

**United States Election Assistance Commission
Public Meeting**

Held on

Wednesday August 16, 2017

2:00 p.m.

at

1335 East West Highway, Suite 104
Silver Spring, Maryland 20910

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) Board of Advisors meeting that was held on Wednesday, August 16, 2017. The meeting convened at 2:00 p.m. The meeting was adjourned at 3:52 p.m.

CHAIRMAN MASTERSON:

I'll call this meeting of the United States Election Assistance Commission to order. We will start with the Pledge of Allegiance, so if we'll all stand.

[EAC Chairman Matthew Masterson led all present in the recitation of the Pledge of Allegiance.]

CHAIRMAN MASTERSON:

Thank you. Let's start with a roll call vote, Commissioner Christy McCormick.

COMMISSIONER McCORMICK:

Here.

CHAIRMAN MASTERSON:

Vice-Chairman Thomas Hicks.

VICE-CHAIR HICKS:

Here.

CHAIRMAN MASTERSON:

And Chairman Masterson is here, so we have a quorum present.

Without objection, I will move to adopt the agenda and move forward, okay?

And we will start with Commissioner opening remarks, and so, Commissioner McCormick, do you have anything to start the meeting?

COMMISSIONER McCORMICK:

I don't – let me get the microphone on. I don't have anything special to say but to thank those who will be participating today. Normally, in August it is the, you know, middle -- end of summer and not a lot going on, but in elections there is always something going on. So I am happy to hear the reports that we are going to hear today. And I want to thank you for putting the time in in the middle of summer, when you could be on vacation, being here to illuminate our knowledge on your area.

So, thank you so much and I look forward to hearing from you.

CHAIRMAN MASTERSON:

Thank you, Commissioner McCormick. Vice-Chairman Hicks?

VICE-CHAIR HICKS:

Thank you, Chairman Masterson. I want to thank you for calling this meeting. It is very important that we continually let the American people know the vital role that we are playing in elections. Cybersecurity has been a very hot topic for 2017. I look

forward to hearing the report on that. I look forward to hearing from our -- from Dr. Abbott about the grants and I am looking forward to our Inspector General's report and our Executive Director's report as well.

The EAC has done a lot in the past six months or so and we have another six months of very hard work ahead of us, and so putting this meeting together when we are so vitally busy I think is very important.

You know with the -- we had a call yesterday on the VVSG 2.0 and we are looking forward to finalizing that relatively soon. And so, I want to thank you for your leadership on this and turn the gavel -- or turn the mic back over.

CHAIRMAN MASTERSON:

Thank you Vice-Chairman Hicks and I appreciate it. I would echo Commissioner McCormick's comments and Commissioner Hick's comments thank you to all the presenters today. I think today's agenda is a good representation of the broad scope of work that the EAC does. It is not just focused on one area of election administration but, in fact, applies to a broad variety of topics. And so, we will get into the meeting and move forward and thank you to the presenters today.

First, as a matter of old business, I would like to move, without objection, to approve the meeting minutes from the January

6th meeting, May 25th meeting and December 15th. We had a backlog of minutes to approve. Any objection to moving forward with approval of the minutes?

VICE-CHAIR HICKS:

Those are from 2016, right?

CHAIRMAN MASTERSON:

Yes, 2016.

COMMISSIONER McCORMICK:

No objection.

VICE-CHAIR HICKS:

No objection.

CHAIRMAN MASTERSON:

All right, thank you.

I would also like to remind folks in the audience, folks at the table, please silence your cell phones, and also, welcome all of you here to Silver Spring, and to those of you viewing on the webcast here today. I think you will find the meeting to be informative, discuss again a broad variety of topics for the EAC's coverage and I think important areas from money to cybersecurity to updates on the Election and Voting Survey, which is the largest survey of election data in the nation.

So with that, we will start with the new business section and our Executive Director Brian Newby for an update. Mr. Newby?

MR. NEWBY:

Thank you, Chairman Masterson, Vice-Chair Hicks and Commissioner McCormick. It has been 21 months to the day, I realized, since I entered the office for the first time as the agency's second appointed Executive Director, and today's update from me, staff members, the IG and guests will demonstrate the diverse activities underway at the agency, and also hearken back to themes from the very first Executive Director report I presented to you in January of 2016.

At that meeting in early 2016 I reported on the departure of our Chief Operations Officer. I announced that we would be undergoing a process to evaluate the best organizational structure within the agency and that we would not be backfilling that specific role of Chief Operations Officer. Amidst an incredibly busy 2016 and with cybersecurity themes at the end of the year and into 2017, we have been working to right size our organization and to match talent needs with the changes in our focus. We have hired additional highly capable employees and our staff features a diverse blend of experience and backgrounds.

You may recall that in year 2015 the roles and responsibilities document passed upon your arrival to the agency. It included a requirement that the Executive Director work with the Office of Personnel Management to evaluate the organizational

structure and all of our positions. That process is underway. A summary of the process and associated deliverables is attached to this report and in your packets.

While we are at the frontend of that process and the time to complete it is dependent on the time all of us can spend on it while we are working on other priorities, we are approaching the process expeditiously, expecting to come out of the other side of this process with much more structure in our position, salary ranges and levels. This is important to us and it aligns with OPM's wheelhouse. The goal is to ensure that EAC's human capital management practices and activities align with the agency's mission and goals. Currently we are working to create clarity around the agency's mission and strategic goals. Agency leadership has been participating in strategic planning sessions to discuss the agency's mission and vision statements, and we have been working hard to develop a repeatable operating planning process, as well. Our new Communications Director has developed a communications plan that we will be submitting to the Inspector General this fall to wrap up a long-term outstanding action item.

Finally, in this area, I want to quickly applaud the work of our communications group, including all of those on our staff involving our new website this year, and further, every single member of our

staff. They have all contributed to a high level of energy and pace that has been noticed by the election administrators we serve. I have a great deal of pride in what we have accomplished since I have come here in these 21 months and we have accomplished it because of our great staff.

We completed successful meetings for the Standards Board and Board of Advisors and are in the process of planning these meetings for 2018 in order to position version 2.0 of the Voluntary Voting System Guidelines for Commissioner approval in 2018. We expect the approval to be done in 2018, not to impact the 2018 elections but to be prepared for elections in 2019, 2020 and beyond.

Additionally, today you will hear of research and communications activities from our semi-annual election survey. We refer to it as “our survey” but the survey is the community’s survey completed by election administrators in the country. The survey represents their data and we want to provide tools that help administrators communicate this information in ways that will further the election administration profession and the overall voting experience. Thad Hall from Fors Marsh will speak to that today. In addition, on October 17 we will conduct a data symposium scheduled in conjunction with the Election Center in October and we will be announcing more details on that soon.

Finally, at the end of this report you will hear from Mark Abbott, who leads our payments and grants effort. Mark is very active with payments follow-up from EAC's grants efforts and he will provide an update on funding and state spending.

Moving to the next item, the cybersecurity working group, October also is well known throughout the country as Cybersecurity Month and provides a fitting transition to tell you the efforts underway to work with the Department of Homeland Security and members of the election administration community in helping DHS establish structure around its designation as elections as critical infrastructure. The EAC, last month, organized an election administrator cybersecurity working group with DHS to discuss sharing of cyber threat communications, and we will have a follow-up meeting with this working group in conjunction with events by the Election Center and the National Association of State Election Directors next week. The working group includes Secretaries of State and local and state election administrators appointed by industry associations and our own Advisory Boards. One member of that cybersecurity working group, Noah Praetz from Cook County, Illinois, is here and will speak to that effort from his perspective, as well as quickly speak on other cybersecurity issues. We are grateful for the engagement of Noah and his colleagues who met with us last month. Our primary goal is to understand

expectations of how the EAC can best support election administrators as they prepare for the 2018 federal elections.

Commissioner Hicks and I also late last month participated in a planning exercise with the State of New York related to the state's 2017 elections. We learned a lot with that and we came away with ideas that we can hope to emulate and deliver to the election community as part of our own cybersecurity initiatives. And while I cannot really discuss too much of what occurred there, I think we just learned a lot of valuable insight and a lot of exercises that we hope to emulate.

Moving to the last item, October also marks the 15th year anniversary of the Help America Vote Act and its landmark provisions of a private and independent vote for people with disabilities. In conjunction with that milestone, we are announcing our second annual and expanded clearinghouse awards, that we call the 'Clearies', for outstanding achievement in election administration. Like last year, we are asking for submissions for best practices related to the recruiting, training and retaining of election workers. In addition, this year we are adding new categories including best practices related to accessibility for voters with disabilities. This is important because this new award category will highlight best practices in polling place accessibility, vote-by-mail balloting, election worker training, machine accessibility and

ways to involve the disability community in the elections process. We have added a third category, as well, outstanding innovations in elections. We have information on our website announced today to explain the launch of the 2017 awards and how to submit entries. A copy of the announcement is also included in your packet and, I believe, showing for those who are watching it streaming right now.

And with that, I respectfully submit my report and stand for any questions.

CHAIRMAN MASTERSON:

I would open the floor for questions. Vice-Chairman Hicks, any questions for the Executive Director?

VICE-CHAIR HICKS:

Yes, I just have a couple and a couple of comments. The meeting that you and I attended up in New York I found very informative, enlightening and frightening. And we cannot divulge a lot of what went on with that meeting, but I would encourage each and every state to possibly hold a similar meeting with their election officials, emergency management folks and IT people, because as we move forward with the 2018 and 2020 elections, you know, we have been told over and over again that the threat to elections is real and that it's continuing. So the more prepared we can be, the better off we will be. So I would, you know, just lay that out there.

In terms of the strategic planning and the overall function of the agency, I believe that you have done a great job in terms of rightsizing the agency but wanted to know what sort of ideas you might have in terms of when you believe the strategic plan may be available for the Commission to take a look at.

MR. NEWBY:

Well our target, the one that we have discussed internally, is to have something by the end of the calendar year. I do not know that that is feasible. That is a target, because I think the most important thing is that we have complete buy-in on the strategies and procedures and policies. If we have something that we rush through, we may think we have a document, but it may not be something that we are really going to be able to execute if we do not have that buy-in. So, I mean, the target is the end of the year but I would want to say that that is a target.

VICE-CHAIR HICKS:

Okay. And lastly, we have done a lot with cybersecurity and one of the things that I was able to do was to work with one of the advocacy groups in getting information on securing elections. And so, that is on my website on the EAC, so I ask that folks take a look at that as well as the other materials that we have out there on cybersecurity as well.

So with that, that is my two questions and comments.

CHAIRMAN MASTERSON:

Commissioner McCormick?

COMMISSIONER McCORMICK:

Yes, thank you Director Newby. I appreciate your report. And also thank you to the staff, those who are here and those who are not, to all the hard work you have been putting in to accomplish everything you have been accomplishing.

Could you just mention, also, the role of our interns who will be leaving us in September, if you could just give me a short brief on our interns at the moment?

MR. NEWBY:

We have been blessed to have three legal interns, law clerks, who have supported us over the summer. We have had two projects that we have asked them to work on, and one is updating the certification process, kind of the procedures, the documentation of certification, state-by-state, so that we have a comprehensive guide to what each state is doing for certification. And then, also we are looking at doing the same kind of state-by-state effort to update the information related to the National Voter Registration Act and how states are complying with that and their specific procedures. And these are two deliverables that they will be presenting actually to the full staff. We are hoping -- they will be leaving us in early September, but they are hoping to present these deliverables to us

a week from Tuesday at our staff meeting, actually. And a couple of them -- I think they are here. They may be around the corner.

COMMISSIONER McCORMICK:

Okay. Well, thank you to those interns for all their hard work this summer and we look forward to the next batch of interns that we can mold at the EAC and in the elections community.

Also you discussed a little bit about cybersecurity. Could you just give us a little brief on the relationship of the EAC with the Department of Homeland Security, and how that is going and where you see that going?

MR. NEWBY:

Sure, so to some degree this is the view that we have taken as a staff. The Department of Homeland Security certainly has identified elections as critical infrastructure and we want to work with them, and we want to be as supportive as we can to the initiatives that they have. But in the end, and this is a personal thing, I was in elections for several years before I came here, these threats are not new. I mean, they may be -- the players may be new, they may be more sophisticated, but many of the threats are the same that election administrators face and have been facing. And so, really what we can do is create our own, essentially, cybersecurity initiative. We want to create our own support to election administrators. Not that we wouldn't anyway, but we want to make

sure that we are answering what they think is important for the EAC to do, and asking DHS to help us. So there is two different kinds of initiatives going. We understand that they are going to focus on elections as critical infrastructure, but we think that we have a leadership role to take and be supportive of our election administrators, not just in cybersecurity, but really define what that means and how else we should be supporting them for continuity planning.

COMMISSIONER McCORMICK:

Thank you. And then one last thing before I pass it back over to Chairman Masterson, 2018 is staring us down. What kind of preparations are you thinking about at the EAC to get us up to speed for next year's elections?

MR. NEWBY:

Well, so we have a few things going on. One is the -- the key thing for us, really, right now, will be related to the Voluntary Voting System Guidelines, because in order to have those approved, we first must take those to our Advisory Boards, the Standards Board and Board of Advisors. So we are anticipating and hopeful that we will come to closure with those, still this year, so we can take those to the Advisory Boards at the end of January. So we are accelerating that meeting.

But I think in general from our initiatives, I think we would be tone deaf if we were not focused on the whole cybersecurity efforts and protecting the vote, securing vote, doing everything we can for election administrators. So, as it -- as silly as it sounds, we are focusing on the actual hashtag, the overall theme. And that is something that we kicked off with our staff just this week to start discussing, what is that theme of all our programs going to be, and we hope to have that, really, to the Commissioners by the end of November, so that we have a plan from January on, for '18.

COMMISSIONER McCORMICK:

Thank you for that update, appreciate it.

CHAIRMAN MASTERSON:

Thank you, Commissioner McCormick. Thank you Executive Director Newby. I just have a couple of questions.

First, I would echo the praise for the staff. This has been a busy year, continues to be a busy year. It has been nonstop and they have done incredible work throughout the year and I appreciate it.

You touched a little bit on VVSG 2.0. I just want to make a comment that September 11th and 12th is the meeting of our Technical Guidelines Development Committee, here in Silver Spring. They will be meeting with the goal and the hope of finalizing their recommendations for VVSG 2.0. And you kind of

touched on this in your answer to Commissioner McCormick, but walk through, briefly, the steps that come from the time that the TGDC, hopefully, approves the recommendations, to the time that the Commissioners are voting on the next version of the VVSG.

MR. NEWBY:

So, the process would be that we will take it -- we will -- as soon as we can, we will actually distribute, if the VVSG is already voted on and passed in September. As soon as we can, we will get those to the Advisory Boards, but -- not to be any later than January, but as soon as we can, to provide a comment period, and then a time to discuss that with them at the meeting. And then, there will be a period of time where they will be able to provide final comments as an Advisory Board. Then we will incorporate those as we see. We will have some process to track them. We are discussing internally how we will have some electronic process to track comments. We will then submit them back out for public comments. And after a public comment period, that we expect to be 90 days, then we will be updating them one final time and then bringing them to the Commission for approval.

CHAIRMAN MASTERSON:

Okay, thank you. A question on the cybersecurity working group and the meeting in Albany, specifically, can you give me -- and I am going to ask Mr. Praetz the same question, so, I will give you a hint

heading into your testimony -- what were your three quick takeaways from the meeting in Albany? What did you walk out of that meeting saying, okay, these are the three takeaways and these are the next steps?

MR. NEWBY:

Note to self, be a guest so I get tip on the question.

CHAIRMAN MASTERSON:

Yes, right, yes, a heads up.

[Laughter]

MR. NEWBY:

You know, I think that -- I am just trying to think, to make sure say I something that is really meaningful here. I mean, for us, I guess one of the takeaways was the industry, in general, has been asking DHS to move on, okay, you have declared a critical infrastructure, what is the next step? And I think what we saw when we went to Albany is they are accelerating -- they are trying their best to get whatever they are going to do, passed fast. And so, they have a target of September to start creating the coordinating council, the charter. They are very focused on trying to hit -- while we know that election people have elections every week, they are focused on having something ready for the 2018 elections. But they really are focused for that. Our view has been that, for us, show time is January 1. Even recognizing that elections happen every week,

whatever is going to be focused on, you know, for cybersecurity, really needs to be done and prepared and started in the works for January 1. And that just reinforced it to me when we were there.

Beyond that, I think a takeaway that, again, was my own personal takeaway is I think we need to have further discussion about the way cybersecurity threats will be communicated. I think there is a value in having a better tracking system so that election administrators are not hit with them every day or every other week, and we have a way that we can go back and know what was communicated before and some structure around that. And I think that is one of the things that we are going to talk about on Monday when we reconvene this cybersecurity working group.

CHAIRMAN MASTERSON:

Thank you, I appreciate that. And I would reiterate something that Commissioner Hicks said, and you said kind as a side comment, but I know you meant it because it is obvious, and that is cybersecurity is the focus right now, right? We are in a new threat environment in that nation state actors have become a real presence, right, as we talk about this. And so, working with election officials directly to talk about what that means, how that changes our risk profile and how we work to mitigate and address those on an ongoing fashion, right, as we talk about persistent threats around it. And I think as you highlighted, that is going to be a focus

for us every day moving forward to address that. So I appreciate that.

I do not have any other questions, so thank you very much for your report and your time. Are there any follow-ups?

COMMISSIONER McCORMICK:

I just want to say I am excited about the award season coming up and I encourage everybody out there to get some nominations in, the more the better. We love to hear your ideas and can't wait to read them and see who comes up the winners this year.

Thank you.

CHAIRMAN MASTERSON:

Thank you Mr. Newby.

MR. NEWBY:

Thank you.

CHAIRMAN MASTERSON:

I would invite up Mr. Abbott now for testimony on the current status of HAVA grants and HAVA money, or HAVA funding, and a new report -- expenditures report from EAC. So, Mr. Abbott when you are ready, feel free to proceed.

DR. ABBOTT:

Thank you Commissioners, today's report will be brief for me and I will be glad to take questions at the end.

Under HAVA, \$3.2 billion was invested between 2002 and 2011 under Titles 101, 102 and 251, also called requirements payments. This represents the largest and probably actually the only federal taxpayer investment in supporting the administration of federal elections at the state and local level. While the states have some funds remaining, and we will talk a little bit about that, this report really tells a story of the successful conclusion of that first investment that the Federal Government made in supporting federal elections at the local level.

Some highlights of the report and some of the successes of our investment. First, our states and territories, 55 entities that received our funds, are in compliance with Title III of HAVA almost entirely. Over 90% of the funds have been audited by our Inspector General over the last 14 years and less than 1% have had any challenges with how the money was spent. So the states, under the administration of the EAC, has done a very good job of making sure that money was safeguarded and spent correctly.

Cumulatively this year, states have now surpassed the original amount of money that was given to them under those three titles. They are now either spending interest that accrued on that money or their own matching 5% of the funds, with the exception of a handful of states that have -- still have federal money available to

them because their pace of spending was slower than other states. We can talk about that in a minute.

A few highlights from the report. Overall it was \$3.248 billion that was awarded. That accrued \$352 million in interest. Reported expenditures have been 3.29 billion leaving about \$300 million still available to the states. That is not spread across all of the states, though. 13 states have expended all of their money and have no match money, no interest or federal money available to them to meet the requirements of HAVA going forward. 28 states have less than 10%. Only six states have more than 30%. So the amount of money is really concentrated in a few places.

A few highlights from all of that spending. The federal investment in the statewide voter registration systems was about \$223 million. That is an estimate based on the states reporting to us what they spent. That was about 7.5% of the total amount that we gave that was eligible for that expenditure. Voting systems and related equipment, about 65% of the money that we gave went directly to that equipment. Most of those purchases happened over a decade ago. Some states are still getting ready to buy new equipment because that is the schedule they are on or did it more recently. But, by and large, it was the early 2000s when the punch card machines were replaced and people upgraded their voting systems in general.

A couple other highlights from the work we did. The Commissioners voted in May to make it easier for states to dispose of their old equipment because of this issue of equipment aging out and needing to be replaced. So now states and localities are able to replace pieces or components of their equipment or trade that equipment in or trade it to another entity that might be in need of spare parts, for example. So we have been doing our part to make sure that we have some flexibility available to the states so that they can move that old equipment out and replace it with new equipment.

So that is just a very brief overview of the report and the highlight. I would be glad to take any questions.

CHAIRMAN MASTERSON:

Thank you, Mr. Abbott. Commissioner McCormick, questions?

COMMISSIONER McCORMICK:

Thank you, Mr. Abbott. I actually have just one question. Now that most of the federal funds are spent, what will the states do to stay in compliance with the Help America Vote Act?

DR. ABBOTT:

Thank you for the question, Commissioner. I think it is a really hard and important question and there is not an easy answer to it. The requirements of HAVA are not a one-time, we met them and we are done. They are ongoing. So, as states are looking at large

expenditures to replace equipment that is now aging out and maintaining all of the stuff that they -- all of the requirements of Title III of HAVA going forward, they are going to be looking for financing for that. And whether that is federal financing through another round of HAVA funding or state financing, we do not know the answer to that at this point.

COMMISSIONER McCORMICK:

Thank you. That is all I have. Thank you for your report.

DR. ABBOTT:

Thanks.

CHAIRMAN MASTERSON:

Commissioner Hicks?

VICE-CHAIR HICKS:

Thank you, Dr. Abbott, I really appreciate you coming in to brief us today on this very important issue.

I spent 11 years working on the -- on Capitol Hill, and one of the accomplishments that we were able to do was to provide money for the Help America Vote Act. And one of the legacies that I remember when I left was that there was still talk of not giving any more money, so President Bush and President Obama put billions of dollars into the Help America Vote Act. But as we move forward the things that I have heard as a former Hill staffer is that there is still a lot of concern that some of the states still have money.

Should we be concerned that the states still have money left in their coffers?

DR. ABBOTT:

So, there is about \$300 million left in the coffers, which sounds like a lot of money, but in proportion to how much was given, it is not. It is less than 10%, and that constitutes the 5% match that states put in, plus their interest. It is not spread evenly across all of the states.

But backing up for a second, when HAVA made this investment, it came with a set of requirements and parameters for how the money was to be spent. But Congress specifically said how you spend that money and in the timeframe you spend that money is up to you. The law gives -- the money does not expire like a traditional federal grant expires. It is open until spent. So states created state plans that had public input, they are implementing those state plans and they are on their own path to spending that money. Some states have chosen to hold money in reserve for voting systems coming up. Others needed to make large expenditures early. Some states were mostly in compliance with Title III already, so they did not have to spend down as quickly as others. So there is a handful of states that constitute the majority of the \$300 million and they are on their path, which we have shown across the board to be fiduciary responsible and wise

in every state. And I would say -- so I would say there is nothing to worry about. We can look at their state plans and talk to them about what their expenditures are going to be in the next few years, but saying that we have money left so we should not make another investment really puts the other 45 or so entities that have spent their money, according to their plan, at a disadvantage if we are talking about any additional resources to support Title III of HAVA.

VICE-CHAIR HICKS:

So just as a follow-up, I am not great with math, but just looking through these figures here, it seems to me that more than 88 or 89% of the state have less than 10% to -- between zero and 10% of their funds leftover.

DR. ABBOTT:

That is correct.

VICE-CHAIR HICKS:

Okay.

DR. ABBOTT:

Yes.

VICE-CHAIR HICKS:

I am done.

CHAIRMAN MASTERSON:

Thank you, Commissioner Hicks, just a couple quick things.

One is I want to thank you and your report and comments for noting the money spent on development and maintenance of statewide voter registration databases. A lot of the attention in HAVA focuses on the voting systems. I think a fairly a big chunk of money was spent on that, but I think an underrated portion of the conversation is the money that was given from HAVA to develop and build those statewide voter registration databases and the age of those now. And I think, moving forward, for us as a Commission, one of our areas of focus is going to need to be working with the states to help to understand how to support and maintain older voter reg systems, right, and upgrade those systems, which is a challenge, and certainly something many states, I know I struggled when we had to upgrade our system in Ohio.

DR. ABBOTT:

Um-hum.

CHAIRMAN MASTERSON:

And so that I appreciate you highlighting that.

Two quick questions, the first is you noted Commissioner -- additional Commissioner guidance on the replacement of voting -- aging voting systems and equipment or components. I know we have worked on, talked with a lot of states about additional guidance and help on disposal of systems. Where are we on that?

Have we issued additional guidance? And what else can we be doing to help states with the disposal of HAVA systems?

DR. ABBOTT:

Yes, so we have released additional guidance on the disposal of systems. There is more work to be done in this area. Most of the states are going to dispose of equipment per state guidelines. Those guidelines may or may not be up to speed on everything you should do with technology as you dispose of it, especially related to, as we have seen some reports recently, related to material that might still be on hard drives or available, that is personally identifiable information. So, what we will do is continue to push other people's best thinking on this out to our contacts at the state. We have made -- we have told states that the money that they have left remaining can be used to help dispose of this equipment correctly. And so, I think that beyond that, there is not a lot we can do. I think the training and education and conversations around this are important. We have made it as flexible and easy as possible to dispose of pieces of your equipment going forward, but it really is going to be up to the states and localities to ensure that they do that correctly.

CHAIRMAN MASTERSON:

I would like to echo that and encourage us to pursue additional information and put out more information about proper disposal; that it is not unique to the elections world.

DR. ABBOTT:

Right.

CHAIRMAN MASTERSON:

There is lots of information out there. I know the legal world struggles a great deal with disposal of equipment and personally identifiable information. And so, moving forward, let's pursue additional information on that.

DR. ABBOTT:

We will work on that Commissioner.

CHAIRMAN MASTERSON:

Thank you. One last question and it is something that I know the National Association of Counties recently highlighted as well as Secretary Wyman in Washington and some other Secretaries at the NASS meeting, and that is a question around how much from the original HAVA money remains un-appropriated. So how much of the money has not yet been appropriated from Congress in that conversation?

DR. ABBOTT:

So, it is a great question and it gets confusing because there is three kinds of money available; stuff that was never given by

Congress but the Legislation authorized them to do it if they chose to, money that is sitting here at the EAC that has not been dispersed yet, and then money that is sitting with the states that they are spending per their plans. Here at the EAC there is \$3.4 million going to about six or seven states that are going to request it in the near future. Georgia, for example, just requested theirs, \$1.9 million, which was their last payment.

CHAIRMAN MASTERSON:

And quickly, that is on allocated?

DR. ABBOTT:

That is allocated money...

CHAIRMAN MASTERSON:

Right.

DR. ABBOTT:

...that is here at the EAC. The unallocated money is about \$400 million of the original \$3 billion that was authorized under the HAVA legislation. It is up to the appropriators to go up to that or even over that cap. They can do that if they want, to appropriate and then put that money in and pass it in legislation. Once that happens and it comes to us, we can -- we have a formula that we use to figure out who gets how much, and then that money is dispersed via a grant vehicle.

CHAIRMAN MASTERSON:

Okay, thank you. And I apologize, I should have said Dr. Abbott, but it is the University of Pittsburgh.

DR. ABBOTT:

No worries.

CHAIRMAN MASTERSON:

I struggle with the Pittsburgh connection.

[Laughter]

So I appreciate your time, I appreciate the report and the work you have put into it, and your continued work, good work with the states as we work to work through the funding questions and issues. So thank you very much.

DR. ABBOTT:

Thank you very much.

CHAIRMAN MASTERSON:

I am now going to pull a classic Montessori move and actually go to the Inspector General Pat Layfield because it melds nicely from the conversation we just had with Dr. Abbott regarding HAVA funding and auditing. And so, I appreciate just the flip flop with Mr. Praetz. I hope you can hang tight for ten more minutes here.

So, next up is the Election Assistance Commission Inspector General, Pat Layfield. Ms. Layfield, since this is your first testimony in front of us since becoming Inspector General, a brief introduction. As a financial professional with 40 years of

experience managing and performing audits in Federal Government and private sector, prior to joining the EAC, Ms. Layfield worked in public accounting where she specialized in conducting audits of federal agencies' annual financial statements. She developed her firm's financial statement audit practice, managed 40 financial statement audits in seven federal agencies and served as in-house technical expert for accounting and auditing matters. I could say from your time now here at the EAC, all three of us have enjoyed working with you, appreciate the work you do. For those at home that do not know, Ms. Layfield is in an office by herself here at the EAC, down in the basement, and so, we all have to come down and check on her from time to time to make sure she is all right.

So, Pat, thank you for being here. Thank you for your testimony today and we look forward to getting an update on the Inspector General's efforts.

INSPECTOR GENERAL LAYFIELD:

Well, I would like to thank the Commission for inviting me to testify today and tell you a little bit about what is going on with the Office of Inspector General.

As you are aware, we have had -- for a little over a year we have had audits of states going on and we are now issuing those reports. We issued the South Dakota audit on July 31st, Vermont

went out August 2nd and Puerto Rico final report went out August 7th. We have just received Mississippi's response and so I expect that that one will go out final within the next week or two. And we have issued draft reports to New Hampshire and Maryland and they are currently preparing their responses. So those are pretty much the last six states that -- to be done, for now anyway.

I also started an audit of EAC's decision making policies. I have contracted with the U.S. Postal Service Office of Inspector General OI -- yes, well, OIG. The objective of the audit was to determine whether the decision making controls of the EAC were properly designed, placed in operation and operating effectively to provide reasonable assurance that key EAC decision making policies would meet their objectives.

We do have findings in that report. The findings are similar to those that have been around since my predecessor, Curtis Crider, did an audit in 2008. Our recommendations worked out to be pretty much similar. Those recommendations are to develop and document strategic plan, enhance records management and an established project plan to get all that done.

And, as you know, EAC has already responded to that and everything is in process. I mean, you have -- you spoke earlier, Mr. Newby, about the progress that is being made on the strategic plan, and plans to enhance records management are moving along. And

you already have a timeline to get that done. I think it is this calendar year, some maybe this fiscal year yet, or I am not sure.

MR. NEWBY:

That is right. I mean, in essence, yes, some are -- a couple of them are this fiscal year and a couple are this calendar year.

INSPECTOR GENERAL LAYFIELD:

The U.S. Postal Service OIG has provided to me a final report and I am currently in the process of doing my final checks and balances of my working papers and composing a transmittal letter for that report, which I hope to have to the Commissioners this week.

In addition to those seven audits, I have in progress the FISMA evaluation and the financial statement audit for 2017. The financial statement audit technically began with an entrance conference in March, March 29th. The activity ebbs and flows on that, I imagine our CFO is probably more deeply involved in it right now than I am because I tend to get involved at the end when I am looking at what the contractor does.

And the FISMA evaluation – which, FISMA stands for the Federal Information Systems Modernization Act of 2014, and every year the IGs have to do an evaluation of the agency's compliance with that. And we began that on June 9th. We are, again, using CliftonLarsonAllen for that and using Brown and Company for our

financial statement audit. Next year will be a new procurement for both of those.

Finally, I am getting ready to start a new audit that I hope to announce again in the next couple of weeks on Data Act reporting. The Data Act, in part, requires federal agencies to report financial and award data in accordance with established government wide financial data standards. Once submitted, that data -- those data are displayed on USAspending.gov for taxpayers and policymakers. The Act also requires IGs of each federal agency to review a statistically valid sample of the spending data submitted by the federal agency for the second quarter of 2017. It is that submission, that second-quarter submission. And then I have to submit to Congress and make publicly available a report assessing the completeness, timeliness, quality and accuracy of the data sampled and the implementation and use of the government wide financial data standards by the agency. The IG reports are due to Congress on November the 8th, 2017, and biennially after that. So, we will have to do it again in 2019. I do not know the scope of the 2019. This time is the first time -- actually Congress required the IGs to submit a report November of 2016, but did not require the agencies to submit data until May of 2017. So CIGIE, the Council of the Inspectors General on Integrity and Efficiency, wrote a letter to Congress informing them that the IGs would do the audit in

November of '17 instead. The CIGIE guidance requires that we look at 300 and something, 386 transactions minimum. I believe EAC has about a dozen transactions. I will be looking at 100%.

[Laughter]

It is not payroll transactions. It is only contracts and grants, basically, and payments on those. So that is why EAC right now does not have a lot to report for the second quarter. We were under CR, continuing resolution, so there is just not a lot of activity during that quarter that I have to report on.

I have interagency agreements in place with other IGs. I have -- in order to meet government auditing standards, my work must be reviewed if I do an audit, and I cannot review my own work. So the interagency agreement I have with the IG at the Federal Maritime Commission, he is in the same position. So I am going to review his, he is going to review mine, and we are both going to issue the reports internally. And then I have a second contract -- interagency agreement with another IG who is going to do what we call referencing, and that is tracing all the facts and the final draft report to the supporting documentation, I have to make sure I have got all the facts and figures right before the report goes out. So I have those agreements in place. I just need to get the audit started and get it done. So I expect to conduct an entrance

conference this month and complete the audit by the November due date.

Finally, another thing I wanted to make the Commission aware of and the people who are here today, there is a new website called oversight.gov. It is sponsored by the Council of the Inspectors General on Economy (sic) and Efficiency, again affectionately known as CIGIE. They have launched this new website which is currently in beta test mode. It is up and running. You can see it on the Internet, but it is not fully populated yet. Eventually, all of the OIG reports from all 73 federal Inspectors General are to be available through that site, which is designed specifically to be a one-stop shop for IG reports government wide, for the press, the public, anybody, any interested party who wants to go see what is out there. The site allows users to see audits by state, by agency, by date, by OIG, by report number and to search using key words. CIGIE is currently asking the IGs to upload semi-annual reports going back to October 1st, 2012, and all other reports which would include audits, inspections, evaluations, investigations and management challenges going back to October 1st, 2015. That is supposed to be done in time for the scheduled launch on October 1st, 2017, which is when it is supposed to go live in production. Now I am not sure whether CIGIE intends for us then to go back and load older reports or not, but I have until

October 1st. I have got one semi-annual out there so far. In between all these audits, I will get it loaded out there.

So I did want to -- though one of the reasons I wanted to use this forum to talk about this website is that because I have to go back, you know, states whose audits were done a couple of years ago might fall under those deadlines -- or those guidelines of reports to be loaded, so I did want to take this opportunity to make it publicly known that those reports will be going out there in a place that people are not used to seeing them.

And with that, that is what activities I have been up to and I am open to questions.

CHAIRMAN MASTERSON:

Thank you, Ms. Layfield for your work. I do not think people appreciate how hard it is to be an auditor by oneself. And so, I appreciate the work you do in your shop and, you know, being a small agency and the challenges that that comes.

I have no specific questions. I appreciate the information and will turn it over to either one of the other Commissioners for questions.

COMMISSIONER McCORMICK:

Thank you so much Inspector General Layfield.

You mentioned the audits of the states that are going on.
How many states are left to do any kind of audit on their HAVA
grant money?

INSPECTOR GENERAL LAYFIELD:

Right now, I only know of three jurisdictions, shall we say, that have
not been audited at all.

COMMISSIONER McCORMICK:

Okay.

INSPECTOR GENERAL LAYFIELD:

And that was Alaska, Guam and – I am pulling a blank.

COMMISSIONER McCORMICK:

I know, I...

INSPECTOR GENERAL LAYFIELD:

In the Pacific, the...

COMMISSIONER McCORMICK:

American Samoa?

INSPECTOR GENERAL LAYFIELD:

That is it.

COMMISSIONER McCORMICK:

Okay.

INSPECTOR GENERAL LAYFIELD:

Yes, the American Samoa. Yes, those three have not been done at
all.

COMMISSIONER McCORMICK:

Are you on to second audits with any of these states?

INSPECTOR GENERAL LAYFIELD:

Yes, well, Maryland is a second audit.

COMMISSIONER McCORMICK:

Maryland is a second audit.

INSPECTOR GENERAL LAYFIELD:

And my predecessor, Curtis Crider, had done audits of some states more than once.

COMMISSIONER McCORMICK:

Do you expect to get to all the states soon, or at least within the near future, so that every state or territory has at least been audited once for the HAVA money they have received?

INSPECTOR GENERAL LAYFIELD:

I learned my lesson last year. I mean, part of the reason that these audits have been going on for an entire year is that I learned about trying to do an audit during the election year. So, I do not plan to do any audits between -- in states between now and 2018.

COMMISSIONER McCORMICK:

Okay.

INSPECTOR GENERAL LAYFIELD:

And what is beyond that -- I mean, we are getting to the point, as Dr. Abbott mentioned, the last money that went out was, what,

2011 I think. And one of the things that we noticed in these last audits was states are reaching their retention limits and discarding the records that the auditors need to look for. So there is a bit of a balancing there how far should we go back, and I mean even the last money, that's six years old now.

COMMISSIONER McCORMICK:

Um-hum.

INSPECTOR GENERAL LAYFIELD:

Anybody who has got a five-year retention, the records might not be there. So I really have to think about it.

COMMISSIONER McCORMICK:

Okay. Thank you so much for all your hard work, appreciate it.

VICE-CHAIR HICKS:

Inspector Layfield, I want to thank you again for all your hard work, as Commissioner McCormick and Masterson have said. I do not have any real specific questions other than, I do not believe you spoke of your new role with CIGIE, as well. So, if you wanted to elaborate a little bit on that for the audience, I would...

INSPECTOR GENERAL LAYFIELD:

Yes.

VICE-CHAIR HICKS:

Thank you.

INSPECTOR GENERAL LAYFIELD:

CIGIE -- the chairman of CIGIE's audit committee has appointed me to be a member of the accounting and auditing policy committee of the Federal Accounting Standards Advisory Board. For those of you who do not know, that is FASAB. For those of you who do not know what that is, it is to the Federal Government what the AICPA is to commercial entities. It establishes generally accepted accounting principles for the Federal Government. So...

VICE-CHAIR HICKS:

Thank you.

CHAIRMAN MASTERSON:

Congratulations on your leadership position. I hear they have wild happy hours, so...

[Laughter]

CHAIRMAN MASTERSON:

...congrats to you.

INSPECTOR GENERAL LAYFIELD:

You would be surprised...

[Laughter]

CHAIRMAN MASTERSON:

Thank you for your time and your testimony.

INSPECTOR GENERAL LAYFIELD:

Thank you.

CHAIRMAN MASTERSON:

Mr. Praetz, we will invite you up now. And I will do the introduction while you get settled in there.

Next up on the agenda is Mr. Noah Praetz. He is the Election Director for Cook County, Illinois. In his role he is responsible for the overall management of elections in Cook County, Illinois, one of the largest jurisdictions in the country. Each year he and his team serve 1.5 million voters, facilitate democracy for thousands of candidates and train and support thousands more volunteers who help to administer democracy. He is a board member of the International Association of Government Officials, or IAGO. He is also active in the Election Center and Illinois Association of County Clerks and Records, including being on the Election Center Cybersecurity Task Force. In his free time, and I love this, Noah loves to run for hours on trails and roads. He is an ultra-marathoner, which I think has a metaphor to elections, certainly, the long haul.

MR. PRAETZ:

That is fair.

CHAIRMAN MASTERSON:

And loves his home county of Cook County. And I would also wish his wife, Megan, a happy birthday.

MR. PRAETZ:

Oh, thank you.

COMMISSIONER MASTERSON:

Hopefully that takes a little bit of the sting away at home from missing her birthday while you're here testifying.

MR. PRAETZ:

If we make the flight...

CHAIRMAN MASTERSON:

Yes.

[Laughter]

You are going to make the flight.

MR. PRAETZ:

...I will be all right.

CHAIRMAN MASTERSON:

I promise you will make the flight.

MR. PRAETZ:

No, we are good.

CHAIRMAN MASTERSON:

And so, Mr. Praetz thank you for being here and for speaking specifically about, not only Cook County's efforts, but sort of a local election official's perspective on the current cybersecurity environment, risk environment, and moving forward towards 2018, how the EAC can help support and better secure elections working with you.

MR. PRAETZ:

Okay, great. Well, let me thank all of you, Chairman and Commissioners, appreciate all the work that you did in the run up to 2016, what you are doing now, and what you will continue to do for us in this space over the next few years.

A note, I am one of thousands of election officials, all probably with different opinions. You know, I had a busy summer, traveled to a lot of places. I will just lay out some thoughts and answer questions at the end.

First, Las Vegas, right, each year thousands of good-guy hackers descend on the city to learn tech and hack tech. Last month at DEF CON some cyber professionals and young folks took a shot at hacking election equipment. Not surprisingly, they successfully and quickly defeated the defenses of some equipment that has been in use in this country over the past ten years. From what I understand, one professor was able to use a wireless access point to gain control of a CPU of a voting machine used for years, but was a voting machine that was certified years ago. Another plugged in a keyboard to a USB port and was able to get access to the admin screen giving her some powers, though not unlimited powers. But in another room, the organizers packed eight solid hours of pretty high-quality lecture on the state of elections tech and security in elections. And this was the room I was in with,

incidentally, dozens of other election officials and vendors from around the country, folks taking this pretty seriously.

Now the goal of the organizers was to erase the word 'unhackable' from the vocabulary of our country's election officials. I do not think it is in our vocabulary, but that was a stated goal, and they also wanted to offer the opportunity for election officials to come and get some defense training, to raise some awareness and some general understanding. I did take this as generally a good faith effort. I will offer a couple criticisms just on behalf of colleagues around the country. They had access unfettered to equipment. In the real world that is not a level of access that anybody has. We take physical security pretty seriously. Though, an admission, seals are defeatable. They are not always utilized to their fullest degree by election judges, so while we employ physical security it is not the entire answer.

Now the equipment that was attacked, generally, was old, right, and at the speed of technology there is a lot of new, good equipment coming on the front. There is some really exciting projects going on in this country that promises to bring even better equipment to the fore. But we are not there yet, and some of this stuff is in use. And one of the main reasons is we are not funding our election infrastructure the way we need to in this country, right?

If we had more access to dollars, we could bring better technology to the forefront.

Another criticism is that it was focused -- most of this country uses paper ballots, right, or they have a voter verifiable paper trail, if they use an electronic only ballot, and a lot of the critique was aimed squarely at the machines that do not have either of those, okay? But despite these critiques, I must grant the general point, that technology is breachable and hackable, and there are ways to limit that and limit the damage that is done. You know, the bottom line is the vulnerability assessment done at DEF CON was similar to one that was done over the last 15 years with no mainstream or validated claims of breach affecting anything. My concern is that this time lapse has led election officials to have a false sense of security. The new threat vectors of nation-state actors probing our networks was not demonstrated here. The group, though, in fairness did seek to create a simulated network environment that would look like ours. We actually consulted with them on this so that we were pairing up with security professionals that are able to assess and help us defend against real risks.

The strongest pitch at DEF CON was made by Skype from former U.S. ambassador to NATO, General Douglas Lute. Convincingly, he wrapped in new geopolitical forces and threat vectors and argued that the world has changed significantly for us.

Today we have nation-state actors with rooms full of people probing our election subsystems, not probing DOD, probing counties and cities all over this country. He made a convincing argument that the probability of breach has increased dramatically, that the consequences are severe, that the risk equation for all of us has been reset. And so everything we know about the world through this new prism kind of clarifies the predicament we are in.

The bottom line for me is that from what we watched there, but more from what we already know about the changing world and about technology, is that the broad point should be conceded, and I think is broadly conceded, that everything is hackable, everything is breachable at some level. Where does this leave us exactly, if nothing can be made 100% untouchable, all right? So I will focus next on some other journeys this summer.

I think our eyes are wide open, that we all focus on, you know, even with differing degrees of dread, that if we agree that attacks are possible, both retail hacking like DEF CON or nation-state hacking, now we need to do three big things. One is ensure resiliency, two increase defenses, and three, increase our verification. Put another way, defend, detect, recover. For me, chief among all is resiliency or recovery. Let me put my Cook County hat on for a moment, but in suburban Cook County we have a paper -- piece of paper for each voter, either optical scan ballots

or voter verified paper audit trails from touch screens. If our -- god forbid, our software is hacked, we could reconstitute the vote totals. It won't be pretty, I probably won't still have a job, but it is possible. That is resiliency. And remember that is true in most of the country. Nearly 80% of voters use machinery with paper trails or votes on a piece of paper with a pen. Now I have friends and colleagues that run elections in places without paper, and I personally cannot imagine the burden they must feel defending against nation states, without an ultimate fallback position of hand counting the paper ballots if the unthinkable happens. But I will also say, knowing them, that they will bring the necessary computer science expertise to bring their defensive posture up to where it needs to be.

Also in Illinois, from a resiliency perspective, we have Election Day registration. If our voter registration system is, again, targeted, breached, and somehow records are manipulated, we can conduct an election without disenfranchising any voters in Illinois, okay? There are policy arguments for or against, but from a security and resiliency perspective, Election Day registration decreases the burden we face for perfect defense. I am thankful that we made the policy decisions to limit our downside risk from that perspective.

Now, a close second priority to resiliency is verification, right, or detection. It does not do a whole lot of good to be resilient if we

do not know that we have been targeted or breached if we are not auditing whether our machines are telling the votes as cast. Most states do really great audits, but there are better things out there. Increasingly people are exploring the idea of risk limiting audits. States are adopting them. We are going to be introducing legislation in Illinois. It is a way of using a fraction of ballots in a hand counted recount to raise the statistical probability that an election was counted properly. Now, it seems to me in any recount a situation we ought to all capitalize on the opportunity to prove to people that our computers, tested, certified and used, are counting things accurately. And it is pretty easy to do if you let folks count the races they are interested in by hand.

Now, also in Illinois, wearing my hat here, from a verification perspective, in Cook County, we use something really cool called applied forensics, okay? We take a hash type digital forensic capture of the certified reference copy of our software of our tally system, a so-called clean copy, and we compare digital snapshots of all our servers, nodes, and a significant sample of our election equipment to the clean copy. We do this three times for each election; before we prepare our equipment, after we prepare it, before we ship it out, and then, after it returns from the polling place. So, there are absolutely ways to say, with high confidence, that nothing untoward happened in the election. I think applied

forensics can really help, certainly in places without paper where verification, in some ways, is a little more difficult.

But then finally, and what we focus on a lot in the cyberspace, is defense. If it is hackable, we can make it really, really hard with good defenses, okay? But this is a slog. It is a problem area I think, and a place where I look forward for your guys' leadership. We have thousands of election managers in this country with staff counts ranging from one to 400. The capacity differences are staggering. If the critical infrastructure designation means anything, if we are to believe the Federal Government sources that tell us to prepare for the Russians and other advanced persistent threats, then the bottom line, in my opinion, is we could probably use some help here focusing on our defenses. Now DHS and other federal officials offer some help, state officials, other help, but the ones on the frontlines, our counties and cities around the country. Now as part of this cyber security group at the Election Center we made a really robust checklist to raise the ecosystem a bit of our membership and all the counties and cities nationwide. And lists are great, but there really is no substitute for on-the-ground expertise. We have gotten pretty good at our physical defenses, at locks and seals and cameras, but in this new threat space in the cyberspace, we are going to need a little bit of -- a little bit more assistance. Remember the single staff election

administrator. Do you think they can hire a vendor -- they can afford to hire a vendor representative to be on site for the 12 critical weeks around each election? And that is where we will find the advanced persistence threats and the Russians and others probing networks and people for mistakes.

Now, in places way less cool than Vegas, election professionals, some of you among them, have been getting together -- getting down to the real business of increasing our security awareness, our resiliency and our defensive posture. There was a meeting in Albany last week. The Department of Homeland Security's recent critical infrastructure demanded that election officials from all government levels are required to build a network and assist them for sharing information. Now amongst those there we shared a significant recognition that the risk is not hypothetical and the threat vector is new, that it is significant and that it is growing. Now, there was some disagreement, certainly, as to the level of risk, who bears the responsibility for action, roles to be played by different actors. But if that had all been settled, we would not have needed to meet in Albany.

Voluntary efforts are underway throughout the industry to organize a community from the top to the bottom to share information and offer defensive resources, to share best practices, to evolve quickly on resiliency and verifiability. There are

cybersecurity committees in the Election Center, in IAGO, in NASED and NASS. This summer in Florida, in California, Indianapolis, Washington, D.C. bodies of election officials were getting busy working on the future, trying to recognize and defend against the new threats, trying to become agile actors in a changing world. In Florida, Chairman. you admonished us to be aware of the new norm of nation-state actors acting against us and we took it seriously.

In state, meetings of election officials are all addressing this, and we are coming to terms with the new normal; it is not pretty, it is not easy, but even for the skeptics, many are willing to consider new facts and procedures, if nothing more than a relatively cost effective insurance instrument. Sometimes it is not all that cost effective. It may mean a new voting system. But it could mean an audit procedure, a new network monitoring device, a password change regimen that can protect themselves and, indeed, all of us.

So final thought, security is an idea, it is a process, it is not a place. To be secure is not to be unhackable. That is impossible, probably. To be secure is to accurately assess all threats and weaknesses, to take reasonable measures to limit the risks and to be able to get up when knocked down. Security is resilience. For my fellow election officials, and for white hat hackers and cybersecurity professionals, we should agree to a more nuanced

framing, it's not binary. To ignore the nuance, to ignore that security is a matter of degrees is simply to chalk this problem up as one that we cannot solve. But if we accept the premise that everything is, at some level, breachable, and we do what we can to defend and get back up when our defenses fail, we will be secure.

For election officials in particular, we will need to usher in and accept a leadership culture that is a bit less protective and parochial. Chairman Masterson, you penned a piece recently about the EAC website breach. I think that is applauded -- should be applauded that threats are fast, breaches are more common. The hope of staying ahead is being honest and sharing information up and down levels of government and across. I think people will reward that.

Our industry should probably find a way to embrace the good-guy hackers. We cannot pay for the type of testing they offer, whether it is voluntary exercises by the private sector like you may have seen at DEF CON, or paying bounties to hackers that report bugs, like happens in other industries, we can create a norm in our industry that shows how seriously we take this threat.

Nobody holds the sanctity and security of elections more dear than election officials. I think we can prove that professionalism and maturity if we accept the new threats that we

cannot change and change the process we can. So to defend, to detect, to recover, that is now our job.

Thank you, if you have any questions.

CHAIRMAN MASTERSON:

Thank you very much for your testimony, your candor, and the recognition of the challenges we face moving forward and quickly, right? You have already started preparing...

MR. PRAETZ:

Yes.

CHAIRMAN MASTERSON:

...for next year. So, with that, I will open up questions.

Commissioner McCormick, if you have questions for Mr. Praetz.

COMMISSIONER McCORMICK:

Sure, thank you so much Mr. Praetz for your testimony, I appreciate it. And I agree with Chairman Masterson, really appreciate the candor that you are witnesses for us.

From a local election director viewpoint, what are some of the top concerns you have with regard to the risk equation reset?

MR. PRAETZ:

So, if we are to accept that there is this major new threat actor, then it is not a retail -- it is not a guy getting into your warehouse, right, or into the polling place the night before the election. These are people sitting in rooms from across the world. And it is -- I mean, I

have a hard time myself even comprehending what that means, the amount of resources there, the amount of time that it takes. I mean, you know, even if you are completely segmented off, all your network environments, there is still the possibility of compromising individuals, the attacks on election officials personally, right, through hacking their own emails. I mean, just the entire world has shifted, and so, what we need to do is think about a very different worst case scenario. And so, that is the main thing for me, is when it happens, how do we get back up? How do we get back up? How are we resilient? How do we recover?

COMMISSIONER McCORMICK:

So, more robust vulnerability assessments are probably...

MR. PRAETZ:

Vulnerability assessments are great. I think, you know, we all come from a very different profile. As I laid out, Illinois has got one that has got a lot of recovery or resiliency built into the system, but not every state is like that. And so, what I think the challenge is for each election administrator is to run through kind of a decision making or assessment matrix, looking at their own policy decisions made in their state, and then, their own management decisions made in their office, to see exactly where they stand; how much do they have put into defense, versus verification and recovery. And my sense is that the risk profiles are very different across this

country. Slotting ourselves appropriately and then having a framework for making decisions out of that is going to be very important.

COMMISSIONER McCORMICK:

So the EAC could help by establishing some sort of framework or resources to start doing those kinds of...

MR. PRAETZ:

I think that would be great.

COMMISSIONER McCORMICK:

Um-hum.

MR. PRAETZ:

Let us each slot ourselves given the decisions that, you know, our Legislators have made, or our predecessors, or even we have made ourselves, and then, through that risk assessment a bit of a path forward, right?

COMMISSIONER McCORMICK:

Yes, and of course we are especially concerned about those very tiny election offices, like you say, with a single person in them, who does not have any help...

MR. PRAETZ:

Sure.

COMMISSIONER McCORMICK:

...or resources available. So...

MR. PRAETZ:

We have always thought, why would anybody attack them?
Nothing could be outcome determinative. But, as we have learned over the last six months to a year, that mischief making is bad enough, right, and if you can make mischief in a tiny, little place, then that may accomplish the ultimate goal of some of these actors.

COMMISSIONER McCORMICK:

Or a few tiny, little places, right?

MR. PRAETZ:

Absolutely.

COMMISSIONER McCORMICK:

Sure, you mentioned the applied forensics that you use in Cook County.

MR. PRAETZ:

Yes.

COMMISSIONER McCORMICK:

Do you have a sense of how pervasive that is among election offices in the country?

MR. PRAETZ:

I think we are the only ones.

COMMISSIONER McCORMICK:

Really? Interesting.

MR. PRAETZ:

That is right. Now, these are the kind of things that come with economies of scale.

COMMISSIONER McCORMICK:

Um-hum.

MR. PRAETZ:

Being the only one, it is not a cheap endeavor. It is one that offers a heck of a lot of security, we think. And it is one we have been willing to invest in. But I can certainly see, in the past, why, with threats being hypothetical and having not materialized, election officials would choose not to make that investment. But today, I think with a very new threat vector, that it is an investment that is worth considering, and if enough were in the system I think you would find competitors that would come in and offer similar services, drive down costs, and it would be something that would raise our profile significantly.

COMMISSIONER McCORMICK:

Well, thank you. Thank you for your leadership in this effort. It is a very serious effort. We are all taking it -- the entire election community is taking it very seriously. And we need folks to step up and take leadership roles in how to create a more secure election environment. And we appreciate that and I appreciate your testimony today, thank you.

MR. PRAETZ:

Thank you, Commissioner.

VICE-CHAIR HICKS:

Thank you, Mr. Praetz. I want to thank you for your leadership on this and for attending that conference.

One of the questions that I have is that with these folks who are manipulating these older machines, did they also go into other aspects in the election field, in terms of the voter registration issues or the Election Night reporting issues, as well? Because one of the things I found out is that – well, I knew, but I had the opportunity to attend a conference in the the Hague, and this is not a unique problem with the United States. There are countries from around the world who are facing the same sort of issues. And so, I wanted to know – that is my first question of, did they look at more than just machines in that realm?

MR. PRAETZ:

So, to my knowledge, there were a few poll books, the older variety. I think one of them was accessed pretty simply. And, again, each of these little pieces of equipment or subsystems have different consequences for election officials. And, you know, there is a balance between security and access. You can make your job a lot harder and not get any of the benefits of modern technology and have a different security profile, but you are also, you know, you are also not managing a modern elections infrastructure. So, yes,

there was -- there were some old models of poll books. But, certainly, I think among organizers a recognition that there is a new threat vector, and that should be one that needs to be explored over the years. And by and large, I took, certainly, the organizers and many of the folks there as being fairly good faith. I have got a different sense of how I might handle things tactically, but that is not sort of my purview. This is a space that they are in. I think they share the goals broadly that we all do. I think there is a great opportunity right now with the new threat to stop talking about the wars of the last 15 years and focus on the wars of the next 15. And I think they can be partners.

VICE-CHAIR HICKS:

That is a great segue to my next question, because I view it as we are no longer living in the world of the big bad wolf blowing the house down. It is the big, bad, you know, grizzly bear that is looking to knock down the house, and I do not think a brick wall is going to stop that moving forward.

So I think that one of the questions that I have is that when you spoke of, you know, 75 to 80% of the country now uses paper to ensure that those who have disabilities can still vote independently and privately, as HAVA says, and I know that Illinois does this, but can you elaborate a little bit on how we can move

forward with security and ensure that we do not leave those who have disabilities behind?

MR. PRAETZ:

Sure, so currently in Illinois, and full disclosure, we are in the middle of a procurement effort in suburban Cook County, and what we asked for was, we love computers for all the interface and the data size advantages and for the ability to serve our communities of different sort of abilities. So, you combine the best of the both worlds, which is using the kind of touch screen or computer-based interface and memory capacity, but then you print out an actual tactile ballot that they review, and they either take it over and put it in the ballot box. So, you end up on a security footing similar to just voting on paper, but with the disability access footing similar to the one we've had since HAVA, and is, in fact, our mandate.

VICE-CHAIR HICKS:

Okay. That's the questions I have.

When do -- I figure that they are going to have a report that they are putting out. Did they elaborate a little bit more on when that report will be?

MR. PRAETZ:

My sense is, it is ongoing. There is some stuff I think published already, an ongoing report. But in terms of the organizers, I think

there was a hope in the next couple weeks that it would be out and available for all of us to review.

VICE-CHAIR HICKS:

Great and I thank you for attending...

MR. PRAETZ:

Sure.

VICE-CHAIR HICKS:

...and wish your wife a happy birthday, as well.

MR. PRAETZ:

Appreciate it very much.

CHAIRMAN MASTERSON:

I should have mentioned, it's your wife's 21st birthday.

MR. PRAETZ:

That is...

CHAIRMAN MASTERSON:

That is why you need to get back.

[Laughter]

MR. PRAETZ:

She will love that.

CHAIRMAN MASTERSON:

A couple quick questions. The first is the one I already previewed for you, which is your takeaways from the meeting in Albany with the Department of Homeland Security and the EAC, what were kind

of your conclusions and next steps forward based on what you heard there?

MR. PRAETZ:

Sure, well one of my big takeaways was that local election officials probably need to step up their kind of vocal participation in the discussion around election security. State officials have a major role to play and are vocal and are at the table a lot. I think local election officials, responsible for the care and upkeep of every piece of equipment and every voter record and every polling place and for counting every vote, need to be sure that as we talk about the risk assessment and our feelings of vulnerability that we are able to be at the table, because I think it is a very -- it is a different profile than some of the other partners. So I am glad -- very glad that the organizations that were chosen do represent local officials and they had people there.

I am a bit concerned with the pace of how we were able to get cyber hygiene pretty quickly from DHS last year, and that was great to do. Though for any services that go beyond that, the wait time was fairly significant. And so it makes me realize that, you know, we cannot rely on -- we cannot wait for Superman, right? A lot of this stuff we have to take onto our own; we need to find local partners that are willing to come in and help us out. It is not going to be necessarily the Federal Government that is going to provide --

get us on a firm security footing, though they have certainly got a role.

And then, third is that there is still some in-state information sharing. A lot of frustration was exhibited towards DHS for not sharing information on the 21, I guess, or whatever the number is right now, states that had different breach levels going into last November. And they said they have notified the owners, which in often cases are the states. And so, you know, it is not just Federal Government holding information. It is information sharing within the state between different office holders. And so, what that just reminds me of is that it is our parochial nature, our silo kind of information holding for a variety of reasons. But I do not think we can afford to do that anymore. So I hope that we get to a place where we are able to open the books. And I applaud you guys for doing that with your article recently.

CHAIRMAN MASTERSON:

You mentioned kind of stopping fighting the battles for the last 15 years and looking forward...

MR. PRAETZ:

Yes.

CHAIRMAN MASTERSON:

...and recognizing in this new threat environment the need for a coordinated effort.

MR. PRAETZ:

Sure.

CHAIRMAN MASTERSON;

Right? And having gone to DEF CON, and EAC had a staffer there, too, can you speak to the opportunity that may exist for free resources, whether through white-hat hackers at DEF CON or other areas where election officials who are resource limited and, in some places, severely resource limited...

MR. PRAETZ:

Sure.

CHAIRMAN MASTERSON:

...may be able to take advantage of that type of effort? Do you see an opportunity there? And what is that opportunity?

MR. PRAETZ:

If I had that, I would be using this platform to scream it.

[Laughter]

I think it is a necessary thing. I think that there are computer scientists that are professionals willing to come in and willing to sign NDAs with different organizations, willing to help without sort of changing the kind of political risk that any election administrator or state faces when opening their books, but at the same time getting them on a firmer footing. I do not know how we facilitate that sort of match.com of willing election administrators and willing helpers.

[Laughter]

But if you could think of it, that would be a great benefit.

CHAIRMAN MASTERSON:

I am -- never mind.

[Laughter]

I had a joke, but never mind, it involved an app. Finally, I guess more of a comment but you can respond to it and it's in that same -- I think it is incumbent on all of us, and you said this in your testimony, to look anywhere we can to receive expertise, help and to be open to that. You, your colleagues that run elections are elections experts. You know how the process works, how it needs to work. And those security folks are security experts. And I think it is incumbent on the EAC, working with organizations, to bridge that gap, to put those expertise in the same room to better secure it because, as you noted, when the threats are persistent and sophisticated actors, it is going to take a coordinated, layered response to be able to do that. And so, I think -- I appreciate your comments about that, and I think we recognize the need to do just that, to look beyond governmental, to private sector and other opportunities, to bridge that gap and put folks in the same room to discuss the risks candidly and address them.

MR. PRAETZ:

I think that is right, thanks.

CHAIRMAN MASTERSON:

So, with that, I appreciate you traveling out. Thank your wife for us.

And, you know, thank you for your testimony here today.

MR. PRAETZ:

Thank you all.

CHAIRMAN MASTERSON:

Next, I will call up Thad Hall, Dr. Thad Hall from Fors Marsh Group.

Dr. Hall has conducted research for the Federal Voting Assistance

Program, the United States Election Assistance Commission, the

States of New Mexico and Utah, as well as local governments,

including Los Angeles County, California. He is no stranger to the

elections world. As the senior political scientist at Fors Marsh

Group, his team works with organizations to evaluate, measure,

understand, and influence the way people think and make

decisions. He has, as noted, a particular expertise in the area of

election administration, is a familiar face to all of us. And Fors

Marsh was the contractor that the EAC worked with on our EAVS

survey.

And so Dr. Hall, I, one, thank you for being here for your

work on the EAVS survey and for your presentation today about the

results of that survey and the plan moving forward.

DR. HALL:

Great, thank you very much. I want to start off by thanking the Commissioners for inviting me here today. My name is Thad Hall and I work at the Fors Marsh Group. In the last year, we have had a team led by my colleagues, Krysha Gregorowicz and Brian Griepentrog, who have worked with the EAC to implement the Election Administration Voting Survey, which I will refer to as the EAVS. And today I want to provide you with an overview of the 2016 EAVS and the findings from that survey.

Before I go into the findings, let me note that the 2016 EAVS began with extensive outreach to all the states, Washington, D.C., and the territories to determine the issues that they have had in the past answering the EAVS. From those conversations we were able to redesign the data collection process so that some of the states were able to upload all their data directly to us, we were able to change the data entry form so that they were much easier for people to use. And we -- the EAC also engaged in some other activities to facilitate states providing the best data possible. The EAVS -- the EAC, I'm sorry, conducted two webinars for state and localities that provided an overview of the EAVS process. The EAC also produced a series of videos that explained how to complete the survey. There was also technical assistance available throughout the process to all states and localities throughout the

EAVS data collection. And I actually took some of the data myself from a couple of counties, and it was a very enlightening process.

So the EAVS has two components. There is the statutory overview survey and the actual EAVS data collection. For the statutory overview, all the states and territories, with the exception of American Samoa, provided us with responses, and those reports are on the EAC's website. For the EAVS, the 2016 data includes responses from all 50 states, the District of Columbia, and the territories of Guam, Puerto Rico and the U.S. Virgin Islands. Although the states are the ones who provide the data, it is important to remember that the data actually come from the local election offices. So even the states that report all the data directly, they are having those -- much of those data input at the local level. And there were 6,467 local jurisdictions that provided data for the EAVS and 6,427 of them, or 99.4%, responded to the EAVS.

And just to give a little bit of a breakdown, since we have been talking about size of jurisdictions, there are two groups of states. There are seven states that administer elections at the county level -- I am sorry at the city level, municipal level, and then, 43 states administer them by county. And in the states that administer the elections at the municipal level, 3,100 of them have fewer than 10,000 registered voters. And the median -- 50% of them have fewer than 1,000. And the median county who responds

to the EAVS has fewer than 15,000 active registered voters. So, you get a sense of how small most of the jurisdictions in the United States actually are. About 66% of Americans live in just 300 or so of the counties who respond to the EAVS.

There were many important changes in American elections between 2012 and 2016 and I would like to take a moment to highlight some of the key findings from the 2016 EAVS. First, let me focus on overall participation. From 2012 to 2016, the percentage of the citizen voting age population, so this is the percentage of the population who is 18 years or older and is a U.S. citizen, who participated in the election increased from 59% in 2012 to 63% in 2016. There were five states, Colorado, Maine, Minnesota, New Hampshire, and Oregon, which reported turnout rates which exceeded 70% of their citizen voting age population.

Secondly, I want to discuss a couple of changes in voter registration between 2012 and 2016. First, we saw a rapid growth in online voter registration. Since 2012 the number of states with online voter registration increased to 35, and the percentage of all new registrations coming from online voter registration increased from 5.3% to 17.4%. Voter registration is also changing at the polls with a 75% increase in the use of e-poll books to check in voters from 2012 to 2016. However, this growth is from a relatively small

base. Approximately 82% of all local jurisdictions still use the tried and true method of having people check in using a paper poll book.

At first glance, these changes seem to be having payoffs. One key place where technology seems to matter is in the processing of voter registration forms. The EAVS data shows that the increase in online voter registration was partially responsible for a 3.6% decline in the number of registration forms that were rejected for either being duplicates or invalid for some reason.

Third, let me discuss briefly how people voted in 2016. Americans continue to vote more and more prior to Election Day. Approximately 41% of all ballots were cast before Election Day with 17% cast using in-person early voting and 24% cast by mail. Of all the by-mail ballots that were transmitted to absentee voters, and these are domestic absentee voters, 80% were returned and processed and 99% of those ballots were counted.

On something that I know Commissioner Masterson tweeted about recently, which is actually something I am very -- is a statistic that is also something I care quite a bit about, the average age of a poll worker in America is not 72 years old. In fact, only 24% of poll workers were age 75 and older, although about half of poll workers are over the age of 60.

Fourth, the biggest change in the 2016 election related to the participation of U.S. citizens living overseas and members of the

uniformed services and their dependents. Together we refer to these voters as UOCAVA voters because of the Uniformed and Overseas Citizens Absentee Voting Act which guarantees their rights. The overall participation among U.S. citizens living overseas increased dramatically between 2012 and 2016. Typically, more ballots are sent to military personnel than overseas citizens, but we saw a switch in that statistic between 2012 and 2016.

Let me close by discussing how the Election Administration and Voting Survey may change in 2018 and 2020. First, we are currently working with the EAC staff to determine ways that the statutory overview can be simplified and made shorter with states providing basic information regarding election administration that allows for this information to better inform the data that are found in the EAVS.

Second, the questionnaire for the EAVS is likely to be shorter and more precise. Over the past 18 months the Overseas Voting Initiative, which is a cooperative agreement between the Council of State Governments and the Federal Voting Assistance Program, they worked to look at Section "B" of the EAVS, which is the section related to UOCAVA voting, and they made a set of recommendations about how the EAVS could be improved. And we have taken those recommendations and applied them to the entire document and have gone through and looked at places

where the EAVS can be tightened, where questions can be eliminated when appropriate, but still capture the wealth of data that are necessary to serve the EAC's role as a clearinghouse.

Finally, we are examining ways to use technology more effectively in the data collection processes so states and localities can complete the EAVS faster and more accurately, where we can have real time, you know, data checking and things like this, so that people will know when there are errors or when there are missing data.

Finally, I would like to just take a moment to say how much our team at Fors Marsh Group has enjoyed working with Sean Greene here at the EAC. Sean has been a great collaborator and partner in the process and we are grateful to have been able to work so closely with him. I want to thank you for the opportunity to be able to speak to you today and I look forward to answering any questions you might have.

CHAIRMAN MASTERSON:

Thank you, Dr. Hall. Commissioner Hicks?

VICE-CHAIR HICKS:

Dr. Hall, thank you for all your hard work with the survey. I have to say that in my reading of it, it looks very -- it is very impressive. It is a lot different than the other surveys have been, not that they were any, you know -- not as good, but this is very impressive to me.

You had mentioned something in the numbers for poll workers.

DR HALL:

Yes.

VICE-CHAIR HICKS:

And I am very interested in finding out, have those numbers changed over the last four years, as in, are poll workers getting younger because...

DR. HALL:

No, actually...

VICE-CHAIR HICKS:

...because of the great recruitment of the EAC or some...

[Laughter]

DR. HALL:

So let me answer that question in a hedging way since I am not looking at the data that I would need to answer that. But, first, poll workers have always been younger than people said they were. There is data that is -- so the Cal-Tech MIT Voting Technology Project does a survey after each election. And, you know, when you go back to 2008, we have known since then that, you know, the average poll worker was roughly in their 50s, which is actually the age people seem to like the most, because it seems -- they seem managerial, you know, and they are appropriately adult, but not too

adult and not too young. And so, the EAC data, you know, mirrors that when we look at the distribution. And I do not think the distribution was that much different in 2012. But the other thing to remember is it varies widely by state and widely within states and that is based purely on, you know, the recruitment efforts. So I know, for instance, in looking at data from Ohio in a couple of, you know, past elections where we actually have election data from the counties themselves on their poll workers, that it varied dramatically. In some of the counties the average age of a poll worker was in their 40s, in some it was, you know, closer to 55 or 60.

VICE-CHAIR HICKS:

Okay. You also mentioned that there are 35 states and territories that have online voter registration now...

DR. HALL:

Yes.

VICE-CHAIR HICKS:

...which leaves about 20 jurisdictions, in terms of states and territories that do not have online voter registration.

DR. HALL:

Right.

VICE-CHAIR HICKS:

Is there a main reason why those other -- those 20 states are saying that they do not want -- or they have not done online voter registration?

DR. HALL:

That was not -- it is obviously not part of the EAVS data collection.

VICE-CHAIR HICKS:

Right.

DR. HALL:

I can tell you that there are, you know, several states that are moving in that direction that just did not have it online in 2016, and so, I know that by 2018 there will be even more states that have online voter registration. And I think in, you know, in some cases, you know, the issues that we have been discussing earlier about cybersecurity, I think a lot of states just want to make sure that all of their systems are secure as they are doing this. And so, I think that that is also something that states are thinking about.

VICE-CHAIR HICKS:

Okay. And, lastly, there has been some talk, it's been back and forth, in terms of, you had alluded a little bit to this earlier, of the data coming directly from the states to you.

DR. HALL:

Right.

VICE-CHAIR HICKS:

In terms of that upload, is that done still through Excel or is that more web-based?

DR. HALL:

So, we did it in two ways. So – so, there are three ways that states provide us with data basically. In one case – so, a good example of this would be the State of Texas. They actually send an Excel template to each of the counties, and the counties then complete that Excel template and send it back. We redesigned that template so that a large county, like Travis County, could just go in and paste all their Section “B” data, all their Section “C” data in at one time. So they did not have to enter the data in, question by question, they could run a query, and then put it in, and then the State of Texas would then aggregate those up for us. And we made that easier as well because they could just copy/paste it out of each of the templates.

The second thing that states could do, which is something that many of the states would do, is they would run queries, and then they would be able to put it all into what we call the data aggregation template. And what we did there was to try to make it easier for states who could run almost all their data as queries, they could just past it directly into the -- into an Excel document, but it was just them running the query and then just pulling it in.

And then, finally, for a couple of states, we actually let them run the queries, and then just -- they sent us -- they just had to run the queries in order, and they could just send it to us as a flat file, and then, we were able to upload that on our end and do the all the data validation on our end. And so, we are trying to move toward making that process for states, like Texas, even easier, looking at, potentially, the possibility of that being done online where jurisdictions would enter in the data, and then, there would be a dataset that the State of Texas could then go in and add to, or do whatever they needed to before they submitted it. And they would get real time information on when counties had completed the survey and information like that. And then, you know, then states like Wisconsin who are able to just run the queries and upload the data would still be able to just send us a flat file and be done, you know, with the process. And that also, you know, lets states that are in the middle who have to send out just for some of the data, you know, having an electronic format would let them have the best of both worlds.

VICECHAIR HICKS:

Great, thank you Dr. Hall.

DR. HALL:

Sure.

CHAIRMAN MASTERSON:

Commissioner McCormick?

COMMISSIONER McCORMICK:

Thank you, Dr. Hall, for your testimony here. I appreciate all your hard work...

DR. HALL:

Thank you.

COMMISSIONER McCORMICK:

...and Fors Marsh's hard work on creating a great report. I think it was very helpful and I look forward to continuing to use that data over the next couple of years until our next survey.

You mentioned various rates of compliance with the data requests, zero from American Samoa, on up.

DR. HALL:

Um-hum.

COMMISSIONER McCORMICK:

Would you tend to think that the compliance is higher rather than lower? Where are the gaps that we need to look at?

DR. HALL:

Sure, I think that, you know, one of the difficulties that a couple of states noted was that although the states have requirements under various federal laws, especially for providing data under the National Voter Registration Act and the Uniformed and Overseas

Citizens Absentee Voting Act, there are requirements that state provide data to the EAC for those two.

COMMISSIONER McCORMICK:

Right.

DR. HALL:

The counties within states do not necessarily have the same responsibilities...

COMMISSIONER McCORMICK:

Right.

DR. HALL:

...and so, sometimes the problem is the ability of the state -- the Secretary of State's Office to -- or the state election office to get compliance. And that has been the primary problem. And it is often coming from these local jurisdictions that we were referring to earlier who are the smaller jurisdictions who have, you know, the clerk may have five other jobs or ten other jobs, and once the election is over they are back into, you know, doing land deeds and things like that. And so, that has been the biggest kind of problem that has arisen.

COMMISSIONER McCORMICK:

So, maybe we need to think of ways to increase the local compliance with the states, because I know it is the states that certify this information, correct?

DR. HALL:

Right.

COMMISSIONER McCORMICK:

And I think that is probably...

DR. HALL:

That is correct.

COMMISSIONER McCORMICK:

...pretty difficult for them if they are not getting good responses from their locals.

DR. HALL:

It can be. And I think that, you know, part of this goes back to the issue of incentives and, you know, you know, thinking of ways that if there are any positive incentives that can be given. And I think, you know, one way to make it easier will be for the survey to be...

COMMISSIONER McCORMICK:

Yes.

DR. HALL:

...like in an online format. You know, one of the issues that you see when you -- when you send out the EAVS is that, also, some of these smaller jurisdictions are also technologically challenged, and so, they can't -- they don't have computers that will handle, you know, an Excel spreadsheet of recent vintage. And, you know, obviously that can be problematic.

COMMISSIONER McCORMICK:

Sure and I did hear some good things about the webinars and the assistance that your -- that Fors Marsh provided to election folks out there. I mean, that was really helpful I think and, you know, I think most of those kinds of things probably would be helpful, too.

So, would you say that this is the most complete data that we have ever collected?

DR. HALL:

I think it is very -- it was a very complete survey, yes.

COMMISSIONER McCORMICK:

Yes, okay, thank you very much.

DR. HALL:

You're welcome.

CHAIRMAN MASTERSON:

Thank you, Dr. Hall, quickly, just a couple things. I know we are overtime and I appreciate the patience of the audience.

The first is a comment more than anything and that is about the effort that you, your team and our team here at the EAC made to make this survey -- the administration of the survey easier. I got numerous comments that real progress was made to make this less painful for state and local election officials. It is a lot of data, it can be hard to collect, and you all and Sean Greene and his team did

yeoman's work in doing that. That is not to say it was not painful, it was just less painful.

And so, the question is, what additional steps can we take? I think you mentioned a little bit of that moving online submissions,

DR. HALL:

Um-hum.

CHAIRMAN MASTERSON:

But what did you see in this process that you did not know before that you thought, well, this will help make submission of the data easier? And do you believe that I think our dream of a day in which states can just submit, just dump data to us, allow us to parse and allow them to review, is that attainable in the near future?

DR. HALL:

Sure, so, you know, the one thing I think -- one thing that we learned that was very helpful as we are moving forward is that some of the questions that were in the survey itself could be confusing. And one of the big things that we were able to do was provide, you know, people with good answers to those questions that made it a lot easier for states to answer them. And we have been able to address many of those issues by going through the EAVS and rewording questions or restructuring how they are asked to make them clearer and simpler moving forward. You know, the other issue, obviously, is one of the actual technology, of answering

the survey, and I think changing the structure of how the survey is answered, by moving it, you know, to another format, will obviously improve things as well.

And you know, I think that the -- on the question of getting real time data, this is something that varies a lot by states. And states that have, you know, highly developed election management systems can clearly do this. And so, a state like Wisconsin, you know, they -- I know they were able to provide -- you know, potentially provide us with Section "B", the data on military and overseas voters, in a transactional format, which would be very helpful. And I think that a lot of it depends on two things. One is how centralized the state's election management system is and the level of compliance they are able to get from their local election officials in providing and completing those data. So, even in states with a central, you know, election management system, some jurisdictions are better than others at completing the survey. And so, that, you know, obviously is the -- you know, is kind of the ultimate place where the rubber hits the road is making sure that people are completing the data in a timely manner, you know. So, for instance, you can have a system where people provide the data,, but they may instead of entering it in on a day-by-day basis where you would then know, you know, how many days out was a ballot sent to a voter, and then, on what day did it come back and

then, you can figure out okay, well, what was the problem, you know, was there a lag in or what's the ballot transit time. If people are entering in the data every Friday as opposed to day-by-day, you kind of can see how, you know, you can run into these problems with that data. But, in general, I think that for some states it will be soon, and for some states it will be when the Federal Government provides them with enough money to build a system that will make it work.

CHAIRMAN MASTERSON:

So, never, no.

[Laughter]

On the other end, we talked a lot about making it easier to collect the data...

DR. HALL:

Right.

CHAIRMAN MASTERSON:

...which I think we made good progress on and continue to focus on.

DR. HALL:

Um-hum.

CHAIRMAN MASTERSON:

But then, there was, I think, a focus, from all of us here at the Commission, on trying to make the data tangible and useful to election officials.

DR. HALL:

Right.

CHAIRMAN MASTERSON:

So, we asked them to submit all this data and we have not done as good a job, I think, as we would like to in following up to make the data useful to election officials for budgeting, for benchmarking of processes.

DR. HALL:

Right.

CHAIRMAN MASTERSON:

What are our efforts there?

DR. HALL:

Sure.

CHAIRMAN MASTERSON:

And how are we making this data real to...

DR. HALL:

Sure.

CHAIRMAN MASTERSON:

...to election officials?

DR. HALL:

So, one key thing that I didn't mention was that we are in the process of completing development of a data visualization tool for the EAC, so that we will be able to -- people will be able to visualize the data and do basic comparisons of their jurisdiction with other jurisdictions. Actually, Noah was very helpful in a discussion we had with local election officials to find out the kind of comparisons that they want to be able to make. And we are, you know, working into build in some of those comparisons, moving forward, so that people will be able to take the 2016 data and look for jurisdictions like them and, you know, try to benchmark what they are doing. And I think that there will be more and more of that, moving forward. And, you know, we tried to present the data in a much more usable manner this time in the reports that we provided. And we will -- you can we can provide additional information to people about how to use the data and to the EAC.

CHAIRMAN MASTERSON:

Yes I would say, and I know Commissioner McCormick, when she was Chairwoman in the data summit, really pushed and had a vision for this idea of ...

DR. HALL:

Sure.

CHAIRMAN MASTERSON:

...sister jurisdictions...

DR. HALL:

Right.

CHAIRMAN MASTERSON:

...and the ability to match up data across jurisdictions to do those comparisons.

DR. HALL:

Right.

CHAIRMAN MASTERSON:

And so, I would love to see us...

DR. HALL

Sure.

CHAIRMAN MASTERSON:

...pursue that and allow election officials to really measure themselves to find areas to improve and measure.

DR. HALL:

And one of the things that we are -- and I mention this, in regards to the revisions to the statutory overview, is to collect the data in a way that would be easier to find who your sister jurisdiction is. You know, one of the things we want to do is instead of asking people kind of open-ended questions about how do you do this or that, is to ask more closed-end questions, so that people can categorize themselves more clearly, and that then people can find their similar jurisdiction.

CHAIRMAN MASTERSON:

Um-hum, finally, the number of jurisdictions fewer than 15,000 registered voters, what was that percentage that you gave, do you remember?

DR. HALL:

Oh sure, so half of all counties have fewer than 15,000 active registered voters and 90% of all localities have fewer than 10,000.

CHAIRMAN MASTERSON:

So...

DR. HALL:

So, there is a lot of little jurisdictions.

CHAIRMAN MASTERSON:

What struck me about that is that those numbers, given Noah's previous testimony about securing...

DR. HALL:

Right.

CHAIRMAN MASTERSON:

...election systems, right?

DR. HALL:

Right.

CHAIRMAN MASTERSON:

We are talking about small counties, small jurisdictions...

DR. HALL:

Right.

CHAIRMAN MASTERSON:

...and what support can be given to them from an IT standpoint to help.

DR. HALL:

And I should point out that – so, I am taking these data for the EAVS and the State of Michigan, which has 1,516 local election offices, they actually report their data at the county level. So there is even more...

COMMISSIONER MASTERSON:

Yes.

DR. HALL:

...that are really small.

COMMISSIONER MASTERSON:

Well, Dr. Hall, thank you for your work. Thank you for the EAVS...

DR. HALL:

Thank you.

COMMISSIONER MASTERSON:

...in making – working with us to get better.

DR. HALL:

Sure.

CHAIRMAN MASTERSON:

I think it is something we are continuing constantly to improve on. And I think we made some really big improvements this time around and will continue to. So thank you very much.

DR. HALL:

Thank you. Well, it was a team effort on our part. And you know, I want to -- I appreciate all the work my colleagues as well, you know, did on this.

CHAIRMAN MASTERSON:

Thank you.

DR. HALL:

Thank you.

CHAIRMAN MASTERSON:

With that, I would offer each Commissioner a chance for closing remarks before we adjourn the meeting.

COMMISSIONER McCORMICK:

I will keep it very brief. Thank you to all our participants today in the meeting. I appreciate all your work and for taking time out of your busy schedules to come here and enlighten us.

As far as American Samoa, I think the entire Commission needs to go out there and...

[Laughter]

...collect the data at some point. Perhaps Commissioner Hicks would like to go.

[Laughter]

But anyway -- I am just kidding. Thank you again for all your participation and keeping us apprised of the issues and where we stand in the election community. It is very helpful for us going forward in figuring out what we need to do to serve the election community and voters across the county.

Thank you.

CHAIRMAN MASTERSON:

Thank you, Commissioner McCormick. Vice-Chairman Hicks?

VICE-CHAIR HICKS:

This meeting was very informative, but with any meeting that we have in such a short timeframe there are some things that we won't have a chance to talk about. Like we had an excellent Language Summit this year, as well, or the fact that the EAVS survey had more than one million data points, which I find was just incredible, and that Commissioner Masterson a few weeks ago had a Facebook live event which focused in on access for veterans and their ability to vote, all great things that the EAC has done in the last few months that we did not have an opportunity to really talk about. And I wanted to thank the Commissioners for holding this meeting.

But my last remark will go to something I think is pretty serious. Yesterday we lost our, you know, a very close friend of

mine. Peter Schalestock, who was my counterpart when I worked in the -- worked in the Committee on House Administration. Peter was very passionate about elections, and we lost him at a very young age and I am very sorry for that. One of the things that Peter and I -- Peter and I did not agree on a lot of things, politics, other things like that, but one of the things we did agree was online voter registration. And that was the basis of one of my questions earlier today. We disagreed on how it should be done. I viewed it more as a stick approach and states should have online voter registration and they can figure out to do it. Peter viewed it more in a carrot approach. But we did agree on that states should have online voter registration. And I'm hoping that the 20 states that presently do not have online registration will follow the 35 jurisdictions and states that -- or territories and states to actually have online voter registration. It is very sad that Peter is no longer with us and I am hoping that his memory won't be forgotten.

So with that, I will turn this back over to Commissioner Masterson.

CHAIRMAN MASTERSON:

Thank you Vice-Chairman Hicks. I would echo thoughts and prayers with Peter's family. He was someone that worked diligently in the world of elections and was gone -- or is gone too soon. So, I appreciate that. I would also share thoughts and prayers -- our

General Counsel Cliff Tatum, could not be here today because of a death in the family and we are certainly thinking and praying for Cliff and his family.

Finally, with my closing remarks I want to share thoughts and prayers for the families and friends of those who were killed in Charlottesville, Virginia. Heather Heyer and Troopers Cullen and Bates. And in doing so, I wanted to share a quote from President Regan, in 1984, who reminded us that, “We must never remain silent in the face of bigotry. We must condemn those who seek to divide us. In all quarters and at all times, we must teach tolerance and denounce racism, anti-Semitism, and all ethnic or religious bigotry, wherever they exist, as unacceptable evils. We have no place for haters in America – none, whatsoever.” And I would echo those sentiments and simply say that all Americans, thanks to our great democracy, have a voice and that voice is in their vote. And there are elections across America this year, state, and local elections, that Americans can go express that voice through their vote. So with that, our thoughts and prayers are with those families and those affected.

And I would accept and entertain motions to adjourn.

COMMISSIONER McCORMICK:

So moved.

VICE-CHAIR HICKS:

I second it.

CHAIRMAN MASTERSON:

All those in favor?

[The motion carried unanimously.]

[The public meeting of the United States Election Assistance Commission (EAC)
adjourned at 3:52 p.m. EST.]