

United States Election Assistance Commission
Board of Advisors Meeting

Held at

8:36 a.m.

April 24-25, 2019

Salt Lake Marriott Downtown at City Creek

75 SW Temple

Salt Lake, Utah 84101

VERBATIM TRANSCRIPT

DRAFT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) Board of Advisors Meeting that was held on April 24, 2019, and April 25, 2019. The meeting convened at 8:36 a.m. on April 24, 2019, and adjourned on April 25, 2019, at 10:56 a.m.

CHAIRWOMAN MCCORMICK:

Good morning. Welcome to the 2019 EAC Board of Advisors meeting. Thank you to each of you for taking the time out of your schedules to be here with us in Salt Lake City.

It is my honor and privilege to serve as the Chairwoman of the EAC. I consider this to be an important job because, like you, I love my country. We are all here because we really do care about our government, our elections, and our voters. We all want to ensure that our elections are free and fair and that all eligible Americans have the opportunity to participate in our great representative democracy.

As you know, the Help America Vote Act of 2002 was born out of the contentious Presidential election of 2000. We have over the past few years been faced with a similarly contentious Presidential election. Whenever there is a contentious election, there's a growing interest, which I consider a good thing, much better than apathy, but it also means more scrutiny. We now meet in such an environment with higher expectations, increased responsibilities, and growing concerns. We're expected to be more nimble and responsive. We now need to be extra vigilant about

bad actors and ill-intentioned foreign nation-states who want to interfere and throw chaos into our election process, and we have growing concern over the integrity of the vote and the reliability of the outcome.

This Board of Advisors will help the EAC address one of our most important -- if not the most important issue -- passed to us under the Help America Vote Act: the setting of new standards for America's voting systems. The EAC is the only Federal agency with the duty and the responsibility to provide guidelines on the design and use of the machinery of our democracy, and we need this Federal advisory board. In fact, we're required to consult with this board regarding these standards and guidelines.

Specifically, HAVA sets out the duties of this 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. Those are your tasks for this board.

Our agenda includes many of these items and more, but the main duty of this body is to provide the Commissioners with advice on the Voluntary Voting Systems Guidelines.

As you know, we're in the process of establishing the VVSG 2.0, so your input right now is as important to this Commission as it has ever been. I want to thank you in advance for your thoughtful comments on the VVSG and for serving in this capacity on this board. It is important to ensure trust and confidence in our voting systems and that we come together to establish the best guidelines that we can. While we may disagree on certain particulars, it is also important that we approach this work as a professional body and hopefully can set aside any disagreements, political or otherwise, to meet the needs of our nation's voters.

Again, I want to thank you for being here to help us through this process.

I'd also like to thank our Executive Director Brian Newby and the entire EAC staff, who work very hard every day going above and beyond the normal requirements of Federal employment. It constantly amazes me that they can do what they do on such minimal resources.

I especially want to thank the EAC staff members, and they know who they are, for arranging all the logistics of this meeting. It is a daunting and complicated task, and they do a marvelous job.

So, I look forward to hearing your thoughts on the VVSG 2.0 over the next two days, and I again thank you for being here.

COMMISSIONER HICKS:

Thank you, Chairwoman McCormick.

Good morning, Board of Advisors. Welcome to Salt Lake City, gateway to the West, capital of the great State of Utah, host of the 2002 Winter Olympics, home of the Sundance Film Festival, and some of the most beautiful natural wonders in our country.

Today, Salt Lake takes a new significance as the EAC Board of Advisors meets to discuss critical issues facing election administration ahead of the 2020 Presidential election. Our Nation has reached a critical crossroads when it comes to strengthening our election security, accessibility, integrity, and efficiency. The challenge before us is great, but election officials are some of the most capable and innovative leaders that our Nation has to offer. Working together, the community of election officials, advocates, academics, and other stakeholders surrounding American elections can find solutions to the most pressing issues facing the foundation of which our great Nation is built.

I'm pleased to have you here for this important meeting and honor to continue as the board's Designated Federal Officer. I want to thank each of you for your service to the EAC Board of Advisors. Your service and your input are critical to the ability of the EAC to fully fulfill our mission.

I would like to thank the EAC staff, who have worked to make -- hard to make this meeting possible. If you need anything, please let them know.

I want to thank the EAC Executive Director Brian Newby for his leadership and work to direct the momentum of the agency, as witnessed with the establishment of a new quorum and our first full complement of Commissioners in nearly a decade.

Likewise, I would like to thank Cliff Tatum for his leadership and legal counsel to the EAC making sure we follow HAVA and all the FACA rules as we carry out our work.

With a budget that is nearly half of what it was in 2010, our agency's leadership and staff persevered, and we hope to reverse the downward trend in funding and engage election officials and voters on a whole new level. We look forward to increasing our assistance and producing valuable resources as we approach the 2020 election.

The Board of Advisors has a lot of important topics to address during this meeting today and tomorrow, including an

intelligence briefing on the important and potential threats to elections and update on the EAC and information on election data improvements with our EAVS survey.

You will also hear from several important experts in the voting accessibility and much-needed discussion on disaster management and recovery when elections are disrupted by natural or manmade disasters. Most importantly, the EAC Board of Advisors will receive a brief on the ongoing and continued process to develop VVSG 2.0.

With your assistance, the EAC has received recommended high principles to consider for the next generation of voting systems, including security, accessibility, and usability. These principles have been placed out for public comment. In hearings starting back on April 10th, the day before this year's Standards Board meeting, the EAC began a series of hearings across the country on the high-level guidelines of VVSG 2.0, and we anticipate receiving comments over the next month from public stakeholders and our partners in this process with the public comment period closing on May 29th.

However, our work is not done. We cannot stop before we get to the finish line. As the comment period continues, the EAC and NIST will be developing requirements and test assertions to proposed high-level guidelines and provide actual testing

requirements to the voting system manufacturers as they design and build to the next generation of voting equipment. Without the requirements, the high-level guidelines are simply aspirational and will not bring all the potential technologies and security or accuracy to the markets or to the voters. Working together, we hope that we will have a complete product by the end of the year, if not earlier, and provide a clear guide path to the manufacturing community on the design and building of new voting systems.

Today, you will receive status briefing from NIST and EAC's development technical requirements and test assertions, and we will respectfully solicit your input on any outstanding issues surrounding VVSG 2.0.

Now for just a few housekeeping things before we start, please silence your phones and electronic devices.

There will be many opportunities to ask questions today. If you have a question, please select the appropriate button on your table mic in front of you, say your name and affiliation, and speak into the mic. Deselect the button when you finish speaking so we don't get feedback. And, most importantly, ask a question --

[Laughter]

COMMISSIONER HICKS:

-- and make any and all feedback respectful.

I know we're all eager to get started, so without further ado, I'm going to hand this over to your Chair Michael Winn, who will officially call this meeting to order.

CHAIRMAN WINN:

Thank you. Thank you, Commissioner.

Good morning, everyone.

BOARD MEMBERS:

Good morning.

CHAIRMAN WINN:

Before I start, I'd like to say, first of all, my Houston Rockets are playing the Utah Jazz today, and I -- I'm hoping it will be the final game, so keep your fingers crossed.

[Laughter]

CHAIRMAN WINN:

A couple of housekeeping rules before we call this meeting to order, I have made the Interim Secretary for the Board of Advisors Ms. Alysoun McLaughlin. She will be the Acting Interim Secretary. The Proxy Committee will consist of Ricky Hatch, Daniel Ivey-Soto, and Alysoun McLaughlin. The Election Certification Committee will consist of Neal Kelley, Linda Lamone, and Sarah Ball Johnson. And I'd like to appoint Mr. Cliff Tatum as my Parliamentarian.

So, with that being said, the meeting is called to order.

So, we will start with the Pledge of Allegiance from Michael Yaki, our Vice Chair.

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

CHAIRMAN WINN:

We will now have roll call by Alysoun McLaughlin.

MS. MCLAUGHLIN:

Chair, can I do this from the floor or do you need me at the podium? The floor's fine?

[Alysoun McLaughlin, Secretary of the Board of Advisors, called roll.]

MS. MCLAUGHLIN:

We have a quorum. I seek guidance on how to handle the proxy question.

MR. TATUM:

We have a quorum, so the meeting can proceed here. We'll clarify the proxies right away.

MS. MCLAUGHLIN:

Okay. Great, thank you.

CHAIRMAN WINN:

Thank you.

Next, we'll have the oath of office by Commissioner Tom
Hicks, our Designated Federal Officer.

COMMISSIONER HICKS:

Please stand if you're able to.

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

CHAIRMAN WINN:

Thank you.

Next, we will have the adoption of the agenda. I will
entertain a motion to adopt the agenda.

COMMISSIONER HICKS:

Is there a second?

CHAIRMAN WINN:

Is there a second?

MALE SPEAKER:

Second.

CHAIRMAN WINN:

It's been properly moved and second to adopt the agenda.

Please show with the usual sign of hands in the form of an eye.

[Hands raised]

CHAIRMAN WINN:

Any nays?

[The motion carried unanimously.]

CHAIRMAN WINN:

Motion passes. The agenda is adopted.

Next, we'll have opening remarks from the Commissioners.

We'll start with Benjamin Hovland, Vice Chair.

VICE CHAIR HOVLAND:

Thank you. It's great to be here. I won't take up too much time, but it's pretty exciting to hear a Board of Advisors. Actually, one of my first interactions with the EAC was with the Board of Advisors years ago. I was privileged to be a surrogate at one of these meetings for my former boss, Missouri Secretary of State Robin Carnahan, and the later when I was at the Senate Rules Committee, I was lucky enough to help choose some -- or help participate in the choosing of some of the members of the Board of Advisors. So, I say all that to just let you know or highlight my understanding of the important role that you play, and I really look forward to this meeting and your help and what you do for the Commission, so thank you.

CHAIRMAN WINN:

Thank you, Commissioner.

Next, we'll have remarks from Commissioner Don Palmer.

COMMISSIONER PALMER:

Thank you. Thank you, Ben. Thank you, members of the EAC Board of Advisors, for agreeing to participate with this key committee created by Congress to specifically advise the EAC, an independent, bipartisan agency. The Board of Advisors of the FACA designed under Federal regulations to support the Commissioners, the Executive Director, and his staff. Thank you for your commitment and willingness to serve your country, to give us your valuable time participating in this process that brings experts together annually from around the country to advise on different aspects of the voting experience.

Yes, EAC is newly rejuvenated with a full complement of Commissioners with plenty of ideas and energy. However, our eyes are perhaps a little bit bigger than our budget, as you will hear more later.

As a new Commissioner, though, I am thankful for all of the efforts that our agency, leadership, and Commissioners have exhibited over the past couple years as they faced a lack of quorum and made significant progress in a number of areas.

Now, of course, we have an upcoming election cycle in the near future that will include the Presidential preference primaries and primaries across the country, Federal Congressional races across the board, including the Presidential election in November

2020. So, we will have a window of opportunity to work with NIST and others, including the Board of Advisors and others, to finalize the standards, the requirements, and then work to provide test assertions to vendors so they can build -- design and build new voting systems with improved technologies, advances in security and accessibility over the last decade so that we can provide these to election officials and voters.

So, as you'll hear, we have a timeline for finalization that will bring us into 2020 to -- as we work parallel to the other work of the agency. To succeed, we will need your input and a sense of urgency to provide us substantive advice. We, including the EAC, will need to be unified and flexible and find ways to avoid unnecessary division and focus on the larger, more important goals as the stewards of the electoral process to focus on the larger picture and election administration above the daily political wars to improve and maintain voter confidence, to be efficient, accurate, secure, and accessible, and to protect our elections with integrity.

This country may have -- okay, will have -- an intense debate on the policy issues -- and we all have opinions, but we need to focus on the fundamentals of election administration without any unforced errors on improving our voting systems and to be vigilant in the overall security of our process. We should avoid

unnecessary political fights that threaten that important work that includes security of our elections.

You are on the frontlines, and those who are not election administrators are major influencers on this process. As a former intelligence officer, I would periodically brief pilots on threats when they would be flying in harm's way over Iraq or Bosnia. What are the range of the weapons and what are the major capabilities of our enemies? What's the current political environment? What are their intentions and what is the readiness of our enemies? This information was useful, but in the end, the troops or the pilots confidently strapped in and did their job. They would fearlessly complete their mission and have a plan if some enemy tried to disrupt their -- those plans.

You will hear from the intelligence community tomorrow. You will need to know that the intelligence committee -- community has hundreds of analysts identifying the problem of potential cyber interference and disruption and our taking actions both defensive and offense of to warn our enemies that we will fight back and aggressively defend ourselves. The EAC will also assist you to prepare for the plethora of problems that may arise.

Our goal with the election community as we enter 2020, State and local election officials will have what they need to confidently strap in and do their jobs as patriots knowing they have

the best intelligence and resources available and you have what you need to succeed and certify yet again another election and allow our democracy to thrive.

Have a great meeting.

CHAIRMAN WINN:

Thank you, Commissioner. For the record, we did receive the proxy vote for John Fogarty and Don Gray, so, for the record, we need to enter that into the record.

Next, we will have the approval of the minutes, but before we do that, we have a correction. On page 14, we have the wrong year. It was 2018 and not 2017. Do I need a motion? So, it's -- okay. So, I can make that correction? Okay. And so, with that correction being made, I'd like to adopt the approval of the minutes, so I'll take a motion from the floor.

SENATOR IVEY-SOTO:

I move to approve the minutes, as amended.

MALE SPEAKER:

Second.

CHAIRWOMAN MCCORMICK:

Name?

COMMISSIONER HICKS:

Please identify yourself.

SENATOR IVEY-SOTO:

Ivey-Soto, New Mexico.

MALE SPEAKER:

Second.

CHAIRMAN WINN:

It's been properly moved and seconded to adopt the minutes from the April 23rd-24th, 2018, meeting.

All those in favor, say aye.

[Chorus of ayes]

CHAIRMAN WINN:

All those opposed?

[The motion carried unanimously.]

CHAIRMAN WINN:

Motion passes. The approval of the minutes have been adopted.

Next, we'll move on to the next portion of the program, the bylaws and the procedures to fill the Executive Board vacancies. In your packet, you will find your bylaws. Please refer to them as needed. We will give you a few minutes to kind of look -- make sure you have that in your packet. When you look up, I'll know that you have those in your packet. And we can move on to the procedures to fill the Executive Board vacancies.

We have three vacancies, and the way that this normally works is that the Vice Chair normally slides into the Chair position,

so, Mr. Yaki would slide into the Chair position, but it still requires a nomination.

Is that correct, Mr. Parliamentarian?

MR. TATUM:

Yes.

CHAIRMAN WINN:

And then we will have nominations from the floor for the Vice Chair and for the Secretary.

So, the floor is open for nominations for Chair.

MS. LAMONE:

Linda Lamone --

MR. KELLEY:

Neal Kelley -- sorry. I move Michael Yaki to the position of Chair.

MS. LAMONE:

Linda Lamone, I second.

CHAIRMAN WINN:

It's been properly moved and second that Mockey --
Mockey --

[Laughter]

CHAIRMAN WINN:

Michael Yaki assume position of Board Chair. All those in favor?

[Chorus of ayes]

CHAIRMAN WINN:

Those that oppose?

[The motion carried unanimously.]

CHAIRMAN WINN:

The nomination for Vice Chair is now open. Are there any nominations from the floor?

DR. STARK:

I nominate Senator Ivey-Soto.

MALE SPEAKER:

Can you turn your mic on?

DR. STARK:

I'm sorry.

COMMISSIONER HICKS:

It is on.

CHAIRWOMAN MCCORMICK:

Right here?

CHAIRMAN WINN:

The floor recognizes Mr. Stark.

DR. STARK:

Philip Stark, I nominate Senator Ivey-Soto.

MR. KELLEY:

I second that.

FEMALE SPEAKER:

Who are you?

COMMISSIONER HICKS:

Neal Kelley --

MR. KELLEY:

Neal Kelley.

CHAIRMAN WINN:

It's been properly moved and second that Daniel Ivey-Soto
be installed as the Vice Chair of the Board of Advisors. All those in
favor, say aye.

[Chorus of ayes]

CHAIRMAN WINN:

All those opposed?

[The motion carried unanimously.]

CHAIRMAN WINN:

The final nomination for the position of Secretary, Board
Secretary.

FEMALE SPEAKER:

It's on.

MS. LAMONE:

It's on? Oh, Linda Lamone, I nominate Alysoun.

MALE SPEAKER:

I second.

CHAIRMAN WINN:

It's been properly moved and second that Alysoun
McLaughlin as the Board of Advisors Secretary for the upcoming
year. All those in favor, say aye.

[Chorus of ayes]

CHAIRMAN WINN:

All those opposed?

[The motion carried unanimously.]

CHAIRMAN WINN:

Congratulations.

So, now we have the three new members of the Board of
Advisors, Mr. Michael Yaki, Daniel Ivey-Soto as the Vice Chair, and
Alysoun McLaughlin as the Board Secretary. Thank you all.

We're moving at a fast clip here.

COMMISSIONER HICKS:

I like it.

CHAIRMAN WINN:

So, we are able to go to break unless we want to talk about
FACA.

FEMALE SPEAKER:

Oh, well, that's always interesting.

[Laughter]

CHAIRMAN WINN:

It's always interesting. Okay. We'll talk about FACA, and we'll have Mr. Clifford Tatum come up, General Counsel, EAC.

MR. TATUM:

Good morning to everyone.

BOARD MEMBERS:

Good morning.

MR. TATUM:

The -- most of you have served on this board before, but for the new folks, I want to emphasize that all of the advisory committees for the Election Assistance Commission have been created by the Help America Vote Act. And although HAVA has established those committees, we operate under the Federal Advisory Committee Act.

For the new folks, we have the three advisory boards, the Standards Board; the Board of Advisors, which is your body; and the Technical Guidelines Development Committee. And each of those committees serve and follow the guidance of the Election Assistance Commission, and we follow the rules of the Federal Advisory Committee Act and the regulations itself.

The Standards Board is made up of election officials, 110, 55 State level and 55 local level. The Technical Guidelines Development Committee is made up of an assorted list of members nominated by different organizations that nominate those

individuals and the Federal -- the Designated Federal Officer appoints those individuals to serve on the committees.

There are several different types of committees that are created. Our committees are created by statutes. For your information, there are several committees that are created by Presidential authority. There are several committees that are created by agency authority. As I indicated, the operations of these committees are governed by the Advisory Committee Act. There is a Designated Federal Officer, which is Commissioner Thomas Hicks for this committee. For the Standards Board it is Commissioner Don Palmer. And for the Technical Guidelines Development Committee, it is Commissioner Ben Hovland.

The committees normally serve for a period of two years. We renew the -- FACA provides or requires that we renew each committee every two years. Although this committee is established by statute, so, in essence, it will go on forever, we're still required to renew that charter every two years, which thus gives you a two-year membership that's renewed as well until you're replaced.

So, as some of you know, you were -- you've continued on at the nomination of your nominating entity, and you serve until those individuals indicate that they would like to replace you.

The advisory board, this is a list of who the member associations are. This comes directly out of the Help America Vote

Act, so I won't belabor this a bit, but I would ask you to take a look at the section in HAVA that names who the nominating entities are so you get a sense of who your fellow members are, fellow committee members are.

What are the duties of the Board of Advisors of the advisory committees themselves? You support, provide advice to the Election Assistance Commission on a number of different areas. Most importantly, it's the Voluntary Voting System Guidelines, which is why we're really meeting today so that you can get information on what happens, what's going on with the guidelines themselves, and the next steps associated to completing those guidelines.

There are subcommittees that are established by the bylaws themselves. There are what we call standing committees, and there are ad hoc committees and special committees that are created. And as the Chair Mr. Winn noted earlier, the Proxy Committee and the Elections Committee is a special committee that's named specifically to serve for the purposes of proxies and the elections. And there's other committees that you all may have established. I think one year there was a Postal Service Committee, there's a -- there's certainly the VVSG Committee, and there's a few others that I think will be discussed at a later time.

So, we ask that you serve on those committees. The body is only as strong as each of its members who provide support to the subcommittees that then feed the full body to make recommendations to the EAC.

As subcommittees are created and as they serve, we'd ask that you -- when you communicate with one another through email or telephone type of conversations, email, we prefer that you copy the Designated Federal Officer on the communication so that we have a record of how we -- how you all develop certain ideas that are then fed to the full body that then allows the full body to communicate to the EAC.

So, for procedural -- sort of a procedural step involved here, subcommittees do not communicate directly to the Election Assistance Commission. You are -- individually, you serve on a committee. The subcommittee reports to the full body. The full body decides whether or not that's an action that the full body wants to take, and then the full body communicates that to the DFO, which then communicates to the EAC.

Federal law prohibits any registered lobbyist from serving on our committees, so if you are actually a registered lobbyist, let's talk about that during the break or at some point over the course of this two-day meeting just so we can emphasize and be clear what activities you can do and cannot do as an advisory board member.

Certainly, in your individual capacity you are able to lobby your Congressmen and your Senators on any day of the week and on any particular subject matter that you'd like.

If you're speaking to your Representatives about the EAC or about the Voluntary Voting System Guidelines or any of the areas that we cover, I'd caution you not to suggest that you're speaking on behalf of the body because the body speaks directly to the Election Assistance Commission, and we then carry -- we then attempt to carry what you've communicated to us or to put what you've communicated to us into action. So, if there's any registered lobbyist, let's just talk offline after the fact and on an individual basis.

The -- as indicated, the Designated Federal Officer, the DFO we call him, is involved in establishing and calling the meetings to order. The Chair actually runs the meeting, but at any time the Designated Federal Officer could actually stop the meeting. There can't be a meeting without a Designated Federal Officer, which is what we saw in 2010 through roughly 2015. Because there weren't Designated Federal Officers, the advisory committees were not able to meet.

I mentioned that we file a charter with the committee Secretary. That is GSA. We send a notice to our oversight -- rules oversight and our House administration oversight advising that we

are renewing the charters. And, as indicated, we renew the charters every two years.

Our meetings are required to be open to the public. We -- FACA provides a framework that parallels the Freedom of Information Act. We aren't subject to the Freedom of Information Act in the sense that someone has to make a request to receive records from us. Anything and everything that we do -- that this body does is done in the light of day. It's a public event, it's a public meeting, so we always provide notice to the public. Any records that we've provided to you as part of your discussion process is provided to the public at the same time, so no one has to make a FOIA request to us for any information. They simply can ask for it and we provide it to them under FACA.

As indicated, the DFO approves all committee and subcommittee meetings. What does that look like? So, if you all are having a subcommittee meeting about the Voluntary Voting System Guidelines, we'd like to know how many people are involved in that conversation and to be a part of that conversation. And the reason for that is if everyone in this room decided that they wanted to participate on that subcommittee call, guess what, we have a quorum. Did we notice the meeting? No, we didn't. So, whenever there's any subcommittee activity going on, we'd like to

know about it so that we ensure that we don't mistakenly establish a quorum without providing notice.

The agendas are posted -- and the minutes are posted to the website. And all information that takes place here, the transcript, the minutes, presentations and the like will be posted to the website for public review as well.

As indicated, these are some particulars about the date, time, and location of the meetings, a record of the attendees. We do roll call. We have folks that may attend from the public chime in, and we describe with specificity the activities that will be discussed during the meeting itself.

Generally and typically, these meetings are not closed. There are matters that may come before this body that would require us to close a meeting, but we cannot close a meeting without giving public notice. So, as for today and tomorrow, there will not be any closed sessions of this meeting.

As indicated, these are your Designated Federal Officers, Tom Hicks for the Board of Advisors, Commissioner Don Palmer for the Standards Board, and Ben Hovland for the Technical Guidelines Development Committee.

I kind of sped through that a bit. Here's a section of the statutes themselves that deal with the Federal Advisory Committee Act. Some folks will call it FACA, F-A-C-A, if I say FACA, these are

some of the sections that if you're interested, this presentation will be on the website for you to download and to review.

Any questions?

Mr. Chair?

CHAIRMAN WINN:

Thank you, Mr. Tatum.

We're moving through this agenda rather fast, so that's good.

Next, we'll have Mr. Brian Newby, the Executive Director, come forward and give us the EAC update.

MALE SPEAKER:

How are you?

MR. NEWBY:

Good morning, everybody.

BOARD MEMBERS:

Good morning.

MR. NEWBY:

Switch microphones.

So, we are moving pretty quickly, and we were going to be talking about some of this stuff in about an hour, but here we are ready to talk about it now. And some of you have seen this presentation I'm about to give just because it's very similar to the one I gave at the Standards Board a couple weeks ago, so for

those of you who have seen it before, I would first say I'm sorry, but on the other hand, that was opening night, and in theater, this is closing night.

[Laughter]

MR. NEWBY:

So, there's a little special extra piece of energy, you know, that chill up your spine, I feel it, too.

[Laughter]

MR. NEWBY:

Here we are. We're going to go through this. And so I want to cover a lot of things today that are in actually this annual report that you have. And I'm not going to follow it page by page by any means. I'm going to point out a few things into it and then kind of bounce around.

One, we're very happy and proud of this report but also proud of the things that we've done that led to the document itself. So, we have to provide this to Congress every year, and we had a little bit of extra time because of the government shutdown we had in January. So, because of that, we were able to do a little more. We were able to kind of squeeze about 14 months of stuff into our 12-month annual report, so we're going to go a little further on it than normal.

But this is the outline that you see that's in the book. We're not going to cover it directly, but these are the items that we're going to cover throughout the next 40 minutes or so.

The first thing is you'll see in the annual report one of the things we did before we lost our quorum last time with the Commissioners is the Commissioners voted on a mission statement. And the importance of a mission statement I think is to stress almost what we don't do as opposed to what we do, but we're going to get into that a little more in a second.

But the EAC focuses on election administration and focuses on voters, so we'll talk a little bit later about voters a little more, but the voter section, if you think of that, our voter registration page on our website is the most visited section of our website. So, while we spend our time talking about election administration, and that's really what -- a lot of our focus today, the fact is voters come to our website more frequently than anybody else and use our website a lot, so we do have to have information and support for voters as well.

During the government shutdown, literally the last day of last Congressional session -- I'm not quite sure of the exact time but it was within hours -- the Senate confirmed Senators Benjamin Hovland -- I mean, Commissioner -- also made a Senator --

[Laughter]

MR. NEWBY:

No -- Commissioners Benjamin Hovland and Donald Palmer, so we finally had a full slate of four Commissioners for the first time in about 10 years. And even though we were shutdown, we had the two new ones join the existing Commissioners at the joint election official legislation conference in Pentagon City with the Election Center, so that was the very first time we've had four onstage. We've kind of gotten used to it. You saw it yesterday at the hearing, saw it this morning, but this was the first time in January -- early January of 2019.

They allowed us to also put in our book a little profile of each of them and pictures, and I pointed this out at the Standards Board, but notice how on the left -- notice the happy faces on the right.

[Laughter]

MR. NEWBY:

This is the case of people who haven't yet -- they don't know what they don't know I guess.

[Laughter]

MR. NEWBY:

Very smiley and cheery. The two on the left, though, I want to stress, those are the only two -- I will say that Donetta Davidson has been Chair. She is here as well for the EAC. She was Chair, and technically was a bit -- the last Commissioner standing, so kind

of leading the agency twice if you want to think of it in that way. The only two-time elected Chairs of the agency history are right there, Christy McCormick and Tom Hicks, and both of them -- I mean, if you just think back in time, coming into when we reconstituted the Commission in 2015, the Board of Advisors needed to be formed, the Standards Board, the Technical Guidelines Development Committee. Think of the heavy lift that Commissioner McCormick put into that time.

And in the following year in 2016 generally our Commission -- our Chair is the spokesperson, so in 2016, Thomas Hicks was the spokesperson for our agency and about August of that year inherited this new Russian storyline and had to be talking a lot about foreign influence, so it was a very tough year to be talking to the media. And so just for a second just recognize I think how much work those two have put in, and we expect the other two probably -- maybe they'll feel a little more like the left after time, but --

[Laughter]

MALE SPEAKER:

Don't they also look 25 years older?

[Laughter]

MR. NEWBY:

Yes, I -- there's many jokes I had -- I'm not going to make.

[Laughter]

MR. NEWBY:

Okay. I will make one. Presidents, you know how they always look a lot younger, and then they -- later -- anyway, so -- okay.

[Laughter]

MR. NEWBY:

One of the things, though, during the confirmation hearing is we heard from Senator Roy Blunt, who's the Chair of the Senate Rules and Administration Committee, and he talked about the new mission he sees with the EAC. And he is not the only person in Congress who was maybe at best a skeptic of the EAC. He said as much. We hear that from certain members of the House who are now saying, you know, I feel a whole lot -- a whole different attitude about the EAC now. And to us, that's very gratifying.

Amy Klobuchar, who was the ranking member of that committee, spoke at that time and talked about how important it was to have four Commissioners as well.

And I get back to the fact that, to me, that leads us to the overall -- the feeling of the staff. And the staff, if you think about how Chairman Blunt said this about how he's felt the last couple years, the last couple years, at least the last year we didn't have a

quorum, and I do believe that our staff has done an excellent job of moving forward with initiatives at the EAC.

Even these two meetings -- you know, for those of you who have administered elections, I did that for 11 years. I would say that this has been the closest to an election period that we've ever had. And I've seen our staff have to do so much in this last month. I think they've still been able to get their laundry done, so I don't think it's quite level of having to put on an election, but it's just been just a stressful, just as hectic. I know that firsthand.

And I do want to recognize -- I know they're not all in the room, but, first of all, I want to recognize Shirley Hines in this picture. She was the very first person who I ever met at the EAC. When I came to the EAC, I came to a social media roundtable in 2011. I took a picture, like many of you might when you come to the EAC, and I looked back at it recently and I'm -- hey, there's Shirley. Shirley is retiring later this year. We had a very nice round of applause for her during the Standards Board meeting, but I also want to point out other members of our staff, some are in here, Bert Benavides, Henry Botchway, Mona Harrington, Shirley Hines, David Kuennen, Jerome Lovato, Natalie Longwell, Ryan Macias, Robin Sargent, Cliff Tatum, and Nichelle Williams. If you haven't -- no, here are a couple of them right here.

So, I want to say -- I don't think Bert is here. Many of you know -- she's here but not in the room yet. Many of you know her as the face for the Board of Advisors, and just like Shirley is the face of the Standards Board, Bert has done an excellent job, and I don't think anyone wants the meetings to go more successfully than Bert does. And she puts in a lot of effort to do that.

And Robin negotiates all the contracts we have for the hotels, and I really wish you'd please give them -- but they are both here now -- maybe a round of applause for them.

[Applause]

MR. NEWBY:

You'll hear more from our staff today and tomorrow, but just -- I just feel that -- I put our staff against any election office in the country, and I think they'd be able to get anything done that they want to get done. They've done a great job.

To that point, though, to the point and the theme of having four Commissioners, to the thought of what we've been getting done with our staff, this is a visual to show you our budget situation over the last 10 years. We had four Commissioners last in 2010. If you look at the budget comparison there, \$17.9 million in 2010, \$9.2 million now.

Further, at that time, we had 49 staff members in 2010. We have 22 right now. This is kind of how it was broken down. When

you think about all the stuff we have to do on a legal basis, we have one attorney right now in our General Counsel office and that's it. We had six before. Testing and Certification, we're down to three counting the position that we're filling, backfilling. At one point we had six. So, there's plenty of position needs in our agency.

And one of the things that we've been telling anyone who will listen at a Congressional level is the need to go back to those levels. Now, we can't really do that from a lobbying standpoint, and we're not really trying to do that here, but I think, as an advisory board, it's good for you to know what we're up against, what we're working with.

And really, even further, when you get down to the budget, it costs about what I would say -- about \$6.5 million to keep the lights on. So, of our \$9 million or so, \$1.25 million goes to NIST off the top for their work related to VVSG and requirements. Our Inspector General has about another \$1 million. One of the things that comes out of our \$380 million for grants and the new money that we're distributed to States is a need to audit that money, and so we expect about \$500,000 a year just spent on auditing those funds, so that's driven a little more as well.

And then you get into our statutory positions, which are the Commissioners, Executive Director, General Counsel, CIO, and some other things that we have to pay outside, including the cost of

setting up these board meetings, and it leaves us about \$2.5 million for just everything else, so that's -- when I say everything else, that would be our web, staff to support the website, staff to support really any initiatives, back-office, so it's really -- it's really tough. And I'm not really saying that for any excuse because I think we've done a great job, but we want to give you a landscape of what we're looking at right now. And I know some of you have interactions with Congress, and it's good for you to know this storyline I guess if nothing else.

So, beyond that, it leads to something that we really want to focus on both in 2019, calendar, fiscal, and beyond. And that is this wheel that talks about the election administrator competencies. And the best way to think of it I think is when I was an election official, my peer, say, Public Works Director. If the Public Works Director had a bad day at the county, there was a pothole. If I had a bad day, I was on CNN.

[Laughter]

MR. NEWBY:

And any of these items could cause that.

And for the benefit of -- I'm going to kind of grind through so little bit, so I recognize that not all of you can see this, so I really want to walk through it just for those who don't have the ability to see it just to understand what -- how the wheel works. And so what

we decided to do, we tried to break this up. We had an earlier version, but we tried to break it up as ongoing competencies and then kind of a left-to-right as the election goes if you will. So, it's kind of lost a little bit of the spirit of the wheel, but it doesn't completely go around but it sort of does.

So, the idea up here is starting at the burgundy top left, election law, that's just common sense. I think election officials need to understand the laws in their States. Finance is just that, understanding budget issues. ADA implies both the disability issues and also those related to HAVA. I've gone on election observation internationally, and we -- they talk about making sure that all polling places are accessible, and I raise my hand and I said, so does the entrance ramp have to go up an inch for every foot that the ramp goes up to the door? And they looked at me like I was crazy, but I know that that's what election officials have to deal with when they think about accessibility into election facilities.

Security -- and I want to stop on this for a minute. So, security means physical security, physical security but also cybersecurity, but this is an example of a sliver of the wheel where there's a Federal agency or more than one perhaps who supports us behind that wheel. So, the Election Assistance Commission is the only agency set out by law to support election administration. And so beyond -- behind that is our other partners, other Federal

partners, so behind that might be DHS, might be ODNI, and I'm going to show you a couple other examples related to that as well.

Technology -- I would argue that an election office handles more from a financial standpoint, more computer equipment than any other office in a county. Maybe the exception might be Motor Vehicle. So, may not purchase it year to year, have more, but there's a greater piece of investment that county election officials have than anybody else. From a public relations standpoint, that's just skill and media relations more than anything, also communicating out to everybody.

Human resources on Election Day especially, many of you, if you're an election official, become the county's largest employer for the day.

Mail -- again, there's an example of Federal partners behind us like Postal Service, but you can't be an election official without being an expert in Postal Service, being in mail. It's just impossible.

Street-file maintenance is an area where I think the EAC can do a lot better, and this is an area where, if we had more resources, we'd be focusing on this. And specifically, we know the census will be coming out in 2020, and I don't know -- for those of you who have gone through before, really two years later, it becomes a big deal because after you have the census, you have redistricting, and an example for me, when I was in Johnson County, Kansas, we

had people filing for office in June of 2012, incumbents who didn't even know what they were filing for yet because they didn't have the districts drawn yet, and yet they had to file because the deadline was there. And so street-file maintenance becomes a big issue.

We've hired -- actually, Nichelle Williams, who is our Director of research, she spent time on this issue in Virginia. Some of you may remember that that was a topic couple years ago in Virginia. And she has familiarity in street-file maintenance, and it's an area that we're going to spend more time on this year and next.

Voter registration I think is just an obvious one for election officials.

Military and overseas voting, you're going to hear from David Beirne during this meeting these two days, but that's another example of a Federal agency who's behind us. FVAP, Federal Voting Assistance Program. Candidates and campaign finance, election officials deal with candidates' registration, and the campaign finance isn't necessarily -- not what the FEC does, but election officials often have to accept local candidates' financial statements, their forms, and send those to other areas. So, the campaign finance on a local level exists. It's different than the FEC.

Project management I think it's just kind of obvious.

Polling places and real estate, often you find that the election officials have to negotiate real estate contracts sometimes with places that don't even want to admit that they're going to be empty.

[Laughter]

MR. NEWBY:

So, there'll be a mall that'll be sitting for a year and you can't go talk to them the year before the election about making them an advanced voting site because they really believe that they are going to be busy and they are going to have tenants. You may know they're not going to, but you can't really negotiate with them yet. So, you have to wait until January, and it becomes a serial thing where you work with them for a month and if it falls apart, you go to another one. And it really creates a competency that you have to have as an election official.

Advanced voting is something, again, that I think is a little more self-evident.

Logistics, though, if you think about buses and how they have to get people everywhere within a minute or two on a single day, election officials have to do that once or twice a year just in getting the polling place equipment out to polling places. So, that kind of logistical thing is a very similar need.

I'm sorry. I want to make sure I'm not --

MALE SPEAKER:

Other duties, as assigned.

MR. NEWBY:

Exactly, call K-9-1-1.

FEMALE SPEAKER:

It's still -- it's on his harness.

MALE SPEAKER:

I apologize.

FEMALE SPEAKER:

You got it?

MALE SPEAKER:

Disaster recovery.

[Laughter]

MR. NEWBY:

I don't even have that list. I was going to put that in the logistics again. Okay.

Voting and tabulation, canvassing, auditing, and recounts, to me, they're all kind of related, but I wanted to break those out as slivers because they have unique steps in the post-election process.

And then list maintenance is something that kind of really is the beginning -- is the end and the beginning of an election cycle, so you know that after you determine voter history and who's voted, that also then might lead to looking at inactive voters and the status

of them, leads you back all the way back around to do or at least mail.

So, that's the whole point of the wheel. And it's really become a very good talking point for the EAC. He doesn't know I'm going to do this, but -- so I may be creating a financial issue. Ben Hovland gave me -- he created a coaster with the wheel on his own little dime, and so it's like a very special -- I have it on my desk now, and -- so now that I've blown his cover, he's probably going to be asked for many more. But it is a cool thing. But it is the focus for the EAC, and we're going to talk about it more even today.

It gets back to HAVA to me and it talks -- it gets to the -- that HAVA is the enabling legislation that created the EAC, creates the need for an agency on election administration. And we had the godfather of HAVA come in, Steny Hoyer. He visited our office this past year, along with Jamie Raskin, who is the Member of Congress who actually -- where the -- our election office is in Silver Spring, that's within his district. I don't think we've had a Congressional visit to our agency, definitely had never in that building and I don't know if we had in the New York Avenue office. Perhaps we had. But it had been several years, and it was really great to have the person who drove HAVA come and visit and speak with us.

And it got back to something I did. If you remember -- some of you may remember that back in '16 if you were here when I presented, Cliff -- Chris Thomas, who was the Michigan State Election Director, gave some insight into what -- I guess things that he thought I should look at when I got this job long ago, and he said, you know, there's a tendency of Federal agencies to have some sort of creep and expand the scope, and my biggest piece of advice to you is stay within HAVA. This was from Chris Thomas, and it's like -- so I have this slide. You can tell it doesn't look as nice as the other ones we have. Use HAVA as our guide, and we we're going to go deeper, not wider. And I only have this up there because this has been our -- this has been our focus for the last three years of really staying within HAVA, understanding what HAVA expects us to do, and how can we do that better.

And so I mentioned earlier about the first time I spoke to this board. The first time this board met after the EAC was reconstituted was in Williamsburg in 2015. How many of you are here -- how many of you weren't at that meeting but are here now? I mean, I know you're here now, but how many weren't at that meeting?

BOARD MEMBERS:

Where?

MR. NEWBY:

2015 were not.

[Hands raised]

MR. NEWBY:

So, about what I expected, about half probably. So, it's important because when we talk about using the advisory boards and decisions advisory boards made in the past, it's important to me that you step up and you voice things today because there would be an assumption that, well, if it was covered in an advisory board, Board of Advisors, Standards Board in 2016 or 2017, well, granted, there are -- there is some memorialization of those topics, but that doesn't necessarily mean that you were apprised of those events and those activities. So, it's important to be vocal now because this is -- this is where you are now.

And I wanted to put a little summary of what each of these committees do. And specifically, I know Commissioner Palmer mentioned this a bit I think at the Standards Board and Board of Advisors -- maybe it was actually Chairwoman McCormick -- but the Standards Board and Board of Advisors -- this is from HAVA -- in preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with Board of Advisors and the Standards Board.

So, you have these committees that you're forming, and we would like to get more engaged with those committees. We would like to use those committees to have us do more. We can only do so much with the resources we have, and we want to -- we really want to have the vision of HAVA fulfilled. And I think the vision of HAVA is that these committees from these boards will interact with us on a regular basis, and that would -- we would have a more interactive time as we develop our priorities.

One of the things that I would say at best veered a little from HAVA but I think stayed within HAVA and was important for the EAC was what we did back in October of '17. This was the very beginning of the fiscal year that this annual report covered. And we were dealing with something called critical infrastructure, and our thought was that if it was going to come together, the EAC was going to have to be the driver of that. And so we talked with Department of Homeland Security about a working group that would talk -- would discuss the charter for the Government Coordinating Council. And we had a feeling that if we created the working group or we drove the working group, that might be the foundation for this committee, the Government Coordinating Committee.

And so we created a structure and we went to each of the organizations within the FACA boards for EAC but also NASED,

Election Center, and others to have a formalized process to select members for the working group. And that became the foundation for the charter membership within the GCC.

And so some of you I know here in this room -- so Linda and Ricky and Neal are here related to this and the GCC and Sarah Ball Johnson, but Sarah and Linda are our two members related to the Board of Advisors. You're representing the Board of Advisors. And we had one local and one State official from each of these advisory boards so that we had this general approach that would have locals and State officials and Secretaries of State so there wasn't really a block. They could kind of own the vote if you think of it that way, not that the votes have really been that vital in this process, but we wanted to make sure there was equal representation. So, there's an executive committee that includes the EAC but also President of NASS, President of NASED, someone from local election officials, and at the time it was Noah Praetz and now is David Stafford, and then also DHS obviously.

But then members that included Board of Advisors, Standards Board, Technical Guidelines Development Committee, eight Secretaries of State, Lieutenant Governors, four election officials from States, three Election Center representatives, three from IGO and then one from DHS as well. Then we had other members, and we just kind of broke this down, including FVAP,

other organizations, FBI, and ODNI. These were ex officio members, not necessarily members who had votes.

So, we have members of the EAC who are on this, but we also have members from each of our advisory boards in a very structured way who are on the GCC, and that was something that the EAC really drove because we wanted to have kind of a structure from the beginning just knowing that this would be an important facet of the election administration.

When we looked at 2018, we had two bookends. We had a beginning summit at the National Press Club in January of 2018 to highlight all the issues that we were about to face, and then we had an event at the beginning of October 2018, what we called an Election Readiness Summit where we had actually -- as you see, we had Senator Roy Blunt, Senator Amy Klobuchar, and others who came. We had vendors, manufacturers who came and showed off the equipment to Members of Congress and their staffs, and it was all to demonstrate what was being prepared, one, just in general elections, but also using the \$380 million grants that the States were given as part of the -- let's see, the 2018 Appropriations Act that passed in March of 2018.

That was the big storyline for us at the EAC when we met last year in Miami. If you remember, we had a public forum the day before our Standards Board meeting to talk about the \$380 million

and how we distributed it. We were very proud that we were able to distribute that money within 45 days, as the law required.

Actually, the first State was able to get its money within 30 days of the law passing. That was Missouri. We had a lot of coverage in the middle of the year in the *Wall Street Journal* and others. You see this -- these are just places where we had coverage -- about how that money was being spent.

We did just have a press conference kind of thing, press event April of -- April 4th I believe of this month to talk about where we are right now, and we had these charts -- let me go to this one. This is how States were planning to use their 2018 funds. Then we talked about how they've been using it to date, so as of September 30th -- and this is what we announced in April 4th, about \$31 million or 8.1 percent, had been allocated.

They didn't have that much money, States -- or times -- States didn't have that much time to spend this money before the '18 election, and this is how it's been spent, though, so far. So, when I was looking at this later, I think that we didn't highlight the big lead here. And I understand some of this is a timing factor, but let me go back to this line. We said that 36 percent would be towards cybersecurity and 28 percent towards voting equipment. This was based on the plans each State filed. That's what they said before -- before they started spending the money, and as the

money's been spent so far, 58 percent actually has been spent on cybersecurity and 33 percent on voting equipment. So, much more has been spent on cybersecurity and voting equipment than was expected, even though not much has been spent of the total \$380 million yet.

For a couple States -- and the annual report highlights several, including Iowa and Rhode Island are a couple good case studies of what States did with the money. Iowa conducted many trainings. Rhode Island purchased a system for centralized voter registration to monitor and protect it from ransomware. There's many proof points of how the money is being spent in the annual report. These are just two to highlight.

And there's our own Ricky Hatch from the Board of Advisors, along with others, speaking at the forum we had in Miami the day before the Standards Board and then the Board of Advisors to talk about how local election officials were using the funds and using their own focus related to security preparing for 2018.

Another thing we did and we rolled out at that time was a video that the EAC had prepared, and the idea is that it would be something that election officials or really others could show at civic events. So, when this whole 2016 thing was coming up with foreign interference, I was going back and trying to see what materials the EAC had to talk about how elections are secure and the efforts

election officials go to to secure elections. And I was really surprised that there hadn't been anything developed.

So, we developed a video, the idea being that if I was an election official, I might go to the Rotary club, I might go to the Kiwanis. I show this video before I would then talk about all the things that I was planning to talk about like advanced voting hours and how to make sure you're registered and, you know, where to go to vote, that kind of stuff. But generally, this was a way to go, hey, many things here might not necessarily be the same way we do it today here in our jurisdiction, we'll cover those, but this just gives you an idea of the way that elections are built and the way they're secured.

And so creating this video, we also created a leaders guide that's on our website that people who are showing the video could walk through and show and talk from and also -- let's see. Iowa, Rhode Island, California, and Florida customized the video for their own States, and so many -- and States can do that as well. We built it in a way that that could happen. We wanted States to either just use it generically so we had something but also in a way that they could kind of parse it up and use it on their own. And so we know four States have done that. And Fors Marsh, who we worked with, could work with anybody to do that same thing because Fors Marsh helped us with this video.

Heading into the election, we traveled a lot in terms of either our staff, Commissioners not just on Election Day but pre-election and post-election, and so here were the jurisdictions we were at. I didn't hear Mr. Hicks say it, but he said it at the Standards Board that he was in 23 States last year. I pointed out to him that that's nothing. Our staff was in 23 States this week, state of confusion, state of denial, state of panic, state of accomplishment --

[Laughter]

MR. NEWBY:

-- but this meeting has been concluding. But we've been working hard to get this meeting going, but the staff and the Commissioners traveled quite a bit just to be out in the field on Election Day.

One of the things that we talked about yesterday at the hearing will be the focus of this afternoon, testing and certification. We'll talk a little bit about the voting -- Voluntary Voting System Guidelines now, but we'll talk in depth this afternoon about the requirements. But overall from our program standpoint, the Testing and Certification division certified 55 systems from seven different vendors, including 13 last year, and they've already certified two this year.

We had -- the only Testing and Certification Director we've ever had at the EAC, Brian Hancock, retired about six weeks ago.

We're in the process of filling that position. I called the National Association of Secretaries of State and asked them if they would consider giving Brian a medallion, which I think is the highest award in my mind you can get in the election industry if you think of it that way, an NASS medallion, and they couldn't get it to us fast enough, which was very nice. Now, by that, I mean they really actually couldn't get it to us fast enough, so we had to tell Brian what it said and we're going to mail him the award because this is what it looks like. He actually doesn't have it in his hands yet. We're hoping to give it to him at a TGDC meeting, but we have to reschedule that.

But the fact is that this is an organization -- NASS is an organization that has a resolution right now that was passed in '15 that wasn't actually supporting the EAC, and they've given our technical -- Testing and Certification Director a NASS medallion. And so that, I think, shows the effort and the accomplishment of our staff and especially of the Testing and Certification division to get some award from an organization that had been critical of the EAC in the past. And that's a great tribute to Brian. It's a great tribute to Ryan and Jerome who are here as well. So, I just wanted to point that out. And the medallion -- just -- it's just a great honor, and I'm glad he was able to get it.

They also conducted 11 election officials IT manager trainings, about 600 election officials across the States. They've

also participated in tabletop exercises and will continue to do it and contributed to manuals and cybersecurity playbooks supporting election officials, including CIS, which is an organization that was behind the election infrastructure, information-sharing, and analysis center that many of the States and jurisdictions are part of.

Here's our own Ryan Macias presenting. He was featured on NPR, little icons of all the States. Not to be outdone, there's Jerome Lovato, who was I would say one of the Nation's leading experts on risk-limiting audits. He's written a white paper on post-election audits in general, and we anticipate having an event later this year to focus on post-election audits and the different types, so that's one of the things on our to-do list coming up in 2019.

Now, we mentioned VVSG 2.0 a bit, and I wanted to explain why, if this is the third version -- and I know Ryan will explain this later. He did in the hearing yesterday. But if it's the third version, we have 1.0, 1.1, and 2.0, why would we name it 2.0? But that's just simply because when the EAC was formed in '05, there was a thought about creating a different kind of -- a different kind of certification process and that -- that was started in 2007 when those second round VVSGs were put out for comment.

But we kind of lost our quorum basically in that period, and so that became 1.1 in order to have that -- those guidelines just to have something -- well, let me back up a little bit because I kind of

crossed over this. The new paradigm in 2007 was out for comment when we lost our quorum, so in order to move along that set of requirements, those became 1.1. The Commission approved those as the next generation when they were reconstituted in March of 2015. And then this process to look at a new way of looking at certification again started, and that's what's led us to the VVSG 2.0, so it's to represent kind of a change in thought process not just like a small evolution of an existing process.

And so Ryan is going to explain that a little bit more, but this is a timeline that shows where we would be right now. We're looking at having -- I think this will work. Good. I didn't put Tom's eyes out. Third hearing right up there focusing on a May hearing, we had our second hearing yesterday. From there then we will -- at some point we have to then incorporate all those comments. The Commission will have to consider whether they adopt VVSG as it is or if there should be any changes or amendments or formatting changes.

So, this timeline goes -- this timeline takes us from the TGDC meeting in September of '17 to the time we had a quorum, lost in March of '18 to the time we got a quorum in February '19. First order of business by the Commissioners was to send the VVSG out for public comment. That went out at the end of February. We're having public hearings now, so we're back on

track. And the next step really is to have the discussions with the requirements, and that's what we're going to spend the afternoon on with VVSG.

Another big thing we do that may -- if you're a State election Director you know well right now, and that is the Election Administration Voting Survey. We've gathered up all our data. I believe we're ahead of the game in having our data ready to roll. A big thing that we did last year that we're proud of is the visualization of that data. You can go into -- onto an online site, for instance, and Nichelle and David will explain this when they go on to their session, but you can go in there and compare jurisdictions. So, in my old job if I wanted to say, hey, how many other jurisdictions had 400,000 voters, maybe this many polling places, et cetera, if I want to look and see like jurisdictions to determine how other places are doing things and then compare it to what I do, I have a tool now, and that's on our -- they'll explain how you can use that.

The other part of this -- and we've had these posters hanging around to demonstrate some of the visualization you can do by State. Not all your States are up. We've had about 10, but they're worth looking at and then knowing you can go also online and create those for your State. And they're great things to have, especially at your State Clerks conferences especially, and they'll be updating those with the 2018 data.

So, the 2018 data completed will be rolled out in the new EAVS -- you have an old EAVS survey with you. It's a collector's item because it's going to be replaced soon, so David could autograph it later.

[Laughter]

MR. NEWBY:

But we'll have a new one come out in June, and we're planning a summit related to that, another data conference, so we've done that in the past. Here's an example I believe of how well we've done in the past. We did this back in conjunction with the State of Pennsylvania in July of last year. We'll have another similar event coming up this year in conjunction with the release of the EAVS survey.

Now, I've skipped over a slide because I wanted to go back to this. This -- one of the things we did this past year is what we call EAVS deep dives, and they're really just deeper studies into particular items that you might not get by just flipping through the book.

So, I showed you earlier a slide of Jamie Raskin, who is -- at one point when I lived in Silver Spring, he was my U.S. Rep, but he is the U.S. Rep over where the EAC's office is now. But now my Rep is John Sarbanes, so I kind of fan-girled him after I moved and said -- and asked to meet with the staff and said, hey, you know, I

just want to meet you because, you know, you're my Congressman and, by the way, I work at the EAC, maybe we can talk about all this kind of stuff.

So, yes, sure, and he actually came in and met with us, not just the staff, and he came in carrying his EAVS book that we had sent in advance and had flipped through it. And it was pretty impressive that he knew a lot about the things that were in the EAVS. Now, I didn't know at that time that later he would be the driver to what is called H.R. 1, so he was very engaged into what was going on in election administration. But that just shows you the reach that we've been able to get with some of these EAVS deep dives and who is reading it, so that was very nice.

One of the things we did at the beginning of this fiscal year, so October of '17, we had an accessibility event in Spokane, Washington. Two of our Commissioners spoke, as well as the State Director from the State of Washington and also someone from Spokane, the election official in that city. We also produced, though, these materials, this Federal voting rights card both in a pocket version and also a braille version, and we've had a lot of focus in the -- overall in this past year related to accessibility. There were a couple other events that our Commissioners spoke at, and we have some coming up, including one I believe in Baltimore in just about a month, May 17th. Two of our

Commissioners I believe are going to be speaking at an event in Baltimore.

So, that's been another piece of our focus obviously. That was a big piece of the discussion yesterday at the hearing, accessibility and security. This is sort of the constant tension between the two. HAVA is very clear that we have a mandate to ensure that voters -- all voters can vote independently and privately in the same manner, and we are committed to making sure that we do everything we can to make that happen.

So, the type of accessibility different than persons with disabilities as language? It's not quite the same thing at all, but it is a very big issue. Many States have language requirements. We've worked with the Democracy Fund to have language summits I believe three years now, and we probably will again. We have some thoughts about how we might want to incorporate other issues.

I was part of a Carter Center Conference in December spoke on Native American issues. While that isn't language access, there are issues that kind of cross, especially if you live in a reservation. You may not have an address. We talked about earlier street-file maintenance. If you live in a situation where you get mail ballots, that could be a big problem. If you go to a polling place, you might be hundreds of miles from a polling place, so those are some real

issues that are little different than language access but something we're hoping to incorporate into the next language access summit.

David Beirne is here. He's going to talk about overseas military voters, so I'm only going to say that he's going to talk about that. I will say that this is the example in EAVS that shows the UOCAVA ballots returned over the last eight years. He -- there may be some new data he's willing to show from the 2018 EAVS report, maybe not. I just said maybe.

[Laughter]

MR. NEWBY:

But one of the things we saw in '16 was that the number of ballots returned from -- UOCAVA ballots -- actually, there were more from citizens -- overseas citizens than military. And I will -- I will spoil that, David. It does appear in '19 that that continued, that trend continued. So, David doesn't -- you don't like that?

[Laughter]

MR. NEWBY:

Anyway -- anyway, that is an interesting trend. They can tell you maybe other trends that they won't be able to share with you.

[Laughter]

MR. NEWBY:

So, last thing in the -- I want to say is that in the Newby home -- this shows how boring life I have. The movie *Zoolander* is

watched quite a bit. There's a guy in there who talks about how he invented the piano necktie, and I feel like that's my thing about Clearies. The Clearinghouse Awards, that's an award that we started about two years ago, and the idea was just to emphasize and to really fulfill what we're supposed to do, and that is be a clearinghouse and show creative things that are being done and provide awards. Awards just generate news, awards just generate camaraderie, good feeling, and then we wanted to take all the entrants and share that information.

So, the award -- winning the award is important, but having the awards in general is probably even more important. We've called those Clearinghouse Awards. We thought of a name, couldn't figure it out, we decided, oh, okay, let's just call them Clearinghouse Awards. And Commissioner Hicks was looking at me and I said, you know, the Clearies.

[Laughter]

MR. NEWBY:

And he -- I was just kind of kidding, but it stuck. So, we've called them the Clearies more than the Clearinghouse Awards, so sometimes you hear them as Clearies, maybe wonder what that means, and it just simply means Clearinghouse Awards. And we had many entrants.

In fact, New Mexico had a really cool one that we couldn't quite decide where it fit, whether it was accessibility or innovation. I think in the end it landed in -- where did it -- yes, so it ended in innovation I believe. It's a really cool one, as well as all these are. Our own Ricky Hatch here from Weaver County is an award winner.

And I would also point out the effort by Board of Advisor members and Standards Board members to judge these. I know Neal Kelley was a judge, and I can't remember, Linda, you were a judge one year, weren't you? Thank you. And there's no good time, and it seems like it always comes at a bad time to be the judge. And I know the work that you put into it, and I really appreciate it.

And, anyway, in our annual report we'll talk about the -- you'll be able to see all the Cleary awards and what these jurisdictions did.

The last thing I want to mention is something that's new and will be coming up I guess after the break at this point, and that is related to disaster recovery and planning. We're trying to create a team I guess. Certainly, it's an initiative. And the idea is using the convening power of the EAC as one, the fact that we serve election administrators and election administrators are a unique group and provide a set of support to other election administrators, that's two,

and really look at ways to identify disasters and other events not from the typical -- weather, you have to have a continuity plan, you have to be -- you know, have plan A, B, C, D, and all that. That's important, but that sort of becomes a watered-down view of disaster recovery. And what we're trying to do is take it a different way and not focus on the disasters themselves but how voters are impacted.

So, a hurricane, as an example, is not a hurricane, is not a hurricane. Some situations may require that you have to move polling places in the 11th hour. Other times you may have voters who are displaced to other States and you have to reach them. There is one event that's not really a disaster but has been part of this group and that is the active-shooter issue that happened in the Washington, D.C., area several years ago where that might have voters afraid to go to polling places to get out and go.

So, we're trying to look at it from a voter impact and how different jurisdictions have dealt with voter issues associated with the disasters. I know it's a little bit of a subtle difference, but I think that it's the way to kind of move this to something beyond everybody has to have a continuity plan on their shelf.

And so many of people in this room actually have been part of this initial effort, and I know there's a panel in the next session that's going to discuss that. And then the Standards Board created

a Disaster Recovery Committee. I don't know that the Board of Advisors may want to do that or not. I don't know if that's been teed up. But in general, what we want to do is make this a living thing within the EAC advisory boards.

Probably -- there is a push actually led by the EAC to make it a working group through the Department of Homeland Security to critical infrastructure. The GCC and also maybe a cross-working group with the SEC, Sector Coordinating Council, and so they may converge. They probably will, but right now, we're trying to make it an EAC initiative looking at the voter impact and also how we can pull together other Federal agencies to help in that effort. So, I know there's going to be a lot more discussion about that, and it's not really in the annual report as much as I just wanted to tee it up because it's -- I think we're going to be focused on it.

Last thing -- I said just a second ago last thing, this is just a picture to show we're modifying our website. These are some screenshots that you're going to see, just the way we get our website ready to go for the 2020 election, but here are just some screenshots looking at EAVS, also have a mobile version. If nothing else, I wanted to show you that we had a little new look coming in our website, not an overhaul rehaul but just a new look.

So, with that, I think -- I don't know where we are from an agenda, but I am -- I believe I take my 45 minutes.

CHAIRMAN WINN:

You did very well.

MR. NEWBY:

Thank you.

CHAIRMAN WINN:

Thank you.

All right, folks, at this time we're going to take a break and

reconvene at --

MALE SPEAKER:

At 10:30?

COMMISSIONER HICKS:

10:30.

CHAIRMAN WINN:

10:30.

COMMISSIONER HICKS:

So, you're having a half an hour break, but we would like for you to be back here for our presentation for the disaster relief folks.

CHAIRMAN WINN:

10:30,

COMMISSIONER HICKS:

10:30, which will still keep us ahead of schedule.

CHAIRMAN WINN:

All right. Thank you.

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

CHAIRMAN WINN:

We're getting ready to start our panel discussion. And I will turn it over to Tom to open it up.

COMMISSIONER HICKS:

Thank you, Michael.

Next, we will hear from three Board of Advisors members where best-laid plans for Election Day were thrown into chaos by manmade and natural disasters. Catastrophic natural and manmade disasters such as September 11, the D.C. sniper attacks, the 2017 and '18 California wildfires seasons, Hurricane Maria, Michael, and Katrina, and many others all had profound effects on the American elections. Voters were displaced, equipment was destroyed or damaged, structures typically used as polling places were either levied or reclaimed as aid distribution centers. Communications were delayed, and continuity of operation plans were put to the test by these unprecedented disasters.

Even as jurisdictions grappled with the disasters devastating however election officials were able to successfully administer elections. These election officials understand that when a community experiences a disaster, the successful administration of

an election goes a long way towards restoring life for a devastated community. During -- doing such reinforces the bedrock on which our society is based: fair, accurate, and secure, accessible elections.

As an increasing number of jurisdictions grappled with such challenges, the EAC is turning its attention to help best serve election officials and voters as they work to recover their election systems after such events. These election officials we'll hear from today are all part of the newly established EAC Disaster Preparedness and Recovery Working Groups. The members of this working group have a wide range of experience conducting elections in the aftermath of recent hurricanes, wildfires, volcanic disasters, sniper, and terrorist attacks.

Before we get to today's panel, I'd like to set the stage by playing a short video of Mark Andersen, who is the Supervisor of Elections at Bay County, Florida. I visited Mark not long after his county was devastated by Hurricane Michael, a monstrous storm that came just 17 days before early voting began. Despite the magnitude of these -- of this devastation, Mark and his staff were able to successfully administer the 2018 midterm elections, but I'm going to let Mark speak for some of the challenges his office encountered as they worked to administer elections soon after this historic storm.

MR. ANDERSEN:

(Via video message) Some of the challenges, just your staff alone, and then you look at your staff have parents and they have relatives, and all of those pieces are all entwined. And then when this hurricane -- before the hurricane even hit, they said mandatory evacuation. So, you've got all those dynamics that are going on before the hurricane even starts. And you think you're prepared for the hurricane, the hurricane goes from a zero to a category 4-plus hurricane in three days. You experience things that you've never experienced before and I really don't want to experience them again, but I can tell you we've learned a lot of things.

You learn the most when it's the toughest. I know that's one of my taglines that I got out of this devastation. You realize how tough your staff really is, how much what they do means to them. That's probably the most important part of this, how important it is for our poll workers and our precinct election officials that, without them, you simply cannot do an election. I mean, we had 600 on file to be able to use in the regular election cycle. Then we go down to 151 is all that we could get to do the entire election cycle.

So, when you look at all the dynamics that have occurred, you look at all the devastation that has occurred, and you look at the success that this county just experienced to be able to pull this off and know that the vote did count, it did make a difference

contrary to what any negative media would've said regarding how a vote was cast or not cast, it all had security, fraud protection, and every other element that any other voter would have with the exception of my voters didn't have homes, my voters didn't have food, my voters didn't have water, my voters didn't have, didn't have, didn't have, but they did have an election, and they showed up with over 53 percent of voter turnout, which is 2 percent higher than when we didn't have hurricanes in prior. But again, it probably would have been even higher if we were able to do additional pieces, get additional communication out.

But when it's simply not there, you can only do what's available to you, and you can only perform in a manner that benefits everyone with security and fraud protection in mind with everything that you do. And you do that election, and you don't let the outside naysayers ever, ever change your path or your direction for anyone to feel that there's any inappropriate vote that was cast in this devastation with the magnitude and the checks and balances that we did here in this county. And my staff and my precinct election officials, they need to put themselves in those shoes before they make those kind of comments or decisions.

You have to be here to have the same philosophy and the same actions and decisions that were made were in the best interest for the voters in this devastated area.

COMMISSIONER HICKS:

I want to take just a quick minute to say -- I want to thank Natalie Longwell who put these videos together and implore you to look at these because we traveled down to Florida to visit these places and out to Puerto Rico, and it's just -- the pictures do not do it the right justice of the devastation that we saw down there. But I say if you get a chance to definitely look at those videos to definitely do that.

We're fortunate today to have three election officials with us who have their own experience in preparing for and recovering from disasters. Kicking off today's panel will be Michael Winn, the current Chair and Director of Elections in Harris County, Texas. He manages an office that oversees elections for more than 2 million registered voters. Previously, Michael served as Election Director at Travis County's office in Austin where he was responsible for the office that oversaw elections for more than 145 jurisdictions.

Michael has more than 20 years of experience in elections and community service. He has a strong background in public relations, team development, and project management. We look forward to hearing his perspective on this topic.

Next, we'll -- our next presenter will be Neal Kelley, who is Registrar of Voters in Orange County, California, the fifth-largest jurisdiction in the United States, serving more than 1.5 million

registered voters. As the chief election official, Kelly has led the --
Neal has led the Registrar of Voters office through the largest cycle
of elections in the county's 129 history. Neal is an appointee of the
U.S. Department of Homeland Security's Election Security Task
Force, GCC, which helps to oversee the protection of our Nation's
election infrastructure. In addition to his service on the board,
which includes as past Chair, he's a member of the EAC's
Technical Development Guideline Committee.

Our final speaker will be Sarah Ball Johnson, who's also a
former Chair of this board. Sarah is the City Clerk for Colorado
Springs, Colorado. In that role, she is responsible for a broad
spectrum of duties such as keeping all the municipal records, aiding
the City Council with council meeting agenda and minutes,
conducting all the municipal elections, City Council district --
redistricting, and managing the city's licensing program. She's a
certified Municipal Clerk through the International Institute of
Municipal Clerks. Prior to her latest post, Sarah had 17 years of
experience in the State Election Administration with the
Commonwealth of Kentucky State Board of Elections, where she
also serves as Executive Director for seven years.

Thank you all for coming here today to discuss this topic,
and, Mr. Winn, if you could kick us off, thank you.

CHAIRMAN WINN:

All right. Good -- it's not afternoon yet. We're still in the morning. Good morning. I'm going to talk to you about election preparedness and recovery, and what we're going to do is we're going to revisit the challenges and the lessons presented by an unexpected disaster in the third-largest county in the Nation. This presentation revisits the challenge and the lessons wrought after a fire destroyed all of the voting equipment in Harris County, Texas, the third-largest county in the Nation, 67 days prior to an election. It reviews the impact the disaster -- it had on the election process and, most importantly, it reviews the actions the Administrator of Elections employed to ensure the timely and legal conduct of the election.

This is not a best practice paper, but still, it reviews the action carried out during a crisis and may be useful to other election officials during a routine conduct of elections under difficult circumstances.

We'll talk about and we'll revisit the challenges presented by the unexpected disaster, the challenge of the election warehouse, and all of the voting equipment destroyed by the fire, mitigating disaster impact on staff, electorate, and voter advocates, the partnerships that local and State and Federal jurisdictions had with the county, the disaster's impact to the overall election process when time was of the essence. And then we'll talk about the advice

to election officials to prioritize the creation of an election emergency action plan. And, finally, we'll give you an example of a contact list.

So, in the prior video that you saw, there was a devastation by a hurricane. This was a devastation by a fire in August of 2010, so imagine the challenge. Your election technology center, which is your warehouse, and all your voting equipment is destroyed by fire. On August 27, Harris County lost all of its voting equipment in the election technology center due to a massive fire. The county faced the challenge of having to replace all of its voting equipment and technology center 67 days before the election. Imagine, you're the administrator and you get a call at five o'clock in the morning, third-largest county in the country, and your warehouse is engulfed by flames. What do you do? Who do you call? What are your processes?

Well, let's look at the damage that it caused. Over 17,000 pieces of equipment were destroyed, which included -- and you'll see -- you see the video there. All the equipment that was destroyed, the workspace that it housed, 40,000 square feet of secure climate-controlled warehouse was destroyed. The cost was approximately \$20 million. The cost of replacing the technology center was \$4 million.

In mitigating the disaster impact on the staff and the electorate and the voter advocates, it was crucial that the election office representatives create a positive tone to discussion of the disaster of all the stakeholders. We had to meet with the election staff, we had to figure out how to recover and what role each person played in the recovery process. The thought of using the media platform to set the tone, especially the news broadcast, it caused us to kind of work with the elected officials to use all aspects of the election plan to shape the headlines.

I have to say, Mr. David Beirne, who's in the audience, he was in Harris County prior to this fire, but a lot of the processes that he had put in place -- and -- you know, and we laugh about it, but you know what, he did a fine job because the staff that was there was able to pick up the pieces and roll with it. And so I'm grateful to you, Mr. Beirne, for that.

But we had to be able to do a messaging campaign that the election was going to still be carried out, it was going to still be fair, it was going to still be equitable, and it was going to be in accordance with State and Federal law. The message had to be uniform, it had to be timely, it had to be reassuring, it had to be direct and anticipate the concerns generated by the crisis. And the message had to be reiterated continuously.

On the right side there, you see the county judge on the airwaves. You see the media on the airwaves. You see our partner Hart InterCivic on the airwaves, everyone who's trying to reassure everyone that the election was going to be intact and that it was going to still be conducted. The message was always to reassure the public, and we had to use key moments to recover and inform the public that the election was on track. And we had to make sure that -- to alleviate the stakeholders' concerns by sharing early voting and Election Day plan detailing fair, equitable staffing and equipment allocations.

Some of the partnerships that were developed at the local, State, and Federal level, it was imperative to communicate with the entities who were key in providing support in the crisis, and that includes the voting system vendor. They had to address the voting equipment needs. The political jurisdictions who came to the support of Harris County in -- I was in nearby Travis County, and we donated 250-some-odd machines. There were some other counties that donated more machines, but what you have to take into consideration, that equipment came in from other jurisdictions, we had to do acceptance testing, you had to figure out interlocal agreements, you had to figure out processes, how -- of how you would incorporate that equipment into your process.

The nonelected intergovernmental entities that were included to secure the facilities and supplies included of course your risk management team, your facility, your property management division, and your auditors. Of course, you know, they have to get involved because they are the purchasing department, and they have to be aware of the situation to facilitate the recovery process.

Your governing authority in our case, which was our Commissioners' court, had to set aside an emergency meeting to be called to approve the election disaster plan and declare a state of emergency to approve funding and fast-track purchasing procedures. They had to lift the purchasing process because, as you may well know, that is a very, very tedious process, and they were able to come in, declare a state of emergency, and lift those processes. And then there's the county attorney, who had to address the conduct of the election with the Texas Secretary of State and Department of Justice. And the Secretary of State had to approve any administrative changes that took place, and the Department of Justice had to be able to monitor the election.

The disaster's impact to the overall election process when time was of the essence, you are under an emergency circumstance, and every adjustment to the election impacts all of your procedures. Your testing and preparation of equipment that I

talked about earlier was enormous. There were long lines set up to acceptance-test all of the equipment and bringing in stations and bringing in extra staff to put those machines into service was a monumental task. The training had to completely be revamped.

When the fire occurred, most of the damage took place at the warehouse where it was all electronic recording equipment. Your mail system, your balloting system was housed in another facility, so all we had left was our mail balloting system. So, the backup plan was to use paper ballots for 2.4 million registered voters. You can imagine how daunting that is.

The distribution of supplies, your supply chain had completely changed, your process had to change, and all those procedures had to be written in a timely fashion, and time was of the essence. The Election Night tally was completely different because your process of bringing the equipment back in now relied on possibly doing it all with the paper-balloting system was the daunting task.

The advice that we have to election officials, which would prioritize the creation of an emergency action plan, helped us prepare for this situation today. At the time of the fire in Harris County, the -- a comprehensive emergency action plan really didn't exist. We had some plans, but we really didn't have one that we could kind of go to. The point is election administrators should

prioritize the creation of a plan that would guide the content -- the conduct of an election under an emergency circumstance, and that should include creating an emergency contact list, implementing procedures and daily work operations to minimize the impact of weather or manmade disasters on the election process like on the right here.

I've been in Harris County for three months. We started early voting on Monday. This happened on Monday night. We had a car crash into one of our polling locations three to six inches from one of our poll workers. Because we had an emergency action plan in place for instance -- and we'll talk about that a little bit later -- we had a phone tree that we could call Sheriff's Department, Commissioners' court, our media, our voter outreach program which did get put in place years ago. We got the word out within 15 minutes.

The first thing that came across the airwaves were -- was that people thought it was a terrorist attack, that somebody drove into the polling place. But after putting this plan in place, we assessed the situation, and you know what we found out? This polling place was housed in a complex which was a county facility, tax office, County Clerk's office, our polling place, all on one address. And what happened was it was an elderly couple and she just hit the accelerator instead of the brake and crashed through the

polling place. So, we were able to dispel those rumors at a moment's notice with the plan we had in place.

The point is having a plan in place, trained staff on emergency management, creating an election data storage process that is immune to weather and other types of disasters, protecting your voting equipment from disaster, and one of the things that we learned was that when you store your voting equipment, you store it in a facility that meets the stringent fire codes, including firewalls, and you separate it. You don't have all your equipment in one place. So, it's good to establish those kind of protocols and establish relationships with members of your building authority and stakeholders in the jurisdiction.

This is an example of a contact list. It varies, and it's different, but I just wanted to give you kind of an idea what to kind of really be thinking about when you start putting together your contact list. We're in a bifurcated office, which means that the County Clerk administers the election, but the Tax Assessor administers the voter rolls. And so having all those telephone numbers and all those contact numbers and all those emergency contact numbers you need to have whenever you go through a disaster. Your county key staff, your county judge, you'd be surprised when you're in an emergency situation and you're trying to find these telephone numbers when you don't have them. If you

have them on you and you're prepared for it, it makes life a little bit easier. You never wish you have to go through it, but, trust me, when you have it, it makes life a lot easier.

Law enforcement, you'd be really surprised. You could call 911, and you don't know where the phone call is going to go to. If you have someone who's designated to be your person in the law enforcement office, they can quickly respond and get information out to you very, very quickly.

And then of course the Secretary of State's office, your community college, your media outlets, your school districts, and, most important, set up an emergency planning email distribution list that you can hit and send information out simultaneously to a lot of individuals.

I don't have this on a slide, but in Travis County, based on this fire and what we learned, we made an emergency booklet that we give to each one of our election staff members, and they have this at their desk. And in this document it has information that gives you all the contact information, it tells you what to do, who is the point of contact person for each facility, for each location that you have, what you do if you are in a situation where there's an incident at a polling location, if there's an incident where you have a central power failure at your central count.

Normally, what we would do is we would set up a generator, a backup generator. You'd be surprised that -- on Election Night, the weirdest things happen. A car crashes into a telephone pole, knock out all your power, and all your power at central count is out, and then you're dead in the water. We implemented a backup generator, and we test it two days before the election. Cut the power to the building, turn it on, and make sure that we have power working and we can be able to keep -- communicate to the outside world.

You have situations where you have polling place due to inclement weather -- I don't know about the rest of you, but in Houston, it storms, it rains. I mean, it does everything there. And so to have this process in place really, really, really has been found to be effective.

And lastly, I want to just share with you something that was really strange from the fire of 2010. We -- they had over 800,000 voters vote in that election. The thought was that we were going to probably do a lot of paper ballots, but we got a lot of loaned equipment from surrounding counties and were able to conduct early voting Election Day with the electronic program. And only 10 percent of the people utilized the paper system, which I thought was fascinating. So, that's just a little quick note. You'd be surprised what people do.

And then of course compared to previous elections, there was an increase on that election of 33 percent, so I guess when it's the worst of times, people come out and they still seem to feel safe and secure that their vote would count, and they were able to do so.

So, we'll be happy to -- I'll be happy to answer any questions after the other presentations, but that's the Harris County story.

Thank you.

MR. KELLEY:

Thank you, Michael. Is this on? No? Hello? Hello? Here I am. Thank you, Michael, for that presentation. It was fantastic. And we were in Orange County happy to also send some of our equipment to Harris County at the time. We weren't able to send a lot, but we were able to help support that, so I think that's a good example of election officials coming together in times of crisis.

I wanted to talk to you this morning about three things that we encountered in Orange County, California. And Director Newby I thought teed it up really well earlier, and that is focusing on the voters, what's the impact on the voters just as much as what's the impact on the election official and what sort of plans do we have in place to mitigate some of these issues that come up. And Michael talked about being prepared for a power outage on Election Night.

And I thought I was prepared, and I'll walk you through why it didn't work.

But first, I want to just kind of shape the discussion, talk a little bit about Orange County to give you some perspective and sort of set the stage in terms of our jurisdiction. We have more voters in tiny Orange County, California, than these 18 States that you see on screen here. That tells you that, from a national perspective, you know, our voters have a very loud voice because there's a -- we're now at about 1.6 million voters out of 3.2 million population.

In the county itself, the average age of our voters is just under 50. That continues to drop. I'm sure as many of you -- of the election officials see more young people coming into the voter rolls, that continues to skew a little bit downwards. We have more women turn out than men in Orange County at of a rate of about 3 percentage points, and they're registered at higher rates in Orange County. And I always thought, well, maybe that's because women tend to live longer than men? Maybe that's the reason for that. But when you look at some other counties in California, the data is just the opposite, so go figure. It's good news for Orange County women for sure.

Our county looks very different than it did in 1970s. In the late 1960s, 1970s, Orange County was about 70 percent

Republican, so all of those stereotypes that you hear about Orange County being very conservative, very Republican, this has kind of all gone out the window now because we're definitely a purple county but you can see up there in terms of the data almost even between Dems and Republicans.

And then finally on turnout I was talking to Chair McCormick during the break about our fun election that we had in 2018 where if you followed a little bit about it in Orange County, all of our Congressional districts flipped and they went from Republican to Dem. That's the first time that ever occurred in the history of the county. And it was -- it was earthshattering because people were losing their minds on both sides.

[Laughter]

MR. KELLEY:

And just to show you the turnout, we had more turnout, 71 percent, in the November election than we have had in Orange County in the midterm since 1970. That was the highest turnout. So, it really energized a lot of people, and we're just ready for 2020 because you can imagine what 2020 is going to be like in the primaries alone.

Had almost 200,000 ballots dropped off at our polling places in November of 2018, and I was also talking about, you know, at that point we were just prepared with industrious scales to just start

weighing the material, not even planning on sorting it as it started to come in and trucks. So, it was quite an operation.

Okay. So, now, I want to focus on three specific items that occurred in Orange County and how we responded to them, lessons learned, and the impacts on the voters because I really think that's an important point. In 2012 in South Orange County we had an active shooter that took place at one of our polling places. It was a community center in South Orange County, and the reaction was very swift from law enforcement. But, as you can imagine, that disrupted that polling place very quickly. We heard from our inspector -- that was the first notice that we had that there was an issue, and the active shooter was outside of that polling place but on the grounds. And then the shooter disappeared, and so law enforcement was all over the place looking for the shooter. And we had voters -- and I think somebody brought it up, you know, the issue of voters being afraid to go vote. And that is exactly what we encountered.

So, we quickly worked with the press to start getting information out that we were going to set up a mobile command post and a mobile polling place for voters to go to as an alternative to this community center while they were in lockdown. And one of the things that we did -- and I think was a good lesson and a good takeaway was is we had that mobile polling place right next to the

command center for the Sheriff's Department. And, you know, you might talk about, well, that might be an intimidation issue, but in this case, it provided assurances to the voters that they would be safe when they went and cast their ballot at that mobile polling place.

And while the turnout was lower in that precinct than the surrounding precincts for obvious reasons, there was still a good turnout from voters once they realized that they were going to be in a safe space and they could go ahead and cast their ballot.

Just walking you through some of the -- sorry, I'm going to skip back here. Walking you through some of the items from this, you know, the initial notice from the inspector caused us to put our plan in place, which was a mobile polling place that we had prepared and we could immediately send out and dispatch. We had that dispatched within 10 minutes. Immediate coordination with the Sheriff's Department who was handling the active shooter, as well as the media, was really important to be able to make that coordination.

And the good thing was is we planned -- we started planning in 2010 for these mobile polling places to be fully deployed on Election Day, and it wasn't just two years later that we had this issue come up and we were prepared to send that out. If it had occurred before that, we would not have been prepared to send that out.

This is our new mobile voting unit that we send out. It's fully functional. It can act as a full vote center now when it goes out with all of the equipment prepared ahead of time, and we can dispatch that out within minutes of an issue.

We are known in California for all sorts of disasters, fires, floods, earthquakes. In this particular case in the 2018 cycle, we had a series of fires that I'm sure you maybe followed. In Los Angeles in particular there were fires that were a ring of fires that were connecting from Malibu all the way up north to Santa Barbara, and it was quite the disaster. And then we had a fire break out in Orange County as well. And one of the things I wanted to bring up and this is, you know, we probably all think about fires in preparing for those, but as this fire started to spread, it started to affect more polling places than we initially thought and what we would be prepared for.

Our first indication of the fire was social media. It was not the fire department. And we were monitoring social media as part of our plan of action, and there were shots from voters coming in with smoke coming up behind the polling place. So, we had a discussion immediately with Orange County Fire and started to talk about deploying the mobile vote center, but that wasn't going to work because of the fire lines and because of the traffic, so what we had to do was to find alternative locations to these affected

polling places, and we had prepared, as a part of our disaster planning, to have polling places in backup. So, certain precincts around the county, if we had an issue, we could consolidate those into these new polling places, and that's what we did. We identified a second site in this case and were able to divert voters to this.

Now, this wasn't an issue of the voters necessarily being afraid to go vote, but when they saw the traffic and they saw the smoke, they were just deterred from going to vote. So, we had to work with the media and social media to get information out very quickly to mitigate this.

My favorite one that I want to talk to you about is the power outage. So, on Election Night June of 2018, four minutes before I was set to post the results, the first results of the evening, we had a power outage, and we had a transformer blow across the street. It knocked out power for several blocks, including our facility. And all of the power went out.

And despite the fact that we had backup plans in place -- and I'll talk about that in the second -- I want to show you just a couple-minute video. It really kind of focuses on the whole operation. But we captured the moment that the power went out on the video, which is really exciting for me.

[Laughter]

[Playback of video as follows:]

MR. KELLEY:

My role, I'm the Chief Elections Official for the county, and so we are the local government agency that administers all elections in Orange County. It all starts when candidates want to get on the ballot about 120 days out from an Election Day.

MALE SPEAKER:

Most candidates, in order to be eligible to run, have to gather 20 signatures. What people are always worried about is how many good signatures they're going to have.

MR. KELLEY:

The one thing you didn't see which happens sometimes is they'll wait till the very end but they haven't gotten enough signatures or they're not all valid, and then they'll walk out not on the ballot.

MALE SPEAKER:

I needed one more signature, and I brought it in.

FEMALE SPEAKER:

But we are locking the doors at 5:00, so once you're out, you're out.

MALE SPEAKER:

Nobody's coming in the door, which is a good thing. Otherwise, I would probably be the one to bear the bad news.

MR. KELLEY:

You're at 88 days out when that candidate filing period stops. Now you have about a 25-day window to get everything prepared, created, printed. You know, we have 1.5 million sample ballots and many of them are 25, 30 pages long. Well, do the math. I mean, this is a huge operation.

MALE SPEAKER:

We need about another 43 ballots to go.

MALE SPEAKER:

Today is 29 days before the election. We need to get this done today.

MALE SPEAKER:

So, now we're printing up 1.3 million cards to send out to every registered voter in Orange County.

MALE SPEAKER:

Talking about a year's worth of planning coming together for that one single day.

FEMALE SPEAKER:

Voting to me is -- it's a privilege.

FEMALE SPEAKER:

I made the decision that if there was going to be an open seat on the Orange County Superior Court, that I would run for it.

MR. KELLEY:

We're getting ready to start prepping the data to report the results at 8:05.

FEMALE SPEAKER:

There are five different devices all within three feet of me. We'll see who wins.

FEMALE SPEAKER:

There's a massive power outage is the story I'm going with.

MR. KELLEY:

Let's go. Come on, come on, come on.

MALE SPEAKER:

Thirty seconds to a minute behind because of the power outage and people are saying where are the results, you know? But this is the crazy thing.

MALE SPEAKER:

The cavalry is coming on the power issues.

MR. KELLEY:

We have 3.2 million people in Orange County, but we have about 1.5 million voters out of that 3.2 million. And, you know, if you think about how many ballots we're producing and how much paper is involved in that process for 1.5 million people, it's tremendous. Orange County certainly is on a national stage.

[End of Video Playback]

MR. KELLEY:

So, I wanted to show you that just to give you the sense of the disaster that unfolded for me.

[Laughter]

MR. KELLEY:

And I think I misspoke earlier. It was June of '16 is when the power outage took place. So, what we did is, prior to every election, we have a backup plan in place for a power outage, so in this case we have a large industrial generator that sits on the campus of our facility, and that generator could run for four days straight and run the entire facility. And there's a lot more buildings on there than just our building. And we test that just like Michael does before the election and do quite a bit of work on that to make sure that it transfers over correctly. And, just in case, because

election officials like to have redundancies, we put a very large commercial generator just outside the building that we bring in and rent in case the other generator fails.

So, when the power outage took place and the transformer blew, it created a tremendous power surge that knocked out the switching capabilities of the generator, so the switch is what failed. And the generator turned on just like it was supposed to, but it didn't switch the power from the commercial power to the generator for our building. When that power went out, you know, people were looking online for the results, and I'm telling you, within seconds, social media started to light up in a huge way and Twitter just exploded.

So, I was quickly on Twitter to start to talk about the power issue and try and reduce some of those issues, but here's what we had in place. And this is the thing I think to think about because the impact on voters was they weren't able to see the results. And there was also a confidence level. You know, are these the correct results that you're posting because you had a power outage, et cetera? And in this case we were able to recover fully within about seven minutes, fully, but we had laptops prepared for tally just in case the two generators failed. So, the laptops were on battery power, and we were able to continue to run tally and to get that working and to switch over from our regular tally system and to be

able to put the results online, seven minutes. People lost their minds within seven minutes because of the results.

[Laughter]

MR. KELLEY:

And I know we were asked really to kind of focus on the voter impacts, but I want to just walk you through just a couple of things from our disaster recovery plan. And I realize some of you are not election officials, but maybe this is something you could take back your local jurisdictions and talk about, but also, it may help shape the discussion on the working group itself and what we're going to be doing as a working group.

So, a couple of things go into this. The first is the obvious, the disaster recovery. How do we recover from the problem? Doing a proper risk assessment is really important. What are the risks associated with the various activities that you have, the equipment itself, you know, storing all the equipment in a single location like Michael and I both do, what's the risk? If you have fire, you have issues that could happen with that. Your security plans that are in place, how do we respond to this?

The redundant technology is really important. It's impossible to have redundant technology to service all of the voters, for instance, if you had a fire that was going to be destroying your equipment, but you could perhaps switch to mail if you have the

capacity for that. What are the meeting points, the locations that you're going to meet if there's a natural disaster? Where we're located in Santa Ana, California, my office, we're within what's called the yellow zone for tsunamis. And the yellow zone means that from the coast to our location is about 6.5 miles. A tsunami could travel in 6-plus miles and still affect our facility and our location. So, where would we meet as a group if we had to evacuate? And then the public communications are really important.

And that all kind of comes together to do three things. And the first is taking the action, responding quickly, doing what you need to do to get voting up and running. Communicating that action specifically and then preparing to recover from that because just getting the mobile polling place in place and having people to vote doesn't take away from the fact that you need to get that equipment back, and how do you recover from that action itself?

So, three things from our recovery -- our disaster plan. The risk assessment I think is one of the most important because it helps to identify the threat levels for each item within that recovery plan itself. And where the biggest impacts would be in voters is one of the biggest impacts for us. And having that be a physical or a data threat I think is really important because you can have both combined or you can have one or the other.

The next one is the recovery time objectives. Identifying the time that's needed to recover all the data, and I'll talk about the sites here in just a second. The data loss that we would expect to lose in a particular incident. For instance, on our facility, we have our own data center that we operate for voter registration. The county's data facility is just located outside of our building in another location, but we also have recovery plans offsite. And that all becomes kind of the foundation for the recovery plan.

And then I think one of the most important for me is the site utilization. And there's three that we consider to be critical. The first is a hot site. That would allow you to have a full functionality with operations, including a data center with technology that you could continue to operate. A warm site would allow you access to the applications but not necessarily the critical data because you don't always want to store that critical data in the same location.

And then a cold site, which I'm sure most of you use -- I hope you do -- is where you store all of your critical data without the technology until it's needed. So, for instance, we store -- we have a cold site in Arizona that we can recover from if we need to, and we have a cold site in Northern California that we could recover from if we need to.

And so that's really important, and be able to access those sites. We test them on a regular basis, so we can remote in from

other locations to that data if we have to, and it's backed up on a nightly basis to those locations.

That gives you kind of a quick overview, and again, like Michael said, we'll take questions towards the end, and thanks very much.

MS. JOHNSON:

Okay. So, I don't have PowerPoint slides because I just wanted to give you guys a little change up here. So, I live in Colorado Springs, so El Paso County obviously is the largest county population-wise in the State of Colorado. Colorado Springs is the second-largest city in Colorado, fastly nipping at the heels of Denver. Population-wise we'll see after the census.

So, we are an all-mail ballot municipal election. We are held in the first Tuesday in April, so we have springtime, and springtime in the Rockies is fascinating because it can be 80 one day and snowing the next. So, I will give you two good examples of sort of disaster recovery things in my community. And one was I moved from Kentucky to Colorado in June of '12, and two weeks later we had what made national news as the Waldo Canyon fire. Prior to some of the recent California fires, it was the most devastating fire as far as home loss that we had seen at that point.

So, not only was I, you know, new to the State, and of course in my part of the State you didn't have wildfires, so that

whole concept was pretty new. But we had a special election scheduled on a question on August 13th, so the fire started June 23rd and was not 100 percent contained until July 10th, and that's pretty much right around the time we would be mailing out ballots, being an all-mail ballot, nonpartisan elections.

So, one of the things that I did is the city -- because it was -- the fire was contained within the city of Colorado Springs was to set up, as you can imagine, a war room with all of the entities trying to maneuver that and understand. And so one of the first tasks I did was to point out we got this special election, 346 homes were burned to the ground in that fire, and so I had to fight -- like a lot of election officials, I had to fight, you know, with the operations team to say we've got this election, I understand we need to put the fire out and we have devastation, but we also have to think about this election because this was a really important question for the city.

So, that's one thing that I would advise you guys that -- to really, you know, step up and you got an election close enough to some type of natural disaster is to make sure your voice is heard and make sure that that stays on the radar even though putting out the fire and containing that was by far the most important working with the Forest Service and our local fire department, but to make sure that, you know, some of that gets out in the media.

So, I worked very closely with that team because one of the things we had to do was to identify those homes, you know, who lived in those homes. Not only are you counting for are they out of there, did they get evacuated, and all the evacuations that were going on, but we had to identify who owned the home, if it was a rented home as best we could, identify who lived there. So, worked very closely with all of our departments, particularly our GS department. We created a map, talking about those street files. We identified all the streets in the neighborhood, and then I worked very closely with the County Clerk, who's the Registrar of Voters, to identify who are my voters? You know, and a lot of times, because there's a lot of rental properties -- it was in the mountain -- on the mountainside near Pike's Peak, we had to identify who they were and, you know, where are they registered to vote.

And so we were working very closely on that. We did a lot of messaging as soon as we could. The good thing about is we had done a lot of education at the shelters and the various places we knew that people were evacuating to to find out who were you and what's a temporary phone number, email address, where are you staying in those respects. So, we were gathering all that data obviously for a multitude of reasons. I had got access to that because I did a lot of targeted emails and text messages, you know, to those homeowners.

And I think one of the hardest things that I've ever had to do as an election official was we gathered all of the individuals on the particular streets where the homes were burned and, you know, this was one of those really emotional meetings where you were telling those people your house is standing or it's not, and so it was a tough meeting. But I was also able to mention to them that we have this special election coming up and I realize your priority is not whether you want to vote or not, but I want you to know here's how you do it.

So, we created some rules in place, created -- being an all-mail ballot, we had to mail the ballot somewhere, right, and ballots are not forwardable. So, we really utilized that data and working with a group of citizens who formed a nonprofit to help provide aid to the individuals and just trying to find out where they are and educating them about you needed to update your voter registration, not a priority for them, right?

But we really had good turnout in those precincts. We were -- out of the 374 homes, it was a little -- around 200 voters, so did a lot of calling, reached out to them, went to the shelters, went to the Red Cross meetings to be able, along with the County Clerk, so they could update their voter registration. We had online ability to do that, too. And we kept that running, that sort of -- here's an alternate address. We did that. That was 2012. And we basically

kept that process going for about the next year and a half. My elections are every two years, so the next election -- we had a lot of information on our website, answering questions for them, making sure as they temporarily moved from, you know, one place to the other. A lot of the homes were rebuilt, but, as you can imagine, a lot of people settled with their insurance, you know, companies and said I'm not going back near the mountain.

So, that was really a good learning curve, not only new to the State and just new to everything, but really educating them, and we had really incredible turnout in those precincts believe it or not. Just as Michael and Neal had talked about, we had really -- and you saw in the video, we had really amazing turnout in those particular precinct areas that were affected by the fire.

So, that was one thing that I will advise is fight for your ability to be involved in those war room, those planning stages because elections are important. Even if you don't have an election immediately like we did, but you need to be in the know as an election official because sometimes obviously that's not what they're thinking about. It's more on life, safety, and welfare. But make sure you're in the know. And this goes on year-round. You know, make sure you're in those Office of Emergency Management meetings, you know, prepping for the spring, prepping for the winter.

You had -- you know, as election officials, we have a right to be there because you never know whether it's going to affect you are not. The election is one side but the voter registration is another important, so I'll point that out that it's just really important and don't ever feel, you know -- feel like you're being pushed out because you're not fire or you're not police or something like that but, you know, elections matter and we need to be at that table regularly every year when it comes out.

And also your continuation of operations, you know, we're all required to have those for your regular office duties. Make sure that you build into that that you have an election disaster plan, but make sure that's also included in the city or the county's continuing of operations plan. Don't make it completely separate to where it's on no one's radar. Build that into the overall government operation plan because it doesn't do any good if it's just in your office and something happens in your office or your staff knows it. Everybody needs to know that there is a plan and where to go if, for some reason, you know, you as an election official or your staff is not available to access that. So, make sure it's everywhere and everybody knows where it is.

So, the other thing I want to point out is we all think -- and we've had great examples of power outages, cars driving through polling places.

[Laughter]

MS. JOHNSON:

I don't have that as a mail ballot, which I have to admit prior to coming here in Kentucky we were precinct-based. And I must say I love mail ballots because it's the -- you know, the control. I don't have those polling places. But you have a lot of things that are big disasters. But you also have things that you might not have thought about to put in a disaster recovery plan like, for example, in my April 2nd election that we just had, we had -- and I'm sure a lot of you heard about bomb cyclone. Who knew, right? Giant snowstorm that acted like hurricane winds or, as I called it, Snowmageddon is what it felt like. We -- our offices, all government offices were shut down for two days and we had about nine inches of snow with, you know, 50- to 95-mile-an-hour winds going on.

And so one of the interesting things we had as we had ballot drop-off. They look like mailboxes, you know, kind of big boxes all across the city. We had 12 of those for our election. And because of the kind of gale force winds and the winds were coming in opposite directions, what we had to deal with was not only the snowdrifts were so big they were blocking some of our drop-off boxes, so I had a really fun time coordinating with our public works to say I understand that clearing the road is vital, get it, understand

it, but I got one shot to get this election right, and I need you to plow around the drop-off location. So, that was a lot of fun. I brought in doughnuts a little bit afterwards, gave them nice treats for plowing our boxes free.

But the interesting thing which I never dreamed in my election life that I would be as a justifiable election expense buying hairdryers. So, I'll tell you what, because of the winds and the directional changes of those winds, we had up to a foot of snow in one particular drop-off location, and it just happened to be in the most popular drop-off location. So, when our transit teams went out to collect those boxes once they were free, we had thousands of sippy wet ballots because the snow had blown into the box, and so it was sitting on the box.

So, when our transit team came back with those ballots, they're wet, right, and so you got to dry them out. And so we had to notify some voters because the signatures had blurred and those kind of things, but -- so one amusing thing we did was we went out and bought hairdryers and literally almost blew a fuse in the entire city administration building because I had -- every plug had a hairdryer in it --

[Laughter]

MS. JOHNSON:

-- and, you know, we were blow drying the ballots. And so I even had teams of two going to -- we had seven floors in our building and, you know, men's and women's restrooms. So, I had teams of two going to the hand dryers, you know, because I had thousands of these, going to the hand dryers and just hanging out in the bathrooms, you know, air drying the ballot back and forth. So, it was fun. It was quite fun and --

MALE SPEAKER:

Did you get a picture of that?

MS. JOHNSON:

Yes, I should have -- we should have taken some pictures, right? So, that was always interesting. You get those weird looks when people come into the restroom and you're like don't mind me, just drying ballots in that respect.

So, that was a lot of fun, and so we had a chain of custody, right, because we have all these ballots and you can't -- you need to get them dry, but you also had to make sure that, for example, these teams of two that were spread out on seven floors and, you know, two bathrooms each, so we had paperwork already developed, we had chain of custody, but we developed some additional paperwork and counted and counted and counted to make sure, okay, you know, Sarah and Carlene took 10 balance to

the women's restroom on the second floor. What did you come back with? Did you come back with 10?

So, we had a lot of little kind of on-the-fly developments of that, and then we also had to engineer some little flaps to go on the boxes themselves so that we wouldn't have more snow or rain get in there. We had some attractive use of the little presentation folders, the plastic, and duct tape. Let me tell you, we bought lots of duct tape. I can't wait until we go through the audit of our election expenses when I'm having to explain, yes, I bought seven hairdryers, get over it, here's why --

[Laughter]

MS. JOHNSON:

-- so -- and duct tape. So, those things you might not have thought about to put in a disaster plan, but, you know, they're real. You had to deal with it. So, that was quite interesting.

We also had -- as the polling place people will understand -- Election Day because we actually have a real Election Day, as you know on the mail ballot side. We got a call from our senior center that the person who had the key -- because at the end of the night they lock the ballot boxes. We've collected the ballots but we have them lock everything up. The person who had the key didn't show up for work today, right, and all of my election officials that do

polling places understand, you know, and somehow the keys to the doors disappear and no one shows up.

So, my transit team got there first thing that morning just to make sure everything was fine, and they found this out, and they called and we had sent them Rubbermaid, you know, clear -- those little Rubbermaid crates with the tops with all of their like supplies for the road for them to use because they were constantly on the road getting the ballots and bringing them back.

So, I simply -- because I had done some election observation overseas and noticed in Albania they had used for mobile voting like accessible voting, they had had tackle boxes that they had covered in duct tape with -- cut a hole in it and that's what they were doing that with. So, I remembered that and I said empty out your supply box, duct tape it around and cut a hole in the top and that's your ballot box because they couldn't get to the ballot box until we could find the key. So, again, not something you would think would be worthy of putting in a disaster plan, but also you need to have that documented somewhere, something like that to help you out when you're doing stuff on-the-fly like that.

So, those are just some examples of kind of stuff that we deal with on the true mail ballot side. One of the things that they do in Colorado is the county clerks are required to develop disaster recovery plans, and they have to file those with the Secretary of

State's office before each election to keep them up-to-date, and so that's one of the good things that Colorado does, and a lot of emphasis now is being placed on some cybersecurity, just as all of you guys -- the election officials and you all that are from different groups also know that we're dealing with that issue.

But the most important thing is really just try to think of everything that can go wrong as best you can. Make sure you have a seat at the table for all your disaster recovery plans, that people know who to contact, and also just keep that plan up-to-date. And nothing really is too small to put in that plan. I really think that even if you don't have it officially in the plan, after each election, you know, we all review it before, but after each election, it's equally important for you to review that plan and put things in it that happened in that specific -- so guess what, I'm going to have a bomb cyclone chapter in my plan on how to deal with that especially.

So, those are just some kind of tips that I would have for you all and just some examples of kind of what we've all gone through, and we all have our stories or you've heard the stories in the media.

And the other thing on any disaster is to work with your media and work very closely with your communications department because they're pulled every which way, but make sure, again, if it affects anything with elections, that you are also in constant

communication with them so that you can get the facts out and not let social media that Neal mentioned and the myths that go along out there, don't get spread out of proportion, that you're trying to control the story as much as you can and trying to get out as much information as you can through social media.

One thing we found on the bomb cyclone really was the official press releases that we had about boxes are cleared, it's good to vote, was we had better communication through social media really than we did, you know, the TV stations. They wanted to go out there pretty much and cover the oohs, the aahs about the 10-foot snowdrift and, you know, those kind of things, so just work really closely with your communications department to help spread the word to your voters and then, as best you can, get the word out.

The other thing is we had to worry about our election officers on the two days the government was closed, our judges. Make sure you have good contact information for all your judges so that you can also reach out to them and let them know come into work today, don't come into work today, those kind of things. They're also vital because it important about the voter, but don't forget about your workers.

And that's all I have. Thanks.

COMMISSIONER HICKS:

Thank you. A couple of quick things. One, I don't think Neal remembered this, but I was actually in his office the day that the power went out, and it was amazing to me to see how quickly the transformation happened from the blown transformer over onto the backup generator.

And then I went to Harris County last year during the election time and saw the new warehouse that was built and the controlled atmosphere that they have in there now, which is pretty amazing.

And then next week I'm going down to Colorado, so --

MS. JOHNSON:

Um-hum.

COMMISSIONER HICKS:

I know I'm not sensing a theme here, but --

[Laughter]

COMMISSIONER HICKS:

-- yes, so that's a little bit of it. But we have time for a couple of questions if folks want to raise them. Remember to identify yourself and then ask a question. Go ahead, Marc.

MR. GUTHRIE:

Thank you, Thomas. I had a question for Neal.

Neal, I was intrigued with that mobile unit that you had a picture of, and I just wanted to -- by the way, Marc Guthrie, U.S.

Access Board -- to ask what kind of things did you do to make that accessible?

MR. KELLEY:

Thank you, Mark. That was a big issue for us in making sure that the unit would be accessible. Because of the slope, you would have to have about a 40-foot ramp that would not make sense to come up to that mobile unit, so we purchased a lift that we take out separately with that unit everywhere it goes. That lift is extremely heavy, and so we've purchased a trailer that follows that unit that carries the lift.

COMMISSIONER HICKS:

Greg?

MR. MOORE:

Yes, Greg Moore with the House Administration. I had a question about the list of voters who have been displaced and what steps are taken when people lose their home in a mudslide or fire or hurricane. I'll go back to the Katrina experience I had when there were literally thousands of people who had been displaced across the United States and had to try to vote in upcoming elections in New Orleans.

And so the question I had is is there some procedures that are in place for actually transferring people's right to vote to temporary voting locations if that's the case?

MR. KELLEY:

So, just very quickly, for us in Orange County there is. So, for -- in the case of a fire, for instance, we work closely with the fire authority to utilize data from their GIS system to start updating our system and then work also with the fire authority to be in contact with those families to update addresses as needed.

Now, I will say I think the example you brought up of New Orleans is a good one because that is a disaster of huge proportions. And if we had an earthquake or a tsunami that would significantly affect large parts of the county, that would be a whole new story because that would be something that would be very difficult to recover from. And although I'd like to say we have a plan in place because we do for these smaller incidents, if it were big one, it would be very difficult for us to recover quickly from it.

MS. JOHNSON:

Yes, same thing for us because it was just about 175-ish voters and we have that connection already with those people, it was easy -- easier to manage through reaching out to them at the different public meetings we had with those groups. We could directly contact them. So, it was pretty manageable. We had the online ability for them to, in essence -- for our purposes, it was an absentee ballot since we're mailed, so they would be providing us with a temporary address that we could then mail the ballot to or, in

some cases, because it was far enough out from the election we could mail it. We also had provisions, just like anyone who doesn't receive a mail ballot, can come into our office and get a replacement ballot.

So, there were a couple of opportunities for them, but it was a manageable group. If it had been a larger chunk of the city, I agree with Neal; that would be a whole different story that would be really tough to manage. But we were able to, with that good contact information, to get all of those voters a ballot if they so choose to do that. We couldn't just update their address with those temporary housing shelters that they had provided for information about the fire, when they could get back in their home. We had that information, but we needed to verify with the voter and get the voter to take the step this says, yes, I want my -- I want an absentee ballot or I want a replacement ballot at this address. So, we couldn't just wholesale update it even though we had the data of a place to contact them.

So, that was a little difference on the voter registration. That's where it showed the voter -- voting side was different than the contact side for any emergency services or aid or something like that. But at least we had the data to reach out to them to know, hey, you got to think about this.

MR. KELLEY:

Okay. And could add one other thing? One of the things that we did after the active shooter in 2012 is we started assigning the phone numbers by precinct so that if we needed to contact voters, we could send out text messages. And we used a service called GovDelivery to do that. And so now I can pick a particular precinct and say contact all of these voters. The downside is not everybody provides a phone number on their voter registration record, but when we do have it, we have that in place as well.

COMMISSIONER HICKS:

So, Linda?

MS. LAMONE:

Yes, hi, Linda Lamone, Maryland.

Neal, your cold site, what data do you store there, obviously voter registration data?

MR. KELLEY:

Yes, all the voter registration data, all the precinct data, all the things that would go along with ballot creation, all of that data is stored at that cold site.

MS. LAMONE:

So, everything you have?

MR. KELLEY:

Everything --

MS. LAMONE:

Yes.

MR. KELLEY:

-- is stored there, yes.

COMMISSIONER HICKS:

David?

MR. BEIRNE:

David Beirne with the Federal Voting Assistance Program. I don't know if this was covered or not. I stepped out and came back in.

But one thing I did like was Ms. Johnson's comments about the need for constant coordination with the emergency officials because -- especially your e-911 responders, just knowing where your assets are in terms of how they respond to a particular situation and members of the public who may be at a polling location, and then just driving it from there. I can't stress that enough.

For Mr. Winn, welcome to Houston.

[Laughter]

MR. BEIRNE:

And I will share with you that you can also get used to shelter place orders as they come from chemical fires around the Pasadena area.

So, one thing I think I would encourage the Commission, as well as the board and all of the Federal advisory committees, to look at, we touched on it I think in terms of scalability, but what is always in the back of my mind is my experience in south Florida during the 2000 election, and there's a reason there's a confluence here between the recount and where we did all of that activity was in emergency operations centers.

But you also look at it in terms of the Presidential elections is you have one shot at it. And I think that's the real discussion that needs to occur in terms of your continuity of operations, your response plan, and the scalability impact that if you have a shelter in place or on a Presidential election, what does that really look like in terms of how are you going to maintain for that -- for the States' electoral votes? How is that going to be maintained going forward?

There's a lot of lessons still to be learned from 2000, especially in the new backdrop, especially with cyber because that is definitely one of those response-and-recovery items that need to be looked at, and then how you can -- how you weigh -- the fact that there are no do-overs in the Presidential, and how do you weigh looking at ballots that may be impacted from a cyber standpoint versus those that are not.

These are very hard choices. I don't have the answers. I don't think anyone does, but I applaud the panel and look forward

to more of a discussion that the Commission and Committee can maybe help lead.

MR. KELLEY:

I think those are good comments, David, and I would just also add that not only being at the table with the emergency management organization but also doing tabletop exercises with them not just on the cyber side but on disaster recovery, fires, et cetera, is really helpful. I was in one of those recently, and it's eye-opening.

COMMISSIONER HICKS:

I'm not seeing any -- Daniel?

SENATOR IVEY-SOTO:

Daniel Ivey-Soto, NCSL.

I appreciate the presentation very much and the focus on the voters in the midst of a disaster, and I think it's something in terms of best practices that we all need to look at and, you know, when you're talking about funding for elections, a lot of jurisdictions, it's tough to get that -- those resources allocated.

But I will comment that one of the things in New Mexico not in terms of looking out for the voters in the midst of a disaster, but we often will send first responders elsewhere. And so when we adopted UMOVA in New Mexico for -- in order to protect the rights of military and overseas voters, we actually included a provision for

first responders who -- and this includes volunteers, it includes public, private, first responders. If they are deployed in the 35 days before an election, in order to respond to a disaster declared by the Governor or the President, then they get the same benefits in terms of ballots as military and overseas voters in order to facilitate that. So, just a twist on the other side of it all.

COMMISSIONER HICKS:

All right. Not seeing any other hands, we have a choice now. We can push through and do the EAVS presentation for an hour or we can go to lunch and come back a little early.

FEMALE SPEAKER:

We should have the picture.

COMMISSIONER HICKS:

And the picture as well, so --

CHAIRMAN WINN:

Can we set up a picture now?

COMMISSIONER HICKS:

Natalie would have to tell us when the picture would be, so it would be -- we can do the picture and then go to lunch and come back maybe half an hour early so that we can still remain ahead of schedule.

BOARD MEMBERS:

Yes.

CHAIRMAN WINN:

Is that the pleasure of the group?

BOARD MEMBERS:

Yes.

COMMISSIONER HICKS:

All right. So --

CHAIRMAN WINN:

Is Natalie around? Is Natalie --

COMMISSIONER HICKS:

Natalie is in the back there.

MS. LONGWELL:

Yes.

MR. DICKSON:

What time do we have to be back?

CHAIRMAN WINN:

One o'clock.

COMMISSIONER HICKS:

So, one o'clock.

CHAIRMAN WINN:

Right now, it's 11:48. We are ahead of schedule here.

MS. LONGWELL:

All right. So, we're going to meet in the lobby. The
photographer is going to be on the second floor in the balcony.

We're going to look up, he's going to take a few quick shots, and then those will be used for our website. Then after that, those of you who have not yet had headshots, if you want one, we are going to be in the side hallway and we'll be able to take your headshots, and those will also be posted on the website.

COMMISSIONER HICKS:

So, again, we're going to go out, take the photo --

CHAIRMAN WINN:

Natalie --

COMMISSIONER HICKS:

-- headshots.

CHAIRMAN WINN:

I'm sorry. Excuse me. Natalie, are we going to be able to have -- serve lunch earlier? Will they have lunch ready to go earlier?

MS. LONGWELL:

Why don't we go ahead, have this headshot, and then, yes, they can have lunch prepared earlier.

CHAIRMAN WINN:

All right. All right.

COMMISSIONER HICKS:

All right. So, we will be back here at one o'clock.

FEMALE SPEAKER:

Where is lunch?

COMMISSIONER HICKS:

Lunch is where we had breakfast this morning.

CHAIRMAN WINN:

Thank you.

COMMISSIONER HICKS:

But we're going to go out and take the photo now.

[The Board recessed at 11:49 a.m. and reconvened at 1:11 p.m.]

COMMISSIONER HICKS:

All right. So, we're about to start again.

Many election officials across the country are fresh off completing the 2018 Election Administration and Voting Survey, better known as EAVS. We are grateful to each of them for providing their responses, data that informs our Nation's most comprehensive survey of election data. We hope some of the changes we made in 2018 made completing the survey a bit easier and more user-friendly, and we look forward to even more improvements in 2020.

Joining us today to talk a bit about their work and the important role election data plays in helping administrators serve

voters are three top-notch election researchers and self-proclaimed election geeks.

MR. KUENNEN:

Are we all self-proclaimed geeks?

COMMISSIONER HICKS:

We are. First, Dr. Nichelle Williams, the EAC's Director of Research, joined our team in November of 2018 after serving with Virginia's Joint Legislative Audit and Review Commission where her research on elections and higher education led to new legislation, agency-level policy changes, and a certificate from the National Legislation Program Evaluation Society. Ms. Williams is also a Commissioned Officer in the United States Army Corps of Engineers with Virginia's Army National Guard.

Next is David Kuennen, who is the EAC's Senior Research Program Specialist and our team lead for EAVS. David is an elections specialist with more than 15 years of experience working on elections in the U.S. and internationally. Prior to joining the EAC in 2018, he was an independent consultant focused on election-related research and analysis, as well as election observation, technical assistance, and program design and management.

Last but certainly not least is your fellow board member David Beirne. David currently serves as the Director of Federal Voting Assistance Program, FVAP, where he administers the

Federal responsibilities of the Uniformed and Overseas Citizens Absentee Voting Act for the Secretary of Defense. The act covers the voting rights of uniformed services personnel, their families, and the U.S. citizens residing abroad.

With an extensive background in election administration and voter education, David works with FVAP to ensure that the UOCAVA citizens are aware of their rights to vote and choose to successfully do so from anywhere in the world.

He has been with FVAP since 2010 and served in various capacities spanning the organization, including Director of Voting Assistance and Deputy Director of Technology Programs. David brings more than 17 years of election experience to FVAP, having formally served as an election official, as we heard earlier today, involved in the conduct of Federal, State, and local elections in Florida and Texas, and is the Executive Director of the Election Technology Council.

Welcome to each of you, and we look forward to your presentations.

DR. WILLIAMS:

All right. Good afternoon, everybody. I am -- as Commissioner Hicks said, I am Dr. Williams, Director of Research with the EAC. And during today's EAVS presentation, I, along with Mr. Kuennen, will discuss the survey's 2018 rollout. And Mr. Beirne

will discuss the integration of customer service as FVAP serves our military and overseas citizens voters.

So, as for where we are in the 2018 EAVS timeline, we are currently certifying data submissions, finalizing the report outline, and analyzing data. And so what is EAVS? EAVS is a comprehensive survey of all 50 States, D.C., and four U.S. territories that ask about elections, a key function of our democracy. EAVS data provides a detailed snapshot of how general elections are administered in the United States every two years and targets more than 6,400 jurisdictions, making it the foremost source for State and local jurisdiction-level election administration data.

All right. So, here's a snapshot of today's presentation. We'll briefly discuss the history and importance of EAVS, we'll look at what's new for the 2018 EAVS, we'll discuss the release plan and look at some things to look forward to, and we'll also hear from FVAP's Director on UOCAVA-related topics.

So, just briefly, EAVS was born of the Help America Vote Act of 2002 and serves as the EAC's flagship research project. EAVS looks into six different election-specific topics and collects publicly available data, which can be used to improve processes, impact change, and initiate further research. Each section listed provides insight into procedural outcomes and voters' experiences.

Here is a quick timeline of EAVS history. The first EAVS was administered approximately 15 years ago, and 2018 marked the eighth time the EAC has administered EAVS. In 2014, about three EAVS surveys ago, the NVRA and UOCAVA surveys were consolidated into the EAVS. We also worked through the Section B Working Group to further tailor survey questions related to voting by military and overseas citizens similar to our current efforts with the Section A Working Group to explore any tailoring needs to questions related to voter registration and list maintenance.

And now David Kuennen -- we've got two Davids here on the panel -- will walk us through more exciting information on EAVS.

MR. KUENNEN:

Thank you. All right. So, as Nichelle mentioned, the EAVS is incredibly important data to all kinds of stakeholders. We get a detailed -- very detailed jurisdiction-by-jurisdiction, State-by-State-level data on many facets, core facets of election administration. And I'm going to talk a bit about who these stakeholders are, how they use the data. We'll go -- we'll talk a little bit about some findings from recent years, but the main thrust of our conversation today will be about what we're doing to make the survey better and what to expect from the 2018 data.

So, here on this slide is -- the point here is that we as the EAC use this data ourselves when we're communicating to

national-level stakeholders, legislative staff, lawmakers, other Federal agencies. We use this data to help the community understand the changing landscape of American elections. We also use it when we create resources and research projects ourselves.

So, any number of stakeholders use the data. Some of the more common ones are academics, advocacy groups, legal advocates, journalists. On this slide here you'll see a data visualization from the Election Performance Index. This is something, a former Pew Initiative that now lives at the MIT Election and Data Science Lab. They have 15 indicators of election performance, and nine of those indicators come from EAVS data.

I was having a conversation earlier today with Michelle Bishop about some research that they're doing, very interesting stuff, just as a use case example looking at polling place consolidation, so EAVS asks questions about how many polling places there are in the country, and in recent years, we've seen a decline in the number of polling places. And EAVS kind of serves as a launching pad for them to do this research, so if someone wants to understand is this just consolidation, shifting to vote centers, is this something related to the post-*Shelby* decision environment, is this something related to ADA? It's a nice example of how EAVS can be a launching pad for additional research.

We also -- I want to point out that litigants and legal advocates use this data as well. In Section A, this is the section related to NVRA compliance and how voter registration is changing. We have a number of actors that uses data to try to encourage election offices to comply with their requirements under NVRA.

And, of course, very important to us is the EAC, we -- our mission is to serve election officials and the voters that they serve, so it's very important for us that election offices themselves use EAVS data for their purposes. In recent years, we've been collecting some use cases. Here's a few examples. This is from St. Louis County, Missouri, a -- just a social media promotion comparing the age of poll workers in that county with the national averages. We've seen it used in various analyses and strategic planning as States do, different training purposes, public information purposes, but our goal is to try to arm local election officials, State and local election officials with the best data possible so when you go before your local budget authority and request more resources or you go before your State Legislature to inform different policy debates, we want you to have the best information about your -- about neighboring jurisdictions, jurisdictions across your State, and similar jurisdictions across the country.

So, what do we know as a result of the EAVS data? There's a -- I've got a few slides here just showing some recent findings that

we find interesting. This is -- this demonstrates the expansion of online voter registration, so we know from the statutory overview data, which I'll talk about later, and other entities like Pew and National -- NCSL that online voter registration is fairly rapidly adopted across the country in the last decade or so.

MR. DICKSON:

Excuse me, when there's data from EAVS, could you give the detail?

MR. KUENNEN:

Sure. Yes, so this chart tries to demonstrate the expansion of online voter registration, so we know that it's -- as a policy, it's spread fairly quickly, but EAVS data tells us how many people specifically are using it. This data shows that in 2012 about 5 percent of all registrants were registered online, and by 2016, this had more than tripled to 17.4 percent.

We also see -- you know, the DMVs continue to be the primary way in which people get registered. It shows here in 2012 32 percent of people registered that way, and that stayed the same or close to the same, nearly 33 percent in 2016.

EAVS data also has shown us the kind of fairly rapid expansion of electronic poll books. I believe by 2016, 17 percent of jurisdictions use them, but when you cut the data a slightly different way and you look at how many voters are impacted, it was nearly --

in one of our EAVS deep dives that Brian mentioned earlier there's a finding that nearly 48 percent of voters in 2016 who voted in person were checked in at a polling station that used e-poll books. And when you consider that e-poll books were hardly even on the market several years ago, that's a pretty interesting finding, especially in this heightened environment of cybersecurity concerns and questions about election technology in the polling place.

Another interesting finding for -- that the EAVS data has shown over time is the expansion of alternatives to in-person Election Day voting, so we're talking about voting in person early, all vote-by-mail environments, and just voting by mail or absentee depending on what your jurisdiction calls it. In 2004, this was -- only 20 percent of voters nationwide, according to EAVS data, voted using this alternative to the traditional in-person Election Day voting, and by 2016 this had double to 40 percent.

And this slide also demonstrates kind of the explanatory power of EAVS data is getting better over time as we get -- as the data quality improves, as we get election-on-election data, and we can use it for a lot more purposes.

So, when we talk about improving the EAVS, we have three interrelated goals in mind. We're trying first and foremost to make it easier to complete. It is a big Federal survey, and the feedback from the election community over the years is that it's quite a lot of

work to fill it out, so we're doing everything in our -- with our limited resources to make it easier to complete. We think that lead -- will lead to having better data quality and completeness. I think near -- almost all of the 6,500 jurisdictions that we surveyed responded to the survey in 2018. We're proud of that. Now we're trying to also make that data complete, right? We want you to answer every question, and we want the data to be accurate.

We're also trying to make the data more accessible on the backend, so have it easier -- have it be easier to use and understand so that when election officials go before their local budget authorities or the State Legislatures that they can take this data and use it for their purposes.

So, I'm going to talk first about some of the things that we did in 2016 because I think it leads into the 2018 campaign fairly well. So, the changes we had, we -- as Nichelle mentioned, we had a Section B Working Group. This was an initiative led by David and his crew at the FVAP and the Council of State Governments to improve Section B. We were able to improve instructions and kind of gray out some questions in the survey related to that. In 2016 we also kind of upped our game in terms of technical assistance trying to just help States fill out the survey and tailor that to the specific needs of specific States.

An exciting thing we did in 2016, I think this was released late in 2017 after the EAVS came out was we put the data online in an interactive tool for the first time, so this tool, which is linked on our website, allows you to see -- to easier -- to quickly visualize some of the data that is -- actually all of the data that is collected through the EAVS. The final tab there on the -- on that web interface is called jurisdiction comparison, and we -- we've heard feedback from election officials that this is probably the most relevant and interesting part of this interface for them to use, and Brian mentioned it earlier in his remarks.

So, we talk about finding your twin, right, figuring out which jurisdiction is similar to yours across the country, right? So, this is a -- you can -- in this tool you can take your jurisdiction and cut it by whatever data point you want but registered voters is a nice one, right, size of jurisdiction, or you could do it -- here we did it by UOCAVA ballots counted total, so if you're the local election official in Okaloosa County, Florida, you probably know who else in Florida deals with a lot -- handles a lot of UOCAVA voters. You might know who to talk to about how to do that better. But this would allow you to find similar jurisdictions across the country, so Thurston County, Washington, or Montgomery County, Tennessee, it allows election officials to collaborate a bit easier.

I was talking to an election office in California -- or California recently about the shift to the Colorado model, right, so in Colorado they have a ballot delivery model, and individual counties in California are moving to that. So, if they wanted to find their twin jurisdiction in Colorado and see how many polling places they had before the shift, how many had after the shift, it's a nice use case, a specific use case of what -- of how they might be able to use the EAVS data for their purposes.

You'll see around the room we also have -- we started in 2016 these kind of one-page data visualization fact sheets. This is just a quick, easy way to see some of the data that's reported through the EAVS. We're going to continue that in 2018.

We also did some in-house research starting -- using EAVS data that we call the EAVS deep dives. This was an initiative of the former Director of Research Sean Greene, who many of you probably remember. He and I were the authors of these five white papers. The ones that you like, I was the author. The ones you don't like, Sean wrote.

[Laughter]

MR. KUENNEN:

Thank you for laughing. I use that joke every time.

[Laughter]

MR. KUENNEN:

So, one of the things I want to pull out here is the election technology white paper. So, something I'll talk about a bit more later is that we have a whole bunch of new consumers of EAVS data. In the post-2016 environment there's a lot of people who are looking at a new problem set, right, the cybersecurity problem set, how we deal with foreign interference and whatnot, and that has brought a lot of new people with new research questions to look at our data. This election technology deep dive was kind of our first stab at trying to see how the data might be relevant to those discussions.

In 2018, so some of the changes to the survey, we embedded the instructions into the survey instrument itself. I mean, I suppose this is a bit technical, in the weeds, but it used to be that we had a survey instrument and we had a supplementary instruction manual, so folks filling out the survey had to look at two documents for each question. Now those are all in one place.

Another big change is that we moved from having a statutory overview survey to a policy -- what we call a policy survey. So, accompanying the EAVS since 2008 has been a survey that went just to the State election office. This was called the statutory overview. We wanted the States to tell us context for their EAVS data. So, if we're going to be -- if we're going to be reporting on your provisional ballot projection rates or something that might be

embarrassing to the jurisdiction, we want to also be able to provide to the reader what the provisional ballot rules are in the State, right? Do you have strict rules for counting them? Do you count them across jurisdictions? Do you have a strict voter ID law in your State that might be leading to higher provisional rates? So, the -- since 2008 we have had that -- we've had that as part of the EAVS campaigns.

This year, we switched it to something called the policy survey, so instead of -- instead of -- this is what the statutory overview used to look like. Instead of cutting and pasting your statute into our survey and just putting that on the web and allowing folks to look at it, we have -- are forcing some choices, right? We know about the main contours of policy variation in the country, so we're going to have you tell us what you are among a few choices. This enables us to do a lot faster analysis, a lot more comparative analysis from your States. This is an example using rights restoration of formerly incarcerated individuals.

All right. Also in the 2018 campaign we made some improvements to the data collection process. We continued our efforts to tailor assistance individual States. We had a number of webinars trying to help folks fill out the survey and newsletters. We improved the data quality checks in the survey. Basically, we -- folks submit the survey to us, and then we send them kind of a

pass-back. We say this data looks a little funny, this is a zero here, do you really mean not applicable as opposed to zero? I think we made some improvements there.

One of the biggest improvements we made this year was in the voting equipment section, right? In the post-2016 environment, voting data equipment is really important to all number -- any number of stakeholders, and we know we had some data quality issues in that area in the past. So, this year, we worked with our colleagues on the Testing and Certification team who know a bit about voting equipment and had them give us a list of all of the known voting equipments that are in use in the country. And so respondents, instead of just telling us in a blink what they use, we had them tell us, among this list, what did you use. And I'll have some information to share momentarily about how that worked.

We also, for the very first time ever -- and this is probably the biggest thing we did in 2018 is we allowed respondents to fill -- complete the survey in an online template. Going towards that first goal of making the survey easier to complete, I think we hit the mark on that.

So, this tells you a bit of who's completing the EAVS. Most States, the State takes on the burden, the State election office takes on the burden on behalf of their locals or it's a shared burden, right? They send some questions down to the locals. But then in

other States that are kind of bottom-up voter registration States, they might send almost all of their questions down and have them filled out. And this creates a problem -- I mean, not a problem but a challenge for us in administering the survey, right? Different people are answering questions in different States. So, this -- and this is one thing that made online survey really valuable, so we -- the State office was able to take certain chunks, certain questions of the survey and send them down in a kind of automated format to have folks use it.

So, of the nearly 6,500 jurisdictions that responded to the survey, we had 817 of them use the online template this year. I think that's pretty good use -- usage for the very first time we did it.

So, I also mentioned we did some data quality improvements in the voting equipment section. This shows you the number of makes and models that were reported in 2016 versus 2018. The change that we made to kind of force choices on makes and models really led to a fairly dramatic shrinking of the possible options that folks could answer. And we'll see the data when it's released in June, but I think this is a very important change that we made.

So, the timeline, Nichelle mentioned a bit of it, so we -- the data collection period was this winter. We just locked the data, right, so Section B of the survey is done in partnership with our

Federal partners at FVAP. This focuses on UOCAVA questions. We had to lock -- we locked the data by April 1st as a part of our MOU with FVAP and we share it with them. And now it's crunch time for us. It's also the interesting time for election geeks. We finally have the data, and we get to run the numbers and see what we learned. But we're busy running those numbers, writing a report, getting ready for a release of the final report and the public release on our website and the accompanying data set.

You'll see in front of you, you have the -- a copy of the final report from the 2016, so you have a general sense of what that will look like.

We plan to release this report on July -- or June 27th this year. It's due to Congress on June 30th. We're going to release it a few days early because we were hoping to do an event the day that we -- the day that we release it. We're hoping to have a data summit. It's to be confirmed, but we're -- I think we're fairly positive that this will happen. And we'll -- in past years, the data summit was primarily focused on lifting up kind of data-driven practices from State and local election offices, but this year we'll -- I think we'll do a bit of that as well. But the main course of the event will be trying to highlight findings from the 2018 EAVS, right, demonstrate to the community what we know as a result of this huge, huge intergovernmental effort.

And then -- so we're also thinking about what happens beyond 2018, right, the -- our main focus right now is getting this report out the door and telling folks what we found, but we're also thinking about the 2022 -- 2020 and 2022 survey.

And some of the things we're thinking about in terms of that are we have a Section A Working Group that we just convened for the first time in Memphis before the Standards Board meeting.

There's two members from the Board of Advisors are part of that, David Beirne and Neal Kelley. We have a handful of folks from the group who were previously associated with the Section B Working Group, so there's nice continuity there. And then we have a handful of State and local election officials as well with a nice broad diverse -- geographically diversity from across the country.

So, these folks are going to do, you know, what the folks did on Section B with Section A, right? Section A is about voter registration and list maintenance. This is one of the most scrutinized data in the survey. This is data that's used to sue States or threatened to sue them for MVRA's compliance reasons. It's also data that -- it's changed a lot. Voter registration is one of the areas where policy change has happen quite dramatically since the passage of the National Voter Registration Act. So, we're digging into are we asking the right questions, are we asking those questions the right way, how can we improve this section?

We're also having conversations about election security. As I mentioned earlier, there's a number of new -- kind of new consumers of EAVS data, and we're thinking about whether or not there's value in kind of improving our questions or adding new questions related to this topic. Obviously, the EAVS is a -- is a public thing, and local jurisdictions have -- State and local jurisdictions have some hesitation to sharing information on their cybersecurity practices. But there's -- but there -- but there may be data in the EAVS that might be valuable to collect that could inform these conversations, and we are having discussions about that right now.

We're also -- by -- so we have -- as a Federal agency, we -- we are bound by the Paperwork Reduction Act, which says we need to put our survey out for public comment many months ahead of time, so by August this year or September of this year we're going to have -- we need to have the 2020 EAVS and policy survey kind of locked and ready to go, so we're focused on getting that survey ready by the late summer.

And one thing I forgot to mention is that the data interactive that I mentioned earlier for the 2018 survey we're hoping to release that in August.

So, I -- I'll pass it over to our colleague at FVAP, David Beirne, and hopefully there'll be some time at the end for questions.

MR. BEIRNE:

Great, well, thank you very much. Good afternoon. While -- since I've got Michael in the room, I figure I'd pick up after he pointed out some -- especially since there's a transcript. Just to be clear, I was nowhere near the State of Texas when that warehouse fire occurred.

[Laughter]

MR. BEIRNE:

So, I want to talk a little bit about how FVAP has approached its data collection efforts and our wonderful partnership with the EAC, so thank you to Commissioner Hicks and the team at the EAC. It all States back to -- I think it was Bob Giles in New Jersey who said why can't the Feds just get their act together? So, we consolidated our survey collection efforts. That's why we've now merged our efforts, reduced the burden on the States report data.

But one of the things that we run into at Department of Defense is that we look at it not just from a standpoint of comparing State activity to State activity but understanding what's going on at the customer level. FVAP, as the program mission, our mission is to raise awareness of our absentee voting resources, making sure that the information is out there in the field for our military. How best can we do that? We've also had recent reforms that have driven a lot of different types of modes of transmission, so we want

to understand exactly what drives success or failure, you know? Is there something systemic still going on? We hear a lot about anecdotes, the idea that FVAP -- what you're going here later on is how we're approaching this problem but understanding how we get better data to drive better decisions from a program perspective.

So, for those of you not familiar, FVAP, we operate or I operate as the Director of the program on behalf of the Secretary of Defense, who serves as the Presidential designee for carrying out provisions of the Uniformed and Overseas Citizens Absentee Voting Act of 1996. So, most recently, the MOVE Act, Military and Overseas Voter Empowerment Act of 2009, instituted a number of reforms. We continue to gather data especially not just on our military but on our overseas citizens population, which is enormous. We estimate 5.5 million U.S. citizens overseas, 3 million of them are eligible to vote. When you compare that to the active-duty military population and their family members, they run about 2.3 million. So, it's a very interesting challenge in terms of coordinating with our Federal partners across the military service branches but also State Department.

FVAP has a total of 12 individuals, and we serve all of these voters, and so we do have our work cut out for us. We also know that we can't do it without our partners at the State and local level.

One way -- or two ways we do this is we prescribe two forms. It's similar to the EAC prescribed in National Voter Registration form. We prescribe the Federal Post Card Application, which is basically like a buy one, get one. Everybody likes a BOGO deal at a grocery store. This is the same type of situation. So, the FPCA, its value is that if you were not previously registered, you can submit it and it will qualify you -- it will register you and apply for an absentee ballot for a minimum of all Federal elections in a calendar year. We continue to survey the States, and we know this is the standard-bearer in terms of how do you maximize your protections under UOCAVA, under the Uniformed and Overseas Citizens Absentee Voting Act?

So, we push out those Federal Post Card Applications to all members of the active-duty force. We also coordinate with our partners at the State Department to make sure that they are pushing it out through their various email channels for any citizens who have registered with the State Department when they're overseas.

We also have the Federal Write-In Absentee Ballot, which, for those of you not familiar with it, dates back to the days of submariners who had no other option and actually can trace it all the way back to old Federal war ballots during World War II. These Federal Write-In Absentee Ballots were intended basically to say if I

have no other recourse, how do I make sure my vote's being counted?

So, the basic process is that if the FPCA comes in, the vote is processed, dispatched a ballot. If that ballot does not arrive, then they can use the Federal Write-In Absentee Ballot, provided they adhere to certain State deadlines. So, we continue to push this out as basically their emergency chute. As they approach 30 days prior to the election, if they've not received their ballot, to use the backup.

So, some of what the richness of the data and our challenge is is that we have our mandate -- Congressional mandate report active-duty military, and that's what it refers to when you say ADM. DOD loves its acronyms, so we embrace them, active-duty military participation rates. So, what we have to calculate is we look at the entire population, both absentee voters but then also those military who are stateside. One thing to keep in mind is that our military are qualified -- as long as they are serving away from their residence, they can use our resources, so it's not just overseas military. It is also military who are stationed domestically but they're stationed in Texas and actually live in Florida, for example.

We calculate -- in 2016 we saw I think for the first time that I can recall when you control for the demographic changes because the military is overwhelmingly young compared to the general

population, typically, you see them voting at a higher rate than the general population. In 2016 we did not see that. What we saw was that the percentage who said they were interested in the election in 2016 dropped 8 percentage points from 2012. Keep in mind this participation rate includes all military, so both those who are voting absentee and those who are voting at polling locations wherever they live. So, that's one thing we have to report to Congress.

We are not a get-out-the-vote mission. We are about raising awareness, so this is where we just report the news. But what we do reflects is what you can see in this chart. From 2010 on the left side to 2016 on the right side, there is a relative gap between interest and participation. Now, this is what we call kind of the UOCAVA gap if you will. This is to say consistently from cycle to cycle you see a gap in the level of interest and level of participation across the military, and that's something that we want to capture going forward so that when you see a relative drop in participation, it does not mean that we are not doing our job, that there are other factors that are impacting the participation rates of our military.

What we found in 2016 was that more active-duty military gave motivation-related reasons for not voting. Sixty-one percent of military who did not vote indicated this was due to a lack of motivation by simply saying in our post-election survey -- and we do a similar just similar to EAC when they go out to the States. We

actually field a survey of all active-duty military and ask them their questions about their voting experience. And this is how we came up with this information. Sixty-one percent said I did not want to vote in 2016, so that's important just to provide that context going forward and the relative difference from cycle to cycle. And it's an important context because it doesn't necessarily mean there's always obstacles in play, but again, all voters operate on the same type of continuum.

What we have found historically in our research is that DOD voting assistance works. When we field all of our program objectives and mission elements, we have our unit voting assistance officers in the field, we have our website, but we also have our installation-level efforts. We have these installation voting assistance offices. So, when we look at that, we call that one of our DOD resources, that it's not just the Department of Defense -- I'm sorry, it's just the Department of Defense, and it's entirely in a scope. But when you looked at all of those resources brought together, if a service member used one of those, they were significantly more likely to return their ballot. So, for any statistician in the room, when you have statistical significance tied to your findings, you know you're onto something.

Not a big aha moment, I mean, in terms of -- you could say it's still a reflection of, well, they were obviously interested, they

sought assistance, and that's why they participated. That's true, but we are pleased to see that finding.

Is there a question?

MR. YAKI:

Yes. Okay. On the -- actually, it was on the previous slide it showed that the -- yes, the 4761. What were -- is this just sample size or what would account for the 14 percent difference between these two elections?

MR. BEIRNE:

It was the rise in the number of respondents who said in 2016 that I did not want to vote. So, we don't prognosticate in terms of -- we leave that for the political scientists, but you could hazard a guess that it might be some other factor in terms of the election itself did not interest them or they chose not to participate. Go ahead.

MR. YAKI:

Okay. Thanks.

DR. STARK:

Sorry, this is Philip Stark. The pointy-headed statistician has to -- the other slide you were looking at -- so given this slide that people who were interested were more likely to vote, perhaps people who are interested are more likely to contact FVAP as well.

MR. BEIRNE:

Yes. No, and that's why we -- we limit our -- and that's exactly my point was that we limit our findings to say, yes, that's kind of -- there's not really an aha. It's kind of maybe restating the obvious. But when you do draw in that statistical significance -- and it was most pronounced for the first-time voters. So, on the bottom part of this chart, you see the impact for 94 percent of first-time voters versus those who do not seek assistance. So, the relative difference for those first-time voters, in the blue, is 56 percent didn't seek FVAP assistance and they didn't return their ballot, 94 percent. So, that's versus all military members. There's a gap there of about 13 percentage points.

So, those are all positive indicators. That's the best we can leverage really at the moment. We're not going to get into causal type of situations. But we are recognizing the impact of our resources. Keep in mind we have to report to Congress on our program effectiveness.

DR. STARK:

I'm sorry, I don't mean to be thick or take up too much time here, but, I mean, one story is voters who are -- people who are interested in voting contact FVAP and then vote. The people who are not interested in voting don't contact FVAP and then don't vote. It's not clear whether it's the contact that helps them vote.

MR. BEIRNE:

Right. And so how we use this at the program level is how do you raise awareness because controlling for motivation still means that we have to raise awareness.

DR. STARK:

Yes.

MR. BEIRNE:

And the idea is knowing where the DOD resources are, that's the hook for us in terms of how we report to Congress and start measuring in a better fashion how we're successful. So, all very valid points.

So, one of the ways we do this is information saturation in the field. We train up our voting systems officers, so keep, you know, boots on the ground, tip of the sword, we do the same thing. So, these are pictures of Fort Gordon, Georgia, Fort Polk, Louisiana, a little overrepresentation of Army. Nichelle insisted on it.

[Laughter]

MR. BEIRNE:

So, we -- during these workshops, we focus on key State deadlines, educating them not to be experts but to know that they have the information at their disposal. We do all of our publications. They know where to find information they need, but

they also know that FVAP.gov, our program office, is their backup. So, that's just an example of how we approach this.

Now, getting to your -- the earlier questions about maybe getting more into causality or what's really going on at the transaction level, that was the challenge we faced with was to say we're not in the job of comparing States to say how well are you doing. We looked at it from the standpoint -- and I think Director Newby referenced this in terms of going back to your home mission. What is your core mission? And for FVAP it's all about customer service.

So, having been there since 2010, I can tell you we went through a period of scope creep in terms of our mission. We went back to basics. We're focused on customer service. But the idea was how do we measure the success of these Congressional reforms? The Military and Overseas Voter Empowerment Act, for example, States were required to transmit balloting materials 45 days prior to Federal elections. States must offer electronic methods for blank ballot transmissions, you know, email or electronic system all focused on blank ballot delivery. How do we measure the effectiveness of those reforms and report back to Congress because that will help us understand the relative impact, the relative success, and where do we go next?

Looking at it from our perspective at a State level, you're going to compare apples and oranges a bit because you have to control for the State legal environments. For us, we're concerned with the population, you know, what is there experience like?

So, what we did was we structured data -- what we call ESB data standard. It's EAVS Section B data standard. And the idea here is that we still need and love EAVS Section B, but prior to consolidating or actually even in the initial stage of consolidating with the EAC, you basically needed a slide rule to somehow calculate all the information data points that we wanted. So, we wanted to know, of those who were -- received a ballot 45 days prior to an election versus those who received one within the 45 days, controlling for whether it was paper or email, which one was more successful or how many came back. There was no way to understand at the voter level were you dealing with someone who just waited till the last minute to apply for ballot or was there something still institutionally or systemically wrong?

So, that's where we -- we went back to basics. We focused on how can we get better information. Our partnership with the Council of State Governments and election officials, we looked at Section B, and we recognized that there was a way for us to get to a more detailed data set that would still sum up to give us all of the EAVS Section B survey information.

It is rooted and based on an absentee voter file, but it's not rooted in any personal information whatsoever. It's all transactional. So, the idea was that if I can see transactionally what is going on with that person's experience, I don't care about their personal information, I just want to know when did they send in their application for an absentee ballot? What was the date that the ballot was sent, the type of ballot transmission, was it email or mail? When was the ballot received? Was the ballot accepted or rejected? And if it was rejected, why?

When I have those data points, I can do a daytime series type of analysis. I can understand what are the individual contributors to success or failure at the voter level. So, that was -- for me, it was the Holy Grail. It was -- not to use religious terminology. But in terms of moving the needle, boiling the ocean, that's kind of where we netted out.

So, you have with you a copy of our recent executive summary about data standardization, helping assess Congressional reforms for military and overseas voters. That is all available on our website. We're very pleased with this initial prototype and where it's -- what it stands to represent for the future of where we go as an organization and working with the EAC perhaps in the future of what Section B will look like.

But some of our findings from this initial effort was that more than 65 percent of all ballot requests were received by election officials at least 45 days prior to the election. That's good. That's a good measure for our program because we're constantly out raising awareness beginning January of the calendar year. We don't wait for September, October. We want to see it taking action early. Sixty-five percent still means we have work ahead of us.

Voters who received their ballot earlier were more likely to return them. That's not necessarily an aha moment, but it's still an indicator of the impact and success of Congressional reforms.

Voters who received their ballot early were less likely to have them rejected. Again, controlling for the fact that our overseas citizens are overseas and you have to accommodate mail ballot transit times, you would expect to see this as well.

Voters who received their ballot by mail were more likely to return them than those who received them electronically. This is probably the most interesting element that we saw, and I'm going to show you another one is even more interesting. But it was the fact that -- and you can actually say that it was perhaps the mail that still encourages someone to take action versus just another email that comes in for spam.

Yes, ma'am?

FEMALE SPEAKER:

Excuse me. Jim asked -- Dickon asked you to repeat that last bullet for him, please.

MR. BEIRNE:

It was that the voters who received their ballot by mail were more likely to return them than those who received them electronically.

MR. DICKSON:

By how much?

MR. BEIRNE:

I'll show you in just -- in just -- well, let me describe it here on the next slide here in just a minute.

And keep in mind, Jim, it's not necessarily -- we don't isolate now in terms of the types of systems because we're still working on this. This is still a prototype. We have to be able to filter for whether this is an email attachment or if it's something where they're pulling down from a system in case that's where you're going next with a question. So, we don't know that answer yet. We just know the basic mode of transmission. That's what we're seeing.

The next slide indicates the active-duty percentage likelihood of ballot return. This is for active-duty personnel only. You can see on the top line the red line indicates that the number of days before the election that the ballot was transmitted, the top line in the red is

the mail. The blue line is the electronic. Now, this is military. Now, there's a relatively consistent gap. You can see that the percentage of ballots returned is over 60 percent for mail, and it's below 50 percent for electronic. That was probably the most striking part because the Military and Overseas Empowerment Act with the blank ballot transmission was intended primarily to serve, I would -- the military.

So, this is where it speaks to some of how I'm drawing out inferences, but I think it's the overall usability of email blank ballot delivery systems versus -- and what they find is that it's a very clunky PDF. It's not very usable. They realized that that's going to be a longer effort than perhaps within visioned, and they'll have to -- they'll need a printer so they can apply a wet signature. I think that -- I'm speculating, but I think that's where we need to go and start digging deeper.

The next slide is overseas citizens. You can see the relative difference in the charts. So, what this indicates, though, is that overseas citizens were more likely to return a ballot that was sent early. They seem much more motivated to take action early because they know they have their own logistical challenges. But what you can see is the merging of the red and blue lines. Beginning 60 days prior, you see on the right side, they are merged. As they approach zero, they go into the left towards

Election Day. You can see the relative difference -- and, I'm sorry, I've got some goofy graphics here -- but you can see the relative difference on the red line versus the blue line, 69 percent versus 63 percent in terms of the likelihood of returning their ballot.

We still have to control for when they were applying for one or when the ballot was sent, but what this indicates to me is that overseas citizens are taking advantage of the electronic option more than the military, at least that's how I'm drawing this out in terms of the distinction.

So, the way forward for us is still better data equals better customer service, not necessarily better policy because we're not necessarily driving policy from our perspective. But we want to understand and educate the States as part of our broader mission, you know, how best to serve our military and overseas citizens.

We're currently in the midst of the Overseas Voting Initiative 2.0, which will expand the data collection effort. The target is to reach 90 percent of the UOCAVA population because, again, we're only focused on what is going on with that population. I don't necessarily need all 50 States and five territories. I will tell you that our voters typically find themselves in a number of -- a handful of States -- there's about 25 to 30 of them in which you can grab 90 percent of them.

We need to do a deeper examination on the usability impact of UOCAVA technology, the email versus web interface, potentials for electronic signatures, Federal Post Card Applications. The DOD has the infrastructure in place to do electronic signatures. We do it all the time. It would be nice that -- if election officials could start moving in that direction just like we've done in the government sector for real property records, and I think that's something we just need to continue to examine.

We only look at it from the standpoint of the Department of Defense, not a broader recommendation for electronic signatures in general because the role of the Department to authenticate and verify who receives our ID cards is probably the most cost-prohibitive part and what -- something that could be taken advantage of.

And then finally, future consideration of working with the EAC to modify EAVS Section B in light of this new effort. I think there's some real potential to say what is the future of the Section B questions look like. The broader statutory requirement is really to only capture the number of UOCAVA ballots transmitted, received, and rejected. And we still will always need that. The question is can we -- can FVAP and can the EAC partner up long term to see what we can do to continue to reduce the burden on State and local election officials for reporting the data. It would be a much better

dream state that the election official just hits a button and exports the data that we're asking for in the structured format that we need it, and then we go forth and do our analysis and come back with our questions.

So, that's the latest from the Federal Voting Systems Program in terms of where we're going with our research. I'm very excited about it in terms of where we've been. It's been about seven years in the making to get us to this point, and we're still in the midst now of collecting data from the 2018 election and then we'll see where we end up here going into 2020 as well.

So, I turn it over to David or Nichelle or any questions?

MR. KUENNEN:

Well, we lost our moderator, so I will open up to questions, and if they kick us off the stage, we'll leave.

[Laughter]

MR. KUENNEN:

What do you got for us, Neal?

MR. KELLEY:

Thank you for the presentation. Neal Kelley, Orange County Registrar of Voters.

Just for purposes of background for some of the new members on the board, I was a part of the Section B Working Group with Director Beirne, and now I'm on the Section A Working

Group moving forward with the EAC and, you know, we had discussions early on -- David, you talked about trying to reduce the burden on local election officials. I advocate for that heavily. And we had discussions about, you know, some sort of automatic extract that could come out perhaps of the voter registration system. I'm not sure how much that is palatable for some of my colleagues, you know? There's concerns over that; I get it. I don't have a problem with it.

But I guess my question is for Nichelle or David directly, and that is have you considered having discussions with the election management system vendors? You know, there are not a lot of those vendors. It's a small market across the country, and you could really hit a lot of jurisdictions if you were to have some sort of working group or some sort of input from them. And I just wanted -- just a reference point.

So, when we get -- and we're prepared to respond to EAVS every cycle, we have extracts that have already been built in our EMS system. They have to be tweaked almost every time because there's some sort of modification, some sort of adjustment. It's very tedious to do this work. And it seems to me that there would be some value in engaging these vendors upfront and be a part of this process. I don't know if you're considering that. That's like the first part.

The second part would be any thought about some sort of extract or automatic, you know, polling of the data at some point for those jurisdictions that would want to do that?

DR. WILLIAMS:

Sure, so -- I think I'm already on. Okay. I guess to address your first question, we have not consider talking to the EMS vendors, but just based on where we are in the stage of the Section A Working Group with the initial meeting just two weeks ago, but in terms of engaging these folks for that, in addition to some other research that the EAC is undergoing regarding cybersecurity with the systems, that may be a place where we can tag into that topic as well.

MR. KUENNEN:

Right. Yes, I agree. I think certainly the Section A Working Group is a nice place for us to do that, right? We've talked among those members on who we could invite that we could have a deeper conversation. I think, yes, database vendors, I mean, is a -- kind of a no-brainer. There's a lot of -- I mean, a lot -- a handful of States do it themselves, but I don't -- I'm not certain of this, but my sense is that most of them, yes, they've got a different -- they have their vendor pull the queries for them.

But I guess one of the best things we have going for us is the questions have largely not changed since 2008. You're right

that there are things that we tweak every year in the instructions and a little bit of terminology, right? There's -- in 2000 when you hear -- when you hear people talk about doing multistate analysis on elections and -- before the EAVS and where we are now, I think we're a lot further along in terms of having a common set of phrases and terminology and what we mean by certain things. But I think every two years we'll tweak thing here or there, and it certainly affects your queries.

So, we take -- basically what I'm trying to say is we take -- we take changes to the survey very seriously. We know that it creates a burden on you, especially in a State like California where it's a bottom-up State, and that means every county is running their own queries as opposed to the one office in the State office.

Yes?

MR. BEIRNE:

So, just one of your other points about working with the vendors directly, what I would offer since we're still in our early stage in the Section A Working Group that FVAP will probably leading a little bit more because we're trying to move faster to get some of our objectives met.

But having worked with -- in previous capacities with the Voting Information Project, we worked with vendors to build in some standardized exports, which was great in the initial run-

through. Then, as modifications occur to software versions, the exports drop. There's usually a fee involved. So, it is one where if you're going for the quick hit is probably -- is a very successful strategy. We're hoping to avoid it probably just so we can build it institutionally. But I think that's where we're going to have to see where we net out going into 2020 to see how far we've met that 90 percent threshold of the UOCAVA population, how we grab the remainder, and what does that strategy look like. But it would be a quick short-term one. Longer term is to build into the solicitation requirements for the election officials and the -- or just get there buy-in to do the queries themselves.

MR. KUENNEN:

Greg.

MR. MOORE:

Yes, Greg Moore. I had a question, David, about one of your charts that talked about changes in voting systems and I don't know which one it was --

MR. KUENNEN:

Um-hum. Sure.

MR. MOORE:

-- but it was toward the end of the presentation.

MR. KUENNEN:

Yes.

MR. MOORE:

So, if you could say a little bit more about that chart and what was the causes of some of those --

MR. KUENNEN:

Yes, we'll see if they bring it back up. So, those -- this is not findings for 2018 or -- it's more just about the data -- or, gosh, I'm not explaining it very well. The options available to the respondent. So, in the past it was a blank -- right, you tell us what the make and model of your voting equipment was, and they could say, you know, Hart this, Diebold this, whatnot, and -- but they would -- they would respond and, even if they're talking about the same piece of equipment, they would describe it in many different ways.

So, this year we were trying to narrow what they could -- we know what voting equipment is on the market because we test and certify it through the Testing and Certification program. And we have just a decent amount of in-house expertise on this topic. So, we narrowed the possible responses to what we know is on the market. And we still gave them another category so they could respond with something else. And so this resulted in the number of possible responses shrinking fairly dramatically, and that's what that slide was trying to demonstrate.

But this -- and so for folks -- for any number of folks who are going to look at the data from folks who are looking at protecting

election infrastructure, folks who are just interested in market share of voting equipment, like it'll be much more usable, user-friendly than it ever has in the past because, I mean, quite frankly, there was fairly -- there were some data quality issues in the past that we wanted to address this year.

MR. KUENNEN:

Okay. Thank you, everybody.

[Applause]

CHAIRMAN WINN:

All right. Great presentation. All right. Our last presentation of the day, the VVSG and requirements. We'll have Neal Kelley, Brian Newby, Ryan Macias, Gema Howell, and Sharon Laskowski.

MALE SPEAKER:

If you're not on stage like half the time --

MR. NEWBY:

Well, good afternoon. The next step that we want to take here is to actually go over what NIST would have to provide with updates related to requirements. We did ask Neal to be part of this because Neal is the Chair of the VVSG Subcommittee for the Board of Advisors. And I know we just lassoed you up here, so you -- I don't know if you have anything you want to say, but to kick off, but then after that, then we lead into Sharon and Gema to talk about the requirements.

MR. KELLEY:

Thanks, Brian. Yes, just briefly, for those new members that are here, the Board of Advisors last year worked with the VVSG Subcommittee that I chaired, and thank you to all the members that are on that VVSG Subcommittee for going over in particular the public comments that the board submitted. So, what we did as a subcommittee, we worked together to gather information and comments from those of you on the Board of Advisors that wanted to submit comments through the Board of Advisors channel to the EAC, and we submitted those last year and really completed our work in that regard and turned it over to the EAC.

Last year, we did vote to move the process forward with respect to the VVSG as it relates to the Board of Advisors, and from that standpoint, our work is I think pretty much done until the next phase.

MR. NEWBY:

Thank you. And with that, maybe -- do you want to provide an update or do you want to go straight to --

MALE SPEAKER:

We can go straight to that.

MR. NEWBY:

Yes.

MR. MACIAS:

That's fine.

MR. NEWBY:

All right, Sharon.

DR. LASKOWSKI:

All right. I think it's on. Is this on?

MALE SPEAKER:

Yes.

DR. LASKOWSKI:

Okay. Fantastic. I'll use the clicker. All right.

So, the focus of this talk is to give you an update on the VVSG 2.0 focused on the work we've been doing in writing requirements underneath those principles and guidelines. Mary Brady wasn't able to attend, so I'm filling in for her, so the first part of material on her slides -- and they're part of a -- it's a larger slide deck, so I will skip over some of the slides. And Gema of course is here to go over the security portion. I will of course as before be doing the human factors presentation.

Just a very quick overview to provide context, so NIST has been working with public working groups. Per HAVA, we do the technical support via the TGDC, so that's how our work kind of fits into the grand scheme of things. The EAC has us, through the TGDC, providing technical information, and the EAC also of course has the Standards Board and you, the Board of Advisors.

The public working groups consist of three election focus groups, pre-election, post-election, and constituency groups, the human factors, usability and accessibility groups, cybersecurity and interoperability groups, and a testing group. There's about 500 unique members of these public working groups, about 1,000 across because some people participate in more than one group, a wide range of expertise they provide, which we're very grateful for.

You have a copy of the VVSG 2.0, so there's 15 principles and 52 guidelines. It's about five pages long, so that's much smaller than when the requirements made up the VVSG. And these were presented and adopted as a recommendation at the TGDC September 2017 meeting, and of course these have been run by both advisory boards.

So, the status of the requirements, we have some general working guidelines for our approach to this. We used the existing VVSG versions, including the 2007 TGDC recommended VVSG, and then we -- and we looked at what research has told us in the past years since 1.0 and 1.1, and that became our baseline for the requirements. And then we started building requirements and updating that based on feedback from the public working groups, as well as interactions with manufacturers and test labs.

I'm not going to speak about where exactly these requirements belong. We need requirements, and NIST is doing the technical work to support those requirements.

I'm going -- there's some charts in here that are a quick overview. I'm going to skip over them because I have details -- detailed slides.

So, for Principles 1 and 2, that is the high-quality design, high-quality implementation, which primarily Ben Long has been working on at NIST. The existing requirements tended to overlap with a lot of other standards elsewhere, so we looked for those overlaps. Some of that's hardware, electrical testing, programming language, and coding standards, for example, from testing technologies, temperature and humidity, and we're trying -- tried to remove these overlapping requirements so we can point to external standards, as applicable.

And some requirements were more like external guidance or possibly something to put in the certification manuals, so those were pulled out as appropriate. And so that gives us a smaller, better-focused VVSG. And that was primarily Ben Long's work in the Principles 1 and 2, but we also did kind of a similar process in the -- for the other principles.

So, high-quality design basically covers out of -- what we pulled out of 1.1, requirements covered -- those were activities

based on voting activity, so we looked at the new 17 core functions for voting and benchmarks work and tried to map it into that newer functional model. I'll talk about functional requirements a little bit later.

And there's also updated draft requirements for accuracy, the speed rate, volume, stress, reliability testing, and logical limits from VVSG 2007, and there's benchmarks that go along with that, and NIST statisticians are reviewing that, trying to figure out how to write better-optimized kinds of ways of getting at that kind of testing. And we do have some draft requirements for implementation organized by core functions.

Principle #2, high-quality implementation is about implemented systems using best practices and hardware, software, telecom data, quality assurance configuration, management, human factors, security, interoperability, use of trustworthy materials, software best practice, looking at ensuring that systems are developed with -- using user-centered design best practices, requirements having to do with design and implementation of system logic, system architecture, preserving integrity across system layers, air handling and recovery, and reliability and accuracy in the physical environment. And the status of that is we have draft requirements for 2.1 and 2.3 through 6. That -- so that --

that -- with detailed technical guidance for evolution to -- as technologies evolve.

I'm going to talk a little bit about 2.2, user-centered design later in the talk. And 2.7, the reliability and accuracy in the physical environment, there's draft benchmark requirements for various environmental tests, again, working with NIST statisticians as those benchmarks are developed.

Let me tell you a little bit about benchmark requirements. I'm not going to do it justice because it's not my area of focus, so let me apologize for that upfront. Benchmarks are focused on performance measurements where you want to look at list feed rate or reliability, accuracy, volume testing, stress testing, environmental constraints such as humidity, and previous VVSGs including -- included the benchmarks, the requirements and test in a single document, and so NIST is in the process of trying to publish benchmark definitions externally so that they can just be referred to in the VVSG requirements and looking at whether some of the testing ought to belong in the test manuals perhaps.

Here's an example of the evolution of the reliability benchmark. Basically, in the older versions of the VVSG, there was a single traditional measure time between failures, and it wasn't end-to-end, so the new requirements tried to look at -- as a concept

that's a broader and end-to-end and looking at high-quality engineering to decrease the chance of failure.

The volume test does remain, and the requirements also make a distinction between critical and noncritical failures.

The accuracy benchmark was basically a very kind of sequential testing. Now there's a broader emphasis on the end-to-end system and the feeling is it's more representative of actual failure patterns.

In the physical environment, most of the environmental tests are procedural and fairly similar. It's where you simulate physical influences on the equipment during the operational lifespan, storage, transport, set up, operations, humidity, temperature, shock, vibration, et cetera. And, again, trying to revisit the benchmarks and how those are tested to streamline that as much as possible.

The volume stress test is modeled after the California volume test, for example, based on mock benchmarks, estimated failure rates, and it's used with reliability and accuracy and tests the entire system. So, this is a way of demonstrating that the logic and the performance is stable across that system.

The principles for transparency and interoperability I'll talk about in this next section of the talk. I'll start with interoperability requirements. John Wack has been working on these for a while.

Requirements are -- basically say that hardware interfaces must be industry-standard. Commercial off-the-shelf tools are -- commercial off-the-shelf software and tools are permitted as long as other voting system-specific requirements are met, and importing and exporting of data has to provide some support for the common data format either through a translator or through direct formatting.

Four, the election definition and results reporting for event logging, for cast vote records and for voter record interchanges, having to do with, for example, voter registration.

This next slide is basically what I just said. There are common data formats that NIST has developed, the CDFs that support those areas.

Back to functional requirements, John Wack has been looking at this, although the functional requirements are part of the high-quality design, Principle 1, but they deal with a behavior of the voting system during the phases of running an election based on the EAC 17 core functions, election and ballot definition, pre-election set up, and logic and accuracy testing, opening polls, casting ballots, closing polls, results reporting, tabulation, audit, and storage, et cetera.

And we're also coordinating with cybersecurity in areas that include things like pre-election set up and auditing, the various kinds of auditing either with cast vote record creation, looking at

scanned valid images versus paper ballot, audits of barcodes, et cetera.

There's a lot of user documentation associated with these systems, and there's been some discussion of where that belongs. The -- our view right now is that user documentation requirements from the technical -- that are in the technical data package that manufacturers provide should remain in the VVSG. This user documentation deals with all aspects of operation, maintenance, storage with an emphasis on security, so we've revisited that, also includes requirements for training documentation, and there are requirements for the usability of documentation for poll workers to use.

I'm going to talk a little bit during the course of this talk about some open issues. For CDF, the major manufacturers are generally supportive of CDF, but there is some question and ongoing discussion with -- regarding how it should be implemented since CDFs are not yet in widespread use. And they contribute to component certification, so what's the implication of that? And if a voting system is a mixture of components from different manufacturers, who do you go to if something goes wrong? Election officials and others in public working groups are supportive of these being required in the next VVSG, but, as I said, there's some open question so it's still under discussion.

Onto human factors, Principles 5 through 8, which are, just to remind you, equivalent and consistent voter access; voter privacy; marked, verified, and cast as intended; and robust, safe, usable, and accessible. For the human factors requirements, our assumption has been in developing these requirements because it -- the focus on voting systems is that all electronic voting interfaces meet all applicable accessibility and usability requirements. In other words, you wouldn't have separate interfaces, one for people who don't have vision or another one for people who can't use their hands. It's -- it should be integrated because -- and that's what's called universal design and approach to address as many needs as possible of a voters with that electronic interface. And we've made that assumption very clear.

And just to refresh your memory, in 1.0, at the time there were like DREs that were accessible and there are DREs that weren't accessible, and so we had to deal with that. We had two sets of classes of electronic systems that weren't accessible and those that were, and it -- right now, the state-of-the-art is such that there's no reason to do that.

We've updated the human factors requirements, and they're less prescriptive, and they're also based on more than 10 years of voting and human factors research. In line with trying to look to other standards that I mentioned before, we've harmonized with

current Federal accessibility standards, and we refer to Section 508 and the Web Content Accessibility Guidelines 2.0, and we also organized according to what is now a widely accepted set of principles for accessible design, the core principles, perceivable, operable, understandable, and robust. And we've addressed all modes of interaction and made that very clear, visual -- enhanced usual, audio, tactile, non-manual, and limited dexterity control.

The status is that we have completed those draft requirements after extensive biweekly discussions with the Human Factors Public Working Group. As I said, the scope is Principles 5 to 8, but let me circle back to Principal 2, Guideline 2, that is high-quality implementation and that the voting system is implemented using best practice user-centered design methods for wide range of represented voters, including those with and without disabilities and election workers. The implication of that is that manufacturers need to apply these processes, and there's textbooks out there. It's -- this has been common practice for 25 years. And they should produce a report stating how they complied this process, what are the steps in the process, and to help them with that, we have draft of report templates and guidance for user-centered design.

The usability testing requirements that were in 1.0 and 1.1 remain. This was for using the common industry format for usability test reports to report -- to test, evaluate, and report on a final

usability test of the product being submitted using standard isometric -- standard metrics of effectiveness, efficiency, and satisfaction. And we've updated report templates and guidance for how to do that. This also includes, by the way, some testing with poll workers for set up, operation, and shutdown of the equipment.

And some additional things we did have -- has been a set of explanatory guidance documents for developer, designers, testers, and election officials on things like -- we've updated requirements about the ballot like text size, color and contrast, select/deselect when you want to change your mind, when you've selected -- made a selection on your ballot, updated scrolling and paging and added some requirements for view screen navigation, and we've got guidance documents for all of that, as well as the use of assistive technology in the polling place. We have clarified that and, as I said, also the user-centered usability testing.

So, to summarize what's new, all modes of interaction and presentation are applied throughout the voting session, fully supporting accessibility, that's Principle 5. We've distinguished voter privacy from ballot secrecy to ensure that we have -- can talk about and write requirements for privacy, for marking, verifying, and casting the ballot. We've updated the voter interface requirements, and they are voting-system specific, but we've derived them from Federal accessibility law. So, in other words, we didn't put a whole

lot of extraneous -- this is very specific for voting system application.

We also -- as I said, we referenced the Federal accessibility standards, and we've updated our requirements for reporting of the testing with users, voters and election workers in our new requirements to document report on user-centered design process.

I have two issues, but they're mainly to point out kind of where we are with this. So, casting -- so the first issue is casting a paper ballot privately and independently without manually handling the ballot. This requirement has been in the VVSG from the beginning. However, it's been difficult to implement because you have to be able to verify the ballot selections and cast easily. The L.A. County VSAP ballot marker is one solution, so it's not up for discussion about whether we can do this. This is mainly to point out to developers that if you're coming up with a solution, it behooves you -- it's going to be difficult -- it behooves you to talk to users, advocates, ask questions of the EAC and NIST about whether this is going to meet the requirement or not as you're developing it.

And the second issue is designing electronic ballot markers so voters will and can easily verify the paper ballot and vote record. Older approaches, like a small under-glass cashier rolled paper, hard to read, things in, all caps all squished together and not

labeled easily. We're now seeing more attention to information design, so does that mean -- we have some requirements for usability, readability. Can we do better in terms of -- my focus obviously -- requirements.

So, our next steps are to continue to work with the other public working groups to ensure accessibility and usability in other parts of the VVSG 2.0, finalizing the -- our requirements and guidance, updating our test methods. We're going to have two webinars this summer probably in August for explaining the updated and new requirements, and we've got a small research project underway to explore how to design the voting process for our ballot-marking systems to encourage voters to verify and to support accurate verification through good information design. It's a qualitative study. We've looked at all the literature that's out there in terms of quantitative kind of measurements and testing voters' memory, et cetera, and so now we're going to see if we can't look to good information design to get us further along that way. So, that's going to happen this summer also because that -- out of that may come some additional requirements.

And we'll write other guidance as necessary and, you know, for example, we haven't really looked at dual switch navigation guidance for limited dexterity control. Can we do better? Audio

voicing and instruction, are there some requirements that would make sense? But basically our draft is done.

And as far as human factors test methods, we've completed draft of report templates and guidance for use by developers for both user-centered design process and the usability testing with voters and poll workers, and we expect our test methods and materials to be completed in January 2020 or in government shutdowns and other things.

[Laughter]

DR. LASKOWSKI:

But we are happy with the progress that we've made.

So, I'd like to introduce Gema Howell to talk about security.

MR. NEWBY:

Would it make sense just to break up a smidge here to see if there are questions on the first part? I think --

DR. LASKOWSKI:

Well, here's the issue, Brian. Gema has to catch a plane.

She has to leave around 4:00, 4:15, so --

MS. HOWELL:

I think it's okay as long as we --

DR. LASKOWSKI:

Yes, I --

MS. HOWELL:

-- make sure I get time --

DR. LASKOWSKI:

-- we -- you know, we don't -- you know, so we don't want to go down a deep rabbit hole of questions and not get to Gema's section.

MR. NEWBY:

Okay. Well, I know that Jim Dickson has one question, and I had one as well, so let's at least do those --

DR. LASKOWSKI:

Okay. So --

MR. NEWBY:

-- two and then see. So --

MR. DICKSON:

I have two.

DR. LASKOWSKI:

Jim.

MR. NEWBY:

Okay.

MR. DICKSON:

Jim Dickson. You talked about poll worker training and manuals. One of the problems that happens over and over and over and over and over again is that poll workers will tell voters I don't know how to turn on the accessibility features of the machine.

My question is do your guidelines offer any hope that -- or address in any way poll worker training so that that nonsense can go away?

DR. LASKOWSKI:

That's an excellent question. We've said yes, this nonsense should go away. So, here's what we've done. I hope it works.

First off, we want -- we put in requirements to make it very easy to change -- to allow the voter and the poll worker to adjust the settings appropriately. And usability testing should be included on that to ensure that it's not so difficult. So, that's first, right, go to the core of the issue and make sure it's very easy to do and obvious to do and test for that.

Two, we -- in fact, this was in the earlier versions of the VVSG, so I hope it's worked out. For the documentation for poll workers, we've got actually a usability test in there so that poll workers can, using the documentation, set up, run, and shut down the system. And included in that obviously is updating settings. So, the documentation should be very easy to use for the poll workers.

The actual training that goes on at the local and State level is out of the scope of these requirements. So, I think it's a three-pronged approach, and we've addressed two prongs.

MR. DICKSON:

Thank you. My second question is Diane Golden told me that somewhere in the second level it's -- talks about software independence. Where is that?

DR. LASKOWSKI:

Gema?

MS. HOWELL:

It's in the auditability section, 9.1. I forget.

DR. LASKOWSKI:

9.1. Yes, 9.1, an error or fault in the voting system software or hardware cannot cause an undetectable change in election results.

MR. DICKSON:

So, repeat that.

DR. LASKOWSKI:

An error or fault in the voting system software or hardware cannot cause an undetectable change in election results.

MR. DICKSON:

Okay. Because of the time constraints, I just want to put a marker that that might be complicated language to say things are not going to be fully accessible, and we'll have to address that.

DR. LASKOWSKI:

Well, in principle, you should meet all the requirements, so -- so your comment is we better make sure that's achievable. Is

that -- that's I assume -- that's how I'm interpreting what you're saying.

MR. DICKSON:

I have real doubts that it's achievable.

DR. LASKOWSKI:

This is --

MR. DICKSON:

I think it's another way to say it's got to be hand-marked paper, and that is a nonstarter as far as I'm concerned.

MS. HOWELL:

This is Gema. That's not the intent of the software independence guideline, and the requirements that we include cover requirements for paper-based as well as other options like E-to-E systems, which wouldn't necessarily have to be paper-based. So, that -- that isn't the intention of the software independence guideline. It's meant to provide additional security around auditability to ensure that the voting system isn't able to -- or kind of saying that the voting system doesn't have the final say, that there are other ways or other means of being able to ensure that the election results are correct without -- and aren't relying on the potential of any software errors or any hardware issues.

MR. NEWBY:

So, at the very least we should put a pin on that and --

DR. LASKOWSKI:

Yes.

MR. NEWBY:

-- have more discussion. So, I -- the question I had -- I'm sorry. On -- you raised the issues, and one of the things -- I just want to clarify. You said something about one of the sticky wickets, one of the open items is being -- that users should have the ability to verify their choice of -- their choices without touching the ballot. And you used the L.A. County example. But have you developed or has NIST developed requirements related to that guideline?

DR. LASKOWSKI:

So, some of our requirements for usability, you know, text size, et cetera, accessibility, would apply to whatever you're verifying. But beyond that, there may be more, and that's why we're doing a little research project to see if there aren't some other guidance or requirements we could put in.

MR. NEWBY:

Okay. That's what I wanted to flag, that that is an area where requirements still need to be developed --

DR. LASKOWSKI:

Well --

MR. NEWBY:

-- probably.

DR. LASKOWSKI:

-- as -- we could do better. We can always do better with requirements, so there's a set there that I -- that apply. Our universal design principles apply through the verification process, through the voter casting their ballot. So, we have some requirements. It's -- but are there some verification-specific ones? That's TBD.

MR. NEWBY:

Okay. Let's go here and then back over to Alysoun.

FEMALE SPEAKER:

Okay. Thank you. So, in your -- in your knowledge base, are there systems currently being used that meet all of your suggested criteria? And if not, what systems are currently available, and how much do they cost?

DR. LASKOWSKI:

I -- I can't answer that in detail because, again, I don't look at cost, you know, in terms of the details, right? I look at what's achievable both inside and outside of voting, and we see elements across a number of the newer voting systems that can achieve these requirements.

FEMALE SPEAKER:

So, we have nothing that is actually achieving these requirements?

DR. LASKOWSKI:

Well, we just had the draft, so I'd have to look and apply them.

FEMALE SPEAKER:

We all have electronic voting systems currently, and -- you know, nationwide, and so if the new requirements are something outside of all of the technology we're using now, that means that gets scrapped and we have to bring on new. Is that not the --

DR. LASKOWSKI:

Well, I --

FEMALE SPEAKER:

-- goal?

DR. LASKOWSKI:

Well, eventually, you want to -- so these are technology-forward-looking standards. I think from a user interaction -- I'm looking at -- so I can address it from the human factors side, and that's software that's very achievable with updates to the --

FEMALE SPEAKER:

Okay.

DR. LASKOWSKI:

-- software interface.

MR. NEWBY:

And --

FEMALE SPEAKER:

I'm a newbie --

DR. LASKOWSKI:

Yes, so I think --

FEMALE SPEAKER:

-- and --

DR. LASKOWSKI:

And I think Brian Newby should -- or Brian should answer
the question about how one evolves certification --

MR. NEWBY:

Yes, that --

DR. LASKOWSKI:

-- to newer standards.

MR. NEWBY:

Yes.

FEMALE SPEAKER:

Thank you.

MR. NEWBY:

So, in regards to that, the VVSG 2.0 is out for comment right now, so these are something that are still in development and have yet to be adopted. The requirements are for certification after the VVSG 2.0 is adopted. And so the presentation that I was going to give earlier shows that the first systems -- and there are still policies

that have to be adopted and so on and so forth, but there's two sets of timelines right now that we kind of look at as potentially realistic for when the first systems will start to hit our Testing and Certification program before they go out to market to be purchased by you guys. And those timelines right now are towards the end of 2020, middle of 2021 to come into EAC testing and certification.

And then, after our certification, which is, you know, anywhere from -- for a new system is anywhere from 6 months to another 12 months before they would hit the market. And so the systems that you have out there currently are certified -- if you require EAC certification, are certified to the previous version of the Voluntary Voting System Guidelines and certification requirements, which were adopted and drafted in 2005, which we call VVSG 1.0.

And so in terms of whether or not there are systems that meet these requirements, these requirements are not even finalized yet, and so we are in discussions with the voting system manufacturers, we're in discussions with the voting systems testing laboratories to make sure that they are not unachievable, but it is not perceived that they would hit the market until most likely the earliest 2021, 2022.

FEMALE SPEAKER:

Thank you.

MS. MCLAUGHLIN:

Alysoun McLaughlin, National Association of Counties. I

have two questions I just wanted to clarify.

DR. LASKOWSKI:

Um-hum.

MS. MCLAUGHLIN:

The discussion about poll worker documentation, so in a world where this leads to documentation that we choose to provide to our poll workers, great, but I just want to make sure that my world right now where we do not give vendor documentation of this stuff to our poll workers, we read it ourselves, we translate it for our procedures, and then we give the poll workers our own documentation, that is a world that is within what you're looking at and that you fully anticipate, right?

DR. LASKOWSKI:

Yes, so the whole reason we looked at this and this is not a new requirement is that we thought it would be very helpful to election officials because we know you're going to --

MS. MCLAUGHLIN:

Um-hum.

DR. LASKOWSKI:

-- to personalize your documentation for your jurisdiction. If you start off with something that's usable and correct for use by coworkers to begin with.

MS. MCLAUGHLIN:

Right, just clarifying.

DR. LASKOWSKI:

Yes.

MS. MCLAUGHLIN:

Just making sure.

DR. LASKOWSKI:

Absolutely. Absolutely.

MS. MCLAUGHLIN:

And then my second question, I haven't heard the word language used yet, and I just wanted to kind of check in with where you all are in the state of discussions about usability for minority language communities and in our compliance with Section 203 of the Voting Rights Act that requires us to translate materials, i.e., the paper that the voter is reviewing their choices on, into languages other than English.

DR. LASKOWSKI:

There is -- wasn't too many changes from 1.1, but it was fully addressed in 1.1. We revisited it to make sure it made sense and clarified it a little bit. I'd have to pull it up to look at it, but it's definitely there in terms of, you know -- and our focus, again, our scope is the voting system.

MS. MCLAUGHLIN:

Okay. Thank you.

DR. LASKOWSKI:

Oh, and the usability tests include testing for whatever languages are supported by that system.

MALE SPEAKER:

Take it away.

MS. HOWELL:

All right, great. Hello, everyone. My name is Gema Howell. I covered the -- I am the cybersecurity lead for the voting team at NIST within this election space. I'm going to run through the cybersecurity requirements, give some insight into where we are, what's new, and then talk a little bit about the open areas.

This slide kind of reiterates what we said earlier, how we performed the analysis, how we developed these requirements, and additionally there I work closely with Sharon to cover usability and accessibility within our security section to make sure all aspects are covered in there.

So, where we are, so the requirements for the cybersecurity section are from Principles 9 through 15, and we also have -- something that is not listed here is we helped develop some of the software security requirements in Principal 2. We had the draft requirements, and what we've done with those is we've discussed and reviewed those with the EAC Cybersecurity Public Working

Group, and they are also available on our TWiki site. And then at the bottom there we have the five open areas, but I'm going to touch on those individually later on.

So, I'm just going to step through each principle and then give a few highlights of what's new in these sections. So, the first principle, auditability, in that section some of the things that are new is that we focused on machine support for post-election audits, software independence is mandatory, and then we support paper-based and E-to-E systems.

Additionally, we talk about support for risk-limiting audits, but not just risk-limiting audits, also other audits as well. Some of the compliance audits and things like that will be found in there.

And then the next principle, Principle 10 is ballot secrecy. Originally, there wasn't a specific section for ballot secrecy. It was scattered around a little bit so what we did is we separated ballot secrecy and voter privacy, so human factors covered voter privacy, which covers the voter's privacy as they're making their vote, and ballot secrecy covers the prevention of a voter from -- a voter being linked to their actual ballot selections.

And then in Principal -- I just want to make sure I put these in the right order. Yes, I did. Great. So, Principle 11 is access control. The major update in here is at the bottom there, the very last bullet, so we require multifactor authentication for critical

operations, so this would cover access to admin accounts, software updates, aggregation and tabulation, things like that.

Physical security requirements, not too much change there, but we do have specific things that I wanted to point out were exposed physical ports must be essential to the voting system operations, and the physical port must be able to be logically disabled if it doesn't need to be used.

Hopping over to data protection, that is #12, and that one, the main thing I want to cover here is that we require validated cryptographic modules to be used, and then transmitted data is encrypted within authentication.

System integrity, so this was a new section that we developed, and it covers -- it covers a lot, so I'm going to go over the points that we have here. So, we require a risk assessment, and so a supply chain risk management strategy, the removable -- require the nonessential services should be removed from the voting systems, secure configuration is required. Some of the -- as the technology has advanced and different security capabilities have advanced, we've added those additional exploit mitigations into the requirements, authenticated updates containerizing, sandboxing information, and boot validation.

And the last principle is detection and monitoring, so this will cover everything that needs to be within those event logs, firewalls

and intrusion detection systems, white listing of applications, digital signatures, as well as malware detection.

All right. The open areas, so I have five open areas. I have had a lot of practice talking about these, and I updated these slides to cover these a little better. So, something that I added here that wasn't in my original slides was more clarification around why this is an open area.

So, indirect voter associations, so indirect voter associations covers things like a potential number or something being applied to a ballot that would require it to be removed for like conditional ballots. We identified that if this is done a paper, this does not apply to the guidelines. This is -- that's strictly external from the VVSG. It has to do with process -- process for handling provisional ballots. But it was brought up that certain voting systems such as E-to-E systems may require a voting system to apply an indirect voter association, so it kind of came up is this a case where there would be an exception? And the main concern around that is that that would violate the ballot secrecy Principal and Guideline 10.2, which reads that the voting system does not contain nor produce records, notifications, information about the voter, or other election artifacts that can be used to associate the voter's identity with the voter's intent, choices, or selections. So, that's why indirect voter

associations are kind of under discussion right now, the main concern being ballot secrecy.

All right. Public telecom or use of internet, so the reason why this discussion is open is because is the main question should we explicitly prohibit internet use? Currently, there's no prohibition within the VVSG, and what's included in there is the use of public telecoms with certain caveats on how it is used, so it talks about inside or outside the boundary. And so one of the questions is is this okay for a certain scenario? In the 2007 VVSG recommendations, it suggested no internet usage, and public telecoms would only be used for transmission of unofficial election results.

So, the primary concerns that we have listed here are nation-state attacks, remote access software and people being able to take advantage of that, modification of the election results, injection of malware, or a denial of service. And some of the use cases -- some of the use cases where internet is used is for remote access software or transmission of the election results, and that's typically done through cellular modems or telephone lines, which all touch the internet.

DR. STARK:

Aren't those -- this is Philip Stark. Aren't those two use cases that should be strictly prohibited?

MS. HOWELL:

I honestly don't know. I don't know if I'm the one who makes that say, but --

DR. STARK:

Well, it's known --

MS. HOWELL:

-- with the concerns --

DR. STARK:

-- that those are both ways to hack vote reporting devices and tabulation devices. It should just be strictly prohibited.

MS. HOWELL:

I would agree with that.

MR. RAHMEYER:

This is Shaun Rahmeyer with the National Governors Association. I totally agree, and certainly appreciate the new standards that you're looking to set, but understanding kind of the paradigm of particularly in rural and frontier counties, their access to resources and best practices, limited budgets, some of the things you're describing, including, you know, cutting off this type of internet is -- it's going to cause a significant impact, and I hope that that's recognized as you're, you know, looking to develop these requirements.

MS. HOWELL:

Yes.

DR. LASKOWSKI:

I know -- and I don't know that we've -- that this is the time or the place for us to kind of engage in a debate on these issues, but I just want to throw out there for purposes of this discussion, too, so another hypothetical use case, let's just say I want to take the public printout of the results that we just printed off of that, you know, voting machine at the end of the light that we'd be sticking up on the window and I just want to run that through some kind of receipt scanner so I can get the image of that back to my office so I can scrape the results off of it so we can get faster media results. Let's say I wanted to do something like that. I don't think that would violate -- you know, I don't think that would raise the kinds of concerns that, you know, I think Philip is talking about. And so, you know, I think there are ways for us to look at different kinds of use cases here.

MS. HOWELL:

Agreed. We're going to say --

MR. MACIAS:

Oh, I was just going to say that was Alysoun McLaughlin.

[Laughter]

MR. NEWBY:

Why don't we keep going and then have questions to follow up after this?

MS. HOWELL:

Okay. Thank you for that input, everyone.

So, the requirements around cryptographic end-to-end systems, so the reason why this is open is because there are a few examples or a few versions of these systems that exist, and so it's unclear if the current requirements that we have developed are sufficient. The -- it's also unclear when these systems are available or when their use, will they be difficult to understand and how to handle dispute resolution.

So, just a little more information on the E-to-E systems, so they are a software-independent system that has an added security measure. These systems can be paper or paperless systems. They allow voters to verify their ballot selections are correctly recorded and tabulated without revealing their selections after they actually placed their vote. And at the bottom there I just list a few examples of some E-to-E systems.

MR. DICKSON:

What are those examples?

MS. HOWELL:

The examples are scan integrity, scratch and vote, punch scan, and Prêt à Voter.

MR. DICKSON:

Prêt à Voter.

MS. HOWELL:

Thank you.

DR. LASKOWSKI:

That's French.

MS. HOWELL:

Thank you. And then wireless technology, so first what I mean by wireless, that would include things like Wi-Fi, Bluetooth, NFC if you're using like an activation card or token, and so the reason why this is an open area is sort of similar to internet, so should wireless be prohibited? Are there certain use cases where wireless is appropriate? Current VVSGs include the use of wireless, and additionally, there was a Senate Intelligence Committee report on election security that explicitly said -- recommended voting systems with no Wi-Fi capability.

And so the concern around wireless technology is similar to the internet -- the modification of a voter's choices are election results, eavesdropping, unauthorized access to information, or the injection of malware. And some of the use cases that I have listed here would be potentially printing a ballot from a printer using Wi-Fi, the NFC, near-field communication, one that I mentioned was activation card or token for -- using it as a token for authentication,

transmitting election results over cellular, and assistive technology or peripheral devices using Bluetooth.

Have you got a question?

MR. DICKSON:

What you mean by transmission of election results over the cellular?

MS. HOWELL:

So, sending -- sending the election results over a cellular network.

MR. NEWBY:

So --

MS. HOWELL:

Or for tabulation -- sorry, tabulation reports.

MR. NEWBY:

Yes, so that would be the results at the end of the day, basically the printout of the aggregation of tabulated ballots being transmitted back to elections office or election headquarters at the close of the polls or the end of the day.

DR. STARK:

So, this is Philip Stark again. I just want to echo what Alysoun said, and we've had off-line discussions about this. There are other ways of getting Election Night results back to the county headquarters that don't involve connecting the tabulation equipment

or the vote recording equipment to cellular modems or any other radio, for instance, the way that Alysoun described doing it. I really think that we need to make sure that there aren't any radios. Otherwise, we're just opening the door to the introduction of malware.

MS. HOWELL:

And also I want to mention that when -- when we list these use cases, we are just identifying and making sure everyone is aware about these potential or current use cases and aware of the potential of impact on them. I definitely understand the concerns around transmission of election results and the danger that they could be and when they're transported over the internet and things like that in general, but this is just for awareness purposes.

Yes, sir?

SENATOR IVEY-SOTO:

Yes, I just want to make sure that we're clear that we're talking about the same thing.

MS. HOWELL:

Sure.

SENATOR IVEY-SOTO:

I don't think -- I don't think the problem is the transmission of unofficial results over any network. The problem is having a radio

embedded in the tabulation equipment to transmit unofficial results.

That's the problem.

MS. HOWELL:

Right.

SENATOR IVEY-SOTO:

If you're able to extricate the election results out of the tabulation equipment and -- which remains air gapped and then through another means to be able to transmit the unofficial results, that's a whole different scenario.

MS. HOWELL:

Right.

MR. DICKSON:

And that would be okay.

MS. HOWELL:

I agree.

SENATOR IVEY-SOTO:

But -- so I'm hearing you equate the two, and that's why I'm trying to make sure that we're clear about the difference between the two.

MS. HOWELL:

Agreed. I think it's just -- from our standpoint is that that is not always the case, and it may need to be explicitly said in the requirements.

SENATOR IVEY-SOTO:

This is I think something we all agree upon is that it needs to be explicitly said in the requirements so there cannot be any radio in the tabulation equipment.

FEMALE SPEAKER:

Any internet connection whatsoever.

SENATOR IVEY-SOTO:

Any internet connection whatsoever, whether hardwired or wireless.

MS. HOWELL:

And so that -- so you're saying even in the case for Wi-Fi and Bluetooth?

SENATOR IVEY-SOTO:

Not the tabulation equipment, that is correct. All other equipment is fine, not the tabulation equipment.

MALE SPEAKER:

No, no, no --

FEMALE SPEAKER:

No, no, no --

SENATOR IVEY-SOTO:

Well --

FEMALE SPEAKER:

I agree.

SENATOR IVEY-SOTO:

I -- okay.

[Laughter]

DR. LASKOWSKI:

This is the reason for listing the use cases so we can explore
these questions.

MS. HOWELL:

Right.

SENATOR IVEY-SOTO:

Yes.

DR. LASKOWSKI:

So, that's exactly the --

SENATOR IVEY-SOTO:

Yes. Anything --

DR. LASKOWSKI:

-- discussions that Gema is having --

SENATOR IVEY-SOTO:

Yes.

DR. LASKOWSKI:

-- in the public working groups.

SENATOR IVEY-SOTO:

Right. So -- and so -- and --

MS. HOWELL:

Yes, this is helpful. I love it.

SENATOR IVEY-SOTO:

No -- and so basically --

MS. HOWELL:

Seriously.

SENATOR IVEY-SOTO:

-- you know, so in a polling place, I -- typically we have two different sets of technology. One set of technology deals with the roster of voters. The other set of technology deals with the ballot. The -- that which deals with the roster of voters, by necessity, is often -- has an internet connection.

MS. HOWELL:

Right. That makes sense.

SENATOR IVEY-SOTO:

That which deals with the ballot, after the ballot has been delivered to the voter for the voter to decide to do with the ballot whatever the voter chooses to, in marking, casting, et cetera, there should -- there can be no network connection on any of those devices then.

MS. HOWELL:

Yes.

MS. SIMONS:

I'm Barbara Simons. And just to emphasize that, the equipment should not have the capability --

SENATOR IVEY-SOTO:

Right.

DR. STARK:

It's not turning it off logically; it's not having the device.

MS. SIMONS:

Yes, it should not be there at all. It's not -- yes, as Philip said, not just turning it off. It shouldn't be there at all.

SENATOR IVEY-SOTO:

The -- and the other thing is -- and I know that this is a little outside of the direct discussion we're having, but -- and this may be more for Ryan and Brian and whatnot, but -- so, Homeland Security -- and I've had this discussion with Masterson. Homeland Security has, as part of the follow-up to 9/11, they are working -- I think AT&T got the contract. It was like a \$40 billion contract to create what's called FirstNet and FirstNet national network for first responders.

MS. HOWELL:

Um-hum.

SENATOR IVEY-SOTO:

And the necessity -- and this wasn't built-in, but it ought to be modified. The parameters of FirstNet to be first responders only

and election data because then it's a secure network. It is durable. It's -- you know, by election data, what I -- again, what I'm talking about is like e-poll books, I'm talking about unofficial results, this kind of stuff, right? Because right now you've got a lot of polling places working off of Mi-Fi --

MS. HOWELL:

Um-hum.

SENATOR IVEY-SOTO:

-- with unsecured cellular, and so when we're doing these other things that would likely, you know -- which appear to be -- but somewhat benign in terms of checking voters in and whatnot is that -- but you're giving access to the voting database, and that's a -- and that's -- disrupting that on Election Day is a major disruption to elections if you can't tell who's supposed to be registered and who can't be -- who's not supposed to be registered, who is registered, who isn't registered. And --

MS. HOWELL:

Right, so you're saying leverage the priority preemption that the FirstNet network would provide?

SENATOR IVEY-SOTO:

Exactly. Exactly.

MS. HOWELL:

Um-hum.

SENATOR IVEY-SOTO:

So, that those communications can be segregated into some channel and can be maintained off-line from the access that most other people would have to be able to get into those and interfere with that. So --

MS. HOWELL:

Yes. Public safety is my other space that I work, so I'm very familiar with public safety and elections, very cool that you brought that up. I don't know if we have the control to include that.

SENATOR IVEY-SOTO:

No, we clearly don't have the control --

MS. HOWELL:

Yes.

SENATOR IVEY-SOTO:

-- but that doesn't mean that we can't have some influence --

MS. HOWELL:

Um-hum.

SENATOR IVEY-SOTO:

-- by pushing some conversations.

DR. LASKOWSKI:

Yes. And NIST is involved in the public safety communication research, this whole division that --

SENATOR IVEY-SOTO:

Right.

DR. LASKOWSKI:

-- and colleagues of ours are working on that, so we'll discuss it with them.

SENATOR IVEY-SOTO:

Yes. Thank you. And, like I said, it's nice that Masterson is over there and he lives in both worlds as well, so -- but there's other people. And it is something that we really should try to influence and get --

DR. LASKOWSKI:

Um-hum.

SENATOR IVEY-SOTO:

-- some conversations going. Thank you.

DR. LASKOWSKI:

Thank you.

MS. HOWELL:

Thank you. Yes.

I think I got one more. Okay. So, this is my last one here, barcode and encoding schemes. So, there are concerns around barcodes and code information produced or read by voting systems, and those concerns being the lack of transparency into, you know, what is actually in this barcode, violation of ballot secrecy, could this barcode contain voter-identifying information,

interoperability, how do we verify or know the standard format that is being used with these barcodes? How can we evaluate these barcodes, you know, understand how the information is encoded, decode that information to -- for ourselves to verify. I think that kind of lumps in with auditability as well, how -- and could there be misinformation used for tabulation if these barcodes are the primary source of capturing the tabulation information?

Another area around this is how do we scope this concern? Is this limited just to the vertical and Q.R. code barcodes and does this include things like mark sense or just the encoding of -- encoded numbers on the ballot? Does this include things like filling in bubbles and things like that?

So, some of the use cases that were brought up, ballot activation, applying usability and accessibility configurations, storing ballot selections within the barcode, again, transferring tabulation results, pre-voting, storing just general identifiers or ballot identifiers and also storing digital signatures.

Should I pause there for questions about that one?

DR. STARK:

Well --

MS. HOWELL:

That's awesome.

DR. STARK:

-- I am Philip Stark again. I spoke about this a little bit yesterday. So, I mean, I think there are a number of concerns around this, and I'm probably going to be saying things that you've already heard from a bunch of people, but maybe some people in this room haven't heard it yet.

So, the concerns about barcodes are several. One is they're just spooky because you don't know what information is in there aside from what's supposed to be in there.

MS. HOWELL:

Um-hum.

DR. STARK:

The second is if you're storing voters selections, if you're storing vote selections and the tabulation is based on that, then the voter doesn't really get a look into the thing that is actually being tabulated.

MS. HOWELL:

Um-hum.

DR. STARK:

That in itself isn't really a problem for election integrity provided there were conditions of use attached to this so that, in the event of a recount or a manual audit, it was the human-readable text that was used as the record of reference rather than the barcode.

There's going to be moral hazard because some election officials will be tempted to use the barcode as the basis of recounts, and that undermines what would otherwise be a software-independent system --

MS. HOWELL:

Right.

DR. STARK:

-- because now you've got something where you can't detect -- the hack has basically been embedded in that.

A third issue around this is that generally the buses that -- to which barcode readers are attached are USB buses that tend to treat the barcode reader as a keyboard.

MS. HOWELL:

Right.

DR. STARK:

And, as a result, you can enter commands into the system through the barcode. You can use the barcode as a vehicle to hack the -- back the device, and that's a really serious security concern. There might be a technical fix to that, but it would involve using non-COTS approaches to barcode readers, which may make it very expensive.

MS. HOWELL:

Um-hum.

MALE SPEAKER:

And would also violate another guideline.

[Laughter]

MS. HOWELL:

Yes, and to your three points, yes, that -- they have definitely all come up on our working group calls, and on our very last call, the proposed requirement was that the voting system would actually perform the tabulation on the human-readable text, and that the human-readable text must be available so that it's not reliant on -- solely on the barcode.

DR. STARK:

The problem of course is that the VVSG just concerns the equipment, not how the equipment is used, and so the States are still free to do something that would not be optimal for election integrity.

MS. HOWELL:

Unfortunately, that may be true.

Yes?

MS. MCLAUGHLIN:

Alysoun McLaughlin again representing the National Association of Counties. So, the working groups that are discussed in these issues are fairly well-established communities. For people either in this room or outside of this room who have a particular

interest in one of these topics that you've just laid out and want to get involved now, what is their entry point? What is the way to get involved in these discussions?

MS. HOWELL:

The easiest way is to email me, and it's literally my first name Gema@NIST.gov. I got that alias. I was very excited.

[Laughter]

MS. HOWELL:

But the easiest way is to email me, and I can add you to the mailing list, and then you'll start receiving the updates. We started where we are doing the barcode and encoding schemes discussion right now, and then we'll step through each of the other open areas. And I send out the agenda letting you know which areas that we're talking about. Next up after barcodes and encoding would be indirect voter associations.

MR. MACIAS:

And I'll add to that for your next question. Since Neal stepped out, I'm going to task him right now as the Chair of the VVSG Working Group. You guys as a board have a working group that works through both the VVSG, the requirements, and to provide input as a board, but also as a subcommittee through the working group that Cliff was talking about earlier. And so if you guys are a part of the working group and/or want to become a part

of the working group within this board, within the Board of Advisors, then I would contact your Chair and work through your Chair on getting that information to us because we do work directly with the boards and/or the subcommittees of the board.

MS. HOWELL:

Yes, Barbara?

MS. SIMONS:

Barbara Simons. So, just one quick question. Has there been any discussion of the use of proprietary barcodes versus nonproprietary ones?

MS. HOWELL:

Yes, that came up during the interoperability discussion in making sure that that information was available and that -- so there was the initial discussion of using a standard format and how do we define what a standard is. And then realizing that folks may develop their own, they would have to provide the reference of limitation to -- for the tester or who anyone who wanted to do -- review the barcode. They would provide the reference implementation for how it does the encoding so that someone could replicate the encoding and decoding and -- in their -- within their own use case and make sure there's no like information leakage or any other data within there.

MS. SIMONS:

So, would this be available to -- I mean, easily available? I mean, to make it available for testers doesn't make it available to the public, and would be available at -- you -- like on the EAC website somewhere or something like that?

MS. HOWELL:

I'm not sure.

MR. MACIAS:

Yes. We would -- you know, we're held to proprietary standards, and so that would be a question for whether or not we would be able to disclose that. But I believe the requirement says, from working on this through the interoperability group, was that it had to be a standard -- a publicly available standard or in publicly available documentation. But again, that would have to be looked at through counsel the same way that any documentation that is provided to the EAC would -- through the Testing and Certification program.

MS. SIMONS:

I just want to comment that publicly available is not the same as easily available.

MALE SPEAKER:

Yes, Daniel?

SENATOR IVEY-SOTO:

Daniel Ivey-Soto, NCSL. You know, I guess just two thoughts on the discussion we're having, the first, just to follow up on where Barbara left off, you know, if we're going to be -- if we're going to be departing from human-readable in terms of voter intent, it really needs to be a publicly accessible and available -- it's got -- it can't be something that's proprietary.

The other thing is, you know -- and I just -- I mean, I recognize some people are doing it. I don't think it's a best practice to do anything that's not human-readable in terms of the voter. But -- which brings me to my second point, and that is that, as I read the slide and as I listen to the discussion, I think there needs to be a clear differentiation between those barcode and encoding schemes that define the ballot versus those barcode and encoding schemes that define either the voter or the voter's intent because all tabulation systems have tracking marks down the side --

MS. HOWELL:

Um-hum.

SENATOR IVEY-SOTO:

-- so that we know what precinct it is or what ballot style it is. And -- but that doesn't define the voter and it doesn't define the voter's intent. And so -- and I think there's a clear differentiation between those two, and, I mean, I -- it could in fact be proprietary I think because that's -- as part of the system.

If we're dealing with the voter or the voter's intent, though, that's a whole different standard, and that's a whole different level of concern because that's not administrative then. That's the game in terms of elections.

MS. HOWELL:

And so one question I have -- well, before I ask my question, so one of -- the intent of analyzing all the use cases for a lot of these is to understand, like I mentioned earlier, is this okay for certain use cases? And so it sounds like you're saying it would be okay for ballot activation and storing some of the initial ballot information, ballot style and things like that but not for the ballot selections? Did I understand that correctly?

SENATOR IVEY-SOTO:

You did --

MS. HOWELL:

Okay.

SENATOR IVEY-SOTO:

-- because when you have a -- you know, when you have a jurisdiction that has 500 different ballot styles or let's say, for example, our largest county that has 500 precincts in it, and in a primary then it's going to have 1,500 -- we have three different parties -- 1,500 different ballot styles -- possibilities, then you need

something for the machine to know which ballot it's looking at so that it understands what the markings are.

MS. HOWELL:

Um-hum.

SENATOR IVEY-SOTO:

So -- so absolutely. That is -- because that is simply defining the -- what was -- what is the ballot itself as opposed to the voter or the voter's intent, which is where we need to make sure that that's human-readable and that that is what is not hidden in some way or obscured in some way through an encoded scheme.

MS. HOWELL:

Yes.

MS. SIMONS:

And Barbara again. And I agree with what Daniel is saying, and in fact I would say even if the encoding scheme is public, it's still an issue because people aren't going to be able to encode things in real time at the polling place great.

And I just have one more -- this may be a nonissue, but given that there's a lot of suspicion around elections these days, which I think is most unfortunate, but given that that happens, would even having a code on the ballots for the -- you know, to talk about which ballots these are, would people -- would voter -- could that basically make some voters wonder if there's something fishy

going on? I'm just asking that as a question? Have you encountered anything like that?

MALE SPEAKER:

It's how things are now. It's timing more --

MALE SPEAKER:

Right.

MS. SIMONS:

So, you think it's a nonissue? It's a nonissue? Okay.

MS. HOWELL:

Dang, I think it had one --

MR. STARK:

Just --

MS. HOWELL:

Sure.

DR. STARK:

Philip Stark again. I just want to echo the previous comment, that I think for administrative data, you're really minimizing the exposure there. I mean, the worst thing that happens is a malicious printing subcontractor manages to put something on the tiny marks or barcodes that does something when you scan it. That seems like a pretty remote possibility compared to something else. So -- and there's no issue any more of their privacy, there's no issue of compromising the software

independence by having the tabulation be based on something that won't show up in a situation.

SENATOR IVEY-SOTO:

And just to finish his thought, though, even if a malicious person did that, if you have logic and accuracy testing before the election, you should catch that.

MS. HOWELL:

Great. Thank you all for providing that input.

Just -- this is my last slide here for the cybersecurity section.

So, next steps, we're going to step through these open areas, talk about the use cases, concerns, mitigations, potential residual risk based on what we decide and add, remove, or modify requirements based on the initial discussion and then I think ultimately for some of these it may be up to -- it may be based on the TGDC feedback.

And then we haven't touched on the Principle 2. As I mentioned earlier, we have software security requirements there, so we're going to go back and review those. And then around testing what we're doing is we're looking at high-level test strategies that can be used for the actual cybersecurity requirements.

So, just very quickly, this is the last section, I promise, test assertions and what we're doing in this space. So, this --

DR. LASKOWSKI:

Is that my part? You can talk about it.

MS. HOWELL:

Yes, I can cover. You covered the beginning. The -- this gives an outline of kind of the process of NIST drafts, the initial test assertions. We share those with the EAC and VSTLs, and then it goes to manufacturers for additional feedback, and then, in the end, we harmonize on the assertions.

And so down in the bottom box there it says that over 1,200 test assertions were developed for VVSG 1.0 and 1.1. What we've done is conducted a gap analysis between 1.0 and 1.1 and the 2007 -- 2007 recommendations, and we explored different test scenarios, and we're kind of rethinking the strategy around it.

And the reason why is because up on the screen I have an example of a test assertion that was written for a no-interference requirement. It's very -- a lengthy paragraph with three additional paragraphs underneath, and so imagine this done 1,200 times. It's a heavy load to ensure we're covering all the test cases, and also it can be heavy on the VSTLs as well, and so we're kind of revising the strategy and making sure that we're going about the test assertions the right way.

So, again, the current status, we conducted that gap analysis that I mentioned earlier, exploring the new scenarios and test generations, and then the human factor section they have completed drafts of report templates and guidance for use by

developers for the user-centered design, that's Principle 2.2, and usability testing with voters and poll workers. That's Principle 8.3 and 8.4.

And then, like I mentioned earlier, in the cybersecurity section, we're looking at -- looking into high-level test methods strategies to cover over -- more requirements within one strategy.

Yes?

MS. SIMONS:

Barbara Simons again. My recollection -- and please correct me if I'm wrong -- is that with the old VVSGs there wasn't penetration testing. Is that correct? There was no penetration?

MS. HOWELL:

Right. Right. In the 2007 recommendations, there was the open-ended vulnerability testing, but no, I don't think the previous ones included penetration testing.

MS. SIMONS:

But now it's going to be a standard thing to do penetration testing?

MS. HOWELL:

So, we had a kind of precursor discussion around testing when we did our final review of the requirements, and we talked about -- I got the group's general feedback on different testing strategies. And so penetration testing came up as something that

could be included, but the -- it's listed as an open area for testing right now because what's happening is it's unclear whether penetration testing would fall under the VVSG requirements because they're usually testing for conformance, and so it's -- just looking at a few of the different things and the way to require or write the test assertions for pen testing so far have been a little difficult on our end. And so that's why it's -- we're still looking into it a little more. Apparently, this discussion has come up before, and so I plan to talk with my NIST colleagues about what their findings were around penetration testing.

MS. SIMONS:

Well, I mean, if we want to make our systems secure, I don't see how we can do that without having penetration testing and how we can feel confident.

MS. HOWELL:

And from my standpoint, I definitely agree that penetration testing could be valuable. I just don't know if it would happen here within the VVSG. And so I'm not -- I'm definitely not saying that we shouldn't do penetration testing. I'm just not sure how exactly it will fall in the VVSG Testing and Certification program.

MS. SIMONS:

Well, maybe that's a discussion we can have, how we can make sure it does, right?

MS. HOWELL:

Agree. That's -- and again, that's why it's an open area, and I do think it -- I do think it deserves some discussion to see if it falls under the Testing and Certification program and how we could incorporate it if it does.

That is it for me.

DR. LASKOWSKI:

That concludes our presentation, but if there's any more questions -- and I would just like to thank you all for a very interesting discussion thus far.

MS. HOWELL:

Definitely. Thank you so much. I am here until 4:00 because unfortunately I have to fly out, so that was just a warning, if you have questions for me, ask now.

DR. LASKOWSKI:

I'm here through tomorrow, so if I can't answer a question, I can find Gema and get back to you.

MS. HOWELL:

Thank you.

[Applause]

MR. NEWBY:

One thing to Barbara's question, though, what is the process to have that discussion? Is that the working group or what is the right process to keep it going?

MS. HOWELL:

So, I don't know that it would necessarily fall under the Cybersecurity Working Group. I think we could do the initial analysis or provide initial thoughts on it, but there is a Testing Working Group, and so I think, ultimately, it would fall under that Testing Working Group.

MR. NEWBY:

Neal.

MR. KELLEY:

Neal Kelley, Registrar of Voters, Orange County. I don't mean to open up a large discussion at this point about this topic that may be better suited for tomorrow, but I do have one quick question for maybe the General Counsel or Brian as it relates to HAVA. And understanding that VVSG 1.0 had the requirements and test assertions all packaged together, so it was, you know, one complete document for the Commission. And I'm just trying to understand, as some of these discussions have been going on with my colleagues and local election officials related to the Commission voting on the principles and guidelines versus having the requirements as a policy process.

And I'm just wondering, is there something in HAVA that provides that guidance or authority, or is it just simply silent? So, if it's simply silent, then obviously the Commission can take a stand and, you know, move forward as they wish. I'm just trying to understand how the dynamic works.

MR. NEWBY:

So, my -- I think there's a couple questions in your questionnaire --

MR. KELLEY:

Yes.

MR. NEWBY:

-- and Cliff may want to weigh in on this in a minute, but HAVA is instructive in the roles of the Commissioners and the Executive Director and the board -- Standards Board, Board of Advisors, as well as the TGDC. So, it's instructive in the steps along the way. There are some terminology questions about standards requirements, guidelines that have to be, I believe, better defined by our General Counsel.

So, if I go back -- because I wasn't involved when TGDC started the VVSG 2.0 discussions, but I verified with NIST, and I know from the EAC standpoint that there was never a legal review performed at the request of TGDC on VVSG 2.0. And so we

can't -- I would say as staff we couldn't ask Commissioners to vote on anything that wasn't vetted through our General Counsel.

So, the questions you're asking are the ones that I've asked Cliff that I think that we need to have that mapped out further and a legal point of view on what all those items are. I think there -- I think HAVA is going to -- is not silent on roles that the Commissioners have, and I think that will be a policy discussion for the Commissioners to decide if that is indeed anything that can be delegated or if it's something that HAVA basically has -- already says they cannot -- you know, I mean that's -- and they're going to have to take the advice from our General Counsel as they consider that. And that's -- you know, and when it comes time to have our public comment period end, I've asked Cliff to have that analysis.

And, Cliff, I don't know if you want -- is there anything -- is that -- have I said it?

MR. TATUM:

You've said it with the -- I'm having conversations with our NIST team and with some other folks that establish standards just to answer those very questions, what's the requirement, what's the standard, and how our Commissioners should -- what they should consider when -- in making policies and deciding what this final product looks like.

MR. KELLEY:

I think that would be really helpful, and I'm glad to hear that you're doing that because there's a lot of discussion in the weeds right now about this issue. I know it's not lost on you or the Commissioners. And I don't think it's fair for us to be trying to shove something down, you know, the throats -- if there's some sort of statutory guidance and there's something that says, no, you can't do that. I think that would be really helpful. And I know you're doing it, but obviously, the sooner the better, so that could help, I think, guide some of these discussions.

MR. NEWBY:

Yes, I think it's kind of water under the bridge. I think this would have been a good discussion to have back in 2015 --

MR. KELLEY:

Yes.

MR. NEWBY:

-- you know, and -- but here we are. But I think we've got to resolve this and reconcile it with the items that have come out of TGDC because I think -- and this is me talking, but I think others -- I mean, I don't hold anyone else to this, but I do think that there is a mindset to figure out how we can all -- how everybody can be happy I guess. And so to move the ball properly, follow the law, use the role of Commissioners. I just don't know what that right answer is, and that's what we need legal guidance from.

MR. KELLEY:

Okay. Fair enough. I appreciate it.

MR. NEWBY:

Alysoun?

MS. MCLAUGHLIN:

Alysoun McLaughlin representing the National Association of Counties. I just want to kind of in layperson's terms ask about an application of what you all are talking about here right now.

Wherever we go with this, whatever the trajectory, the nuance, the policy, the role of the staff and the boards and the -- it -- someday, if we get to the point that there is a test assertion that says like the wheels on voting equipment need to be yellow and the Commissioners say no, no, no, the wheels on the voting equipment need to be purple, the Commission can always say so, right? I mean, do I understand correctly that, ultimately, wherever this goes down, the Commissioners are kind of the boss?

MR. NEWBY:

I wouldn't say that's true based on the discussions we've had so far, so I believe that HAVA -- this is -- save me here, Cliff, if I'm saying something differently, but HAVA is clear that any adoption of a standard, whether we call it a standard or guideline or a modification of one, has to go through a process and eventually be

approved by Commissioners. So, if you take that extreme as one side and yet another side you say staff can make all those calls --

MS. MCLAUGHLIN:

Um-hum.

MR. NEWBY:

-- you're making a leap that there might be some appeal process later to the Commissioners to make that call. And there are some legal guidance to perhaps suggest ways that can happen, and that's really what Cliff's researching. But if you were go to a complete extreme of saying requirements can be changed without quorum, then how could -- then of course not, Commissioners wouldn't be able to weigh in because by that very nature you're saying they're not Commissioners.

And you wouldn't want to have something from a secure standpoint certified in the market and have a quorum come back and say, oh, snap, that shouldn't have happened and have a county or jurisdictions winking that they've put something in use that later has been determined by Commissioners who weren't even there at the time that is not secure. I mean, that -- I think it's -- there are a lot of nuances here to sort through to -- and, in the end, it's going to be policy decisions. And when I say policy, it's going to be Commissioners will have to agree or disagree that is consistent

with HAVA, whatever is decided. I mean, I think that's where it comes at.

Again, Cliff, if I said something --

MR. TATUM:

That's right. That is correct. At the end of the day, the Commissioners vote on policy, and the question becomes what the standards look like, what part of those requirements that are being developed, you know, how much of those are policy and how much of them aren't. As it relates to the minimal with the mail standard or the Phipps standard, you know, do they need to vote on that particular type of issue. But there's policy questions there. And as the systems have been developed in the past, the Commissioners have always voted on what those standards look like. And so moving it forward we'll be able to provide some information to the Commissioners so that they can make an informed decision.

MS. MCLAUGHLIN:

I think that answers my question. I mean, I think that this is -- it's not just nuance. It's pretty, you know, weighty, meaningful stuff in terms of at least the timetables for how this question of the wheels being purple or yellow, you know, the process that that would need to follow and how long it would take to resolve a question like that, so not easy and not straightforward --

MR. NEWBY:

Um-hum.

MS. MCLAUGHLIN:

-- pretty way to be figured out here. Okay. Thank you.

MR. KELLEY:

Can I just have a quick follow-up? So, it's not out of the realm of possibility depending on what comes out of this legal guidance that there could be some sort of a framework that says if this, then that, that the staff would move forward these requirements under these certain conditions, right? I mean, is that -- is that reasonable?

MR. NEWBY:

So, I think --

MR. KELLEY:

Not that it's an overarching policy.

MR. NEWBY:

So, I think there's two ways to go down this path so -- at least. So, one is to say, based on a first blush of HAVA, Commissioners have to make those decisions. And this is what Cliff has to evaluate in terms of -- I haven't taken a look at it, just like you would when you're looking at statutes in a local election, you might have a take, but that may not be the right take. You need a legal view in that regard.

So, one possibility seems to be -- but I think it has to be legally vetted -- that you could -- I mean, we've -- I've had discussions I believe -- I believe at least with three but I think all four Commissioners about could you put a box around certain requirements and say -- you know, so let's start with this -- empowerment as an idea, a phrase, is a lever, so empowerment is not someone's empowered to do something or not empowered. Empowerment is -- could be 0 to 100 percent. So, you could put a box around something and say in these 10 percent of the examples, staff is empowered to do something, but -- or 20 percent or 30 percent, and that's what I think yesterday in the hearing the comment was made I believe by the Chairwoman is that if there is an idea here, a policy, bring it forward, or draft.

And so I will tell you one element to that came at the Standards Board Subcommittee on the VVSG, and in that discussion someone thought, hey, we ought to do that, and then they kind of said but that sounds like a lot of work because it really would be hard to come up with that.

[Laughter]

MR. NEWBY:

And they kind of bailed and said that's a good idea, but that's probably not our role, the subcommittee.

When I heard that yesterday -- and Cliff and I have discussed that -- I think that is -- that's our legal department's role to come up with that draft idea. It could be rejected by the Commissioners. It could be that when he looks at it, it's not possible. Or it could be approved or modified by Commissioners based on putting something in front of them to react to. And if there is another idea or help in creating that idea based on interpreting HAVA, I'm sure Cliff would like to hear that. I would as well.

But I think -- so it's not out of the realm of possibility by any means, but I think in the end it has to -- it has to follow law. And that's what -- I mean, in the end, it comes down to a legal thing. I mean, I really do think that's what it is.

Again, I ask you -- it's dangerous that you're agreeing with me every time --

[Laughter]

MR. NEWBY:

-- but I'm about the only nonlawyer in here probably, so --

MR. TATUM:

Well, I think the conversation is right, and I leaned on this quite a bit as we talk about how standards are developed and what they actually mean. And if you're talking about a -- as HAVA says, standards, and you talk about testing requirements, what do the requirements do? Can the vendors build something to the high

levels, the guidelines and principles? And the answer to that we've heard is no. They need requirements. So, what are the requirements? The requirements are what the vendors build their system to to demonstrate that they meet the standard. It's a circular argument to some degree. And the question becomes what are those standards and what are those requirements? And the Commissioners will vote on -- will decide what those standards are and how they then impact the testing protocols of the Testing and Certification division.

MR. NEWBY:

So, Neal, I would think -- just another thought because I -- it's possible -- again, and this is just me -- that we could find our way to something that makes everybody happy if you want to use that phrase, through definitions and phrases. So, one of the things you said yesterday in the hearing was that a -- as a pilot, a -- or a guideline would be so many minutes over the ocean, you know, you have to be able to have safety mechanisms. Well, I think in the way we're looking at things, that's not a guideline. I think that's a requirement.

So, then you get into test assertions, and I could be wrong, but I don't think HAVA speaks to test assertions at all. So, it could be that the test assertions become the concept that could be addressed some way in this box, not requirements, and it's just a

matter of we're using different words. I don't know. And we -- that's, again, part of what has to be analyzed legally.

Oh, yes, David.

MR. BEIRNE:

So, David Beirne with FVAP. The -- so does HAVA explicitly reference requirements or is it just standards and guidelines?

MR. NEWBY:

Well, have a has a whole section on requirements that are different than the requirements we're talking about. I mean, this spells out exactly the requirements, so that adds to the confusion --

MR. BEIRNE:

I mean in terms of the reading within the framework of the standards development process or the standards themselves, does it reference guidelines?

MR. NEWBY:

So, it references guidelines that must meet all of the requirements in Section 301.

MR. BEIRNE:

Okay.

MR. NEWBY:

So, that's different than as we're talking about requirements under the new VVSG 2.0.

MR. BEIRNE:

Right, and I guess that's where -- because as -- from what I recall, your -- that's the biggest hurdle is this new injection of what is the requirements versus the guidelines, and to me it was the more technical read in 1.0 was that the requirements were embedded with them, and now we're carving them out. So, I think we're all on the same page.

I just was curious when you mentioned about the appeal process going forward, and I think that's, I'm sure, what Cliff will take a look at in terms of legal sufficiency, but it was the idea that -- and let me back up. What's the current process, remind me, for the RFIs? Who has the authority to -- when the RFI comes in, request for interpretations for the test assertions or the test protocols or an interpretation, who is the arbiter on the RFI or who issues it?

MR. NEWBY:

So, the Program Director, which at this point is Ryan, for testing and certification has that ability to make that decision. Now, the key element there is that the RFI is for requirements that exist, so it's truly an interpretation, not determining if a new requirement should be added or subtracted.

MR. BEIRNE:

Right, and I think that's kind of where Neal was describing that constrained environment. Then it kind of goes to the issue in

the existing RFI process, who's the appeal authority, the
Commissioners or --

MR. NEWBY:

I --

MR. BEIRNE:

-- the Executive Director?

MR. NEWBY:

Is it -- answer -- please answer so I don't --

MR. TATUM:

Commissioners.

MR. BEIRNE:

Okay. Because that it's into the Administrative Procedures Act that I know you guys will have to be mindful of in terms of if there's no quorum even going forward in that new environment, once you empower staff to make those determinations, there is still under the APA I think -- and I'm not an attorney either, but I think there is that need for an appeal process. Who is that appeal authority? And if you lack Commissioners, you're still going to run into the same trap.

MR. NEWBY:

So, the -- so this -- I'm only going to hum a few bars and Cliff's going to have to jump in on this, so I'm going to give you my take on -- you're saying not even hum a few bars.

MR. TATUM:

Don't even hum a few bars.

MR. NEWBY:

Well --

MR. BEIRNE:

I think it would be something that the Board of Advisors and all the advisory committees are looking for some guidance from the agency in terms of how is this all going to operate because I think everyone has the shared desire to offer some flexibility to move forward so not everything comes to a halt at the same time that we're not bypassing the Federal advisory committee structure and empowering staff beyond the original intent of the Help America Vote Act.

MR. NEWBY:

So, I am, Cliff, not humming a few bars. I'm going to say one thing. The -- because this is part of the analysis that needs to be done, so mindful of what you said -- and again, this is a nonlawyer view of HAVA -- I do not -- I don't believe that there is a place in HAVA that explicitly says the Commissioners must vote on each individual piece of certification, each system certified. It says they create a certification program. In the case of requirements, guidelines, standards, however you're going to define that, it's -- expressly says what they must vote on. So, that is going to be I

think the knothole to get through is can they delegate something that HAVA says they must vote on? I mean, that to me is the legal question.

MR. KELLEY:

By the way, I do agree with what David is saying. I just -- and I know you know this, but there's a lot of local and State officials that probably would not. And I think that's where we're trying to meet in the middle of the road.

MR. NEWBY:

So, please hum a few bars on that just so I make sure I'm not --

MR. KELLEY:

Well, I think the idea is that, you know, there are some folks out there that really want to separate this. They have it very clear, delineated that staff can move forward these requirements absent a quorum, period, and that's -- I'm trying to be more reasonable in this and say if there's a statutory guidance, tell us. I don't think it's fair for us to be, you know, chiming off to you guys about this if we don't have that. I'm just throwing it out there because there are some folks out there that I don't think would agree with that.

MR. TATUM:

Um-hum. Well, I think what we in this room should all keep in mind is that, right now, what's in front of us is the principles and

guidelines that's been developed and put out for comment. And keep in mind that we are now presenting to you the requirements that will be used for vendors to determine how to build their systems. So, the idea of let's also include in that formula how to change those requirements in the event that there is a loss of quorum, while important, does not change the focus of establishing the requirements.

That's what -- that's where we are right now. Let's get the requirements established so that the vendors can start building the systems. The Commissioners will talk about how we move those requirements forward after they're adopted. Will that need to be included in the way the requirements are written now? I don't believe so. Is that a policy that they may discuss? Yes, it is. But that doesn't impact the establishment of the existing proposed requirements.

So, let's focus on requirements, and we'll also focus on what happens to the requirements in the next step, so there's multiple steps going to be here. The principles, the guidelines, and the requirements, the test assertions, what happens after all of those are created? Right now, we're in a quorum, we're in a good place, we can get these established, we can get the vendors on the path, and then we can discuss the next steps of these things.

MR. KELLEY:

And Cliff, I appreciate that. I just -- I think one of my clarifying questions would be if the -- does the Commission have to decide on that policy issue before they move on 2.0 and the requirements? Or can they run in parallel or can they go, you know, one before the other? Or does it matter?

MR. TATUM:

It does matter, and that's part of the analysis that I'm doing is, you know, one, should the Commissioners move on the principles and guidelines in a standalone fashion from the requirements, component 1, component 2, component 3, test assertions? And in -- I'll provide them with an analysis of that, whether they need to be combined into one group or whether they can be processed in components and just the latter that I said there.

MR. NEWBY:

David, do you have a question?

MR. BEIRNE:

No, it was just -- I agree with everything Cliff is saying. I think in terms of the role of the Board of Advisors, I think my approach is simply to exercise words of caution. And I think we all identified the risk for the agency, and so it's intended to really help avoid third rails as we're seeing them both in terms of the role of the EAC going forward and making sure that, again, we know it was not

-- that they are voluntary, right? We all lose if the States are not being served by them or there's some confusion that then just starts to make it unravel, and I think that's where -- that's the intent.

I mean, I think we know what's in front of us. It's just to really make sure that I think that policy needs to be exercised now that -- especially now that we have a full bevy of Commissioners, and we can move forward. So --

MR. NEWBY:

Okay. Well, any other questions before we clear the stage for the Chair?

Okay. Thank you.

MS. HOWELL:

Thank you.

DR. LASKOWSKI:

Thank you.

CHAIRMAN WINN:

All right. Great job, very interesting.

Okay. A couple housekeeping rules. We do have a couple rooms available, so if committees want to meet after this gathering, the Solitude Room and the Park City Room outside for you on the left side is open, and if you want to meet and have a discussion with your committees, you can do so.

We will meet here again tomorrow morning at 8:15 to call the meeting to order and continue on our discussion. I think today was a very, very good day. I want to thank the Commission staff for all the hard work they've done today. The lunch was excellent.

And I'll turn it over to Commissioner Hicks for a few final words before we recess for this evening.

COMMISSIONER HICKS:

Thank you, Chair.

As Michael was saying, the Solitaire Room is down here on the -- is right next to Starbucks, and the Park City Room is upstairs. We have it until about eight o'clock tonight, so if folks want to continue the discussion that you were having earlier today or if the committees want to meet I would say to definitely be a part of that.

I think today went really well. I think that if there's -- I think Neal has the -- or is it -- Michael have the resolutions for tomorrow to probably get those together so we can pass them out or -- so people can read them at the meeting tomorrow would be good. But we have a full -- you know, a partial day tomorrow, so enjoy the rest of the day, and see you in the morning.

[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.]

CHAIRMAN WINN:

I call this meeting to order. The Board of Advisors meeting has reconvened.

Good morning, everyone.

BOARD MEMBERS:

Good morning.

CHAIRMAN WINN:

Hello?

BOARD MEMBERS:

Good morning.

CHAIRMAN WINN:

All right. Let's get started. We have Commissioner Hicks here to do the induction of the new officers. Commissioner Hicks?

COMMISSIONER HICKS:

While I would love to do the oath for the new officers, I see that there's only one here. But -- so we can --

FEMALE SPEAKER:

Is Daniel not here?

CHAIRMAN WINN:

Two. You've got two.

COMMISSIONER HICKS:

Well, two of them are here, sorry. One is not here. So, I can swear you two in and then swear the other one in later on.

MALE SPEAKER:

Sure.

COMMISSIONER HICKS:

So, I'm not sure if he left early, so -- all right.

[Commissioner Thomas Hicks led the recitation of the Oath of Office.]

COMMISSIONER HICKS:

Congratulations.

[Applause]

CHAIRMAN WINN:

And with that, I yield the Chair over to the new Chairman,
Mr. Michael Yaki.

CHAIRMAN YAKI:

Thank you very much.

COMMISSIONER HICKS:

Well, before Michael leaves, I -- there's one thing. We don't have a whole lot -- as we talked a little bit yesterday about the budget of the agency, we don't have a whole lot of money to give out things and prizes and things like that, but the Commissioners and the leadership of the Commission about three years ago went

in to buy challenge coins, which we paid for with our own money,
and so that's the one thing we can give to folks.

And so, Michael, as Chair for this last year, I want to
appreciate your service and give you that coin there.

CHAIRMAN WINN:

Thank you. Thank you very much.

[Applause]

CHAIRMAN WINN:

It's been an honor to serve. I'm going to step down and let
Mr. Yaki take over.

COMMISSIONER HICKS:

You can't get out of here fast enough.

[Laughter]

CHAIRMAN YAKI:

Thank you very much, Michael, and thank you for your great
leadership. It was a pleasure and an honor to serve with you for
the past two years, first as Secretary and then as Vice Chair.

Thank you all for being here today. We will take up the first
item on the agenda, which are committee reports and updates. Are
there any committee reports that we have?

MR. TATUM:

Your resolution is going to be as proposed, a number of resolutions that I think will be taken up at a later point on the agenda today.

CHAIRMAN YAKI:

Yes. So, we will have two resolutions being passed out that the Resolution Committee reviewed yesterday. Let me give you a quick report on that. There is one resolution concerning disability access and all-mail voting, and I do not mean that in terms of all-female or all-male but as in what you put in the mail. That was introduced by Jim Dickson. The Resolution Committee favorably reported that out.

There's a second resolution concerning the VVSG and delegation of authority to staff upon advice of General Counsel. That one did -- was -- is -- has -- was not favorably reported, but we -- but we will consider and have presentation on it today later.

Finally, let's see, is Shane here?

MR. SCHOELLER:

Here.

CHAIRMAN YAKI:

I'm sorry --

COMMISSIONER HICKS:

No, no, no. He's saying he's here.

CHAIRMAN YAKI:

Shane, I'm going to break a little bit with tradition here and just give you a couple minutes to talk about the Strategic Committee that you and I discussed last night so that people can get an idea of what it is that we will be asking people to ask to be appointed to.

MR. SCHOELLER:

Well, I appreciate that, Michael, and congratulations on your Chairmanship. And the goal when Chairman Winn reached out to me last year was that, you know, we kind of learned a little bit of this yesterday in terms of our initial discussion in this committee is that, for years, the EAC has had a Clearinghouse Committee. And I think that some discussions happen within the leadership last year of, you know, how can we evolve as a Board of Advisors to be more strategic in how we work with the Election Systems Commission, the Commissioners, and local election officials.

And so when Michael and I were talking last night, you know, the goal is that, you know, we identify current issues, potentially issues that are coming on the horizon, that we can work together as a committee and with the EAC staff and Commission to identify not only the issue but what are best resolutions to those issues, use a SWOT analysis, maybe a type of a format to be able to do that. But then, how do we implement it? How do we get that to the ground level to the people there day by day, you know, that are facing

these issues that don't necessarily have the resources or the time to be able to do that?

And so the goal of the committee is to begin looking at that. One of the discussions we had of course is cybersecurity preparedness. You know, that's constantly evolving. That is an area of sophistication that most election officials do not have. That's an area we believe that the EAC can make a big difference, but we can be the eyes and ears for the EAC, you know, work together in concert with that.

And then another area that's kind of on the horizon is the politicization of local elections in terms of, you know, parties and candidates being upset with the outcome and you have a local election official following the law as the law is prescribed that suddenly they are in the middle of that political argument, and it has nothing to do with their job performance or the way they conduct the election and working with stakeholders, both party leaders, candidates, and media, to at least make sure that people will have the confidence in terms of the local election being conducted when nothing has occurred that would in any way take away that confidence by the way the local election official conducted that election.

CHAIRMAN YAKI:

Great. Thank you very much, Shane. That will be a committee that I will be personally working with you on, and certainly the implementation issue is one that we all care about.

Just a brief -- another brief announcement, one, our Vice Chair has shown up, and we will need to administer his oath of office. Did you need to run and do something really quick and then come back?

SENATOR IVEY-SOTO:

I'm going to get some coffee. Do you need any Starbucks?

CHAIRMAN YAKI:

Go get some coffee.

[Laughter]

CHAIRMAN YAKI:

The Chair gives you dispensation for coffee. I can't guarantee you'll have your job when you come back.

[Laughter]

CHAIRMAN YAKI:

But one of the things that, in talking with a lot of folks here today, has been the fact that, as the Board of Advisors, we'd like to be much more active and aggressive. Certainly what Shane's committee is going to do is going to be part of that. But one other thing that I'm going to be doing is using my ability as Chair to appoint special committees on discrete issues. And I think that

being -- having the Board of Advisors be a little more nimble, a little more quick in terms of being able to attack and present an issue to the Commission is something that I think that we all want to be able to do. I will be announcing a series of such special committees shortly with -- from discussions with members that I've had, but I wanted to give you that preview. And I will be also giving a general announcement to all the members for those who want to join, but the idea will be to work together.

I will also be presenting a resolution later today on creating a new committee based on our discussion yesterday on disaster preparedness and recovery, and I will be using my prerogative as Chair to force the former Chair to be the Chair of that committee.

[Laughter]

CHAIRMAN YAKI:

There's -- no good deed goes unpunished in this new regime.

So, on that note, if we are ready, why don't we quickly --

COMMISSIONER HICKS:

Do the oath.

CHAIRMAN YAKI:

-- do the oath for Daniel.

COMMISSIONER HICKS:

All right. Here we go. You ready?

CHAIRMAN YAKI:

And after Daniel, can we have the -- will -- is the disability and security panel ready to roll?

FEMALE SPEAKER:

I don't have Jim yet.

CHAIRMAN YAKI:

Jim isn't here yet? Okay.

[Commissioner Thomas Hicks led the recitation of the Oath of Office.]

[Applause]

CHAIRMAN YAKI:

Okay. Because some folks aren't ready for the 9:15, we are going to move up without objection the discussion on resolutions to now.

Quick question, anyone out there -- first of all, I'm going to ask the Secretary to read the list of proxies that have been received and affirmed by our General Counsel.

MS. MCLAUGHLIN:

The proxies that we noted yesterday, Elliot Burke with proxy to Sarah Ball Johnson; Connie Lawson, proxy to Sarah Ball Johnson; Jeffrey McLeod, proxy to Linda Lamone; and Michelle Tassinari, proxy to Linda Lamone. We have since received the

following additional proxies: John Fogarty to Linda Niendick, Don Gray to Linda Niendick, Larry Norden to Barbara Simons, and Mark Ritchie to Barbara Simons.

CHAIRMAN YAKI:

Now, are there any additional proxies that may have been given for people who have left since yesterday? If not -- Mr. -- Shane?

MR. SCHOELLER:

I'm going to have to leave before the resolutions to catch a flight, so I'm emailing Cliff --

CHAIRMAN YAKI:

We're going to do resolutions right now.

MR. SCHOELLER:

Oh, we're doing them right now? Oh, excellent.

CHAIRMAN YAKI:

We're doing them right now. Okay. That being -- if that's it, then the --

COMMISSIONER HICKS:

Cliff --

CHAIRMAN YAKI:

Cliff?

MR. TATUM:

Yes, Mr. Chair, the -- Greg sent a proxy to me to delegate his proxy to Linda Lamone.

CHAIRMAN YAKI:

Great. Okay.

MS. MCLAUGHLIN:

Okay.

CHAIRMAN YAKI:

Oh, Greg Moore?

MR. TATUM:

Greg Moore.

CHAIRMAN YAKI:

Okay. Great. The first item, we are -- the -- and this goes to -- Cliff, I need copies of the resolutions. The first one is on the creation of the Disaster Preparedness and Recovery Committee. Under the bylaws, we are allowed, by majority vote, to create these ad hoc committees to deal with important issues. Natural and manmade disasters that have the potential to throw elections into chaos, destroying infrastructure, displacing voters, and potentially rendering the impacted system more vulnerable to security threats.

Repairing election assistance is really a top priority in the aftermath of such events even if a disaster occurs mere weeks before an election or on Election Day itself. Yesterday, we heard about Hurricane Michael making landfall 15 days before voting in

Dade County and how the Supervisor of Elections, Mark Andersen, managed to pull things together and have a 53 percent turnout, 2 percent higher than the previous midterm.

Obviously, the impact of disasters such as Hurricane Maria in Puerto Rico, Hurricane Katrina in Louisiana, the fires in my home State of California, and the D.C. sniper attacks have laid bare the need for the EAC to focus additional resources on helping State and local officials recover from the disaster and prepare for future events.

So, we are going to propose that we will use the talent that we have here with the election officials and people involved in elections to tackle some of the -- one of the greatest challenges to the security of American elections, so we are proposing that the Board of Advisors establish a committee to ensure that the issue of disaster preparedness and recovery continues to be part of the discussion around successful election administration, and I'm going to ask is there a motion to create such a committee?

SENATOR IVEY-SOTO:

The Vice Chair makes a motion.

CHAIRMAN YAKI:

The Vice Chair makes a motion. Seconded by Senator
Kathy Bernier.

SENATOR BERNIER:

Good job seeing me.

CHAIRMAN YAKI:

Yes, this is where my -- the DMV would think my eyesight would be an issue.

Is -- are there any objections to the creation of such a committee?

Seeing none, by unanimous consent, the committee is -- the committee is created. The Chair will be our former Chair, Mr. Michael Winn, and I will consider applications for Vice Chair and, members of the committee, please feel free to either volunteer now or volunteer later.

Second, this one was prepared by Jim Dickson. It was discussed at the Resolution Committee, as I said last night. After some discussion, it was amended, and this is what it -- as it States right now, "Whereas at least 22 States or provisions allowing for elections to be conducted entirely by mail ballots, also commonly known as all-mail voting, and whereas many voters have elected to -- many jurisdictions have been elected to conduct an all-mail election and whereas more jurisdictions are considering all-mail elections, whereas there are concerns that there is a lack of adequate access consistent with the principles of the Help America Vote Act for voters with disabilities in all-mail elections, therefore, be it resolved that the Board of Advisors of the U.S. Election

Assistance Commission recommends that the Commission include in its guidance that jurisdictions ensure that all-mail voting is readily accessible to voters with disabilities. Be it further resolved that the Board of Advisors recommends that the Commission develop policy recommendations that address how VVSG 2.0 might be applied to all-mail elections."

That is the motion. Do I have a motion on the -- motion to move this?

MR. BEIRNE:

I have a -- I have a question.

CHAIRMAN YAKI:

Yes.

MR. BEIRNE:

In terms of the bylaws --

COMMISSIONER HICKS:

Please identify yourself for the --

MR. BEIRNE:

David Beirne of the Federal Voting Assistance Program. In terms of the committee effort last night, you mentioned there were edits made. Can you give us a sense -- I just need a point of clarification that ties into the other resolution --

CHAIRMAN YAKI:

Sure. The --

MR. BEIRNE:

In terms of the role of the Resolution Committee because according to the bylaws they only should be approving by form not content, so I'm curious about the substantive edits.

CHAIRMAN YAKI:

The substantive edits were made at the request and consent of the author. This is the author's resolution. I suggested some edits last night. The initial version of this from the committee's viewpoint was a little bit -- it basically stated that VVSG should be applied to all-mail elections. There was some discussion about how that would actually work in practice and, given that there were other issues involved with all-mail elections that are different from the basic tenor of how VVSG 2.0 works, so the language was modified, and also we have strengthened the provisions regarding the whereas causes to make it clear how all-mail jurisdictions vote.

But this was approved by the author last night and submitted to Cliff for distribution today.

MR. BEIRNE:

Okay. And thank you for that because if it was beyond the scope of what the author was hoping to do with the resolution, as submitted, that would be concerning to me just in terms of what the bylaws stipulate for the resolution --

CHAIRMAN YAKI:

Sure. No, I agree, and if you need, I have email from Jim saying he loves it and it's fine.

MR. BEIRNE:

Great. Thank you.

CHAIRMAN YAKI:

Sachin, did you have something to say?

MR. PAVITHRAN:

I was just going to set forth the motion.

CHAIRMAN YAKI:

Great. Barbara?

MS. SIMONS:

I just have a question, and with Jim not here, I don't know how it can be answered. He -- it says recommends that all-mail voting is directly accessible to voters with disabilities. What does "directly" mean?

CHAIRMAN YAKI:

"Directly" means in the context of Help America Vote Act that it -- you have the ability to do your own secret, private ballot on your own in your home. And I think the issue that he was concerned about was the fact that the standard for directly accessible that he was concerned about was having to be able to basically have to go to City Hall or some other place in order to directly cast a ballot in

an all-mail election, whereas everyone else have the ability to do it from their home.

DR. STARK:

Sorry, how does "directly" differ from "independently"?

CHAIRMAN YAKI:

I think "directly" is a question of is it accessible directly by the person. And "independently" means -- "independently" can -- to me can mean other things, which is can you independently get in a car and go to the -- go to the -- go to City Hall in order to cast your vote versus "directly" means you are there, you are part -- you get it, you are able to directly access the ballot in your home.

DR. STARK:

So, I'm still really kind of confused by the word. Directly marking a paper ballot with a pen may not be possible, but directly interfacing with an electronic something that is going to mark a paper ballot might be. Is that still directly or is the point that nobody can vote by mail unless everyone can hold a pen?

CHAIRMAN YAKI:

No, I think that the issue is that for people who have disabilities, this is an issue that needs to be discussed. I don't think that there is going to be -- this is not -- this is not proposing a solution. In fact, the committee last night implicitly rejected the idea that we would have a direct solution that was proposed. This is to

say there is a fundamental issue of access when there is -- when you are simply mailing it out to everyone in the community, and people who have visual impairments or other -- other disabilities who have -- who are not as easily able to access that ballot have some means in order to do that.

Vice Chairman?

SENATOR IVEY-SOTO:

Yes, and just two things on that. I mean, while the word "directly" may or may not be the clearest word, I don't -- I don't think it necessarily creates a path a particular way. I will note two things. The first is just that there's a typo where we say the Help America Voter Act. It's the Help America Vote Act, which is just remove the R.

CHAIRMAN YAKI:

Thank you.

SENATOR IVEY-SOTO:

But the second thing is that, you know, one of the Cleary Awards, which was from the New Mexico Secretary of State, was in fact about allowing blind and visually impaired voters to be able to cast a mail ballot at home using their equipment and the delivery of the ballot for them to be able to receive the ballot even those returned by mail. And, by the way, Jim just walked in the back of the room, so he may be able to answer your questions as well.

DR. STARK:

And in your reading -- in your reading, that would satisfy the conditions of this resolution?

SENATOR IVEY-SOTO:

Yes. Yes.

DR. STARK:

Okay.

SENATOR IVEY-SOTO:

Correct.

CHAIRMAN YAKI:

So, there -- I'm going to let -- Jim, we were -- we have been briefly discussing and getting some clarification on the resolution that is before us. I think that we -- we would like to give you the last word and then proceed to a vote.

MR. DICKSON:

I think it speaks for itself. Glad to answer any questions --

MR. BEIRNE:

I've got a question that you can -- David Beirne with Federal Voting Assistance Program. The applicability of the VVSG 2.0 does not necessarily, I think, translate to ballot marking or online ballot marking systems like what's being described in terms of the Cleary Award. Can I get a clarification in terms of -- either from

Ryan or EAC staff in terms of the scope of VVSG 2.0 and if it includes ballot -- online ballot delivery systems or ballot marking?

CHAIRMAN YAKI:

Well, actually, that's a good question. I'm going to answer for you because I -- that was one of my questions last night in Resolutions. And what was brought to my attention is that -- and this is why we talked about how it might be applied rather than simply saying that it should be incorporated within. That's -- that was where it was headed. This is where it is now.

It might be applied -- for example, there are -- it was brought to my attention that there are some software issues involved that VVSG might be helpful with in terms of processing the ballots, the inputs, how it's marked, how it comes out, things involving barcodes, for example. Those things that go toward the integrity of that ballot, once it's received and put into the system, there are principles of VVSG 2.0 that would be important to apply.

MR. BEIRNE:

Okay. I'm familiar with the principles behind 2.0. I'm also familiar with certifying the voting systems. I think it confuses the issue in terms of the broader applicability of VVSG 2.0 and the certification program because that's always been an issue in terms of what is in scope for certification in products, whether it's

electronic poll books, whether it is UOCAVA blank ballot delivery systems.

CHAIRMAN YAKI:

Um-hum.

MR. BEIRNE:

Those things typically are not subject to certification because the certification threshold kicks in, as I understand it, when ballots are being tabulated in those systems, and I think we're confusing the issue in terms of the broader applicability of 2.0. If the intent here is to have the principles, the broad principles that we've already adopted in terms of the VVSG 2.0, then that's fine. I mean, you can drive trucks through those things but I don't think the 2.0 and the test assertions or whatever may be coming next. When we just talked about these things, we confuse the issue, I think, further.

CHAIRMAN YAKI:

Well, I appreciate what you're saying, but I would just commend you to the fact that the language states that the -- it involves policy recommendations addressing how it might be applied to all-mail elections. It is -- I think it is -- we deliberately asked that the language be modified to make a broader to address the issues that you were talking -- that you brought up to ensure that this is done smartly and in a way that doesn't overly encumber either the VVSG 2.0 process or an examination of all-mail elections.

Any further discussion?

DR. STARK:

Maybe pose a friendly amendment that it include something about ensuring that the votes remain -- that -- not only directly accessible but privately accessible, I mean, in some sense to preserve the privacy of the vote in some way at the same time. I'm not sure exactly what the wording would be.

MR. DICKSON:

I don't think --

CHAIRMAN YAKI:

Jim?

MR. DICKSON:

I don't think it's necessary.

CHAIRMAN YAKI:

Barbara?

MS. SIMONS:

So, I also had a question. I mean, I'd like to add something -- and hopefully Jim would agree with this -- that they can be securely marked, securely markable.

MR. DICKSON:

I --

MS. SIMONS:

Does that make sense?

MR. DICKSON:

We worked -- we worked very hard on the language. I don't want to fuss with it. I don't want to put anything in that's going to make it more complicated than it already is. And I think that notion does do that.

CHAIRMAN YAKI:

And I -- let me just address, this is a statement of principle and policy more than anything else. We're not making direct recommendations. It's about essentially ensuring that the principle of access is there and that the -- those aspects of VVSG 2.0 that might be applicable in ensuring that, and certainly some of the principles that you discussed about privacy, about integrity of the ballot are going to be in there, but I -- but this is -- this is simply a -- putting the stake in the ground to state that this is something that we care about and we need to -- we need to just go forward because one of -- again, this is going to be something that I think that we might address in a small committee because all-mail elections are out there. They're happening more and more, and we have to ensure that we -- that we as a Board of Advisors put out there that there is a -- there are -- there is a group of individuals in this country who are citizens who deserve the same rights and access of anyone else, and they cannot be -- their concerns and their needs cannot be ignored or shirked in terms of their ability to

be a full participant in these types of elections. That's all, essentially, this states, and I would recommend your support.

SENATOR IVEY-SOTO:

And, Mr. Chairman, if I may -- just -- and I know everybody has this in front of them, but just to kind of unpack the two "therefores" in this resolution, the first "therefore," right, is where we are asking the EAC to include in their guidance for jurisdictions that include all-mail ballot that is directly available to people with disabilities. There's no reference to VVSG 2.0 there. That's simply guidance of best practices of how you address people with disabilities in an all-mail election.

The second is that we're asking the Commission to develop policy recommendations with regard to how VVSG 2.0 might be applied. That answer may be VVSG 2.0 doesn't apply, but here are set of guidances and policy recommendations about how you would apply it. It -- that recommendation maybe this is the manner in which it applies.

So, it's a -- I don't think that this is a resolution that has the answer baked into it, and I do think that Jim did a good job of dividing out where VVSG 2.0 is mentioned versus where it's not mentioned between the two different "therefore, be it resolved."

CHAIRMAN YAKI:

Okay. Any other discussion?

Yes, sir.

MR. BEIRNE:

Okay. There's -- David Beirne with Federal Voting Assistance Program. I applaud the resolution, the intent of it. I think everyone shares that desire to make sure there's accessibility across the board. Wording is important, and there's a discussion that prior to the final resolution where actually in the second-to-last paragraph, "therefore, be it resolved" jurisdictions ensuring that all-mail voting is directly accessible is a bit problematic on a number of issues, right, in terms of whether it's an online blank ballot delivery system that's being used for -- such as what was being proposed in H.R. 1 versus in some form or fashion trying to ensure that commercially, you know, the private devices used at home are fully accessible. I think that's a bit far. And I think that's where wording is important.

To me, it seems like the Board of Advisors is already going down a path in which we're passing resolutions very much like the United Nations in which there's not a lot of teeth behind them, that there's just a lot of feeling. And I think from somebody who used to be a practitioner and direct local election official, is bothersome to me to hear this discussion about 2.0, the broader applicability of these requirements because we're not keeping in mind what exactly would it look like when you implement it.

So, if there's a broader desire to have this resolution expressing intent or a willingness to embrace the principle of making sure that all-mail voting is accessible, I fully support it. It's the confusing aspect of including VVSG 2.0, which just seems to be a bridge too far if you will.

CHAIRMAN YAKI:

Thank you. Okay.

Any other discussion?

Seeing none, I'm going to close debate, and we will call the roll.

Well, I'm going to skip that. We'll first start with a show of -- with a voice vote.

All those in favor, say aye.

[Chorus of ayes]

CHAIRMAN YAKI:

All those opposed?

[Chorus of nays]

CHAIRMAN YAKI:

In the judgment of the Chair, the ayes have it. The resolution is passed.

Thank you, Tom.

Next resolution is proposed by Neal Kelley and Linda Lamone. Let me read it, and then I'll let Linda take the microphone.

The Board of Advisors recommends that the EAC Commissioners adopt a policy that acknowledges the VVSG as a standalone document required by HAVA and that the requirements and test assertions are documents that are established by policy. The Board of Advisors further recommends that the EAC Commissioners adopt a policy within the Testing and Certification program quality and program manual that provides for the VVSG 2.0 requirements and test assertions be updated in the absence of a quorum of EAC Commissioners, provided that the EAC General Counsel deems this approach legally sufficient based on the intent of the Help America Vote Act, HAVA, and that the EAC establishes clear guidance on the level of authority that is extended to the EAC staff in the absence of quorum.

Ms. Lamone?

MS. LAMONE:

Thank you, Mr. Chairman.

I'd like to preface this discussion with pointing out to my colleagues here that the Standards Board has passed a resolution until 2018 essentially identical to the one that's being presented here.

In addition, at their meeting earlier this month, the Standards Board adopted a motion that is substantially similar to what is being proposed by this resolution.

The assertion by the EAC staff that this is a legal issue that has not been researched seems to me to be a bit ingenuous because -- disingenuous because they have known since at least the resolution in 2018 and the motion earlier this month that it is the desire of one of the advisory boards to the Commission that this is an important issue to its members. And I strongly urge that this body adopt the resolution, which is actually captioned resolution proposed by Neal Kelley.

The National Association of State Election Directors, which is the organization that I represent on this body, strongly feels that this is a very, very important matter that the history of the Commission with regard to the lack of Commissioners clearly supports the idea that it could happen in the future, that we don't have Commissioners sufficient to constitute a quorum, and therefore, what happened in the past will happen again, that the entire process of dealing with the Voting System Guidelines comes to a screeching halt, and that the people that use the equipment and rely on it and are held accountable by the politicians and the voters are left in total limbo with regard to moving forward with any innovation in the systems.

I don't know whether any of my colleagues that have discussed this with me would like to chime in, but I would appreciate their input if they feel appropriate.

CHAIRMAN YAKI:

Okay. Shane?

Oh, no, sorry, Neal. Sorry.

MR. KELLEY:

That's okay. Good morning. Neal Kelley, Registrar of Voters, Orange County, California. I also echo Linda's comments, but I want to add that I think that the VVSG 2.0 is going to be passed, and I think the requirements will move forward, and I think this is a great thing for the marketplace. I think the thing we need to consider and the thing that I would be afraid of is that this body misses out on an opportunity to simply make a statement. And that statement is that we believe in innovation, we believe that the marketplace should continue to move forward, that we should not be in a position like we have been in the past where innovation stalls or that manufacturers are afraid to bring -- are concerned about bringing systems forward or patches to systems or updates to systems, and I think this is simply a statement that says that we believe in that fundamentally.

And I recognize that, absent the legal research that needs to be conducted, that we're making a statement missing that information that should be there to support our resolution. However, the resolution, as it's written, provides that out in my opinion for the EAC. We're simply saying if the legal research says

that statute can allow this to occur, then we believe that this should move forward.

So, I again support the comments that Linda has made, and I'm simply asking this body to make a statement. Thank you.

CHAIRMAN YAKI:

Thank you very much.

Mr. Vice Chair?

SENATOR IVEY-SOTO:

Yes, Mr. Chair, I -- and -- I see that Mr. Tatum is having a side conversation, but in his capacity as our Parliamentarian, I guess I would ask whether or not this resolution is in order. And the reason why I would ask whether or not this resolution is in order is because this exact language came for this body at our Miami meeting. And at the Miami meeting, we -- there was a motion to substitute this exact language. And that is reflected on page -- pages 10 and 11 and the top of 12 of our minutes. And specifically, then, there was the language on page 11, a long paragraph that starts with, "A motion was made to substitute the entirety of the Standards Board resolution previously passed by the board in lieu of the following drafted resolution from the VVSG Committee, and the amendment is as follows." And then we have the language then that was adopted in lieu of this language. So, this matter has

already been considered by this body, and this was already addressed by this body. And the vote was 20 to 1.

And so lacking a motion to reconsider, it would seem to me -- but I would require the Parliamentarian -- that this may in fact be out of order.

MR. BEIRNE:

May I make a point of order, please? David Beirne with Federal Voting Assistance Program. I was directly involved with the discussion in Miami. Neal and I were on two different sides of this issue. The language in this resolution is different than the one that was in Miami because it builds in the provision that we recognize the need for a legal sufficiency review. So, I can tell -- I can tell you that the resolution is not exactly the same.

CHAIRMAN YAKI:

Mr. Vice Chair, this was actually an issue that I did bring up directly with Neal yesterday, and based on my reading, one, if this were within the same meeting, I would say that the point of order would be -- would be well put, but since we are in a different meeting that was -- has been convened at a different time with a fundamentally different board, I think we have the ability to revisit it and look at these issues.

So, I am going to rule that the -- that this is -- this is in order for consideration today, and it's not just based on parliamentary

rules but the fact that this does clearly, as has been stated, include different language regarding the role of legal counsel in this.

I -- but to go to the substance of this, there were two concerns that were put forth in the Resolutions Committee. The first had to do with whether or not we really knew whether we could do this or not based on an interpretation of HAVA itself. And the second, brought by a number of individuals, was the fact that, as much as we care about the need to be nimble and responding to manufacturer vendor changes, proposals by experts, what have you, there was a deep concern over delegating this kind of responsibility to individuals, however well-intentioned, however good they are. This is not a comment on staff as individuals or as a whole, but rather the lack of responsibility and the abdication of such by the people who are appointed in those positions to make these decisions. And that is the EAC Commissioners.

So, those were the two concerns that were raised by the Resolutions Committee. I understand certainly from the viewpoint of the election officials how important and frustrating it is to be able to have quick responses and quick answers to their concerns and their needs on this issue. So, I want to hear about that a little bit more. I personally have no stake in this resolution one way or the other, so I would, you know, leave it to the floor to sort of help elucidate this a little bit more.

Comments, questions? Jim? Jim -- make sure his mic is on.

MR. DICKSON:

Jim --

CHAIRMAN YAKI:

It's on.

MR. DICKSON:

Jim Dickson. I have a question. Does this apply solely when or if there should not be a quorum of Commissioners? Or does this in any way set us on the path of staff making the decisions on the test assertions?

CHAIRMAN YAKI:

Neal?

MR. KELLEY:

Thank you. Mr. Dickson, I think that's a great question. The way that we're posing the resolution is that it would only take place in the absence of a quorum.

And the other thing I wanted to say was, Mr. Chairman, I think you make some good points. However, we're making an assumption I think to say that all of the requirements or the test assertions would be handed over to staff. I'm not suggesting that in any way. In fact, the Commission may very well -- if this resolution passes, to take the opposite approach. And I recognize that. But what we're saying is maybe there is the ability to look down the

road at a framework like Director Newby talked about yesterday where there's a portion that staff could deal with and move forward absent a quorum.

So, we're not trying to lay out that framework in the resolution. We're just simply saying give it a look, and that's all I'm asking for.

CHAIRMAN YAKI:

I see the former Chair, Ms. Johnson, puzzling over this. Do you have a comment?

MS. JOHNSON:

Yes, play poker with me, you'll win all the time.

MR. DICKSON:

Not me.

MS. JOHNSON:

All right, Jim.

[Laughter]

MS. JOHNSON:

Maybe I have a chance I'm not losing all my money.

So, I do have a question on the quorum piece. I think the intent is lack of -- from the authors is lack of a quorum if there aren't a quorum of Commissioners appointed, not simply lack of a quorum because one is ill or out of the -- you know, not at the meeting or something along those lines, but for just saying a broad lack of a

quorum seems a little wide open to me versus, you know, not having them appointed and -- is very different than just not having three there.

CHAIRMAN YAKI:

Yes, I think the clear intent was appointed, correct, yes.

MS. JOHNSON:

But it doesn't say that, and it's not very clear that it means that specific very unique case.

CHAIRMAN YAKI:

Well, I want to raise this issue because -- to Neal and to Linda because I appreciate what you're saying. Is there another way to say this that doesn't go to the issue of whether there is a quorum or not? Because I think the issue you're talking about can transcend whether there is even a -- whether a quorum exists or a quorum does not exist, and that is how can you get answers or vendors get answers or be able to get answers on -- in a turnaround fashion that is responsive to the needs of the election cycle, the purchase cycle, the RFP cycle that you might be involved in? Is that really what's going on here more than the quorum -- the issue of whether there's a quorum or not? Neal, Linda?

MS. LAMONE:

Yes, that's exactly our concern.

CHAIRMAN YAKI:

Is there a way perhaps to draft this to state more affirmatively those things that you are concerned about that do not go toward whether or not there is a quorum or not but go toward the need for speed, the need for turnaround, the need for responsiveness on behalf of the Commission to these issues that perhaps better expresses the support of the Board of Advisors for what it is that you're looking for?

SENATOR IVEY-SOTO:

And actually if I could just -- if I could just follow up on what the Chair's saying, you know, part of it is, you know, Neal said we're just asking for legal opinion on this, but that's not what the resolution actually is -- what the language actually says. The resolution says adopt a policy to do this provided there's a legal opinion that supports it. And -- you know, and I think the Chair's suggestion that we instead reframe this instead of whether or not there's a quorum as to what the requirements are, you know, apart from the EAC General Counsel that asked the Commissioners to do that as to what the test assertion requirements are and how those may be developed and -- is -- I think actually does get to that -- get to the heart of what you're saying you would like to have in the resolution, and that would be the case whether or not there's a quorum or not.

DR. STARK:

A couple of things, Philip Stark. One maybe wording that could work is to try to recommend that the Commissioners investigate whether there are aspects that could prudently be left to staff or others or -- I don't know what the right body is -- to modify without the approval of the Commissioners themselves. I'm -- that's not very artfully worded, but is that the sentiment that we're trying to achieve? That was one thing. And the second thing is I would love to hear from the Commissioners what they think about this.

CHAIRMAN YAKI:

Well, I'm going to say that we are the Board of Advisors, and I think it may be inappropriate for us to put the Commissioners on the spot. But I can say that, as a Commissioner in my own right, you know, it's one of those things where you think as -- this is part of my job to do, but part of my job is also to set clear guidelines and boundaries on how things can proceed without having to monitor every single thing that happens.

Neal looks like he is contemplating, so Neal?

MR. KELLEY:

Yes, Mr. Chairman, thank you. And to the Vice Chair's comments and the Chair's comments, I think they're appropriate, and I'd be open to friendly amendments. But I do want to say this, that I think the Commission, certainly this Commission, is on board with speed and the need for certification moving quickly. I don't

think that's at issue. And I would caution us to not think that's the intent of what we're trying to accomplish here. It's simply if the Commission cannot move this forward and it stalls, then what happens? What occurs in that specific scenario?

And to the Vice Chair's comments regarding the legal issue, you're right. I mean, I'm suggesting this would move forward if legally it would be allowed. And I'm open to amendment if you think they're --

MR. BEIRNE:

Mr. Chairman, David Beirne with Federal Voting Assistance Program.

CHAIRMAN YAKI:

Yes.

MR. BEIRNE:

Before we go on to continue discussion in terms of friendly amendments, one, it would be good to make sure we're following Robert's Rules of Order if that's the intent.

Secondly, there's a fundamental misunderstanding in terms of what the intent of this provision is or this resolution. It's a recognition of what our current certification program looks like for voting systems based on the existing certification manual. The process we discussed yesterday -- and I -- one of my questions was about the RFI, the request for interpretation and how that is --

that functions. That's very similar to what's being discussed here in terms of how do you maintain the continuity of the program for certification of voting systems in the absence of a quorum because I asked the question yesterday who is the arbiter -- the appeal authority on the RFI? That is -- that's the Commissioners.

In the absence of a quorum, what you would find potentially, the inability to move forward with substantive issues. This is intended just to identify exactly what is the full scope -- the authority of staff to make decisions based on the formal process that the EAC proceeds with. And it is nothing more, nothing less.

So, that's what I just wanted to suggest is that I think there's a big misunderstanding between what we all hear as the principles and guidelines, 2.0 in contrast to 1.0. The big difference is that the requirements of 1.0 were nested together with the standards. Now going forward we have them broken apart, and so there's a discussion about the -- who's -- who has the provision for the requirements versus the test assertions? As it stands now, the test labs themselves develop the test plans, as I understand it, and that is it -- that test plan is approved by staff at the EAC.

So, this is just to provide clarity in terms of whose responsibility is whose, and for the EAC just to make sure that you can proceed down this path, which I think is already laid out before them, and it will be brought before their consideration anyway. So,

it does this to make sure that they have done their proper due diligence, and we're just signaling to say you can proceed provided it passes legal sufficiency.

CHAIRMAN YAKI:

Yes, thank you. Let me just offer this suggestion. One of the -- I think one of the things that I am trying -- that I want to try and address in the coming year is the fact that we gathered here -- we gather once a year, and we are confronted on the second day with resolutions that are put together by wonderful, smart people to people who are also wonderful and smart people but not smart in the areas that they're talking about. And it -- and then it leads us to start to question different aspects about how it's really going to work, everything like that.

One of the things I want to try and break from that is to say we don't necessarily have to confine ourselves to getting it done this particular meeting at this particular year, but we could do it at the next quarterly meeting in our phone call. We can take up items that maybe need a little more massaging, a little more consensus, a little more wordsmithing and socialization amongst the people who are here today.

Because you have people who are undoubtedly at the top of their game who are election officials, and then you have people who are at the top of their game in other areas, whether they are

State and local people, whether they're Federal Commissioners, whether they're scientists, and there is -- that's what makes the Board of Advisors different than the Standards Board. It's what makes it different from the Technical Committee. It's what makes us I think unique in our ability to sort of take a step back and look at these issues and come up with trying to find the common ground that makes the most sense.

I appreciate everything that you said about -- and what you said about differentiating and the RFI, that whole process, that's all great and illuminating to me. I want to take that in. My question is whether or not we can find that common ground here today. What I'd like to do to sort of -- this is within -- this is a -- I'm going to suspend Robert's Rules for -- without objection for a moment --

MALE SPEAKER:

Here, here.

CHAIRMAN YAKI:

-- and just ask -- just do a straw poll of people who would be willing to vote for it as-is right now as it's drafted? Just kind of a raise your hand so I can get an idea. Vote in support of the amendment -- of the resolution as it's currently drafted.

MR. BEIRNE:

The resolution, as it's written.

CHAIRMAN YAKI:

As it's written. As it's written. No amendments, nothing on it, as written.

[Hands raised]

MR. BEIRNE:

Mr. Chairman, I'll tell you I'll object to you suspending Robert's Rules of Order to do a straw poll.

CHAIRMAN YAKI:

Okay. I'm just trying to make things a little more efficient.

MR. BEIRNE:

Yes, I understand your desire to make things more efficient.

However, it is in gross violation of our --

CHAIRMAN YAKI:

Well, I asked for objections. You didn't object at the time, your objection now is untimely and overruled.

Now, as to people who oppose the amendment as it's currently drafted, raise your hands.

[Hands raised]

CHAIRMAN YAKI:

Okay. Let's proceed. We'll proceed with the discussion under Robert's Rules.

Any other discussion? Philip.

DR. STARK:

Philip Stark. I'd like to offer a a friendly amendment just after the words "updated," say "updated in some regards." I'd like it to be possible to draw a box around those things that can be updated and those that can't.

MR. KELLEY:

I think it needs to be moved, right? I think we need to move the reso first.

DR. STARK:

Oh, I'm sorry.

SENATOR IVEY-SOTO:

It was -- it was moved just as you were walking in.

MALE SPEAKER:

Oh, thank you. I'm sorry.

CHAIRMAN YAKI:

Yes.

MR. BEIRNE:

Mr. -- and, Mr. Director, what we're the findings on the straw poll, please, before we move forward?

CHAIRMAN YAKI:

The findings of the straw poll was that there is -- there was a majority clearly in favor of moving forward as-is, so I just wanted to -- that's what -- that's what that was.

So, there was a suggestion -- not a formal amendment -- by Mr. Stark.

Mr. Kelley, do you have a reaction to that -- to the wording that was suggested by Mr. Stark?

MR. KELLEY:

Philip, could you -- could you just restate that, please?

DR. STARK:

Yes, I was suggesting that after the word "updated" to say "updated in some regards" to give room for the Commissioners to make an informed decision about whether there are some aspects of the requirements and assertions that they don't need to weigh in on and other aspects that they would feel the need to weigh in on, so just to allow the nuance, allow them to draw a box around those things that they don't feel they need to decide on.

MR. KELLEY:

I personally wouldn't be opposed to that, but I would also like to ask Linda, do you have thoughts on that?

CHAIRMAN YAKI:

Linda Lamone?

MS. LAMONE:

Oh, that's fine.

CHAIRMAN YAKI:

So --

MR. KELLEY:

And, Mr. Chairman, I'm sorry, could I just go on the record with one thing?

CHAIRMAN YAKI:

Yes.

MR. KELLEY:

I appreciate what you're saying, and I like that approach.

This issue in my opinion, time is of the essence for this issue.

CHAIRMAN YAKI:

I was going to ask that question as I thought about it. So, we are going -- we are going to be proceeding and moving on this in one way or the other. There -- it was -- there -- is there a formal motion? Is there no objection to the inclusion as a friendly amendment the changing of the addition of the words in some regards after the -- after "updated" in this?

Seeing none, we'll proceed with that as the amended resolution so far.

Mr. Vice Chair?

SENATOR IVEY-SOTO:

Yes. I'd like to offer a substitute for the resolution. And the substitute that I'd like to offer is as follows: "The Board of Advisors recommends the EAC Commissioners seek guidance from the EAC General Counsel as to procedural options available to update

requirements and test assertions following adoption of VVSG 2.0."

Let me read that a second time. "The Board of Advisors recommends the EAC Commissioners seek guidance from the EAC General Counsel as to procedural options available to update requirements and test assertions following adoption of VVSG 2.0.

CHAIRMAN YAKI:

There is a substitute motion. Is there a second for that substitute motion?

It's been seconded by Mr. Kladney in the back. There being a second on that motion, discussion on that motion?

SENATOR IVEY-SOTO:

Yes, thank you. So, the reason why I'm offering this is I think we've fixated on the issue of quorum, which I think is ill-advised. I think that's ill-advised for a couple reasons. One reason is it does call into question whether or not we ever need to have another Commissioner appointed. It also creates a scenario where, in the absence of a quorum, business gets done that may not be able to be undone or modified when there is a quorum.

It also -- it kind of invites procedurally on a stalemate to say, oh, well, let's just get below quorum and we don't have to worry about that. None of those do I think is healthy. But, again, for me, the issue isn't so much whether or not there's quorum but what are the procedural options available? And if we can ferret out what

those procedural options are with regard to the requirements and test assertions following the adoption of VVSG 2.0, then I think that gives -- that educates us to the range of options regardless of whether or not there's a quorum and perhaps how we can go forward on a policy basis and not on a disaster-preparedness basis.

CHAIRMAN YAKI:

Any other discussion on the motion? Mr. Kelley? This is on the substitute.

MR. KELLEY:

Yes, I understand. I'm almost looking to General Counsel for some sort of guidance only because -- I'm sorry to put you on the spot, Cliff -- that if VVSG 2.0 were to be passed under your scenario, can you go back and unwind this? Could the Commissioners then make a change in how future iterations would be moving forward, for instance, with staff moving portions of the requirements forward? Is that something that could be undone?

CHAIRMAN YAKI:

Mr. General Counsel?

MR. TATUM:

I'm not sure I fully understand your question. So, if -- at the present time, the principles and guidelines are out for comment. And are you asking that if the Commissioners vote on the 2.0 as they currently are, whether that can be undone?

MR. KELLEY:

No, if you could go -- not undo passing of 2.0, but could you go back later and say that, in the absence of a quorum, this is how the requirements would move forward under this framework?

MR. TATUM:

So, the -- what the Commissioners will have to determine is whether or not -- how the requirements will be processed by the agency, whether that requires a vote of the Commissioners or whether that's something that they can delegate to the staff. So, there's -- there's an out-of-order assumption there. The -- so if there's a -- if there's a passage of 2.0, then we're moving on to the requirements. We're moving on to the requirements now as it is, so the question then becomes internally how will we update the requirements. And I'll repeat basically what I said yesterday. Really, we need you to focus on what the contents of the requirements are. The agency will work on how those requirements are updated. And you can certainly give advice to that, but at the end of the day, it's the agency and the Commissioners who determine whether or not the requirements can be updated or modified according to HAVA. And that's what we're going to look at. So, it comes back around to the definition of -- the standard definition of requirements and how that all falls into HAVA.

So, anything that you do today is not -- or -- is not going to -- it's not going to put the Commissioners in a position where they can't do or not do something. So, as a vote on 2.0, the question then becomes what the next step for the requirements? Does that help?

MR. KELLEY:

I think it does.

And, Mr. Vice Chair, while I appreciate your substitution, those of us that went through some of these issues with 1.0 still have, you know, bad thoughts about that. I don't know how else to put that. And this is an opportunity simply to make a statement in that regard, and I think it's an important statement for the marketplace. So, I would still urge this body to support the original motion.

CHAIRMAN YAKI:

Any other discussion on the substitute?

MS. JOHNSON:

Sarah Johnson. The heart of what's -- the substitute, the heart of the original proposal is we need to know the legal advice. That's going to solve -- one way or the other, like it or not, that's going to answer a lot of these questions that everybody has right now, and so I very much support the substitute because that is what we need first before we jump into anything else. I mean, I'm

an election professional. I lived through -- okay, I'm old. I've lived through all the iterations since HAVA came into play when we had Commissioners, when we didn't have Commissioners.

I mean, I do want to have a point on really -- so I support Senator Soto -- Ivey-Soto on this substitution, but I do want to make -- a really good point is on paper through the VVSG, through the requirements we can have all the innovation in the world, and I am very much for that as an election practitioner. However, keep in mind vendors are not going to build anything unless we as election practitioners can buy it. And so -- and that all is dependent upon the funding. You can have the best system in theory that you want, but if you can't buy it, we're still going to be using old equipment like we're using today. So, I really just want to kind of mention that, that, to me, those are the two main points. We need the legal interpretation. And, keep in mind, we're not all going to go out and buy new equipment. Some bought it last year, some bought it this year. You don't buy equipment every year. That's why we're all dealing with 10- and 12-year-old systems.

CHAIRMAN YAKI:

Right. Mr. Hatch?

MR. HATCH:

Ricky Hatch from National Association of Counties. I oppose the amendment. I appreciate the intent, but the reason I oppose it

is I think the resolution written as-is actually strikes quite a nice balance in what we're seeking. I don't think anybody wants to take away authority from the Commissioners in this process, in the VVSG process. I think it's crucial that they maintain that authority. That's, you know, one of the very most key things that they do. But the -- this original resolution has two excellent points that I think really draws a fine line and gives the authority necessary to the Commissioners.

CHAIRMAN YAKI:

Thank you. We're speaking just on the substitute, so we're running a little bit out of time here, so I just want to --

MR. HATCH:

Okay.

CHAIRMAN YAKI:

-- for you --

MR. HATCH:

I think the original resolution makes the substitute resolution unnecessary. I think it draws a good benefit --

CHAIRMAN YAKI:

Yes.

MR. HATCH:

-- accomplishes what the substitute recommends.

CHAIRMAN YAKI:

Great. Any other discussion on this? Mr. Kladney?

MR. KLADNEY:

There. I think the substitute resolution should be supported because, one, it's in proper order and proper procedure of how things should be done. We should know what's legally possible and what's legally not possible before we send off a resolution suggesting that the Commission abrogate its authority to staff. I've been on bodies that have had good staff and bad staff, and I think that what we should know before we vote what exactly is allowed to be delegated and what is not allowed to be delegated. This is an overbroad -- the original resolution is overly broad, and I don't think it accomplishes what anybody wants because it will open the door, and that door will get wider and wider and wider.

CHAIRMAN YAKI:

Any other discussion?

Seeing none, I'm going to proceed to a vote on the substitute. I will reread the substitute.

"The Board of Advisors" --

MR. TATUM:

Mr. Chairman?

CHAIRMAN YAKI:

Yes.

MR. TATUM:

If we could -- forgive the interruption. We've lost some technical capability, so if you could hold on that for a moment until we get back up for the record.

CHAIRMAN YAKI:

Okay.

MR. TATUM:

And then we'll -- it should just be just one moment. Then we can proceed.

CHAIRMAN YAKI:

The server or something like that?

MALE SPEAKER:

Apparently, we broke something.

CHAIRMAN YAKI:

Is the verbal transcription still working?

MR. TATUM:

That's what I'm checking.

MALE SPEAKER:

Our minute transcription is working, though.

MALE SPEAKER:

We're still good.

CHAIRMAN YAKI:

We're still good? Okay.

This is the substitute amendment, substitute motion. "The Board of Advisors recommends the Election Assistance Commissioners seek guidance from the EAC General Counsel as to the procedural options available to update the requirements and test assertions following the adoption of VVSG 2.0." It was moved and seconded. Can I have a show of hands?

All those in favor, please raise your hands and hold them while the Secretary counts.

MS. MCLAUGHLIN:

Seven.

CHAIRMAN YAKI:

Okay.

MS. MCLAUGHLIN:

I see seven -- eight hands in the air.

CHAIRMAN YAKI:

Eight. Okay.

All those opposed?

MS. MCLAUGHLIN:

I see one, two, three, four, five, six, seven, eight, nine hands in the air --

COMMISSIONER HICKS:

With proxies now --

MS. MCLAUGHLIN:

And we have not -- we did not count the proxies on either of those, so the -- without counting proxies, we had eight in favor and nine opposed. With proxies --

COMMISSIONER HICKS:

Keep the mic.

MS. MCLAUGHLIN:

There we are, with proxies, so Sarah Ball Johnson, you have votes for yourself and you have two proxies? How did you vote?

MS. JOHNSON:

In support of the substitution.

MS. MCLAUGHLIN:

Linda Niendick, where are you and how did you vote?

MS. NIENDICK:

No.

MS. MCLAUGHLIN:

So, that was two proxies.

Linda Lamone, you have one proxy?

MALE SPEAKER:

She has two.

MS. MCLAUGHLIN:

You have two proxies. There they are, two proxies.

MS. LAMONE:

I have three.

COMMISSIONER HICKS:

Three.

MALE SPEAKER:

Greg Moore, she picked up one more.

MALE SPEAKER:

Oh, right, Greg Moore.

MS. MCLAUGHLIN:

Greg Moore, Michelle Tassinari. And -- and McLeod --

COMMISSIONER HICKS:

So McLeod.

MS. MCLAUGHLIN:

-- yes, okay. Three proxies.

CHAIRMAN YAKI:

So, how do your proxies vote?

MS. LAMONE:

Oppose.

MS. MCLAUGHLIN:

And Barbara Simons, you have two proxies.

MS. SIMONS:

I didn't vote.

COMMISSIONER HICKS:

Abstained.

MS. MCLAUGHLIN:

So, with proxies it was 10 in favor and 14 opposed.

CHAIRMAN YAKI:

The substitute motion fails. We're back to the main motion, as amended.

Is there any further discussion on the main motion as amended? Mr. --

MR. HATCH:

Ricky Hatch, National Association of Counties. I think this accomplishes what Senator Ivey-Soto also wanted to do, and it focuses in on the second paragraph. It -- what it does is it encourages the Commissioners to adopt a policy to seek legal counsel, and then the last three lines specify that the Commissioners have the sole authority or States that they can provide the guidance on the level of authority, so they have the ability to turn -- to push on the brakes or to push on the gas, and they could say the level of authority extended -- if we don't have a quorum, the level of authority extended is virtually nothing. They have that authority to set that in place, which I think strikes a good balance for giving them -- if they don't feel that this is a good idea, they can State that and provide very little level of authority. But if they feel there is some level of balance to include in this, they can establish that, and that still keeps the Commissioners in charge of the process. It just provides some additional guidance and some

additional authority if they deem necessary in the event that there's not a quorum.

CHAIRMAN YAKI:

Thank you.

MR. HATCH:

Thanks.

CHAIRMAN YAKI:

I'm going to close debate without objection. I'm going to ask for a show of hands, but for those people who have proxies, I'm going to ask you to raise both hands to make sure that we have an accurate -- we know that, A, you're a proxy, and B, we can then do an accurate count.

So, all those in favor of the motion, as amended, please raise your hands? Keep your hands up. Three, four, five, six, seven. You have two, right, Linda?

MS. LAMONE:

Yes.

CHAIRMAN YAKI:

That's three, so three. And you have three. And you have three, so 4, 5, 6, 7, 8, 11, 12, 13, 14 --

COMMISSIONER HICKS:

And Linda has three as well.

CHAIRMAN YAKI:

18. I see 18. 19? Are you --

COMMISSIONER HICKS:

Include yourself, yourself and two others.

CHAIRMAN YAKI:

I count 19.

COMMISSIONER HICKS:

Right.

MALE SPEAKER:

Yes, I think it's 19.

CHAIRMAN YAKI:

I count 19.

COMMISSIONER HICKS:

19. I count 19.

CHAIRMAN YAKI:

Yes, I count 19.

All those opposed? One, two, three, four, five, six -- the
count is 19 to 6 in favor of the motion.

Thank you. That concludes that -- this part of the agenda.

MR. BEIRNE:

Mr. Chair, I --

CHAIRMAN YAKI:

Yes.

MR. BEIRNE:

David Beirne with Federal Voting Assistance Program.

Before we go forward in the next time we convene, I just want to call attention to the bylaws in terms of Article 8, Section B. I would encourage the Resolution Committee in the future to focus on the form and not the content of the resolutions to make sure that the resolutions are brought forth intact unless they're already amended by the original author before they're even considered or delivered.

My understanding was that there was a decision not to proceed out of the Resolutions Committee. That is not the intent of the bylaws --

CHAIRMAN YAKI:

That was never -- that was not -- you are incorrect, sir.

MR. BEIRNE:

Okay. So --

CHAIRMAN YAKI:

You are incorrect.

MR. BEIRNE:

That's fine, just as --

CHAIRMAN YAKI:

In fact, the emails clearly state that this is -- this was going to be brought up to this --

MR. BEIRNE:

Correct.

CHAIRMAN YAKI:

-- Commission --

MR. BEIRNE:

My concern -- my concern is deliberations on the content of the resolutions rather than looking at them in terms of form, so that's my word -- in terms of Article 8, it's -- clearly states the Resolutions Committee shall approve all resolutions as to form before they are considered, not content.

CHAIRMAN YAKI:

Well, I think we have the ability to decide how we want to review these, and I think that if we want to express an opinion, we can.

MR. BEIRNE:

Outside the bylaws?

CHAIRMAN YAKI:

We can -- we can -- if the bylaws --

MR. BEIRNE:

Just so we're clear.

CHAIRMAN YAKI:

If the bylaws --

MR. BEIRNE:

So we're clear.

CHAIRMAN YAKI:

If the bylaws are restricted, I don't see a reason why not to.
We are going to move on to the presentation -- I apologize for the
delay -- the --

MR. TATUM:

Mr. Chair --

CHAIRMAN YAKI:

-- disability --

MR. TATUM:

Mr. Chair?

CHAIRMAN YAKI:

Yes.

MR. TATUM:

Mr. Chair, just one moment.

CHAIRMAN YAKI:

Yes.

MR. TATUM:

Just for clarification on what -- if you would, clarify what the
Resolutions Committee did. I believe, as I understood it, the --
there was a discussion from one of the members that they would
like to make a resolution, and that group of people, that body of
people that met discussed the content of the resolution. So, there
wasn't, as I understand it, a resolution submitted and a change

made to that resolution by the Resolutions Committee, but there was discussion as the resolution was being drafted.

CHAIRMAN YAKI:

True.

MR. TATUM:

I think that is within the confines of the bylaws. But Mr. Beirne is correct in that the resolutions -- if the resolution had been submitted in a form to the Resolutions Committee, there would not have been discussion in the Resolutions Committee as to whether that item, as drafted, should move forward. That -- I don't believe that's what happened in the Resolutions Committee, as I understand it.

CHAIRMAN YAKI:

I think you are correct, and if we need any changes, we will ask the new Chair of the Bylaws Committee to address that.

Okay. We are going to move on to the next two presentations.

While we're getting set up, I will give the type of five-minute break, five, five-minute break. So, disability and security accessible elections for all, if you can please make your way appear. It is 9:34. We will start at 9:40.

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

CHAIRMAN YAKI:

Okay. Jim is here. Okay. If we can bring Jim up to the elevated plane. Thank you. You can introduce them. Okay. Okay. Come to order. We're coming to order right now.

COMMISSIONER HICKS:

Since the passage of the Help America Vote Act, election officials have worked to implement the law with the promise of a private and independent vote. Under that act, the EAC is charged with a national leadership role in assisting the ever-growing population of more than 35 million voters with disabilities and the thousands of election officials who serve them. During the past years, the use of paper ballots have become a hot-button debate among the election community, advocates and voters with disabilities and proponents of heightened election security.

Given the current spirit of discussion within the elections community, we wanted to convene a panel of leaders to discuss this important issue. Most advocates for people with disabilities believe that the ever-growing use of paper ballots would potentially codify segregation election procedures that sometimes fail voters with accessible needs. Many security proponents believe that hand-marked paper ballots are the only path forward for safeguarding national elections.

Disagreement unfortunately impact many levels of election administration from the responsibility of poll workers to the leadership of election officials to carry out in accordance with HAVA's accessibility needs. As the discussion unfolds, when local policy decisions are made, these involved -- those involved may overlook HAVA's requirements and other protective laws such as the Americans With Disabilities Act. We must work to find solutions within this heated debate.

The EAC works closely with election officials to promote HAVA's accessibility needs and to foster a climate of understanding and providing assistance for voters with disabilities. Assistance occurs in several ways, including policy initiatives, highlighting of best practices, grants, and funding. Today, I look forward to our discussion about this crucial voting rights issue of disability access and election security.

We are fortunate to be joined by a distinguished panel to discuss this issue. First, we will hear from Michelle Bishop. Michelle is the National Disability Rights Network Voting Rights Specialist. She coordinates voting access initiatives nationwide and works on Federal voting rights policy. She is a member of the Election Verification Network, a nonprofit vote board, National Council of Independent Living Board, Subcommittee on Voting Rights, and Steering Committees for National Voter Registration

Day, National Disability Voting Registration Week, and REV UP Campaign, as well as a guest lecturer for Columbia University and Washington University in St. Louis.

Our second speaker is Jim Dickson. Jim has 30 years of experience with nonpartisan voting engagement issues. He currently serves as Co-Chair of the National Council of Independent Living Voting Rights Task Force. He recently left as Vice President of the organization of civic engagement for the American Association for People with Disabilities. He led AAPD's nonpartisan Disability Vote Project, a broad coalition of 36 national disability-related organization whose mission is to close the political participation gap for people with disabilities. The project focused on voter registration and education, get-out-the-vote drives, education reform, and polling access.

Mr. Dickson played a central role with the Leadership Conference on Civil Rights and Human Rights' effort to pass the Help America Vote Act. He was part of the leadership team which passed the National Voter Registration Act, and he is a former Chair of the Board of Advisors for the EAC.

Our final speaker is Sheri Newton. After eight years of coordinating the Protection and Advocacy for Voting Access program in Utah and 22 years of experience as an advocate in Protection and Advocacy Network, Ms. Newton understands the

different perspectives -- different perspectives don't have to become competing interests. That outlook helped her serve on two Lieutenant Governors' committees charged with selecting new voting equipment and considering the future of internet voting in Utah.

Always focused on protecting a private and independent vote, she focuses -- she enjoys working with Utah election personnel as they implement vote-by-mail, improve poll worker training, evaluate accessible -- accessibility of polling places and election centers, diversifying of poll workers, craft statute language that expands voting options, and communicate with voters about the accommodations offered.

Raised as a farm kid and current resident of rural Utah, she is sensitive to the challenges of a voters who live remotely and the election officials who serve there. All year, her team educates citizens with disabilities about their rights to vote, helps voter registration, and encourages engagement in the voting process.

And now we will start with Ms. Bishop.

MS. BISHOP:

Did I -- is this on?

COMMISSIONER HICKS:

Yes.

MS. BISHOP:

Oh, okay. Oh, yes it is. All right. I just needed to be much closer to it because I'm short.

Good morning, everyone. Thank you, Tom. Thank you.

I will speak very quickly about the broader context in which we work in voting accessibility. I'm going to tell you very, very quickly about the organization I work for, the National Disability Rights Network mostly because I think our structure is largely misunderstood, and I can never resist the opportunity to explain it to you all. NDRN is the National Disability Rights Network, and we are actually a nonprofit membership organization for the federally mandated protection and advocacy systems for individuals with disabilities.

The P&As, as they're more commonly known, are the most important thing about NDRN. They were established by Congress to protect the rights of people with disabilities through legal support, advocacy, referral, and education. They exist in all 50 States, each of the five territories, and there is actually a -- one in the District of Columbia, and a 57th that represents Native Americans with disabilities specifically. Collectively, that makes our network the largest provider of legal advocacy services to people with disabilities in the United States.

In terms of voting and access to the vote, the protection and advocacy for voter access is actually written into HAVA. It is a legal

mandate to the P&As to work to ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places. So, our network is actually legally mandated under HAVA to be doing the work that we're doing.

That's a really, really quick explanation specifically because Utah Disability Law Center is here today, and they actually are the protection and advocacy agency for Utah, which means Sheri is going to tell you in much better terms the -- what it is that they do because if she does way more important stuff than I do on a daily basis.

So, with that said, setting the broad context for this conversation, first and foremost, I wanted to talk about security and accessibility when it comes to elections and the false dichotomy that we seem to all be subscribing to when it comes to talking about access and security. I call it a false dichotomy because we have set them up traditionally as opponents. There are those who advocate for accessibility, there are those who advocate for security when I think the majority of the levelheaded folks in this room would agree that we must be able to do both.

Elections in which the results are not accurate and cannot be relied upon are a threat to our democracy, but elections in which any eligible American voters are being disenfranchised or the

secrecy and privacy of their ballot has been threatened is also a threat to our democracy. It is critical that we are able to do both. There are really no exceptions to that rule. There are no exceptions to meeting the accessibility standards set for elections specifically because they are Federal law, which I believe has already been stressed. And hopefully by the nature of the folks in this room, we understand that already.

The last point I want to hit on with my brief time because I really want us to get to questions is that accessibility is a civil right. Accessibility is a civil rights issue. And I think this is largely misunderstood when we begin to talk about election security and we start talking about the things that we're willing to sacrifice in terms of access to meet the needs of security. But access is a civil right. There is a difference -- I -- there are some folks in this room who work on usability and access when it comes to technology. You know I 100 percent respect the work that you do. It is profoundly important. But it is not the same thing as people who work in disability rights, disability civil rights.

I think the VVSG is -- there's a reason we spend so much time talking about it. It's extremely important. Our voting technology is getting older. It has to be replaced. We need newer and better standards to guide the development, purchase, and implementation of new technology. It is critical that the standards

that are established to guide that technology understand that the access of all eligible voters is a civil right and is designed to meet that need and is compliant with Federal law. There are no systems that are paper-based that are able to fully meet those accessibility standards.

Furthermore, I think the EAC is a critically important agency, as I'm sure the EAC has heard me say publicly many, many times because we do a lot of work together. But I mean that. The EAC is much more than just the VVSG standards. There is a lot around how the VVSG is adopted and implemented and how we use those standards to make our elections successful in the United States. There is a lot of influence that comes from the EAC, that comes from this Board of Advisors, that comes from all the allies that work with the EAC on a regular basis to make sure that we're implementing the VVSG even with its limitations as responsibly as possible.

It's a space I like to affectionately refer to as where the rubber meets the road meaning that if we design some really great voting systems but we allow nondisabled people to use their privilege to opt out of using those systems after having declared that they are a threat to our democracy, set them aside in a corner, restrict their use to disabled people, we are violating the civil rights of people with disabilities by designing electoral processes that are

essentially segregated and that violates *Brown v. The Board of Education*, an incredibly important finding in the history of our country that separate is not equal. We have already seen this done. It's time to put an end to it. Nondisabled privilege has no place in the administration of elections.

That's my time. Take it away, Jim.

[Laughter]

MR. DICKSON:

Good morning, everybody. I -- first, I want us to take a minute to celebrate the fact that we have all four Commissioners.

[Applause]

MR. DICKSON:

Elections and accessibility have a very fundamental commonality, and that is that they are both constantly changing. Accessibility is a continuum. What worked two years ago or five years ago may not work now, just as, as election administrators, you are constantly having your legislatures change the rules, technology, expectations, and the law about accessibility is constantly changing and improving. Change in both cases here is largely an improvement. Security is important, but we can't let fears of secure -- around security limit accessibility.

You just received a flyer -- I want to take a couple minutes to talk about how you can keep your websites, your web -- your uses

of online material accessible. One of the real problems in online information is also its plus. You can start out with a totally accessible website, you can -- you will put new information on that site, and that new information, more often than not, will then disrupt the accessibility of the site.

At the National Council on Independent Living, we developed a toolkit so that you can give it to your web staff and -- this toolkit, which was developed -- are we moving to the slides -- was developed by one of our young advocates with input from advocates all around the country. It has in it very detailed information. There are online tools that you or your staff can run against your website, which you need to do every time you add new information, and those tools will tell you this place isn't accessible, this is fine, that is fine, this needs to be adjusted. I can't emphasize enough that people with all disabilities more and more are turning to the web for information, and it is -- and accessibility doesn't just affect blind and low-vision folks. The way your sites are -- and information developed is important for people who can't hold or turn the page on paper. Their software lets them maneuver through your material with -- hands-free.

For people with learning disabilities and cognitive disabilities, which are both constituencies that are much greater than the blinded -- there are many more of those folks with cognitive and

learning disabilities than there are people with vision disabilities. The accessibility standards that you apply for your sample ballots, for your voter information, your registration rolls, all that stuff have to be designed and maintained so that all of those different disabled constituencies can get easy access to the information.

Not everybody with a disability can afford their own technology, but every library in the country has computers with accessible software on them, and I know from my own experience when my computer was in the shop, went to the library, I was glad to have to wait a half hour because there were so many people using the five machines that were there and accessible. This toolkit is at -- on the National Council on Independent Living's website. The flyer you have gives your detail.

This is very, very challenging I know because it's not like you can -- just end my remarks here. It's not like you build the site -- it's like you put up a ramp into a house and then that ramp is always accessible. Every time you add something to your website, there's a very good chance you have undone the accessibility you had in the first place. And that doesn't account for then the normal wear and tear and breakdown of the sites. So we hope that this toolkit can be used by your offices so that your information is available to millions of voters.

Thanks.

MS. NEWTON:

Good morning. I'm -- I feel very privileged to speak to this very accomplished group, and this is the kind of activity that I wouldn't normally do in my advocacy, unlike Michelle and Jim, who are used to testifying. The work that I do on a daily basis is usually one-on-one with people that I've created relationships with, so this is a little bit different for me.

And I just want to talk to you a little bit about my experience as, you know, kind of that boots-on-the-ground advocate here in Utah. I've been the Coordinator of the Protection and Advocacy for Voting Access program here in Utah I think for about nine years. And in Utah, voting has changed a lot during that time going from entirely traditional voting at polling places to this year all of our counties will be voting by mail I've just learned this week. So, in 2012 we had one very rural county that had some redistricting, and it really made sense for them to go over to vote by mail, and then just in a very short amount of time, seven years, we -- all 29 of our counties are voting by mail.

So, in Utah there are kind of three ways to vote now. You will receive -- all active voters receive a ballot in the mail, and they can return that ballot in the mail. They can also drop it off in most counties at a drop box and -- or at multiple drop boxes, depending on the county, or they can go and vote in person.

I want to just capture kind of four topics to just introduce today that we are finding really good things happening and needs for improvement, and the first one is in the area of communication. We like every election official to ask themselves where will voters easily find the information? You know, the statutes usually require some posting in the newspaper and maybe put up a poster in your office, that kind of thing, but is that where people were really see the information? I don't know that that is true anymore.

[Laughter]

MS. NEWTON:

What -- so use of, as Jim mentioned, an accessible website with great information, social media, and, if you're going to mail out a ballot, mail the information with it about the options that people have for voting. And is it in accessible formats with your print and your web versions of information? We want to ensure that voters know that accommodations are offered and available, that electronic ballot marking is available or voting machines in whatever way you vote. There are accessibility features on those devices, what they are, and know about their voting options, for example, things like early voting or same-day voter registration, that people know those things exist and how to access them.

The second area we really focus on is poll worker training. We find that there's room for improvement in many areas. We want

competently operating voting machines and ballot-marking devices. We want our poll workers to be able to do that.

We want them to be able to set up an election center or polling place in an accessible way, so sometimes you'll find election officials go through pre-Election Day and find a really good space where the building is accessible, and then the poll workers in the way that they set that up make it not accessible with simple things like placing a flag in the middle of the sidewalk or just the way that the room is set up, and then also people have access to a private vote when they go to that place, that their ballot-marking device isn't faced so that the whole room can watch them vote, those kind of things. And we want poll workers to be able to offer assistance comfortably to every voter and interact appropriately with voters with disabilities.

The third area is equipment. Please give significant consideration to accessibility features when you're looking at purchasing new equipment. Really, it's the primary reason that we have it, right, so let's make sure that it's successful. Is it easy to use by voters with visual and motor impairments?

And I was involved with the committee that was reviewing our equipment options. We made a new purchase a couple years ago, and what was really valuable we found was including specialists in accessibility that had disabilities themselves in that

process, so we had five vendors that came and did five-hour presentations. We made sure that we had technical experts there for the accessible-features portion of the presentation. I think Ricky and Brian can attest that was very eye-opening for everyone to watch those individuals actually use the equipment and to give us direct feedback. And then we also were able to have open house where the vendors came and demonstrated their equipment for the public. And particularly the blind community came out very well. Those individuals were interviewed or surveyed after they had the opportunity to use the equipment, and that was very helpful in steering the committee's choices.

Please look always at expanding options. Online voter registration, early voting, curbside voting, and curbside voting done right so that people don't have to have someone with them to access curbside voting. There's a really good decision that came out of Texas recently that defines what curbside voting should look like so that it can really be a private and independent experience for voters. Same-day voter registration, electronic ballot marking at home, I'm really excited to see that expanding. And please don't succumb to fear or to what the media might say about these new technologies that would allow for voting from home like blockchain technologies that we can explore. I think we have to keep our eye

open and be very aware about security but also open up those options going forward.

Some really good things with apps, here in Utah, apps attract wait times at election centers or polling places so that people can just conveniently vote and know how long they're going to have to wait when they get there, and always -- and prefer countywide voting. And I don't know if that's the appropriate term, but I'm talking about voting that isn't precinct-specific so that you can go to any election center or polling place within the county to vote.

Those are really great options for not just accessibility and accommodations but making sure that there aren't barriers to voting.

Those are my comments.

COMMISSIONER HICKS:

All right. Great. Well, in the essence of time, I'm going to open the floor up for a few questions. And I see that Neal --

MR. KELLEY:

Thank you, Commissioner. Neal Kelley, Registrar of Voters, Orange County. Thank you for the presentations. I think it was really helpful and enlightening. And I have a question on remote vote-by-mail systems. We are moving to that in 2020. We're becoming an all-vote-center county in California. And one of the criticisms that I've heard from some of our disabled advocates that

serve on our boards not about our county because we haven't used it yet but other counties in California using remote vote-by-mail, the usage has been low. And the criticism is that the outreach is not adequate and there's not enough outreach being done to the disabled community.

And I -- my question for you is, hey, how -- what suggestions would you have for that type of outreach, and how would you identify the individuals who perhaps may need additional outreach to encourage that usage? Do you have any thoughts on that?

MR. DICKSON:

I think, first of all, don't limit the remote use just to people with disabilities. Think of it as an option that you're offering to everybody in the county. In terms of reaching the disabled community, the Independent living Center in your town -- and there's one in the county -- and NDRNs, the Disability Rights California can provide you with lists of organizations that serve people with disabilities.

There isn't going to be any one organization that -- in any community that will reach all people with disability. There's probably going to be 30, maybe even as many as 50 or 55. They all have lists of people with disabilities. They -- most of them will have email chains or list serves. Develop simple, short materials and urge those disability groups to put the information about how to

get access to the remote marking system in multiple emails and in -- with little brief announcements that they can also insert into their regular newsletters. You'll have to tell people -- think of it as an advertising campaign. You're going to have to tell the voters that this is available, you know, six, seven, eight, nine times before you'll build up usage.

MS. BISHOP:

I actually really appreciate that question because I do believe it's an issue of making voters aware. We see that a lot when we introduce anything accessibility-related. You hear this all the time in traditional polling place voting. Oh, we brought out the accessible machine and no one used it. Voters don't know that it's there. No one's been told it's there. They don't know to ask for it. It's not set up. We see this a lot. So, it is a communications campaign I would believe, and I think that would go a long way to making things different in your county.

I wouldn't rule out -- I do think targeted promotion works really well, but I wouldn't rule out thinking about just all the traditional ways people get information. Is this being spoken about on television? Have we gotten stories about this on the local news? Are we running ads on TV, things like that, places -- people with disabilities are going to see at the places everyone else would see it as well, we found that works really well everywhere. We've

done this work in remote parts of Alaska where they don't have any internet and they don't have a newspaper and people don't have addresses but they all seem to have television, and so we go to that and it works.

So, I would think of it as sort of an everything-but-the-kitchen-sink sort of campaign to make sure voters know that this is something that's an option for them now.

MR. KELLEY:

Thank you for the responses.

COMMISSIONER HICKS:

Time for one more question. Linda?

SENATOR BERNIER:

Thank you for your presentation. I appreciate it a lot. I know this is specific to Wisconsin, but I was pondering for the disabled community, consistency throughout the electorate process I would think would be even more important to the disabled community. So, those who are disabled in Madison or Ashland or whatever municipality, they know that the rules are about the same and the accommodations are about the same.

So, we have a recent court case that struck down our early voting processes to be up to the municipal clerks, so it's all over the board from two weeks to six weeks.

MR. DICKSON:

Oh, wow.

SENATOR BERNIER:

And so I was wondering, do you think the disabled community would weigh in on that sort of thing, and if so, you know, I guess I have my contacts in Wisconsin, but I would like your perspective on that, that we end up with all different rules and regulations throughout different municipalities.

MS. BISHOP:

I think that's actually really unfortunate. I think it generates so much confusion among voters, so I'm sorry that that's happening in Wisconsin. I think one of your core questions there, I do think the disability community would be interested in being engaged around that on a couple levels, one, making sure voters are aware what is going to be happening in their municipality to make sure that people aren't showing up, you know, two weeks too early and then, you know, voters who go to a lot of effort to get there and then they can't vote, that's incredibly discouraging. I think we all know some of those voters don't come back. And I think they would also probably be interested in advocating to get that changed, yes, absolutely.

SENATOR BERNIER:

Okay.

MS. BISHOP:

Disability Rights Wisconsin, I'll put you in touch.

SENATOR BERNIER:

Thank you.

MR. DICKSON:

And the Independent Living Centers would be very interested. I think that's a problem. I think it's a problem, taking it even one step further, I know that there are some States where you have a different voting system in different counties. I think that's a problem. People with disabilities are just like other Americans. We move. And learning to use the accessibility features on system A and then you go to a different county and it's system B, that's a serious disincentive. I personally believe strongly that there should be statewide systems.

COMMISSIONER HICKS:

Sheri, did you want to add to that?

MS. NEWTON:

No.

COMMISSIONER HICKS:

Okay. Well, I want to thank the panel for coming out and doing this, and I just wanted to raise a couple of quick things before we go to our next panel. One, the EAC has done a lot of work to -- with the disability community. One of the things that I'm very proud of is our -- the pamphlets that we have in terms of the voting rights

cards. And we have those out front for those of you who have not seen them, but these are cards that individuals can put in their pockets or their wallets that lays out what their rights are for voting. It's done in a card form, and it's done in a braille form and also large print.

And with that, seeing no other questions, I wanted to thank you all for this valuable information. And as we go towards 2020 and the outlook is that we're going to have record turnout from all communities, so I would hope that we put the effort in to make sure that all communities are able to vote independently and privately and to have their votes counted accurately and securely.

So, with that, I would ask for a hand and invite the next panel up.

[Applause]

MS. BISHOP:

And it's my understanding that he will hear this, so can I just say thank you to Pat Leahy at the EAC for all his hard work? He's amazing.

[Applause]

COMMISSIONER HICKS:

So, we're not going to go into a break because I want to ensure that we hear as much as we can because you're all adults

who can get up and go to do what you need to do if you need to, so I call the next panel up.

Now, we turn our attention to a key priority for every election official from -- for all of us in this room and for every American who participates in elections security. As the 2020 Presidential election approaches, we are devoting time during the Board of Advisors meeting to receive an unclassified intelligence briefing from the Office of the Director of National Intelligence, better known as ODNI, a vital Federal partner in the effort to help State and local election leaders secure elections. We'll also hear from DHS.

Today's speakers are Joe Morosco, Assistant Director of the National Intelligence Management for Counterintelligence at the National Counterintelligence and Security Center. In his capacity, he leads the development of strategies, plans, and integration initiatives to advance the intelligence community counterintelligence mission and address the needs of the U.S. Government decision-makers. His office also directs and coordinates the activities of national counterintelligence officers who serve as IC focal points for regional and functional counterintelligence missions.

Also here is Geoffrey Hale. He is the Cybersecurity Strategy and Interrogation –

MR. HALE:

Integration.

COMMISSIONER HICKS:

-- CSI Program Manager at the U.S. Department of Homeland Security. As Director of the Election Task Force at DHS, he has been instrumental in the EAC's ongoing collaborations with the agency.

And I wanted to personally thank both of you for joining us last-minute because I know that is not easy to fly out from D.C. with your busy schedules, but I just wanted to make sure that we let you know how much we appreciate you coming out on such short notice.

MR. MOROSCO:

It is on. Can you hear me? Okay, great. Thank you, Commissioner Hicks, and thank you to the board.

On behalf of the Director of National Intelligence Dan Coats, his Deputy Sue Gordon, and the Director of National Counterintelligence and Security Center Bill Evanina, I want to extend a word of thanks to all of you for inviting the intelligence community to be part of your discussions here this morning about protecting our elections going forward.

I can't overstate the importance of elections security to the intelligence community today. Helping the States secure our elections is a top priority for the U.S. intelligence community, and I'm honored and humbled to be with you this morning as we explore

ways where we can strengthen our posture against a determined and capable array of foreign adversaries who are seeking to undermine the integrity of our democracy by attacking our elections.

A few of you I recognize from our time together in Washington we hosted discussions at the -- of the threat at the classified level, and it's good to see you. Again, I can't overstate the importance of those discussions to the intelligence community.

We in the IC have learned a great deal about the complexities of our election system and the kind of information that is most relevant to you as you work to protect the integrity of our elections. I hope that for those of you who were there, you came away with a different optic on the serious threats facing the U.S. today in this environment.

Although this morning we can't discuss classified information, we in the IC are committed to sustaining this dialogue in partnership, and I'm grateful to be here today to provide a strategic overview of the threat landscape, some of the challenges we see looking ahead to 2020 and beyond, and ways we can work together to continue to strengthen our posture going forward.

Ladies and gentlemen, let me begin by saying that we find ourselves in a point in our history where the foreign intelligence threats facing the United States have never been more complex,

dynamic, and damaging to our national and economic security than they are today. The institutions that underpin our democracy are in the geopolitical battle space and are in the crosshairs of an expanding array of foreign threat actors equipped with a wide range of tools and tactics. Foreign threat actors are taking aim at a large number of targets to include election infrastructure, political parties, campaigns and candidates, election officials and staff, and U.S. public opinion. Foreign threat actors are operating in the seams of our democratic system, exploiting the gaps and using the tools of traditional espionage in combination with cyber operations and influence campaigns to achieve their broader aims of sowing distrust in our democracy and undermining the public's confidence in the integrity of U.S. elections.

We must think about this threat holistically because that is how the top threat actors operate against us. The intelligence community's judgments on this are clear. As Director Coats testified to Congress earlier this year, the IC expects foreign actors to view the U.S. elections in 2020 as an opportunity to advance their interests. We expect them to refine their capabilities and to add new tactics as they learn from each other's experiences and efforts in previous elections.

What will the threat look like in 2020 and beyond? Probably not like what we saw in 2016 or in 2018. The Government of

Russia very likely seeks to exploit social media as a means of influencing the public, as it did in recent elections, and almost certainly will continue to attempt to aggravate social and racial tensions, undermine public trust in our democracy, and criticize candidates with perceived anti-Russian agendas.

In what forms might this threat manifest? We could see spreading disinformation, conducting hack-and-leak operations, or possibly manipulating data in a targeted fashion to influence the elections. These are some of the means by which Russia could employ to achieve its objectives of sowing distrust in our democracy.

The Chinese Government for its part probably will continue to use legal, political, and economic levers to influence the United States. The IC has judged that China is capable of conducting cyber attacks against systems to censor viewpoints it deems politically sensitive.

And let's not forget about second-tier threats like Iran. Tehran has used social media campaigns to target audiences in the United States and probably will continue to use online influence campaigns to try to advance its interests.

Lastly, many foreign nonstate actors, to include ideologically motivated entities and foreign cyber criminals, now possess sophisticated cyber and surveillance capabilities that previously

were only available to countries. As the range of actors in this battle space increases, so, too, does the potential risk to our elections.

Let me be clear: As we work to make our elections more secure, foreign threat actors are intent on raising their game to counter each new U.S. initiative. This presents an evolving set of challenges as we look to 2020 and beyond. Some of those challenges, well, our adversaries are learning and adapting to our security measures. There are more tools available today compared to past election cycles that can magnify the impact of our adversaries' activities and further obfuscate their origin. Nontraditional forms of espionage, for example, that do not use professional intelligence officers to acquire information or gain access to critical infrastructure, new sensors and surveillance technologies, supply chain operations, and, indirectly, foreign direct investments, joint ventures, and mergers and acquisitions of election-related businesses and suppliers that could provide an adversary with access to key systems, networks, and information.

As machine-learning technology continues to advance, we are increasingly concerned about foreign threat actors employing deep fakes against the United States. In this scenario, our adversaries might use artificial intelligence technology to create false but convincing image, video, and audio files to augment

influence campaigns and erode public confidence in our elections. Based on the trends I just described, we must prepare ourselves for the prospect of discontinuities and the likelihood that the threat landscape will look very different in 2020 and beyond.

So, if this assessment of the long game is correct, where do we go from here? A few thoughts for your consideration this morning: First, we must think holistically about the threat and defend holistically against the threat. Understanding what and where your crown jewels are and prioritizing their security is of utmost importance. Perhaps those crown jewels are a database or an email server or a network or a critical dependency on another entity that supplies information to the voting process. We must have a comprehensive view of the threat landscape and prioritize our defenses accordingly.

Shoring up cyber defenses without safeguarding against the potential for insider threat leaves open avenues for adversary attacks. Understanding vendors and sub-vendors in this landscape is very important. Who are your IT suppliers? Who maintains your systems? Who has access to key systems, networks, databases, and IT equipment? We must continue to build a shared understanding of the weak points that are rich targets for our adversaries and work together to come up with a set of security best practices to address these weak points.

At the same time, we need to be attuned to the indicators of potential foreign interference in our elections and certainly let DHS and FBI know if you observe any suspicious activity. You are on the frontlines and have a unique vantage point on potentially threatening activities.

At this point I'll mention the information needs that the Office of Director of National Intelligence working with DHS and FBI put out ahead of the 2018 midterm elections. I would just like to see a show of hands how many of you actually received those information needs or are aware of those? Okay. A handful, but we'll do better. We need to make sure we get these to you. So, these information needs are unclassified, but the intent is to highlight what are the potential indicators of potentially -- of potential foreign interference in our elections that you may see in the conduct of those elections or your State and local officials?

Some of those indicators are things like unauthorized entry or attempts to gain access to long-term storage facilities, polling places, and voter centers, incidences of spearfishing not just against your operations but operations that may also have information that you rely on such as the Department of Motor Vehicles for voter registrations; attempts to access, alter, or destroy systems used to qualify candidates; produce and deliver ballots; procure and manage and prepare voting equipment; instances of

any unexplained disruption at polling stations; disinformation efforts to alter or shut down government websites to foment social unrest or reduce voter turnout; and any unauthorized entry of centralized vote-counting tallying locations or electronic systems or networks. These are the types of things that we want make sure we are all focused on as we head into 2020 but also that these continue to evolve as the threat landscape continues to evolve.

We would welcome your input on these information needs and also to hear from you through DHS and FBI if you see any instances of potential foreign interference in our elections. In fact, in 2018, we had more information coming into DHS and FBI than we've had ever before because we're collaborating on the types of indicators that we care about and are prioritizing as the top set of information needs we need to be focused on. Let's do that again for 2020 and beyond.

We also must continue to strengthen our partnerships to detect, counter, and mitigate the threat; continue to build our understanding of the -- who the stakeholders are at all levels and securing our elections, Federal, State, local, tribal, and territorial, as well as the private sector and what each stakeholder brings to the fight in terms of authority and capability. At the foundations of these partnerships should be robust information-sharing on threats,

vulnerabilities, and security best practices. We're in this fight together, and the IC stands ready to assist your efforts.

With that, I'll turn it over to Geoff for a few comments.

MR. HALE:

Thank you. Yes, well, thank you. Thank you, Commissioner Hicks. Thank you to the board. Thank you, EAC, for inviting me. I've had the pleasure of speaking with you on a few occasions now. Certainly I welcome the opportunity. We look to groups like yours to hold DHS's mission accountable and help us understand how we can do better.

Second, I'd like to highlight that even in my short tenure supporting elections I have seen a huge transformation in how the Federal Government postures itself to help State and local officials. What Joe was speaking to, underpinning that work is the fact that hundreds if not thousands of officials, of Federal Government officials are in some way clued in on how to help State and local officials either through law enforcement, through the rest of the Department of Justice, through the entire intelligence community, and certainly the expertise that DHS will bring both in our regional and field support and as a headquarters agency.

We -- that magnitude has been something that I think really grew out of 2016 and developed for 2018 but still needs to mature and evolve in how we can better support you and better support

election officials for 2020. But Joe described a diverse threat landscape, multiple threat actors using multiple strategic approaches for multiple objectives, and so our focus only on voting machines or only on voter registration databases has been kind of narrow to the threat. We're taking a much broader look.

The -- in coordinating with this, so this vast Federal enterprise, we've -- we, as DHS, have certainly appreciated the commitment of the Director of National Intelligence and then all the equities that they've brought to bear. When we're talking about, as Joe mentioned, classified briefings to election officials, to vendors, to other Federal partners, unclassified engagements like this one, others with -- particularly focusing on how to help private-sector vendors. The threat landscape is essential to establish but it's only one part of the broader approach to help secure elections.

The -- we can provide a threat picture, but there's also these operational indicators that help to provide timely actionable countermeasures. That's where we're trying to evolve towards, and there's this diverse stakeholder set of how do we have countermeasures against those initiatives that are targeting the public? How do we have countermeasures against those that are targeting your election infrastructure? How do we have countermeasures that are supporting the partisan organizations that -- so that they are -- so a compromise of their systems doesn't

appear to lessen the integrity of the security of your elections that are being administered.

My Director touts all of these initiatives as his Protect 2020 campaign. He's got stickers, and we are -- there are some outside. Please, you're welcome to take as many as you like. We'll send more. The -- he sees this as a combined and collaborative initiative and -- to implement those mechanisms that can help all of these stakeholders defend themselves.

You all are the risk managers; you all are making the informed decisions. All we can do is work with our Federal partners to help make those decisions as informed by threat, by vulnerability awareness, by assessment data, by all the intelligence we can provide in order to make the best risk management decisions you can.

Again, for each State and each locality, those may be different. There's different risk tolerances, there are different factors at play, and ultimately, it's up to your constituents to hold you all accountable for those risk management decisions. So, we're all in a kind of collaborative environment here looking to enrich the data set of threat landscape and risk decisions so that we can all, in a narrative way, explain how we've worked together to secure 2020.

COMMISSIONER HICKS:

Thank you both. I think we have time for a few questions.

Barbara?

MS. SIMONS:

Could you please address threats -- the threat issues relating to internet voting in general and blockchain voting over the internet in particular? Thanks.

MR. HALE:

Okay. So, Joe described threat actors with interest in our election systems. Mobile voting, being an election system entirely dependent on online infrastructure does present technical vulnerabilities. There may be compensating controls for some aspect of those risk. It depends on implementations and risk decisions, but certainly we're tracking that it is not auditable in the way that DHS means audibility when we advocate for it. And we would be very interested in discussing with anyone implementing mobile voting in that way as to what security practices they are undertaking.

MR. MOROSCO:

And I could just add I -- from a general sense, I think the proliferation of cyber tools and their availability to a much broader and more diverse group of actors makes it a more challenging environment from a cybersecurity perspective when it comes to any type of online activity.

MS. SIMONS:

And blockchain voting?

MR. HALE:

We're using mobile as blockchain -- as a proxy for blockchain in that. There's nothing necessarily inherently more secure about blockchain voting than other types of encryption.

MS. SIMONS:

Thank you.

COMMISSIONER HICKS:

Ricky?

MR. HATCH:

Ricky Hatch from National Association of Counties. Thank you both for coming. We really appreciate the attention that the Federal Government is bringing and the assistance that you're bringing.

Specifically -- and I really don't have a question. It's just three things that I think demonstrate what you have said with the greater involvement in how you're helping. We received lots of communication from our State Fusion Center, very helpful, lots of offers for help. It's not intrusive. It's very cooperative.

We recently -- in my county we had some instances where voters attempted to vote twice. We caught those instances, and we're working with the FBI, who has been fantastic, to getting

additional information and showing us what resources they have, which we really appreciate. That was helpful.

And then, lastly, the -- our State Department, Homeland Security has been super helpful in offering help, so coming out and performing cyber resiliency reviews and other reviews at no cost, which brings tremendous expertise that we don't have in our county and that I'd say 28 of the 29 counties in Utah don't have that kind of expertise within their county, so we really appreciate it.

MR. HALE:

Thank you, Ricky. And since we're in Utah, I'd like to highlight our regional staff Mark Lemery, who's -- works and does our assessment work out here in support of all of our critical infrastructure partners.

And other things that are -- we see information-sharing as key. It's really the ability to inform all those decisions that we were describing. And so we don't have a preference where and how election stakeholders receive this information. We just want to ensure that it happens, so we funded certain mechanisms to do it. By that I mean like the Election Infrastructure Information-Sharing Analysis Center or the services and assessments that we provide, procure them from the private sector, from others, from however your particular organization sees fit, but please ensure that you're

integrating with some sort of threat information-sharing indicator and warning platform in some way.

CHAIRMAN YAKI:

I have a question. There's the integrity of the voting --

COMMISSIONER HICKS:

Wait a minute. Did -- can you get the mic? There you go.

CHAIRMAN YAKI:

You think I should -- I would be Chair or something like that.

There is the integrity of the voting system and then there's the integrity of the voting process. The process I think of going to issues that were raised in some of the disaster preparedness issues regarding threats, misinformation, SWOT-ing, things like that that occur on Election Day that don't necessarily attack the machines but attack the machinery of how people decide to vote. What is your department's response or posture with regard to that kind of action that may be going on?

MR. HALE:

So, there are two elements there. Inasmuch as peripheral aspects of election infrastructure can affect the confidence of people to participate in the electoral process like -- or to believe the results, the Election Night reporting systems are considered critical infrastructure, and we work very closely with upstream and

downstream vendors to understand their security practices and see if we can assist there.

But more broadly -- and this is one that's -- that is also a complicated and coordinated Federal approach among the intelligence community, DHS, and FBI, who's the -- FBI is the lead for countering foreign interference for the Federal Government, but they are very focused on counter intel and law enforcement aspects of it. This -- they are looking to DHS to work on public education of tactics that occur that are being deployed by threat actors on how to divide and degrade someone's faith in the electoral process.

CHAIRMAN YAKI:

So, let me just follow up on that. So, what happens in an example where someone maybe hijacks the emergency system or just starts a big rumor on a Facebook community that voting had been changed to Wednesday morning due to an emergency. I mean --

MR. HALE:

So, one aspect there that I thought was fairly successful in 2018 and I hope is even more so in 2020 was the -- establishing situational awareness rooms for election -- for reporting on incidents like this of misinformation, of disinformation so that we can both work with the platforms that those -- that misinformation is being spread on to let them know from an honest broker of

information like a State Election Director that, no, this is not true, please down-rank this information if not take it off entirely. So, we were connecting the honest brokers of information, the trusted sources of information on this with the platforms wherever possible but without DHS or the Federal Government ever handling contact. This had to be -- it's a challenging environment, but we think that that is probably the best solution we can have at this point to --

MR. MOROSCO:

And if I could just add to that, I think sometimes we like to keep things in nice neat bins. This is threats to our infrastructure, this is a threat to our -- the opinion of the U.S. public, and we have to do that for various legal and policy reasons and authorities reasons. However, the adversary that -- the way that they are operating against the United States is in using these tools of influence in a blended fashion, which combines the effects of the cyber operations and penetrations of infrastructure with disinformation and other capabilities. They don't have the same restrictions that we do working across our policy and legal authority seams, and so that makes this environment more challenging.

But I think the initiative that Geoff described in terms of these centers where we are at least getting better at sharing this information and where they cross those seams is a significant step forward. But I'll note that you all are a part of that process. You are

a part of this partnership. We can't do this without you. This is not just the Federal Government alone.

CHAIRMAN YAKI:

Let me follow up on that. What specific suggestions, programs are there? Are there list serves that we should be joining that you have? What is it that each of us individually, not just as members of the Board of Advisors but in all of our individual capacities as leaders in various aspects of the electoral process? How can we help you be part of this effort?

MR. HALE:

That's a fantastic question. There are several integration points. We use our security operation center both at the EI-ISAC as an integration point for this type of information and at our National Cybersecurity and Communications Integration Center, so the NCCIC. Sorry for all the -- great.

[Laughter]

MR. HALE:

And there will be a test. The -- so, we use these as our --

MALE SPEAKER:

You can't Google that test.

MR. HALE:

Yes. As our fora for collecting this type of reporting and disseminating it. We're -- we connect with as many associations as

we can to leverage their outreach, but I think that where -- as it served as a pilot in 2018, it -- we're reliant on partners like the EAC to help to disseminate the information appropriately, to be the clearinghouse forum for what resources are available to integrate for bodies like this for stakeholders across all of the election community.

COMMISSIONER HICKS:

Other questions? Sarah?

MS. JOHNSON:

I don't have a question, just something -- an informational point. I want to say thank you. I'm on the GCC, and thank you for all of that. But I do want to point out for those that aren't the election officials because we get a lot of information, and there are a lot of you that are not directly in that, just to let you know these situation rooms, you know, that Geoff mentioned and some of these other things aren't just in the big Federal election years. We had an April 2nd election, as we talked about yesterday, and there was a situation room. There were some other States that had elections, so I want to thank you, you know, for that because a lot of times people just think of the big Federal elections, obviously, you all being Federal institutions.

But it was really helpful for us because one of the things -- I know we talked about a lot when we were forming the GCC was if

they're going to test some of these activities, they're more likely to test them in these elections that are sort of off the radar for a lot of people, so it was really comforting to have that for our election. We obviously didn't have anything. And I'm sure it was done just because we had an election in Colorado Springs I'm sure. But it was helpful and was nice to have that to be able to check into that. I mean, we didn't have any activities, but I just want to say thank you and to let everybody know these are not just happening in the even years when there are Federal elections.

MR. HALE:

Well, thank you. And I -- honestly, those situational awareness rooms and the ability for us to have some level of confidence that people are integrating into this and reporting things they're seeing like -- it allows us to better make assessment in -- a timely assessment at the end of the day that we have confidence that if anything were to have been discovered, somebody would have brought it up in these forums.

MR. MOROSCO:

And I would just say, to echo your point that it's not just on the day of election or beyond, it's -- especially the influence activities. These influence campaigns go on for years in some cases, and they happen every day. And being in tune to the threat

landscape and the types of tools that are being used against us is not just an Election Day thing. It really is an everyday thing.

COMMISSIONER HICKS:

Shaun?

MR. RAHMEYER:

Shaun Rahmeyer, National Governors Association. I'm just curious if there's any conversation at the national level regarding the significant cybersecurity workforce shortage? Thank you.

MR. HALE:

We have been working with NGA on ways to better implement and train and develop a pipeline for cybersecurity employees. Selfishly, I want the good ones to come to DHS.

[Laughter]

MR. HALE:

But the -- yes, there is -- there are a lot of demands. This is the risk landscape of the next decade, if not longer, and so I hope that we all kind of commit to hiring the skill set going forward. Certainly, we've put a lot of equity into school programs to train employees on cybersecurity. We also have platforms for -- on our Federal virtual training environment, which all government officials at any level are -- have access to or are able to join. They can take cybersecurity trainings to get at least the fundamentals and help to

hold these kind of information security management type discussions. But yes, it's a problem.

COMMISSIONER HICKS:

I guess we have time for just a couple more. Ricky?

MR. HATCH:

Sorry, just another -- I swear I'm not schmoozing.

[Laughter]

MR. HATCH:

When we started -- when the designation was made early in 2017, I was impressed at the EAC's involvement in helping the DHS kind of get a feel for what the elections world looked like and in some cases kind of giving the DHS a shove saying you need to do this, you need to do this. And the EAC really stepped forward in a monetary way and in a leadership way to put that GCC together in I think record-breaking time when it comes to putting together a national-level-type thing like that. So, Commissioner Hicks and McCormick and Masterson just were phenomenal at that point, so thank you.

COMMISSIONER HICKS:

Your check is in the mail.

[Laughter]

MR. HALE:

I'd like to echo that. The EAC has been a phenomenal partner, and we wouldn't be -- have the success we have so far without them.

COMMISSIONER HICKS:

Thank you. I think we are ending on a good note then unless there's any more questions.

All right. I want to thank you both for, again, coming out on such short notice.

[Applause]

MR. HALE:

Thank you all.

COMMISSIONER HICKS:

So, next, Michael, do you want to do more of the committee reports or the --

CHAIRMAN YAKI:

Yes, I'm just going to make one quick announcement.

Again, thank you guys really for the work that you're doing and the work you're doing to protect our country.

Again, just briefly -- I mentioned it earlier -- I'm going to be consulting with our DFO Mr. -- Commissioner Hicks and our General Counsel on the -- on how to structure this new special committee system I'm going to be trying to put together. Then what I will do is, based on the input I've had with -- from the

conversations with so many of you over the past two days is send out a tentative list of what -- and I'm going to be calling some of you to talk about this, and then submit a tentative list of the special committees that we'll be forming, as well as possible Chairs and expressions of interest for all of you if you want to get involved or not. But it'll -- it will be in sufficient detail that you won't be able to just sort of wonder what the heck it's going to be doing. These will be discrete, time-limited with a very specially narrowed charge to be the most flexible and nimble that we can.

Other than that, thank you all very much, and I'm going to turn the meeting over to our Designated Federal Officer, Commissioner Hicks.

COMMISSIONER HICKS:

Thank you. I guess that we're coming to the end of our time together, so I wanted to -- on our schedule we have an open discussion and resolutions, so I'm assuming that we've taken care of all the resolutions?

CHAIRMAN YAKI:

Yes.

COMMISSIONER HICKS:

So, is there any open discussion that the board would like to have in the time frame that we have left?

Jim?

MR. DICKSON:

Jim Dickson. I just want to first thank the staff and the Commissioners for all the work you put into this meeting. I know that the disability community feels pretty strongly that the EAC doesn't have the resources that you need to do even a more effective job, so we are going to be talking to Congress about getting more funding for the Commission. And I'd be really interested in conversations with any election officials or your organizations. Perhaps we could put together sort of a set of specific talking points so that when we go to Congress, we're asking for money for the same kinds of things that are perceived to be needs by the organized election officials. So, I encourage any of my colleagues who would have -- want to talk about that to give me a call.

COMMISSIONER HICKS:

Thank you, Jim.

Any other discussion? Alysoun?

MS. MCLAUGHLIN:

And I'll just -- I will just note in my position here as an appointee of the National Association of Counties that similar discussions are ongoing among some of the -- some of our groups as well, and so we'll certainly be giving you a call, Jim.

COMMISSIONER HICKS:

So, with that, it has been brought to my attention that the last Chair of the Board of Advisors did not receive a challenge coin, so I am presenting her with a challenge coin --

FEMALE SPEAKER:

Thank you.

COMMISSIONER HICKS:

-- later as we move forward. So, this meeting has been -- and the other thing that I -- as the DFO I wanted to take personal privilege with, I want to thank you all for being here, but one of the reasons I think that Utah was chosen is not only for its beauty and the location of aiding for our folks on the West Coast to get here a little easier than having to come eastward every single time we have a meeting, but also the fact that it's a place that we were able to have a great discussion.

And I was able to come out here in November for the election, and at that time the Mayor of Ogden was killed in Afghanistan, you know, fighting for what we are all here arguing about and discussing and working towards, and that's our voting rights and so forth. So, I wanted to just take a 10-second break just to, you know, memorialize Brent Taylor, who was the Mayor of Ogden, for his sacrifice for the things that we are here discussing today.

[A moment of silence was observed.]

COMMISSIONER HICKS:

All right. So, with that, we have had a very successful meeting and have finished ahead of schedule yet again. I want to thank the Chair for that and the former Chairs for that as well. It's been an informative and productive meeting, and I want to thank you for taking your time to come to Salt Lake City for the Board of Advisors meeting. It is vital that the EAC Commissioners and staff have the opportunity to hear from you, this board, and be guided by your suggestions and not only get your input of how we can help election officials and voters.

I hope that each of you have a safe trip home, and I look forward to working with you ahead of the 2020 election.

We will be scheduling our quarterly call and discussion with the Executive Board, and I hope that you all will be able to participate in that, and I look forward to a vital and -- discussion as we move forward.

And with that, do you want to bang us out?

CHAIRMAN YAKI:

So, on the note of how -- among the many wonderful things why Utah was selected, it was easier for the West Coast, I wonder if that means our next meeting will be in Hawaii.

[Laughter]

CHAIRMAN YAKI:

So, on that note, thank you all, thank the staff for all their great work. Thank all of you for taking time out of your busy schedules to volunteer and be part of the Board of Advisors. I think we're going to have a great year. I think we have no choice but to have a great year coming into 2020. Thank you all.

This meeting is now adjourned.

[Applause]

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

bw/cms

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