did it differently just because we forgot and we had

more insight into questions and when we read a question in '12 it

looked to us different than it did in '10. And so that's the whole

purpose of the boot camp to really explain that more so that we're

all on the same sheet of music from the beginning. We're going to

kind of make a second part of our election worker training manual

and some of the election worker activities that Karen will talk about

come out with the Voter Registration Day in September. And we

probably after the election will focus on list maintenance and

NVRA, particularly the list maintenance part, maybe best practices

and how election administrators manage their lists.

One other thing, this was kind of the next webisode planned

and I said that our May meeting sort of kind of got some new pieces

to it, but we still want to go and do this. So probably we'll be talking

to some of you. If you have some interest in being involved in this,

please let us know. I think this is also the time to be talking about

e-tools that election administrators can use as we get ready for the

fall. And so what I mean by e-tools one would be line

management, some of the things we'll see, but also just overall

office productivity, mobile apps. Pew has a mobile app. Others have mobile apps and if you want to get lined up in using one of those this is the time to be thinking about that as opposed to September, October, November. That's usually when you start having states think, hey, we need an app. Overall election management tools that people use. I know that there's somebody out there, a seasoned election vet, who kind of will simply just say we don't need tools, it's just math. And I think if we can get somebody who looks at it from that perspective that would be good as well. That's what I mean about "We don't need no stinking e-tools." And then somebody who's put together what I would call MacGyver tools, just different pieces of off-the-shelf software; spreadsheets and that sort of thing they turn into their homegrown kind of tools to manage elections.

So we're going to be looking for people to fill this group. If you are said person of one of these items, please let us know because we'd like to get a good group and probably plan that for Julyish, so if would be kind of the line management part two from the discussion that we'll have in May.

So with that, I'm going to I think wrap up. This is a hashtag that we're putting on everything that we're using, BeReady16 on Twitter. I know that FVAP has been using it as well. To the extent that you're comfortable using that of things you can use, that's

great. I think we are going to try to compile that everywhere as well.

If you have any questions I'd be glad to take them now or we may have that at some other open time, but that's my spiel.

MR. MOORE:

Just a question about the list maintenance event you're trying to plan for December. Would you say a little bit more about that?

MR. NEWBY:

Well we talked about we think that there should be something overall on list maintenance and we know that in November -- we've been thinking about what the right topics would be in October/November. Something is telling us you really won't be watching many webisodes then and so we thought maybe we might focus that time maybe on how to handle the media and maybe Election Night. And the list maintenance, and I'm speaking from my perspective, in my previous job, after the November election in an even year because we didn't -- we used just direct mail to manage our voter list, so that's when we would look at people who were inactive, that we marked as inactive and hadn't voted in two federal elections and that's when we would address our list. So I think that's what a lot of times a lot of people will be looking at just overall managing their list and we just thought the best time to do it would be after November. So it would just be best practices; people who

use the national change of address, people who use the mailings

like we did in Johnson County, Kansas, other aspects to think

about. That's really what we're going after.

Yes Barbara?

MS. SIMONS:

Thanks for your presentation. I was looking at BeReady16 while

you were talking and I think it looks really good, so congratulations.

I've complained a lot about the website but this seems like a big

improvement. I also noticed that you've got something about aging

voting systems which, again, I think is very useful and how they

contribute to long lines because we know that DREs are breaking

down in greater and greater numbers and election officials are

having a hard time piecing them all together. And so I would just to

like recommend that, and we talked about this of course, that an

additional recommendation be added to that website for election

officials that they try their best to provide backup paper ballots

when long lines develop, especially if people have to vote on the

actual machines because when they breakdown then that can

increase the lines, as the PCEA report pointed out. So that's a

recommendation I would like to make.

And then finally, I hope this is not out of line, I just wanted to

-- this is not quite related to your presentation but in terms of how

these elections are going I just wanted to compliment Linda

Lamone for the wonderful job in Maryland. As I mentioned earlier, I think it was really an example of how to transition to a new system and they did a fantastic job. So I just wanted to say thank you.

MS. LAMONE:

Thank you.

[Applause]

MR. NEWBY:

The question I'll get to in just a second. Let me address your point, too. First of all I was a Maryland voter and I felt like a secret shopper. It went perfectly by the way in Montgomery County.

Yeah I think both Chairman Hicks and I would be remiss, we should have said earlier, that a lot of the discussion -- because Barbara and I had a discussion about two weeks ago about lines in general. The PCEA, the Presidential Commission on Election Administration, efforts we did -- at your suggestion we do have now on our website just a link to that on our website. And this whole discussion of making the May meeting broader and focus on the line management lessons learned came out of that. That's kind of our response to the discussion that you and I had. And so that's not all of it but I just want you to know that that was very much part of our discussion when we were planning that.

MS. SIMONS:

Thanks.

MR. NEWBY:

Yes?

MR. GUTHRIE:

I'm Marc Guthrie. Maybe -- this may be out of line but I thought --

and I don't know maybe it's going to be discussed as part of the

Department of Justice discussion but is there any way that we

could get some update or comment regarding I think it's referred to

Kobach vs. EAC litigation. I mean is that something we could be

updated on?

MR. NEWBY:

Well early on in my time here -- right that's what I was going to say.

So we -- I just want to give context to the question. So the -- early

on there was a -- there were three requests from states for changes

to the state specific instructions related to the NVRA form that is on

our website and associated with that then there's been plenty of

activity. And we will -- we had that on the agenda today. I think it's

at…

MS. BARTOLETTI:

You're being sued.

MR. NEWBY:

Pardon me?

MS. BARTOLETTI:

You're being sued. I would say that's plenty of activity.

MR. NEWBY:

Yes, yes, that's lot of activity. And so -- but anyway that's on the

agenda today to discuss.

MR. GUTHRIE:

Thank you.

MS. BARTOLETTI:

I'm surprised you're standing there actually. This agency should

have put you on administrative leave.

CHAIRMAN HICKS:

If there's no further questions thanks.

MR. NEWBY:

Okay, thank you.

CHAIRMAN HICKS:

So there's a couple of things that I neglected to do earlier, a little bit

of housekeeping. Ricky, as a new member I need to swear you in.

So please stand.

***

[Oath of office administered to Board member Ricky Hatch, Weber County

Clerk/Auditor Ogden, Utah.]

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CHAIRMAN HICKS:

So we are -- and I wanted to thank Barbara Simons again because

-- proving again that we do listen to what the Board of Advisors say

in terms of making sure that our functions do more for voters themselves, listen to your concerns and then moved towards correcting our website. So I don't take that as you complaining, I think that as your suggestions which doesn't mean call me every day. But it does mean that we want to hear your suggestions.

[Laughter]

CHAIRMAN HICKS:

So we are up to presentation by Cliff Tatum on the FACA responsibilities and role of the Board of Advisors under HAVA. Cliff was hired to serve as General Counsel late last year and comes to us from the D.C. Board of Elections and come on up.

MS. JOHNSON:

Hello everyone, this is Sarah Johnson again. I want to correct -- we had some additions and some proxies to recognize the proxies just so we can correct the attendance number for you all. There were two proxies that were filed and…

MR. DICKSON:

Your mic is not on.

MS. JOHNSON:

Okay, I'm sorry the light says it's on. Okay, is this better? So there's two proxies that I was just informed that have been filed -- duly filed and that is Secretary Merrill to Thomas Schedler and Tim Mattice to Ernie Hawkins. So that along with Mr. Moore the

attendance -- brings our attendance up to 22 just for your

information.

MR. TATUM:

Good morning everyone and I'm expecting a good morning back.

MEMBERS:

Good morning.

MR. TATUM:

We want this to be an interactive presentation because as you all

know the Federal Advisory Committee Act is such an exciting piece

of work that I need your full attention and cooperation. And I

suspect that you all are aware of the Federal Advisory Committee

Act and you've heard -- most of you have heard this presentation at

least once in 2015 and I will do my best to make it as exciting as

that first presentation by Commissioner Masterson. And for the

new folks, welcome to the Advisory Board Committee.

The Help America Vote Act, which on this particular slide is

cited as 42 U.S.C. 15301, established three permanent Advisory

Boards for the EAC; the Standards Board, the Advisory Board

which is your committee and the Technical Development

Guidelines Committee. Now I just referenced HAVA previously

cited as 42 U.S.C. 15301. I'd like for you all to take out your pen

and make a note that the HAVA citation has changed. It is now 52

U.S.C. 20901, 52 U.S.C. 20901. And if you aren't aware of this, all

of the federal citations related to election laws has changed to Title 52 and I'll give you those citations right now. The Voting Rights Act 88 has changed to 52 U.S.C. 10301, 52 U.S.C. 10301; UOCAVA, and Matt forgive me if I'm stealing your thunder, UOCAVA has changed to 52 U.S.C. 20301, 20301. NVRA has changed to 52 U.S.C. 20501, 52 U.S.C. 20501. And since we're in a Presidential year the Federal Election Campaign Act has changed to 52 U.S.C. 30101, 52 U.S.C. 30101.

So back to HAVA and your responsibilities under FACA, HAVA requires that the EAC carry out its duties in consultation with the Standards Board and the Board of Advisors. And as a Board of Advisors you are responsible for advising the Counsel -- the Commission. That support and advice is directly associated to the development of the standards, the Voluntary Voting System Guideline Standards, best practices that are established and created by the EAC in consultation with the state election directors and with you in a report that the EAC is required to file with Congress as it relates to NRVA activities.

The membership of the Advisory Boards are set forth in the slide that you see there. And let me ask I believe the presentation that you're receiving are placed on a thumb drive that's in your notebook, so at some point you'll be able to see those I believe with the exception of one presentation and we will make available to you

in short order.

Under the Standards Board there's 110 members; 55 state election officials and 55 local election officials. On the Board of Advisors there's 37 members and each of those members are selected by stakeholder organizations and Congressional leadership from both the House and the Senate. We are a very small body the Advisory Board of 37. I hope that you all know each other or at least have had an opportunity to converse with one another. If you haven't, I would encourage you to do so as I believe the Commission as just recently stated, Commissioner Masterson as well as Executive Director Newby, your participation as the Advisory Board is very helpful to the agency. So we'd like for you to work with one another and volunteer to participate on a number of committees that are being created or that have been created. And I believe the Chair Lamone has indicated what those committees are or will indicate what those committees are and we'd ask that you all participate and become active in those. And last, but not least of the Advisory Boards, is the Technical Development -- Technical Guidelines Development Committee and that is a number of 14 individuals appointed jointly by the EAC and the director of NIST. And of course NIST is the chairperson -- the director of NIST serves as the chairperson of the TGDC.

Isn't this exciting?

[Laughter]

MR. TATUM:

The duties of the Advisory Boards are, as I just stated, you're required to review the Voluntary Voting System Guidelines and the voluntary guidance under Title III and the best practices as recommended by the EAC. The Guidelines Committee -- TGDC assists the commission in developing the Voluntary Voting System Guidelines. And as Commissioner Masterson pointed out, that can be a very long process, but I believe the committee has worked to streamline the process and you will be receiving additional information to help foster that, the expediting process. The faster we can get these guidelines developed the faster the new -- the system -- the vendors can create new systems that help our election officials conduct efficient elections.

What is the purpose of HAVA -- of FACA, the Federal Advisory Committee Act? I always stumble over that FACA business so forgive me. Who does it apply to? What are the laws? The memberships we talked about and we'll get into some of the details of that. So FACA governs the establishment and the operation of these advisory committees. The Committee establishment is typically by -- required by statute. There's presidential authority that creates FACA boards, there's boards that are authorized by statute and there's agency authority. Anyone

have any idea what type of board, how we were created? We were created by statute.

Operations management, the -- by FACA we have a Designated Federal Officer and for this particular Board it is Commissioner Chairman Hicks. FACA governs the meetings of this committee as well as the subcommittees. And what we mean by that is when this committee meets as a whole it is an open meeting and we have to say the reason if we want to close the meeting. As you participate in subcommittees, those subcommittees aren't required to publish notice of those meetings but any time the committee as a whole meets to make any type of recommendations then it is required to hold those meetings in public. And of course there's record retention, so most if not everything that we do we memorialize in some form or fashion as we did the minutes and there's a record created that follows the federal record retention schedule.

The duration of this advisory committee is two years. Each member serves a two year term and you are eligible to be reappointed by your authorizing organization. And I'm glad to see that you all have been or will be reaffirmed. I think there's a couple of you that served previously through the dormant period and are back now in the reestablished committee. FACA applies to all Executive Branch agencies. FACA applies to all boards created by

HAVA.

Here's the membership of this Advisory Board. Here's who has appointed each of you -- each of your cohorts to this particular Advisory Board. So I've listed them and they're typed and again they'll be on your thumb drive. These are also listed within the Help America Vote Act itself. I won't read through those or else I'll really put you to sleep. We'll go on to slide number nine.

What are the responsibilities of your Board? What's your role as a specific Board member? Your main responsibility is to serve on the Board but in doing that service, providing that service you are to comport yourself with integrity and not trade upon your position as a Board member for your own personal benefit. This also falls within the code of ethics. That doesn't necessarily apply to you all in that you've been appointed to the Advisory Board, but again you should be mindful that the appearance of impropriety and trading upon your position as a Board member could reflect upon you as well as the agency, so we want to be mindful of that of how you portray yourself as a, I joke, as a FACA Board member.

Federal law of course prohibits you from being -- from serving as a registered lobbyist at the federal level. Now that doesn't mean that you can't call your Congressman and ask for any type of support that you need or make any recommendations, but if you are a paid federal registered lobbyist then we will need to

discuss that offline. And you of course are not prohibited from lobbying your state representatives and any of your local, county or municipal representatives but just be mindful of that.

Slide 11 which will be on your thumb drive, I won't go through that, but this basically provides some of the requirements of the Designated Federal Officer. When this body meets as a whole the DFO, the Designated Federal Officer, needs to be involved in that. His role is to actually call the meeting and at the end of the day to adjourn the meeting and he works with the subcommittees to ensure that the business is being conducted on behalf of the committee itself.

The charter must be renewed every two years. You recall we did this in 2015 and we'll be eligible to renew the charter again in 2017.

A little information about the advisory committees themselves, detailed minutes of each advisory committee meeting is made public. We have the public's notice when we have these meetings by indicating the date, time and location of the meetings. A record of the attendees must be created. And we do a roll call but we also have a notebook out front that we'd like you all to sign at some point through the day indicating that you were present. The roll call establishes that but it's kind of a secondary backup to our attendance. And as well as the agenda, by law we have to

publish what the agenda will be and what the topics of discussion will be and we must give that notice within a certain number of days prior to the meeting. And once we give that notice we aren't free to simply change the agenda as we might like. So one of the questions that I think that's been raised by a number of members is how do you get items on the agenda. It becomes important that you communicate with your Executive Board, the new Board that was just recently elected. I believe we'll talk about when they actually become the acting -- the serving officers of the organization. But contacting those particular officers with your concerns, with the topics that you'd like to have discussed, all of those items go through your Executive Board and in consultation with the DFO is how we create the agenda and the topics to be discussed at any one of these particular meetings. And of course the subcommittees which drive the particular areas of concern feed that information back to the Chair who then brings it back to the Executive Board itself.

The Designated Officers for each of the advisory committees are listed here. Commissioner Hicks, Chairman Hicks is the DFO for the Board of Advisors. Commissioner McCormick is the DFO for the Standards Board and Commissioner Masterson is the DFO for the Technical Guidelines Development Committee. As I mentioned, they call the meetings. They work to make sure that

the meetings are all proceeding according to schedule and we give

a 15-day notice to the *Federal Register* and they must always be

present at a meeting whole but not necessarily the subcommittees.

And here's some citations for you for the -- in case you have

some -- you feel the need to put some light midnight reading to help

you sleep; the Federal Advisory Committee Act, the lobbying OMB

and the Freedom of Information Act. All of these statutes apply to

the Boards.

And I've provided you here with the e-mail contacts for each

of the DFOs and I stand ready to answer any questions that you

may have. Yes sir.

MR. KELLEY:

Cliff, Neal Kelley. Can you confirm for me, and I think I know the

answer, but there are no committees required under statute for the

Board of Advisors, correct?

MR. TATUM:

That is correct.

MR. KELLEY:

So we're free to…

MR. TATUM:

That's correct you are able to create your own, the committees that

you deem are relevant to carrying out the duties of the Advisory

Board. Well, there you go. So Commissioner Hicks' e-mail has

been -- I've given him a new name. He's Commissioner Thicks.

[Laughter]

MR. TATUM:

Forgive me I'm not sure how that happened. So he is

thicks@eac.gov. Any other questions? I told you I'd make it

exciting.

Thank you very much.

[Applause]

CHAIRMAN HICKS:

All right, thank you Cliff. With that we are half an hour ahead of

schedule. So we can use this time to take our break and just make

it a little bit more of an extended break. We'll come back right at 11

and do the grants briefing, unless there is anything else. So you

guys just want to come back at 10:45? So do you want to just

come back at 10:30? 10:30 and then we'll start from there, all

right? 10:30.

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[The Board recessed at 9:55 a.m. and reconvened at 10:40 a.m.]

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CHAIRMAN HICKS:

I just have a couple of quick announcements and requests. Again

when you speak please hold the microphone down, identify yourself

so that the transcribers can identify you and get everything on the

record. Also for lunch if there's anyone here who's a vegetarian

please see Ms. Smith so that she can accommodate your dietary

needs. And lastly I wanted to really emphasize the -- your voting

rights cards. I worked with some disability groups, and particularly

Jim Dickson here, to formulate these cards. And we kind of

glossed over it a little bit but I think that they're very important for

folks to actually take, put in your wallets, hand out to individuals.

We have some more in the office and if you want more we can

send them out to you. But they are something that folks can

actually put in their wallets or in their purses and have some sort of

reference when they go into the polls.

And with that I want to introduce Monica Evans who's our

Grants Director and Cliff Tatum to talk to you about the

authorization of HAVA funds.

MS. EVANS:

Good morning. First, I just want to put everyone at ease and let

you know this will not be an hour plus presentation. I can only

imagine that a presentation on grants that lasts that long will

probably put the entire room to sleep and particularly when we

have not received a Congressional appropriation since 2010, so

we'll just move through some of the necessary elements here. So,

as mentioned, I will discuss the administration of funds authorized

by HAVA and the role of the Grants Office.

Essentially one of the things we do do, we make awards. As I mentioned, we have not received an appropriation since 2010 and so we do not have any discretionary funds available. However, we are still awarding requirements payments that remain at EAC.

Oversight and monitoring, a lot of this is through the reporting that we receive annually. Resolving audits is a big piece of what we do. And this is OIG audits or Office of Inspector General and also A133 audits and then we also provide technical assistance and finally issue guidance. And some of you have probably been a part of our webinars that have happened in the past where we have provided general guidance around HAVA and funding.

So our current funding, to date about $3.2 billion has been appropriated for state use and this is through Sections 10 -- that should be 101, 102 and 251 funds. And states have received all 101 and 102 funds. And, as mentioned, we still have 251 funds and the 101 funds and 251 funds, also requirements payments, are still being expended by the states.

So what we have at EAC that has not been distributed thus far, we do have the Section 251 funds. We have about 200,000 in 2009 funding, about 3.3 million in 2010 funding, about 346,000 in 2011 funding. And, as I mentioned, we have not received an appropriation since 2010. The 2011 funding is largely the

distribution of returned 102 funds. Those funds had to be

expended by November of 2010 and funds that were not expended

by that date were returned to EAC and we made a distribution

based on formula to all the states in 2011.

And so for states that do have money remaining we are

asking that you contact the office at havafunding@eac.gov. We are

trying to get money to the states to the extent that we can. I've

been reaching out personally to call states to let them know they

still have money and then we can forward the requirements for

requesting and distributing those funds.

So in March of this year we issued our 2015 Grant

Expenditure Report and that report reflects all HAVA expenditures

through September 30, 2015. We do have a few states that have

not reported, but we have issued an interim report and that is

available on the EAC website. And so as far as unexpended funds

we have about 59 million in state hands that has not been

expended in 101 funds and about 316 million that has not been

expended in Section 251 funds. And it sounds like a lot but if you

kind of put it in perspective about 85 percent of funds from 251

have been expended and 89 percent of funds from Section 101

have been expended.

Let's see, as I mentioned audits is a large part of what we

do. We do have the audit resolution process which the Grants

Office is responsible for and I mentioned the Office of Inspector

General audits. We conduct pre-audit visits and so states can

request a visit for any of the audits that have been scheduled. We

respond to draft audits and then draft a management decision and

then we work with the individual state for audit resolution. As I

mentioned, OMB has A-133 single audits. We get those findings

and our office is responsible for resolving those findings and

addressing the recommendations.

So for the 2016 year the Inspector General has issued the

Audit Work Plan and you can see the states that are on the 2016

plan. And just this week the Inspector General has started making

phone calls, entrance calls to try to schedule these audits. And so

it's very important for our office to work in tandem with the Office of

Inspector General so we can ensure we provide pre-audit visits for

any state requesting one.

And as far as past audits, we do have one audit still open

that has not been resolved and so we are working with that entity to

get that audit closed. But we have made significant progress down

from 21 findings and recommendations open and we currently only

have four open.

So there are states that have not been audited. The IG

started auditing in 2006 and if all of the states are audited

according to the 2016 Audit Work Plan we would just have

American Samoa and Guam without OIG audits on file. And we actually do have a few states that have been audited twice.

And just quickly, I'm not going to go through this in any great detail, but we do have common and recurring audit findings. And these are just the ones that we see time and time again and we try to put out guidance around these findings and the guidance we have is on the EAC website because we're trying to prevent the reoccurrence of these findings. And a new one that we have recently started seeing is around maintenance of expenditure. The OIG just started auditing against maintenance

of expenditure in 2013. And essentially HAVA requires states to maintain a baseline level of expenditure for each year in which HAVA funds are expended. And so that baseline level will vary state by state depending on expenditures in the fiscal year prior to November of 2000.

And another big piece of what we do is guidance. We are currently looking at equipment disposition. As voting machines -- as equipment ages states need to swap out equipment, purchase new equipment and so we are hoping to get that guidance out. I have 30 days here but we've made progress so that guidance should be out in the next two weeks. And one of the things that's important for us to know, what guidance does the field need, and so we always ask for any assistance. If there are areas that we can

provide assistance or guidance in writing, happy to do so.

And in keeping with my less than one hour and 15 minutes, I think that was like ten minutes, are there any questions? Yes?

MR. KELLEY:

Thank you for that, Neal Kelley. I just have two quick questions. The amount of funding that is available in both categories of funding, are all of the states identified on the website or do we have a list of those?

MS. EVANS:

By appropriation, yes, for 251 the schedule and the breakout of the funds that were appropriated and the formula is on the EAC website. I do not know that the distribution is on the website for 101 and 102, but I can check if anybody is interested and we can put that up on the website so you can see how much each state got in those categories as well.

MR. KELLEY:

I would be interested in that. And then the other question I had, the guidance that you're providing is very helpful, by the way, but property surplus is that some guidance that you've provided in the past? That would be helpful for our county and I'm sure other counties.

MS. EVANS:

I think some of that is addressed in our equipment disposition

guidance that's forthcoming.

MR. KELLEY:

Um-hum.

MS. EVANS:

But I can make sure that we specifically identify surplus in that

guidance as well.

MR. KELLEY:

That would be great, thank you.

MS. EVANS:

Any other questions? Yes Mr. Dickson.

MR. DICKSON:

Jim Dickson.

MS. EVANS:

Yes.

MR. DICKSON:

Is there places where what the expenditure has been used for on

the website?

MS. EVANS:

We are in the process of posting the federal financial reports and

that's how we ascertain the information from the individual states.

Each state is supposed to file a narrative with the federal form. I

can be honest with you and tell each state does not do that in great

detail. We have not put forth a format for that narrative and so the

level of detail we get in the narratives varies greatly. We are

behind in getting that information on the website and with the rollout

of the new website we're hoping to get everything up very quickly.

So we don't have any type of comprehensive report as far as how

the funds were expended but once we get the individual financial

reports on the website you will be able to see state by state how

those funds were expended.

MR. DICKSON:

Jim Dickson again, if I could be of help in encouraging states that

haven't filled out those -- that part of the questionnaire, if you would

let me know I'd be glad to help.

MS. EVANS:

Thank you and I'm making a note of that. Yes sir?

MR. GUTHRIE:

Thank you, Marc Guthrie. My understanding is that there are some

grant dollars available through HHS regarding disability access. Is

that something you can comment on?

MS. EVANS:

Yes, Section 261 of HAVA makes funds available for that purpose.

Those funds are administered directly through HHS and so we do

not have anything to do with that process. I do have the contact

information for the individual at HHS who administers those funds

and so I can share that with everyone.

MR. GUTHRIE:

Thank you.

MS. EVANS:

Yes sir?

MR. MOORE:

Yes, Greg Moore, could you say a little bit more about how some of the unexpended funds, some of the reasons and rationales? I know I hear a lot from election officials about the lack of funding but is there something particular to the funding that is still available that can be maybe clarified for us making our talking points about the importance of the agency?

MS. EVANS:

Certainly, there are several states that have not fully expended the funds they have and there are a number of different reasons. One has to do with just projecting the point in time when they will need to purchase new voting systems. And so they know the lifecycle and they're holding onto those funds knowing that that date is forthcoming. With some states we've had significant transition with staff and so they are holding those funds until they really are able to get an idea of operations and future expenditures. And so they're aware of those funds but they want to wait until new staff members have an opportunity to come up to speed, do some strategic planning, see if the state plans needs to be amended before they

make any plans to spend those funds. I mean, quite honestly,

since we have not had an appropriation since 2010 some states are

being a little conservative. They don't know if or when we may get

additional money and so they have money and they are holding it

knowing that more money may not come.

MR. MOORE:

Thank you.

MS. EVANS:

Yes?

MS. NOREN:

When you do your -- when you're looking at these things, do you

monitor whether or not they follow the state plan?

MS. EVANS:

Yes, that is not one of the specific things we do in the Grants Office

on a routine basis. However when we look at the federal financial

report that comes in and we see the narrative in how funds are

expended, we do typically at least look at the state plan. But the

Office of Inspector General does include that in the audit and so we

do resolve those findings around state plan requirements. Yes

Jim?

MR. DICKSON:

Jim Dickson, when a state hasn't expended the money where is

that money sitting and is it invested? I know interest rates are low

but is there interest being accumulated?

MS. EVANS:

Yes, the HAVA funds that states receive is required to be placed in an interest bearing account. And actually that is one of the audit findings that we typically see where funds have not been placed in that interest bearing account timely and also matching funds are also accumulating interest. And so the balances of funds that I mentioned earlier they do account for the money that was distributed to the states as well as any interest states have on hand as well.

Seeing no more hands, I think that's it. Thank you.

[Applause]

CHAIRMAN HICKS:

With that we are ahead of schedule for lunch and what I would like to do is say that we should -- we're going to check with staff to see if lunch is close to being prepared and my thought is that we would have our presentations probably a half an hour into us actually -- after we start eating so that folks can actually pay attention and not just focus in on their food. So I'm hopefully speaking loud enough to staff to hear me and come in and say whether or not they are going to do this.

Yes Barbara?

MS. SIMONS:

Since we have this extra time, can we just open it up for discussion?

CHAIRMAN HICKS:

No, it depends on what the discussion is about.

MS. SIMONS:

Things like -- is this on? Yeah. I mean for example I would appreciate it if there was some way that members of the Board of Advisors could have input into the agendas for the meeting beforehand.

CHAIRMAN HICKS:

Well we're going to have an open session with the Commissioners tomorrow and I think that with the new Executive Board there is an opportunity to start anew and make sure that you are fully participating with them on issues that need to be in front -- that you would like to see in front of the Board. So -- but that's also -- if there are issues that the Board would like to put in front of the agenda for our next meeting to also -- to send that to me. So we are statutorily required to have a meeting once a year, so we've had our meeting this year with this one, so we will have one next year, so if folks want to start thinking about items for the agenda for next year I think that that's fine and then work with the Executive Board to -- and the DFO to have that put on. I think that that's fine.

MS. SIMONS:

So we'll discuss that later?

CHAIRMAN HICKS:

Sure. Lunch will be served at 11:30 and I don't have my -- so if someone can tell me what time it is now.

UNIDENTIFIED SPEAKER:

Eleven.

CHAIRMAN HICKS:

Eleven o'clock, so we are way ahead of time, so I would say that if there's any more discussion items that don't revolve around things that are in lawsuit we can discuss those things now. And if not, we can take another break until -- Shane?

MR. SCHOELLER:

Would this be a good time for some of the committees get together and visit because we normally don't get a chance to be face-to-face and I think that would be helpful for me.

CHAIRMAN HICKS:

I think that's a great…

MR. SCHOELLER:

…in the clearinghouse. I've only had one person sign up and I'd really like maybe another person or two to agree to be part of that committee.

CHAIRMAN HICKS:

I think that's great. So we have individual rooms upstairs that folks

can meet to -- with their committee assignments. So did everyone

hear that? So we'll take this time for the committee folks to

breakout into sessions for about half an hour and then we'll go

down and have lunch. Does that work for the Parliamentarian?

Does that work for the Executive Board? If not, let me know so --

since we're so ahead of time. Does everyone know what

committee assignments they have, yes, no? All right.

MS. LAMONE:

Good morning everybody. The committees that we're talking

about, there are a couple, the Voting Systems Standards

Committee right now consists of Chris Thomas as Chair, Jim

Dickson, Neal Kelley, Michael Winn, Tom Schedler, Tim Mattice,

Marc Guthrie, Matt Boehmer and Wendy Noren. And if any -- those

are the people from the organizations that are required to serve on

that committee. But if anybody else wants to serve at large, please

feel free to do so. Wendy in Chris' absence can you assume the

role of the organizer and if anybody would like to sit down and

meet. The purpose of this committee is mainly to review the

Voluntary Voting System Guidelines that the TGDC is developing.

So there isn't a lot for that committee to do yet. There will be. And

just to give you a flavor, I have been working, and Neal intends I

think to continue this, with the Standards Board on several of these

sort of committees that will be the same in each of the two different

boards and the committees are going to work together so that we

aren't duplicating efforts and we're not duplicating the amount of

work that the Commission staff has to do.

The next one is the Bylaws Committee and I think that you

all have pretty much concluded your work, but that's Sarah

Johnson as Chair, Denise Merrill, Richard Pilger and Michael Yaki.

And everybody -- none of them are here except Sarah, but if

anybody else would like to work in the future on the Bylaws

Committee please contact Neal.

The EAVS Committee is Michael Yaki and Michael Winn.

And again Mr. Yaki is not here, Mr. Winn is. So if anybody would

like to work on that, that's going to be a fairly active committee

working with Karen.

MS. LYNN-DYSON:

That's the best committee.

[Laughter]

MS. LAMONE:

And the Standards Board has a very active committee on that and I

think we sort of need to get our committee up to speed. This is the

election survey data report that Karen is going to talk about later.

But the work of this committee is very important to the state and

local election administrators because it takes a lot of time and effort

to fill this out and we're trying to make it better and make it more

useful for the users of the data.

The next committee is the Clearinghouse Development Committee. Again Shane had spoken up on this. Chris Thomas, Barbara are you in the room?

MS. BARTOLETTI:

Yes.

MS. LAMONE:

She's a member. Again if anybody else would like to work on this -- as you may recall at our meeting in Williamsburg the clearinghouse was clearly a transition team priority and it -- I think it's mine and a lot of ours too because it's a way for us to get information and accurate information. So I encourage anybody that would like to help Shane out with this, I feel that this is really important and that's one of the reasons why I asked him to chair it.

And then there's two others, the Voter Registration System Committee. Kathryne Harper, Kathryne are you in the room? Yep. John Cox, Matt McCullough, Gregory Moore and Barbara Simons, Greg and Barbara are here. That committee was created to look at the voter registration systems because they're beginning to become almost legacy systems and the Standards Board doesn't have a comparable system. So it may be the first discussion of that committee would be, is it really necessary and what do we need to look at. I know Maryland's system is now almost ten years old.

Then the NVRA Committee that was again I think more along looking at what the states are doing or the localities are doing with regard to list maintenance. No one is on that committee. Mr. Moore if you would like to head it up and recruit your members, I would appreciate it.

MR. MOORE:

Merge with the other Voter Registration Committee.

MS. LAMONE:

That actually is probably not a bad idea.

MR. MOORE:

Yeah.

MS. LAMONE:

And then lastly the Standards Board has appointed a United States Postal Service Committee to work with the U.S. Postal Service in trying to improve the delivery of what is becoming more and more popular across the United States, postal ballots, delivery and return of them. And we haven't created the committee, the Standards Board just did, and so Neal thinks we should. And so if anybody wants to volunteer for that please feel free to do so. Don't all rush at once, I understand. Sarah?

MS. JOHNSON:

I do all mail ballots.

MS. LAMONE:

All mail ballots in Colorado. So if anybody would like to volunteer to

serve on that, I'd appreciate it.

So with that are we going to do lunch or are we going to

have these breakout committees?

CHAIRMAN HICKS:

I think we should do the breakouts until 11:45.

MS. NOREN:

Okay.

UNIDENTIFIED SPEAKER:

Do we have room numbers?

CHAIRMAN HICKS:

Yes, so…

MS. LAMONE:

I don't.

CHAIRMAN HICKS:

…it's upstairs. It's Metro 1, 2 and 3. So whoever is leading that

committee, I think that there are three that are here, so I would say

the Clearinghouse Committee go to Metro 1, the Voter Reg

Committee go to 2, Metro 2. And then what was the third one?

MS. LAMONE:

Voting Systems.

CHAIRMAN HICKS:

Voting Systems go to Metro 3. Is there anymore committees?

COMMISSIONER MASTERSON:

The EAVS Committee.

CHAIRMAN HICKS:

The EAVS can go with…

MS. NOREN:

You could stay here.

COMMISSIONER MASTERSON:

Stay here.

MS. NOREN:

Is that all right everybody? Barbara you had a question.

MS. SIMONS:

Well just that some of us are on more than one committee so…

COMMISSIONER MASTERSON:

Pick one.

MS. LAMONE:

All right if you volunteer for a committee will you let us know or

those of you who are leading it if you would let us know who wants

to work on it so that we can make sure we can get

communications?

CHAIRMAN HICKS:

And those of you who are not on any committees let us know so we

can put you on a committee.

MS. LAMONE:

Right, all right thank you everybody. Go…

CHAIRMAN HICKS:

And then I will come up at 11:45 to escort you down to lunch.

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[The Board recessed at 11:07 a.m., followed by Committee breakout sessions.]

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[The Board recessed for lunch at 11:45 a.m., followed by a working luncheon commencing at 12:33 p.m.]

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CHAIRMAN HICKS:

Good afternoon everyone, so I want you to continue eating and enjoying this fabulous meal but I want to make sure that I recognize the staff who put this all together sitting at this front table. So Deanna Smith, raise your hand, yay.

[Applause]

CHAIRMAN HICKS:

Bert's not in the room right now, but Bert helped out with all the travel and logistics as well and is running around here so when you see her give her a big old thank you. And is Shirley Hines here?

[Applause]

CHAIRMAN HICKS:

And then Henry who's doing our technical stuff back here.

[Applause]

CHAIRMAN HICKS:

And Brad who's been doing this for years for us under contract so --
as well.

[Applause]

CHAIRMAN HICKS:

So a couple more quick things, I know how much you folks love to

have cheese, so at 5:00 today the hotel has a cheese tasting along

with wine. So there's a wine and cheese tasting out front here.

And also the last thing I want to talk to you about is the conference

schedule. So if you know of conferences that you believe the EAC

should attend, in your packets there's a listing for you to fill those

out. Last year myself and the other commissioners traveled around

the country attending various conferences talking about the work of

the EAC along with a few staff members as well when we weren't

able to attend those conferences and they were valuable to us in

terms of actually being out talking to folks, finding out what's going

on in the states on the ground and helping to move the ball forward.

And with that I will open it up to our lunchtime speakers.

This gentleman needs no real introduction. He has worked with the

Election Assistance Commission over the last five years to move

the ball forward. Since Matt Boehmer came onboard I think that

there's been nothing but positive aspects that have gone on with

FVAP. And I'm really happy to call him a friend and to continue

working with him and this is why I think that he would be a great

lunchtime speaker for us today.

So with that, I want to open it up to Matt Boehmer.

[Applause]

MR. BOEHMER:

Thanks everybody. And as Chair Hicks said, please continue

eating. I hope to make this presentation something that obviously

is a great lunchtime in terms of a little bit of entertainment and a

little bit of information.

So thank you to the Executive Board for having me here

today. It's an important group of people to come and talk to and I

just wanted to give you an update on things that we've been doing

since the last time I talked to you guys at the last meeting.

As Brian Newby mentioned, we too are using the hashtag

BeReady16, again not only in support of our federal partners at the

EAC but also as a hashtag that our military members and our

overseas citizens can really relate to, particularly with that

audience.

I think when we chatted the last time we were right in the

middle of a refocus and when you refocus things you want to say,

hey, listen what are the activities and the programs that we're doing

that detract from our core mission and then what are the things that

we really can make a difference at? What is our core mission and

how do we determine what that is? So we have done a little bit of

refocus at FVAP. The last time I talked to you the electronic voting

demonstration project was repealed. We released a report at the

end of the year, and so literally what that allows us to do, it really

allows us to return to our core mission. And we determined that

what we're going to go back to is what we call our middle name,

voting assistance, and we're going to run that core mission through

our voters, through our voting assistance officers and then to

election officials, so our time is really well spent serving our

customers. You guys are our customers, voters are our customers

and our voting assistance officers are our customers as well.

I also wanted to take a look at data and not just present

data, not just look at data in terms of numbers but how do you

analyze data? How do you take big data and turn it into meaningful

analysis and meaningful stories? So I wanted to get away from this

whole idea of just presenting numbers but to tell a story and what

does that story mean and not just use the data that we have

available to us at FVAP but use the data that's around in the

election community through the Election Assistance Commission

and through Pew to really help tell a comprehensive story.

And then as Commissioner Hicks mentioned, while we've

seen great progress over the last three years, and I'm super happy

to be a part of that, there still are the challenges that our military

members and our overseas citizens face. And I wanted to make

sure that we're addressing those challenges and in doing so

addressing those together.

So just as a quick refresher, obviously for our military this

whole idea of mobility that's a huge challenge for them whether

they're being deployed, whether they have a permanent change of

station, those things make it more challenging for our military

members to participate in voting. They need to remember to let

their local election official know that they've moved, so address.

Contacting them can be difficult as well, not to mention that this is

just the very nature of being in the military, right? It's something

that we all appreciate about our military, but it really is a challenge

when it comes to election officials and the administration of

elections.

Complexity, right, when you talk about states and territories

running elections we have to recognize that our voting assistance

officers who, by the way, I equate to your poll workers, right, they

really are the boots on the ground that deal directly with our voters,

they have to be aware of the ins and outs of 55 states and

territories. And I know that some of you are aware of our voting

assistance guide, that really big thick book that has all the unique

things about the states and territories. So it gets complex,

particularly with our military men and women in uniform who live

together, work together and they're from different communities throughout the United States. So unlike when I'm talking with my neighbors we're all talking about Fairfax County, Virginia. All the rules are the same. Our -- you know where we go to the polling place may differ a little bit but we really are talking the same language. When you've got a military member who is from California and from Louisiana and from Ohio, all different requirements that we all need to be able to sort out through, so even something that we want to be able to say is the act of voting is easy, there's some complexities that still get involved because of our members in the military.

And as I mentioned, they're disconnected from their voting community. They're not around. They don't see the advertisements, the signs. So we need to remember that and make sure that we're keeping this community looped into our activities the best as we can. And this means that we just need to keep up those lines of communications. We need to make sure that we're letting them know what's going on, giving them plenty of notice and deadlines and just making them feel involved in the process because what we see is we need to address some of the challenges that are out there. And one of the things that we know is that 67 percent of activity duty members after the 2014 election said, "I wasn't confident that my ballot was counted." So you've

only got about 33 percent of the active duty military that felt

confident that their ballot was counted. Now obviously this is just

perception, right, but I think in this case perception may have some

implications upon action, right? If someone doesn't think that what

they're doing actually matters or counts, what's the likelihood that

they're going to continue that action when it gets a little complicated

like we mentioned before?

We also know that 35 percent of our active duty military

members said that the process -- they didn't either understand the

process or that it was too hard, right? So this to me is a signal that

hey, listen there's some opportunities for me in terms of education

and outreach, you know. How do we inform our military about how

easy it can be, what are the things that you need to do and how you

can complete the process. And so remembering that our military is

primarily male and primarily under the age of 30, right, we've got to

be able to communicate the process of voting, the things they need

to accomplish in the language that they understand.

So for our military members about 1.3 million active duty

members, their families, there's about 700,000 eligible dependents,

particularly spouses, and then about 4.3 million is our estimate of

the number of U.S. citizens living overseas. So what do we want to

do? We want to put them first, make the voter a priority and make

them a priority in everything that we do so that they're always first.

Administration approaches what we do always comes behind that so that the voter always wins. So you'll see in our programs, in our partnerships really putting the voter first.

So in putting the voter first this really means coming up with really good customer service. And before we talk about really good customer service I'm going to show you a video here. So Jim we've got a video rolling here.

[Playback of video segment]

MR. BOEHMER:

Some really good examples of what you would consider bad customer service. And I realize a lot of these were, you know, of fast food restaurants but even McDonald's got that idea, right? How many times have you walked in at like 10:45 and wanted an Egg McMuffin and it's like breakfast -- they stopped serving breakfast at 10:30? I mean we've heard that for 30 years about how breakfast, you know, stops at 10:30. And McDonald's of course now all day long you can go in and get an Egg McMuffin, so realizing and changing that because the customers have demanded it.

And so those are the things that we're emphasizing here as well. Treating our voters as customers I think is going to be incredibly important. They demand it in their everyday life. They demand really, really good customer service. So those of us in the

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business of elections and administering elections this whole idea of

treating the customer first, treating them with excellent customer

service can really go a long way in terms of what we do.

So how do we do some of this? Let's take a look at the data

and what we've really tried to do here is take a look at some big

data and create what we called personas and a lot of you call them

use cases, but it's really a great way to put data into segmentation

points. And so taking data from our active duty surveys, from a

spouse survey, from survey of overseas citizens, using Google

analytics from our website and then the Department of Defense

runs a huge survey called "The Status of Forces Survey," taking all

of that information together along with the EAVS survey data from

the Election Assistance Commission and really starting to say hey,

listen, could we form personas or use cases around our

customers? And if we are able to do that, couldn't we then model

what they need and then give them what they need?

So not everybody needs the same thing. We actually

created six personas and I'm not going to walk you through all of

them but let me just walk you through the basic idea here. So

we've got George. George is our older overseas citizen voter.

Some of the challenges that he experiences, right, so actually if

look at his voting experience. His registration likelihood is high.

His ballot return likelihood is high. But one of his challenges he

assumes that FVAP and fvap.gov is only for our military voters, right, so he as an overseas citizen is really unaware that the services that we provide at FVAP and fvap.gov are for our overseas citizens as well. What does he need? He needs a convenient centralized one-stop shop for all of that voting information, deadlines and forms. And of course that is fvap.gov. He just doesn't realize it. So when we market to George and we create education and outreach it really is about letting George know that there's a place for him, he's got somebody who's looking out for him, and it's FVAP.

Andrea is a younger seas voter but let's go to Johnny here, our young, active-duty voter, right? So this is again primarily that group in the military that we're concerned about. They're our younger potential first-time voters. And if we can make a voting experience for them a positive one what's the likelihood then that they would come back and use that experience again and again as they vote. So his registration likelihood is moderate. His likelihood to return the ballot is low, right? So if you take a look at some of his challenges, voting is not a priority, he has little motivation to seek out information independently, right, he's got other things going on. He's likely to register but will maybe fail short in terms of returning his ballot. So we need -- he's got some different needs. Again he needs proactive engagement by the voting assistance officer,

support from the base commander, he needs electronic registration options. These are the types of things that will help Johnny, our young active-duty voter, actually complete the process.

So these are the types of things that we actually use big data to make it really personal, right, to have a name associated with this. To have a grouping is something that we found really helpful, particularly in making decisions about how we do education and outreach and it's something that I just wanted you guys to know about.

And as we start to look at more analysis rather than just taking a look at data it really allows you to make some statistical references. We were able to actually say that the web redesign that we did between 2008 and 2012 actually made a difference to our voters in 2012. The redesign we were able to isolate on those aspects and found that hey, listen, statistically significantly our voters who are on that website were more likely to return their ballot, which is something really cool to be able to do. And it's the type of analysis that we want to keep on doing.

Again we're also able to take a look at marital status, right? This marital status, so people who are married more likely to return their ballot and this is from the military, right? And I want to call this it's kind of like the "no, duh" factor, right? It's kind of like, okay, that makes total sense. But what we were able to do with this is say

hey, listen, spouses play an important part, right, whether it's

reminding or nagging, whatever it is, but you've got another person

in the household who's engaged and involved in this process. But

what we were doing is we weren't marking to this group, right? We

were just assuming that they were around getting the same

information that their active-duty military member was getting. So

this gave us a light bulb which is say hey, listen, you need to treat

this group separately and you need to really reach out to them.

So we've got two efforts this year that are totally brand new

for us. One is a direct mail piece to our active duty military and

then a direct mail piece to the spouses, right? We know direct mail

works or else companies wouldn't spend billions of dollars putting

that stuff in our mailbox. But what we're hoping is that we're going

to make this look incredibly military, incredibly official from the

Department of Defense so that people open it. And again if we're

able to reach out to 1.3 million active duty members -- they're

members of the Department of Defense, we have their address,

700,000 of the dependants and spouses -- we think that we can

make a difference in terms of the information that these people

have. And I'm willing to fail at this, by the way. We've never done

this before, right, so I'm not going to do this without testing it. So

we're doing a couple of different experimental testings in between

and if this is something that works I'll come back to you and say

hey, listen, we're going to put a little bit more into this and see if we can get more bang for our buck or it was a great -- I thought it was a great idea but it didn't work and here's why, okay? So again taking a look at analysis, not just data, and seeing what we can do with it.

What I've really tried to do, and thanks Brian for mentioning this morning, is becoming the Director of the Federal Voting Assistance Program was an incredible honor. Again working for the Department of Defense now for almost 25 years, working in that environment of military members and their families has just always been an incredible honor for me. But to come in and say hey, listen, now I have the responsibility to make sure that they're aware of their right to vote and have the tools and resources to do so I never understood why anybody would want to do this alone, right? So I've really kind of mapped out the goal to say hey, listen, we all know that we can do more together, so why not partner with the people who really do all the great work. And so working together you don't just get FVAP, right? So we've really created a great partnership with the Election Assistance Commission, not only with the Commissioners but the staff. We realized there's a lot of synergy there, there's a lot of commonalities so why not ban together as two federal agencies to say hey, listen, we can make a difference. We have customers, we have customer service and

we've got assistance, right? So these are all things that we have in common. Why not work together?

Why fight the post office? Why not work with them? Let's figure out the challenges. What are the things that we're doing that we could improve upon? What are the things that we're going to ask the post office to do?

Our friends at NIST, right, I mean Mary Brady and her team just bring an incredible amount of wealth of information and technology to our group and we really appreciate the work that NIST does not only on our data standards but on common data format and all the work. And Mary's involved in one of our technology subgroups. So we've got that partnership.

You'll be hearing from Kamanzi right after me. What a unique, great partnership in having a cooperative agreement with the Council of State Governments and the things that we've been able to do with election officials on solving some of the challenges that our military members and our overseas citizens face.

But then not stopping there, working with Tammy Patrick, Senior Advisor at the Bipartisan Policy Center, not only with our CSG working group initiatives but also on postal. She's just got a wealth of information. Why wouldn't we partner? Partnering with Pew, David Becker and his staff at Pew tirelessly working with us on things like data standardization and common data format.

So this is just a great team and then partnering with you, the

Board of Standards, using my role -- on the Board of Advisors,

excuse me, and to say hey, listen, what can we all do as a body

working together to do a little bit more?

So obviously you've heard that the EAC and FVAP have

been really concentrating on this whole idea of mail and here's why.

A little Seinfeld clip, Jim.

[Playback of video segment]

MR. BOEHMER:

So the reason why we put just a huge emphasis on this is because

the mail never stops and mail is incredibly important to the election

community and particularly important with our military and overseas

citizens. So this is a commitment that we have made, the EAC

have made to say hey, listen, there's a lot that we can do in this

arena and it deserves it. And the post office has just been great.

Just so you know, we've also been working with the military postal

service agency as well. Everyone is involved in this in saying hey,

listen, we know we can do better. Let's all again partner and work

together on this.

Just a couple of quick updates, I talked about that one, we

have recommended mailing dates for our voters and they've been

published on our website. So depending on where in the world one

of our military and overseas citizen voters are we've got some

recommended dates for them. Again not guaranteed dates but, again, we'd recommend that you would mail your ballot back by this date. United States Postal Service and MPSA they've upgraded what they call their global business system. And that's going to improve the service of absentee ballots coming back from our voters who use what we call the DOD-11 label. So that's good news right there as well.

And then I know Kamanzi is going to talk a little bit about this, but we've got this great pilot project. It's a partnership between Council of State Governments, FVAP, MPSA and the USPS focusing on transaction information, on balloting materials. I personally call this the FedEx project because it really will track ballots from the election official to the voter and then from the voter back to the election official. So you've really got this end-to-end kind of tracking system that will be really important, not only for us in figuring out hey, listen, where are the challenges, right? We've got all the stories but what we realize is that we don't have data.

And I wanted to thank Neal Kelley from Orange County who's just really been a leader in this pilot. And we're going to come up with some great information. Again the goal of this pilot then would be to say hey, listen, are there nuggets here that not only could we do some best practices for those of you who are out there doing this but is there something that we can be doing better

and more at the federal level? Should we be funding this sort of

tracking system? So we're going to use this pilot to again come

back and say hey, listen, what can we do better here and how can

we help?

One of the things that's going to be a huge challenge for us

is addresses. The standards have changed, right? So when you

have standards this is good, good news, because it runs through

automated processes but the bad news about standards is people

have to know that they've changed. So Jim I just have up on the

screen here some of the -- example of what a new address would

look like. So the old address you would have like, you know, what

ship you're on, maybe the name of the base. This is going to have

to have some sort of unit or postal service center identifier on it. So

the postal service and the USPS we're going to -- for the '16

election any sort of address they get they're going to process and

move forward. We don't have to worry about these standards for

the '16 election. But this creates a huge challenge for us that we're

going to face in '17 and this is going to be an incredible outreach

effort on our part to make sure that our military members know

about this address change and that election officials know about it

as well. So we'll be teaming with you guys to figure out what's a

really good way to make sure that people understand these

standards and that our military members are addressing things so

that when election officials get the federal postcard application or they're getting the FWAB that they can see some of these addresses so that when they run it through the postal service system they're not getting these returned for an invalid address.

I wanted to make sure that you guys all know about electionmail.org. What a great site, a partnership between Democracy Works and the Bipartisan Policy Center. It's a great place for people to hang problems that they're experiencing with mail and this again is something that the EAC and FVAP are supporting, again a good way to turn stories into actual data. And so the United States Postal Service is really connected in here responding trying to figure out what's going on in certain circumstances so that we all can have learning lessons.

So when we talk about this whole idea of customer feedback this is something that again I've been going out proactively to the states and local election officials saying any sort of feedback you can provide to your customer about having their ballot accepted would be a win for our military and overseas citizen voters who, again, face challenges of distance. So our military members who 67 percent are not confident that their ballot was counted if they got some notification from an election official that said, "Hey listen, we received your ballot" wouldn't that go a long way? So I've been out there proactively doing this. If you're not

aware, I just wanted to make sure that you guys are aware of this

Bill 4909 that was introduced by Representative Susan Davis of

California. So make sure that your folks are aware. It's basically a

tracking legislative requirement, so I want to make sure that you

guys are taking a look at it and making sure that your folks know

about it as well.

So what can we do as the Board of Advisors? I've come up

with just a couple of quick things. I think our group needs to

continue to set the bar high for the work of the EAC. The

Commissioners and the staff have always challenged me to say

hey, listen, what can we do better? And I think that this body in

particular, this Board of Advisors, can do that. So let's continue to

push them. The EAC is striving for excellence. They're looking for

these things, so let's continue to do that. Let's not say we're okay

with what we're doing now. Let's say hey, listen, what can we

improve upon? And let's embrace change. Let's use technology

for good and let's work together to say hey, listen, how can we help

all of our voters? How can we create that voter experience that we

place all of our voters first?

And then from my standpoint continue to push the EAC and

FVAP to develop programs and services that better the experience

of our military and overseas voters. We certainly know that

because of what our military do and how they put themselves at

harm's way we certainly all agree that they deserve our very best.

So let's continue to do that because really what this does is any

sort of impact that we have can affect all of our voters, right? We

really want to be able to take a look at not only transactional data,

the number of federal postcard applications that we process, the

number of ballots that we counted, but let's talk about voter

experience, let's talk about voter access make that a priority as

well, and then deliver what Tony Hsieh who's the CEO of Zappos

calls "the wow philosophy" right? And that's simply delivering

excellent customer service to everyone all the time.

So what do I say? This is just being in the business of being

awesome, right, so let's continue to do that. And in that vein if

you'll indulge me for one more little video.

[Playback of video segment]

MR. BOEHMER:

So it kind of sums up how I feel about election officials coming into

this. You guys are heroes. You do a lot of great work. It's

unrewarded work. So really what does this mean for us? And I

think you saw Kid President had two of these questions in here, but

we need to really be able to fill in these three statements: "I'm not

okay with," "I have," so that's our gratitude, and then "We can." So

always having these three questions in mind really can help us

really focus in on some of the things that we need to do.

So for me I'm not okay with resting on successes, right? I want to be able to use those successes to push forward and say hey, listen, what can I really be doing better, not only for FVAP but for the election administration community as a whole? For my gratitude I have the best and most dedicated staff working at FVAP. For those of who you know, you know, Scott Wiedmann and David Beirne and Samantha Walker and Ken Warford, these are just the most dedicated group of people that I have ever met. And I'm lucky enough to come out and be the one to say hey, listen, these are the great things that we're doing at FVAP but you guys know I'm not doing it, those folks are. And they are dedicated not only to election officials but to all of our voters as well. And I'm incredibly grateful for them. And then we can work together and kick butt. It's been my philosophy since becoming the director and I think that we've seen lots of successes doing this.

And one of those fine examples of working together has been this cooperative agreement with the Council of State Governments and I'm so happy to share lunchtime with Kamanzi who's going to talk more about this cooperative agreement and the great things that we've been able to do. So Kamanzi come on up, I really appreciate it.

[Applause]

MR. KALISA:

Good afternoon everyone. Director Boehmer you're going to be a

hard act to follow but I will try my best.

Chairman Hicks, Vice-Chair Masterson, Commissioner

McCormick, Director Newby, EAC staff and members of the Board

of Advisors I want to thank you for giving me the opportunity as well

as the Council of State Governments just to give you a very quick

update on the state of affairs of overseas voting in 2016 and some

of the great work that the Council of State Governments is doing

this year and in the future next year.

So just to give you some background, the end of 2013, early

2014 the Council of State Governments entered into a four-year

contract agreement with the Department of Defense and Director

Boehmer's office to improve the overseas voting process for

members of the military and civilians serving overseas. Just to give

you some background on the Council of State Governments, we're

the only national membership organization for all three branches of

state government, so this will include governors, state agencies,

state legislators, judges. These are the policymakers at the state

level. And since 1933 the Council of State Governments has really

been leading the effort in pushing ahead with a lot of policy areas at

the state level; healthcare, you know, the economy, infrastructure,

transportation, and now elections and voting.

Before I get too deep into my presentation I just wanted to

talk about kind of one of the more under-reported stories of the

2016 presidential election. You know today we heard that Ted

Cruz and John Kasich, you know, have dropped out of the race and

the Trump phenomenon and Hillary Clinton most likely being the

first female Democratic nominee or nominee of a political party, just

so many -- such a fascinating election just politically and even from

an election administration perspective so many people are

interested. I think one of the more under-reported stories is the

Iowa caucus and for the first time ever, of course this is the first

election event of any presidential election cycle, it's always the first

election and it's been that way since 1972, and it's the first time

ever that members of the military and civilian overseas voting

community have actually been able to participate. And it happened

this year in 2016. As you know, the caucus is run by the state

Republican and Democratic parties, so the Democrats in Iowa

decided to host a tele-caucus and so where members of the military

overseas could call in and -- to issue basically their support of

Bernie Sanders, at that time O'Malley or Hillary Clinton, the

Republicans, allowed for an absentee ballot to be considered to be

counted in their caucus. Those votes were actually counted. And

other caucuses this calendar year followed that model. The

Nevada caucus which was closely contested on both sides allowed

for that, the Utah caucus. So these are really good developments

in military and civilian overseas voting and I think it shows kind of a

bipartisan commitment to improving this process. People joke at

me at the Council of State Governments. They say that I have it

easy. I'm in a policy area that's not really as contentious.

Everyone supports military voting. I'm not in something like

healthcare where people want to take your head off. So I'm in a

safe zone and a lot of good things are happening, so I'm happy for

that.

Just quickly, our staff, a great team that we work with at the

Council of State Governments, I work out of their federal affairs

office in Washington, D.C. and Michelle Shafer who's been in the

elections universe for many years is doing a lot of great work in

communications and research for us. Jared Marcotte is doing

some really good work. He did elections programming for Pew in

the past and the VIP and Google and now he's coming onboard to

lead a really big data standardization effort that I'll talk about a little

later in my presentation. And Ann McGeehan of course who is a

member of the Presidential Commission on Election Administration

with President Obama, I think you all know her well and the former

director of elections for many, many years in Texas, and so she's

devoted her time and commitment to improve military and civilian

overseas voting for CSG and FVAP.

First, I think this is really important, I wanted to talk about our

first -- one of our many big projects and this is the Section "B"

EAVS working group. For many of you who don't know, previously

I worked for the Georgia Secretary of State's Office. I learned a lot

from Mr. Cliff Tatum here. I worked under him and helped lead the

HAVA program in the State of Georgia. And one of my

responsibilities is after every election year I would get this e-mail

from, respectfully, the EAC staff and Karen Lynn-Dyson telling us in

Georgia that we have to fill out this survey in two months and

everything has to be right and all of these -- and we understood it

but it was just very, very challenging. And there's so many issues

at the state level I can only imagine -- so I was looking at it from a

Georgia perspective. Who knows what members of the elections

division in Alabama and California how they were responding, but

every time we'd get this e-mail we were freaked out because it was

just like, wow, they're asking these specific questions and they

might call the police on us and what do we do and are we

answering this correctly. So it was always a challenge and

concern. Well late last year FVAP and EAC came to us and talked

about convening just a really good group of election officials who

know a lot about military and overseas voting and some of the

jurisdictions and to actually try to improve the survey process

because it's only then -- Director Boehmer talked about data. Data

is so important for all voting but especially military and overseas

voting just finding out what the stats are so once we do that we can diagnose the problem and provide some really good solutions.

So we launched this working group and you see the jurisdictions with large military overseas voting populations are here; Georgia, Virginia, these are names that many of you know, North Carolina, Texas, Minnesota. And members here I see today, Linda von Nessi and New Jersey is here, she's a member of his new working group, we've just had our second meeting in Carlsbad, LA County Dean Logan's office, Cook County, Colorado. And different styles of election administration, some of these states are vote-by-mail, some of these are decentralized election administration states, just getting a really good sample of what's going on out there and just basically finding out the very important data points that we should be tracking for military voters, you know, ballots rejected, all of these important questions that have never really been addressed before and just kind of getting election administrators' take and their perspective on how to really build a really good survey. And the good thing is at some point later this year we're going to come up with some really good content and recommendations to the EAC and we're hoping that they can be incorporated into future iterations of the survey. So we're really excited about this effort and we're going to have two more meetings this year, one in Lexington, Kentucky, where CSG's policy team is

based out of and one in Colonial Williamsburg. So we're moving

forward with that.

One more -- another important area of effort here that CSG

is focusing on we have a Technology Working Group and they are

meeting quite a bit and having in-person discussions doing a lot of

research, meeting with a lot of subject matter experts, staffers.

Mary Brady is here with the National Institute of Standards and

Technology, academics and trying to focus on -- Neal Kelley is a

member of this group and other members -- trying to focus on

areas of technology improvement in the overseas voting process.

In December of this year we will come up with official

recommendations that we will distribute to the elections community

and the general public about these general areas. One is common

access card as it's used in verifying the identity of military voters

and helping to improve that process and their eligibility and seeing

how that fits in the process. Another is data standardization. We

see this so often that different states track and categorize these

voters very differently and just trying to get a real handle on how

data standardization can be implemented and coming out with real

detailed solutions and wording and things that we can just put out

there and say, "States here's how it should be placed and let's see

what we can do here." And ballot duplication you know we do that

stateside but also overseas voting with voters. If a ballot is scarred

or if the intent is not there trying to see if a ballot can be electronically duplicated and you know removing all sort of human error and interaction with that. And this is a listing of these group members. And again we'll come up with recommendations in these areas. These are very important areas that can improve the process at the end of this year.

And I'm going to be quick here, this is kind of the last part of my presentation. And this I'm going to talk about more because I actually had the content and I have the data and I can share that with you. Our very first group was the Policy Working Group and we wanted to, again, target election administrators who's very experience and who know UOCAVA voters very well. Kim Wyman, who's just amazing, she's just an amazing public servant, member of the military and so is her family in Washington State and one of the few elected state election officials who actually was an election administrator at the county and local level so really I think it's really, really experienced. David Stafford, naval air station, Pensacola, knows a lot about reaching out to military voters, Jim Condos, Secretary of State in Vermont, Secretary Husted, Gary Poser Minnesota, Keith Ingram in Texas, Kevin Kennedy in Wisconsin, our own Lance Gough who hosted us yesterday and today he was amazing working for two years on this working group and just trying to again come up with really best practices to put out there.

Michael Vu in San Diego and Camp Pendleton we just had a meeting out there and met with some of their good folks out there. He was able to share about some of his engagement with the military community. And we -- I think all of us quite know Tammy Patrick. She is involved in many areas and of course she volunteered her time to help us.

And so this group again met for about a year-and-a-half, almost two years and came up with some really good recommendation areas. And I think these are critical because these are areas that don't take a lot of money. We're at a point now in public policy or public government where budgets aren't the same so it's -- these are again they can be easily implemented, you don't need a lot of money and you can just give them out to the states and say, "Here this is what works, this is what we've been doing and we want to distribute it and hopefully apply it in real time."

So these areas are voter communication, the treatment of the federal postcard application different states treat them differently, online voter registration a trend that we're seeing continue, many states are coming onboard with that and that can improve the overseas voting process for military members obviously, and improving the engagement of U.S. military community and I'll get more in detail about that.

So I'm just going to read, this is very to the point. Again this is nothing -- this isn't rocket science but again this is some things if the majority -- if you're an election administrator and the majority of your day-to-day work is stateside voting, some of these can be lost in translation just because the military voters they're not as many, it's not that you don't respect the community, but just things to keep in mind to make sure you improve the process so all votes are counted. Using plain language with all forms, all communication when communicating with this universe. Making effective use of election websites and social media, I'll show you examples of this and many of you here are already are doing this so this isn't anything new but I just wanted to promote that, creating more user friendly electronic ballot return envelopes, communicating to voters when the ballot application is accepted. You know that's one big thing we hear, especially when we go out to these military bases and speak to the communities. There is a perception that when you're -- again if you're overseas you're not here every day so you're not looking at the ads, you're not constantly reminded of what's going on in the elections process. And so just helping kind of giving people status updates voters overseas when your ballot -- if your application was accepted, if it was submitted, if the ballot was counted just giving them as much information and just as private corporations do if you're purchasing something from them

using those same sort of tracking and notification systems applying

that to this universe, providing information to voters about what is

on the ballot. Again voter information, especially with these down

ballot races outside of U.S. Senate and President people just don't

know. So making sure our military voters are informed of who's on

the ballot always. I mean this is commonsense but really just want

to make sure that this is addressed.

Secretary Husted, and Commissioner Masterson knows him

quite well and so he was a member of our Policy Working Group,

he has an amazing social platform kind of strategy and I'm going to

show you some tweets. Again this doesn't cost any money. Costs

in terms of just effort you have a staffer in your office who stays on

top of this and just puts this out here. Just very simple he's asking

-- he's putting out there -- and he has quite a -- he has thousands of

followers. He's the Secretary of State of a very swing State Ohio.

"Are you a military or overseas voter? Sign up here to be sure you

receive updates about upcoming voter deadlines." Again this is

proactively reaching out and informing members of our military,

look, if you want to get involved let's do it. I thought just a really

good example a lot of other Secretaries of State are doing this. He

has an actual website. He has a specific UOCAVA website for

members of the military and as you can see here it's very detailed;

signing up for newsletters, signing up for information, signing up for

other -- he has Facebook pages, he has Instagram pages that speak specifically to this universe. But again the outreach is key and just like in anything people want to feel like they belong and Secretary Husted does this better than most.

Let's see, this is -- so we had -- a really interesting point. So CSG every year, like most organizations, we have a national conference and we had a national conference in Nashville in December and quite a few people here who are attending here today were there. And these were three Secretaries of State here. This was in Nashville, Tennessee and the host secretary, I think most of you see right there is Secretary Tre Hargett and in the middle Secretary Kim Wyman of Washington State who I mentioned earlier and a new Secretary of State John Merrill in Alabama. And this is just the three of them talking about at one of our breakout sessions about some of the recommendations about some of the things they're seeing in their states as it concerns overseas voting. And John Merrill again has a very active Twitter page and he just snapped this, sent it out and tweeted out. And again this just shows really proactive outreach, an example of good communication to our military community.

I think one of the big issues -- so America is great for many reasons. This is the federal postcard application. I think one of the reasons we're a really good country is states and local jurisdictions

have a right and kind of their own -- they can do their own thing within certain boundaries. They don't have to follow what every other person or every other state is doing. Sometimes that can be problematic and our group felt that in the area of federal postcard applications when you're talking about a member of the military who for some reason can't access their state specific registration and so there's a federal form for that, the federal postcard application that states "Treat them differently," the validity period is differently -- is treated differently. And so the recommendation here by our experienced group of administrators is to treat the FPCA as a permanent request for voter registration. So in the statewide voter registration systems make sure that there is -- again that they are not removed or they're not miscategorized or misidentified but they are treated as again a permanent request for voter registration and that helps just -- that helps the military voter. They don't have to make all of these -- go out of their way to just verify their registration. Establish a default validity period, whatever that period is, a year or two years, but just make sure that it's a default validity period for the FPCA mail ballot request. And so, again, standardization is something that the group felt was important and this was -- and so it's expressed here in these two points.

Just another tweet here by Secretary Husted asking again if Ohio military voters or civilian overseas making sure that they

renew their federal postcard application for 2016 and then providing a link where they can follow-up with that, just a really good example of using the FPCA recommendation that we mentioned as well as just demonstrating good communication.

Online voter registration recommendation, very to the point, states that provide -- we didn't want to say that say that -- again states can do whatever they want but we want to say if in fact you do provide online voter registration systems, if your state does that, please make sure that it incorporates online voter registration for overseas and military voters. This helps with accessibility but this also helps with tracking important data. Again having all of this in an electronic system different variables about overseas voting and military behavior that can be easily analyzed, not left up to interpretation. You got the data, you got the numbers and so that's what this speaks to.

Secretary Jim Condos of Vermont he just launched -- the State of Vermont just launched a really big online voter registration system and so we borrowed some slides from, "If I'm a military voter and I'm registered overseas -- registered in the State of Vermont." This is their kind of My Voter Page and they can just go there and they can -- online they can check -- they can go online and register, they can check their status, they can change addresses, they can do all sorts of things. This is their voter page.

This is an example of using technology and clear communication to improve the process. You see you have voter information, updating your voter record, polling place. All of this is providing more information to the voter that wasn't there previously, and this again is an example of just improvement in this important space. And so I just wanted to show that visual. I think it's a really good visual that captures that. And a lot of states are doing this, a lot of states who have -- that have online voter registration systems have this My Voter Page that kind of informs the voter.

The last point -- just before I finish I wanted to say this. All of these recommendations are located online. I would have brought some copies for you to share but I've been going to a lot of conferences so I didn't have any. So you just Google CSG Overseas Voting Initiative, we have our own website, and you'll see we have these very detailed recommendations with data, with graphics that back all this up. And I really appreciate it if all of you could take the time and incorporate all of this into your administration of daily elections. It's a really important election year and we think it can help move some numbers around the margins.

The last point is improve engagement with U.S. military community recommendations. I don't know how many of you are aware there's a gentleman in Escambia County Florida his name is David Stafford and he's been a long time supervisor of elections

there. He's very active in the elections universe. He's very unique

to me. I think he's -- the naval air station is one of the largest air

bases in the world, but outside of being an election administrator he

has a very strong commitment to military voters. So he does things

that I think are really good and other election administrators should

do. Like he makes it a point, kind of almost like a quota system, he

makes sure that members of the military and their families serve as

polling officials, polling managers. Actually he designates staff in

their office who have military or active military experience. So he's

very engaged. He knows what's going on. He actually made it a

point he told me his church, you know I don't want to get into that

too much, but he made a point to go to a church where there a lot

of military members. So we visited Pensacola Florida where he's a

supervisor of elections in Escambia County and you could just -- I

mean you could just sense the sort of outreach just all those things

do. And if you look at the numbers, the EAVS survey that we've --

that thing has been compiled since 2004 -- Escambia County does

very, very well in terms of overseas voting data, even much more

than their Florida counterparts. And so you ask David Stafford

what's the trick and he can't really identify it, but I think some of

those we might call them intangibles or some of those outreach

mechanisms they make a big difference. They feel -- voters who

are in that jurisdiction and who go abroad feel like they have

something at stake and that they're connected. And, again, it's reflected in the data. And so if you go on our website you'll see some of -- we took out some really good case studies of what to do to engage members of the military if you have an election office in some of these jurisdictions that could help improve the process.

These are just again other examples, I know I'm kind of going over here, but just examples of Secretary Wyman has an honor -- she has a "Vote in Honor of a Vet" website. This has really nothing to do specifically with actually registering or voting but it just shows her commitment and speaks to her commitment to this community. If you know someone, you can go on there and enter their name and what they've served and what it means to you. And she's made it a point, really nice website, to have that included. And again Washington State a totally vote-by-mail stateside state and jurisdiction is really -- really does well in terms of the data with UOCAVA voters. So we think that there are some -- there's some correlation with this sort of outreach and improving the numbers for military voting.

Other tweets here, not to keep going here, just really good tweets showing graphics and just really inexpensive ways to really make outreach to military and civilian overseas voters.

Okay, on the horizon -- I'm closing up now -- so I talked about the Technology Working Group. At the end of December

2016 at CSG's national conference in Colonial Williamsburg we will

issue recommendations with a lot of data, a lot of good information

and we're going to put it out there so policymakers can take a look

at it. Again state policymakers I get calls from state legislators all

the time. I think of them as general practitioners and they're always

like, "Kamanzi what's going on? Give me some updates, give me

some specifics." They're always looking for information, especially

with military voting, and so whenever we can have data filled and

kind of experience informed information I like to put it out there so

they can make some really informed policy decisions. Our working

group we're going to meet again, our EAVS working group, survey

analysis working group will be meeting two more times this year

and again we're hoping to have some really good content and

changes to provide for EAC's consideration, we're so thankful for

that opportunity, and the CSG and USPS collaboration with FVAP

as well. So again like Director Boehmer said this is basically an

end-to-end tracking pilot project. It's very new. Nothing has been

done like this before. And again from the stateside moving from a

county or a state election office how it interacts with -- how a ballot

is moved from the USPS system and the military postal system to

overseas and how that ballot comes back and tracking it we hear a

lot of anecdotes about, you know, some issues that are going on.

Again we don't know because there hasn't been much research or

much real investigation in the past. Well this is going to change.

Neal Kelley has volunteered to help us with this and we've

identified other UOCAVA heavy jurisdictions that we're going to

track thousands of ballots and we'll get to the bottom of it and find

out what's going on and what needs to be addressed. So we're

really excited about that. We're going to track ballots for the

November 2016 election. Of course there's still that 45-day rule

that is relevant to this, so we're going to be tracking early on and

after and we'll come up with some really good data and some really

good written content that will kind of put a lot of the -- again they're

just some anecdotes that we don't know whether they're true or not.

So we'll have some clarification very soon, very excited about that

opportunity.

And a big data standardization project, Jared Marcotte is

working with Booz Allen Hamilton and we've identified about 20

jurisdictions. There are 20 counties -- how about this. There are

20 counties in the United States that represent about 90 percent of

the military voters. So it's not like we have to go to every state to

find out good data or where -- what's going on with this UOCAVA

universe and we're right now coming up with an agreement for

them where we can use like a data -- a portal. We can extract data

in real time in the 2016 election from these specific jurisdictions, all

of this voting behavior, tons of voting behavior. And it's not left up

to interpretation. It's not like me, I'm in a Secretary of State's Office

and I have this question I want to see how many rejected ballots.

We'll get it in real time. And so it's a lot of moving parts and again it

speaks to how standardization can really clarify some numbers, or

maybe not, or confirm some numbers. And it also can speak to just

diagnosing some really good solutions to problems. And so again

this is in 2016 and we'll have -- it's a lot of follow-up with that in

2017, so excited about that opportunity as well.

This is my -- again this is my contact information. I'm based

out of D.C. This is my -- we have an active -- I have an active

Twitter page handle at csg.overseasvote. That's our website where

you can find out a lot of updates. We're making some changes to

our website now so probably over a week -- in a week or so we'll

have a really kind of more updated content listed there. That's my

e-mail address. I'm accessible by phone. Please feel free to

contact me. I'm always interested in getting ideas and suggestions

from what's going on in different places.

Thank you guys for your attention. Thank you.

[Applause]

CHAIRMAN HICKS:

Thank you so much. Kamanzi the handout that you talked about a

little bit, we have capabilities to actually print stuff out and get that

to the Board folks. If you want to work with Bert who's out at the

desk, she can get the copies together and then we can pass them out either today or tomorrow for folks and that would be great for folks to have that information.

Now we're going to go back to the main room where we're going to hear from -- and I know that you're all excited about this -- Vice-Chair Masterson, Brian Hancock, Mary…

UNIDENTIFIED SPEAKERS:

Brady.

CHAIRMAN HICKS:

…Brady, Brady like Tom Brady? No, no, no, all right stop.

[Laughter]

CHAIRMAN HICKS:

And who else is the fourth?

COMMISSIONER MASTERSON:

Dean.

CHAIRMAN HICKS:

And Dean Logan on the VVSG and the certification process. So we're going to start that up in about ten minutes, so folks can take a quick break, go outside, get some fresh air and then we'll start promptly in ten minutes.

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[The Board was in recess from 1:33 p.m. until 1:50 p.m.]

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CHAIRMAN HICKS:

The participants can come on up. Brian, Dean, Mary, and Matthew.

COMMISSIONER MASTERSON:

All right thank you Mr. Chairman, I appreciate the opportunity to work on this. Today, this panel, myself, Dean Logan down on the end who is the Clerk and Recorder of LA County, right, Brian Hancock, our Director of Testing and Certification, and then Mary Brady who heads up the voting initiative at NIST, and we're going to talk about two things. One is innovation in election technology, and then two is how the next set of voting system standards and the current program work to handle and allow for innovation in voting technology. One of the major concerns that we hear at the EAC about the standards and the testing and certification process is that they cost too much and that they stifle innovation. And so what each panelist here today is going to do is give a perspective on that view and then hopefully help inform you as you look at the next set of standards.

A couple of items before I turn it over to the panel, the first is over on the wall over here are the election process models. These election process models were created as part of the EAC and NIST public working groups which were created to help inform and create -- help create the next set of voting system standards. The purpose

of those process models is not, is not to create the scope of the next set of standards. So we are not going to cover the voting process from beginning to end with the next set of standards. The purpose is to inform the next set of standards by looking at the functional requirements that election officials and voters have to then write standards to those functional requirements. So what is it that the voting system needs to do to allow election officials to program a ballot, to allow voters to mark that ballot, to allow that ballot to be counted? And so I'd encourage all of you go over take a look at the election process models, offer comments. You can literally scribble notes on the process models as you have thoughts of either things we're missing, items that we need to highlight, areas that we don't have in there because these models are helping to fuel the discussion around, one, what is the proper scope of the standards; and then, two, what do these standards need to look like and what do we need to cover.

The other thing that I'd like to bring to your attention is the approach to the standards. Mary Brady is going to talk in detail about two things. One, the proposed new scope of the standards; and two the proposed new structure of the standards. And what I would love to hear from you all, both through your committee and then through the Board of Advisors itself, is recommendations. Are we getting it right on the scope? Is there something we need to

take into consideration with the proposed scope? And then with the

structure, is the structure something that makes sense to you? Is

there something we're missing on the proposed structure? I will tell

you that the TGDC at their meeting earlier this year, through

consensus, agreed with the general structure and scope and then

the Standards Board out in San Diego about a month ago

concurred and said, yeah, we think you've got it right with the scope

and we think you've got it right with the general structure.

And then Brian Hancock is going to talk about some driving

principles behind the next set of standards. And so I'd ask you to

take a look at those. They were created by the National

Association of State Election Directors. They were reiterated by a

working group that the EAC created. And so we want to make sure

we're on the mark with the driving principles that are helping inform

the next set of standards.   So those are kind of the highlight items

that I'd ask you to look into and pay attention to.

But first we want to give an opportunity to Dean Logan to talk

about his voting system project that they've undertaken in LA

County. I'm sure many of you have heard about it. Dean has

made incredible progress over the last year really. It's really come

to fruition. I feel like it has you know tangible, concrete vision with

it. And so we wanted Dean to talk about this, one, because it's just

a really neat project that we think people should be informed by.

But, two, it really is driving our thinking around how do we handle

innovation? How do we handle the evolving role of the election

official as a technology integrator? And how can the certification

process work to ensure that that system is well tested but also can

have the flexibility and modularity to it that Dean expects and needs

in a place like LA County.

So I'll turn it over to Dean Logan now. 15 minutes each for

the presenters or so and then we'll take questions. Thank you.

MR. LOGAN:

Good afternoon everybody. Thanks for coming back for this panel,

I appreciate that. I think it's fortuitous to have this panel following

the lunch presentation and just want to express my thanks and

appreciation to Director Boehmer and Kamanzi for their

presentations. I think that my role on this particular panel is to be a

use case that Director Boehmer used in his presentation and I think

you're going to find a lot of parallels in the philosophy and approach

that FVAP is taking to the approach that we're taking in Los

Angeles County around voting systems. And so I'm going to -- I

live and breathe this every day and I get very excited about this

project so I'm going to try to stay on track. It's something that I

could talk about for a long period of time. So I'm going to give my

fellow panel members permission to give me hand signals if I need

to move on.

[Laughter]

MR. LOGAN:

So let me start out by saying that the challenge we faced in LA

County and continue to face, and I don't think it's unique to LA

County, there are some elements of it that are unique to LA County,

but is the need to modernize our voting system. And I want to start

out by laying a little bit of context about that, that I think we tend to,

and this ties into the development of new voting system standards,

is I think we have a tendency to think about the standards and

about voting modernization as being a technology challenge or a

systems challenge. And I would argue that it's bigger than that and

we have tried to take a more holistic approach and look at it less

from a voting systems perspective and more from a voter

experience perspective, which I think is again consistent with what

we heard during the lunch presentation.

So in that regard, we view that there are really three major

components to elections administration that contribute to that voting

experience. There's the people side of the equation, there's the

process side of the equation which is sort of the bureaucracy, the

regulatory and framework that we have to operate in, and then

there's the infrastructure which is the technology and the systems

that we have to operate.

So to put that into a little bit of perspective, if you look back

at the 2014 general election in LA County it cost us in the range of

$30 million to conduct a general election in LA County. But if you

break that down into these three areas what I think is interesting to

note that it is actually the process category of those three that is the

most resource intensive. And, again, we often think about the

technology or the systems being the biggest chunk of the pie. In

fact, that's -- in our current environment that's actually the lower

part of the fiscal equation. So addressing that without addressing

the people element and the process element I think shortchanges

the process and that's what we've tried to do through our project.

So we launched this Voting Systems Assessment Project in

2009 to address an aging voting system in a jurisdiction that is

extremely large and complex. And we envisioned that -- we set out

a vision at that point of developing a voting system through an open

and transparent process, a participatory process that is focused on

the voter and on the voter first. We wanted to develop a system

that would allow a new market model that provides the county

greater control over the system design and development. And we

seek to implement a voting system for LA County, at least, that is

owned, operated and maintained by the county.

Why do we need a new system? I probably don't have to go

into too much detail about that with this particular audience, but

again a little bit unique to LA County the voting system that we use

in LA County is extremely unique. It is actually a variation of the voting system that was first introduced in LA County in 1968. From a voter experience standpoint, arguably what a voter experiences when they walk into a polling place in LA County looks and feels very much like that experience felt in 1968. And part of the reason for that is because we're large and complex and there has been no existing system out there on the market that we could put in place that would meet the regulatory requirements that would be fiscally responsible and meet the needs of our particular community. But at that same time, a long period of time modifying and kind of bringing this system along we now are in a situation where we can't recruit people who can make modifications to the system based on regulatory changes and we can't get the parts and the equipment to maintain it. So we definitely need something new. And, again, this project was driven by the fact that there was nothing available for us. So we decided to take this grassroots approach and say if we're going to do this on our own we're going to try and do this with a different approach than has been used before. So I talked about -- I already talked about this. There's no certified voting system available. We've been in a complex and unclear regulatory environment both at the federal level and at the state level. That's beginning to improve at both levels, but we were a situation where we could not wait for that to be stabilized in order to move forward.

So this is the current voting experience in LA County and this just gives you a visual perspective of what I describe as designing to adapt for compliance. Arguably we do under the circumstances the best we can to comply with the regulatory requirements of a voting system in LA County, but these components that we operate today were designed with compliance in mind. They weren't designed with the user experience in mind. They were designed with what can we do to modify our system to make sure that it can still meet the legal requirements under HAVA, under state requirements, that type of thing, but they're not particularly dynamic or user friendly for the voter.

This is a visual of the new voting experience that we are developing in Los Angeles County. So in contrast, this is visually what design for experience looks like as opposed to design for compliance. And I'll get into these components in a little bit. It's still a piece of equipment that the voter interacts with. It's still a vote-by-mail component that the voter interacts with but it has a very different look and feel to it. And that has been driven by working with voters and designers that are looking at this from the human perspective.

So why a publicly owned system? For LA County we believe that a publicly owned voting system will give us the flexibility to adapt to changes in regulation and legislation. In California there

are pages and pages of bills that are introduced every session that

seek to change the voting process and we're currently in an

environment where we're one legislative change away from our

voting system being obsolete. We want to be sure if we're going to

invest in a new and more modern system that it has the ability -- the

agility and the ability to adapt to those kinds of changes over time

without having to scrap it and start from scratch. We believe that a

publicly owned system contributes to transparency and public trust.

We have good data on that that says that the public feels better if it

is a publicly owned system. We also think that for LA County to

take this lead, being the largest election jurisdiction in the country,

is that we can use this as a catalyst to evolve the market of voting

systems, hopefully bring in new entrants to the voting systems

market and get away from the shrinking market that we've all been

limited to.   And we believe that we can leverage what we've

done in this project so that it can be replicated in other jurisdictions

of various different sites.

Yes, a question?

MR. HATCH:

Ricky Hatch from Utah, this looks really interesting and I have a

question about your publicly owned portion. By publicly owned you

mean designed and developed by the governmental entities so that

it's your proprietary system not relying on an outside vendor. Is

that correct?

MR. LOGAN:

Generally yes. I mean the design has been done in an open and transparent manner. We definitely will utilize vendors to manufacture the system and to support the system, but ultimately we want to own the infrastructure and own the source code publicly and not be tied to a single vendor relationship for the life of the system.

So these are the components of the system as its coming together. It is -- kind of the cornerstone of the new system is a ballot-marking device, not a new concept, but it is again designed around very specific needs of voters. So it does in current times rely on and maintain a paper ballot as the official ballot of record. That's an element though, to go back to my point about agility, if and when the environment and the security exists to move to a system that does not require that, this system would have the ability to adapt to that. It uses a touch screen user interface, so again familiarity to voters similar to what they're used to in other functions. It has an audio ballot, a tactical keypad and a hands-free casting option. I really want to emphasize that because it goes back to one of the points that was made at the recent EAC meeting with the community of voters with disabilities is we really -- we spent a lot of time on this trying to figure out how do we strike that

balance between the tangible paper ballot of record but still allowing voters with disabilities to cast the ballot independently without having to physically touch that ballot. And we also really wanted a system that would allow all voters to function using the same piece of equipment rather than having to have certain segments of the voter population use a specific machine and others not to do that. So we spent a lot of time on that and I think we've mastered that. I'll show you how that works here in a moment.

Another component that's responsive to our user data is an interactive sample ballot. In California we mail a physical sample ballot to every voter before the election and that includes the information about their polling location, it includes a facsimile of the ballot. This system envisions that we would make that available electronically and that it would have interactive capabilities. So you could actually take your sample ballot on your personal device, whatever device you choose to use, and you could actually pre-mark your selections just the way we encourage people to mark their paper sample ballot and bring it with them to guide them in voting, except that this system will allow you to bring that pre-marked electronic sample ballot and to scan it into the ballot-marking device and have an expedited voting experience. So similar to the way we use electronic boarding passes, an option for voters would be to work with that sample ballot in advance, scan it

into the ballot-marking device, review and confirm their choices and then cast their ballot.

Obviously it also includes a tabulation system. It will rely on some form of electronic poll book or roster and a vote-by-mail ballot. And I should mention that we envision this in a vote center environment; that this is not a system that is designed for a precinct specific one-to-one relationship. It would be in a vote center environment where any voter in the county could go to any voting location and cast their ballot.

So let me show you a little bit just to give you a taste of how this works and to see how the ability to cast a ballot without actually having to physically touch it works. This is just an animated video of our prototype. Okay so the voter comes in, they select the language they want to cast their ballot in, they insert the blank paper ballot into the device, it loads, the voter then makes their selections. And this is all adaptable to different font sizes, contrast, a number of different accessibility pieces. Obviously you can also listen to it in audio in any of the selected languages. It has the tactile keypad. It also has the ability for you to plug in and use personal assistive technology if you so desire. Once you've made your selections you can review the selections, you can go back and make changes and then it will print your ballot for you to see. Note that you do not have to remove the ballot at this point. It actually

stays there. You can review your choices on the printed ballot and once you've determined that it is as you desired, you hit the cast ballot, it slips back in the machine and goes into an integrated ballot box that's on the back of the device. That's essentially how the cornerstone of the process works.

MR. DICKSON:

Could you elaborate on that a little bit?

MR. LOGAN:

Sure in what respect?

MR. DICKSON:

The mechanics, how does it get from a marked ballot to a ballot?

MR. LOGAN:

So when you print the printed ballot it has a spring that holds the ballot. So the physical ballot comes out for you to review. If you want to, you can remove that and then reinsert it but you don't have to remove it. And we actually would also have for those who desire or need it the ability to read that printed ballot in an audio form and then you hit the cast ballot and it actually pulls it back into the device and goes into an interactive -- or integrated ballot box that's attached on the back.

A couple notes just in terms of options. For smaller jurisdictions we have again really worked hard to make sure that we're doing this in a manner that we can replicate the research and

design process. We've invested a lot of time and a lot of resources into this element of the project and we've done that in a very open and transparent manner. All of that data, all of the design work that's gone into this is available to other jurisdictions. So we hope that that will lead to further development of similar systems and also make it available to jurisdictions that might not have access to those resources.

Once we implement the system in LA County we believe that it will be a system that could be developed into a model that's scalable, flexible and adaptable. So the specifications for these devices we own those specifications. They're not proprietary. We can provide those to other jurisdictions who want to turn those into a procurement process and develop them into their own system.

Of course there are challenges associated with that. We have the advantage in LA County of having the infrastructure and the funding to maintain and support our own system, so we recognize that not all jurisdictions have the ability to do that. But, again, we believe the documentation is something that can be used in a number of different ways. I think this keys to an issue that Commissioner Masterson talks about a lot in terms of the role of election administrators changing to include some level of expertise and knowledge in information technology. Yes?

MR. KELLEY:

Neal Kelley, California. When you're talking about offering this to

other jurisdictions, and I know you and I have had some of these

discussions, but have you determined pricing models? Have you

determined how that contractually is going to work?

MR. LOGAN:

We have not. We have not focused on pricing models or the ability

-- what I can tell you is that LA County, and I want to be real clear

on this, LA County does not want to be a voting systems vendor.

We have enough to do on our own. What I think we will make

available, and I don't know if there's -- it's too early to know what

the cost implications of it. I think the research that we've done the

documentation is stuff that we will just make available. In fact a lot

of it's already available on our website.

Once we go into a procurement and manufacturer phase

and somebody takes these specifications and begins

manufacturing these devices then I think that we will have some

discussion about intellectual property and the ability to either pick

up on our contract or to use elements of that. But we want to do it

on a component basis so that it does allow for -- so again we want

it to be publicly owned and supported in LA County by my

organization. In a smaller jurisdiction that doesn't have that

capacity we want them to be able to take those same specifications

and hire somebody to manufacture and support it.

MR. KELLEY:

So but I would assume the way that it's being designed and the complexity of the manufacturing process you're going to probably as a smaller jurisdiction be tied to whatever manufacturer you have selected, right? I mean…

MR. LOGAN:

Possibly, I think a lot of that's going to depend on -- I hope -- our hope is that when we put this out for bid for manufacturing that there will be a larger pool of people interested in building this than what we currently have to deal with. In fact our hope is that even after we place the first order of these devices if we have to order new ones down the road we want to be able to go out to an open competitive process again and not be tied to a single manufacturer. We'll see how that plays out.

Wendy?

MS. NOREN:

You mentioned that these were vote center models. Are you planning on moving everything to voter center or do you have a different one for precincts?

MR. LOGAN:

We are planning in California, Neal says God willing and I'm going to talk about that in a minute, but we are planning to move to an entirely vote center model. I will say this though. I think there's

nothing in this design that would prevent you, another jurisdiction, from using it at a precinct-based level. For LA County a precinct based system is 4,800 different locations and so the expense of this type of equipment and device and getting it deployed to 4,800 locations on a random Tuesday between seven a.m. and eight p.m. is not a practical application.

So the regulatory and certification process -- Helen I'll come right back to you -- just to pick up on Wendy's question, this is also -- we at the beginning of this process made a conscientious decision not to limit ourselves to the current regulatory environment. We wanted to base this on data and we wanted it to be designed with the voter in mind. And we were willing to take on a challenge of legislative change and adaptation as part of the project. And so far that is working. It's been a challenge. It's taken a lot of patience and perseverance. The model that we think -- the vote center model that we're talking about is something that does require legislative change in California. There's a bill pending in the California Legislature right now that we're working very hard on with our colleagues around the state and with the Secretary of State's Office and we are hopeful that that will pass during this legislative session and allow us to -- our plan is to deploy this in an early voting environment in 2018 and to have it up fully functional as the full model of voting in 2020.

Helen you had a question?

MS. PURCELL:

Mine's more a statement. When you're talking about developing it

and then trying -- other jurisdictions using that model, years ago we

developed our own document recording system and did the same

thing and what we found is the other jurisdictions that wanted we

certainly can't provide them with the people to implement the

system.

MR. LOGAN:

Absolutely.

MS. PURCELL:

But they would hire consultants to then come in and do that. And

so it worked out very well. One of our biggest problems was

figuring out how much we charged them for that.

MR. LOGAN:

Yeah, no that's exactly the model that we hope to replicate.

So let me finish up this real quick. Just to give you an idea,

because I really want to make the point, and this goes back to what

we heard at lunch, is that we really did this as -- the cornerstone of

the project was putting voters first and we wanted it to be a

participatory design. We worked -- we are working with a human

center design firm out of San Francisco, IDEO. They're best known

for the development of the first Apple mouse. They're an incredible

firm to work with. They have -- we brought people, voters, from

literally off the street in to walk them through the use of prototypes

to get their feedback. In some cases we went into their homes to

talk about how they function on a day-to-day basis and how they

view voting. That all informed the design of this process. In total,

so far in the project we have personally worked with over 3,200

individuals of varying demographics, needs, interests including non-

voters, regular voters, voters with disabilities, voters of multiple

languages and emerging voters. We've also talked to high school

students and college students who represent the next generation of

voters because we want to be sure that whatever we invest in has

the ability to serve those needs as well. So this just gives you a

little bit of a visual of the type of people that we've brought into this

process. It's been a very rich process. I've learned a lot from it.

A couple of key points I will say about this approach is

looking at it from the experience versus the compliance standpoint

there's a lot that we've all learned about compliance so we know

that when it comes to accessibility we can go measure the slope of

a ramp, we can measure the height of a piece of equipment to see

if it meets the regulatory requirement for wheelchair access or

something to that effect. It's a whole different story when you bring

in a voter in a wheelchair and ask them to roll up to that device and

you ask them to use the user interface and to give you feedback on

that. And we've learned so much from that just in terms of the sense that you have in that voting experience, does it feel private? We've learnt things that, again, aren't about technology. They're about how you deploy this equipment. The difference between having a device up against the wall where the voter's back is to the middle of the room as opposed to having the machines facing into the room and the voter coming around to the other side makes a huge difference in how people feel about the experience.

So that's the philosophy and the approach we've taken. This is our project timeline. I've talked about that a little bit already. We're very excited about this. We hope that it not only meets our needs in LA County but we hope that it spurs a new generation of a voting experience to the point that Director Boehmer made. And I say this all the time, we know from history that the time, place and equipment used for voting alone will not change participation. We know when voters feel like their vote means something they will overcome time, place and equipment for voting. So we can't necessarily solve that alone as election administrators. What we can do is make sure that when that voter feels like their vote is going to be meaningful and they show up to vote that we give them a quality experience that makes them want to become a consistent voter and to continue to participate over and over again. And I think that's where the challenge is for all of us and we hope to

contribute to this project in that manner.

Yes?

MR. MOORE:

Just one quick question, Greg Moore, about the issue of the sample

ballots being able to be used outside of the regular balloting

process, could you say a little bit about the chain of custody issues

that might be involved with using outside sample ballots that would

be compatible with the voting system?

MR. LOGAN:

So the sample ballots what we want to emphasize on that is it is a

sample ballot. So it would be an electronic form of the sample

ballot that you could interact with. You could bring it in to expedite

your experience by scanning it in. But it is only the sample ballot,

just like the paper sample ballot is today. It does not become the

official ballot until you're interacting with the device. So it's got -- it

does have a different type of security than the actual ballot-marking

device and that's intentional because it has a broader sense of

usability. But I guess from our perspective on that is just as we ask

people to manually mark a sample ballot that they could leave, you

know, somewhere and somebody could pick it up, it has their name

on it and they could see how they marked it, that doesn't mean

that's the way they marked their ballot when it went into the ballot

box. And this would be designed around that same capability.

COMMISSIONER MASTERSON:

Thank you Dean.

MR. LOGAN:

I did -- I will have printed copies of this out at the table. What I submitted didn't come out real well on your thumb drive. And I also have our latest newsletter for the project that I'll put out on the table if anybody would like that.

COMMISSIONER MASTERSON:

Thank you, Dean. Brian Hancock, the Director of Testing and Certification will be up next.

If I could ask just hold questions until both Brian and Mary are done because their presentations are going to kind of work together leading to something and then we'll do questions after that.

MR. HANCOCK:

Thank you Commissioner, Chairman, and thank you Board of Advisor members. Let me get the technology working here and then we will begin. I also wanted to thank Dean and just let you know that I'm on his -- the technical advisory committee for this project and the work that he and particularly his staff has done has just been fantastic over these past years. It's -- for anybody that hasn't been involved, it's mindboggling really. And to my way of thinking, it's really not the technology. There's nothing particularly

innovative about the technology itself. You saw what it was. To me what's fantastically innovative about this is the process that he went through and that's what we can all learn from, right? As he mentioned you know it's voter centered, it's voter based, voter and poll worker based. It's people. The system was built looking at people and how they use voting systems. And that's really been a big takeaway for me and I think for a lot of other folks that have worked on the project. So thanks for that Dean, appreciate it.

This afternoon I'm going to talk to you a little bit about our testing program, where we are now and where we go from here kind of in the immediate future.

You know we don't have to wait for the next iteration of standards to test, you know, what some folks would label innovative or new technology. We currently have what we call our technology testing agreement that can do that and we've been looking at this for awhile. Way back in 2013 a couple of folks came to us and sort of asked this question so, you know, does the current voluntary voting system guidelines really allow for you to test systems outside these sort of old scope of DRE optical scan and ballot markers? And our answer was heck yeah. The current VVSG has what's called the extensions clause in the conformance clause of Section 1633, if you care to look, and what that really does, and I have really part of the definition here, it says -- it's defined as "additional

functions, features and capabilities included in a voting system that are not required by the guidelines." And really the second sentence is the most important part, "To accommodate the needs of states that may impose additional requirements and to accommodate changes in technology these guidelines allow extensions." So this has always been there. This is nothing new. It's just that we finally started getting asked about this, "Hey can you do this?" And we said, "Sure of course we can do this and here's how we can do it." And so we've sort of developed a process around that. We call it the technology testing agreement and it really serves to provide some additional clarification and guidance to make the voting system testing process better to those manufacturers that really want to incorporate what they consider new or innovative technology.

And really again this is kind of about people, too. It really starts by a series of meetings with the manufacturer, our test lab and the EAC to really get a handle on what the heck is going on here. What does this system have, what's new and how might we be able to test it. And so we do ask the manufacturer ahead of time to provide us with some additional information to help us and to help the test lab make good judgments on this. As you see here, a detailed description of the product, workflows and diagrams and really any other information that they have of a technical nature that

would help the test lab and the EAC to figure out what this thing is and kind of bound the testing process. We feel that the meeting should be focused on key issues towards the development of the test plan itself and, of course, that leads to an outline of how the voting system is going to be tested and that kind of forms the final agreement.

We generally like the agreement to be binding on the EAC and the test lab. That won't be changed unless, you know, we see something along the lines or during the process that would tell us there might be a violation of the VVSG or something in our program manuals. It's also predicated on the fact that the manufacturer not significantly change the basis of what they showed us, right? So we don't want them to change the intended use of the technology, the product design, the security, usability, those types of things. If that happened that would sort of abrogate the agreement and we would probably have to go back to the beginning there.

So that's kind of what we're doing now. We worked with two manufacturers on this process to some degree. One we actually found that hey, you know what? What you're showing us is not a new voting system. It really fits into the current process and it really acts very, very much like other systems that we've seen. So that was information that we didn't necessarily expect but it really helped us to focus what that system was and to say that hey this is

-- it's a ballot-marking device essentially and it's more like a normal

voting system. The other system was a little different but for a

number of reasons it got pulled out of the process at the request of

the voting system manufacturer, but we're always ready to talk to

any manufacturers. And we've been speaking to others, some that

aren't necessarily household names in this field right now and

we've been talking to them about this process.

So what happens in the future, right? Mary is going to be

talking about this a little bit. We have a new VVSG and there's

going to be some new processes I think that would go along with

that. And something that Mary will probably mention and

Commissioner Masterson has certainly mentioned this in the past

that we are committed to a next generation voting system

guidelines document that does a number of things. It needs to

reflect the bottom up reality of election administration. It has to be

performance based and it has to be technology neutral. And it

really has to allow a great degree of flexibility to incorporate new

requirements that might come about because of technology

changes. And that's really going to be the basis of how we move

forward in some of the things that Mary will talk about momentarily.

So what might of some of these things look like in practice?

Mary will talk to you about what they might look like in the

standards, but what practices might we develop to deal with these

things? Well one thing, and again something Mary is going to talk about, but we want to incorporate to the extent that we can other existing standards that we feel, and the TGDC feels are quite good and are already out there. We don't need to be reinventing the wheel, taking time and effort and money that frankly none of us have to reinvent this. So WCAG 2.0, it's the Web Content Accessibility Guidelines, and they're based on four perceptions, right, that things should be perceivable, operable, understandable and robust. And this all relates to the usability and accessibility of devices. Many, many federal agencies are currently moving to incorporate these Web Accessibility 2.0 Guidelines. Hopefully states and other organizations will as well. And Mary, correct me if I'm wrong, but these are based on ISO, on International Standards, correct?

MS. BRADY:

Yes.

COMMISSIONER MASTERSON:

Yes.

MS. BRADY:

Yes they are.

MR. HANCOCK:

Okay, thank you. Yeah and so not only the United States but other folks all around the world are going to be using these or something

like it. So it's a very robust and well vetted standard, so new standards, not necessarily reinventing the wheel.

Something that I would expect we will be doing with any new iteration of voting system guidelines would be penetration testing, not necessarily exactly the same form of penetration testing which was called open-ended vulnerability testing outlined in the 2007 NIST TGDC recommendations, but certainly robust system-level penetration testing by qualified and certified individuals or companies that do this for a living on a daily basis and that will work with our voting system test labs to provide them with the experience and the quality individuals that we'll need to do this type of testing.

We think that because it's not open ended, we don't have unlimited time, we want this to be bounded in some way to get these systems out there to election officials, it should be goal oriented penetration testing, you know. Nothing is going to ever find all of the possible risks in any system, but we want to find the most critical risks. And so I think probably what we'll look to focus on are achieving -- or the ability or inability to achieve access to sensitive data on these systems and demonstrating other real world risks that these systems might have.

Interoperability testing, we've talked about this in a number of areas, we have the interoperability working group and they have taken over for the IEEE common working group that was

developing common data format to the extent that we ever want

component testing this is critical and we really want this project to

move forward. Certainly it has the potential to lead to at least some

level of voting system component testing that Dean mentioned,

other folks have mentioned it. I think it's certainly where we're

going to be moving in the future.

Certainly even with this there's going to be issues that

remain as far as integration testing and functional testing and

getting these various products from various vendors together, but

the bottom line is it's going to allow new players into the process.

And I think what's we all want, you know. We want flexibility. We

want more choices. Particularly election officials out there what we

hear all the time, as Dean mentioned, that he didn't find anything

that was currently certified that met his needs and a lot of election

officials want other options, you know. They see what's out there

but they want more, and so we think this is an opportunity to get

more in this area.

So we're going to try to continue to streamline the testing

process. We have talked about it and we would continue to be

interested in some sort of manufacturer declaration of conformance

which would be the manufacturer essentially declaring to us that

they meet certain standards, certain requirements of the VVSG.

This is done fairly commonly in other industries, not in the voting

system industry, but I think it needs a few other things. As a backbone for that I really think it needs to be combined with rigorous ISO-9001 or some similar ISO based quality audits for the voting system manufacturers. And again I think this is going to provide quicker, certainly if not necessarily, cheaper testing.

We at the EAC need to make better use, and frankly the manufacturers as well, of what we currently do now and that's pre-certification kickoff meetings and predevelopment consultation with the manufacturers, right. We do that. We're always open to that but we need to do it more often and we need to do it earlier in the process, right. We -- it doesn't really help if a manufacturer has already developed something that's ready to go to production and then tells us to come and look at it and we say, "Well we don't think this is going to meet this requirement" or "You may want to do this, that or the other thing." We need to talk to them when they have it only on paper when it's in a concept stage so we can give them feedback and the test labs can give them feedback. It's worked for us to the extent that we've done it so far and I think we can make extra efforts to make it work even better in the future.

And this test script development by NIST and the community as a whole, the election community partnership, what that is going to be is hopefully with the new set of voting system guidelines we, NIST, and the community will have developed very specific test

scripts for each of the requirements. What that's going to do it's

going to do two things. It's going to make sure that testing is very

uniform from test lab to test lab no matter where the manufacturers

go and, if they're smart, it should allow the manufacturers to run

these test in-house to give them a very, very strong feeling that this

machine, our machine will pass certification testing once it gets into

the EAC's process.

Just a couple of other things real quick before I turn it over to

Mary, part of the BeReady16 process is our Managing Election

Technology series. We have these three so far on different aspects

of election technology: Managing Aging Voting Systems which

we've all heard about, Selecting New Voting Systems and the RFP

Process and then Considerations about Implementing COTS

Products. If any of you have any ideas for future documents that

you'd like to see in this series, please let us know. I'll let myself, let

Commissioner Masterson know and we'd be happy to see if we can

work on that to expand this for you.

And last, but not least, just to let you know that this is the

tenth anniversary of the testing and certification program.

Sometimes it seems like it's been about a hundred years and other

times it seems like it's only been about a year or two, but in any

case we'd like to perhaps do something at the end of the year

December timeframe because that will actually be the anniversary

date. We're working with the Chairman and Mr. Newby to see what

we can do there. We'll provide you with more information about

that as we figure out what we're going to do.

But with that, there is my contact information. And I will take

questions after we hear from Mary Brady of NIST. Mary?

COMMISSIONER MASTERSON:

Thank you Brian and next up is Mary Brady. She heads up the

voting initiative at NIST and Mary is going to walk you through

concrete detail where we are in the next set of standards as well as

give you examples of the proposed new structure for the next set of

standards and scope. So Mary, go for it.

MS. BRADY:

Okay. So Matt and Brian said I was going to talk about a lot of

different things, I'll probably only hit one or two of them.

[Laughter]

MS. BRADY:

And let me just do a status check. Is everybody awake, you know,

because Matt Boehmer has offered to lead us all in jumping jacks

to get us -- get our blood flowing again if necessary.

So let me just start by talking a little bit about where we've

been, what's happened since the last Board of Advisors meeting

and where we're going. So this is a very pretty timeline with an

aggressive late 2017, early 2018 date for coming out with the next

version of the VVSG, the draft version of the VVSG. Since the last

Board of Advisors meeting I did, you know, some of you were likely

were in the room and you remember that I sort of went through,

okay, this is the way the VVSG gets developed and in fact, you

know, this is what we've been talking about in terms of high-level

guidelines and principles, requirements, test assertions and so

forth. I'm not going to rehash all of that today but I'm going to, you

know, show you some of the updates. Since then we established

these public working groups. I know Matt talked some about

everybody get involved and in fact I sure hope you do. As part of

those public working groups we worked very closely with the

election groups, the pre-election and post-election. In fact Linda

Lamone led the post-election working group to develop these

process models. The process models are over here on the wall.

There's a visual representation of the process models and the idea

there was for us to understand the election processes from start to

finish so we can then decide, you know, together what should be in

scope what we should be looking at in terms of the next version of

the VVSG and where we might come together to develop

guidelines or, you know, best practices, not to be confused with the

Voluntary Voting System Guidelines.

So I have with me today Ben Long. Ben raise your hand.

So Ben would like to travel more.

[Laughter]

MS. BRADY:

So I brought him here. A metric for Ben traveling more is the percentage of the room that he actually talks with regarding the election processes. So if you all like Ben and you'd like to see more of him, please take some time to go over it.

[Laughter]

MS. BRADY:

We'd love to have your feedback. In particular I think the Board of Advisors has a very unique perspective. There's, you know, quite a bit of knowledge in this room which is different from what we heard from the Standards Board or, you know, in some cases the same but in many cases different and maybe different from what we heard with the election working groups that we work with. We're particularly interested in where are the pain points, what are you worried about, what keeps you up at night as we go through some of these processes, you know. Are you worried about security? You know what problems are you having with accessibility? You know let us hear from you because we want to make sure that they make it into our use cases.

So following the election processes we had the TGDC meeting and at the TGDC meeting we discussed the models and various priorities. Out of that came a set of use cases. I'll go over

the topics, the use case topics in just a minute. So the idea is with

these use cases is that we build on Director Boehmer's idea of

these personas. So they've gone through and created these

personas, which I think is just a fabulous idea, but we need more of

them. We need personas not just for military and overseas voters

but personas for all voters as they work through this unique

combination of the election processes, the functions and the vast

amount of technology that they might be implemented over.

As we get an understanding of these use cases the natural

fallout of them is, hey, we need to do more with respect to usability,

accessibility, interoperability, security and of course testing which is

why we have the constituency groups as part of these public

working groups. We set it up this way for a reason. Everything is

driven by the election working groups, you know, the pre-election,

election and post-election and they're supported by the work that

will be going on inside the constituency groups. And this is where

the rubber will meet the road with respect to some of the

requirements and taking those, you know, the principles and

guidelines drilling down into the requirements, how things might be

developed, what technologies we might be able to use today, what

technologies might come about tomorrow and, you know, how do

we actually implement them, how do we test them. And so that's,

you know, very important work that I think will be done inside the

constituency groups going back and forth with the election groups.

So there's -- throughout this process we're looking for feedback from anybody and everybody that we can get it from. And I've sat in many, many meetings but we want to engage early and often. So we're looking for feedback from NASED, the Standards Board and from this group here, the Board of Advisors, as well as you know other folks who can participate inside the public working groups. I was just talking to Matt a little bit earlier about some of these roundtables and webisodes and so forth taking the feedback from it and also integrating it into the process.

Over -- you know from this point forward as we get these use cases out there, you know, and not just the use cases but the revised VVSG structure we'll be going through these personas/use cases/scenarios doing the hard work that needs to be done there hopefully involving, you know, everybody along the way, developing the principles, guidelines, requirements and test assertions and ultimately at the end of this process we'll come out with a draft VVSG. And all the while we'll keep in mind those principles that came from the early work from the EAC futures group that as we -- that we need a revised VVSG structure we need flexible standards, we need to, you know, take into consideration content and of course innovation.

So these scenarios, the ones that were identified as part of

the TGDC process were electronic poll books, ballot marking, ballot delivery, ballot on demand and auditing. So -- no, no, no, don't shake your head.

[Laughter]

MS. BRADY:

So the -- you know as part of the VVSG group, the Board of Advisors' VVSG group, we just had this meeting and we were going over some of this. What we're -- we're not looking to cover all of electronic poll books, okay? We're looking to cover those areas that are within the scope that's defined going forward. So in the past that has been, you know, casting and counting, okay? So there will be ongoing discussions, you know, on how far -- do we move that far? Do we keep it exactly where it is which I think was supported largely by the TGDC that, you know, we're kind of in the right spot or do we move it. And if in fact we keep it where it is then what happens with all this other work, this whole body of work? Does some of it feed into other things? So for instance one of issues that came up during the meeting right before lunch is hey, you know, I really like what's going on in the common data format but not all of the common data format is likely to be part of the next version of the VVSG, you know, inasmuch as it will all be tested and certified. Some portions will some portions may not. So for instance if we're talking about common ways to access your voter

registration database from an electronic poll book and update

whether or not somebody voted, does that go inside the VVSG?

Not likely, right? So these are all discussions that we have to have

in each of these areas.

So we've done some upfront work at NIST in putting

together these use cases. We're just about to ready to share them.

I don't have them with me today, but I do want to give you just an

example/diagram on the ballot on demand that we have -- you

know we've gone through, tried to follow what happens as a result

of these election processes. We have similar information to what

Director Boehmer showed you with respect to personas. We have

that kind of information that we'll be putting together. We'll vet it

with the -- we're just about ready to vet it with the election working

groups. As we vet it with the election working -- after we vet it with

the election working groups then we'll be putting them out one at a

time for review by this Board, by the Standards Board to try to

garner feedback, make sure that it's as inclusive as we want, make

sure that we're getting feedback on what should be inside the

VVSG, what should be outside the VVSG.

I guess you don't want me to take questions now. So let me

transition from that with respect to what we're doing with the use

cases into what we're doing with the structure. We'd also like your

feedback here.

So we've been working hard on you know -- we've been engaged in discussions for quite some time now on creating a more usable VVSG for, you know, for all the parties that are involved. In early work that we did with NASED was, you know, we explored the use of these high level principles. This work has been presented in many venues. And what -- you know essentially what they were asked for is -- what we were asked for is can you take the VVSG and collapse it into just a few pages? It's too much information. So what can we do? We explored what would happen if we did that and of course that wasn't quite enough information. It was -- you know as you abstract up you lose an awful lot of detail and, of course, that detail is -- what we discovered is that detail is of course very necessary when it comes to determining how a manufacturer is going to implement something and how it's going to be tested. We -- the work was also reviewed as part of the EAC future VVSG goals and we've taken that into consideration in terms of how should we go about revising the structure. And of course what we've ended up with is the level of detail depends on the audience, right, and what they're looking for.

So what we've done is prototype this on the usability and accessibility sections of the VVSG. We've come up with a set of five principles and I'll go over them in just a minute. Each principle has a set of goals called guidelines and they're tied, you know, at

the lower level to requirements. So what we have is principles, guidelines, requirements, test assertions. So depending on what you're interested in, you may just be interested in the principles and guidelines, the very high level. You may be interested in, you know, some more of the details which would go into the requirements. Or if you're a manufacturer or a testing lab you may be interested in the test assertions themselves.

So what do they look like? So each set, and of course the chapters will likely go away but this is kind of a carryover from chapter three which was the usability and accessibility. So it will open with an introductory text to explain the scope, topics and the legal context. And all of the principles are also listed at the beginning of the chapter. And this information is for everybody, you know. When you click on a particular guideline you'll see a list of requirements that the systems must meet. They're summarized in an easy-to-read list and this page is helpful for those who are already familiar with the VVSG so you can sort of see, okay, what happened to all the information that was inside the VVSG. And for some roles you may not, you know, want to read any further. This may be enough information for you. But if you do you can dive down into one more level and you'll get the detailed testable requirements, okay? And each of these will have a number, a short title, the text itself, an accessibility link. So right now that's done by

a little accessibility icon and there's a link to which standard it's coming from whether it's a WCAG standard or if it's -- you know if it's 508, if it's coming from 508. Now there's been much discussion among the TGDC members and, you know, some of it was actually in the room today as well as in some cases these are not guidelines. They're requirements, they're legal requirements. And we do know that we have to do a better job of highlighting what those are and providing advice back to election officials in terms of what are the legal mandates that you have to abide by and what are, you know, guidelines. There's also a set of test assertion links which is down at a lower level and discussion notes.

So this will become a little more clearer as I go through an example. So essentially in our analysis the core U&A requirements are still relevant. We still need to pay attention to color, contrast, audio, tactile controls. But there's new devices beyond kiosks. So there's been a fair amount of talk about, you know, some of the interfaces are now looking like web pages so you'll have, you know, you'll have all the concerns that go along with that style of interface. We're seeing tablets. We're seeing remote ballot marking systems. We're seeing new interfaces; small form factors, the screen sizes might be a lot smaller than what you had before, ballot layout may be different, your page orientation may be different, your ballot selections, the way you represent your ballot selections could be

different. And, you know, so there's been a fair amount of talk on

marking your ballot having that represented as maybe a QR code

that you could take in that would then be read in and displayed for

your review before you cast a ballot.

There's also new interactions. So if you think about tablets

for instance you might have touch screen gestures where you can

increase the font, you know, decrease the font, you might swipe

instead of you know hitting "next," so all of these things need to be

considered. There's advances in personal assistive technology,

eye tracking devices. So in addition to that there's an awful lot of

research that's gone on as part of the EAC accessibility voting

technology initiative, we -- quite a bit of work and a lot of

convergence on this WCAG 2.0 and with legal implications that are

coming along with it. And there's also the need to integrate these

U&A requirements, you know, with security with the software and

the hardware the interoperability in the system specific guidelines

whether it's by election or by device. They don't standalone.

So the principles and guidelines themselves, so the

principles are -- there's a small set of principles. The first one is

equivalent and consistent; all voters have access to mark and cast

their ballot as intended regardless of their abilities without

discrimination. So we have tried very hard to use plain language in

the principles and the guidelines. There are two guidelines under

this first principle. The first guideline is that you provide voters with a consistent experience of the voting process in all modes of voting. And the second is you provide voters with equivalent information and options in all modes.

The second principle is it's cast as marked. So plain English, ballots are cast as marked both secretly and privately. There's a set of four guidelines that go along with that. The voting process shall preserve the secrecy of the ballot; the system must ensure that the ballot selections, interface options, voter identity and information about voters are kept private; the voting system supports the voter in marking the ballot accurately; and, the voting process helps voters avoid errors that invalidate their ballot including blank ballots, under voter, over votes and marginal marks.

So I'm not going to read through all of these but principle three, marked as intended. Here we see the WCAG core requirements. It's very clearly and, you know, you see the tie here to principle three that they're perceivable, operable, understandable and robust. I'll go -- the example we have actually walks through principle three.

Principle four they're tested for usability, so they meet performance standards for usability and accessibility.

And principle five they meet web accessibility standards. So if it's a browser based system it has to also meet those web

accessibility standards in addition to the voting standards.

So from this, you know, we're created a U&A structure based on our principles and guidelines. We've used emerging technologies and standards analysis to identify the core requirements, the requirements for removal, gaps that can be addressed with existing research and standards, gaps that require research and the assertions that are still valid.

So in the packet -- next we need to have -- the next steps are to have additional conversations on scope and content -- so there's a packet that I put together that -- at NIST we put together for consideration by the Board of Advisors and in particular -- it's been -- it's already been distributed to members of the VVSG Committee. And that packet has more detail in it than what I have time to present here today. So it has the principles and the guidelines, the requirements in a tabular fashion. All of the requirements we've identified where there's gaps, where more work needs to be done. We've identified what accessibility standards are being addressed. We've gone through and provided an example that I'll go through right now. And we're looking for your feedback on this structure. Don't focus so much on all the requirements. We know that there's more work to be done there and that you know -- but what we're looking for is feedback on is this a structure that speaks to you? Is this a structure that you think

will be useful for all of the stakeholders?

So let me run through an example just to make it a little more real. So let's say we have a ballot marking system and you have an election official or esteemed colleague from New Jersey and he'd like to procure a new ballot marking system. He uses the new voting system standard to guide his analysis. So in particular, you know, he's interested in these commercial tablets. The system needs to be usability and accessible by all voters. And we're going to go through each principle drilling down as needed.

So let's go through this walkthrough for principle number three. So these are the core requirements and the example subset that we're going to use here is electronic ballot marking tablet. So first off you need it to be perceivable. So what are some questions that you're going to want to be sure that are addressed and what can be addressed in the tablet display. You're going to want to look at the font, color and contract requirements. Is there an audio interface? Can low vision voters find tablet controls? Operable, can voters access all information on the ballot without swiping or scrolling? Is it important that we want to swipe or scroll? Should we revisit, you know, now that we have this new technology we're not necessarily using a kiosk-based system. Should we swipe or scroll? If a tablet is mounted are controls within the voters' reach? Can voters use visual and audio controls? Is it understandable?

Are there clear instructions on using the tablet? And is it robust?

So what personal assistive technology does the tablet support? In

addition to that, the tablet also has to meet the other requirements

as I indicated before and the tablets might also have to be

considered for other election applications. So for instance the

tablets might be used for e poll books, might be core U&A

requirements for voters and poll workers that also apply.

So backing up, you know, what I've presented to you there's

you know -- because we're sort of short on time is what the current

status of the work is. But of course we spent an awful lot of time

engaging voters trying to develop a roadmap for improving usability

and accessibility guidance for next generation elections. We've

done some work in organizing requirements by principles and

looking back at the current version of the VVSG and say, okay,

does this cover the current version and if so how? How can things

be mapped? We've done a lot of work in looking forward, you

know, looking at what's needed as a result of this roadmap and

trying to incorporate some of those activities here in terms of the

requirements, identified where the gaps are. And you know in this

particular example we've also looked at principles for ballot marking

systems and, in particular, remote ballot marking.

So what we need from you is feedback, okay? We need you

to look over some -- you know the documents that we've prepared,

let us know what you think in terms of both the scope, you know, some of the topics that are on the table that came to us as a result of deliberations at the TGDC and ongoing discussions with the EAC, as well as the structure. So is this a structure that has already been endorsed by the TGDC but we want, you know, your feedback as well. Is this a structure that you think would work? So essentially we need your help.

COMMISSIONER MASTERSON:

Thank you, thank you Mary. We're going to do questions real quickly. Before we get to questions part of the new process, this public working group process and part of why I really appreciate you all giving us the time to talk about this today -- and all of this information, the slides, the additional information, we'll post it on the EAC Board of Advisors site as well as on the public working group site so it will all be available so that everyone can look at it. It's already been given to your voting system committee, your Voting System Standards Committee as well. But part of the reason I'm appreciative is this process is meant to take feedback throughout, starting now, starting before now honestly when we began instead of doing what we've done in the past where we drop a 700-page document on your desk and ask you for feedback at the end. And the Standards Board and Board of Advisors, and Wendy Noren will vouch for this, literally sat there and went through page by page of

700 pages and offered comment. That is not an efficient, effective

or good process. The public working group process that's available

that allows you all to weigh in as we go allows us to adjust and

make changes and make improvements as we go. And so that's

why it's critical that not just your committee but everyone in this

room get involved right now and participate now and throughout.

And I will say the Board of Advisors is particularly influential in that

you have several members of the TGDC on the Board of Advisors.

Between the Access Board members, Helen Purcell, Linda

Lamone, am I missing anyone, there's a lot of influence on the

TGDC process in this room and so it's critical that you all weigh in.

So with that I'd take questions, thoughts on both scope and

structure. I'm happy to talk at any point this evening or tomorrow

about it as well to help better explain it because we'd love your

feedback on it. Linda?

MS. LAMONE:

Can you hear me back there? I wasn't sure whether this came

across or not, but one of the reasons, maybe you could articulate it

better than I'm going to be able to ask the question since I know the

answer to the question but…

[Laughter]

MS. LAMONE:

…the reason why we've structured it this way having the guiding

principles and what is going to be the result in the future say if there

is no Commission?

COMMISSIONER MASTERSON:

Yeah, thank you for bringing that up. So the idea behind the

guidelines to the principles to the requirements to the test

assertions is one of the first things the Commission experienced

when we got appointed was there are letters waiting on our desk

from the Presidential Commission on Election Administration and

the National Association of State Election Directors. And a portion

of that letter said to us you guys got to find a new way to structure

these standards so that they're more easily updated and adaptable

whether there's a Commission or not, quite frankly. Right now if we

want to change the standards it has to go through a long public

comment process, it has to go through you all, the Standards

Board, the TGDC. It's a very long process. And so by doing it this

way, updating the high level principles, one, should occur less often

and guidelines; and two, should be a little bit easier. And then

updating the requirements and test assertions, which will still be

publicly available and could be commented on, can be done much

more efficiently. So the actual requirements and test assertions are

way more adaptable because they won't have to go through this

long, extended process. So it's a direct result of the feedback we

received from both NASED and the PCA saying hey, look, you got

to find a way that these can be updated so we're not stuck with 2005 standards again, or whatever, for five, seven, ten years. This is our attempt to try to solve that problem.

MS. LAMONE:

Well and the other issue was how much it stifled innovation because we did not have updated standards since 2005 and here we are in 2016 and the manufacturers are struggling, right Brian?

MR. HANCOCK:

Yes.

MS. LAMONE:

And that means the election officials are struggling because we can't get new and interesting stuff.

MS. BRADY:

And I mean it's acknowledgment that, yes, technology moves very quickly and, you know, as soon as we draft the lower level technology is going to continue to change, there's going to be innovation. And of course as election officials you all want to do what the rest of the world is doing. You want to take advantage of the advances in technology.

MS. LAMONE:

Just for those of you who -- thank you Wendy -- your earlier comment. I had to implement a new voting system for this election and I was left virtually with two choices.

MR. HANCOCK:

Yeah, the other thing this new structure attempts to do is address something that we heard from the election community as well and that is that the standards need to be understandable to the election community. And so as you saw from Mary's worked examples, I think you'll see as you work through it, these are very understandable. Those of you who went through the prior versions of the VVSG, Helen, Wendy, know that they got very technical and very hard to understand. These we can go out and educate around them. And one of the principles that the EAC working group or VVSG group adopted was that it's incumbent on the EAC to educate on these standards, to not just put them out there and then start testing to them but really go out and talk to the elections community about the impact, what they mean, what they say and how they work. And we can only do that if they're understandable. So that's the other part of this. Wendy?

MS. NOREN:

Mary you mentioned you're not ready to put the use cases out there. Can you give me an example of one of the use cases?

MS. BRADY:

So for instance, I mean, if you were to look at ballot marking, okay -- Wendy has asked for an example of a use case. So for example if you look at ballot marking there are many ways to mark your

ballot, right? So -- and it depends on what your technology and choice is. So for instance you might mark your ballot using -- you might have a card and you might have a ballot-marking device like they have in LA County where, you know, you mark your ballot as you go down and use their device. You might have a DRE that you're using to mark your ballot, you know, inside a polling station. You might have a remote ballot marking implementation that you're interested in. Each one of them has a different set of concerns with respect to usability and accessibility, with respect to security. So for instance the security on a remote ballot-marking device is going to be very different than the security on -- that might be used in LA County.

So the idea is to step through and say, okay, if I were a user using this type of a device, I mean, you can see the principles and guidelines are at a relatively high level but at some point you have to say what's the technology that we're using and how do we measure how well, you know, it's doing? Is it doing the job it's supposed to do or is not? So you have to get down to very specific details, you know. So if for instance you want to overlay -- in the case of usability and accessibility let's say you want to overlay some of the WCAG requirements. So from the accessibility community on that technology you have to very specifically say, okay, if you're using paper, and just paper, then you're not so much

concerned about what WCAG might have to say about browser-based implementations, right? But if you're using a tablet to mark your ballot, for instance, then you are very interested in what fonts -- well you would also be interested in fonts on paper, but you have additional considerations on how do you zoom, you know, how do you increase your font, how you decrease your font, how do you maneuver around in that scenario. So that's really what we want to get at, you know. So some people call them use cases, some people call them scenarios. Director Boehmer, you know, calls them personas because he's actually putting a person at the end of, you know, what needs to be done. But essentially we have to understand the overlap between the function you're trying to perform and the technology that you're using to perform that function, you know, so we can then, you know, properly put together the requirements and, you know, further we can, you know, put together the test assertions which really the test assertions, you know, I don't want to go into a lot of detail on the test assertions but they're very specific requirements about if you implement using this technology this is what you have to pass. So this is the test that you have to pass, you know. Does that make sense?

CHAIRMAN HICKS:

So we do have time for one more question?

MS. NOREN:

Can I have a quick one for Dean?

CHAIRMAN HICKS:

We have time for one more question.

MS. NOREN:

Dean are you going to have your manufacturers put this system

through the federal testing or just your state?

MR. LOGAN:

So the question was are we going to put our system through the

federal testing or just the state. That's a good question. Right now

part of the process we went through is because of the discussion

we just had is California changed its law in the last several years to

separate ourselves from the federal system, but in the meantime

the state-specific system has not been fully developed. So I think

that there will be some collaboration between the Secretary of

State's Office and the process that we've heard about, at least

that's my hope. So I do think that whether it goes through the state

first or the federal first I think there will be compatibility there.

MS. NOREN:

Some of us are required to have the federal testing.

MR. LOGAN:

Right.

CHAIRMAN HICKS:

All right I want to thank this panel and call up Karen Lynn-Dyson to the stage.

[Applause]

CHAIRMAN HICKS:

So Karen is going to come and talk about the EAVS survey and the election worker piece.

MS. LYNN-DYSON:

Is everybody ready or do you want a few more minutes? So for those of you who don't know me, I think most everyone does, I'm Karen Lynn-Dyson and I'm the Director of EAC's Research, Policy and Programs Division. And this afternoon I'm going to focus on our research work and our program work. And as I thought about what I was going to say to you all today, and I think I mentioned to you -- a couple of you all this morning, I realize that I now have this long view of what the EAC has done going into my 12th year at the EAC having been with the EAC when we did our first Election Day Survey and our first bit of Election Management Guidelines program work. So I think that we are very interestingly developing into a new phase of work.

And taking a little bit of a view back, for those of you who don't know that in the early years of our work at EAC we did, and were mandated to do, over 20 HAVA research studies. And I look at Ernie because I remember Ernie's outfit was involved with one of

those studies and I remember having just met Ernie. Ernie said

how in the world are you managing 16 contracts? And I somehow

did manage to do that and out of those contracts came these 20

research studies and the findings from those studies. I'll be very

pleased when we launch our new website that actually Bryan

Whitener is going to talk a bit about this afternoon, or maybe it's

tomorrow, that on the new website we will -- I will annotate,

summarize and archive all of those research studies that we did

from 2004 to 2012. And actually the final HAVA mandated

research study we did was done in the 10-12 time period and once

we got our slate of Commissioners they actually approved that final

study. So you'll see all of those on our new website and they'll all

be there for the public to view.

So I think most of you all know and are familiar with the pain

and suffering of the Election Administration and Voting Survey.

When we started doing that in 2004, we called it the Election Day

Survey and in 2010 we changed that nomenclature to what we now

call EAVS. From 2010 to 2012 listening very closely to the

elections community do not -- first do no harm, we did not touch the

instrument and we absolutely made no changes at all over two

iterations. In 2014 you've heard us talk about that today, you heard

a lot from Kamanzi and Matt Boehmer about the collaboration

between EAC and FVAP, and so in 2014 we collaborated and

condensed Section "B," Section "B" of the survey being around

UOCAVA voters. So that was an important step in this process.

And I think similarly from an operation standpoint in 2014 for the

first time we created a comprehensive report and that has made it, I

have found as the recipient of a lot of the questions from the public,

much easier to deal with having comprehensively all of the EAVS

data, all the information in one report. So for '16 the big news is

that we will, same instrument, but we're going to auto-fill questions

in the survey that are -- this is Section "B" in particular. We're kind

of doing this almost as a pilot, as a first step -- we're going to auto-

fill several questions. Similarly we hope to offer an opt out function

so that if states just plain don't have it, don't know the answer to it

they don't need to answer the question. So stay tuned for 2016.

And you can see that's our comprehensive report and I would

certainly imagine that the report will look very similar for 2016. That

will come out June 30 as is mandated by law. June 30, 2017, we

will deliver to the Hill this comprehensive report.

Another slide here, and of course it's not legible but

hopefully you get the general idea, the top portion of the slide is the

instrument itself. It will look just like that except it will say 2016.

The middle slide are the tables. And those tables, of which there

are many in the report, are something that academics find I think of

particular interest and use and they go to them and they're able to

compare across states and it is state-level data, state-level data, data by question. I point out the third slide, the bottom portion in particular. And I'm starting to do this a lot with jurisdictions because a lot of jurisdictions don't know that their state reports these numbers into the EAC, actually into the EAC's contractor. And that third slide there every jurisdiction and the states I'd like them to ask their state for that information because that allows the state, and I'm looking at Michael, that allows the state to look at -- I mean jurisdictions within a state to look at how they're comparing to other jurisdictions within the state. And I think that many times what has happened is states go through this agony, jurisdictions go through this agony and then they're done. You know it's like those of us who file our taxes, we're done. We're especially done if we owe money. And I want to change that. I want to help jurisdictions start to really understand what they're inputting and seeing the value of that.

So here are my high level principles for '16. I'm bound and determined to ease the burden at the state and in turn its jurisdictions feel. I'm very committed to trying to see if we can get more complete and more accurate data. We have a series of charts that show the missing values or, as we call it, the degree of missingness for certain EAVS questions. As you might imagine the big questions how many register we've got very, very good data on

that but there are a lot of questions we have very, very poor data

on. For example, confirmation notices and cancellation notices

we're in the below 50 percent category on that in terms of data that

we're collecting. So let's see if we can do something about that.

And finally to show the value of this labor intensive exercise,

the contractor who gets the 2016 contract will have to provide a

number of deliverables including some instructional YouTube

videos, we're going to do more data visualizations, we're going to

for the first time do a relational database/GIS tracking system and --

that will allow states to compare themselves to one another and

jurisdictions to compare themselves to like jurisdictions. I like to

use the example of let's see if Portland, Maine, and Portland,

Oregon, really do have some features in common. And if they look

at the GIS system that EAC is providing on its website they can

actually see where their similarities may lie. And the YouTube

videos are going to be targeted again for election officials, not for

academics, not for the media, but I want to show the folks in the

field how to actually look at these data and use these data and how

it can actually serve as a tool to help you plan.

So we're going to get there through more intensive hands-on

technical assistance. We're going to get there through instructional

webinars and through data entry boot camps. I'm using this

language of account executives, account managers, technical

assistance advisors, whatever works best for you. But it's going to

be far more intense than it's been in the past and I'm going to

expect that you -- "you" meaning if you're a state -- you will have an

account manager, you will have a technical assistance advisor

whose express purpose is there to help you do this thing, to help

you complete this bear of a project.

Related to that, this summer we have just actually through

great input from the CSG working group a couple of weeks ago

decided that we're going to move back when we should do these

instructional webinars. So this summer, this summer we're going to

have the contractor provide the jurisdictions, the states, you in the

VR database/EMS providers, the folks who actually enter these

data, we're going to work with them. We're going to have them

actually, some of them, serve as guinea pigs as it were to help us

do these webinars; this is how you do it, this is how you gather the

information. And the idea would be let's see if we can gather as

much of this as possible this summer. Let's not wait until

December. Let's not wait until January. How much of this

realistically can states and, in turn, their jurisdictions begin to gather

this summer. On into December we'll do the data entry boot camps

to see if people -- there may be many people who are still not even

paying attention to this this summer until after they've canvassed,

they've certified. Come December, okay, now let's pay attention to

how do we do this. So we're going to really dig in. We're going to really help folks do this.

So thinking about '18, moving beyond, I told you about '16, told you about my hopes and goals and plans for that, but as we think about '17 on into '18 you heard Matt Boehmer talk at lunchtime about the work with the Council of State Governments and the Federal Voting Assistance Program's working group. That work, as you may recall, is going to come to the EAC around December. We're going to take that information and we're going to use that along with some other information I hope we gather from the Standards Board and the Board of Advisors because you will have now working groups, both of you EAVS working groups, let's talk about what '18 is going to look like because as I was saying to Michael and to Linda this morning the timeframe is basically this; next year just about at this time will be the time that we can roll up our sleeves and really put out for public comment changes, recommended changes, changes being considered for the 2018 EAVS. So a year from now we're poised to go into the *Federal Register* and say, "What do you think about this? What do you think about" -- and I'm just making this up – "what do you think about getting rid of these questions, what do you think" -- don't hate me -- "what do you think about adding a couple questions?"

[Laughter]

MS. LYNN-DYSON:

"What do you think," as you see in my last bullet, "what do you think

about some different data entry formats?" And I have to tell you for

as many people in the field who say Excel spreadsheets -- I have

people who go "Excel Spreadsheets". So it is just so odd to me

that as many people hate those things as have to come maybe not

love them but use them. So that's where we are for '17.

'18 I think that when we start to think very long-term '18, '20

-- and we've all talked about the dreams of a common data format,

we've talked about the dream of data standardization, a glossary of

terms, something that is easy to report, the TurboTax, you know,

one day the dream is to have a TurboTax that is the EAVS -- the

question will also become in '18 and beyond do we, the EAC, our

Standards Board, Board of Advisors, our Executive Boards, do they

want to think about taking the responsibility for gathering these data

and reporting these data? Do we want to ease the burden? Do we

somehow want to find a process that allows the Federal

Government to do this rather than having the responsibility on

states and in turn your jurisdictions? So that's the EAVS, the

Election Administration and Voting Survey.

The other hat I wear, the program hat, is work that as I

began my remarks talking about having a long view I decided in

presenting to you all, because I know some of you are old hands at

the Board of Advisors and some of you were fairly new to it, there's

a history here and there's been a wonderful evolution of EAC's

program work. And when the program began and it really was a

concept that Tom Wilkey had and in 2007 said let's establish for

this newly formed organization an election management program.

And that first iteration of our work was to do what I would call kind

of a textbook of Election Management Guidelines, programs,

curricula. And my colleague Brian Hancock was -- and his staff

were instrumental with that first phase of our work. Out of that work

that really ran to about 2011, 2012 we had 19 chapters of this

textbook, as it were, of Election Management Guidelines. We had

21 Quick Start Guides, Voter's Guides to Elections and Glossaries

of Election Terms. And at that time -- it's kind of really interesting

how the world has changed so much just in ten years -- we had

those good old fashioned hardcopies binders and we mailed them

out to all 7,000 jurisdictions and that work was developed by focus

groups/working groups in a good old fashioned way. We actually

brought them all to Washington and they sat down for a day-and-a-

half and they kind of worked over what should we include, what

should we not include, what's important, what's not. And that's

evolved and I'll get to that in just a minute.

I also, and you see on this slide, mention -- and this is

something I think goes little mentioned and recognized but it's

something that the EAC should be very proud of -- we have Voter's

Tip Guides and we continued every election cycle to update those.

We update the address information and all that kind of thing. And

going back to 2010 almost out of nowhere the Immigration and

Naturalization Service approached the EAC about getting copies of

these Voter Tip Guides and, low and behold, to this day that

document is in every new citizen's packet. And there are about

800,000 of those every year. And I can't tell you how gratifying it is.

One of our EAC staff members in the fall actually went to a new

citizen's swearing in and she said, low and behold, there was the

EAC's Voter's Guide. So that was information from the field, so

those things really are used. So every new citizen at some level

knows about the EAC.

So here are just a couple of pictures to show you what -- this

was kind of the old look our Quick Start Guides, our Voter's Guides

and that was kind of the first iteration/generation of our work.

Similarly that slide on the top is the textbook, as it were, that I was

describing to you. Many of you may know this Effective Designs for

Ballot Design and that was one -- I consider one of the hallmark,

the hallmark research studies that the EAC did. It was very good

value for the dollar. It is a document that was about two years in

the making. And it really is -- it was the launching point for all the

work of Dana Chisnell in her field guides. They all started with this

piece of research that the EAC funded. And it goes to show you

there's just -- there's been a very long life to that one research

project that the EAC did.

So the Voter's Tip Card that was yet another thing we did for

2012 and we handed out thousands of those. We actually gave

them to the states so that the states could in turn pass them out to

their jurisdictions. And it was -- again it was at the federal level, so

it was just some basic ideas about this is what you, John "Q" voter,

need to remember to do.

And the next couple points on the slides really are getting to

the second iteration of this Quick Start, Election Management

Guidelines work that we've done. And here are just some

examples. And you all have --, again phase two with the EAC's

Election Management work you all have these on your flash drives.

These are -- we developed 13 Quick Start, quick tips developed

from the webinars that we did. In 2013 we did nine webinars. I

said "we." It really was the elections community because we had

speakers, I found speakers from all over the country, who got on

the webinar and they talked about nine different subject areas. And

from those discussions consultants Denise Lamb and Connie

Schmidt went on to write the Quick Starts, quick tips that you have.

Very -- here they are -- very, very best practice focused, quick,

simple five tips, seven tips, six tips, tons of links, all about linking

people to the best practices in the field.

So as we, as I think we always will, continue to focus on promoting best practices doing that through our clearinghouse of operations, and I'm very excited about this next phase particularly as we become more focused on using our website and using it as a tool for creating and connecting, we are really evolving in a very exciting way I think. We're catching up to the 21st Century with our webisodes, with our online presence. And I think that really is the next phase of our work and the next phase of our operations. You're going to see more of this webisode, more of this connecting people that way.

And here are a couple of slides. We've heard many times today about BeReady16 and the work that in particular I think the Commissioners do on the Facebook and Twitter page as they go around the country and they talk about what they're doing and what they're seeing and their observations. This is the BeReady16 website page if you haven't already seen it. And it is -- some areas in its quadrants are well populated, some are in the process of being populated with information. And I think that you're going to -- and I know Bryan Whitener will talk much more about this -- about the launch of our -- exciting launch of our website -- I think you want to also watch further BeReady16 activities including our June summit on language access in elections. And with that summit will

also be the release of, not a replacement, but a hopefully easier to

use, easy to use phrase book of election terms that folks in the field

are able to use alongside of the Glossaries of Election Terms.

And then I just wanted to end with what I think is going to be

a very exciting unveiling and something that I think points to the

EAC's moving in just the right direction in being of value and being

relevant and being technologically savvy. And that's on May 25th

when we do our public meeting we will be releasing four new

products and the first will be -- those are the glossaries. Those will

be the release of our brand new 2016 Successful Practices

Guidebook, something that we've taken almost a year to develop.

It's about 40 pages, not text heavy, lots of white space and lots of

best practice links. It's -- more than anything else it's best practices

links. So we're going to release that. We're going to release our

webisode on election workers and I'm going to in a minute show

you a trailer of that. And we're going to release an updated for

2016 Compendium of Poll Worker Requirements. Those of you

who've been in the field for awhile, Wendy, Linda, Helen, you may

recall in 2007 we had a research project where we gathered from

all over the country the laws, regulations, statutory requirements

around poll workers. We'll we've had a wonderful law intern at the

EAC who's been working over the last couple of months to update

this. So that will be updated/available 2016 Compendium of

Election Worker Requirements.

And then the fourth piece that I think is really very different, very exciting for us is we're going to launch a national competition in the field for identifying and putting forth your best practices in recruiting, your best practices in training and your best practices in retaining and managing poll workers. We have -- the Chair has identified our jury panel that will come from all over the -- it will have been brought from all over the country, identified from all over the country, who will help us select these best practices. And the thinking is that in September at our public meeting we will announce the winners of this national best practices competition. So stay tuned for that. I'm anticipating the field being flooded with great ideas, you know, "Take me, take mine, this is the best idea since sliced bread, you really ought to use this, steal this idea," et cetera, et cetera. So I think that really is where I see our program work going, again as Brian Newby said this morning, towards this goal of creating and connecting.

And here I am, my e-mail in here is wrong. So it's klynndyson, all one word, it's not hyphenated. My name is hyphenated but on my e-mail it's not. klynndyson@eac.gov always the best way to reach me. I have a rule of thumb that if I'm in the country you will hear from me in 24 hours if I'm -- unless there's something really dramatic that has happened to me or my

family, so always good to contact me via e-mail.

And with that I'm going to share with you the trailer from our wonderful election worker webisode that Chair Hicks moderated and I think is exciting.

[Playback of webisode]

MS. LYNN-DYSON:

So that's it, thank you all.

[Applause]

MS. LYNN-DYSON:

Yes sir?

MR. GUTHRIE:

Karen that was very nice. I just had a question. Do you have a plan of creating that video with caption?

MS. LYNN-DYSON:

Absolutely and as a matter of fact my colleague, Pat Lahey, and I have spoken about that very thing. And for those of you who don't know, Pat Lahey was instrumental in doing the postal webisode that Brian Newby shared this morning. And he and I have been talking about making certain that's accessible and how to do so.

So as always klynndyson@eac.gov, let me hear from you about EAVS. Let me hear from you about our program work. And thank you for listening.

CHAIRMAN HICKS:

Thank you Karen and I think that, I'll say it publicly, that Karen is

not taking the credit that she deserves and all the hard work that

she's done to make these webisodes actually happen and the work

that she's doing for the language summit and the hearing that we're

going to have on the 25th as well. So I want to publicly thank you

for that and thank Monica for helping with the presentation.

With that we're going to take about a ten-minute break and

then come back for our last session of the day. So be back here at

five minutes of please.

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[The Board recessed from 3:44 p.m. until 4:00 p.m.]

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CHAIRMAN HICKS:

The last session here today we'll talk about the NVRA update. But

before we get started I just wanted to make sure that everyone

realizes that I know that there are a lot of issues that the EAC

covers and this is one that's been very contentious, but there are a

lot of issues that the EAC covers. And even though this one has

been really contentious I want to make sure that everyone realizes

and hopefully…

MR. DICKSON:

Yo, yo, yo, we're starting.

CHAIRMAN HICKS:

Thank you, Jim.

UNIDENTIFIED SPEAKER:

Got our attention.

CHAIRMAN HICKS:

Thank you, Jim. So the EAC has covered a lot of issues over the last year and we've worked very hard to make sure that these issues are ones that we -- if we don't agree on we'll still talk about. So in the past the EAC has been an agency that once contentious issues have come up it's my understanding that Commissioners haven't even gotten in the cabs together. And the three of us have made a pact that even though we might disagree on an issue that we will still sit down and have lunch and beers or whatever afterwards. So even though there's issues that come up that we need to talk about, we will talk about those things. But we're not going to be like the old Commission.

And one thing that I didn't talk about this morning was that the President has nominated a fourth Commissioner, Kate Marshall from Nevada. I called Kate and congratulated her on her nomination and let her know that once she is confirmed that the four of us will work together on the issues to advance election issues throughout this nation.

So I know that a lot of folks have some issues that they want

to raise today and feel free to do that. There's issues that we will
not be able to talk about because of the lawsuit but -- and tomorrow
we have on the agenda 30 minutes to actually talk to the
Commissioners about issues that you might want to have raised.

So with that I'm going to turn this over to Brian Newby and
remind everyone in the room of the process that occurred on us
hiring Brian. Each Board, as in the Standards Board and the Board
of Advisors, gave us names and we went through those names and
determined that -- we narrowed it down, we interviewed everyone
and we hired Brian back in November. I disagreed with his
decision but that doesn't mean that I disagree with him being
Executive Director.

So with that I'm going to turn this over and let Brian follow
that.

MR. NEWBY:

Thank you. All right, so thank you. As mentioned this morning,
there's currently -- just so that we're all on kind of a level setting --
there's currently a federal lawsuit from February brought by the
League of Women Voters and others against the EAC regarding
changes in the state specific instructions associated with the
federal NVRA registration form. And when drafting the agenda we
wanted to have a discussion on the process to respond to requests
for changes to the state specific instructions. And as Chairman

Hicks mentioned, please recognize that because of the litigation

and in fact there's some of the litigants here today, including the

EAC of course, we are limited to discussing the case in detail. We

wanted to give an overview of the process, high level, and answer

questions as much as possible with the understanding that there

likely will be some questions that we just can't answer and if that is

the case we will just say so.

So kind of the overview though just to get into that so you

know, occasionally states have changes to the state specific

instructions. These are the instructions that accompany the NVRA

federal registration form. Changes to the instructions would

generally come through changes in state law. The purpose would

be to ensure that those using the federal form know the registration

requirements for the state elections. There were three requests

awaiting me when I came to the EAC in November and another

was sent almost immediately thereafter just a few days. And

actually since January 1, just so you know, there's actually been an

additional four requests sent to us from other states all related to

state specific instructions. In such cases after consultation with the

states, because that is the process that's laid out in law, as the staff

who take the changes to be transcribed, and we have a vendor who

does the transcriptions into other languages, as required by the

Voting Rights Act. The changes in all languages then are posted

on the EAC website. These are changes to the state specific

instructions only. Administration of the regulations, administration

of the way people register, that's still left up to the state. Nothing

changes in the way the states operate. The only thing that changes

are the instructions that accompany the form, that's all, the

instructions. So although there are changes to instructions only

then, those are made. That's the process that exists today where

the Executive Director would make those changes and administer

that. Any interested party could ask the Commissioners to review

any of the changes accepted by the Executive Director. If the

Commissioners then decided to review those changes, the

Commission could take no action, they could approve, they could

reject the Executive Director's preliminary action. They could do

any of those three things if they choose to take it on. In such a

case, though, then that review would be considered final agency

action. And so where we were in this process we had was a step

before that I guess is the best way to say. Should -- in fact there

were a couple requests, one from a state -- an election official in

the State of Kansas to request a -- the exceptions to the state

specific instructions. But that was before the lawsuit was filed so

that couldn't go anywhere at that point.

So really what I wanted to do is kind of layout that process

and what we plan to do is be a little more proactive in terms of

contacting states on a regular basis at least once a year to say you

have changes to your instructions, review your instructions,

determine if there's anything that needs to be modernized. And

that's really what's happened with a couple of these that we've

gotten in the last couple of months, one from New Jersey, one from

Iowa. Colorado is another state we received something from. So

that process will be going on and that's really the thing that we will

be taking on from this point forward.

So with that, as I said, I'd be glad to answer any questions.

But we wanted to give you an idea of the process itself and just

give you a sense of what we were thinking. The one thing that we

plan to do with that second phase I guess is send an e-mail out to

the states. We've got it drafted. We actually worked with probably

-- we got contacts both from NASED and we probably worked with

our Standards Board as well and send out to the states that request

for any changes you have. But we've put that on pause right now

until we see in the next, you know, few weeks how the lawsuit goes

just not to mix things up a little more I guess. But that process is in

place as well.

So again with that, questions. I don't know if anyone else

wants to say anything.

MR. TATUM:

I would like to remind/echo the Chair's comments as it relates to

any comments that may come from the floor from each of you in your respective roles. And I would remind you all that you are an Advisory Board to the EAC and each of you have your individual points of view and your particular point of view may not be your neighbor's particular point of view. So I understand there may be some discussion about proposing some sort of resolutions or something to that nature. Mr. Chair, as the Parliamentarian I believe that a resolution of that nature on this particular topic would be out of scope and therefore I would advise not to -- perhaps not to entertain that particular discussion. But certainly to any extent that there's members who would like to express their thoughts about the matter we will certainly listen. There may be -- and we may not necessarily be able to respond within the manner in which you would like for us to respond, but we are certainly remindful that you are an Advisory Board to us and we will provide you with as much information as we can under the constraints that we are currently under.

CHAIRMAN HICKS:

All right, with that we'll open it up for questions. Chris?

MR. THOMAS:

Well, in any event, I guess the advice I would give or at least offer is a review of who makes policy. And, yes, you can get a number of suggestions on the state specific forms. And I had one in, so you

could take mine at one end which is we have all these

municipalities and what not in Michigan and registrars and my

suggestion was is to put in what we've got on our forms. So if you

do a mail-in form, if you live in a county or the larger cities the

instructions tell you to mail to them rather than to a county. So we

sort of put that in. We haven't pushed that. It's been there for six

years. I haven't pushed it because the volume wasn't really worth it

and we can handle that at the state. So you can look at that. You

can say, well, that's not really, you know, anything that the

Commissioners ought to spend a lot of time on. But if you sat and

looked it, and I sort of debated it, maybe it is. I mean maybe it is if

it gets more complicated for the voter to figure all these jurisdictions

out rather than just sending it to the Secretary of State. So I think

that the Commissioners ought to look at things like that to make

sure that it's not something that's made registration harder.

And then when we come to the issue of the citizenship, and

I'm not going to debate that issue, I don't think that's the point here,

the point for me is that that is a third rail. And there's a lot of us that

spend a lot of time in fighting Congress to keep this agency alive.

And to me it struck as just an unnecessary entrance into the

political arena on a volatile issue that was already going to be

decided in the Courts. I mean there was already this process

ongoing with various officials who had challenged it. Mr. Kobach

-- Secretary Kobach certainly has got the legal competence to handle his own baggage. So I just -- I'm still at a loss as to why the Commission would delegate that to the Executive Director because it seems to me, and I thought this Commission was going to be more, "Look we're the policymakers" -- and that's a policy, that's a huge policy -- and you make that at the Commission level and if people don't like it they have recourse to Court. But to make it up to the Executive Director that just doesn't set well. I just don't understand that. I mean I've been an Executive Director to a board right now. I no more would have made a decision like that without chatting with the board in advance. I just wouldn't have done it. And I'm not questioning Brian's judgment. What I'm questioning is what is the policy? Who makes the policy and where that goes? For me I think when the NVRA gave you the authority, it's come over to you as a Commission to make the decisions on forms and instructions, you ought to do that and not have it be something that just comes from the Executive Director and then turns into a deadlock if there is some sort of disagreement. To me it ought to be as policy.

And some of it's Mickey Mouse, I get it, you know, but there's not -- you're not dealing with hundreds of these things, you're going to deal with maybe in a year you might get 20. And you can deal with that at the meeting. It might not be the most

exciting meeting in the world but -- so I would encourage the

Commission to review who makes policy and whether you're going

to have the Executive Director make the policy and then it just sort

of devolves to a deadlock Commission or to whether those issues

come up to the Commission and that's where the discussion and

the policymaking occurs. Thank you.

CHAIRMAN HICKS:

Barbara?

MS. BARTOLETTI:

In full disclosure I volunteer. I'm not paid. I volunteer and have for

over 35 years now as Legislative Director for New York State

League of Women Voters. So that's full disclosure. I was not

aware of this until it hit the front page of the New York Times and I

must tell you it was shortly before I was planning on coming here

and I had to read it two or three times to realize that an agency

whose name has assistance in its commission actually would do

something that didn't pass the smell test as far as assisting to

states, localities. And I come from a state that has this type of

structure, a state board and a city board of elections, where the

Commissioners are two and two; two Democrats, two Republicans.

And we do have gridlock and I've dealt with that for over three

decades. And sometimes that's really bad but we also have

Executive Directors. In fact we have two at each level, a Democrat

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and a Republican, and the Executive Directors would never have

taken an action like this without full awareness of the Commission,

full assent of the Commission -- the Commissioners. And so I

guess I'm really confused as to why this didn't go directly to the

Commission rather than even to the Executive Director who I

thought, and you know tell me if I'm wrong, but I really felt the

Executive Director administers an agency but does not make

policy, that that is the realm, and do we need to define actually the

job description in a different way or do we need to define what

policy is for this agency moving forward because I have no idea

how the Federal Court will look at this. We have some precedent

going back but who knows.

        And I was specifically told do not discuss the case, nor could

I not being an attorney. However, it embarrasses me that an

Advisory Board to an assistance, an Election Assistance

Commission has to deal instead of all the wonderful things we've

heard about today and how we are helping localities and the

technology and what we're doing makes me ashamed to be from

New York if we're not doing any of it, however there is optimism out

there, and then to have to realize that this comes pretty close to

voter suppression. Thank you.

CHAIRMAN HICKS:

        Anyone else? Greg?

MR. MOORE:

I don't have -- Greg Moore -- I don't have my thoughts as well developed as the League and others but I do know that I've spent quite a bit of time trying to be a supporter of the agency as many of you know and have invested a good amount of energy toward convincing skeptics that the agency was worthy of its support and of the funding and of the appointment of the Commission in the vacancies. So I do share the view that it has been difficult in the last six months -- or four or five months since this was announced to keep that optimism.

But there is a deterioration of support for the agency among some of the places where we had some of the strongest support within the voting rights community. And so the article in the New York Times as well as other snippets that are out there what rises to the top of people's awareness about EAC is this policy and it just sort of has -- it hasn't completely overwhelmed the work but as the media picked up on it, the front page, you know, New York Times and Washington Post it does start to send a signal that some of that support may be eroding. So I'm concerned from that standpoint that we're losing support for an agency that a lot of us fought very hard to keep. And I'm not saying the battle is over but we have to find a way to get the positive things put forward and to find a way to address some of these issues so that it looks like at least us as

Advisory Board members are doing our job in raising these

questions, you know. I've been asked, you know, to make -- you

know raise the -- to amplify the issue so that, you know, it's a

known fact that there's a lot of disappointment about the position

within the civil rights community as well as the voting rights

community.

CHAIRMAN HICKS:

Marc?

MR. GUTHRIE:

Yeah thank you, Marc Guthrie. I just want to make just a general

comment as a representative here of the United States Access

Board. I think everybody understands what our mission is as far

as, you know, making our country more accessible in so many

ways and also as an appointee of President Obama that, you know,

I personally am very committed to access and have very strong

feelings about any form of voter suppression. Thank you.

CHAIRMAN HICKS:

Linda?

MS. VON NESSI:

Linda von Nessi. I'm here as a representative of IACREOT and I'm

an election official, the administrator of the Essex County Board of

Elections in New Jersey. I have been privileged to be on the

Standards Board since the EAC has been started. I have been,

along with my partner Bob Giles, I have been one of the biggest

fans of this agency. I think it's a great agency. I've said it before

when I was president of my state association. I have to agree -- I

have been questioned by people now. Coming from New Jersey

there's a lot of partisan politics. I will agree with that. I have been

told by people that the New York Times is a very liberal paper. It is.

But I have been approached by people that I've been trying to bring

onboard telling them that -- and believe me I love the old boards but

this board is spectacular. The three Commissioners that sit on this

board and the fourth one that's going to come on is very lucky to

work with you. The staff is phenomenal. And I do agree we are

growing and getting more respect, especially in my state that they

are seeing now. You have come to all our meetings. And Bob and

I encourage them to appreciate the hard work that the EAC is

doing. And I have to say that when people approach me and said,

"Well, what did those Commissioners do" I had a very hard time

saying well -- and I did, I defended you -- and I said "Well I really -- I

don't know what's going on, I will find out, I will bring it back." But I

am discouraged by it also. I really am. That doesn't mean I don't

love you all though.

[Laughter]

MR. MOORE:

Same here.

CHAIRMAN HICKS:

Wendy?

MS. NOREN:

I do want to echo that I believe that the Commission should make

policy. I mean I think during the HAVA wars to get this thing

passed the Commissioners were to be bipartisan even if there's a

vacancy. They are vetted by Congress. When you get into making

policy I think it should be the Commission making those decisions.

And I don't think it's fair to an Executive Director to take on some of

these things all the time. I think you need -- you're going to need

that protection in some point of having the full Commission making

these decisions.

The other thing is and I want -- Cliff if you would expand on

this -- I -- did I hear wrong you said that you didn't think resolutions

would be appropriate? I just -- I think this Board has been pretty

open about doing resolutions. I would not -- I'm not talking about a

specific person but recommending policy to do things. I mean I

would have to contend that I think this Board can adopt a resolution

regarding some policy things.

MR. TATUM:

And certainly I'm not suggesting that this Board cannot propose

resolutions and things in the nature of resolutions as it falls into the

duties and obligations of the particular Boards.

UNIDENTIFIED SPEAKER:

I can't hear.

MR. TATUM:

I'm sorry. So Wendy what I'm saying I'm not suggesting in any way

that this Board cannot propose -- offer proposed resolutions. The

question becomes what is the nature of the resolution and does it

fall within the scope of the Board's duties and responsibilities? And

so it really would come down to the nature of the resolution. As I've

heard some of the discussion in the hallways, I think if the

resolution comes forward as I anticipated then I would say it is not

within the scope of this Board. But without hearing the resolution,

I'm hesitant to say that it wouldn't be introduced -- or it wouldn't be

accepted. But it certainly -- it raises the question of the propriety of

the resolution.

MS. NOREN:

I just -- we've never had our resolutions pre-cleared before. I don't

know where to go with this. I have some concerns, not just on this

issue but, you know, there's a lot of things I think that may come up

that we like to as a Board of Advisors…

MR. TATUM:

Sure, well…

MS. NOREN:

So are we -- do we have a policy now that we're going to have to

pre-clear resolutions?

MR. TATUM:

And let me clarify. Let me clarify, no, I'm not proposing that at all.
But as the agenda is set for this particular Standards Board
meeting the topics that are to be discussed are listed in that -- on
that agenda. And if you're making resolutions related to that
particular agenda item, then it certainly falls within the scope of
what we've placed in -- that we've given the public notice of what
we're going to discuss. So if you're proposing a resolution that is
not within the topic of our discussions, then we are not going to be
able to -- it would perhaps be out of order.

MS. NOREN:

Again lots of our resolutions were not on the agenda before. I
mean I don't understand that the -- you know I'm floored by that
statement.

MR. TATUM:

So let me say that as we're looking at the Federal Advisory
Committee Act, as well as the FOIA Act, the agenda for these
meetings are set and published in the *Register* and once they are
set and published in the *Register* that's what -- how we give the
public notice of what we're going to discuss and if we're going
beyond what we've given notice to is the point I'm making. I'm not
in any way suggesting that we will -- that we're controlling your

resolutions but it has to be within the scope of what we've provided

public notice of.

MR. THOMAS:

The NVRA is listed as a topic.

MR. TATUM:

That's correct the NVRA is listed as a topic. So if you wanted to

make a resolution relating to NVRA, you certainly can do so. As I

heard a statement earlier, if you're going to make a resolution

related to a personnel decision related to the agency it would not be

appropriate. So as we listed all the topics on the agenda for this

meeting, any resolution related to that would be appropriate.

CHAIRMAN HICKS:

Jim?

MR. DICKSON:

I sweated bullets to create this agency. I have spent political

capital to create it. We almost didn't get the legislation around a

political fight about whether the agency should exist. I have spent

much time over the past year-and-a-half on the Hill talking to

members about the need to increase the agency's budget. There

were members who were at the point where they were going to

fight to increase the agency's budget even though they knew that

that wasn't going to go anywhere. As a result of this action, the

citizenship piece to be explicit, those members have now said to

me, "I fought for the agency to be reinstated. Now I may vote to defund it." This action has placed a bulls eye on this agency. The agency is in mortal danger because of this act. And unlike my good friend Chris, I think this shows a huge lack of judgment on the part of the Commissioners and the Executive Director. It did not take a crystal ball to know that this action was going to create an explosion. And if that explosion kills this agency, I don't know how you folks are going to sleep at night.

CHAIRMAN HICKS:

So we have time for one or two more, Neal first and then David.

MR. KELLEY:

Thank you, I'll make it brief. Lots has been said that I was thinking as well, but I just want to state that many members of advocacy groups in California approached me because I'm on the Executive Board of the Board of Advisors and said a lot of the same things that you have already heard today. But I just want to add my voice to Linda as well as Chris and say that I think that some clarity on the policy issues would be very helpful for us to be able to communicate that out to a number of these groups and organizations. And I would just hate for this agency to be become a one-issue agency because you're hundreds of issues which are all, in my view, very positive. So I just want to add my voice to what they've said.

SENATOR BLOUNT:

Thank you. Before I make some brief comments, I just want to ask

and understand that you can't discuss anything that may be

litigated. Is there anything regarding the status of the lawsuit,

where we are? Just without forfeiting some time for some brief

remarks, I feel like we could use -- I don't think it would compromise

anything if you could tell us where we are, what are the issues at

hand, what's the timeline, you know, just an update on the status.

MR. TATUM:

Certainly so and in fact that was part of what we were going to do

as well toward the end of this. We are currently in the stage of the

litigation where the Defendants, meaning the Executive Director in

his official capacity and the EAC has filed its answer to the

Plaintiff's complaint. What you all are aware of is the Court in I

believe it was March -- February held a temporary -- a hearing on

temporary restraining order which was a temporary restraining

motion filed by the Plaintiffs and the Court determined not to issue

a temporary restraining order on the matter. And the Court then

heard briefs and motions on a preliminary injunction that was also

requested by the Plaintiffs and the Court is now considering all of

the motions and the administrative record that's been placed in

front of the Court under review. And the Judge indicated that he

would be making his decision toward the end of April. We are now

into May. We anticipate -- we're anticipating a decision in May. It

could go further than May. But one of the questions that the Court

did ask was whether or not, barring which direction the Court went

with -- on the injunction, what the parties believe the timeline would

be for completing the litigation on the matter. Whether he issues a

preliminary injunction or refuses to issue a preliminary injunction,

either party could request an interlocutory review which means it

goes up to the next level just on the preliminary injunction itself and

which in effect doesn't resolve the merits of the case until perhaps

after the November election is basically the sum of what the Court

asked.

SENATOR BLOUNT:

And although most of the articles that I've been able to read on the

Internet center on Mr. Newby, I assume that the fact that this is still

ongoing is because the majority of the Commission has decided to

support those changes and that's -- and this thing is therefore not

resolved, this thing could be resolved by the Commission itself but

the Commission has chosen not to do so. Is that correct?

MR. TATUM:

Well that's a good question and I'm glad you asked that question.

So -- and this is what Brian alluded to or stated earlier. When the

letters were first issued there was a request for reconsideration by

one of the county election officials to the Commissioners and the

Commissioners were in fact discussing how to proceed with that

matter which would have been reviewed by the full Commission.

But once the litigation was filed, that for the most part put a hold on

everything. So now that we're under litigation, it's in the Court, the

Court is going to review and has been briefed on all of the issues

that were set forth within the Complaint and will make a decision on

all of those. And…

MR. BLOUNT:

So you can't just settle, you can't just settle? The Commission

can't just…

MR. TATUM:

Well I don't believe settling resolves the question that's actually

been put forth before the Court. So without getting into litigation

strategies, now that it's in the Court's hands it's in the agency's best

interests to allow it to play out in Court. And once the Court makes

a decision then perhaps the Commissioners would be in a position

to make a collective statement on the matter.

MR. BLOUNT:

Well whether it's in the best long-term interest of the Commission I

think is debatable. But I would briefly like to say as an elected

official and as someone who I guess being it's my member of

Congress from the 3rd District of Mississippi who has introduced

legislation for a number of years to defund and eliminate the

Commission altogether, I came here and to Williamsburg last year

with an open mind, I told -- he and I are in different political parties

but I came here with an open mind getting a sense for the

Commission and what it's about and I think that this has been very

damaging. And again as somebody who has to run for office I want

to support everything that's been said here today. And I won't

repeat it all but I think since this is for the record I think it's very

important that you hear from those of us who are on the Advisory

Board about our disagreement with the action of the Commission.

And I think it's appropriate for this Board to express informally by

talking to you today but also any action this Advisory Board

chooses to take to advise you of what we think. And it's very, very

damaging to the confidence I think of everybody who has spoken

here today, to a lot of your friends and potentially to the agency

itself. And I think you need to hear that.

MR. TATUM:

Sure and you know what we can't do is get into the discussion of

how we got to where we are, but I think all of you on the Board

would agree that we are -- that this agency truly is not a one-issue

agency. Sure this is a big issue, but this is not the issue that drives

this particular agency. There's a lot of work that the agency has

done in the past. There's a lot of work that the agency has set on

the table to move forward that some might say and some have said

that's bigger than this particular issue. We're not downplaying this

issue.

SENATOR BLOUNT:

The ultimate issue is credibility I would say, credibility.

MR. TATUM:

Yes so…

MS. BARTOLETTI:

And all the other wonderful things you do are not going to amount

to anything if you lose that credibility and -- I mean this is a base

issue. This is in our name. This is what we are supposed to be,

assisting voters to vote better and more efficiently and easier and

with good access. And this is what the public sees. And I think Jim

put it perfectly, you can't go before members of Congress and not

have them look at you and say, "Well really? They're suppressing

the vote. Why would we want to keep this agency" -- whatever

party it is -- "why would we want to keep this agency afloat" for

whatever political reason they might have.

I do have a question though about why the Justice

Department has refused to defend the action taken.

CHAIRMAN HICKS:

Tomorrow we'll have DOJ here to present to us and that can be

proposed then.

MS. BARTOLETTI:

That wouldn't probably be the appropriate person.

MR. TATUM:

The DOJ is by statute the agency that represents all of the U.S.

Government agencies in the U.S. Government. And the analysis

and the position that have been put forward they had a

disagreement with and they have indicated in their pleadings -- on

the pleadings on behalf of the agency that they disagree with the

analysis and they've asked the Court to take action on that.

MS. BARTOLETTI:

Can you tell us for the record who is defending the action?

MR. TATUM:

Oh the DOJ is actually defending -- the DOJ is representing us.

They're just -- they're presenting an argument to the Court that the

analysis was not proper.

MS. BARTOLETTI:

Okay. But is there another attorney involved?

MR. TATUM:

No.

MS. BARTOLETTI:

No.

MR. TATUM:

There's -- no we are being represented by the agency. They're just

representing -- by the DOJ. They're simply setting forth what they

understand and believe the law to be.

CHAIRMAN HICKS:

Last question Shane or comment?

MR. SCHOELLER:

I just want to comment that I certainly thought that the action was premature, was not wise. However I think we need to be careful in this room that we don't think there's only one voice; that there's also people who want to protect the ballot and they're very concerned about who gets that ballot and that these states do have a voice in that. But we do have to balance that with the federal voting laws. And so I think that as we hear it there are other people out there. And I know from the days that I was in the Legislature in Missouri that they get concerned about that issue. And so -- and as a county clerk now I do everything I can to make sure everyone who's eligible gets that ballot. But I don't want people who are not eligible to get that ballot to take away the voice of the people who are eligible. And I think maybe hopefully we can use this process as a template going forward to get more voices involved in terms of what we're doing and think about both sides of the issues rather than just one. And so I respect everything that's been said here but let's not forget the other side of the issue and the people that are concerned about that too.

CHAIRMAN HICKS:

Is it fast Barbara because I really just want to…

MS. SIMONS:

Well just…

MR. DICKSON:

I want to make a motion.

MS. SIMONS:

Should I defer to you?

CHAIRMAN HICKS:

Well we're going to close the meeting out so…

MS. SIMONS:

Can Jim make a motion?

CHAIRMAN HICKS:

We've already run over so…

MS. SIMONS:

Well I was going to ask since the DOJ is not defending the agency

who is? But then Jim also wants to make a motion and I didn't

want to take away from his time.

CHAIRMAN HICKS:

Well that question -- the DOJ is defending the agency. Jim?

MS. SIMONS:

But they don't agree, right?

CHAIRMAN HICKS:

Jim?

MR. DICKSON:

I move, and I would like some help with the wording, I move that

the Board of Advisors go on record stating explicitly that policy is to

be made by the Commissioners, not by the Executive Director.

And I would like to also recommend that that -- a statement to that

effect be put into the job description of the Executive Director so it

will be clear in the next hiring process what the rules are if there is

a next time process.

CHAIRMAN HICKS:

I believe that that is, I'm going to turn to Counsel, beyond the scope

of what the meeting agenda is about today in terms of the job

description of the…

MR. DICKSON:

We're not saying -- I'm not saying you have to do it. I'm just saying

we're recommending that it…

CHAIRMAN HICKS:

Is there a second?

MR. MOORE:

Second.

CHAIRMAN HICKS:

I guess my question is…

MR. DICKSON:

I'll suspend -- as long as I can bring this up tomorrow, then I'm

perfectly happy not having the vote and the conversation now.

CHAIRMAN HICKS:

Sure we can do it tomorrow. And with that, tomorrow morning we will start at -- breakfast starts at 7:30 and the welcoming of new officers will start at 8:15. In your packet in the back there's a listing of restaurants and other activities. And with that, I move that we recess until tomorrow. Is there a second?

MS. PURCELL:

Second.

CHAIRMAN HICKS:

Recessed until tomorrow at 7:30.

**

[The meeting of the Board of Advisors recessed at 4:43 p.m. CDT]