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4   U.S. ELECTION ASSISTANCE COMMISSION

5   PUBLIC MEETING

6

7   1225 NEW YORK AVENUE, N.W.

8   WASHINGTON, D.C.

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10   Taken on the date of:

11   THURSDAY, JUNE 14, 2007

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21 Start time: 10:00 o'clock, a.m.

22 Taken by: Jackie Smith, a court reporter

1 U.S. ELECTION ASSISTANCE COMMISSION:

2   Donetta Davidson, Chairman

3   Rosemary Rodriguez, Vice-Chair

4   Gracia Hillman, Commissioner

5   Caroline Hunter, Commissioner

6   Juliet Thompson-Hodgkins, General

7   Counsel

8   Thomas Wilkey, Executive Director

9

10 SPEAKERS:

11   Karen Lynn-Dyson

12   Elizabeth Hare

13   Michael Konetzka

14   Adam J. Carbullido

15   John W. Lindback

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1   P-R-O-C-E-E-D-I-N-G-S

2   CHAIR DAVIDSON: Good morning,

3 everybody. I'm going to call the meeting

4 to order. And at this time, would you

5 please stand with me and repeat, "The

6 Pledge Of Allegiance."

7   (The Pledge of Allegiance.)

8   CHAIR DAVIDSON: I would like to

9 ask our general counsel, Julie Hodgkins,

10 to please take role.

11   MS. HODGKINS: Thank you, Madam

12 Chair.

13   Members, if you will respond by

14 saying here or present when I call your

15 name. Donetta Davidson, Chair.

16   CHAIR DAVIDSON: Present.

17   MS. HODGKINS: Rosemary

18 Rodriguez, Vice-Chair.

19   MS. RODRIGUEZ: Here.

20   MS. HODGKINS: Caroline Hunter,

21 Commissioner.

22   COMMISSIONER HUNTER: Here.
                            4

1   MS. HODGKINS: Commissioner

2 Hillman.

3   COMMISSIONER HILLMAN: Here.

4   MS. HODGKINS: Madam Chair,

5 there are four members present, and a

6 quorum.

7   CHAIR DAVIDSON: All right.

8 Thank you.

9   The first thing is I would like

10 for everybody to review the agenda. And

11 if I could have a motion to approve or to

12 change.

13   COMMISSIONER HUNTER: Move to

14 adopt the agenda.

15   COMMISSIONER HILLMAN: We move,

16 move and second it.

17   CHAIR DAVIDSON: Thank you. All

18 those in favor, say I. Opposed? Motion

19 carries.

20   The next thing on the agenda is

21 I'd like to do a little bit of welcoming

22 remarks and welcome everybody who is here

                              5

 1 today, and thank you for coming, our

 2 panelists as well as our audience. I do

 3 appreciate it.

 4   Just briefly, I want to tell

 5 everybody what the EAC has done in the

 6 last month, our biggest effort that has

 7 taken place. And Tom Wilkey will also get

 8 into a more complete review, but I think

 9 it's important that I do mention that our

10 top priority this last month was

11 responding to Congress's requests for

12 information about our voter ID and voter

13 fraud, and then the voter intimidation

14 research project.

15　　　We delivered over 40,000

16 documents to the hill this month, and we

17 have decided, with the vote of the

18 Commission, that we would make that

19 public. And so that has been done. Also

20 this last week, we have sent out a press

21 release yesterday making all that

22 information public and having it available

                                6

1 on disk. We hope that we can put it on

2 our web, but we're not sure if we can

3 accomplish that at this time.

4　　　I want to say that I am very

5 proud of our staff. I know that a lot of

6 this information -- we had to take a vote

7 because a lot of this information was

8 personal e-mails from staff that was doing

9 business, obviously, in the project. So I

10 want to tell the staff how proud I am of

11 them, and I know that they never expected

12 their e-mails maybe to be on somebody's

13 web site. And it might be disconcerting

14 for them but, obviously, they know the

15 position they are in, and they are very

16 professional. And even with it maybe

17 being a little unsettling, they understand

18 it. And I just went them to know how

19 proud we are of them, and that all the

20 Commissioners stand behind them.

21   So, in moving forward, I would

22 like to go into old business. And the

                          7

 1 minutes are underneath Tab No., I believe,

 2 2. And I would like to at this time see

 3 if anybody has any corrections to the

 4 minutes.

 5   COMMISSIONER HILLMAN: Madam

 6 Chair, it might be a correction, but since

 7 the minutes become permanent record and

 8 are there for people in future years to

 9 look at to understand what the Commission

10 did at its meeting, at the end of the

11 minutes, I think there just needs to be a

12 little clarification when we voted to

13 adopt the EAC advisory. In the minutes,

14 there is a sentence that says that I asked

15 what the additions were to the advisory,

16 but there is nothing in the minutes that

17 indicates what the clarification was.

18   I was really seeking what the

19 clarification was, and we agreed that our

20 general counsel was going to make sure

21 that the advisory reflected our input. So

22 I just think that that part of the minutes

 1 needs a little bit of clarification

 2 because it says I asked for clarification,

 3 and there is no indication as to whether

 4 clarification was provided, and it was.

 5   I would ask the general counsel

 6 if she has any suggestions as to what we

 7 might put in there to clarify that motion,

 8 what was happening with that motion. And,

 9 maybe if we just say that, you know, just

10 indicate that the advisory is part of the

11 minutes or something.

12   CHAIR DAVIDSON: We did put that

13 at the back. It was the advisory.

14   COMMISSIONER HILLMAN: Right.

15 It's there, but the minutes don't say that

16 it's a part of the minutes.

17   CHAIR DAVIDSON: Do you want us

18 to add something like that, that we make

19 them part of it?

20   MS. HODGKINS: My recollection,

21 what we can do is ask Chair Davidson to

22 make informing amendments to the minutes

1 to inform with exactly what happened.

2　　　My recollection of what happened

3 is this motion was amended to restate the

4 fact that the amendments that had been

5 requested to be made as a part of that

6 advisory being issued. So perhaps we can

7 just ask that the staff make additions to

8 the minutes to reflect that fact.

9　　　CHAIR DAVIDSON: Can you repeat

10 that? Did you hear it? I was going to

11 say the two staff people that are taking

12 notes didn't hear that.

13　　　MS. HODGKINS: My recollection

14 of what happened in this instance was that

15 the original motion, essentially, adopted

16 or moved to adopt the advisory as written.

17 Commissioner Hillman asked for some

18 clarification earlier on, and then I

19 believe that the motion was then amended

20 to reflect that she had asked for that

21 clarification and for request that those

22 pieces of clarifying information be

10

1 included in the final advisory as adopted.

2 And I believe that is what was actually

3 voted on.

4   So I think we probably need to

5 do some conforming amendments, in the way

6 it is stated in the minutes right here, to

7 reflect what actually happened.

8   CHAIR DAVIDSON: And we can go

9 back to the documentation that we get,

10 actually see what took place.

11   So with that amendment being

12 made, is there anything else, any other

13 amendments to the minutes? If not, can I

14 have a motion to adopt the minutes with

15 those changes that will be made, as has

16 been stated. I think if we just go back

17 and pull the transcript, we can find out

18 exactly what took place at that time.

19   VICE-CHAIR RODRIGUEZ: So moved.

20   COMMISSIONER HILLMAN: Second.

21   CHAIR DAVIDSON: All those in

22 favor, say I.

<div align="center">11</div>

1   CHAIR DAVIDSON: Second, new

2 business. Well, first, we'll have the

3 report from our executive director, Tom

4 Wilkey. That's under Tab No. 3, if you'd

5 like to follow along.

6   MR. WILKEY: Thank you, Madam

7 Chair.

8   Our Office of Inspector General

9 audits are underway in the following

10 states: Rhode Island, Wyoming, Kentucky,

11 New Mexico, Missouri. And they issued

12 audit findings in the State of Maryland

13 last week. All of the audit reports, once

14 they are completed, are put on our web

15 site, "eac.gov," and go to the section on

16 Inspector General, click, and you can

17 review any of the reports that have been

18 generated by our Inspector General. There

19 is also contact information through the

20 IG's office, if any one has questions or

21 information.

22   Also, as you know, the Chair had
                        12

1 requested that the Inspector General

2 review the details surrounding two

3 research projects, voter fraud, voter

4 intimidation, and voter ID, that is

5 underway, and we will distribute the

6 findings as soon as that review is

7 complete. To read the Chair's request,

8 you can go for on are web site, "eac.gov."

9   Under administrative matters,

10 and this is a repeat of what the Chair

11 indicated in her opening remarks today, as

12 you know, we have recently -- received

13 Congress has requests for information

14 about our research related to voter fraud

15 and voter intimidation and voter ID. We

16 provided more than 40,000 pages of

17 documents to Senator Feinstein, Chair of

18 the Senate Rules Committee, and

19 Congresswoman Zoe Lofgren that is Chair of

20 the Election Subcommittee and House

21 Administration Committee, to comply with

22 their requests.

13

1   The commission has voted to make

2 all of this information available to the

3 public. We're working to determine,

4 because of the large volume of these

5 documents, to see if we have the capacity

6 to post all of this on our web site. In

7 the interim, if anyone would like a copy

8 of this information, call us toll free at

9 866-747-1471. We will provide the

10 information which is contained on four

11 CDs. Correspondence about these requests

12 is always available on our web site at,

13 "eac.gov."

14   As you know, we have been

15 reviewing the application of Cyber and

16 reviewing Cyber's -- that application and

17 lab visits for sometime. And the

18 Commission, this week, voted to terminate

19 Cyber's application to become an interim

20 voting system test lab. We did so because

21 we learned from a third party that Cyber

22 had made key staff changes without
                        14

1 notifying the Commission, a requirement of

2 the interim program.

3   We have notified election

4 officials. And the public press release

5 and related correspondence, all

6 correspondence, that went out on this

7 matter is, of course, available on our web

8 site, "eac.gov." We also have copies out

9 front. Also available are assessment

10 reports and other information. Everything

11 that was generated regarding this business

12 will be on our web site or is on our web

13 site.

14   Interim labs are only qualified

15 to test to the 2002 standards. In

16 February, the Commission voted to stop

17 accepting applications for the interim

18 program. Cyber has applied for

19 accreditation with NIST under the NVLAP

20 Accreditation Program for the full

21 program, and will be going through that

22 process. Any information we have relative

<center>15</center>

1 to assist NVLAP in its work will be turned

2 over.

3   Under our voting system

4 certification program, we have nine system

5 manufacturers that have registered for the

6 EAC testing and certification program.

7 Five have been slated for testing, and we

8 have received the first test plan to be

9 reviewed. Again, all this information is

10 available on our web site, "eac.gov," and

11 we have a special section on testing and

12 certification.

13   Under voting system test labs,

14 EAC has certified, as you know, two labs,

15 Systest (sic) and High Depth Quality

16 Assurance. We're pleased to announce that

17 the National Institute of Standards and

18 Technology has recommended that the EAC

19 accredit Infoguard Laboratories, from

20 California. EAC will conduct a

21 non-technical review, then make a final

22 decision regarding accreditation in the

1 future.

2   For more information, again, you

3 can go to, "www.vote.nist.gov." Once

4 we're ready for the accreditation, all of

5 that information will also be posted on

6 our web site.

7   One of the most important

8 projects that we're doing to assist the

9 election community is our election

10 management guidelines. EAC has issued the

11 first three chapters of its election

12 management guidelines on certification,

13 system security physical security. We

14 have the opportunity for consultants to go

15 through these chapters as an official,

16 election official, in his capacity, last

17 month, and it was well received.

18 These guidelines are a multi-year project.

19 Future chapters will be issued on overseas

20 voting, absentee voting, content and

21 ballot design developing, audit trail

22 acceptance, pre election, and parallel

1 testing, polling place and vote center

2 management. If you need copies of these

3 guidelines, you may call Lisa toll free,

4 866-747-1471, or you can download all of

5 that information again from our web site,

6 "eac.gov."

7   We're very pleased, when we

8 released the Spanish language glossary of

9 election terms at our meeting in Kansas

10 City, it has been so well received to

11 translate election terms from Spanish to

12 English, English to Spanish. It is a very

13 valuable resource to voters of our

14 country. This is the first time that's

15 been updated since 1979. If anyone is

16 interested in receiving a paper or

17 electronic copy, call us again,

18 866-747-1471. I sound like I'm in one of

19 those fundraiser events. Or you can

20 download it from our web site, again,

21 "eac.gov."

22   The EAC distributes a monthly
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1 electronic newsletter that provides

2 updates on our activities, upcoming

3 meetings, and other issues. Again, 866,

4 747-1471. Next, month I will get a sign

5 that has that on there. And, again, you

6 can send always an e-mail to us at,

7 "havainfo@eac.gov."

8   Madam Chair, that is the report,

9 and I can answer any questions that the

10 Commissioners may have.

11   CHAIR DAVIDSON: I have a

12 question, and part of it is also staff and

13 staff briefing had told us that Infoguard

14 Laboratories is almost ready, that we

15 expect the last documentation in for us to

16 review even this week, and we feel that we

17 could go ahead and accredit that lab

18 almost immediately.

19   Is that correct or do you think

20 it needs to wait until our next public

21 meeting for the Commission to be able to

22 take a vote on that.

                                19

1   MR. WILKEY: As a matter of

2 fact, just this morning I was informed

3 that we have all the documentation

4 in-house now. It needs to be reviewed by

5 staff and our legal counsel, to make sure

6 it's all in order. It should be

7 available, and I would recommend a tally

8 vote by the Commissioners probably early

9 next week.

10   Since every bit of the

11 information involved in the laboratory

12 assessment reports, all of the information

13 that we receive is automatically put up on

14 our web site for everyone to see, I

15 certainly would not want to hold this up

16 any longer. It gives us the ability to

17 have a third lab in place immediately.

18 And so I would recommend that the

19 Commission take that up as soon as we're

20 able to clear those documents.

21   CHAIR DAVIDSON: Okay. Thank

22 you. The other question I have, and then
                         20

1 I'll turn it over to the other

2 Commissioners, is underneath the Cyber and

3 the process that we took yesterday, and

4 trying to notify everybody, can you go

5 into detail of everybody that we have

6 really tried to -- as well as you can, I

7 know this is off the top of your head, of

8 who we tried to notify of that decision

9 about Cyber.

10   MR. WILKEY: Certainly. We

11 notified all of the state election

12 directors, all the Secretary of States.

13 Because of the interest in New York that

14 they had, we notified the New York

15 Congressional delegation, New York State

16 Board of Elections. In fact, Madam Chair,

17 you called them directly. We notified our

18 oversight committee staff and members. We

19 have put it out over all the information.

20 We have about a thousand people that

21 automatically get our newsletter.

22 That went out via press release. So I
                          21

 1 think we have covered just everybody that

 2 needed to have this information.

 3   Again, I can't over state the

 4 fact that we have put all this information

 5 out on our web site. It is a tremendous

 6 amount of material and it's available for

 7 anyone to look at.

 8   CHAIR DAVIDSON: Okay. Other

 9 questions?

10   COMMISSIONER HILLMAN: I do.

11   CHAIR DAVIDSON: I am headed

12 down this way.

13   COMMISSIONER HILLMAN: I want to

14 go back to Cyber for a minute. Some of my

15 question is so that we can establish on

16 the record where we are. There was a lot

17 of public query and expressions of concern

18 about Cyber, and the work that Cyber was

19 doing, and the process that EAC was using

20 around Cyber. In the meantime, we have

21 been accrediting other laboratories, and I

22 am wondering if we have received any

1 expressions of concern, any complaints,

2 about either the laboratories that we have

3 recently accredited, whether under the

4 interim program or under the permanent

5 program through recommendations from NIST,

6 or the process that we have used to

7 accredit?

8   MR. WILKEY: As far as the labs

9 that have been accredited, the other labs

10 that have been accredited, either under

11 the interim program or under the program,

12 what I like to call the statutory program

13 through NIST and NVLAP, we have received

14 no complaints, really no requests for

15 further information.

16   The two labs that we have

17 accredited through NVLAP are out there

18 taking work on and doing work. Certainly,

19 I think the one that we hope to accredit

20 within days will begin immediately to do

21 work, but we really haven't received any.

22 The unfortunate part, and I'm glad you

                              23

1 asked this, Commissioner, is that -- the

2 unfortunate part about this whole scenario

3 with Cyber was a lot of misunderstanding

4 between our interim program, which as you

5 know, was designed to get us through that

6 very small period of time between when the

7 National Association of State Election

8 Directors starts its programs and when we

9 get our first test labs recommended by

10 NVLAP, which is January.

11   We're, basically, looking at

12 August through late December of last year.

13 We needed to do that because we needed to

14 assure the states that any updates to

15 systems or any software changes that

16 needed to be done for them to meet the

17 needs in the '06 election would be met.

18   Then our permanent program went

19 into place. We now have two. We'll have

20 soon three labs qualified under that

21 program. We were very careful.

22   Again, I think there is, again,

1 some misunderstanding here. We were very,

2 very careful to make sure that, even in

3 our interim program, we used the policies,

4 the procedures, the manual, that was

5 developed by NIST, NVLAP in accrediting

6 labs through their program. We used those

7 policies to accredit labs under our

8 interim program. There was no difference

9 there. As a matter of fact, the very

10 issue and the very reason that we made the

11 decision on Cyber was part of NVLAP's

12 policy and procedures. If that would have

13 happened under their program, they would

14 have done the same thing. They would have

15 asked either for another review or for a

16 complete review because they had changed

17 personnel.

18   So, again, we haven't received

19 any other complaints about any of these

20 labs. We know they are doing the job that

21 we accredited them to do. I'm just sorry

22 that confusion still reigns between our

1 interim and our permanent program.

2   COMMISSIONER HILLMAN: I think

3 as a follow-up, one thing. It appears

4 that it was isolated more to Cyber than to

5 the actual accreditation process, although

6 I think we learned that there are a lot of

7 people who are interested in the way our

8 accreditation program is operating, and

9 they want to know information every step

10 of the way.

11   It is my understanding that we

12 have taken steps to make sure that going

13 forward, even working with NIST, that

14 information about our lab accreditation

15 program will be available to the public

16 intermittently, and not necessarily

17 waiting until the very end of the months

18 long process; is that correct?

19   MR. WILKEY: That's correct.

20 And, essentially, when we established this

21 interim program, as I indicated, we tried

22 and did follow all of the procedures that

1 NVLAP did with NIST in their

2 accreditation.

3   This is an internationally

4 utilized program. They accredit

5 laboratories for all kinds of businesses

6 and all kinds of things. Their policy

7 was, at that time, they did not release

8 any information until that laboratory

9 accreditation was complete. And it was

10 done for a variety of reasons, to give the

11 opportunity to anyone that had questions

12 to be able to respond in a fashion and to

13 do the follow-up to that.

14   That's the approach that we

15 took. I think we have learned a lesson

16 from that, and we will evaluate that as we

17 move along, but we have had, in the

18 permanent program, those that have been

19 done by NVLAP, we have had absolutely no

20 questions.

21   Unfortunately, your question

22 related to Cyber. All of the question

1 came from Cyber because they had been

2 under contract to New York, and there were

3 some issues there with the work that they

4 were doing, and it happened all at the

5 same time.

6   COMMISSIONER HILLMAN: Weren't

7 there questions about what they had done

8 in Florida?

9   MR. WILKEY: I'm not sure about

10 that, but I know that a lot of the

11 questioning came from the fact that they

12 were under contract in New York. There

13 were issues that happened to come at the

14 same time that we were in the process of

15 doing our interim accreditation.

16   COMMISSIONER HILLMAN: But I

17 want to go back to something, because you

18 said something I didn't quite hear. We're

19 in the process of evaluating our

20 procedures to make information available,

21 or have we already arrived at some

22 decision as to how the public can have

                          28

 1 access to information about the

 2 accreditation process along the way, or is

 3 that information not available until after

 4 we make a decision?

 5   MR. WILKEY: I will have to

 6 check with NVLAP. We had those

 7 conversations, and I know that they were

 8 looking at that issue. Their policy was,

 9 for many reasons, that they would not

10 release the report until the accreditation

11 was complete. That, again, was to give a

12 laboratory an opportunity to provide the

13 information that they needed to respond to

14 it to, rebut any issues that they do have.

15 But I will follow-up on that,

16 Commissioner, and report on that to you at

17 the next meeting.

18   CHAIR DAVIDSON: And I also --

19 just to add a little bit, because I, being

20 Chair, work with Dr. Jeffries, and had

21 contacted him and even did a letter to

22 Dr. Jeffries, my recollection. So it's

<div align="center">29</div>

 1 important that we check. They didn't even

 2 put up the report when they accredited a

 3 lab. They only put up the name of the lab

 4 that they had accredited, and the names

 5 weren't even put up prior to the

 6 accreditation process so people would know

 7 who had applied to be accredited.

 8   We asked them to make it more

 9 transparent, their process more

10 transparent. And my recollection is they

11 have added, on their web site, all the

12 names of the labs that have applied and

13 then the dates that they applied. And

14 once they meet that and they revert to us

15 and ask us -- they have given us a

16 recommendation to accredit it, once that's

17 done, they put that information up, along

18 with the last report from the inspectors

19 or whatever you want to call them, the

20 people that actually go out and assess the

21 labs. There's two people that go out and

22 assess it. So they make that final report

1 up on their web site.

2   Both of those procedures had

3 never been done before. That is new for

4 NIST and NVLAP, and that's my recollection

5 of what they agreed to do. And they went

6 to the laboratories, even to get

7 permission to do that, because that's the

8 first time and only time that they are

9 treating their process any different, is

10 for our election of labs, other than the

11 laboratories that they work with.

12   MR. WILKEY: That's absolutely

13 right, Madam Chair. As a matter of fact,

14 I know this is hard to fathom, but

15 initially, they wouldn't even tell us the

16 names of the laboratories that had

17 applied, and that was their policy, their

18 long standing policy. You didn't know a

19 lab had gone through the accreditation

20 process until they completed all the work

21 that had to be done and a final report was

22 issued. That was their policy. They did

1 relent on that part because of the

2 situation, because of such a public

3 atmosphere here, on the application, and

4 put the names of the labs up and even put

5 the dates that they had applied. So they

6 have gone that far, but I'm not sure

7 whether they have changed their policy in

8 doing an interim report.

9   CHAIR DAVIDSON: I don't believe

10 they have.

11   COMMISSIONER HILLMAN: I

12 appreciate that clarification.

13   Last question, on Cyber, I

14 think. So what is the relationship

15 between Cyber's application process with

16 us in the interim program and their

17 application to NVLAP for accreditation

18 under our permanent; is there a

19 relationship there, is that a cause and

20 effect?

21   MR. WILKEY: There is absolutely

22 no relationship. It is two separate

1 accreditation processes. Even though, as

2 I stated earlier, we utilize their policy

3 and procedures because they are out there,

4 they are writing, all they had to do is go

5 to NIST's web site or our web site, look

6 at those policies. So we tried to stick

7 to those policies, and I think we did a

8 hundred percent, but it's two separate

9 accreditation programs.

10   They are still in the NVLAP

11 program. They have applied to NVLAP.

12 They have not gone through a review yet.

13 They are somewhere down the line where

14 they have gotten some information that

15 NIST has needed, but they still haven't

16 been scheduled for a review. But, again,

17 it is two separate processes.

18   COMMISSIONER HILLMAN: Thank

19 you.

20   And my final point, just

21 following up on the Executive Director's

22 report, EAC has recognized the public's

1 interest in the work that we do. It is

2 sort of encouraging and it is also a new

3 day to know that the public is as curious

4 about all the processes, policies, and

5 procedures with respect to decisions that

6 are made for improving election

7 administration.

8   EAC is a unique agency in many

9 ways. We have said that before, but I

10 think that has come home to us full square

11 in recent months with respect to the

12 levels of transparency and providing of

13 documentation that we have been asked to

14 do, and that we have subsequently done.

15 And I think it's a good thing. You know,

16 we're held to a very different standard

17 than other federal agencies are. I think

18 it is worth noting that it's, you know,

19 sort of a tried saying that out of

20 adversity comes opportunity. But I really

21 do think that all of what we have been

22 through has pushed not only EAC but,

<div align="center">34</div>

1 perhaps, public thinking about the kinds

2 of dialogue and communication and access

3 to information that the public seeks to

4 have on election administration. We can

5 only hope it translates into more active

6 civic participation, that more voters will

7 turn up at the polls as a result of being

8 more confident to know what's going on.

9   But I wanted to echo what has

10 been subtly said by the Chair and

11 Director, that EAC has absolutely nothing

12 to hide here, except maybe our own

13 inability to work 24/7, but we have

14 nothing to hide and are pleased to make as

15 much information available as our

16 resources, limited staff, and time,

17 permit.

18   Thank you.

19   MR. WILKEY: Thank you,

20 Commissioner.

21   CHAIR DAVIDSON: Are there any

22 other further questions? If not, thank
                              35

1 you.

2   MR. WILKEY: Thank you.

3   CHAIR DAVIDSON: Under new

4 business, today is kind of an exciting

5 today because after the 2000 election, the

6 ballot designs became new. And we all

7 remember the butterfly ballot. I think

8 that everybody saw and heard and

9 everything else about the ballot designs

10 that were out in the news. The bottom

11 line, regardless of whether voters vote on

12 a computer screen or a piece of paper,

13 that the effective ballot design will also

14 be crucial, and we're here today to hear

15 from contractors of Design For Democracy,

16 has been working for about 17 months very

17 hard on the project about effective design

18 in election administration.

19   This project covers the ballot

20 design as well as voter information

21 material, like polling place signs, and

22 effectively disseminating information to

<div align="center">36</div>

1 voters.

2   The contractors contracted a

3 pilot program with Nebraska to study

4 making the choices on the ballot, and

5 making sure it was clear and unambiguous,

6 and also focused on accessibility issues,

7 making sure voters had the right -- be

8 warned about an under vote or over vote.

9 This manual addresses issues for both, and

10 you can see them on our desk. I put mine

11 underneath because it's a pretty good size

12 manual, but the manual addresses both

13 issues of optical scan and electronic

14 voting equipment.

15   The accumulation of this

16 research will be set for best practices

17 about the effective design in election

18 administration. We will distribute and

19 make the information available to election

20 officials throughout the nation once its

21 been adopted.

22   Today, our panelists include

                              37

1 professionals involved in every step of

2 the process; designers, voting machine

3 manufacturers, and election officials.

4 And now we will hear, first of all, and

5 because I think we have to set up kind of

6 a little bit, we will hear, first of all,

7 from Karen Lynn-Dyson, our research

8 director, and then we will move forward.

9   MS. LYNN-DYSON: Thank you,

10 Madam Chair.

11   Commissioners, Mr. Wilkey,

12 General Counsel Hodgkins, I am pleased to

13 come before the Commission with the

14 recommendation that the Commission accept

15 the final report which has been submitted

16 by the American Institute of Graphic Art

17 and its nonprofit affiliate Design For

18 Democracy.

19   The AIGA, Design For Democracy

20 team has worked tirelessly for more then

21 18 months to assemble and create what it

22 considers to be the best practices in

<div align="center">38</div>

1 ballot design and polling place signs.

2 What you have before you is the result of

3 this effort. These designs represent the

4 thinking of the very best and brightest in

5 the field of graphic design. It is just

6 as important, however, to recognize that

7 these best practices also represent the

8 input of hundreds of users, including

9 voters, vendors, and election officials.

10   In my estimation, these best

11 practices provide a benchmark by which

12 election officials and vendors can

13 evaluate the polling place signs and

14 ballot designs they currently use. More

15 important, we now have available a best

16 practices design manual created for EAC

17 that can and should serve as a resource

18 and reference tool for the entire

19 elections community to use.

20   AIGA and Design For Democracy

21 have given a great deal of attention and

22 care to creating a design manual which is

 1 user friendly and highly accessible to

 2 election officials. Election officials

 3 now have a resource available to them that

 4 can help them create ballots and polling

 5 place signs that are HAVA-compliant, that

 6 take into account assorted election

 7 requirements, but also can be responsive

 8 to voters needs.

 9   This "Best Practices For

10 Effective Designs for the Administration

11 of Federal Elections," is, I believe, an

12 exemplary document which demonstrates the

13 best in applied research. The research

14 methodology that AIGA and Design For

15 Democracy employed in order to develop

16 this user manual, along with the process

17 that was used to refine the successive

18 drafts -- this manual was quite sound.

19   This manual serves a very

20 important function, and will be seen as a

21 valuable tool for our field. This

22 document is the first of many which this

1 agency will develop in its role as a

2 clearing house in election administration.

3 And I believe it is especially significant

4 because it demonstrates how our agency is

5 able to perform solid research and

6 translate that research into the realm of

7 practice.

8   Thank you.

9   CHAIR DAVIDSON: Since Karen is

10 going to be moving off, does anybody have

11 any questions for Karen before she does?

12 We have to move people around. Okay.

13 Thank you, Karen.

14   While she's kind of getting set

15 up, I will move forward then. Our

16 panelists includes, as I said, our

17 designers. And first we will hear from

18 our research -- really, the people that

19 did the research on it, and the Design For

20 Democracy team. And the Design For

21 Democracy team, we have two people here

22 representing them; Elizabeth Hare and

                    41

1 Michael Konetzka.

2   MR. KONETZKA: Konetzka.

3   CHAIR DAVIDSON: I came close.

4 So they are here to give their

5 presentations, so we will let them proceed

6 with both of their presentations. Do we

7 need to move?

8   MR. KONETZKA: There will be six

9 images shown on my presentation, but not

10 Elizabeth's.

11   CHAIR DAVIDSON: We will wait a

12 little bit, Elizabeth, and let you start.

13   MS. HARE: Good morning,

14 Commissioners and Director. I am pleased

15 to be testifying today after the

16 completion of Design For Democracy's final

17 report, "Effective Designs in Election

18 Administration." Our team wishes to thank

19 the EAC for providing AIGA the opportunity

20 to establish the first set of national

21 best practice examples for ballot and

22 election design -- excuse me -- election
                          42

1 day voter information design.

2   During this project, Design For

3 Democracy shared a common objective with

4 election official, to develop a voting

5 experience that attracts citizens to vote,

6 makes the choice of candidates and issues

7 easier to understand, and assures that

8 voters cast their votes with confidence,

9 and that from decisions are intentional

10 and have been recorded properly. The

11 benefit of our prototypes is that they

12 draw on professional information design

13 experience, research, testing, and

14 evaluation, to provide solutions that are

15 successful. To this extent, we intend our

16 recommendations to complement and support

17 the production challenges election

18 officials face at state and local levels.

19   Our report includes research

20 summaries and design specifications for

21 HAVA-required voter information materials

22 and three ballot formats: Optical scan,

<div align="center">43</div>

1 full-face degree, and rolling DRE. We

2 followed an iterative research design

3 evaluation process focused on gathering

4 qualitative data from three core research

5 audiences: Voters, election officials and

6 subject matter experts with accessibility

7 or elections experience, excuse me,

8 expertise, and sometimes both.

9   As part of our research, we

10 observed elections in New Jersey and

11 Nebraska, conducted interviews with

12 election officials, poll workers, and

13 subject matter experts, analyzed current

14 practices and materials, ran 54 usability

15 evaluations of our prototypes, and slated

16 public comments on our work from the EAC

17 Standards Board as well as the general

18 public.

19   The highlight of our research

20 activities was pilot testing designs in

21 Nebraska's 2006 general election. We

22 collaborated with officials in two

 1 counties and their technology partner,

 2 Election Systems & Software, to apply our

 3 specifications to one and two-language

 4 optical scan ballots and voter information

 5 pieces. Coupled with Election Day

 6 observations, this production experience,

 7 with all its variables, time lines and

 8 legal requirements, provided our team with

 9 a baseline for current practice.

10   Our resulting pieces, the design

11 templates, support 2005 Voluntary Voting

12 System Guidelines. The ballots and voter

13 information system are populated with

14 sample data for demonstration purposes.

15 Some voter information materials may

16 already comply with state guidelines, but

17 election administrators and their teams

18 should expect to refine and edit the

19 templates to suit their needs.

20   On the strength of our pilot

21 test observations and on feedback from

22 established election designers, we have

45

1 documented planning and production steps

2 to highlight opportunities for election

3 officials to involve writers, designers

4 and translators, among other contributors,

5 to support their process of adopting these

6 best practice recommendations.

7   We also emphasize the importance

8 of collaborating with technology vendors

9 as early as possible as to incorporate the

10 system with increased success. We're

11 proud of our results, proud to have worked

12 on behalf of our country, and hope our

13 materials provide a demonstrated impact to

14 the voters.

15   CHAIR DAVIDSON: Thank you, very

16 much.

17   Michael, I think we'll have to

18 kind of move a little bit from it the side

19 here. It looks like it is coming on.

20 Maybe I'm wrong.

21   MR. KONETZKA: Good morning,

22 Commissioners and Executive Director

1 Wilkey, and Counsel Hodgkins. Thank you

2 for the opportunity to testify on behalf

3 of Design For Democracy, AIGA, on this

4 project. Before I briefly discuss

5 particular aspects of the report, I'd like

6 to emphasize our understanding and

7 appreciation which became clearer every

8 day we worked on this project, of the

9 difficulties faced by election officials

10 at the state and local level. This report

11 is intended to help them do their

12 difficult job, and in turn, help every

13 citizen with the voting process.

14   Specifically, I would like to

15 discuss what resources are available in

16 this report, how this report is

17 structured, and how these resources and

18 structure help a local official improve

19 the voting experience.

20   As Ms. Hare mentioned earlier,

21 along with research data, this report

22 contains best practice samples of voter

1 information materials, optical scan

2 ballots, and DRE ballots. The report is

3 made up of eight sections totally 266

4 pages with 359 illustrations and 39

5 tables. Additionally, as a side, I will

6 only show 11 out of that 359, if anyone is

7 worried. Additionally, 227 supporting

8 digital files are referenced in this

9 report and will be available at,

10 "eac.gov." Faced with those numbers, an

11 election official's first two questions

12 might be what is all this stuff and how

13 can it help me help the voter.

14   This document can help the

15 election official by providing not only a

16 rich set of best practice samples and

17 specifications that describe them, but by

18 providing design principles and usability

19 testing that support them, planning

20 recommendations, and in the case of voter

21 information materials, a production

22 planning table that outlines shelf life,

1 estimated cost, and other considerations.

2 This material all appears in Sections 2

3 through five.

4   Section 2 is voting information

5 postings, we're showing on the screen, are

6 organized in three categories; polling

7 place identification, directional signs or

8 postings, also known as wayfinding, and

9 informational and instructional postings.

10 Samples are shown in three language sets;

11 English, English and Spanish, and English

12 and Chinese.

13   Many voter information

14 materials, up to 48 items, if my count is

15 correct, can be printed out using Acrobat

16 PDF files which will be available at,

17 "eac.gov," without additional changes and

18 used as-is. Shown on screens are just

19 three samples of those types of materials

20 that could be used, and printed out, and

21 used without any changes.

22   Other voter information

1 materials, such as the Voters Bill of

2 Rights, will need to be edited and updated

3 with jurisdiction-appropriate content.

4 Editable electronic versions of those

5 files reside at, "eac.gov." Of course, it

6 is necessary to have appropriate software

7 to edit these files, but in this day and

8 age, there is no avoiding that fact. As I

9 said, they were all done with commonly

10 available software.

11   Despite the numerous files

12 available, certainly not every situation

13 and every need can be covered. However,

14 based on the design approach and its

15 consistent application, a designer could

16 build out the system with additional

17 items.

18   The same file organization and

19 section structure is used in Section 3 and

20 4. Due to the nature of these items, the

21 PDF files serve as useful visual reference

22 only. Show some ballots now. In every

<center>50</center>

1 case, editable files would have to be

2 repopulated with the appropriate contents.

3 Accompanying the illustrations in 3 and 4

4 are detailed production specifications.

5 Terms like leading, fill, and tracking,

6 may look like so much jargon to many, but

7 to designers, they are often part of the

8 necessary vocabulary to recreate these

9 best practice ballots even without the

10 editable files. They further demonstrate

11 the flexibility of the design system's

12 components.

13   The screen designs for the

14 rolling DRE ballot interface can be used

15 in working with the design and production

16 team to develop successful screen designs

17 and apply them to the vendor's system, as

18 shown here in the next one.

19   The design relationships, color,

20 layout, typography, use of illustrations,

21 quality of the language in the

22 instructions and translation from Spanish

51

1 language versions are what matter, more so

2 than the particulars of an illustration,

3 text, or ballot format. Again, the design

4 system and usability tests that guided

5 their application can still be used, even

6 if content and voting technologies differ

7 from those illustrated in the report.

8   All element of the ballots and

9 the voter information materials are

10 interrelated. If the design is effective

11 but the instructions not clear, the voting

12 process suffers. If the language is

13 clearly written but mistranslated, again,

14 the voting process suffers.

15   In addition to the best practice

16 document, to improve the voting

17 experience, local election officials need

18 the support of information designers,

19 usability experts, well written

20 instructional languages, and quality

21 translations that are culturally

22 appropriate. Too often, election

<div align="center">52</div>

1 officials are expected to wear all of

2 those hats. Hopefully, resources will be

3 made available to help ensure that these

4 recommendations can be put into practice.

5   Thank you.

6   CHAIR DAVIDSON: Thank you, very

7 much. Moving on, in the very beginning,

8 we also have someone from the

9 manufacturers organization here to talk

10 about our project that we have in front of

11 us. We have election system software. We

12 have Adam Carbullido.

13   MR. CARBULLIDO: Carbullido.

14   CHAIR DAVIDSON: I messed up on

15 that one. Anyway, we appreciate you. We

16 know you work with the project and were

17 very valuable in the research project in

18 Nebraska. So if we could have your

19 testimony, Mr. Carbullido.

20   MR. CARBULLIDO: Thank you,

21 Madam Chair. First of all, I'd like to

22 express my appreciation to EAC and

 1 especially the folks from Design For

 2 Democracy for including us in this

 3 project. It's been an invaluable

 4 experience, as far as education goes. We

 5 really learned a lot of key points about

 6 incorporating graphic design, best

 7 practices, into ballot layout, which is

 8 what we call it at ES&S.

 9   We were able to identify several

10 potential recommendations for future

11 enhancement that will allow us to

12 incorporate a lot of these elements.

13 Another thing we were able to identify is

14 some of the time and cost prohibitive

15 elements of best practices design that may

16 act as barriers to implementing some of

17 these elements and best practice.

18   I will go through some of the

19 lessons we learned and then provide a

20 couple recommendations based on those

21 lessons. The overall application of

22 design best practices were implemented

<center>54</center>

1 fairly easily. However, some elements

2 were not entirely incorporated into the

3 final ballot design. Reasons for that

4 were potential cost increases to our

5 customers which were the counties of

6 Nebraska and also the need for

7 enhancements to our software and voting

8 systems to include those particular best

9 practices elements. A couple of things

10 that we realize that could affect cost to

11 the county were the size.

12   A lot of the best practices

13 elements involve increasing size of fonts,

14 headers, titles, and instructions. In the

15 case of Colfax County, we were a

16 centimeter from going to a fourth page,

17 which would have increased costs to the

18 county by approximately 30 cents per

19 voter. Fortunately, we didn't have to go

20 to a fourth page and we were able to keep

21 them down to three. So size can affect

22 cost.

1   Another thing that can affect

2 cost is the shaded areas and shaded

3 instructions on the ballot which increase

4 cost as far as ink and toner coverage.

5 Usually, that cost would be borne by the

6 print vendor.

7   The other thing we recognize as

8 a barrier to design elements is the time

9 line. The time line between certification

10 and when ballots need to be available for

11 early voting has, in some cases, shrunk.

12 In addition to that, work that needs to be

13 accomplished in that time frame has

14 increased to accommodate things like ADA

15 requirements, etc., so that time line is

16 very small.

17   Our priorities, No. 1 is

18 accuracy of the ballot, and then No. 2,

19 timeliness of delivery of that ballots so

20 ballots are available for early vote. It

21 doesn't leave a lot of time to focus on

22 graphical design elements. So my

1 recommendation for those elements need to

2 be through incorporated into the ballot

3 well ahead of a candidate's certification,

4 and that's what we're doing with those

5 best practices, is getting them out there

6 so people can think of these things well

7 ahead of time.

8   Finally, the thing I wanted to

9 mention is what might be a best practice

10 for the State of Nebraska not be a best

11 practice for the State of Iowa or State of

12 Vermont, etc. There may not be guidance

13 on best practices for certainly things

14 required on the ballot in Nebraska that

15 aren't in Iowa. That's one thing we

16 learned.

17   Real quick, I've got three

18 recommendations based on those lessons

19 learned. No. 1, I think our focus has

20 been on effective ballot design. I think

21 we need to consider possibly efficient

22 ballot design as well. Reducing cost to
                          57

1 the county is always something that we're

2 mindful of at ES&S. We saw this best

3 practice would increase cost to the

4 county, and I know the goal was to focus

5 on effective design, but efficient design

6 also needs to be considered.

7   Earlier, I had mentioned getting

8 ahead of that ballot layout process by

9 implementing design practices early,

10 before we start piecing about together.

11 In my experience, the best way to do that

12 is through state level ballot templates,

13 templates designed at the state level and

14 passed down to the county that allow all

15 those elements of design way ahead of that

16 small time frame.

17   And, finally, my last

18 recommendation is to continue the shared

19 education and open forum. This has proved

20 to be an invaluable experience to the

21 ES&S. We're able to see what things are

22 important in regard to ballot design best
<div align="center">58</div>

1 practices, and now we'll be able to

2 incorporate those things into future

3 enhancements.

4   Thank you, very much.

5   CHAIR DAVIDSON: Good. Thank

6 you.

7   And, finally, we have Oregon's

8 Election Director, John Lindback, with us

9 today. Mr. Lindback is president elect of

10 the National Association of Election

11 Directors, and also he serves on the

12 executive board of the EAC Standards

13 Board. And his contribution to EAC and

14 his colleagues has been of great value to

15 everyone.

16   We're very pleased to have him

17 with us today. Mr. Lindback will share

18 firsthand experience, which is always

19 great, with ballot design, as we must

20 incorporate the perspective of election

21 professionals to ensure we produce best

22 practices that will truly work in the real

1 world of elections and, obviously,

2 understanding one size doesn't fit all.

3 We always understand that. So

4 Mr. Lindback, we'll turn to you for your

5 testimony. And I can pronounce your name,

6 believe it or not.

7   MR. LINDBACK: Thank you.

8 It is from years of practice.

9   CHAIR DAVIDSON: Yes.

10   MR. LINDBACK: I'm going to

11 share something very briefly.

12   CHAIR DAVIDSON: Can you bring

13 your mic up a little bit closer? I'm not

14 sure we're hearing well enough.

15   MR. LINDBACK: I'm going to show

16 something very briefly on the screen as

17 well.

18   CHAIR DAVIDSON: If takes a

19 little while for it to warm up, but it is

20 on. You can see the light.

21   MR. LINDBACK: Good morning,

22 Chair Davidson, and Mr. Wilkey, members of
                          60

 1 the Commission. Thank you for inviting me

 2 to testify on this important study related

 3 to effective ballot design and polling

 4 place signage. I am very pleased that

 5 this study is now done, and that voters

 6 across the nation can begin to benefit

 7 from the outstanding work from Design For

 8 Democracy. I want to applaud the EAC for

 9 funding this work and showing leadership

10 on how design can make a difference for

11 the American voter. You are to be

12 commended.

13   I'd like to begin my testimony

14 by telling a story, how I first became

15 interested to Design For Democracy and how

16 it could benefit voters. Not too long

17 after the controversial 2000 election, I,

18 quite innocently, wondered into a

19 presentation by Design For Democracy at a

20 NASS conference. The presenter, a

21 designer named Sylvia Harris from New York

22 City, convinced me in one short hour to

<center>61</center>

1 expand my horizon on how we could better

2 serve voters in America.

3   At the time of Sylvia's

4 presentation, members were fresh of the

5 controversy caused by punch cards. The

6 butterfly ballot became a prominent symbol

7 of what was wrong with elections in

8 America, and I want to do show you the

9 images I saw that day.

10   This is the first one that

11 Sylvia showed. This was from the New York

12 Times op ed page after the election of the

13 infamous butterfly ballot in Florida. You

14 will notice, pointed out all the design

15 problems and why it may cause confusion

16 among some of the voters down there.

17   The next image that she showed

18 was the butterfly ballot in Chicago, which

19 apparently caused some confusion in

20 Chicago, as well with the jumping back and

21 forth; yes, no, etc., etc.

22   Then the next image she showed

1 on the screen, if you want to press the

2 button, was a Chicago butterfly ballot,

3 which Design For Democracy comments on the

4 criticisms and why it was confusing to

5 people.

6   And then the last one was Design

7 For Democracy's proposal for a butterfly

8 ballot. And I was just amazed at the

9 difference that they can make, that

10 designers can make when they put their

11 talents to work. And when I walked in the

12 room, I was convinced that getting rid of

13 punch cards and purchasing new voting

14 machines was the answer to improving the

15 voting machine in America, but when

16 Sylvia's talk was done, I walked out of

17 that room thinking maybe we're going too

18 far. Could it be that all we need to do

19 is design a better ballot.

20   A short time later, HAVA started

21 its journey through Congress and picked up

22 the requirement related to voters with

1 disability, that clinched it. We had no

2 choice then but to go forward with new

3 technology. But the questions of how we

4 could use design to make paper ballots,

5 DREs, and the polling place itself easier

6 to navigate for the voter continued.

7 In my state, which votes entirely by mail,

8 I questioned how we could design our

9 ballots and our voter information better

10 so that voters would make fewer errors

11 when they vote at home.

12   I turned to Design For

13 Democracy, and a designer at the

14 University of Illinois at Chicago named

15 Marcia Lausen came to my rescue. They had

16 just completed a design where they

17 redesigned poll worker kits, manuals and

18 signs for the City of Chicago. I asked if

19 her class would like to tackle Oregon's

20 vote by mail, and she had agreed to take

21 it on. They researched our system and

22 gave me proposed redesigns for the ballot

64

1 packets that are sent to voters, for the

2 ballots themselves, our voter registration

3 card, our "Voting in Oregon" guide, our

4 manuals and our state voter's pamphlet, at

5 a price of $20,000, our system.   I'd say

6 that was pretty good.

7   As a result of their work, we

8 used HAVA funds to hire designers to build

9 on the work of the students and bring it

10 to fruition. We now have a voter

11 registration card that advocacy groups

12 point to as one to emulate. Our designer

13 worked with a key printer -- 32 of our 36

14 counties use the same printer -- to make

15 design improvements to our ballots. Our

16 manuals have all gone through complete

17 redesign. I could go on and on and list

18 more work that has been done, but we don't

19 consider it all done, by any means. Our

20 designer left us to go to graduate school,

21 but we have agreed with AIGA, which stands

22 for the American Institute of Graphic

1 Arts, and is the parent organization of

2 Design For Democracy, that they, under a

3 contract with Oregon, will send us a

4 design fellow every year so that we will

5 continue to benefit from the talents and

6 energy of a designer. THe fellowship is

7 advertised at design schools across the

8 nation in order to attract applicants from

9 the young and the energetic. I'm hopeful

10 that if this fellowship idea works out,

11 AIDA could do the same thin in other

12 states that are interested in doing this

13 kind of work.

14   In the study you are considering

15 today, you get to benefit from the same

16 talent and energy of Design For Democracy.

17 I was part of a group that reviewed their

18 study and was impressed with the depth of

19 the research and the sensibility of the

20 recommendations. My counterparts across

21 the country will be especially

22 appreciative of the templates in the study

1 that can be easily obtained and modified

2 if necessary, for local and immediate use.

3   I noted with interest, when I

4 reviewed it, that each section of the

5 study has special relevance to different

6 audiences. Clearly, the signage section

7 has tools in it most easily accessible and

8 ready to use for election officials.

9 Local elections officials could work with

10 their printers to effectuate many of the

11 proposed design changes to paper ballots.

12 But some counties may need their tally

13 system vendor who print their ballots and

14 the ballots of other counties to make

15 changes to their optical scan ballots.

16 The recommendations related to DRE screens

17 are in a class by themselves. Only the

18 venders can make most of those changes.

19   The question raised is what is

20 the next step, how will the EAC implement

21 the results of the study so that it

22 doesn't just end up on the shelf. I

<div align="center">67</div>

1 believe part of the answer lies in the

2 Voluntary Voting System Guidelines. The

3 design principles recommended in the study

4 for optical scan ballots and DREs should

5 be forwarded to NIST and the TGDC as soon

6 as possible so they can be incorporated

7 into tally system standards. I believe

8 that will be the most efficient route to

9 change. I hope it's not too late for

10 these recommendations to be considered for

11 the newest version of the TGDC that's due

12 to you this summer. I think it would be

13 beneficial if they could be included

14 sooner rather than later.

15   Other recommendations that fall

16 outside of VVSG, such as signage, should

17 be reviewed and considered for

18 incorporation into the EAC's recommended

19 management guidelines, and I think we

20 already covered that subject.

21   I would like to close my

22 testimony today by offering to thank you
                                68

 1 offering, a big thank you to Design For

 2 Democracy for their work. This is not a

 3 large organization. This was a big task

 4 for them to take on. And one of the

 5 reasons why I appreciate them so much is

 6 that they have never taken their concerns

 7 and criticisms of concerns public in a way

 8 where they are created an adversarial

 9 relationship with election officials.

10 They have always, in a quite and dignified

11 way, offered to help us make elections

12 better, and what a breath of fresh air

13 that is in today's environment. I hope

14 they can do much more work for us in the

15 future.

16   Thank you.

17   CHAIR DAVIDSON: Thank you, very

18 much.

19   All right. We're to the point

20 of questions. So Commissioners,

21 Commissioner Hunter, do you think we need

22 to take a break. Okay. I am being told
                              69

 1 we need to take a break. We'll have a

 2 ten-minute break and then come back. That

 3 way, our signer and transcribers have a

 4 little bit of a break. Sorry to interrupt

 5 it, but we will take a break and be back

 6 in ten minutes.

 7   (Short Recess.)

 8   CHAIR DAVIDSON: If we could get

 9 started again. Thank you. We'll get

10 started again.

11   One of the things about being

12 Chairperson, you get to ask the first

13 questions. So I would like to ask John

14 Lindback, because the issue of cost came

15 up, and concerning the cost with states

16 and counties and elections, we know that

17 cost has gotten higher and we have gone

18 through all of our process.

19   I guess the way I would put it

20 is, can you give me some feedback on

21 effective versus efficiency; is that the

22 way you would say it, is that a good

1 enough way to say it.

2   MR. LINDBACK: Thank you, Madam

3 Chair. Sure. Having gone through this

4 process for four years, it's important to

5 note that people are not going to be able

6 to do this overnight. They are going to

7 have to go out and talk to their

8 legislators. Some of them have laws that

9 are going to get in the way of these

10 design changes, and you need to talk to

11 your legislators about change those laws.

12 You need to talk to your legislators and

13 County Commissioners about increasing your

14 budget.

15   I have one big piece in my

16 design project that is not done yet, and

17 it's our state voters pamphlet. And it is

18 four years later, and I finally have

19 gotten an invitation from my legislator,

20 after working on them for four years, to

21 come to them with the proposed redesign of

22 the state voters pamphlet in their session

1 next year.

2   And one of the issues that we,

3 in elections, deals with and I will use

4 that voters pamphlet as an example. When

5 I walk into the budget subcommittee, the

6 one that deals with my budget, it's

7 considered a good thing to turn out a

8 publication for the lowest cost possible.

9 I get kudos in the budget room for that.

10 And it's taken me four years to say, this

11 is not the right way to look at the state

12 voters pamphlet. Look at it. It's a

13 mess. We should be arrested for voter

14 abuse. The fonts are tiny. It's hard to

15 navigate, and you shouldn't be

16 congratulating me because I am turning out

17 the cheapest publication possible. I

18 don't take pride in that.

19   If you're going to serve voters

20 well, you are going to have to put some

21 money into it here and there. And it's

22 the art of persuasion when you work with

72

1 the decision makers on this, showing them

2 examples, showing them the benefits of

3 less voter confusion, and they get it.

4 They get it, just like we get it. We

5 looked at the example of a better

6 butterfly ballot -- if you are able to

7 show it to them.

8   And so, yes, there is a conflict

9 between cost and effectiveness, and that's

10 just one of the things that we have to

11 accept with the redesign process is it's

12 going to cost more money. It just is.

13 Fortunately, HAVA dollars came along to

14 help my state implement some of these

15 design changes, particularly the design

16 work, and I think it is worth it. Where

17 you can use HAVA dollars on projects like

18 this to do it, it's absolutely worth it

19 for your voters.

20   But not everybody is going to be

21 able to do everything that is recommended

22 in the study. Even if they did a portion

1 of it, they will make improvements over

2 what they have now, and that's why I think

3 the study is so important is it provides

4 guidelines, encouragement.

5   When I read through the comments

6 from the EAC Standards Board members on

7 the study, I was very gratified to see

8 comments from a couple of people that

9 said, oh, thank you, this is something

10 that I can take to my legislators and show

11 them, and gives me the ammunition to ask

12 for change. That's a very appropriate

13 role for a study of this kind, and for the

14 EAC to get out there and lead us into

15 making changes like this state by state,

16 local by locality, even if it means you

17 have got to spend some more money.

18   CHAIR DAVIDSON: Just to follow

19 up on this, you also talked about your

20 redesign of your mail ballot, the ballot,

21 and the instructions, and the envelope,

22 and everything. After you did that, did

                    74

1 you see less errors from your voters; do

2 you have any type of a figure of how it

3 improved the process for your voters?

4 Because I think that would be very

5 beneficial to other states, if they saw

6 that, gosh, even in my absentee world, if

7 I utilize this and really worked on it, it

8 would improve our process for our

9 electors.

10   MR. LINDBACK: I agree with you,

11 Madam Chair. Unfortunately, we do not

12 have that kind of data because, as you

13 know, it's difficult to collect that data

14 from the counties. We should be doing it

15 and we aren't, but that is an important

16 thing to build into the design projects is

17 the follow-up to make sure that the design

18 changes that you have implemented, that

19 there is data to show that they work.

20   Our follow-up, frankly, has not

21 been what it should be in Oregon, in terms

22 of the changes that we have made. I think

1 part of that has to do with HAVA has

2 required a few other things too. And so

3 we have been just trying to make the best

4 changes we can. I can tell you that there

5 wasn't anybody out there complaining about

6 the new design.

7   CHAIR DAVIDSON: That helps.

8   MR. LINDBACK: Yes. And we did

9 do testing in advance where we took groups

10 of voters and we showed them the old

11 ballots and showed them the new ballots;

12 what do you think, and they recommended

13 some things, recommended some changes.

14 That's another important part of the

15 process.

16   Part of what was done in this

17 study is that you do a lot of that testing

18 in advance.

19   CHAIR DAVIDSON: Thank you. And

20 we know how hard it is to collect data.

21   I will turn to my other

22 Commissioners. Commissioner Hillman.

1   COMMISSIONER HILLMAN: Thank you

2 all, very much, for the information. And

3 I have to question from, I guess, two

4 different perspectives, from Mr. Lindback,

5 from the election community perspective,

6 and the other from the Design For

7 Democracy perspective. And that is, if we

8 would try to identify the one or two major

9 problems or challenges that the

10 suggestions for improved ballot design and

11 signage design would address, what would

12 you say those were?

13   If I'm trying to help a local or

14 county election official know why they

15 should have the courage to go forward and

16 ask for more money for them, I am trying

17 to give them some concrete things they can

18 point to, what would be the one or two

19 critical things that people could get past

20 if they were able to incorporate some of

21 the design changes?

22   MR. LINDBACK: Well, I think the

1 voter instruction part of this study where

2 they talk about effective voter

3 instructions to be placed on ballots or in

4 publications are very, very important, and

5 the kinds of illustrations that they use.

6   Let me give you an example of

7 that. You notice that there was an

8 illustration there of how to mark an oval.

9 Now, for those of us in this business,

10 what could be more simple than marking an

11 oval, but if you have never worked at a

12 polling place, you will see that people

13 have a lot of creative ways in dealing

14 with those ovals. Those instructions are

15 very clear about how to mark an oval and

16 so well done, that placing those posters

17 in the polling place and the ballot itself

18 in whatever instructions that you have, I

19 think, are extremely important and

20 helpful, and the guidelines in the study

21 on those are really great.

22   If I was going to talk about all

1 the great things in the study, I could

2 list 20 or 30, but that's one of my

3 favorites. I also think the signage is

4 very clear, and the fact that there are

5 templates that they can pull off and use

6 right away is very important to the study.

7   In terms of the ballot design,

8 in addition to the instructions, just

9 those very simple rules about getting rid

10 of using all capital letters, giving more

11 space, hierarchy of information, all of

12 that sounds on one level like it is really

13 all that important, but when it comes to

14 sitting down and navigating a ballot, it

15 is important to make it as easy as

16 possible for the voter to do that. So

17 those are the things, if I were in your

18 shoes, I would point to.

19   MR. KONETZKA: I think that the

20 voter information materials are probably

21 the most easily accessible for any local

22 election official to use and implement

1 quickly. I have to put a little bit of a

2 twist on your question, in terms of any

3 one particular aspect, because I think

4 that, fortunately or unfortunately, they

5 are all interrelated. As John -- as

6 Mr. Lindback mentioned, writing

7 instructions, they may be very well

8 written, but if they are in all capital

9 letters or set in too small a type, they

10 are, again, ineffective.

11   So a lot of these elements and

12 components, from the illustrations to the

13 way instructions are written, how

14 information is organized, how someone

15 navigates through the page, are sort of

16 interrelated. So it is difficult to pull

17 out one aspect. I think if I were to pull

18 out one, personally, I think it is clarity

19 of language as being sort of key, because

20 without that, then nothing else works. So

21 when I say clarity of language, I mean

22 simple language that's easy to read and

1 understand. And that goes to ballot

2 measurements, which would be another issue

3 that's maybe out of anyone's control, but

4 that's a difficult aspect.

5   COMMISSIONER HILLMAN: One other

6 question for you. I'm going to flip it

7 the other way. With all the work that you

8 have done assisting elections officials,

9 whether at the state or local level, with

10 whether it was ballot design or signage or

11 instructions, what have been the -- I

12 don't want to use the term, but what have

13 been the biggest problems or issues you

14 have seen out there that can be addressed,

15 but they are out there either because of

16 money or because of lack of appreciation

17 on the part of the election official that

18 it really is a problem that can be worked

19 on or resolved, or along those lines?

20   MS. HARE: Well, I would go back

21 to the writing of the instructions

22 certainly in the ballot. I think -- I'm
                          81

1 not exactly sure how all jurisdictions

2 work, but I know that ballot content is

3 delivered down to the counties from their

4 legislatures, I believe. People approve

5 the content. So if someone could help

6 them package the content that supports the

7 understanding of how to vote, I think that

8 would be very helpful and clarifying for

9 everybody, and may actually save the

10 ballot space.

11   Simple language doesn't

12 necessarily run longer.

13   MR. KONETZKA: Also, what I

14 would add is the process, as was alluded

15 to earlier, which is getting out in front

16 of some of these issues. It is difficult

17 to worry about the language in the

18 translation when you have to get the

19 ballot printed the next day.

20   So the process of how these

21 things are implemented needs to be taught

22 or maybe revised, so that when they get
                          82

 1 implemented, you can get a quality

 2 translation and you're not relying on a

 3 machine translation off the web or

 4 something like that.

 5   So the process needs to be

 6 pushed back away from the actual

 7 production cycle of the ballot itself.

 8   MS. HARE: I might add to that,

 9 when we were working with the election

10 official in Nebraska to help prepare

11 materials for testing in their general

12 election, I remember the sheet of paper

13 that we got that talked about how we were

14 going to work, it boiled down entirely to

15 their election calendar deadlines. So the

16 primary discussion we had was about

17 meeting this one and deadlines one through

18 12. And as Mike said, they were in a

19 compressed time line. So, unfortunately,

20 the focus is meeting those first, and then

21 everything is subordinate. I don't know

22 if it's reasonable or logical to start

<center>83</center>

1 maybe at the top and talk about goals, and

2 then see how they start to be folded into

3 -- or how different goals can support more

4 user friendly materials could then be

5 woven into it. People feel their time

6 lines are fixed. There may be ways to get

7 ahead of that schedule and start to think

8 about how you can innovate within that

9 time period or get enough support behind

10 you on certain topics to prepare materials

11 in advance to be then slotted into that

12 time frame, if that time frame is not

13 doable.

14   COMMISSIONER HILLMAN: My final

15 question is on the issue of pictures on

16 the ballot. There have been suggestions

17 that ballots that would have pictures,

18 either photos of the candidate, pictures

19 of the party symbols, to assist people

20 whose primary language is not English or

21 who are literacy challenged.

22   I wonder if Design For Democracy

                    84

1 had anything to say or offer on that?

2   MS. HARE: Well, I think, in

3 terms of image, reproducing any of those

4 icons that would help a party and images

5 of the actual candidates, in the examples

6 that I believe Mike and our associate,

7 Mary, audited when they went down to look

8 at examples at IFIS, there was some

9 concern about individual jurisdictions'

10 ability to reproduce the artwork, to

11 collect artwork that was going to be of

12 good quality and reproduce it in a way

13 that would be consistent so that everybody

14 -- if I looked at a ballot if I was coming

15 in to vote, had images of people that were

16 consistent within the context of the

17 ballot.

18   COMMISSIONER HILLMAN: So your

19 picture doesn't look better than mine.

20   MS. HARE: Or that it's not

21 readable. If I'm a small, small party and

22 I want maybe hundreds of people in a
                        85

 1 ballot, and I am running the I hate the

 2 garbage on the street party, I may not

 3 have the resources to actually have a

 4 decent photograph to submit to the

 5 election office.

 6   So Mike is the voter coming in

 7 to vote, and he may see things that are

 8 actually very clear and some things that

 9 are not. So that seemed like an extra

10 challenge to incorporate camera ready

11 artwork that would be approved and usable,

12 and that would be true also, I think, for

13 party icons.

14   If I develop my own party icon,

15 there may not be extra meaning or value

16 added.

17   COMMISSIONER HILLMAN: I'm

18 sorry.

19   MR. KONETZKA: There is also an

20 issue of ballot space, reproduction

21 quality. And also then the

22 recognizability of them versus the room

1 they take up. So there are two tradeoffs

2 there, and their effectiveness on low

3 literacy or their usefulness for low

4 literacy voters.

5   MS. HARE: I'm sorry. Mary was

6 saying in our discussions with literacy

7 experts, it was their recommendation not

8 to include them.

9   COMMISSIONER HILLMAN: It was

10 their recommendation, what?

11   MS. HARE: Not to include extra

12 art because it was has tendency to

13 confuse, trying to read at a third grade

14 level.

15   COMMISSIONER HILLMAN: John,

16 have there ever been discussions in

17 Oregon, since you all use all paper, about

18 including pictures; do you get requests

19 from groups or within your legislature or

20 anything?

21   MR. LINDBACK: No, not on the

22 ballot itself. I mentioned our state

1 voters pamphlet earlier. The candidates

2 have the option of getting their picture

3 printed in the state voters pamphlet which

4 is delivered to every household in Oregon.

5 And I think that may be part of the reason

6 why it's never come up, but their

7 picture's already out there in information

8 given to the voters.

9   COMMISSIONER HILLMAN: Do you

10 have a quality issue on the images?

11   MR. LINDBACK: Yes. It's

12 printed on news print. That is one of the

13 design issues that I want to take on, and

14 from time to time, we'll have a smudge on

15 somebody's else. I have to tell you, when

16 you start putting pictures in an elections

17 publication, that's another potential

18 litigation issue. We have had some cases

19 of litigation over it.

20   COMMISSIONER HILLMAN: Thank

21 you, very much.

22   CHAIR DAVIDSON: And talking

<div align="center">88</div>

1 about the time frame, when you change time

2 frames, it would be wonderful if states --

3 I would know would like to change their

4 time frames, but the ultimate time that

5 you have to change to get any of the time

6 changed for more time to produce the

7 ballot and do the work that the election

8 official needs to do is to either have

9 conventions earlier or their potential

10 process earlier, foreign candidates, and

11 the candidates themselves, and it's hard

12 to change take date to change all the

13 rest.

14   You are right, if you go in with

15 enough information to the legislators,

16 sometimes you are successful at changing

17 time frames. A lot of our elections, and

18 especially if they have run off elections,

19 are just almost impossible for election

20 officials. We do understand that. So

21 that's one of the things you are having to

22 work against that's really very difficult
                                89

1 and manufacturers also.

2   Next, would you like to ask some

3 questions, Commissioner Rodriguez?

4   COMMISSIONER RODRIGUEZ: Yes.

5 Thank you, Madam Chair. I have two quick

6 sort of areas that I would like to raise.

7 One, Ms. Hare, when we met the first time

8 to look at the very preliminary work, I

9 think you talked about the freedom to

10 argue for the voter. And to me, it was a

11 very aspirational discussion. And I

12 wondered if you would just frame a little

13 bit the work that you do to make -- with

14 the sole focus of making the process

15 better for the voter?

16   MS. HARE: Well, I think we know

17 that the poll numbers aren't necessarily

18 as high as everybody would like them to

19 be. And I think that, you know, the baby

20 boomers are the largest voting population

21 now, and I don't know who's coming up

22 behind them to take their place. So I

<div align="center">90</div>

1 think that voters need to feel like the

2 process is important to them and there is

3 a formality and a thoroughness. And I

4 think that just translates into the

5 communication that comes to them from the

6 start of the whole process during election

7 season.

8   The first time they hear about

9 an election coming up, registering,

10 receiving materials that would prepare

11 them to come in and register successfully.

12 I hope I am speaking on a topic you

13 intended, but I do think voters should

14 feel that it's really being done for them.

15 They are really a part of the process.

16 They are driving, they are coming in and

17 they have a lot of confidence and a lot of

18 understanding about what they are doing

19 when they go into a poll space. And all

20 the materials they get in advance to

21 prepare them actually do succeed in

22 preparing them to execute sort of a

<div align="center">91</div>

1 transactional level. And I just think

2 it's going to be the way to keep it all

3 going.

4   COMMISSIONER RODRIGUEZ: Thank

5 you. The second point that I wanted to

6 discuss just for a moment again is the

7 budget questions. And the gentleman

8 referenced cost implications of some of

9 the items, which to me, the shading which

10 you said is more expensive, and you're

11 right. To me, it really helps the ballot

12 or the voter. And maybe Mr. Lindback

13 could tell us how do we get the

14 budget-making people to understand how

15 valuable this investment will be?

16   MR. LINDBACK: Well, from my own

17 experience, I did as much as I could

18 administratively, frankly, without having

19 to go to my legislature. And the

20 availability of HAVA funding helped me do

21 that, but my experience with working with

22 the legislature on the voter pamphlet is

1 they see the problem. They can look at

2 the documents and see these are not good.

3 And if we just get out there and talk

4 honestly in budget hearings and say, you

5 know, thank you for all the praise for me

6 turning out the cheapest voters pamphlet

7 possible, because I actually have a chart

8 on how much it costs per page, and I get

9 rewarded with praise if the cost per

10 paying for the voter pamphlet is the same

11 or cheaper from year to year. Well, is

12 that ludicrous or what? So I have to sort

13 of say, this is not the way this should be

14 evaluated. We need to change our thinking

15 and change our culture.

16   I'd like to add one other idea

17 because something that's not mentioned in

18 this, that the problems the designers are

19 doing over and over again is our ballots

20 are too long. We're putting too much on

21 ballots. I think it would be good if the

22 elections community in this country

 1 started turning to their legislators and

 2 County Commissioners and saying these

 3 ballots are way too long. What can we do

 4 about this? Can we spread out more of

 5 these issues so our ballots on smaller

 6 elections have more substantive things on

 7 them, and so we don't run into that

 8 problem.

 9   COMMISSIONER RODRIGUEZ: Thank

10 you, Madam Chair.

11   CHAIR DAVIDSON: Commissioner

12 Hunter.

13   VICE-CHAIR HUNTER: Thank you,

14 Madam Chair.

15   Mr. Carbullido, my question to

16 you is, to the extent that state or local

17 jurisdictions hadn't had the benefit of

18 working with Design For Democracy or to

19 the extent they haven't done an aggressive

20 program like Mr. Lindback has, will ES&S

21 encourage those jurisdiction to adopt some

22 of the recommendations by the Design For

1 Democracy? And I realize you don't have

2 to do that if it's not in the VVSG. But

3 is that something that you plan to bring

4 up to the local election officials?

5   MR. CARBULLIDO: Absolutely.

6 It's a point of discussions, specially on

7 the state level. Ahead of the layout time

8 frame that I talked about to include in

9 their ballots informational signage. It

10 is something we do on a regular basis. In

11 future product releases, we're always

12 thinking about better ways to improve our

13 design capabilities, especially as they

14 relate to the ballot itself.

15 It's definitely a point of discussion for

16 all your customers. We do promote that.

17   To be honest with you, an extra

18 page on a ballot means more money to my

19 company, but it means more cost to that

20 customer as well. And we always are

21 looking at those costs to the customer.

22 In my position as account manager, I hear

1 about the costs all the time. I am always

2 looking out for ways to reduce those

3 costs. I would recommend including design

4 elements, with the caveat that it may

5 reduce your cost.

6   COMMISSIONER HUNTER: Could you

7 explain why you don't think it would be

8 the best use to include these design

9 elements in the VVSG?

10   MR. CARBULLIDO: No, I didn't

11 say that. I don't think they should be

12 included. I'm not sure that is the most

13 effective way, personally.

14   I think they do need to be

15 passed down to all jurisdictions in some

16 way, shape, or form, absolutely. And I

17 just personally don't know if that's the

18 best way to do it.

19   COMMISSIONER HUNTER: Thank you.

20   CHAIR DAVIDSON: One question I

21 have about the VVSG to anybody that would

22 like to answer, is I see that we have to
                      96

1 be very careful that we don't get into

2 state laws in what we do in the VVSG. So

3 in going through what we think the best

4 layout is, do you have discussions how

5 that would be handled and not interfere

6 with state law? That's always a concern

7 with me, because I know one size doesn't

8 fit all. If we could take this document

9 and hand it to them, I am afraid we would

10 also be in some problems in that arena.

11   MR. LINDBACK: I'll take that

12 on. Yes, I do think that's an issue, but

13 I think that's a design issue for the

14 vendors when they are designing their

15 tally systems, and their DREs, that they

16 have options built in, in terms of how

17 ballot are printed, so that they can

18 accommodate what the laws are. And,

19 hopefully, with their study and design

20 principles at work, and best practices,

21 and hopefully, I believe, the VVSG over

22 time, it could take ten years, 15 years

1 even, we had out some of those practices

2 that aren't so great and we'll have made a

3 gradual but considerable improvement in

4 ballots.

5   CHAIR DAVIDSON: It will take

6 time, is what you're saying.

7   Mr. Wilkey, questions?

8   MR. WILKEY: A comment and then

9 I may have a question. I don't think

10 there is any question -- Karen is giving

11 me the evil eye back there. It's been a

12 little rainy around our agency for the

13 past several weeks, so I consider you our

14 rain. There is no question this

15 particular project has been a favorite of

16 mine. It has been something I have been

17 talking about for a long, long time,

18 particularly in the area of and the

19 problems involved in communicating with

20 voters. And I need to congratulate Design

21 For Democracy for a tremendous job done.

22 This document is going to be the hallmark

98

1 of what I believe we should be doing for

2 voters, for the election community, for

3 everyone out there who is involved in

4 elections.

5   This is an enormous contribution

6 to making things a lot better. I have

7 been on this soap box for a long time.

8 I'm glad that my former colleague,

9 Mr. Lindback, has taken up that cause and

10 I am counting on him to continue. I

11 particularly share his remarks about

12 starting with our state legislators. I

13 have been through that group. He has been

14 through that group. We know how very

15 difficult it is to get legislators to

16 concentrate on simplicity. They don't

17 believe in simplicity, and that's

18 basically what we're talking about.

19   Cost, I have seen a lot of bad

20 ballots over the years, and it's like

21 penny wise and pound foolish because they

22 are trying to compress everything into the
                                 99

 1 shortest number, and that's great. I know

 2 they have to save money, but in the long

 3 run, they are doing a real disservice to

 4 the voters because the more you try to fit

 5 on that ballot, the less you're going to

 6 get.

 7   I still remain convinced that we

 8 have a significant amount of our voters

 9 out there on who simply don't go to the

10 polls because they can't read the ballot.

11 They are not going -- they don't

12 understand the instructions, so this is

13 going to go a long way.

14   John, I particularly like your

15 recommendations to us about trying to

16 forward this to the VVSG. In the VVSG, I

17 can assure you that this material will end

18 up in the ballot design portion of our

19 ballot guidelines.

20   But a question to you is, how

21 are you going to take up the mantle to

22 convince my former colleagues, your

1 colleagues now, that this is so vitally

2 important? Change is difficult, as we

3 know. I'd just like your comments.

4   MR. LINDBACK: Just keep

5 talking. You know, we have had a couple

6 of sessions on this at NASAD, where we

7 have shown examples of some of the work

8 that's been done in Oregon and other

9 states, the design work, and I have had a

10 number of colleagues come up to me

11 afterwards and say, woe, I'd really like

12 to do that, with this sort of sad look on

13 their face. And I'll say, well, it's kind

14 of like a 12-step program. The first

15 thing you have to do is admit that you

16 have a problem and take a look at your

17 stuff and say good, though sufficient.

18 And the voters are going to have trouble

19 with this, and be very blunt with yourself

20 about that.

21   And what are we going to do

22 about it. And the wonderful thing about

 1 this study and the leadership that the EAC

 2 is doing, that you are now handing them

 3 tools they have never had before.

 4 Counties and states have not had design

 5 resources available to them. And they do

 6 now, as a result of the work of this very

 7 good organization. I think that if we

 8 continue, for example, the fellowships

 9 we're doing with AIGA, if we make it

10 easier and convenient for people to get a

11 designer on staff, with the help of HAVA

12 funds or whatever, young, fresh energy out

13 of design schools all across America,

14 people that would like to work on this,

15 I'm bringing in, hopefully, a new one

16 every year. And I think if we just set an

17 example, keep talking, if you guys keep

18 doing the work you're doing, it's going to

19 take time and it's going to take some

20 money, but we'll get there.

21   MR. WILKEY: Elizabeth and

22 Michael, following what John was just

1 saying, if a jurisdiction, state

2 jurisdiction, decided they wanted to get

3 into a fellowship program, generally, what

4 would the cost of that be?

5   MS. HARE: The salary for the

6 designer, well, if they are a design

7 student, they may be lower than if we

8 hired Mike. Honestly, I am not sure if

9 you want to reveal what you are working

10 on.

11   UNIDENTIFIED SPEAKER: I think

12 the range would be probably in the high

13 20s to the high 30s, depending on

14 location.

15   CHAIR DAVIDSON: Can somebody

16 repeat that?

17   MR. WILKEY: As we say in New

18 York, such a deal.

19   MS. HARE: Twenty to $30,000 for

20 a salary, high 20s, high 30s, to keep that

21 designer.

22   MR. WILKEY: And, of course, are
                          103

1 you seeing from your work with John and

2 others at least a level of reaching out to

3 you for help in this area?

4   MS. HARE: Well, I think since

5 our work hadn't gone public yet, we

6 haven't received anything very

7 specifically about our piece here, but I

8 do know that we get phone calls all the

9 time about our voter information materials

10 and other previous work we've done to sort

11 of get out to vote election awareness. So

12 people are interested and they certainly

13 call AIGA and are interested in trying to

14 borrow materials, wholesale, or get

15 someone they can talk to, start working

16 them on their pieces.

17   MR. WILKEY: Great. I

18 congratulate you for this work. I have

19 been waiting for this for so long and you

20 have done a remarkable job.

21   VICE-CHAIR RODRIGUEZ: May I,

22 Mr. Wilkey, your questioning just made me

1 think of a suitable audience for a

2 presentation from the EAC on this project,

3 and that is policy makers. We ought to go

4 to the national conference of state

5 legislators. We ought to go to NACO and

6 the IACREOT conference, and present this

7 very project to the people who vote on

8 budgets. Because I believe that most

9 elected officials, election officials know

10 we need these kinds of materials. The

11 policy makers don't know what they need

12 but they know they have to cope with

13 problems after the facts. And so if we

14 can take this document to the policy

15 makers, I think they might be excited

16 about it.

17   CHAIR DAVIDSON: It is on the

18 agenda for IACREOT, so we're making a

19 stride there, but you're absolutely right,

20 we need to be in other places. Before I

21 bring up one thing, I have no questions.

22   MR. WILKEY: Madam Chair, before

<div align="center">105</div>

1 we adjourn, I do have a correction to my

2 report that I'd like to make. But to move

3 forward on this, I do want to make sure

4 that you understand that once we move

5 forward with this, your name is not on the

6 document itself. When you said that it

7 becomes public, I thought I need to make

8 sure you understand that the EAC logo goes

9 on that. This was presented and obviously

10 vetted by our Standards Board and the

11 public and so on, but your name's not on

12 the document. I just didn't want you to

13 think it was, and we disappoint you.

14   MS. HARE: No, not at all. We

15 understand.

16   COMMISSIONER HILLMAN: Just a

17 little clarification there. When we did

18 put this up for the EAC Standards Board to

19 comment through its virtual meeting room,

20 the public did have access to view it, and

21 we did specifically say that the materials

22 had been developed for EAC by Design For

1 Democracy. So the public knows that, at

2 least the part of the public, that we

3 wanted to pay attention to that.

4   CHAIR DAVIDSON: And in moving

5 forward on this project, do I have a

6 motion to move forward one way or another?

7   COMMISSIONER HUNTER: Madam

8 Chair, I move to adopt the report on

9 effective designs for the administration

10 of federal elections that has been

11 presented here today with editing to

12 conform this document to the Government

13 printing office style.

14   I further move that once this

15 editing has been complete, that the

16 Commission make the report on Effective

17 Designs for the Administration of Federal

18 Elections available via it's web site in

19 electronic form, on compact disks, and in

20 printed format.

21   VICE-CHAIR RODRIGUEZ: Second.

22   CHAIR DAVIDSON: The motion has
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1 been made and seconded. Is there any

2 discussion? To take a vote, I'd like to

3 ask for a vote.

4   All those in favor of adopting

5 the report on Effective Design for

6 Administration of a Federal Election that

7 has been presented here today with editing

8 to be performed to conform this document

9 on the Government print office style and

10 make the report available on the EAC web

11 site via also CDs and in printed format,

12 please signify by saying I. Opposed?

13   The measure has passed

14 unanimously, so we will move forward.

15 Congratulations, and thank you very much

16 for being here today and presenting, all

17 of you, each and every one of you. And

18 Mr. Wilkey, you wanted to make one

19 correction?

20 　　　　MR. WILKEY: Yes. I had one

21 correction that I left out because it was

22 added to my report, late breaking news,
　　　　　　　　　　　　　108

1 but it's important news.

2 　　　　It was here in my hen scratch,

3 but I didn't see it, is that we're all

4 pleased to hear that President Bush has

5 re-nominated Commissioner Hillman for

6 another term to the EAC, and that name has

7 been sent to the U.S. Senate. So we're

8 grateful about that, but I wanted to make

9 that known.

10 　　　　CHAIR DAVIDSON: You took away

11 my thunder. That was my close.

12 　　　　MR. WILKEY: Well, you can say

13 the same thing.

14 　　　　CHAIR DAVIDSON: We're very

15 pleased, and it's for a four-year term.

16 We say the same, Tom, so congratulations.

17 　　　　COMMISSIONER HILLMAN: Thank

18 you.

19 　　　　CHAIR DAVIDSON: Anybody else

20 like to make any comments?

21 　　　　COMMISSIONER HILLMAN: Madam

22 Chair, I do have one. Today is Flag Day,

 1 and it's appropriate for a federal

 2 government agency to acknowledge the day

 3 that we celebrate our flag and our

 4 democracy, and proudly display that. I

 5 just, unfortunately, don't know the

 6 history or the origin, but I do know that

 7 today is Flag Day, and I think we should

 8 at least be on record as acknowledging

 9 that. Maybe our Demand For Democracy

10 people know the origin or the history.

11   CHAIR DAVIDSON: Not well enough

12 to put it on the record anyway.

13   VICE-CHAIR RODRIGUEZ: Thank

14 you, Madam Chair. I want to comment on

15 the EAC's decision to vote on the

16 submission to make available all of the

17 documents that we provided to the United

18 States Congress, including the ones that

19 are considered privileged or classified,

20 privileged documents. I view this type of

21 access, provision of access, as not

22 optional, and I am very pleased to say

 1 that the Commission took this step. I am

2 delighted. Thank you.

3   CHAIR DAVIDSON: Any other

4 remarks? Do you have a motion to adjourn?

5   COMMISSIONER HUNTER: So moved.

6   VICE-CHAIR RODRIGUEZ: Second.

7   CHAIR DAVIDSON: All those in

8 favor of adjournment. Thank you, very

9 much.

10   (Whereupon, the above meeting

11   was adjourned at approximately

12   12:10 o'clock, p.m.)

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2   CERTIFICATE OF COURT REPORTER

3

4   I, Jackie Smith, court reporter in and for

5 the District of Columbia, before whom the foregoing

6 meeting was taken, do hereby certify that the

7 meeting was taken by me at the time and place

8 mentioned in the caption hereof and thereafter

9 transcribed by me; that said transcript is a true

10 record of the meeting.

11

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14   _____

15   Jackie Smith

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