

Testimony
Meeting of the Election Assistance Commission

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For the past six months, Kennesaw State University (KSU) been engaged in supporting the Election Assistance Commission (EAC) in the management of public comments received regarding the Voluntary Voting System Guidelines (VVSG). In addition we have supported the subsequent editing of the VVSG to reflect the incorporation of revisions in response to EAC analysis and consideration of these comments. We have also worked with the EAC staff to improve the readability of the VVSG in regards to format, style, and clarity as well as correction of typographical errors.

After the VVSG was posted for public review and comment on July 1, 2005, the public was invited to review the VVSG document and provide comments. These comments were submitted in a variety of ways including direct posting to a website (www.eac.gov), emailed to votingsystemsguidelines@eac.gov or hardcopy submitted by mail, fax or presented at one of several public hearings held during the comment period.

Each comment, regardless of how it was received and/or posted, was reviewed and assigned a tracking number and posted to the website tracking system. This system enables us to account for every comment received and its eventual resolution. In addition to a twice-daily backup of the online system, hardcopies of all comments are made and kept on file within our facility. At the September 27, 2005 meeting of the EAC, I indicated that we had received 432 comments as of September 22. Between September 23 and September 30, EAC received over 5,000 comments. Although all comments have been reviewed by EAC staff for input to their deliberations, KSU is still classifying and cataloging comments in preparation for our final report.

In the final two days of the comment period approximately 3300 nearly identically worded emails were sent to the EAC in response to an organized campaign to request the Commission to make voter verifiable paper audit

trails mandatory for electronic voting systems. The EAC staff had to individually review these messages and then forward them to KSU for manual entry into the comment website. To keep the data entry of this large volume of identical comments from delaying the processing and consideration of the other comments received, EAC requested us to develop a temporary database for recording these comments. KSU expects to complete this data entry by the end of this week, and the temporary database will then be merged with the comment website.

Public Comment Process

Individuals and organizations that wished to comment on the draft of the VVSG were given 90 days after the posting of the VVSG to do so. Electronic versions of the VVSG were made available on the EAC website and hardcopies were provided upon request.

The EAC held public hearings in New York, Pasadena and Denver during the summer of 2005. In addition to testimony presented by invitees, individuals could present testimony at the conclusion of each hearing. All of the testimony from these hearings, including transcripts of oral testimony, was reviewed as part of the public comment process and entered into the website tracking system.

The EAC also discussed the VVSG with the EAC Standards Board and Board of Advisors. Formal comments submitted by the Standards Board were entered into the website tracking system.

About 2/3 of the comments received were emailed to the EAC. These emails were reviewed by EAC staff and then forwarded to KSU for entry into the website tracking system. About 1/3 of the comments received were entered directly into the website by their author.

Comments can be viewed on the web through a link from the EAC website (www.eac.gov).

Sources of Comments

Comments could be submitted by individuals or by authors representing organizations. Our preliminary assessment of the comments indicates that 40% were submitted by individuals not claiming affiliation with any

organization, with 60% coming from organizations that include advocacy groups as well as voting system vendors. The majority of General and Glossary comments came from individuals while Section comments came primarily from organizations. Section comments outnumber General and Glossary comments 2:1.

Content of Comments

Although we have not prepared our final report of the disposition of comments, our ongoing review of the comments, indicates the following distributions:

Comments dealing with...

- Content of the VVSG: 64.2%
- Testing criteria: 13.4%
- Security and threat analysis: 7.4%
- Formatting of the VVSG: 5.6%
- Grammar: 5.0%
- Testing laboratory supervision: 2.2%
- Concerns about vendors: 2.2%

The majority of the comments relate to Volume I, Sections 2 and 6 (Human Factors and Security).

Website Tracking System

Once a comment was entered at the website by either its author or entered by a KSU staff member from emails or hardcopy submission, the comment was classified as either "Extensive" or "Non-Extensive". Non-Extensive comments are those that address spelling, section numbering, or trivial formatting errors. Extensive comments are those that address adding, deleting, or modifying the content or intent of the VVSG.

In addition to this classification, KSU reviewed the comment and ensured that it was properly assigned the correct document designation of General, Section or Glossary. Comments related to a specific section had to assigned the appropriate section (and subsection) number. Since both volumes of the VVSG contained duplicate section and appendix identifiers, there was

occasional confusion on the part of the submitter regarding which volume their comments referred to.

After these initial comment posting actions, comments were given a preliminary content review by KSU and assigned a suggested disposition for consideration by the EAC staff. This was done to expedite the review process so the final VVSG could be completed as quickly as possible. Specific disposition categories were developed in conjunction with the EAC:

- Rejected – comments contained observations about the election process in general and did not contain specific comments pertaining to the VVSG content or suggested language to consider
- Rejected, redundant – comments may or may not contain usable suggestions but the comment's content has already been made by another author
- Accept as written – comments contained both an analysis of a portion of the VVSG draft and suggested language to clarify or amend the document
- Accept modified – comments contained valid analysis, but lacked appropriate language for remedy. Language would be provided by EAC review working groups.
- Carry over – comment contains either valid analysis of VVSG content needing review for next iteration of the VVSG or suggests an expansion of the scope of the VVSG that needs to be reviewed in the next iteration
- Refer to EAC for resolution – comments that require policy review (e.g. shoulds and shalls)
- Other – comments that will be referred to the Election Management Guidelines working group for consideration, or comments that do not fall into one of the preceding categories

Once KSU had reviewed, classified, and recommended disposition of a comment, it was then reviewed by the EAC staff or one of three comment review working groups comprised of EAC and NIST personnel, and in some cases by both. All comments received at least two levels of review and no final recommended disposition assigned (accepted, rejected, carried over, etc.) without explicit approval of EAC staff. Each comment's disposition is tracked to the document and to the reviewers who signed off on its disposition.

KSU also assisted in formatting, editing, and providing research support for the EAC staff in developing the current draft of the VVSG. Our support was limited to proposing document formats, editing for grammar and syntax, document management, and research on references.

Work remaining on the project includes implementing any final edits required by the EAC and eventually closing down the website tracking system which will include a detailed report of the comments received.