

Meeting Minutes
United States Election Assistance Commission
BOARD OF ADVISORS MEETING
April 24-25, 2019

75 SW Temple
Salt Lake, Utah 84101

The following are the Minutes of the United States Election Assistance Commission (EAC) Board of Advisors held April 24-25, 2019. The meeting convened at 8:36 a.m. on Wednesday, April 24, 2019, in Salt Lake, Utah, at Salt Lake Marriott Downtown at City Creek and adjourned on Thursday, April 25, 2019, at 10:56 a.m.

Wednesday, April 24

Welcome to Plenary Session

Chairwoman Christy McCormick welcomed the Board of Advisors to Salt Lake City and detailed some history of the Help America Vote Act (HAVA) and the Board of Advisors' role in helping the EAC address the setting of new standards for America's voting systems. Chair McCormick explained the specific duties that HAVA sets out for the board to be the following: to review the Voluntary Voting System Guidelines; to vote on those guidelines; to review guidance on uniform and nondiscretionary election technology and administrative requirements with regard to voting system standards, including auditability and accessibility, among other things; provisional voting and voting information requirements; computerized statewide voter registration list requirements; and requirements for voters who registered by mail, including list maintenance, list accuracy, and technological security; and also best practice recommendations for facilitating military and overseas voting. Chairwoman McCormick explained that the main duty of the Board of Advisors is to provide the Commissioners with advice on the Voluntary Voting System Guidelines. Chair McCormick then expressed her appreciation to Executive Director Brian Newby and the entire EAC staff.

Commissioner Thomas Hicks, Designated Federal Officer, welcomed the board members to the meeting and outlined some of the topics to be addressed in the agenda over the following two days, including an intelligence briefing, the Election Administration and Voting Survey (EAVS) survey, voter accessibility, disaster management and recovery, and VVSG 2.0 development and implementation. Commissioner Hicks thanked the EAC staff, Executive Director Brian Newby, and General Counsel Cliff Tatum for their hard work and leadership. Commissioner

Hicks explained that, as the comment period continues, the EAC and NIST will be developing requirements and test assertions to the proposed high-level guidelines and provide testing requirements to the voting system manufacturers as they design and build to the next generation of voting equipment.

Call to Order

Michael Winn, Chairman of the Board of Advisors, officially called the meeting to order, after which he named the Acting Interim Secretary for the Board of Advisors Alysoun McLaughlin and the Election Certification Committee as Neal Kelley, Linda Lamone, and Sarah Ball Johnson, with Cliff Tatum as Parliamentarian.

Pledge of Allegiance

Michael Yaki, Vice Chairman of the Board of Advisors, led all present in the recitation of the Pledge of Allegiance.

Roll Call

Alysoun McLaughlin, Acting Interim Secretary of the Board of Advisors, called roll and found present:

David Beirne, Elliot Berke (by proxy, Sarah Ball Johnson), Kathy Bernier, James Dickson, John G. Fogarty (by proxy, Linda Niendick), Don Gray (by proxy, Linda Niendick), Marc Guthrie, Ricky Hatch, Daniel Ivey-Soto, Sarah Ball Johnson, Neal Kelley, David Kladney, Linda H. Lamone, Jill LaVine, Connie Lawson (by proxy, Sarah Ball Johnson), Alysoun McLaughlin, Jeff McLeod (by proxy, Linda Lamone), Gregory T. Moore, Linda Niendick, Lawrence Norden (by proxy, Barbara Simons), Sachin Pavithran, Shaun Rahmeyer, Mark Ritchie (by proxy, Barbara Simons), Shane Schoeller, Barbara Simons, Philip Stark, Michelle Tassinari (by proxy, Linda Lamone), Michael B. Winn, and Michael Yaki.

Determination of Quorum

Alysoun McLaughlin reported that the roll call shows a quorum is present.

Oath of Office

Commissioner Thomas Hicks led all present in the recitation of the Oath of Office.

Adoption of Agenda

Chairman Michael Winn called for a motion to approve the agenda, as submitted. After being seconded, the motion carried unanimously.

Welcome Remarks from the Commissioners

Benjamin Hovland, Vice Chairman of the Election Assistance Commission, expressed his appreciation to the Board of Advisors in the important role that they play and that he looks forward to the meeting.

Commissioner Donald Palmer expressed his appreciation to the board and reviewed the board's role in ensuring EAC's compliance with HAVA. Commissioner Palmer laid out a timeline for finalization that will require input from the EAC advisory boards and stressed the importance of focusing on the fundamentals of election administration in the process.

Approval of Minutes

Chairman Winn, after making a minor correction, called for a motion to approve the minutes from the April 23-24, 2018, meeting of the Board of Advisors, as submitted. Senator Daniel Ivey-Soto made the motion and, after being seconded, the motion carried unanimously.

Overview of Bylaws and Executive Board Vacancies

Neal Kelley nominated Michael Yaki for Chairman, to which Linda Lamone seconded. Chairman Winn called for a vote, and the motion carried unanimously.

Philip Stark nominated Daniel Ivey-Soto for Vice Chairman, to which Neil Kelly seconded. Chairman Winn called for a vote, and the motion carried unanimously.

Linda Lamoni nominated Alysoun McLaughlin for Secretary, which was seconded. Chairman Winn called for a vote, and the motion carried unanimously.

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

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

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

Mr. Tatum stated that the act requires a Designated Federal Officer be assigned, and currently, Commissioner Donald Palmer is the Designated Federal Officer for the Standards Board, Commissioner Tom Hicks is the Designated Federal Officer for the Board of Advisors, and Vice Chair Ben Hovland is the Designated Federal Officer for the Technical Guidelines Development Committee.

EAC Update

Brian Newby, EAC Executive Director, explained that this would be a similar presentation to the one he gave at the Standards Board meeting and apologized to those who had heard it before. Mr. Newby covered the annual report, including the mission statement, as well as the support the EAC has recently received from Senator Amy Klobuchar and Senator Roy Blunt, among others. Mr. Newby thanked EAC staff for their hard work and particularly recognized Shirley Hines and asked the board to give them all a round of applause.

Mr. Newby then reviewed some budget numbers and noted the differences over the years, as well as how much of the budget goes to particular agencies, after which Mr. Newby explained the "wheel" that outlines election administrator competencies, including election law, security, technology, human resources, mail, street-file maintenance, voter registration, military and overseas voting, project management, polling places and real estate, advanced voting, logistics, auditing, and list maintenance.

Chris Thomas, Director of Elections in Michigan, advised Mr. Newby to stay within the constraints of HAVA and avoid scope creep.

Mr. Newby explained how the grant of \$380 million was allocated, and that two case studies in the annual report detailed the spending by Iowa and Rhode Island. The annual report also details the testing and certification done by manufacturers and what their accomplishments and goals are in this regard. Testing and Certification Director Brian Hancock retired and received the NASS Medallion Award.

Mr. Newby then gave a brief background of the development of VVSG 2.0, after which he outlined the benefits of the Election Administration & Voting

Survey (EAVS), a tool that, if used and made more robust, can help States and locals with their budgets. Also, accessibility, including language accessibility, will be a big focus coming up this year.

Mr. Newby explained the purpose of the Clearinghouse Awards, the "Clearies," is to share best practices and be a clearinghouse under HAVA, and that the categories of awards may be expanded in the future.

Mr. Newby closed his presentation with the new focus on disaster preparedness and recovery as it relates to its impact on the voter and how different jurisdictions have dealt with voter issues associated with the disasters. The Standards Board created a committee to address those issues, and Mr. Newby offered that the Board of Advisors may want to as well.

The Board recessed at 10:03 a.m. and reconvened at 10:37 a.m.

Disaster Preparedness and Recovery Working Group

Commissioner Thomas Hicks began the presentation of the EAC Disaster Preparedness and Recovery Working Group with an overview of various recent natural and manmade disasters that have affected elections. Commissioner Hicks explained that election officials understand that when a community experiences a disaster, successfully administering the election goes a long way toward restoring life in that devastated community.

Video of Mark Andersen, Supervisor of Elections at Bay County, Florida

Commissioner Hicks then introduced and welcomed the panel, which included Chairman Michael Winn, Director of Elections in Harris County, Texas; Neal Kelley, Registrar of Voters in Orange County, California; and Sarah Ball Johnson, former Chair of Board of Advisors and City Clerk for Colorado Springs, Colorado.

Chair Michael Winn provided testimony to the Board of Advisors regarding the devastating impact of a fire that destroyed all of the voting equipment in Harris County, Texas, the third-largest county in the Nation, 67 days prior to an election.

Neal Kelley provided testimony to the Board of Advisors regarding three incidents that occurred in Orange County, California, their response, lessons learned, and the impacts on the voters, which were an active shooter, a series of fires, and a power outage. Mr. Kelley played a video that captured the moment during the election when power was lost.

Sarah Ball Johnson provided testimony to the Board of Advisors regarding two recent examples of disaster recovery in Colorado Springs, Colorado, which were the Waldo Canyon fire and a bomb cyclone.

Questions and Answers:

The Disaster Preparedness and Recovery Working Group then fielded some questions regarding accessibility in a disaster, temporary voting locations, cold site data, coordination with emergency officials, tabletop exercises, and military and overseas voters in a disaster deployment situation.

Closing Remarks before Lunch Break

Commissioner Hicks requested that a group photo be done before lunch, and Natalie Longwell explained to members that they may get a headshot if they wish as well.

The Board recessed for lunch at 11:49 a.m. and reconvened at 1:11 p.m.

Election Administration and Voting Survey (EAVS)

Designated Federal Officer and Commissioner Thomas Hicks introduced and welcomed Nichelle Williams, Director of Research, EAC; David Kuennen, Senior Research Program Specialist, EAC; and David Beirne, Director of Federal Voting Assistance Program (FVAP).

Dr. Nichelle Williams discussed the history and importance of EAVS, outlined what's new for the 2018 EAVS, and also discussed the release plan, some things to look forward to, and also information from FVAP on the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

David Kuennen discussed the importance of the EAVS, some findings over time, and the changes that have been made to the survey this year and some of the efforts going forward. He went on to explain that EAVS is used by an incredibly diverse range of stakeholders for analytical purposes, strategic planning, training, and public information. Some results of the EAVS data have shown expansion of online voter registration and expansion of alternatives to in-person Election Day voting. Three interrelated goals for the EAVS are: easier to complete, better data quality and completeness, and make the data more accessible on the backend.

Mr. Kuennen briefly outlined the role of the Section B Working Group, EAVS deep dives, and the election technology white paper. He explained

that another big change to the EAVS this year was a switch from the Statutory Overview Survey to the Policy Survey, and in 2018 improvements were made to the data collection process, technical assistance, and the voting equipment section, and also, the survey now has an option for respondents to fill out the survey online. Also, a copy of the final 2016 report has a planned released date of June 27, 2019, and the data interactive for the 2018 survey has a planned released date of August 2019.

Mr. Kuennen talked about the Section A Working Group, newly convened before the Standards Board meeting in early April, which focuses on voter registration and list maintenance, some of the most scrutinized data in the EAVS survey.

David Beirne provided testimony to the Board of Advisors regarding FVAP's data collection efforts and its partnership with EAC. He explained FVAP's program mission, to raise awareness of absentee voting resources to ensure the military's access to this information. He briefly outlined the role of FVAP, which is to carry out provisions of the Uniformed and Overseas Citizens Absentee Voting Act of 1996. Some of FVAP's responsibilities include Federal Post Card Applications, Federal Write-In Absentee Ballots, and voting assistance to overseas and stateside absentee military voters. Mr. Beirne provided a copy of FVAP's recent executive summary about data standardization, helping assess Congressional reforms for military and overseas voters, all available on FVAP's website. Mr. Beirne then outlined a number of data points collected from FVAP's research.

Questions and Answers:

Dr. Williams, Mr. Kuennen, and Mr. Beirne fielded questions regarding discussions with election management system vendors, the Section A Working Group, the Voter Information Project, and narrowed response options in the EAVS.

VVSG & Requirements

Chairman Winn introduced the VVSG panel: Neal Kelley, Registrar of Voters, Orange County, California; Brian Newby, Executive Director, EAC; Gema Howell, IT Security Engineer; and Sharon Laskowski, Human Factors Expert, National Institute of Standards and Technology.

Neal Kelley provided testimony to the Board of Advisors regarding the VVSG Subcommittee, which worked together to gather information and comments from the Board of Advisors through the Board of Advisors channel to the EAC and submitted those last year.

Dr. Sharon Laskowski provided testimony to the Board of Advisors in place of Mary Brady with NIST regarding NIST's work with the public working groups, which consist of election focus groups, human factors, usability and accessibility groups, cybersecurity and interoperability groups, and a testing group, with 500 unique members of the public working groups. Dr. Laskowski ran through the VVSG 2.0 15 principles and accompanying guidelines in specificity, many of which are agreed upon, but some remain open issues. The 15 principles are as follows: high-quality design; high-quality implementation; transparency; interoperability; equivalent and consistent voter access; voter privacy; marked, verified, and cast as intended; robust, safe, usable and accessible; auditability; ballot secrecy; access control; physical security; data protection; system integrity; and detection and monitoring. The open issues are as follows: common data formats, casting a paper ballot privately and independently without manually handling the ballot, and designing electronic ballot markers.

Gema Howell provided testimony regarding Principles 9 through 15, the draft software security requirements in Principle 2, the history of their development through the Cybersecurity Public Working Group, and also the incorporation of security innovations since the previous VVSG. The open issues are as follows: indirect voter associations, internet connectivity, cryptographic end-to-end systems, wireless technology, and barcode and encoding schemes. To resolve the open issues requires feedback from various stakeholders to compile and present to the TGDC, after which NIST could add, remove, or modify requirements based on that feedback received from the TGDC.

Questions and Answers:

The VVSG panel answered questions regarding poll worker training, errors or faults in the voting system software or hardware, end-to-end systems, current voting systems that already meet the requirements, expected implementation timeline for VVSG 2.0-compliant systems, usability for minority language communities, internet connectivity in election centers, barcoding, and penetration testing. Clifford Tatum and Brian Newby answered questions pertaining to HAVA statutory guidance regarding requirements versus the principles and guidelines as a policy process for the Commissioners.

The Board of Advisors meeting of the United States Election Assistance Commission recessed at 4:03 p.m. on April 24, 2019, to reconvene at 8:20 a.m. on April 25, 2019

Friday, April 25

Call to Order

Michael Winn, Chairman of the Board of Advisors, called the meeting to order at 8:20 a.m.

Introduction of New Officers

Chairman Winn asked Commissioner Hicks to perform the induction of the new officers, Michael Yaki as Chairman, Alyson McLaughlin as Secretary, and, as Daniel Ivey-Soto was not yet present, his induction and oath was performed later.

Commissioner Hicks presented Chairman Winn with a challenge coin and thanked him for his service and leadership.

Committee Reports/Updates

As the new Chairman, Chair Michael Yaki thanked Chair Winn for his leadership and proceeded with the next item on the agenda, committee reports and updates.

Chairman Yaki announced a resolution favorably passed out of the Resolutions Committee the day before concerning disability access and all-mail voting. A second resolution concerning VVSG and delegation of authority to staff upon advice of General Counsel, which was not favorably reported, but will be considered later.

Shane Schoeller was asked to talk about the Strategic Committee, the goals of which are to identify current issues, potential issues, how to work together as a committee and with the EAC staff and Commission to identify not only the issue but best resolutions to those issues, and use a strengths, weaknesses, opportunities, threats (SWOT) analysis.

Chairman Yaki expressed his desire to, as Chair, appoint special committees on discrete issues such as the Disaster Preparedness and Recovery Committee to be voted on as a resolution later in the meeting.

Alysoun McLaughlin, as Secretary, read the list of proxies.

Chairman Yaki proposed a resolution that would create the Disaster Preparedness and Recovery Committee, which was moved by Vice Chair Ivey-Soto and seconded by Kathy Bernier. The motion carried unanimously. Chair Yaki announced that Michael Winn would serve as Chair for this committee.

Jim Dickson proposed a resolution regarding disability access and all-mail voting, which had been amended in the Resolutions Committee. Mr. Beirne expressed concern that the resolution being amended did not follow the bylaws, to which Chairman Yaki explained that the substantive edits were made at the request and consent of the author. There was some discussion on what "directly" meant in the resolution. Mr. Beirne asked for clarification in terms of the scope of VVSG 2.0, if it includes online ballot delivery systems or ballot marking. Dr. Philip Stark questioned whether an amendment to the resolution that addressed direct and private accessibility, to which Chairman Yaki replied he didn't believe that would be necessary, and Mr. Dickson agreed. There was further discussion on whether "securely marked" should be added to the resolution, "therefore, be it resolved" language clarifications, and whether including VVSG 2.0 in the language is necessary. Chair Yaki called for a vote on the resolution, to which there was not unanimous support, but the ayes carried it nevertheless.

Neal Kelley and Linda Lamone proposed a resolution regarding VVSG as a standalone document required by HAVA and that the requirements and test assertions are documents that are established by policy and the VVSG 2.0 requirements and test assertions be updated in the absence of a quorum of EAC commissioners. Mr. Kelley and Ms. Lamone expressed their reasoned support of the resolution. Vice Chair Ivey-Soto questioned whether this resolution was in order because it appeared to mimic language already passed out of the board at a Miami meeting, to which Mr. Beirne responded it was not the same language. Chair Yaki declared the resolution to be in order. Two concerns raised by the Resolutions Committee were whether the resolution followed the statutory guidance in HAVA and if staff should be responsible for adopting changes rather than the EAC Commissioners. There was some discussion regarding lack of quorum and the intent of the resolution. Chairman Yaki suspended Robert's Rules of Order to conduct a straw poll for the resolution as written with no amendments, to which Mr. Beirne untimely objected. Discussion on the resolution continued with some language clarifications.

Vice Chair Ivey-Soto offered a substitute for the resolution, which was seconded by David Kladney. Discussion continued on the substitute. Chair Yaki called for a vote on the substitution, and Secretary McLaughlin counted, with proxies, 10 in favor and 14 opposed, so the substitute motion failed.

Chair Yaki called for a vote on the resolution, as amended, and Secretary McLaughlin counted, with proxies, 19 in favor and 6 opposed, so the motion carried.

Mr. Beirne again voiced his concern that bylaws were being violated, to which Mr. Tatum clarified the procedure required under the bylaws and that they were followed.

The Board recessed at 9:34 a.m. and reconvened at 9:40 a.m.

Disability and Security: Accessible Elections for All

Chairman Yaki called the board back to order.

Commissioner Thomas Hicks began with a brief introduction of the EAC's role in assisting the more than 35 million voters with disabilities and the thousands of election officials who serve them. Commissioner Hicks explained that the disability and security panel was convened to discuss the important issue of the use of paper ballots, which disability and accessibility advocates believe would potentially codify segregation election procedures in favor of stronger security measures, a heated debate that EAC and the advisory boards must work to find solutions to.

Commissioner Hicks introduced and welcomed a panel of witnesses, including: Michelle Bishop, Voting Rights Specialist, National Disability Rights Network; Jim Dickson, Co-Chair, Voting Rights Task Force, National Council of Independent Living; and Sheri Newton, Utah Disability Law Center and HAVA Coordinator.

Michelle Bishop provided testimony to the Board of Advisors regarding protection and advocacy systems outlined in HAVA, the false dichotomy of security and accessibility, and accessibility as a civil right. Ms. Bishop further testified about the importance of updating election systems to comply with VVSG 2.0 and the important role that the EAC plays in this process.

Jim Dickson provided testimony to the Board of Advisors regarding the changing landscape surrounding elections and accessibility and that security is important, but that fears surrounding security should not necessarily limit accessibility. The National Council on Independent Living developed a toolkit for the Commissioners and staff to maintain an accessible website.

Sheri Newton provided testimony to the Board of Advisors regarding her experience as an advocate in Utah as they will be transitioning to an all-mail ballot. Ms. Newton mentioned four key areas for consideration: good communication between election officials and voters, including an accessible website; poll worker training; accessible equipment; and expanding voter options, including online voter registration, early voting, and curbside voting.

Questions and Answers:

The disability and accessibility panel answered questions concerning vote-by-mail systems and consistency of voting systems across geographical areas and municipalities.

Office of the Director of National Intelligence (ODNI) Unclassified Intel Briefing

Commissioner Hicks introduced and welcomed Joe Morosco, Assistant Director, Office of the Director of National Intelligence, and Manager for Counterintelligence, National Counterintelligence and Security Center (NCSC); and Geoffrey Hale, Cybersecurity Strategy and Integration Program Manager, U.S. Department of Homeland Security (DHS).

Joe Morosco addressed the Board of Advisors to provide testimony regarding the importance of election security to the U.S. intelligence community and the ODNI's strategic view of the threat landscape. Mr. Morosco provided a counterintelligence perspective on the challenges the Nation faces and how ODNI aims to work with the Board of Advisors and the EAC to better strengthen the Nation's overall posture going forward as ODNI helps the States in this very important mission.

Mr. Morosco detailed specific threats from Russia, China, and Iran, as well as foreign nonstate actors, such as ideologically motivated entities and cyber criminals who now possess sophisticated cyber and surveillance capabilities that previously were only available to countries.

Mr. Morosco warned the Board of Advisors members to know who has access to key systems and networks and information in their States, know who vendors and sub-vendors are, and know the indicators of potential threat activity.

Mr. Morosco outlined the general indicators of threat activity, and they are: attempts to access, alter, or destroy systems used to qualify candidates; produce and deliver ballots; procure, manage, and prepare voting equipment process requests for absentee ballots; and store and manage election administration process and procedure documentation; any unauthorized entry of centralized vote counting, tallying, locations, or electronic systems or networks used by States and localities to count absentee, military, and Election Day voting ballots; disinformation efforts to alter or shut down government websites to foment social unrest or reduce voter turnout to include social media or other electronic means; any attempts to hack, spearfish, or compromise personal or professional

email accounts and social media accounts of election officials, staff, and volunteers.

Geoffrey Hale provided testimony to the Board of Advisors regarding DHS's role in providing timely, actionable countermeasures to the threat activities described by Mr. Morosco in a collaborative environment to enrich the data set of threat landscape and risk decisions to secure elections systems.

Questions and Answers:

The intel panel fielded questions regarding internet voting; blockchain internet voting; information-sharing with Federal agencies like the State Department, FBI, Department of Homeland Security, State Fusion Centers, the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC); situational awareness rooms; DHS's reliance on the EAC to help disseminate information and be a clearinghouse; and the significant cybersecurity workforce shortage.

Miscellaneous Announcements and Business

Chairman Yaki mentioned his intention to consult with Commissioner Hicks and General Counsel Clifford Tatum on how to structure the new special committee system he would like to put together.

Jim Dickson thanked the staff and Commissioners for putting the meeting together and expressed his desire to converse further with any election officials or other organizations to put some language together to bring before Congress to encourage Congress to increase funding for the EAC.

A moment of silence was observed to memorialize Brent Taylor, Mayor of Ogden, killed in Afghanistan.

Commissioner Hicks thanked everyone for their attendance at what he felt was an informative and productive meeting and expressed his appreciation for everyone's suggestions and input on how best to help election officials and voters.

Motion to Adjourn

Chairman Michael Yaki thanked the staff and board members for all of their hard work and adjourned the meeting of the Board of Advisors.

The Board of Advisors meeting of the United States Election Assistance Commission adjourned at 10:56 a.m. on April 25, 2019.