

Minutes of the Meeting of the United States Election Assistance Commission
STANDARDS BOARD
February 20 – 23, 2007
The Ritz-Carlton Hotel
181 Peachtree Street, NE
Atlanta, GA

Herewith are the Minutes of the Meeting of the United States Election Assistance Commission (EAC) Standards Board, held February 20 – 23, 2007. The meeting convened on Tuesday, February 20, at 3:30 p.m. in Atlanta, GA at the Ritz-Carlton Hotel, 181 Peachtree Street, NE and adjourned at 11:00 a.m. on February 23, 2007.

Tuesday, February 20, 2007

New Member Orientation

The Orientation began at 3:47 p.m. Commissioner Gracia Hillman, EAC Designated Federal Officer (DFO) for the Standards Board, delivered welcoming remarks. She introduced the Executive Board members of the Standards Board who were present. Seventeen new Standards Board members attended the session and received an overview of the work of the Standards Board and how the Executive Board interfaces with the full Standards Board. Additionally, the work of the Nominating Committee and Bylaws Committee was explained.

Bylaws Committee and Nominating Committee

The Bylaws Committee and Nominating Committee met separately at 4:00 p.m. to discuss the committees' presentations that would be made on February 21.

Executive Board Meeting

The Executive Board met at 5:00 p.m. to discuss the meeting agenda and logistics.

Dinner Meeting

The dinner portion of the meeting began at 6:30 p.m. with Commissioner Hillman, EAC Chair Donetta Davidson, EAC Commissioner Paul DeGregorio and Executive Board Chair Peggy Nighswonger, offering welcoming remarks to the full Standards Board. Commissioner Hillman introduced the Executive Board members and took the opportunity to thank the outgoing members, John Lindback and William Campbell, for their work during their terms. She notified the full Standards Board of the EAC Public Meeting that would be held at 8:00 a.m. on Wednesday, February 21 and reminded members that proxy votes were also due to Peggy Nighswonger on that date by 8:30 a.m.

Peggy Nighswonger gave the Executive Board Report outlining the work of the Board since the May 23-24, 2006 meeting. During that time, the Executive Board examined its function, discussed revisions to the Standards Board Charter to bring it into compliance with federal regulations, and established committees. The board also explored how the Standards Board could increase transparency by conducting Board business by means of a virtual meeting room on EAC's website.

Wednesday, February 21, 2006

Call to Order:

Executive Board Chair Peggy Nighswonger called the meeting to order at 8:30 a.m.

Roll Call:

Executive Board Secretary Bill Campbell called the roll and found present: Beth Chapman and George Ingram of Alabama; Whitney Brewster and Shelly Growden of Alaska; Soliai Fuimanono and John Faumuina of American Samoa; Reynaldo Valenzuela of Arizona; Janet Harris and Mary Lou Slinkard of Arkansas; Lowell Finley and Stephen Weir of California; Dan Kopelman and Russ Ragsdale of Colorado; Michael Kozik of Connecticut; Howard Sholl of Delaware; Alice Miller of District of Columbia; Bill Cowles of Florida; Karen Handel and Lynn Bailey of Georgia; Gerald Taitano of Guam; Scott Nago and Glen Takahashi of Hawaii; Tim Hurst and Dan English of Idaho; Todd Rokita and Shannon Weisheit of Indiana; Sandy Steinbach and Renee McClellan of Iowa; Sarah Ball Johnson and Don Blevins of Kentucky; Jay Dardenne and Louie Bernard of Louisiana; Julie Flynn of Maine; Nikki Baines Trella and Kim Atkins of Maryland; William Campbell of Massachusetts; Susan McRill and Tonni Bartholomew of Michigan; Gary Poser and Sharon Anderson of Minnesota; Marilyn Avery of Mississippi; Leslye Winslow and Richard Struckoff of Missouri; Elaine Graveley and Vickie Zeier of Montana; John Gale and David Dowling of Nebraska; Larry Lomax of Nevada; Anthony Stevens and Carol Johnson of New Hampshire; Joanne Armbruster of New Jersey; John Haggerty and Ed Szczesniak of New York; Johnnie McLean and Deborah Bedford of North Carolina; Jim Silrum and Michael Montplaisir of North Dakota; Steve Harsman of Ohio; John Lindback and Annette Newingham of Oregon; Pedro Cortés and Regis Young of Pennsylvania; Nestor Colón Berlingeri and Juan Toledo-Diaz of Puerto Rico; Marci Andino and Marilyn Bowers of South Carolina; Kea Warne and Sue Roust of South Dakota; Brook Thompson and Joe Enoch of Tennessee; Dana DeBeauvoir of Texas; Michael Cragun and Robert Pero of Utah; Kathleen DeWolfe and Annette Cappy of Vermont; Corinne Halyard Plaskett and Natalie Thomas of the U.S. Virgin Islands; Nick Handy and Pat McCarthy of Washington; Kevin Kennedy and Sandra Wesolowski of Wisconsin; Peggy Nighswonger and Julie Freese of Wyoming. Eighty-one (81) members were present. Terry Dick served as a proxy for Jennifer Brunner of Ohio.

Chair Nighswonger declared a quorum present.

Appointment of Parliamentarian

Chair Nighswonger appointed Tonni Bartholomew (MI) to serve as parliamentarian.

Appointment of Proxy Committee

Chair Nighswonger appointed Larry Lomax (NV), Whitney Brewster (AK), Beth Chapman (AL) and Gary Poser (MN) to the committee. Mr. Lomax was appointed chair of the committee.

Appointment of Resolutions Committee

Chair Nighswonger appointed Bill Campbell (MA) as chair, Regis Young (PA), Natalie Thomas (VI) and Julie Freese (WY) to the committee.

Review of Meeting Materials

Chair Nighswonger discussed the meeting materials found in the meeting binders.

Adoption of Agenda

Chair Nighswonger called for a motion to adopt the agenda as published. Howard Sholl (DE) made the motion and Joanne Armbruster (NJ) seconded to adopt the agenda. The motion passed unanimously.

Adoption of the Minutes of the May 22 – 23, 2006 Meeting

Secretary Sarah Ball Johnson (KY) called for the adoption of the May 2006 minutes. Mr. Nestor Colón Berlinger (PR) moved that the minutes be amended to note that he was present during roll call at the May 22-23, 2006 meeting. Steve Harsman (OH) made a motion, which was seconded, to approve the minutes as corrected. The corrected minutes were approved unanimously.

Bylaws Committee Report

Committee Chair Tonni Bartholomew introduced the committee: Joanne Armbruster (NJ), Marilyn Avery (MS), Tim Hurst (ID), Kevin Kennedy (WI), Howard Sholl (DE) and acknowledged former Secretary Mary Kiffmeyer for her service on the committee in 2006. Ms. Bartholomew described the process by which the bylaws that were adopted by the Standards Board at its May 2006 meeting were compared to HAVA and other federal agency boards and advisory committee bylaws and then redrafted by the EAC Office of General Counsel. The committee reviewed the redrafted document against the adopted bylaws and made additional changes. The final redraft was submitted to the Executive Board for placement on the next Standards Board agenda.

Subsequently, the committee discovered a few more changes and proposed five additional amendments to the full Standards Board for approval. She explained that if approved, those changes would be incorporated into the redrafted bylaws and then the amended redraft would be brought before the full Standards Board for a vote.

Nominating Committee Report

Committee Chair Louie Bernard introduced the committee: Lynn Bailey (GA), Elaine Graveley (MT), and Jim Silrum (ND). Mr. Bernard also acknowledged Secretary Nancy Worley's service on the committee in 2006. He gave an overview of the steps the committee took in developing the process to elect three (3) new Executive Board members. Based on HAVA requirements and procedures outlined in the Standards Board bylaws, the committee designed the nomination packet that was mailed to Standards Board members prior to the February 2007 meeting and coordinated with the Center for Election Systems at Kennesaw State University at Georgia to run the election as a service to the Standards Board.

Proxy Committee Report

Larry Lomax (NV) reported that there was one written request received prior to the meeting from the Secretary Jennifer Brunner (OH) asking that Mr. Terry Dick be the official state representative at the Standards Board. Although the word "proxy" was not included in the

request, the committee interpreted that Secretary Brunner's intent was to allow Mr. Dick to cast a proxy vote in her absence.

Presentation of the Bylaws

Bylaws Committee Chair Tonni Bartholomew (MI) asked for a motion to adopt the redrafted bylaws to replace the current bylaws presented in the meeting binders. Executive Board Chair Peggy Nighswonger (WY) declared a motion on the floor. Secretary John Gale (NE) seconded the motion.

Amendments

The following five (5) amendments were presented.

Bill Campbell (MA) moved to amend Article II.3 to ensure that recommendations to EAC come from to the Standards Board. Stephen Weir (CA) seconded the motion to amend Article II. Chair Nighswonger (WY) called for a vote and the amendment was unanimously passed.

Mr. Campbell moved to amend Article V.1.c.ii to add clarity in describing the type of state election position a candidate holds. After discussion, the membership voted to reword the proposed amendment to cover whatever position a state candidate may hold. The amendment was voted on and unanimously passed. A vote was then taken on the amended amendment and it passed unanimously.

Bill Campbell offered a motion to also amend Article V.1.e.i by inserting "and obtaining approval from" before the words "the DFO". Stephen Weir seconded the motion. Discussion regarding the legislative intent of this section of Article V followed. EAC General Counsel Juliet Hodgkins assured the membership that regulations regarding the meetings come from General Services Administration under the Federal Advisory Committee Act. The amendment was passed unanimously.

Jim Silrum (ND) offered a motion to amend Article V.1.c.ii that would eliminate a lengthy and cumbersome ballot design by offering concise biographical information for each candidate to each Standards Board member in advance of the election. Elaine Graveley (MT) seconded the motion and it passed unanimously.

Jim Silrum (ND) offered a motion to amend Article V.1.b.(ii)(d) to make it easier to get ballot information out to Standards Board members 15 days prior to the meeting date. Gary Poser (MN) seconded the motion and it passed. Carol Johnson (NH) opposed because she believed the item should be not be in the bylaws.

Amendments From the Floor

Chair Nighswonger opened the floor for amendments. Secretary John Gale (NE) announced he had two proposed bylaws amendments – one for the Executive Board and the other for the Standards Board. Both dealt with the issue of majority and a quorum in a telephone conference call setting or a virtual meeting room for the Executive Board. Each proposed amendment was cleared by EAC General Counsel Julie Hodgkins.

Secretary Gale moved to amend Article V.1.3.ii and Article VIII.3a to describe how to establish a quorum when a meeting is conducted via telephone conference call or virtual (electronic media) setting. Howard Sholl (DE) seconded and opened for discussion. After discussing both proposed amendments, it was moved to postpone them and refer them to the Bylaws Committee. Tim Hurst (ID) seconded the motion and there was no further discussion.

Carol Johnson (NH) asked for clarification of Article VII.1 regarding the number of times the Standards Board should meet, and moved to refer Article VII.1 to the Bylaws Committee. Anthony Stevens (NH) seconded the motion and it passed unanimously.

Julie Flynn (ME), pointed out typos within the document and she made a motion to allow the Bylaws Committee to make the corrections. The motion was seconded by Louie Bernard (LA) and unanimously passed.

Presentation of Nominations for Executive Board

Nominating Committee Chair Louis Bernard (LA) opened the floor for additional nominations. Sandy Wesolowski (WI) nominated Russ Ragsdale (CO). Hearing no other nominations, Mr. Bernard called for a motion to close nominations. The motion was made by Steve Weir (CA), seconded by Sarah Ball Johnson (KY) and unanimously passed.

Mr. Bernard introduced each nominee and their biographical information was projected onto the screen. He announced that candidate Donald Merriman was not in attendance. Mr. Bernard asked the nominees to make a brief presentation regarding their qualifications and interests. Donald Blevins (KY) announced his withdrawal citing that Sarah Ball Johnson of Kentucky currently serves on the Executive Board and he felt it would be an unfair geographical advantage to have two people from the state serving on the Executive Board.

Lynn Bailey (GA) went over the voting instructions and talked about the Diebold AccuVote touch screen voting system each Standards Board member would use to cast their vote. Each eligible voter would check in with one of the poll workers to determine if their name was in the electronic poll book, sign their names and then receive a smart card that would access their ballot programmed into the voting machine. Ms. Bailey instructed members on how to vote for the member nominated from the floor. She also cautioned that since the Mr. Blevins had just withdrawn from the election, his name would still appear on the ballot; however, any votes cast for him will be null and void.

Chair Nighswonger appointed Secretary Todd Rokita (IN), Gerald Taitano (GU), Sarah Ball Johnson (KY) and Jay Dardenne (LA) as the Elections Certification Committee. The committee will address any election issues that may arise during the voting session. Secretary Rokita was appointed to chair the committee.

Luncheon Presentation

The luncheon meeting began at 12:30 p.m. Commissioner Hillman introduced the keynote speaker, Dr. Charles S. Bullock III from the University of Georgia.

Dr. Bullock spoke from the election official's perspective of frustration when the press cover issues related to election administration, especially as it regards the issues of openness, transparency, electronic voting systems and the security of these systems, and the accuracy of ballots cast and votes counted. If Standards Board members find themselves in such a situation, he advised them to get the facts as quickly as possible and to call a press conference or find some other way to immediately provide information to the press..

Bylaws Committee

Chair Tonni Bartholomew called for a motion to refer Article VII to EAC General Counsel Julie Hodgkins before the committee revisits the amendment. Kevin Kennedy moved the motion, Joanne Armbruster (NJ) seconded it and it passed unanimously.

The Bylaws Committee recommended striking the entire amendment to Article V.1.e.ii and making an amendment to Article V.1.e.iii by putting the words "roll call" in front of vote. Chair Nighswonger called for a motion for the substitute amendment. Howard Sholl (DE) so moved and Secretary John Gale seconded. The motion passed unanimously.

Chair Nighswonger asked for a vote on the amended second amendment and it also passed unanimously.

Tonni Bartholomew called for a motion to add to Article VIII.1.a. "*as determined by a roll call or quorum call of the Standards Board members*". Tim Hurst (ID) moved the motion and it was seconded by Secretary John Gale. The motion carried.

Voluntary Voting System Guidelines (VVSG) Update and Report

EAC Chair Donetta Davidson gave an overview of the process and timeline for the next iteration of the VVSG. She explained the role and responsibilities of the Technical Guidelines Development Committee (TGDC) under HAVA, as well as those of the National Institute of Standards and Technology (NIST), Standards Board, Board of Advisors, EAC Commissioners and EAC staff. Chair Davidson informed the audience that the next iteration is expected to be delivered to EAC in July 2007.

She then went on to discuss how new federal legislation, new state laws and budgets, and manufacturers being prepared for the changes brought by the next iteration of the VVSG could affect timelines. Chair Davidson also commented that the work to consider the recommended next iteration of the VVSG would take into account individual state and local needs, laws and requirements.

She concluded her remarks by thanking the members for their input on the 2005 VVSG and their hard work on behalf of America's voters.

Questions and Answer Session:

Mark Skall of NIST reported that the next iteration of the VVSG is a complete re-write of the 2005 document. He clarified that NIST does not make recommendations to EAC. The TGDC is responsible for recommendations to EAC and NIST performs research and the technical writing of the VVSG. Mr. Skall described the December 4-5, 2006 TGDC meeting as

the most important to date and announced the major items the TGDC approved for the next iteration of the VVSG. He went on to discuss in detail the process to update the usability and accessibility requirements and the security process that will include an Innovative Class and require new voting systems to be software-dependent.

Mr. Skall also explained NIST's role in advising the EAC on the accreditation of voting system testing laboratories. He went on to describe NIST's plans for the next few months – the new VVSG, NVLAP and test suite development.

He concluded by stating that NIST will assist EAC in vetting the 2007 VVSG with other organizations, perform research in response to public comments, and continue the development of test suites for the new VVSG.

Thursday, February 22, 2007, 9:00 a.m. – 12:00 p.m.

Presentation by the Center for Election Systems (CES) at Kennesaw State University (KSU)

Merle King, CES Executive Director, offered welcoming remarks and introduced KSU President Dr. Dan Papp and the CES staff. Mr. King gave an overview of CES including its mission, history and functions and discussed to what extent DRE and optical scan systems accomplish the goals of meeting voters' expectations. He stated that Georgia uses both systems to provide options for voters.

Ray Cobb, Director of CES, stated that voters have the right to expect voting systems to be accurate and reliable. To that end, he presented an overview of the overlapping and interlocking test protocols implemented to ensure the correctness of voting systems at federal- and state-level certification, that there is acceptance testing, logic and accuracy testing, and parallel monitoring.

Michael Barnes, Assistant Director of CES, described the metrics and procedures utilized by Georgia to ensure quality in ballot construction. He went on to explain why Georgia's Electronic Poll Book is the foundation for managing voter lists at the state, county and precinct levels. Mr. Barnes designed the ballot and programmed the electronic poll book for the Executive Board elections and explained the process to the audience. He concluded by demonstrating the touch-screen voting system Standards Board members would be able to use during the elections.

Brit Williams, KSU Professor, took the audience through an exercise to demonstrate how to verify that the installed version of the election management system (EMS) is identical to the version that was certified by EAC. This is done by comparing hashes. He concluded his remarks by directing interested parties to a free program called HashCalc, www.slavasoft.com/hashcalc, which will verify the digital signature or "hash" of the certified voting system.

Thursday, February 22, 2007, 2:30 p.m. – Ritz Carlton Hotel

EAC's Testing and Certification Program

Brian Hancock, EAC Director of Testing and Certification, gave an overview of the agency's certification program. He pointed out that the new program did not repeal NASED-issued qualifications; however, NASED approved systems retain their qualifications under state law but are not EAC certified. Mr. Hancock went on to explain the process for granting and denying certification. He also explained the decertification process.

He announced that the full spectrum of the program will be published on EAC's website. In conclusion, Mr. Hancock asked the audience to give the program a fair chance to mature before rushing to judgment.

Executive Board Elections

Senior staff from the Center for Elections at Kennesaw State University provided touch-screen voting machines for Standards Board members to cast votes to fill three (3) vacancies on the Executive Board. Members checked in with poll workers to confirm that their names were in the electronic poll book and received a voter access card upon confirmation. 78 votes were cast. One Standards Board member left the meeting before the elections and another did not participate in the process.

Dinner Meeting

The dinner meeting opened with Commissioner Hillman thanking the Center for Elections senior staff for their presentation at Kennesaw State University and for their assistance with the Executive Board elections. Todd Rokita announced the newly elected Executive Board members – Sandy Steinbach (IA), Dan English (ID) and Russ Ragsdale (CO).

Following the election results, Lowell Finley (CA), Alice Miller (DC), Nikki Baines Trella (MD) and Larry Lomax (NV) participated in a panel discussion on voter-verified paper trails. John Lindback, serving as moderator, led the panel in a lively discussion about the pros and cons of paper trails and fielded questions from the audience.

Friday, February 23, 2007

Discussion and Consideration of Standards Board Business

Chair Peggy Nighswonger reminded Board members that there was a motion on the floor to revise the bylaws as amended. The motion was voted and approved.

Bill Campbell presented seven proposed resolutions that Standards Board members submitted for consideration.

Resolution 2007-01 (attached): Secretary Pedro Cortés moved adoption, which was seconded by Secretary Beth Chapman; voted and approved.

Resolution 2007-02 (attached): Secretary John Gale moved adoption, which was seconded by Steve Weir; voted and approved.

Resolution 2007-03 (attached): Howard Sholl moved adoption, which was seconded by David Dowling; voted and approved.

Resolution 2007-04 (attached): Julie Flynn moved adoption, which was seconded by Michael Cragun; voted and approved.

Resolution 2007-05 (attached): Kevin Kennedy moved adoption, which was seconded by Sandy Steinbach; voted and approved.

Proposed Amendment #1: Nestor Colon-Berlingeri moved adoption, which was seconded by Carol Johnson. The motion to adopt failed.

Proposed Amendment #2: Secretary John Gale moved adoption, which was seconded by Howard Sholl. The motion was tabled.

Adjournment

Chair Peggy Nighswonger adjourned the meeting at 10:14 a.m.