**United States Election Assistance Commission**

**Public Meeting**

Held at

The Grand Hyatt Hotel

Farragut Square/Lafayette Park Rooms

1000 H Street, NW

Washington, DC

on

Tuesday, July 28, 2015

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) public meeting that was held on Tuesday, July 28, 2015. The meeting convened at 1:01 p.m., EDT. The meeting was adjourned at 5:09 p.m., EDT.

PUBLIC MEETING

CHAIRWOMAN MCCORMICK:

I call to order this meeting of the U.S. Election Assistance Commission. Please stand with me for the Pledge of Allegiance.

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[Chairwoman Christy McCormick led all present in the recitation of the Pledge of Allegiance.]

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CHAIRWOMAN MCCORMICK:

 Ms. Miller, would you do a roll call?

DIRECTOR MILLER:

 Good afternoon. Chairwoman McCormick.

CHAIRWOMAN MCCORMICK:

 Present.

DIRECTOR MILLER:

 Vice Chair Thomas Hicks.

VICE CHAIRMAN HICKS:

 Present.

DIRECTOR MILLER:

 Commissioner Matthew Masterson.

COMMISSIONER MASTERSON:

 Present.

DIRECTOR MILLER:

 All Commissioners are present.

CHAIRWOMAN MCCORMICK:

 Thank you, Ms. Miller. Do I have a motion to adopt the Agenda?

COMMISSIONER MASTERSON:

 I would move that we adopt the Agenda for today's meeting.

VICE CHAIRMAN HICKS:

 I second that.

CHAIRWOMAN MCCORMICK:

Any discussion? So moved. We'll do some welcoming remarks right now. I just -- I would like to call out two people right now that have been important to this process at the Election Assistance Commission and this meeting.

The first person I'd like to thank is Former Commissioner Paul DeGregorio, who was instrumental in the EAC, working on these accessibility issues. And we just want to thank him very much for setting the groundwork and the foundation for us to move forward on these very, very important issues, in fact, a mandate of the Commission. And without Commissioner DeGregorio's guidance, I don't think we would have done as well as we've done to this point. So I want to thank him very much and to thank him for being present today, as well.

I'd also like to thank Jim Dickson. Jim has just been critical to the disability community, the accessibility community, and to the Commission. Especially in setting this meeting up and helping us with names of people who we should hear testimony from. He is an indefatigable person when it comes to these issues. And we just want to thank him very, very much for his support and all his work to help us get us this public meeting, concentrating on accessibility issues, set and in place. So, thank you so much, Jim, for that.

I have -- I'm going to set the rules aside for a moment to read a resolution and take a vote on this resolution. Accessibility issues are the top priority for the Election Assistance Commission. And so, the Commissioners have come up with a resolution and we will vote on it. But I want to read it first.

Resolution by the U.S. Election Assistance Commission celebrating the 25th anniversary of the ADA and reaffirming its mandate and commitment under HAVA to equal participation in elections. Whereas, on July 26, 1990, the Americans with Disabilities Act was signed into law to establish a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

Whereas, the purpose of the ADA was to ensure that individuals with disabilities have the right to fully participate in all aspects of society. Whereas, the nation's goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living, and economic self-sufficiency.

Whereas, the Help America Vote Act of 2002 was passed by Congress to improve voting in elections in the United States. Whereas, HAVA established the Election Assistance Commission as a resource and to assist in the effective administration of federal elections. Whereas, the EAC's role in part is to assist the states in the effective implementation and conduct of elections.

Whereas, the EAC is mandated with promoting methods of voting and administering elections that will be convenient, accessible, and easy to use for all voters. Whereas, individuals with disabilities must be provided the same opportunity for access and participation, including privacy and independence as for other voters. Whereas, the EAC is charged with promoting information about polling places, outreach programs, training of election officials, poll workers, and volunteers on how best to promote the access and participation of individuals with disabilities in elections for federal office.

Whereas, the EAC is also charged with establishing Voluntary Voting Systems Guidelines, testing and certification of voting systems, and the accessibility of those systems for individuals with disabilities. Whereas, the ADA and HAVA have expanded opportunities for Americans with disabilities by reducing barriers and changing perceptions and increasing full participation in community life, including in elections and voting. Whereas, the full promise of the ADA and HAVA will only be reached if we remain committed to continue our efforts to fully implement these acts.

Now, therefore, be it resolved on the 25th anniversary of the Americans with Disabilities Act, the EAC celebrates and recognizes the progress that has been made by reaffirming the principles of equality and inclusion and recommitting our efforts to reach full ADA and HAVA compliance. Adopted, hopefully, the 28th day of July. Can I have a motion to adopt this resolution?

VICE CHAIRMAN HICKS:

 I move that we adopt this resolution.

COMMISSIONER MASTERSON:

 I second.

CHAIRWOMAN MCCORMICK:

 All those in favor say aye.

[The motion carried unanimously.]

CHAIRWOMAN MCCORMICK:

Resolution adopted. I will now ask Commissioner Vice Chair Hicks if he has any comments to make.

VICE CHAIRMAN HICKS:

First, I want to thank the Chair for her leadership on this resolution. And reaffirm that the EAC is committed to the ADA and HAVA as read a little bit earlier. I have a statement that I would like to read a little bit when we go towards new business, but I think that I'm fine right now.

CHAIRWOMAN MCCORMICK:

 Okay. Commissioner Masterson?

COMMISSIONER MASTERSON:

I want to second Commissioner Hicks's comments and thank you, Chairwoman McCormick, for your leadership in this meeting, working and coordinating to help organize and support this meeting and the celebration of the 25th anniversary of the ADA.

Today represents an important day for the EAC as we both celebrate the anniversary of the ADA and reaffirm our commitment to the mandate in HAVA. I think back to my time in Ohio, when the first state conference I attended, the keynote speaker was a man named Jim Dickson, who shared with the local election officials in Ohio the story of the first time that he was able to vote freely and independently and the power of that message and how it resonated with the election officials in Ohio.

And so, as we recommit ourselves today to the mandate in HAVA and our work to help fulfill that, I think about the power of that message, that story and how it resonated with the local election officials in Ohio and, frankly, across the country. And thank you for organizing this. So thank you.

CHAIRWOMAN MCCORMICK:

Thank you, Commissioner Masterson. We'll now go to old business. Approval of the Minutes for the April 29, 2015 Public Meeting. Can I have a motion to accept those Minutes?

COMMISSIONER MASTERSON:

 I would move to accept the Minutes from the prior public meeting.

VICE CHAIRMAN HICKS:

 I second that motion.

CHAIRWOMAN MCCORMICK:

 So approved. We'll now move to the report of the Chief Operating Officer and Acting Executive Director Ms. Miller.

DIRECTOR MILLER:

Thank you. Good afternoon Commissioners. I would like to welcome everyone joining us today, either by their actual presence here or via the live webcast. I would also like to join with the Commissioners on recognizing the 25th anniversary of the passage of the ADA. I believe it goes without saying that everyone here knows the significance and the importance of that legislation.

Since the Commissioners' last public meeting on April 29, there has been a significant amount of activity that I will report on today. On May 28, the Commissioners adopted a new policy to provide a means for persons and entities to have legal or factual questions related to the implementation of HAVA considered by Commissioners outside of EAC's audit resolution process. The policy replaced the advisory opinion process originally adopted by the EAC on April 16, 2008.

The Commissioners may continue to consider any requests related to questions of law and factual issues related to HAVA. The new policy has streamlined the decision making process by allowing the Grants Office to quickly respond to inquiries or waive the right to approve requests that have been previously approved. The policy clarifies the role of the Office of Grants Management, which is responsible for issuing guidance, support, and, when appropriate, approval or denial of certain expenditures of federal funds under HAVA and the relevant Office of Management and Budget Circulars found, in part, in 2 CFR Parts 220, 225, 215, and 230.

The new process has allowed the Grants Office to quickly respond to questions and funding decision requests. Since the passage of the new policy, the Grants Office has been able to respond to and resolve issues around equipment transfer and disposition, modifications to meet handicap accessible requirements, and system battery replacement. States receiving responses under the new policy include Oregon, Delaware, Washington, South Carolina, Rhode Island, and New York.

The Election Administration Voting Survey, EAVS, was released on June 30. The EAC, for the first time, completed and released to Congress one comprehensive, all-inclusive report detailing the findings from the 2014 EAVS. The results are of data provided by all states and territories and included information pertaining to the National Voter Registration Act, the NVRA, the Uniformed and Overseas Citizens Absentee Voting Act, UOCAVA, and other election administration issues such as poll worker recruitment and the use of absentee and provisional ballots.

EAC is pleased that with this release of the 2014 EAVS, we were able to successfully collaborate with the Department of Defense's Federal Voting Assistance Program, FVAP, in order to create a combined survey that include questions from the Agency's Local Election Officials Survey. In our comprehensive report, we provide some data for survey questions pertaining to voting by uniformed and overseas citizens. FVAP's report is a more detailed look at the 2014 election and these voters.

Later on in this meeting, Karen Lynn-Dyson, our EAC Director of Research Policies and Program, along with the contractor, Ron Szoc, who administered the survey, will tell you a bit more about the 2014 EAVS and the process that was used to collect and report on these data and John Fortier will speak on the value of the EAVS data.

The Technical Guidelines Development Committee, TGDC, held a pre-meeting on July 21 and 22 at NIST in Gaithersburg. The Committee gathered to discuss upcoming work on the next iteration of standards used to test voting systems. Presentations were provided by EAC staff, NIST, and other experts in the field of elections and technology.

Commissioner Masterson performed as the Designated Federal Officer for the Committee and all Commissioners were in attendance at the Committee's meeting. An archive webcast for both days of the meeting is available at www.eac.gov under the Events Calendar. The next meeting is scheduled to be held in December.

The Future VVSG Working Group has submitted a white paper to the Commissioners. The Group was formed subsequent to a round table discussion in June of last year to begin discussions and explore how future VVSG efforts could support innovation and allow for flexible product solutions, while at the same time maintaining testable requirements that satisfy the standards and are clear. The white paper will be part of a later discussion and presentation from Brian Hancock, the Director of Testing and Certification Division. He will also further discuss the recent TGDC meeting.

The EAC will host an Election Data Summit to discuss how good data can help elections run better. The gathering will take place on August 12 and 13 at American University in Washington, D.C. Attendees will include a broad spectrum of election researchers, state and local government election officials, and representatives from the leading non-profit election organizations. The Agenda and List of Participants is available on EAC's website at www.eac.gov, again, under the Events Calendar.

The Congressional budget markup for the House of Representatives for the first time in four years includes financial support for the Agency in the amount of $4.8 million for the EAC for the 2016 fiscal year. This is a testament to the Commissioners and the hard work that they have been doing since they were sworn in on January 13.

With respect to the budget for next year, we also received a recommended budget of 9.6 from the Senate appropriations markup last week. At this point, the two Houses will begin their negotiations and we will have a final decision on the appropriation for the Agency at the end of their process. The good news is that the EAC is under consideration for an appropriation.

Also, the EAC is currently undergoing the annual financial statement audit. We had our first meeting with the auditors on June 10. The audit will continue through November. During the audit process, independent auditors will review the financial statements and records of the EAC to ensure that the Agency is operating in compliance with Generally Accepted Federal Accounting Procedures according to the Office of Management and Budget Circulars.

The auditors will review such things as internal controls for payroll, payments, financial reporting and financial statements and crosswalks, cloud balances, any updates to EAC's accounting policies and procedures, reports showing the budgetary accounts and our balance, and our self-balancing. This is just a small sample of what will be examined during this process. The auditors will have regular meetings with the Agency and the audit, as you know, is being conducted through the Agency's, EAC's Inspector General.

We are also in the process of the Federal Information Security Management Act audit, the FISMA audit. This audit is also conducted through the Office of the Inspector General. The entrance conference for this audit was held on July 7. The audit will determine whether EAC implemented security controls for selected information systems in support of FISMA.

The scope of the audit is to review selected management, technical, and operational controls outlined in the National Institute of Standards and Technology Special Publication 800-52 Revision 4, which is the recommended security controls for federal information systems and organizations. The audit will be conducted in accordance with Generally Accepted Government Auditing Standards as specified by the GAO auditing standards. And the proposed time line for the audit is now through November.

Just two more things briefly. Last month, the EAC added a feature to its website allowing anyone interested to share recommendations on improvement to our website. The feature is available on the Home Page and provides a form to submit to us for the website feedback. We encourage you to provide your comments as we are undergoing a complete website review and overhaul. This would be the time for us to review and implement, where possible, your suggestions and we would appreciate your constructive criticism of the website. That form is on www.eac.gov.

Also, I would like to remind everyone that the Commissioners are interested in what you may -- what may be on your mind and how they can assist you with your election administration issues. You may contact us at listen@eac.gov to provide your observations, suggestions, and questions. They are interested in what you have to say and how they may help provide some assistance. So please use that link. It's listen@eac.gov. That concludes my report. Thank you very much.

CHAIRWOMAN MCCORMICK:

Thank you, Ms. Miller. Do the Commissioners have any questions for Ms. Miller?

VICE CHAIRMAN HICKS:

 I don't.

COMMISSIONER MASTERSON:

Hi. I would just like to reiterate on the listen@eac.gov, a lot of the feedback that we have already received has led to tangible work product and outreach to the states, including the work on the Top 10 Things You Should Know When Purchasing New Voting Equipment. So it does have an impact to hear from folks about what we should be working on and what we should be focused on. So, listen@eac.gov. Thank you.

CHAIRWOMAN MCCORMICK:

Thank you, Commissioner Masterson. Anything else? Thank you, Ms. Miller, for your report. We'll now move to New Business. I invite Doug Lewis, Co-Chair of our Transition Team, to please come forward and give us a report on the accessibility piece of that report. This meeting will concentrate on accessibility issues at the beginning, and then, we'll move into a couple more EAC business items. Mr. Lewis, thank you very much for coming up to Washington and helping us with this transition report and we look forward to hearing from you and what you have to say.

MR. LEWIS:

 Well, thank you --

VICE CHAIRMAN HICKS:

 Before --

MR. LEWIS:

 -- Commissioners.

VICE CHAIRMAN HICKS:

 Madam Chair, before Mr. Lewis speaks, I would like to read my statement.

MR. LEWIS:

 Please do.

CHAIRWOMAN MCCORMICK:

 Please do. Thank you.

VICE CHAIRMAN HICKS:

All right. Good afternoon. It's a distinct honor to have voted for the resolution celebrating the 25th anniversary of the ADA and reaffirming its mandate and commitment under HAVA to equal protection in elections. Each of the speakers we'll hear from today has been instrumental to the progress of accessible issues in this country. And on celebration of this momentous anniversary, their work should be applauded and celebrated.

As Vice Chair of the EAC, I can tell you that it is our goal to ensure that all Americans can vote independently and privately in our electoral system. So I want to thank each of you and everyone else in this room and watching on the telecast who works each day to help Americans with disabilities.

The concerns of American voters with disabilities are very close to home at the EAC. We were created by the Help America Vote Act in 2002. In that law, we were charged with six statutory duties and out of those six, three explicitly reference our duties to voters with disabilities.

While it comes as no surprise to those present here, nearly 57 million Americans, close to 20 percent of our country, has a disability. This was a salient fact that was a driving force for the HAVA drafters. And our dedication at the EAC has not diminished. At the EAC, we have two primary mechanisms by which we advance accessibility for Americans with disabilities. They are the production of the Voluntary Voting System Guidelines and conducting and funding research.

As an agency, we maintain the voting -- the Voluntary Voting System Guidelines, or VVSG. They are a set of voluntary guidelines that, once adopted by the states, establish requirements which every voting machine in that state must meet. When drafting the first VVSG, we ensured the detailed accessibility requirements were incorporated. Then when drafting VVSG 1.1, we took it upon ourselves to expand upon those requirements and include additional compliance diagrams and more detailed information concerning accessibility compliance.

Now we have launched the process for creating the newest form of standards for this country. And when designing this process, we ensure that accessibility would be the primary focus by creating some sort of subcommittee.

At the EAC, we have also used our discretionary grants funding to fund numerous projects designed to help create solutions to the problems faced by voters. We have a complete list of these grants, their projects, and great work that each did on our website.

We also conducted a Congressionally mandated study and issued a report concerning effective election design, which details best practices concerning accessibility for voters with disabilities. I invite you, please, to read through these and provide feedback to our VVSG Working Groups.

A few weeks ago, I had the honor and opportunity to speak with a student. His name was Ishmael and he was from a -- he was a university student and advocate. He also, sadly, lost both parts of his legs and hands in a train accident when he was a toddler. He shared his appreciation for accessibility advancement with me, but he also told me that much of his journey is not complete. Neither is our journey along the road of accessibility advancement. And I completely agree.

The Americans with Disability Act and the Help America Vote Act provide the framework for us to ensure that all Americans, regardless of disability, can vote independently and privately. And I'm proud to say that we've made progress towards this goal. But as one of the drafters of the bill that became the ADA once stated, the ADA is about equal opportunity.

On this anniversary, we must not forget that our journey, like Ishmael's, is not complete until equal opportunity has been achieved and is ensured. As a new Commissioner at the EAC, I hope that you will come to me with your concerns and feedback so that we work through this journey together. Thank you. And I yield back.

CHAIRWOMAN MCCORMICK:

Thank you, Commissioner Hicks. Mr. Lewis, thank you so much for your patience.

MR. LEWIS:

Well, thank you. And Tom, thank you for your statement and that recognition. The reason, I guess, we're here today is in recognition of the historic passage of the ADA. And yet, on the elections side, for those of us that have been involved in this for a while, the first foray into this actually came in 1984 with the Elderly and Handicap Act, which began to work on accessibility to the process of voting and through the process of voting.

And so we began to see that and then the ADA came along afterwards to reinforce that and, in fact, make certain that it was clear that there are aspects of this process that have to be available to any and all voters. What is maybe somewhat disconcerting is that the passage of the Help America Vote Act of 2002 made it a promise that we would provide privacy and independence in voting.

And we started to make some headway in some of that and then we got tied up in a whole political discussion and technical discussion of what was more important. Was accessibility more important, or was security more important, or what have you? Well, it's all important and you can't have one at the expense of the other. And so, I think when we've looked at this over a period of time, we have forgotten, to a certain degree, that the Help America Vote Act was taking a great leap forward and saying it's not just accessibility, but it's got to be privacy and independence, equally.

And so, when we look at that, truthfully, we're having kind of a spotty history in some of this. And so, I think we've still got a long way to go. Now, does it mean that we haven't made great strides? Well, I think if we look at the survey that the EAC itself provided funding for, there was a process by which the Election Center and accessibility groups worked together to look at all of these various issues. And you're going to hear from a lot of my colleagues and that following to hear that.

But what you all did in terms of providing an accessibility grant for not just one group, but two groups, to look at that, was to begin to say, let's look at some real studies in this and let's look at some real ways for us to actually make the voting experience a better experience for those with accessibility needs. And so, that was the promise and we started out trying to do that and we worked toward doing that, and then we got derailed it seems to me in some of these issues.

And so, the challenge for you as a Commission, the challenge for each of us as we work in elections and elections administrators is how to make that promise come true. Some of this is exceedingly difficult and I think you're going to hear from some of our folks today that it's not going to be as easy chore and it's not going to be an easy task.

And why did -- you all actually asked a couple of us to come in and do a transition team report for you on a number of issues. But one of those is, as we said to you, principally, needs to be accessibility. There has been a tendency it seems to me within our society to say that since voters with disabilities comprise 10 to 13 to 15 percent of the voters, should we expend the amount of money that it takes to make the process accessible, because it's a high cost per voter deal?

What we probably should have been looking at all along was not so much the cost to serve a voter or per voter, but recognize that it's a cost of the right to vote. It is a process. And for us to -- now, does that mean we can open up all the bank accounts and spend all the money necessary to reach out to smaller and smaller groups of people? Probably not. I mean, realistically, that's not the deal.

But what I think we need to do is both have an education and an attitude change that says, what does it cost us as a nation if we deny people who are legitimately entitled to exercise their right to vote, to participate? Now, we're always going to be faced with the real world of tradeoffs of what that cost is and what it means.

Where we are coming to, in all of this, is we are coming to the fact that it's now going to become a much bigger problem than it's been before. We're talking now about if you look at that -- I'm part of that older generation. I'm part of that baby boom generation, that group of folks, I mean, I'm almost old enough to be a poll worker, and so I'm getting there.

[Laughter.]

MR. LEWIS:

And so, what you're looking at in this regard is you're looking at an aging population of overwhelming numbers. That baby boom generation that the Census Bureau defines as -- it’s got a long range in there. And if you look at the census data from 1998 to 2008, we doubled the numbers of voters that are elderly voters. Doubled, in that length of time.

And so, if you look at that, that progression is going to continue because it goes all the way through those of us who were born in 1946 to those who were born in 1964. I mean, that's where that cohort and that range is that the Census Bureau defines. We're looking at probably having accessibility issues be a part of 35 to 40 percent of the public. Why?

Those who are older tend to live longer than they used to. They are -- and those who are older tend to the best voters in the process. I don't mean that in the sense that we would qualify voters as being best or not best or what have you depending on ageism. But certainly in terms of who actually goes to the polls, who actually participates, who actually dominates the landscape, particularly when it comes to sizeable elections. It tends to be our elderly voters.

Some of the disabilities for our elderly are not readily apparent. I mean, most of us are not going to know if they've got hip problems or back problems or eye sight problems or -- unless they are at the point of being legally blind. We're not going to know that they may not be able to stand for a length of time in a line. We may not know that they have some cognitive disability that is not readily apparent in the beginning.

And so, part of what we have done as a society is say, well, if we can't see and observe your handicap, then we're probably not prepared to serve it. And that's the wrong answer. I mean, it's clearly the wrong answer. And so, as a transition team, we said to you, look, this is not only a challenge for you, this is part of the law that created your Commission. Part of the law that established what you all need to be working on said, these are promises we're making to people who have accessibility needs.

And as a result of that, we're saying to you that we think there's going to need to be a greater focus on your part and on the federal government's part to look at these issues so that we then fan that out across America in terms of election administrators, in terms of local elections, to be able to make sure that we make the process work for as many voters as possible. I used to have an elections official say to me, well, gee, that's going to be awfully expensive. Thank god a lot of that's gone away.

In fact, one of the things I know you all are working on now, getting up some of that research and that data that was produced in these studies. Clearly what we saw is the attitude of those who have accessible needs for voting has changed over a period of a time. We went from, this is a very unfriendly process, to an acceptance, at least on the part of those with disabilities, to say, look, they're working pretty hard to make sure that we're included. They're being very courteous, they're being very helpful.

In some cases, it still doesn't solve a barrier problem. And so, some of these we may not solve quickly, but it seems to me that we're going to look at and have to do some things. And in that regard, let me say to you, I don't think the amount of money that you all spent in the beginning, in terms of this pretty good research that you've done on accessibility is going to be enough over a period of time. I mean, and everybody wants to spend your money, I understand that. And with a Congressman that's trying to reduce your budget.

And I -- and so, I know you've got some of these, but it seems to me, maybe we as a community, those of us who are out here, those of us who are interested in this, can go to Congress and ask them maybe to do sort of a different kind of appropriation that is not included in your overall budget that is directed to some of this. Because it's clear we need to do some beta testing.

We -- some of these things that we think work pretty well, don't. When we're dreaming them up and we're thinking them up and they look good and they sound good, they don't necessarily always work quite as well when we're out in the field. And so, if we could have money for beta testing in some of this stuff, it seems to me -- particularly in low turnout elections, in some of the city elections, some of the school board elections, some of the federal elections that are not in the Presidential year, where elections administrators could work through this.

Now, I'm going to say to you, on the side of the election administrators, their budgets are always stretched and under the gun. There is sort of a tendency in America that with all of the various needs that city commissions and county commissions have for funds, that the elections community gets treated in many instances as the redheaded step-child. And I'm sorry if there are any redheads in the room, I used to be one, and somehow that offends anybody, but that's the way it is.

Where we are is, is that -- it's what I used to call the 1776 syndrome. If you're an office holder, you've got a budget, you've got a limited budget, you want to spend the budget in the ways that it helps most people do most things, gee, we've been having elections ever since 1776, whether we threw a lot of money at it or no money at, and so, gee, why don't we spend as little as we can on voting so that we can do all of these other things?

Well, that's the attitude that truthfully got us to the point that we had sort of a massive breakdown after the 2000 election that forced us to look at and create the Help America Vote Act. And so, we don't want to be there. We don't want to be -- if you think good elections are expensive, find out how expensive they become after you've had a bad one. I mean, they become horribly expensive after that.

So, where we are with this it seems to me is there are no easy answers. Part of the thing that we're looking to you all for is for having this discussion over a period of time. Having a dedication to the issue, over a period of time, to where we truly understand what it is we're going about so that accessible voting is not a promise, but a fact. That we can deliver on what we promised as a society.

We can make sure that people do indeed -- I think we've gotten back to the point that they feel dignity in the process. That's nice. That was a nice thing to see out of the survey that your funds allowed us to do and to do that at Rutgers, that study and it's a study that's well worth looking, spending a lot of time looking at. But I think we clearly have indicated that in most places in America, we've reestablished the care, the concern, and the dignity portion.

We've not necessarily gotten to the portion that we've made it a whole lot easier yet. And a whole lot more accessible yet. And so, I think that's the challenge that you all face. I mean, and what you're going to hear following today is people who've looked at this for a very long time.

I come from the elections side. Clearly, I've got some of the same aging issues that others have, bad hips and bad eyes and bad hearing, and my wife says bad memory. So these are things that I think we're going to need to look at and work with. There is hope out there. You all, in your own studies, indicated to a lot of folks that there are ways we can go at this. There are new processes that the voting systems vendors developed, simply out of what you all funded.

Which is really, I mean, that's a major leap. I know it doesn't seem like it, but it's a major leap over where we were, say, five years ago. This last three years of studying this went rapidly, and as we begin to show that and display that to the elections world, the voting systems vendors adapted really quickly. I mean, they were stealing ideas as fast as your research was providing ability to say, we need to look at this.

And so, where we are with what we're asking you all to do and what we need from you all is to say, this is not a one-time event. This is not a celebration event. This is not, okay, we put some money to it, now we're going to put that on the shelf and we'll go on to other things. It needs to be that in order for us to make this better, it's going to take the communities of the elections community and the accessibility community through guidance that you all can give us over a period of time.

This is not sort of we do a dog and pony show and say, look at us, look at what we accomplished. It is more of, how do we make this an evolutionary process to where we continuously improve our processes and we continuously improve the ability of people to participate in democracy? That's what we hope we did for you. That's what we hope you will be able to do over a period of years in making this more a reality for all Americans.

CHAIRWOMAN MCCORMICK:

 Thank you, Mr. Lewis. Are there questions from the Commissioners?

VICE CHAIRMAN HICKS:

Thank you, Doug. Really appreciate your remarks and I want to thank you again for all the work that you did on the Transition Report. Basically, I have just a few questions.

First one is, if there's -- it's been a few months since the report came out and you've had a chance to reflect on it and we have, as well. And, are there any things that you would have put in there concerning disability access or disability -- disabled voters, in general, that you weren't able to put in there then that you would think about putting in there now?

MR. LEWIS:

Not in this short time. I will say to you, look, the longer I'm in this, the more I figure out we learn. And, folks, I've been at this public policy stuff for about 40-something years, and I will tell you even at the ripe old age of 69, I'm still learning. I will say to you, I think courts are still learning. Look at decisions by judges on the ADA or HAVA or any of this other stuff. Those continue to evolve. It looks differently than it did at first. And it looks differently than it did in the middle. And today's decisions are different than they were before.

Where we are, Tom, it seems to me is -- what I hope we don't do is get comfortable that we've done enough. That's -- I guess you get to the point, look, if you've whipped something, if we've actually been able to pretty well whip something and get it into shape, then maybe it is time to move on to a different issue. We're not there yet in terms of accessibility. I don't think we're nearly as far as we need to be.

And so, the frustrations -- I will say this, the frustrations that those with accessible needs have with their particular disability, in terms of their participation in democracy, sometimes exceeds our ability to solve the problem quickly. Because if you've got a narrow band disability that we can't replicate often enough to be able to solve the problem, or we have not yet discovered enough solutions, that means it's going to be a process and the time. And so, in some of those, it's going to take a little time and it's going to take a little patience. On the other hand, I will say to you, I think the greatest boon to all of us has been attitude changes have come about remarkably well in terms of making sure that we work together to solve these problems.

VICE CHAIRMAN HICKS:

So that goes into my next question of -- and you were there as well when the Help America Vote Act was being lobbied and drafted. It was the first time that the state and local election officials came together with civil rights and advocacy groups and elected officials to draft this civil rights bill. And I think that those three entities haven't really stayed together as well as they should have over the last 12, 15 years or so.

And how can we get those folks to get back together to join with other stakeholders, particularly private industry? For instance, Commissioner Masterson always talks about how the iPhone wasn't invented when we went to the first iteration of VVSG. We don't know what else is out there in terms of technology that could aid in the assistance for disabled voters. For instance, some sort of adaptive features that allow them to use that on voting equipment so that they are not all standardized or something to that effect.

Because I believe that there's other aspects, like you were saying with the most active voters tend to be the oldest voters, and you might have someone who's a little bit older not being able to see as well, but not being up front enough to say, hey, I forgot my glasses and I can't see the writing. If anyone could see me reading this statement earlier, they would see that it was in font 20, basically. So --

[Laughter.]

MR. LEWIS:

 I'm there.

VICE CHAIRMAN HICKS:

So how can we get others involved in moving forward? Because there's not going to be a whole lot of money out there, public money. And how can we get the private industry to join with the other three stakeholders and basically move forward with aiding disabled voters?

MR. LEWIS:

Commissioner, I think, despite the fact that -- I hear you and understand you in terms of a number of traditional activist groups and voting rights groups and what have you. It seems when we all get in the room together and we get too many of the players, then we tend to become too diffused about what we're really talking about.

I will say to you, the beauty of what you all with your funding did in terms of marrying election administrators with accessible voting groups to study this and look at this over a period of three years, I'm going to say to you that was a good process. And it worked out well for both. Now, does it mean that becomes widespread overnight and accepted by everyone overnight? No, it doesn't.

But I think you will find we went from some early days of table pounding to more of an understanding and agreement among each of us as to what was realistic and what we could do and what we could make immediate progress on. And that's because you all became the catalyst. You became the catalyst for saying, we have a need here. We want to put you in the same room and make this work out.

It's when we try to make that room so big and be so inclusive that we then want every aspect known to mankind to be in the room that then we dissipate and get nothing done. And so, there is this balance of how do you make this work? You all, by what you did, have fostered a good relationship building. You have fostered, it seems to me, a process by which I think those with disabilities and particularly representative groups, Tennessee Disability Coalition, Paraquad, Assistive Technology, right on down the line. I'm at the failure of maybe not mentioning some that I should.

We discovered just how hard this is, I mean, together we discovered just how hard this is. And yet, at the same time, we also discovered some things that got adapted very quickly. When you say the business community, I'm going to tell you at least those that are related to elections as elections vendors, it was amazing how quickly they took stuff that -- if you've looked at Dr. Juan Gilbert's stuff that he did in terms -- and through this grant that you provided, those processes got adapted really quickly. I mean, the vendors were even starting to try to patent it, even though it came out of funding from you all.

And so, this is -- it seems to me you've got the good beginnings of a real track record on this. And the longer we have the Agency and the longer that you all concentrate on this, maybe we will reach the point at some point in, maybe, not too distant future, of course, I tend to think long view, I've been around a long time, it's the reason my hair is so white, is -- for instance, let me tell you, on one technology.

In 1964, Bell Telephone had created this new thing called the touch-tone telephone. And Bell Labs came to us and said, by god, let me tell you, two years from now, four years from now at the latest, everybody's going to be voting on the telephone. Well, we still don't do that. And so, some of this just takes longer to get there.

And so -- but we have made, thanks to you all, we have made some remarkable discoveries. I'm not sure we have yet figured out how to do all this. And that's one of the reasons I said to you, look, we've got to have some money for some beta testing on some of this. We've got to find out what works, what doesn't work. Is it any good, is it not any good, or should we redirect our efforts to something else?

If it were easy, it would have already been done. That's the reason we're still having to work on it. And so, with you all having an emphasis on this as this being one of your prime missions and one of the primary things that you do and the way you can affect so many people. Not just those who were severely disabled, whether it was through a life event or something from birth on, it is -- and adding now in the aged problems that come with the problems of aging.

I think we are at such a point in history and such a point that where our needs are so great, we're going to need to do more. Now, you all live in the real world. You live in the real world of political constituencies. You live in the real world of whether or not, in a tight funding deal, both parties are going to agree that you ought to have as much money as we think you need. I'm going to say to you, I think for most of us in this room, we don't think enough money's yet been spent on this.

And yet, that sort of is the same siren song that every one of those politicians hears on every group in America and every cause in America. And so, hopefully, hopefully accessibility issues are not partisan issues. Hopefully. And if we, those of us who've worked in terms of accessibility issues, if we have made mistakes in making it a partisan issue, then we need to back up and redirect our efforts.

Every person, I don't care what office you hold in America, we all either have a family member who has a problem or we have a close relative who has a problem or we have friends who have a problem or we just know colleagues that have the problems. And so, it seems to me this is not any longer and should not be tied up in partisan politics. It needs to be -- we need to make this pitch to both parties that the job is just beginning, it has not yet ended.

CHAIRWOMAN MCCORMICK:

 Commissioner Masterson, you have any questions?

COMMISSIONER MASTERSON:

Yes. Just one quick question. And I know we have a lot to get to on the Agenda, so I'll make it quick. First, thank you for highlighting the fact that the research that's already been done has already been taken by several of the manufacturers and built on. Because in any goal of research and development, it's to have an impact on the marketplace and to have it deployed, right? And so, that impact alone is a powerful thing from the grant work that the EAC has done.

The other part of that is, of course, the more accessible the systems, all the systems are, the easier it is for folks to use whether or not they identify as needing that assistance, right? It's a rising tide lifts all boats. And so, my question for you, in your transition report to us, you and Chris Thomas, the Elections Director in Michigan, stated, accessible voting remains an unfulfilled promise for many Americans and the problem is growing.

So you helped create that sense of urgency. My question to you is, without saying money, which is the obvious answer, what can the EAC do, now, in order to push and meet that urgency and continue to push this forward?

MR. LEWIS:

Well, I think if you continue to do the round table concept that you've done pretty much with the elections community, we can probably do some of the same sorts of things in terms of accessibility issues. And clearly, I think you have now through your grant that you created, you have some people who have now vested themselves enough in the issues of both election administration, as well as accessible needs in voting, to now have a cadre of people that we can then begin to spread this out some more.

With some working groups, with some discussion groups. And in some cases, maybe the fact that you all are able to set us up where -- I really hesitate to say virtual meeting space, because when you all first created that it was so complicated it was really tough to use and was --

COMMISSIONER MASTERSON:

 Not very accessible? Is that what you're saying?

[Laughter.]

MR. LEWIS:

Yes. It wasn't. It was anything but. And so, but if nothing else, if you can help us get to the point that we can share information and we can share ideas. Not all ideas are good ones. They're ideas and we need to look at them and explore them as ideas. But not all of them are goods ones. And so, for us to go through this, it just simply means we have to have enabling features that may not cost a lot of money, but are administratively impossible for the rest of us to do.

I mean, I couldn't very well, from my home right now, create and manage a discussion group on all of this. Maybe you all can with a little cost, but not a lot of cost. And so, I think -- and maybe the challenge -- let me do this as the challenge for each of the ones that come after me here, is if you got one idea of how you all can do this to put that in your presentation before you leave here today.

Because what we're looking at is making sure that -- the realities of life are for you all that Congress is not going to give you a lot of money. I mean, that's just the realities of life. I think we figured out the last time we sat and discussed this, that they're spending about eight cents per voter funding your budget, which is not much. I mean, that's just not a whole lot.

In terms of accessible issues, I'm a little bit bewildered as to why, out of the multi-trillion dollar operation that the federal government is, we can't find a dollar per voter to focus on accessible issues. I mean, that would be $135 million and I guess you guys would be happy to have that kind of budget. And so, roughly your working budget is probably less than 8 million. I mean, by the time you have to give some of the money away and have to do some of the routine things you do, the real money that you have to operate the EAC is not very much in terms of being able to do some of these things. And so, I understand that.

What I think we're asking for is for you all to help us find ways that we can communicate together, create together, encourage us, stir us, fund us to a little bit without necessarily -- I mean, whatever the realities of life are in terms of your budget. And let's get creative.

I think -- I will say to you I think in some cases, maybe some of the accessible groups can find some money that maybe you can't. But if they've got your stamp of approval to do that, there may be some foundations who are willing to help us set up a way to do this, so that it is NGOs and government working together to make this go.

COMMISSIONER MASTERSON:

 Thank you.

CHAIRWOMAN MCCORMICK:

Okay. So I just want to echo my fellow Commissioners in thanking you for your Transition Report and for your comments today. I mean, accessible voting and full participation in democracy for all of our voters should not just be a promise, but a reality. And so, we want to thank you for that.

And I take your ideas, I think they're great. Round tables, discussion groups, working groups, ways that we can provide leadership on this issue. And so, thank you for that and thank you for comments. And I appreciate again your willingness to come up and speak with us today. Thank you, Mr. Lewis.

MR. LEWIS:

 Thank you.

CHAIRWOMAN MCCORMICK:

So I'll next introduce Nikki Baines Charlson. Nikki joined the Maryland State Board of Elections in 2002. She's been involved with implementing the requirements of the Help America Vote Act there. She was appointed Deputy Administrator in September 2012 and assists the state administrator with managing the office.

Relevant to today's conference, Nikki oversaw the development and implementation of the State Board of Elections suite of accessible online services, including online voter registration and online ballot delivery. Prior to her appointment as the Deputy Administrator, she was involved in projects ranging from the implementation of a HAVA compliant voting system and voter registration system, to election official and public education, to improving accessibility of the electoral process for individuals with disabilities. Thank you very much, Ms. Charlson, for coming and speaking with us today and we look forward to your comments.

MS. CHARLSON:

Thank you. Thank you for inviting me to talk about how Maryland voters have benefitted from the grants that the EAC has funded. As you said in my introduction, we have a host of online services, from voter lookup to polling place locator, online voter registration, and online ballot delivery.

And we built all those systems in-house, and were very conscientious and strove to make those systems as accessible as possible. We wrote them so they could be read by screen-readers. We hired a vendor to do an accessibility review, and obviously made changes as a result of that review.

But then in 2013, we were required to do some usability and accessibility studies on our online ballot delivery system, and we also were contacted by one of your grantees that really changed the way our online ballot delivery system worked and looked. And I'd like to share with you some of that.

So as I said, state law said we had to do an accessibility and usability review, and we knew we couldn't do that on our own. So we reached out to the University of Baltimore, with whom we'd had a prior working relationship and with whom you all have funded through the College Student Recruitment Poll Worker Program. And we just said, is there somebody there that can help us?

And lo and behold, we learned that there is a usability lab at the University of Baltimore, and Dr. Kathryn Summers, another one of your grantees, ran that. So it was a great connection for us. And so, she had already been working and I'm not sure she may have finished her Anywhere Ballot, which she designed an open source online ballot template that voters can use their own assistive devices and use the principles of plain language and plain interaction to build this ballot.

So that was happening. We were thrilled that she had the knowledge and was willing to help us. And at the same, another one of your grantees, Carnegie Mellon in California, came to us and said, we have a little extra money. We want to help you do something. We want to really do something right now that will have an impact on the next election.

And so, we brainstormed for a while and ultimately decided that they could really help us with this online ballot delivery tool. Their team there was very technical, where UB's team was much more about usability and accessibility, they had computer programmers who really got into the weeds on the technical side of it. And so, UB and Carnegie Mellon partnered together to help us with our usability and accessibility and use the EAC grant money to pay for their part of the research and the testing.

And I would be remiss if I also didn't recognize the National Federation of the Blind. While they're not one of your grantees, they are headquartered in Baltimore and are always a huge part of our work in accessibility. And they were an equal partner in this effort to design test protocol to provide testers for us and they were really terrific, so I wanted to recognize them, as well.

So we had this terrific team from Carnegie Mellon, University of Baltimore, and NFB. And so, what did they do for us in terms of the online ballot delivery system? I would say one of -- they solved one of our biggest problems. In election officials, the ballot data that we export from the voting system is pretty rigid. It's an export, but it, at least with our system at the time, it was not very flexible. We were locked in to text that was all caps. Things were left justified and right justified. And the font size was set.

So it was really rigid. And usability experts, they would look at it and say, oh, you've got to change that. And we would say, we don't know how. It was that rigid of an export. That we turned over to Carnegie Mellon's team and said, please figure this out. And they did.

So they made it so that we could use the preferred font styles. We could increase the font size. We could left align everything. We could apply all the best practices of readability to it, where we couldn't do that if the Carnegie Mellon team hadn't sat down and figured it out for us. We were, at that point, stuck.

The other thing that we benefitted from was Kathryn Summers' Anywhere Ballot. She took the information and the -- what she learned from that project and applied it and gave us suggestions to improve it. Things like colors, what color should buttons be? What colors should alerts be? How should navigation work based on what they learned in their testing? Simplified sentence structure, which something we work really hard on and we just needed more work. And word choice, next versus -- all sorts of one or two phrase words make a big difference in their usability testing.

And so, one of the interesting things that we chuckled about when we were working with Carnegie Mellon and University of Baltimore is that usability is not a science. You have two teams that had different theories. And I'll give you an example.

So we wanted to have a color that when you say over voted, that it alerted you that you had over voted. And we had one team that wanted red because that's important. But the other team wanted pink because it's the same family, but yet it's not scary like red and we didn't want to scare voters away. So we had this whole discussion about pink versus red. We chose pink.

[Laughter.]

MS. CHARLSON:

But it did teach us that this isn't a science. This is a little bit of personal opinion. But to think that this is what I was sitting here talking about pink and red was entertaining.

And then, University of Baltimore also conducted a similar type of testing that they did for the Anywhere Ballot. We had two rounds of testing. One was in their usability lab, which was very enlightening to us as election officials, but really beneficial for our program. They have eye-tracking software, which we'd never seen before. And just watching where voters look and they'll just go right by all those instructions that you spent hours editing and editing, don't even look at them.

So she really taught us -- Kathryn and her team really taught us, put them where they need them. Don't start out with three pages of instructions because nobody is going to remember them. Which all makes sense, and it makes it sound like, why didn't we think of this? But we were balancing other needs at the time.

And then, the second round of testing, what -- during that first round, we were making changes every night to the software so that they could test it the next day and see if that fix solved the problem. Then we had a couple weeks where then the testers tested from their home computers or their work computers. Where ever they would normally do -- use their computers, we let them in so they could actually do it all on their own. And so, that was also very helpful and we were able to monitor that through the University of Baltimore.

So at the end of the day, we had this really terrific tool that was not just -- it was usable and accessible. So it met the web content accessibility guidelines. It was usable with almost every current operating system and browser. It was accessible -- is accessible with most commonly used screen-readers. And we made it more accessible for voters who have low literacy or cognitive disorders. And, of course, we all benefit from those changes.

And so, I think one of the -- I think Doug, in his comments, said the same thing and I'm going to echo that, is the relationships that were built because of this is so important. We know how to build an accessible website so that it can be read by screen-readers. We knew how to do that. But we had no idea that pink versus red matters. We didn't realize that buttons that maybe were square versus rounded, that there's a difference. And so, all of that we benefitted from.

And it was really -- we were the benefit -- we benefitted because the University of Baltimore had this grant and this program right in Maryland, and we didn't even know. But when we made that connection, we didn't have to teach them about elections, they already knew about elections. So we could hit the ground running. And, Kathryn, I believe, is watching this online, so she'll probably cringe when I say this that she's been helping us do other things for free. Sorry, Kathryn.

CHAIRWOMAN MCCORMICK:

 God bless her.

COMMISSIONER MASTERSON:

 Yes.

MS. CHARLSON:

When Linda and I left today to come here, she was sitting in our office reviewing the audio instructions for our new voting system, giving us tips. Now, we can't put a value on that. It's been so helpful.

The lessons she taught us in online ballot delivery we've now applied to online voter registration. So the same principles, we're making them apply to everything else that we do. And she's also helping us with that.

And then, Carnegie Mellon, I mean, that was just complete luck as well. I mean, how often do you get a call saying, we have money and we want to help you, what can we do? So, thank you for funding them and having them reach out to us.

And, I guess one of the other things that we learned through all of this, because of the great resources we had, is that building an accessible website or system is not just about screen-readers. It's about everything. It's about colors and shapes and words and navigation and it's -- it was such an educational experience for us that we, again, are taking to every other system that we have.

And actually, the same -- Dr. Summers' team at UB also conducted our usability and accessibility report on the voting systems. And so, she has shared with them her findings and we hope that, in terms of a long-term effect, that the vendors will incorporate her suggestions. But I think our online ballot delivery system is a perfect example of how our voters in 2014 benefitted from the grants that you made. And our luck of having all these resources right in Maryland for us.

CHAIRWOMAN MCCORMICK:

Thank you, Ms. Charlson. I have just a couple questions. First of all, did you get some reaction from the voters themselves after you put these things in place? And what kind of reactions were you getting?

MS. CHARLSON:

Right. So we did have it out for two different public comment periods before it went live. And the results were generally positive. We have some individuals in Maryland that don't like online ballot delivery. And so, there were criticisms more about the concept than the system itself.

But we actually had a comment button on our website through the entire 2014 election, and we go through those every quarter when we make a software release to try to improve it. It was all very positive. And the Overseas Vote Foundation did a survey for us for -- post-election for voters overseas on their feedback on the system on the blank ballot delivery and it was all very positive.

CHAIRWOMAN MCCORMICK:

And then, you said -- you talked about the different resources that you were able to utilize in this process. How did you find them? Was it just hit or miss? Talking to folks? How did you find the people that you needed to help you in this process?

MS. CHARLSON:

So we have a long-standing relationship with the University of Baltimore. And so, it was picking up the phone, like, we have this need, can you help us? And I don't think the person I talked to actually knew that they had a usability lab at UB. But he asked around and said, oh, we have this. Oh, and she has an EAC grant. So it was a little bit of dumb luck and certainly Carnegie Mellon just sort of fell out of the sky for us.

But I think connecting election officials and researchers together, not waiting for us to necessarily make that random call, but connecting. We can teach them to make their grant output be more successful and we could also benefit from their work. So I think I probably read that UB got the Anywhere Ballot at some point, but it didn't have a connection for me until we had to do this report, and then it -- we made this terrific connection that is continuing to help us.

CHAIRWOMAN MCCORMICK:

So it was kind of like, I got to figure out how to do this and you didn't really have a place to go to say how do we do this?

MS. CHARLSON:

 That's exactly right.

CHAIRWOMAN MCCORMICK:

 Okay. Mr. Vice Chairman, do you have any questions?

VICE CHAIRMAN HICKS:

I just have a few. Thank you again for coming in to testify before us today. And I wanted to acknowledge Dr. Summers for her free work that she's been providing you.

MS. CHARLSON:

 She's going to stop taking my calls.

VICE CHAIRMAN HICKS:

One of the things I wanted to know is that a lot of things that come about, in terms of research for one particular area, might be used in other areas. And I'm not sure if this translates, but I wanted to know if when you were talking about the red and pink distinctions that were being raised, if those have been used by other public agencies in Maryland?

For instance, I always think about how ATM machines are universal now, and over the last maybe five or six years, a lot of that technology has been used by supermarkets so that they actually have you check out now. And so, I wanted to know if, for instance, the DMV is looking at when you go to renew your driver's license and you might have a wet signature or something like that, and it pops up red or pink to say, no you need to do something else?

MS. CHARLSON:

Right. I think that's a great question. And we haven't been contacted by any other agency to do that. I can just tell you I was using it based on what I've learned from Dr. Summers and her team is I notice now the boxed edges rather than curved. Like, I notice the things. But we haven't seen anything, no one's contacted us about doing that.

I will say that as part -- we built the online ballot delivery system with a grant from the Federal Voting Assistance Program. We were one of the EAVS recipients. And as part of our grant proposal is that we are offering to share our software with other election jurisdictions. And we're in the midst right now of sharing it with another state. So the hope is, at least in the election community, if they want to use our software, they're getting the benefit of all of this, as well, for free.

VICE CHAIRMAN HICKS:

 So those are your next steps?

MS. CHARLSON:

 Yes.

VICE CHAIRMAN HICKS:

 And that was going to be my next --

MS. CHARLSON:

 Yes.

VICE CHAIRMAN HICKS:

 -- question of what are your next steps?

MS. CHARLSON:

Sharing it with whatever election official would like to use. Both online registration and the online ballot delivery system.

VICE CHAIRMAN HICKS:

 Okay. Thank you.

CHAIRWOMAN MCCORMICK:

 Commissioner Masterson?

COMMISSIONER MASTERSON:

Thank you for being here and thank you for your work on this and willingness to testify. I'll be honest, I kind of blacked out after I heard Dr. Kathryn Summer’s free. So I'm going to do my best to pay attention.

But my question for you is, what struck me in your testimony and it's particularly striking, because you and I have been working so long on voting technology issues and accessibility is, it never dawned on me until you started talking, that the real impact that's been had is awareness for election officials. And so, I wonder if you could reflect on the power of that, given how long we've been working on this, and this work has impacted that awareness and the ability to improve all your systems because of that.

MS. CHARLSON:

It -- I would say, in the year that we worked with Carnegie Mellon and University of Baltimore, my awareness just exponentially increased. And as I said, we'd used usability experts to help us review code. But it was really this narrow focus on screen-readers. Which is really important, but there's so much more as well.

And I hope that -- excuse me, I hope that the work that Dr. Summers' team did on the vendors voting system has increased their awareness as much as it did ours. We've now incorporated it into everything we do. Not to pink on forms, but even on a form, we're looking at, okay what can we take that we learned from this project and apply it to it? So, you're right, Matt, the awareness is huge and I do hope that the vendors take that same awareness as they start building their next version that they've incorporated those comments.

CHAIRWOMAN MCCORMICK:

Thank you, Ms. Charlson. I'd like to also add my thanks to Dr. Summers for her work and for Carnegie Mellon and for those who you worked with. Appreciate it and we're looking forward to your continuing work in these issues.

MS. CHARLSON:

 Thank you.

CHAIRWOMAN MCCORMICK:

Appreciate it. Thank you very much. Next, I'd like to invite up Pat Leahy from our staff. Pat Leahy was critical in getting this meeting together and we want to thank him for doing that. And he will be presenting with Dr. Shanee Dawkins.

Dr. Dawkins is a computer scientist at the National Institute of Standards and Technology. She performs research as a part of the visualization and usability group focusing on human-centered design and evaluation guidelines and standards. Since 2012, Shanee has worked towards NIST's efforts in developing usability and accessibility standards of United States voting systems with the EAC.

Shanee has performed usability and accessibility research in the voting domain since 2007, where she was a graduate research assistant at Auburn University. Shanee received her MS and PhD in Computer Science at Auburn and a BS in Computer Engineering at North Carolina A&T State University. And I would also be remiss if I didn't add Galahad, who is Mr. Leahy's seeing eye dog. And we appreciate you all being here to discuss the highlights of EAC Accessible Voting Technology Initiative Grant Program. Thank you.

MR. LEAHY:

Thank you. I'll be very brief. Dr. Dawkins has a PowerPoint that will kind of highlight some of more of the nuts and bolts of what you hear a little bit about, which is Accessible Voting Technology Initiative, which is what the EAC grant was.

I hope my buddy Galahad here behaves himself. I'm sure he will, he's a great dog. But often, when he sees Jim's dog, Jim Dickson's dog, he gets really excited. So a barker too, but I think we'll be fine.

The AVTI or Accessible Voting Technology Initiative came about in 2009, 2010, Congress appropriated $8 million to the Commission and the charge was kind of, hey, we need more work on accessibility. We need to make sure that voters with disabilities can vote privately and independently. What we set forth in HAVA, let's do some research and development and make that happen. Subsequently, two grants were given out, two larger grants.

One to Information Technology and Innovation Foundation, which is ITIF. And the second one to Clemson University and you'll see it referred to as RAAV, which is Research Alliance for Accessible Voting. And then, what we kind of designed was a bit of a unique structure in that we had -- ITIF had 15 sub-grantees roughly and RAAV or Clemson University had over 10. So then, what you had happening was a large number of these research and development projects running from these groups and these talented researchers, Juan Gilbert at Clemson and Daniel Castro at ITIF, to produce what you hear today. The ideas coming out of Maryland and their elections process and Doug Lewis talking about their focus groups and the things they worked on.

So it -- although the grantees finished their work formally in fall of 2014, I think the Initiative and its work lives on and is still very much active and ready to go and ready to be picked up for future projects and for future work. All of it's up on the EAC website. And I'm thinking of kind of an equation that you can take with you throughout looking at this information. It's research plus development equals demonstration pilots, and then, eventually it leads to being used in actual elections.

And I think you're seeing a lot of that. You'll see more of that throughout the years as we move forward, especially with this research. So I invite you to take the research, use it, call us at any time with any questions you have about it. If there's any way we can help fill in some of the gaps to get you more information, happy to do so.

I was lucky enough to be part of a small team that put together HAVA when I worked on Capitol Hill, and a good buddy of mine who I worked together on it with, Chet Kalis, used to always say, happy to hear from anyone, happy to talk about anything at any time, give out information, talk as long as you want, listen as long as you want. So I'm always for that. So Shanee has my email in her presentation and just please reach out with anything you need.

DR. DAWKINS:

All right. I'm going to talk specifically about some of the projects. I don't have time to talk about all of them. Pat just kind of went through this first slide here. This is the broader accessible voting out of the EAC. The AVTI did not cover the Military Heroes Initiative, but I do want to mention that, that was part of separate funding from the EAC.

And then there were about 20 academic and independent organizations. I have them all listed here on the slide. I just want to call out Clemson University, under RAAV, that did the Prime III. It wasn't started under AVTI, but it was continued and enhanced and piloted. There's GTRI, who did the Military Heroes Initiative. And University of Baltimore, as you heard earlier, that did the Anywhere Ballot.

This slide here is talking about some of the solutions and innovations that came out of the AVTI grant. There were over 45. Three of them here are sketches that came out of the ITIF and Open IDO public design challenges. They had 50 ideas for more accessible elections. There's a pamphlet available that you can get through the AVTI page on the EAC site.

Just some here, there's a pop-up voting booth. There's a queuing model where you can just see at home how long it will take you to get through the line if you go to the polling place now. There's a mobile device with a QR code that kind of just shows what it could look like if you were to vote on your phone or have your preferences on your phone for how you need your voting system set up. There's the Election Day Picture Guide, which I will talk about a little bit later. Prime III, the Easy Ballot, the Anywhere Ballot, the Smart Voting joystick, and the accessible iPad case.

So, first I want to talk about some of the projects that resulted in the state of accessibility in elections. This is not broadly -- a broad look at the full state of accessibility in elections, but what the grantees' work resulted in. And just quickly to go over it, some of the grantees looked at the current technology, the current accessible technology used in elections, such as enhanced visual display, speech output, tactile keypad input, and switch input.

Now, this is a good start for accessibility of course, but it's not sufficient as far as usability and flexibility is concerned. And because of that, many people have difficulties and need assistance when they're voting in a polling place, even though most voters with disabilities want to vote at polling places. And then, these barriers to voting result in fewer people registered to vote, fewer people with disabilities registered to vote and a lower voter turnout for people with disabilities.

And there are studies that were done under the grant, like the Rutgers study that I think Doug mentioned earlier, and some other white papers and everything that have a lot of statistics to back up this data that you can find on the site. All right.

So the Military Heroes Project is to research the voting technology and processes for military service members who sustained disabling injuries in combat, such as PTSD, traumatic brain injury, visual and hearing impairments. And so, they did a lot of work under this grant. This one slide is really just a very small snapshot of what they did.

They first looked at the challenges that these military personnel face. Such as complex ballots, mobility limitations, and difficulties with memory and concentration. And then, from the challenges that they discovered, they made recommendations to improve elections for election administrators and for election system designers. For election administrators, they say try to work on relaxing the local ballot design requirements, such as the ballot must be in all caps as you heard earlier. That's bad for usability. And also, to pursue innovative technology and pilot this technology and see how it can be used to improve your elections.

And for election system designers, design your systems so that they're flexible, portable, and have options for various personal assistive technology. Which a lot of people are looking into now outside of just the Military Heroes Project as well. All right.

So a majority of the work under AVTI were designs and prototypes for different aspects of elections. So first I'll talk about poll workers and poll worker training. Why -- is there anything wrong with this? Yes, you want to improve the poll worker knowledge of available accommodations for people with disabilities. You want to make sure that poll workers are familiarized with accessible voting equipment as well. Current training for a lot of places now for poll workers is just one to two hours of PowerPoint lectures because hands on training is difficult or something.

So this one project here is a national online training course that came out of Georgia Tech CATEA lab. It's a no-cost solution that election officials can use. They can go on the website now. These slides will be posted online, so -- but this is accessiblevoting.gatech.edu. And you can use the course and it offers many things for training. It's an hour or less. Solutions to practical problems faced by voters with disabilities, instructions on the setup, use, and troubleshooting of accessible voting technologies, and many other things it includes in the course.

On the screen here is just a screenshot of what the website looks like and the Scenario One Lesson is Helping George, who's an elderly voter. So it gives you a little scenario that's a background for George and then it tells you how you can better assist older voters at the polling place. All right.

So the next project was the Election Day Picture Guide, out of Paraquad and the Tennessee Disability Coalition. So they worked to make this a job aid for poll workers during the election on election day to improve the interaction between poll workers and voters with disabilities to ensure that the accommodations and accessible voting procedures were available and implemented properly. So this Guide is also on the AVTI site or will be on the AVTI site. It's up there now? Okay. It's up there now.

Oh, one other thing about Paraquad's project. They also created a list of recommendations to make overall elections more accessible and they have a long list. I think it's ten recommendations or something that's on the site. And one of them, hire people with disabilities as poll workers and election staff. I think that can go a long way just in itself. All right.

This next one is just -- the slide here is the iPad voting case design. It's a picture of the iPad that is encased in the plastic case with a kickstand so that it's positioned upright. It was designed to enhance the iPad's already integrated accessible features for voters with mobility, visual, cognitive, hearing impairments and for older adults. It has volume buttons built into the case. You can attach a jelly switch. It has a retractable tactile input with next, previous, and select. And you can also attach headphones to it.

The Smart Voting Joystick, this is designed for voters with motor and dexterity impairment. It's a dual axis joystick that gives you haptic feedback and auditory feedback. So there was actually a demo that ITIF did several months back that you could actually play with the joystick and feel the resistance that it gives you with the haptic feedback.

And so, there are also buttons that you can have along with the joystick for interacting with the voting system interface. Such as enter, review, and help are the buttons here. And so, this project was out of Michigan State. And that's a prototype that can be used in elections. They did a lot of research on it and engineered it and did some testing as well. All right.

So the next few prototypes here are for voting systems themselves. The Easy Ballot out of Georgia Tech CATEA, again, designed for voters with cognitive, visual, and dexterity impairments, is unique in that the interface -- through the interface, you do not just select a candidate to vote for on the touchscreen. You -- it asks you a question, you just say yes or no. That's how you get through the entire ballot interface. So for example, on the screen here, as the screenshot says, do you want to vote for Barack Obama and Joe Biden? And you just touch yes or no on the screen. To improve the accessibility also and create a tactile overlay that has buttons that are raised up from the screen so you could hit yes or no that way.

Also, there was Prime III. There's a lot to Prime III. Like I said, it was started way back before the AVTI grants came along, but AVTI grant helped to enhance it and to -- for it to be piloted throughout the U.S. in different elections. So on the slide here that are online, there are two videos for demos of it. There's some screenshots here. One is actually of Juan Gilbert using the system on a nice big touch screen in front of him at a desk with a printer and a rocker switch for input.

And then, on the picture on the right, there is a flat touch screen with a printer area on the side that's attached to the touch screen so you can see your ballot, your paper record being printed side-by-side with your choices or your vote selections so that you can match that up at the same time. There's a hands-on demo also linked on the -- through the slides and you can use the access code four zeros to use Prime III yourself. I do want to mention also that Prime III has features that are now being implemented in major voting systems interfaces, as well.

Then lastly, the Anywhere Ballot is iteratively designed through user testing. It's an online ballot marking prototype designed for people with cognitive disabilities and impairments and a concept that used plain language, plain direction as was mentioned earlier by Nikki. And so, on this screen here is a screenshot just of the Anywhere Ballot with the County Commissioner race, and it just shows the colors and there's no pink or red on this slide though.

[Laughter.]

DR. DAWKINS:

And you can do a hands-on demo of the Anywhere Ballot at anywhereballot.com. And they also have design principles that they created, so if you want to see why they made the decisions they did on the Anywhere Ballot, you can do that and voting system vendors can go do that too and improve their voting systems. And so, Pat was actually telling me this, that their design features are now being used as the prototype for L.A. County as they look into their open source design as well.

So looking forward to the future of accessible voting, we need to pilot this new technology in actual elections with -- it can be small elections, of course, with actual elections with actual voters, people with disabilities. See where it can be improved and how it can be improved and how it improves elections. Continue to research and development, although the grant is over, that doesn't mean R&D in accessible voting needs to stop. And integrate this technology into mainstream elections.

And lastly, there's the NIST Usability and Accessibility Roadmap for Next Generation Guidelines and Standards that we can look to, to help to get the work done that -- here into mainstream voting systems. All right. And in just closing, there's a link on the last slide for the EAC, the new AVTI website. Thank you.

CHAIRWOMAN MCCORMICK:

Thank you. One of the things that I had to do in my job at the Department of Justice was to go out and monitor elections across the country. And I think every single polling place that I went into there was a single machine in the corner of the polling place with headphones attached to it that usually one voter would use, which would, of course, mean that, that voter's ballot wasn't secret. And different jurisdictions had different ways of dealing with that.

But the fact was that I didn't see any of these things being used out in the polling places. What kind of track are we on to seeing some of these actually make it into the mainstream, as you mentioned, and do you have jurisdictions that are interested in piloting some of these ideas? I mean, I appreciate what L.A. County's doing, which is amazing actually, in their work and developing their voting system and including these accessibility options with IDO and some of the things that they're working on. So, what is your thought in terms of going forward? How soon we can get some of these innovations into the voting places?

DR. DAWKINS:

Well, I know some systems are looking at incorporating accessibility features into their one system. I know ES&S has a new Express something or other --

CHAIRWOMAN MCCORMICK:

 ExpressVote.

DR. DAWKINS:

-- ExpressVote out. So they're trying to incorporate it into the one system that everyone can use. There's -- that's part of actually the Roadmap. Looking at one system for everyone versus a --

CHAIRWOMAN MCCORMICK:

 Yes.

DR. DAWKINS:

-- separate accessibility system. That has not been fully resolved yet. We're still looking forward to -- there's different opinions on it and I don't know what -- how that will be resolved in the future. But I think we need more work done in that area. I'm sure Diane has plenty of thoughts on that as well.

CHAIRWOMAN MCCORMICK:

Okay. We looking forward to hearing them.

MR. LEAHY:

And I'll just add briefly that Prime III was piloted in New Hampshire, in Florida, and Oregon and some other states. So there is one kind of universally usable machine that you could have a number of Prime IIIs and be able to vote privately, independently, securely.

CHAIRWOMAN MCCORMICK:

Thank you. Mr. Vice Chair, do you have any questions?

VICE CHAIRMAN HICKS:

Yes. Thank you. Dr. Dawkins, thank you for testifying today. And Pat, always great to see you. The one question I have is on your Slide 10 you talked about no-cost solution for election officials and have the Georgia Tech example out there. I wanted to know, are there other no-cost solutions that because of the length of time that you have to testify weren't able to put in here but might be able to talk about that other election officials can use?

DR. DAWKINS:

Well, I feel that all of these are available for manufacturers to steal the ideas from. It might not be the full solution for them, like the Paraquad Election Day Picture Guide is something, but it's catered for a specific locality. But I feel like that's something that someone else could take and just use. And I think talking to the people that created those other system prototypes, like the Joystick and the Anywhere Ballot, those can be implemented as well. I don't think that there are any restrictions on using any of this research.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

COMMISSIONER MASTERSON:

Just a quick question. Thank you very much, Dr. Dawkins, for your testimony. You spoke about Dr. Gilbert's work and I know Dr. Gilbert was invited and unfortunately his schedule couldn't accommodate. But his work now at the University of Florida has been incredibly powerful to helping inform not on the voting system vendors, but election officials too. And so, we thank him for his work on that.

My question for you is, how do we take all of these concepts, all of this research and development, and we just started the new process for writing the next set of Voluntary Voting System Guidelines, how do we ensure that this research feeds into that standards development process, so not only is it not lost, but in fact, it becomes an expectation for the vendors as they build the next set of voting equipment?

DR. DAWKINS:

Well, I think the biggest thing is getting the word out there in forums like this where people can see the work that was done and not have to -- I'll say, most people don't read everything. As an engineer, I can say that I think. And there are tons of reports out through the EAC site, through NIST's Accessible Voting Technology Portal, there's ITIF white papers out there and everything that if you read them, there's plenty of information that can influence the standard and also influence voting system design.

But I think that we need to work to get the information out there instead of just saying, there's this website and that's all the information. We need to figure out a way to get it to the ears of those who actually make the decisions in the designs of the voting systems.

COMMISSIONER MASTERSON:

Thank you both.

CHAIRWOMAN MCCORMICK:

Thank you so much to both of you for testifying. We appreciate it and it sounds like there's a lot going on and we look forward to where this goes to next. Appreciate it. Next I'd like to invite up Dr. Susan Mizner. Not Doctor, I made you a Doctor.

[Laughter]

COMMISSIONER MASTERSON:

You can have a doctorate too.

CHAIRWOMAN MCCORMICK:

We'll give you an honorary doctorate today.

MS. MIZNER:

Thank you. I appreciate it.

CHAIRWOMAN MCCORMICK:

Susan Mizner is Disability Counsel for the ACLU. From 2003 to 2012, she was the Director of the San Francisco Mayor's Office on Disability. Prior to that, she worked with homeless people with disabilities as an Echoing Green Fellow. She's been a member of the disability community for more than 20 years and is a graduate of Yale College and Stanford Law School. So you are a doctor. She has -- Juris Doctor.

MS. MIZNER:

Juris Doctor.

CHAIRWOMAN MCCORMICK:

She has devoted her professional career to disability rights. And she has a few interesting blog posts that you might want to check out, The Supreme Court Leaves Americans with Disabilities Act Intact, There is No Police Exemption to the Americans with Disabilities Act, and Shocking Kids into Compliance. So we welcome Susan Mizner to our public meeting and we look forward to your comments.

MS. MIZNER:

Can we make it bigger? That's the size? Okay.

COMMISSIONER MASTERSON:

We can see it. Thank you.

MS. MIZNER:

Great, wonderful. Thank you. As you know, I'm Susan Mizner. I'm with the Disability Rights Program of the American Civil Liberties Union. And I very much want to thank you, Commissioners, for holding this hearing. I want to thank my co-presenters. It's an honor to be here with everyone.

And I want to thank you personally, on behalf of myself as a person with a disability, and the half million members of the ACLU membership, and the disability community as a whole. The work you're doing is so important and we appreciate it.

I know that most of the conversation today has focused on access to the polls and the ballot. But there's a precursor to that, which is registering to vote. And as Dr. Dawkins pointed out, people with disabilities are less likely to register to vote. There's under-representation among people with disabilities in registering to vote. So that's what I'm going to be talking about today. And specifically, if I know how to get this going, yes. Online voter registration.

So, in the next 15 minutes, and I'm going to try and keep myself to that, I'm hoping to just review briefly the benefits of online voter registration, why access is important there. The findings of the report that we did, Access Denied, the title's a bit of a spoiler alert for you, but -- reviewing how the states did, what the most common barriers were, how to fix them, not a lot of technical jargon there, I'm not an expert in how to design websites, the good news, which I want to highlight, given how much work is in front of you, and then, a few recommendations. If I have time, I also would love to just bring up what I see as the next issue in online access.

So, online voter registration is very much the wave of the future. It is more accurate than paper registration, more efficient, and much less expensive. It's more accurate, because with paper registration, you have all these civil servants trying to translate someone's handwriting on a form into the electronic system. You bypass that when the person is actually entering their own data online. And believe me, if I'm entering my name, I'm going to be able to check and see that it's misspelled a lot more easily than the person, the civil servant who's been entering hundreds of these every day.

It's more efficient because all those civil servants don't have to do this work anymore. You just bypass all that labor. And it's much less expensive, again for the same reasons. The Social Science Research Council did a study for us, the ACLU, and found that in Arizona the standard registration form cost 83 cents per form and online it was about three cents per form. In California, because everything is really expensive in California, it was $2.95 a form with the paper. With online registration, only ten cents. So it's not just less expensive. It's 25 to 30 times less expensive.

So, why do we worry about accessibility? Well, everyone here is worrying about accessibility, which is a good thing. Obviously, it's a good idea to worry about accessibility. As everyone has talked about, we have one in five voters with a disability, 8.1 million Americans have difficulty seeing, 6.7 million Americans have difficulty grasping objects, and 10.6 million Americans have some type of cognitive or learning disability.

But the other reason is, it's the law. So we're celebrating the anniversary of the ADA. Title II of the ADA is often called the sleeping giant. It's what applies to state and local governments. And it requires equal access to government services and programs, as well as equally effective communication for people with disabilities. Online voter registration is a service that the government provides and it must be equally accessible to people with disabilities.

So, what is website accessibility? As Ms. Nikki Baines Charlson said, it is much more than screen-readers. We define it as the measure of a webpage's usability by people with one or more disabilities. And while there are so many disabilities out there and so many different types of using accessibility technology to access the web or own adaptive technology, I want to review just the three most common types right now.

And this is a picture of a screen with one portion of it magnified. For people with low or limited vision, screen magnifier software makes the screen visible for -- but the screen can show only a portion of the webpage at a time. So it's important to design the webpage so that folks using screen magnifier software don't miss important elements on the page. Often things that are put down in the lower right hand corner can get missed. The important information really needs to be placed on the left top.

For people with upper body mobility disabilities, they may use a mouth stick to control the computer or voice recognition software to direct the computer's keystrokes. And this slide has two photos. One is -- at the top shows a man in a wheelchair with quadriplegia sitting at his desk, which is set up with a computer, a keyboard, and a rollerball mouse mounted about the keyboard. He's using a mouth stick to control the rollerball mouse, which can be very difficult.

The photo below that is of an elderly gentleman, Vernon Cox, who also has quadriplegia, and has been using speech recognition technology instead of a mouth held typing stick that he used to use. The speech recognition technology is really the wave of the future and is much easier.

And then, for people who have no vision at all, screen-reader software, obviously, is important. It creates access to the computer and to the web. And screen-readers convert text and code to synthesized voice, audio description. Here's a photograph of a young blind girl with a white cane. And the thing that I will note, though I know you know this, some of the people listening may not, screen-readers are really smart. They read text, they read code, but they are not mind readers. They cannot read images.

So just as I've been doing audio description of the photographs on my PowerPoint presentation, any website with images needs to have alternative text that the screen-reader can use to describe images that are on the website. And I will also note that the screen-readers were the area in which the most significant barriers arose with the websites that we were reviewing.

So, what are we looking for in terms of online access? The ACLU asked the Center for Accessible Technology to review the 20 states that had online accessibility back in June of last year. And they did a more in-depth review of five of those states. Of the 20 states, they found barriers with every single one except for California.

And that wasn't because of California's inherent virtue. They had unrolled their site in 2013 and it was not accessible. And the disability community went up in arms, went to Sacramento, said you've got to fix this. You can't keep it up this way. And so, they spent six months really pulling it down, redesigning it, and came out with a beautiful site.

So, there were -- consistently the same types of barriers came up. The most important, and most ironic given the purpose of an online voter registration site, was that the voter registration form itself was inaccessible. And this was due to screen-reader problems. If you can't hit -- read the submit button to submit your form, you're not able to register to vote online.

But there were also problems with navigation within the page and within the website. There were inaccessible images that were necessary to navigate. And then, there were really just poor website design factors. What I call the doh factors. Text that is way too small, color contrast that is too low, having dark blue print on light blue background. A lot of us can't read that I don't use glasses to read yet.

And then, language that is too highfalutin, really Latinate. We looked at the language on all of the five more in-depth sites and tried to evaluate where it was on a scale, and it's a hard topic. It's hard to make this very simple. But some of them just were inordinately Latinate.

So here's the report card. And, as an audio description, I will explain that this is a graph with the six states that we looked at in greater depth, California, Utah, Minnesota, Kansas, Ohio, and Missouri at the top. And on the left-hand side for the rows, we had the most common barriers. Forms and screen-reader access, semantic organization and skip navigation, which have to do with being able to read and navigate through the site properly, alternative text, keyboard access, contrast, text size and scaling, and tab order. Those that passed have green boxes and those that failed have red.

And California's the only state with a full pass, all green boxes. Utah and Minnesota have four failed areas each in the forms and screen-readers. Minnesota also failed semantic organization and skip navigation. And Utah failed alt text and contrast. And then Kansas and Ohio. Kansas only passed three things, keyboard access, text size and scaling, and tab order. Ohio only passed contrast and tab order. And Missouri only passed tab order -- sorry, contrast.

So, there's a lot of work to do, but the good news is, it's not hard to do. The Elections Assistance Commission is dealing with really thorny difficult issues. I've been hearing about this today and you have a lot of challenges. Creating accessible voting systems that are also secure is rocket science. It's hard. Finding the money to pay for all of this is difficult. Website accessibility is easy. All of the mistakes that were identified in the report range from very easy to correct to perfectly well within the range of anyone who is designing the website for a state entity.

So -- oh, and I should just move back a minute. The money issue. Because any state that implements online voter registration is saving so much money out of its budget, the cost of getting the experts to do the audit of an existing site or help with the development of a new site is really a small portion of the money that they save by implementing online voter registration.

Recommendations. We would love your help. The ACLU's Disability Rights Program is a very small program and we need to get the word out. We don't want to go around suing all of the states that aren't doing this correctly because online voter registration is a benefit to everyone, including many people with disabilities if the website is accessible. But we need to have the existing states with inaccessible websites do a full audit of their site and remove the barriers.

And for states that are moving towards online voter registration, we need to make sure that they include experts in the design and development of the site so they get it right in the first place. That's, in fact, the cheapest, easiest approach to take.

And then, if I can just briefly talk about the next and connecting issue with online voter registration. Most states require an electronic signature to be matched in the file with someone going to the polls. And citizens who register to vote through the DMV usually have that electronic signature on file automatically. But for people who don't have that type of ID, getting an electronic signature online can be a challenge.

We have a few different approaches that have been used and I'm hoping to get feedback at some point from people in the audience, from the Commission, and from fellow experts on what approach is going to probably be the most usable and accessible by the most people. Printing out and signing and mailing an online voter registration form may not be. You need to have a printer. You need to be able to see the page to sign it. You need to be able to get to a mailbox or Post Office to mail it.

Signing your name online using the mouse or your finger on a touch screen seems completely inaccessible. I don't know how to do that. My time is up and I'm -- and filling out the online form with the Department of Elections mailing you a postcard to sign and then mail you back is what we're trying in California. But I don't think it's had a huge success rate. Again, you need to find where you're signing. Filling out the online form and then providing your signature at the polling place works if you're going to the polls. But if you want to do mail-in ballot, that won't work.

One of the things that I think may be a good option is because so many people now have smartphones, doing your signature, taking a picture of it, and then emailing that in if elections departments have a method of taking those emails and putting them in file. That could be a good option. And then, one state doesn't require a signature. You just use your social security number. Which is, obviously, going to be very accessible.

That is the end of what I have to present you. I'm always happy to talk with people more. Our report is available. It's going to be out here tomorrow. Kathy Hoell is looking after that for me. And I'm available to speak with folks. My email address is smizner@aclu.org and the report is also online on the ACLU website. Thanks.

CHAIRWOMAN MCCORMICK:

Thank you, Ms. Mizner. Can I ask you, your report card was very persuasive, are you looking at other states? How many states? Do they contact you for help on achieving these requirements?

MS. MIZNER:

So we had one very good state contact us and said, we've been working on this, we thought we were accessible. What was the problem? It wasn't one of the states that we went in-depth into. And I had the Center for Accessible Technology contact them and in fact it was only a small problem that I believe that they have corrected since.

But we are trying to reach Secretaries of State. We are trying to reach election officials. And have a companion report with this which explains how much money they will save if they do online voter registration and how much grief they will save if they do it right so we don't have to sue them.

CHAIRWOMAN MCCORMICK:

I will mention, it was a PCEA recommendation too. We've got some folks from BPC here to talk about that later. Thank you very much. Mr. Vice Chair, do you have any questions?

VICE CHAIRMAN HICKS:

Yes. I want to, Susan, to thank you for all your help on this and all your work on this. This is very enlightening to me from the ACLU having worked very closely with them over the years on a number of issues. I have more of a request or a comment than a question.

And it's more of, we are now in the process of redoing our own website. And one of the things that I want to make sure happens is that it remains or is accessible. So on there, with the -- we have a button that can be pressed and added to comments. So if you have the ability and time to actually look at our website as we redo it to ensure that as we do it, it doesn't become unaccessible or inaccessible, that would be very, very helpful.

MS. MIZNER:

I'm happy to do that. But, again, I am not --

VICE CHAIRMAN HICKS:

I know this is on --

MS. MIZNER:

-- the expert. We hired the experts. And it is not that expensive to hire experts. I can give you three or four names of good organizations that do this work. And initially, they can just take a quick look and say, oh, yes, you're doing everything fine. Or, actually, let's sit down and talk and we'll give you a bid for what it would take to help with the redesign. We redesigned the ACLU's website, as well, to make sure it was fully accessible.

VICE CHAIRMAN HICKS:

And it is?

MS. MIZNER:

It now is. To start with, it was better than many nonprofits, but it did not have full accessibility. One of the things that we have on the website is an accessibility button. So on that button, we've explained what we've done in order to try and ensure usability for as many people as possible. But it also has contact information if someone runs into a problem or is looking for a document that they can't find in an accessible format, so that they can reach us and we can fix the problem or get them whatever they need in an accessible format.

VICE CHAIRMAN HICKS:

Thank you.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

COMMISSIONER MASTERSON:

No question. I appreciate your testimony and I know having come from a state that was pushing very hard to get online registration, I appreciate the value of it and the push for that. So thank you very much.

CHAIRWOMAN MCCORMICK:

Thank you, Ms. Mizner. We appreciate you being here.

MS. MIZNER:

Thank you.

CHAIRWOMAN MCCORMICK:

Thank you for your testimony. I would like to invite up Michelle Bishop. Michelle is a Voting Rights Specialist at the National Disability Rights Network, NDRN, the nonprofit membership organization for the federally mandated protection and advocacy systems for individuals with disabilities. The P&As were established by the United States Congress through eight programs to protect the rights of peoples with disabilities and their families through legal support, advocacy, referral, and education.

One of these programs, the Protection and Advocacy for Voter Access Program, was established in 2002 by HAVA to address the barriers that people with disabilities face when voting or registering to vote. Congress recognized the need to ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.

P&As are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories, and there is a P&A affiliated with the Native American Consortium, which includes the Hopi, Navajo, and Ute Nations in the Four Corners Region of the Southwest. Collectively, the P&A network is the largest provider of legally based advocacy services to people with disabilities in the United States.

In her role at NDRN, Michelle provides training and technical assistance to the nationwide network of P&A agencies regarding voting rights and access for voters with disabilities at the state level, coordinates NDRN's voting working group and voting rights listserv, and works collaboratively with other national organizations at the federal level regarding elections administration and access to the electoral process.

Previously, Michelle worked as the Assistant Director of Public Policy and Advocacy at the Paraquad Center for Independent Living in St. Louis where she led statewide activities to ensure voter access, protecting voting rights, increase voter registration, and expand non-partisan voter education in Get Out the Vote programs for eight years. Michelle Bishop is a native of Syracuse, New York. She holds a bachelor of arts in English Literature and Sociology from the State University of New York at Geneseo and a master of Social Work and Social and Economic Development from Washington University in St. Louis. And we welcome you, Ms. Bishop.

MS. BISHOP:

Thank you.

CHAIRWOMAN MCCORMICK:

We look forward to your comments.

MS. BISHOP:

Is that working? Oh, yes it is. That green light doesn't come on, does it? Thank you so much for that amazing introduction. Thank you for the opportunity to speak this afternoon. And since this is my first chance to say it publically, I'd like to say congratulations to each of the Commissioners on your recent confirmation to the EAC. Given the, shall we say, longstanding vacancies in the EAC, I don't know if I could express how it exciting it is for all of us to be able to have this meeting with you here today, especially around the anniversary of the Americans with Disabilities Act.

I'm here this afternoon to talk about an issue that was raised once or twice earlier in the meeting and that's poll worker training and how that's currently impacting access to the vote. That introduction covered a lot of these first few slides so we'll move through them real fast. I'm here as the Voting Rights Specialist for NDRN, the National Disability Rights Network. We're the membership association for the P&A Network.

There is a P&A in every state, territory, and the District of Columbia. They're the largest provider of legally based advocacy services for people with disabilities in the U.S. In your state, it might be called the P&A, Protection Advocacy, Disability Rights, or the Disability Law Center. Of the 57 P&As, 55 of them have a PAVA program, Protection and Advocacy for Voter Access.

That's a federal mandate to the P&As established under the Help America Vote Act to ensure the full participation in the electoral process for individuals with disabilities. That includes registering to vote, casting a vote, and accessing polling places.

Most of you in the room know me as Michelle Bishop from NDRN. A few in the room remember me as Michelle Bishop the Assistant Director of Public Policy and Advocacy for Paraquad Center for Independent Living in St. Louis. In that role, in a past life, I was part of RAAV, the Research Alliance for Accessible Voting that was mentioned earlier today by Mr. Leahy and Dr. Dawkins, which was the recipient of an EAC research and development grant. Paraquad specifically collaborated with both voters and election administrators to develop and pilot improved poll worker training materials and best practices, and I'm going to describe those in detail for you in a moment.

But first, considering the work of NDRN, the Protection and Advocacy Network, and Centers for Independent Living, like Paraquad, I'd like to talk a little bit about what we know about the current state of voter access that was the backdrop for this research. First and foremost, the most accessible polling places and the best voting equipment cannot solve our access barriers alone.

I've been doing this work for a long time and if there's one thing we know, it's that voter accessibility is ultimately determined by effective implementation on election day. We rely on our nation's poll workers to be our first line of defense in ensuring that polling places are set up accessibly, the voting equipment is set up, that it's use is encouraged so that we don't end up with situations like Chairman McCormick mentioned where there's one piece of equipment and only one voter uses it because no other voters have been encouraged to use it.

Making sure that poll workers are comfortable with the accessibility features that are apparent in those machines and know what accommodations can be provided on election day. These are the types of things that we rely on our poll workers for to ensure that the accessibility process is handled in a smooth manner and that all voters are able to cast a ballot on election day.

These issues are complex and they have deep roots in how we administer elections in the United States. Specifically, elections professionals are expected to be experts on an increasingly broad range of topics. Especially with the advances that we are seeing in technology and those technologies creeping into the elections administration process. It's not simply enough to understand state and federal election statutes. Our elections administrators are expected to know about these emerging technologies, cybersecurity, how to provide access for voters with disabilities. Our expectations have become unrealistic.

Our elections administrators are also responsible for training our poll workers who are expected to have a similar level of comprehensive knowledge with little to no training and to perform at near perfection levels on election day. The stakes in every election are high and any error in how we administer our elections on election day can have negative repercussions for that jurisdiction. The expectations for our elections administrators and our poll workers are becoming difficult and unrealistic to manage, especially in an environment where time and resources, financial resources are limited.

I want to stress quickly that eliminating polling places is not the solution to all our problems. As much as we've been talking about things like online voter registration and vote by mail options, all methods of balloting are going to raise access concerns. It is the nature of human existence that all people have various access and functional needs, whether or not they identify as a person with a disability. And any method of casting a ballot that we address is going to come with a range of access concerns. It's simply the nature of human existence.

I can name alone, voters with limited English proficiency, first time voters, older adults who don't identify as having a disability, pregnant women, all are going to have access concerns that are going to need to be addressed no matter how we choose to allow voters to cast a ballot. At the same time, access is not optional. I think we're all aware that given the Americans with Disabilities Act, which is turning 25, and the Help America Vote Act, it's a federal mandate.

Voters with disabilities care about the efficiency, the integrity, the accuracy, and the security of our elections as much as any other voter, but not at the expense of their right to vote. The more we talk about security, the more we talk about accuracy, we have to continue to talk about accessibility and how we can balance those concerns. As my colleague, Doug Lewis, said earlier, all of them are important and we can't sacrifice one in support of the other.

With that as the backdrop for this research project, I can talk a little bit more about the work that was done by Paraquad through the Research Alliance for Accessible Voting. This project began with data collection including voter experience surveys and interviews with county clerks.

The phone surveys were conducted of 1,200 voters with disabilities in the states of Missouri and Tennessee through a partnership with Tennessee Disability Coalition. The major findings of these phone surveys were that polling places continue to be inaccessible, voters felt the poll workers did not know enough about available accommodations, and that voters felt poll workers were uncomfortable with and not knowledgeable about the voting equipment, and particularly its accessibility features.

Ten county clerks in the state of Missouri were interviewed. Some common observations from those interviews were that the most common method of providing poll worker training was to use PowerPoint and lecture. And one of the things we found was that in most cases, PowerPoint and lecture were used exclusively as the only method of training. The average training is one and an half to two hours long and that's typically the only training that poll workers receive. Many clerks were also, for various reasons, opposed to collecting formal evaluations of their trainings and they felt that lack of funding was the main thing that prevented them from making improvements to their trainings.

Despite that, they did express some needs that they saw in how they provided training to poll workers. Specifically, they were concerned that poll workers understood the information that was presented during the training, but there were issues with their retention on election day. Oftentimes, voters are trained several months out from an election.

They also felt that interactive and hands-on trainings when used were very popular and well received with poll workers, but were difficult to implement. They saw a need for more visual aids. Checklists were very often suggested. Of course, what Paraquad developed that you saw Dr. Dawkins refer to was a slightly different solution. Of course, the need to recruit additional poll workers to fill the need. And that there was some confusion around what constitutes accessible signage and how signage should be placed at the polling place.

In addition to the interviews and the phone surveys, we reviewed best practices in adult education to enhance the product that we were creating. We found that using mixed methods is the best way to educate adult learners. Not relying simply on PowerPoint and lecture, but also integrating in effective handouts, skits, hands-on participation, open discussion, and some of those techniques. Adults, no surprise, learn more by participating.

We did find that distributing handouts, which was one of the concerns of our elections administrators, can be helpful, but it's crucial that those handouts are clear, concise, directly related to the material that's being presented, and capable of taking complex or large volume of information and condensing them into something that's easy to process, something that creates essentially a roadmap for the user. And, of course, there's a need to repeat critical concepts to reinforce them and encourage retention post-training.

Once the data collection process was complete, Paraquad actually created two products. The first is an Election Worker Curriculum and Training Guide. This was a new curriculum that county clerks could use to provide their poll worker training. As well as an Election Day Job Aid for Voters, which you heard referenced before by its more common name, the Election Day Picture Guide. And if you're following with the PowerPoint behind me, you can see pictures of the both those as well.

For the training curriculum that we developed, we identified five core focus areas where we saw the largest need based on the phone surveys and interviews. That included expectations and responsibilities of poll workers, use of voting equipment, polling place set up, interaction with voters and providing accommodation, and providing curbside voting, which is a state mandated accommodation in the state of Missouri.

The methodology for this curriculum differed greatly from the curricula that we had seen from the county clerks that we had interaction with. We focused on making this an adaptable curriculum that was provided in modular format. This was designed to save time and resources for the county clerks. We did not expect them to scrap their existing poll worker training and create something new.

We provided modules for each of those identified focus areas that they could integrate into their existing trainings. Each module included PowerPoint slides that could be added to their existing PowerPoints, lecture notes to use for lecture, open discussion questions, handouts, skits, and hands-on activities. It almost provided a menu for the county clerks to select the options they felt would work best with the type of poll worker training they're attempting to provide with the constraints that they have to do so.

There was also a focus on integrating these training focus areas into the entire training. One of the things that we saw with our county clerks was that they took a two hour training and set aside 15 minutes to discuss voters with disabilities, accessibility, and providing accommodation. We had two concerns there. One, that it was likely hindering retention of the material. And two -- you know what, I'm going to change my answer, three concerns.

One, hindering retention. Two, we felt that it had the potential to create an unnecessary level of anxiety in poll workers. Poll workers, in our experience, were very aware that everything they do on election day affects the integrity of that election and that if they don't perform their task correctly, it could have negative consequences for their jurisdiction.

Setting up a special unit to talk about certain types of voters and the special accommodations they need provided, we feared created a heightened level of anxiety around performing certain tasks correctly for fear that you would disenfranchise voters or that this could have ramifications later on. We need poll workers with less anxiety interacting with their voters, feeling comfortable in the accommodations that they're providing.

The third concern is that we don't consider voters with disabilities a discrete population or subset of the general population. All voters have access needs and all voters benefit from the types of accommodations that were outlined in the training curricula. We felt that creating one specific unit within the training to discuss this as being for only certain voters had negative consequences on how they were presented on election day.

Some of my colleagues testified about poll workers who are concerned that if they can't see your disability that you're not entitled to or they should not offer certain accommodation. That those are situations where we end up with one person who uses a touch screen voting machine because everyone's under the impression that it exists only for people with disabilities and that it's not an option for all voters. So we focused on making it an integrated curriculum.

I just have a couple slides that demonstrate some of these. These are samples of the training curricula. You can see there are lesson plans, sample PowerPoints that also come with notes for each slide, and some of the handouts and checklists that were optional for the poll worker training.

The second product that we created was an Election Day Job Aid, more commonly known as the Election Day Picture Guide. Full credit goes to St. Louis City Board of Election Administrators. They created a picture guide on which we modeled ours. Theirs was more generalized tasks for poll workers. We created a step-by-step picture guide that was focused on providing accessibility and accommodations. Specifically, it looks at polling place setup, using accessible features on voting equipment, and providing curbside voting.

That Picture Guide, and I have some examples here, is essentially an 11 by 17 inch cardstock booklet that's spiral bound. Because of the nature of the book and its lightweight nature, it's actually not particularly expensive to produce, but because its oversized, we felt that it would be harder to misplace on election day and that poll workers who needed it to complete a task right then and there would have an easier time finding it.

And there are some sample pages here showing ideal polling place setup to assist the poll worker in setting up their polling places accessibly, outside the polling place and inside the polling place, and some sample pages here, this is how to use a piece of electronic voting equipment. I believe this is the voting equipment that was being used in St. Louis City at the time, but do not quote me on that.

As you can see, each task outlined in the Picture Guide shows step-by-step every action that must be performed to complete that task for the voter. It includes very brief and plain language descriptions as well as an accompanying full color picture to help poll workers identify things that they may not be aware of, such as options for adjusting the tilt on a screen to make it reachable for the voter.

And there's another sample, a more specific example of using an audio ballot. Something that a voter may request in the middle of a busy election day, the poll worker is aware that this is something that they were training on during the training, they don't remember how to do it. You have the Election Day Picture Guide to show you how.

General findings. We piloted both the training curriculum and the Election Day Picture Guide in four counties in Missouri during an August 2012 state primary. In general, poll workers did find it helpful to have a variety of training methodology used. The more the training integrated other methods in addition to a PowerPoint and lecture, the more enthusiastic poll workers felt about the training. Also, the Election Day Guide was well received and used by poll workers.

To take a more specific look, in terms of the training curriculum, we did follow up with our elections administrators and with poll workers to get their responses. The training curriculum, in the full report you can see broke down PowerPoint, lecture, hands-on activities, and a variety of methods that were used. Of those poll workers trained, more than one in three interacted with voters with disabilities or experienced challenging interactions with voters. Following that training, 100 percent of them felt confident in interacting with voters, 89 percent felt comfortable in setting up voting equipment, and 71 percent felt comfortable using the accessibility features in that equipment.

One of the issues that we identified in talking with county clerks, and I believe one of my colleagues mentioned this earlier, was that poll worker training often includes how to set up and break down voting equipment, but it did not include how to use the accessibility features. And that's where we find things breaking down on election day, poll workers who are not able to assist voters in using the equipment. So we found that this drastically increased their comfort level with that.

In terms of the Picture Guide or the Election Day Job Aid, 51 percent of poll workers reported using it. That varied drastically by county. Of the 51 percent, 90 percent felt that the guide was helpful, 47 percent used it in working voting equipment, and 36 percent used it in setting up polling places.

A full report was generated, it is publically available. If you have not seen it, I believe it is up on the website. If not, I can provide it immediately to get it up there. In addition to the full report, we generated a shorter document with three main takeaways for elections administrators.

And that includes training poll workers, as I mentioned before, for accessibility, not just set up and break down of the equipment, so that they're able to feel confident using the equipment during election day, providing job aids like the Picture Guide to poll workers, and when your time is limited for training poll workers, focusing on how to use those job aids and where to find the information you need on election day rather than expecting poll workers to be able to memorize large volume of information through one two hour training.

And the last point that I cannot stress enough, building relationships with the disability rights and access community. As I mentioned early in my comments, the expectation for election administrators is so high that they are an expert in all things. We understand that, that's not really possible. We respect the expertise of our elections administrators. No one knows more about running elections than our elections administrators, but nobody knows more about access than people with disabilities and building those types of partnerships can only strengthen the work that we're doing.

Moving forward and future actions that we see, the onus for preparing our poll workers lies squarely on our elections administrators. There is so much discussion in the national discourse around elections in the fact that we cannot recruit enough poll workers to staff the need. That is true.

There's a lot of concern and I believe I've heard it mentioned here today about the average age of poll workers and their ability to keep up with changing technology. I would caution that we don't truly know what the poll workers we have are capable of until we've done everything possible to train them effectively. And until we have provided the best training possible, we do not know what we have in our poll workers.

We can certainly recruit more of them. We can definitely recruit different types of poll workers. But I fear that recruiting a bunch of millennials as poll workers, they likely have about as much experience with this voting equipment as the older adults that currently serve as poll workers, simply because the voting equipment we have bears no resemblance to the common technology that any of us are interacting with on a daily basis. ATMs were mentioned earlier, some of these machines were based on ATMs, barely resemble ATMs, and ATMs are no longer common technology. I can't remember the last time I went to an ATM. I deposit paper checks by taking a picture of it on my iPhone.

We have to accept responsibility for adequately training our poll workers before we can fully understand the scope of the problem and have an accurate discussion about the needs of our poll worker force. I think we have to innovate with the understanding that we have limited time and resources. And that was the basis of this project.

We understand that there are not going to be additional funds to train poll workers. We understand that there's not going to be more time to send poll workers to a longer, more robust training. We have to take the resources we have and find creative ways to train our poll workers and provide them with effective job aids to better prepare them to do their jobs.

Lastly, and perhaps most importantly, there's a very real and urgent need for the Election Assistance Commission. The EAC has become the go-to resource in providing best practices and resources to elections administrators across the country and building relationships between elections administrators, the disability community, equipment vendors, and all those who are involved in this process. Doug Lewis, a good friend and colleague of mine, described earlier through the Research Alliance on Accessible Voting, we learned together truly what the scope of the problem was and what it would take to get us to where we need to be.

When I joined the Research Alliance on Accessible Voting, I knew Diane Golden from ATAP very well. I knew Jim Dickson very well. Carol Westlake from the Tennessee Disability Coalition and I go back very far. I did not have a relationship with Doug Lewis from the Elections Center. I had never met Dr. Juan Gilbert, who was with Clemson at the time.

But we were able to build those relationships and we learned the scope of the problem together. And I think that's the most effective way to create change and we rely on the EAC to help us to build those relationships, create useful products from them, and disseminate them nationally. Thank you.

CHAIRWOMAN MCCORMICK:

Thank you very much. We appreciate your comments. Mr. Vice Chair, do you have any questions?

VICE CHAIRMAN HICKS:

Ms. Bishop, thank you so much for coming in today. I don't really have any questions. I think you've answered everything with that incredible presentation. Again, thank you for all your help and all your work. I don't really have anything that you didn't already cover. Thanks.

MS. BISHOP:

Thank you.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

COMMISSIONER MASTERSON:

No question. But I want to thank you very much for your testimony and highlighting the impact of the grant work and what you were able to do in just a couple of states. And I think the overwhelming takeaway for not just today but your testimony is the need to not only point out -- there's nothing that frustrates election officials than to be told, well, go find more poll workers and train them better, right? I mean, oh, okay, if it were that easy, no problem, right?

And so, the fact that your work not only recognizes how frustrating that can be, but provides resources to allow them to do that is huge. And I can tell you that in my time in Ohio, we looked for these types of resources all over. And so, now it's incumbent on us to spread the word and make sure it gets out there. So thank you very much.

CHAIRWOMAN MCCORMICK:

Thank you for your testimony and your incredible work. We appreciate it very, very much. Thank you --

MS. BISHOP:

Absolutely.

CHAIRWOMAN MCCORMICK:

-- for joining us today.

MS. BISHOP:

Thank you very much.

CHAIRWOMAN MCCORMICK:

I'd like to invite up Ms. Diane Golden. Ms. Golden is a Project Coordinator with the Association of Assistive Technology Act Programs. She is also a member of our Technical Guidelines Development Committee. She's a Policy Coordinator for the Missouri Council of Administrators of Special Elections. And she is a Clinical Instructor in Audiology at the University of Missouri Health Care.

She has a PhD in Special Education Administration from the University of Missouri Columbia, a master of science in Audiology from the University of Central Missouri, and a bachelor in Science and Speech Pathology and Audiology from the University of Missouri Columbia. And she's received -- has a lot of experience in this area and received numerous honors and awards and we would like to welcome Dr. Golden. Thank you so much for coming and speaking with us.

DR. GOLDEN:

Thank you very much. Good afternoon. And I'll echo everyone else, I am so delighted that this event is occurring in recognition of the anniversary of the ADA and focusing on accessibility in voting.

My background is not specifically elections or voting. I have been in disability accessibility work for almost 40 years now. I started very, very young, right out of high school, practically. And so, my focus has always been on accessibility. And as many of the previous speakers have noted, I have learned an immeasurable amount about elections and folded that into accessibility. And I'm going to actually go back to something that Doug Lewis challenged us about what is one thing that we could suggest. And I will first say, get rid of paper --

[Laughter.]

DR. GOLDEN:

-- which I know we're not going to do. So setting that aside as my one goal for making everything more accessible, it would be just what people have talked about today. It's connections. Connections between elections officials, accessibility people, security people, have to mention, I mean, we have to somehow get on the same page.

But for me personally, it's a connection between the assistive technology community, in terms of manufacturers. There is a huge industry out there. There's an association called ATIA, the Assistive Technology Industries Association, that is made up of companies like Freedom Scientific, which is one of the major manufacturers of screen-readers, and AI Squared, that does screen enlargement, and Dragon, that does voice recognition systems, and all of these companies, they know access.

And yet, getting them connected with ES&S and Dominion and the election companies has been completely elusive for ten years now. So, at some point, if there's something we can do to make that connection actually happen and move forward, there's so much both could learn from each other, and somehow it's just not quite happened yet. So that would be my one hope.

So I'm going to run through, I hope very quickly, the actual research that ATAP, which is the Association of Assistive Technology Act Programs, did as part of the EAC funded research. Background, very quickly, because everybody in this room is going to understand the HAVA background and the requirement of one accessible voting system, and I use the word AVS for accessible voting system, because otherwise it would have taken up 20 slides everything I tried to say it, per polling place.

When HAVA was passed, that was based on the assumption that people would be doing all electronic voting, quite frankly. That was the era of the original FEC accessibility standards and the assumption was that everyone was going to be voting completely electronically, no paper. Well, that didn't happen for a lot of reasons. It happened for a little bit, and then went away in most places where it had happened. So we're now back to paper ballots. Like it or not, that's where we are.

So that has created an accessibility challenge that has continued to be daunting to solve. There was also, obviously, one accessible voting system per polling place. That assumed everybody was going to the polling place to vote. That's not happening all the time in places anymore. States are going more and more to a diffused, various kinds of voting process, voting centers, vote by mail, all kinds of different things. So, the whole polling place idea is changing now.

And then of course, with HAVA came funding to purchase new voting systems and now that large chunk of money is no longer there. So the landscape has changed and it's really changed, I think, at least, the way we need to look at accessibility.

And some of the work we did, the research we did, I think, plays into that. I'm not going to run through all of this research. Some of it people have covered prior to me. But basically, between the National Council on Disability study in 2012, the Rutgers study that Doug Lewis mentioned, National Federation of the Blind does a study every major election on voting access issues.

And we have made great progress, but we still have a long way to go. People still found barriers, and the barriers, as Michelle aptly described, were poll workers unequipped to assist voters, use the access features, didn't know how to get it started, set up, et cetera, and even some architectural building barriers that continue, et cetera.

So, ATAP proposed, as part of the EAC funded research, to do basically voting system demonstration and training. One-on-one, hands-on with people, with the voting system they would be expected to use if they go to their polling place and vote. And our premise was that if we provide them with up-front training, that means the poll worker's not on the hook to do that training on election day and the poll -- the voter with the disability will come into the polling place ready to use the accessible machine because they will have already seen it and know how to activate and use those access features.

So, we conducted demonstrations in five states, used four different types of accessible voting systems, whatever the voting system was, that's what we used, warts and all, didn't matter, we were going to train people to use that system as efficiently and effectively as they could. The demonstrations and trainings were all done by people who are very knowledgeable about assistive technology. So these were folks that do training and demonstration of assistive tech day in and day out with people.

We did a total of 506 demonstration trainings and the disability types varied. There were a lot of people with vision disabilities, a number of people with motor disabilities, intellectual disabilities, and then we had people with combinations thereof, and hearing, all kinds of things combined. The age range, 47 percent were seniors, 36 percent were middle aged, and believe it or not, only 17 percent were young adults. We had a terrible time getting to the young adult population for a number of reasons, but it's interesting that quoting people below, older folks were much more interested in getting trained to use the accessible voting systems, believe it or not.

We did ask people, just as a demographic, if they were an AT user, 52 percent were. But when we asked specifically what assistive tech they used, it was mostly assistive technology that was not transferable in terms of using an accessible voting system. So they used some sort of walker or some sort of device that really didn't -- that knowledge base and skill set didn't transfer over into being able to use an access feature on an accessible voting machine. So for us, that was a bit discouraging because it tells us we have a lot of people with disabilities who don't have the assistive technology, they need to be independent at home, let alone voting.

So we did demonstration trainings and we collected data on how long it took for our experienced assistive technology specialist to get the person with a disability to a point where they said, I'm good, I can do this on my own, I can. And we had a sample ballot, we had them vote.

In general, it took between a minute and 25 minutes to get people comfortable using the access features. That's obviously a wide range. But about half of the folks, we could get comfortable within one to three minutes. The other half, it was taking us 10, 15, 20, 25 minutes. So there's a good group of people that are -- can train pretty easily and quickly, probably with some prior technology experience, transferable skills and, boy, there were a whole lot of people that took a whole lot of time.

The average was about five minutes, across all features. It also took much longer to train somebody to become comfortable using the audio/tactile ballot or the, heaven forbid, the switch input, which is much more complex, than it did to use the large visual display. We did have a number of people that we couldn't ever get independent using those access features. And the range is four percent to 33 percent.

I will tell you, the 33 percent is on switch access. If a person isn't already using a switch in their daily lives to control their computer or their chair or something else, they are not going to get that in a small training session to use a voting system. It's just too complicated.

We also had them, once they did become independent, said they did for the majority who did, we asked them to vote a ballot. It took on average twice as long for people to vote a very short ballot using any of the access features. Just took them longer. Some folks using the speech output tactile, the audio/tactile ballot and switch input, it was taking them nine times as long to complete that ballot.

So all of these things started giving us ideas about what it was going to take to make accessible voting actually work in a busy polling place on election day. So, we also asked folks to do pre/post ratings of their comfort level and I'm not going to go through all the details. We did use a ten point Likert scale and in general, people almost doubled their confidence level. If you give them prior training and experience, they felt so much more comfortable about going to the polling place and using the voting system.

And we had incredible anecdotal stories. There's some videos online of people who got all fired up and said, by golly, I'm going into that polling place and if the machine isn't set up, I'm going to show them how to set it up and we're going to make this work. So, it was really a positive experience for the folks who became confident in using those access features. Many people said they would actually go to the polling place and vote now that they were comfortable they could do it independently.

Secondary, wasn't the real reason we were doing the research, we did ask people to tell us, okay, what needs to be improved about the access features you're using? Overwhelmingly, and I mean overwhelmingly, it was the large visual display was not nearly large enough. That 6 to 9.3 millimeters as "large" is not nearly large enough.

People also said, on touch screens, the strike areas were not nearly big enough. For anybody with fine motor skills, the strike areas were too small. And improving the audio navigation and the switch navigation input. It's slow, it's cumbersome, it's -- there are lots of efficiencies that could be built in there.

Due to the fact that people kept saying the print isn't big enough, we threw in another small research step where we would take those people and move them off of the accessible voting machine over to a closed circuit television electronic magnifier where it's a camera, big screen up here, and we would take a paper ballot and just put it under there and then it would display up and we would adjust the size and measure how big those people needed that text to actually read it comfortably.

And what we found was the mean, the average was 17.46 millimeters compared to the 6 to 9 that's in the current VVSG. This, I have to tell you, our N was 94, that's not a great N, but it really says we need a whole lot of research on what is an optimal large visual display and how big does the screen need to be to display that, so that people don't end up in scrolling problems of, if the screen's too small, it doesn't matter if you get the print big enough, it's illegible because of screen display.

So, brilliantly we thought, well, maybe this is a solution. Maybe polling places could have CCTVs, there as an option. But what we found is people were very, very unhappy trying to hand mark something while they were looking at a screen up here. The eye-hand coordination that requires made it very, very difficult. So people did not actually prefer that option. So I don't think that's a viable alternative.

So what does the data tell us? First off, it says that the accessible voting systems are not easy or intuitive. They just simply aren't. That's not -- I don't have a quick, fast solution. But they aren't. So we need to put some mitigating procedures in place, which I think is making sure people have access to those machines in independent living centers and any communities, senior centers, any place where people with disabilities might need to use access features, so they can become familiar with them, so they don't go into the polling place cold and need that kind of training.

We do need improvements in some of the access features, definitely. You can't -- you listened to Michelle talk ten times faster than I can talk, saying that poll workers are expected to do so much, to spend 25 minutes with somebody getting them up and running on an access, you can't ask a poll worker to do that on an election day. And voters with disabilities are going to require more time to complete their ballot because the access features aren't very efficient. So you have got to allow for early voting and extended time and all those kinds of things or it's going to be a pretty frustrating process for everyone.

So the recommendations, making the equipment, and I will tell you that's a bit of a challenge, because the companies, the voting equipment companies are not really wanting to sell equipment or put it out for demonstration purposes, election officials, they need to call it back in for elections and make sure it's running, so having that equipment ubiquitously available is a bit of a challenge.

Improving access features, and hopefully, the Voting System Guidelines can take a look at that. And expanding opportunities, early voting, extended time, anything will help tremendously.

And then, my last thoughts, these are more personal, as a result of all of this work, it really made me think about the viability of that whole concept of one accessible voting system per polling place. If everyone could vote electronically, and if most access features were available on every machine so that all people could use them, that takes you a certain way toward fixing the problem, I think. So it isn't the special machine over there that's separate with special access features. Everybody can -- many people can use larger visual display, many people can use some of those access features.

But for some people with disabilities, people who are switch users, need voice recognition software, they really need to be able to vote with their own computer and their own assistive technology. It's just going to be very, very challenging to build all of that in to a publically used piece of equipment.

So my thoughts are maybe we need to take a step back and sort of rethink how we deliver accessibility and if we could ever solve the conflict between security and accessibility and allow people to use their own assistive technology, their own computer systems to vote fully, I think we would solve all kinds of issues in terms of people engaging, voting, truly doing it privately and independently kind of maybe for the first time. And with that, my contact information is there and I will be glad to answer any questions.

CHAIRWOMAN MCCORMICK:

Thank you, Dr. Golden. I appreciate your presentation today and it's very meaningful for us to have you on the TGDC to provide us with your input on these issues and other issues with accessibility issues. Mr. Vice Chair, do you have any questions for Dr. Golden?

VICE CHAIRMAN HICKS:

Yes. Just one. Again, thank you for all your help with the TGDC and Standards Board and everything that you do. I guess my question goes towards the five states that were used for the demonstration project. And what were they?

DR. GOLDEN:

Okay.

VICE CHAIRMAN HICKS:

And then, I can talk to you offline if --

DR. GOLDEN:

Well, I'll see if I can recall. Missouri, Illinois, North Dakota, New Jersey, and Oklahoma.

VICE CHAIRMAN HICKS:

Okay.

DR. GOLDEN:

And the most challenging part of all of those was getting our hands on -- not in every state, but getting a hold of equipment and getting a ballot programed so that we could do the training, and we actually had to rent equipment in one case from the manufacturer, and people had to go get trained by the manufacturer before they'd let us use the equipment.

So that was an interesting learning experience. But, again, I understand the reasons. It's just we're used to assistive technology people wanting us to have their equipment everywhere to show it off and we had to beg to get the voting equipment to demonstrate it. So it's a different environment.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

COMMISSIONER MASTERSON:

Just one quick follow-up. But I appreciate everything you've done. You and I have for a long time discussed and tried to tackle these issues. And so, I thank you. My follow-up to you is, you opened with your suggestion, the wish list of one thing. Which, I appreciate. Which was improving the connection between manufacturers and assistive technology providers, right? And at least bridging that gap.

And my question is, in other industries, in other areas, how does that happen? How is that relationship built? Where have you seen it succeed and where have you seen it fail, so that we can learn from those experiences to try to do that?

Because, I mean, I honestly believe in my experience with the voting system vendors, they're very open to it. They don't want to be told that their systems aren't accessible anymore, right? And so, they want that bridged for them. And so, what techniques, what kind of approaches have you seen that have been successful in doing that?

DR. GOLDEN:

Boy, I wish I could tell you I had a lot of success stories. I have a lot of not so success stories in that arena. Probably the areas -- the accessible ATM work is probably one of the areas where those companies, once the legal challenges came up, they reached out to the assistive technology community and quickly figured out how to do some of those things. The unique feature though, of the banking community was, they pretty much had control of their procedures and systems.

When you get into more of a public sector, and the example I can give you is we are having the same conflict with accessible assessments for kids K12 and the ACT and the higher education, it's the same security versus accessibility loggerhead, and we run through the same issues and because it's a publically facing activity like voting and K12 public school assessments and those sorts of things, you just -- it has proven to be very challenging to get -- the assistive technology people have the answers. I mean, that's what they do.

But there are always security issues. Whether it's loading software onto something that's going to make it insecure or paper issues, there are just -- it's a constant struggle.

COMMISSIONER MASTERSON:

Let me follow up on that real quick, if you don't mind. And that is, as you did your work and displayed the systems to the voters and educated them and walked them through it, anecdotally, or just by means of story, share with me the experience, the reaction the voter had to, for instance, being presented this machine that's going to help them mark a paper ballot and how unfamiliar that was to them and sort of almost the intimidation factor. What did you see as far as a reaction to a technology that was that unfamiliar to them?

DR. GOLDEN:

Particularly with younger voters, it was -- it's almost like for those of you who are familiar, it's like offering a TTY to somebody now. They look at you like you've lost your mind. It is just such an antiquated -- their first reaction is -- like Michelle or someone else says, I mean, the first thing they want to know is, why can't I do it with my tablet? Or why can't I do it with -- I have all my access features built right in here. Just let me do it this way. This is how I do everything else. This is how I order my pizza, this is how I do everything. Why can't I vote this way?

So it ranged from the technology users just being dumbfounded at the antiquity of the thing to the older folks who many of them the first we showed them screen enlargement or the CCTV, it was like an aha moment, I can read my prescription bottles now if I just get something like this, yes. So it runs the gamut. But, yes, I'm afraid -- I mean, people talk about disenfranchising younger voters anyway because of the rather old fashioned voting process.

I am really concerned about young voters with disabilities, it's a double disenfranchment. It's -- yes, it's not the technology that everybody uses, but it's certainly not their adaptive technology that is how they interact with the world.

CHAIRWOMAN MCCORMICK:

Thank you so much. We'll be trying to bridge these gaps with the different stakeholders, and hopefully we'll be one of the success stories. We know it's going to be difficult, but we appreciate your input. Thank you so much, Dr. Golden.

I'd like to invite to the microphone Kathy Hoell. Ms. Hoell is employed as the Executive Director of the Nebraska Statewide Independent Living Council and past President of the Arc of Nebraska and past Board Member of the Disability Rights Nebraska. Kathy's background includes a Master’s in Public Administration and Bachelor’s in Behavioral Science and is a Registered Nurse.

She's been very active in bringing organizations together to find common areas of interest. She serves on various committees, including the Nebraska Consortium of Citizens with Disabilities, HAVA State Planning Committee, Chair of the Voting Rights Subcommittee for the National Council on Independent Living, and a member of the NE Disability Vote Project. Kathy was the 2005 recipient of the Earl Waldon Award, an annual award given by APRIL and ILRU for Outstanding Rural Advocacy. And we welcome Ms. Hoell to the microphone.

MS. HOELL:

Okay. First of all, I would like to thank you for having this really important hearing. Today, I am here as the Co-Chair of NICL, which is the National Council on Independent Living. It's the longest running national disability grassroots organization that is run by and for people with disabilities. It was founded in 1982 and it represents thousands of organizations and individuals with disabilities, Centers for Independent Living, and statewide independent living councils.

And with the passage of the Help America Vote Act, HAVA, the voting landscape for people with disabilities did change tremendously for most. But there were a lot of us left out. You'll have to excuse me, I forget my words at times.

CHAIRWOMAN MCCORMICK:

Take your time.

MS. HOELL:

The voter rate, participation rate for people with disabilities has gone up since the passage of HAVA and people in the disability community know that with rights does come responsibility. So we have gone out and conducted non-partisan voter education, voter registration for people with disabilities. But, in our opinion, because of the EAC's robust voice for accessibility has also helped to improve voter participation for people with disabilities.

In 2000, the voter participation rate between us and our able-bodied peers, there was a gap of 16 percent. In 2012, that gap was down to 5.7 percent. So there has been some improvement. However, there still remains some unacceptable accessibility issues that stand between the desire of Americans with disabilities to vote and our full participation.

One of the biggest problems that we have seen -- I accidentally hit the wrong button, okay -- is that the degree of success of the implementation of HAVA varied from state to state. The variables in this success depended on what equipment was purchased, how it was positioned in the polling place, and how well the poll workers were trained. And you heard all about that from Michelle.

And also, another concern was, though, is the polling place accessible? You probably have seen all the reports from Rutgers, Syracuse, which I have collected over the years because voting is such an important issue. But I think the most -- one of the most significant was one Rutgers and Syracuse were funded by the EAC and they conducted a small sampling of 3,022 people, 2,000 of them were people with disabilities, and the questions came from the U.S. Census Bureau, plus some additional questions.

And they had looked at the entire process from the parking lot to the voting process and the poll workers and even the physical layout. And the analysis showed that 30 percent of the voters with disabilities reported difficulty in voting at a polling place in 2012. That's a significant number, in my opinion.

The most common problems were reading or seeing the ballot or understanding how to vote, or even how to use the polling equipment, the voting equipment, because the poll workers didn't know, most of the time, either. Almost three-fourths of voters with disabilities did find it very easy to vote. So, again, that comes down to the fact that we are addressing the majority of the population, but we're leaving a lot of people out.

Recently, the U.S. Election Project in -- looked at the 2014 election and we saw the worst voter turnout since 1942. And while midterm elections are usually lower anyway, but one of the reasons most commonly cited for people missing the election was illness or disability, because not all people claim to be disabled. And I, anecdotally, have found that most of those people as they age, they're old, they're not disabled.

[Laughter.]

MS. HOELL:

And that shouldn't really make a difference, but, okay, whatever. Anyway. There is a real need to improve poll worker training. As a -- I'm a person with a brain injury. My disability includes using a wheelchair, having a speech impairment, forgetting words or thoughts as I'm talking, just to name a few of the multitude of disabilities that I have. But they all require an accommodation in some way, shape, or form.

I have been shown the stairs by poll workers. I've had poll workers question whether I am smart enough to vote. I have had friends who have been asked to take reading tests because they are not -- they're a person with a disability and you can't possibly be smart enough or prepared to vote. Again, anecdotally, most of the people I know with disabilities that vote are probably more prepared than the average citizen, but that's my opinion and I'll stick to it.

[Laughter.]

MS. HOELL:

Another thing that has happened to me is they put the voting machine right in front of the front door, so anybody who walks in can see it. That defeats the purpose of the private, independent ballot. And I have been told that I'm unreasonable for asking them to move it.

But the thing that I find most distressing is that these all happened since the passage of HAVA. It's still happening out there. They've happened within the last four years. So we still have a lot of issues if a person with a disability wants to go to the polling place.

Unfortunately, voting has become a very partisan issue and there have been changes to registration and the inaccessible websites. I can guarantee Nebraska has an inaccessible website. I mean, but that is common, unfortunately. But with early voting, voter ID requirements, which have been -- which makes it very difficult for people with disabilities, because we're less likely to have the IDs that they require.

One of the things that I think is essential as the role of the Election Assistance Commission is to maintain and improve accessibility in the ever changing landscape. People with disabilities often face other barriers in their lives, such as transportation, financial limitations, so why do we have to make voting more difficult? Currently, the equipment purchased under HAVA is breaking down, beyond repair in some instances. Technology is advancing, but we are not looking forward.

The present equipment has a number of accessibility failures in it. Dr. Gilbert out of -- well, he was at Clemson, is working on a newer generation of accessible voting equipment, and he has utilized the annual meetings of organizations like NCIL or Self Advocates Becoming Empowered to do their elections at their annual meetings. So he has actually tested some of his features with people with disabilities. So he's got some really good insight.

But as was said earlier, people with disabilities, we're the experts on being people with disabilities. We do it very well. And so, the election officials, the voting equipment companies, can't decide what works for us without talking to us. It comes back to a very common phrase the disability community likes to use. It's called, nothing about us without us. And so, they need to talk to us about what is important.

Recently, there has been a real push in some states to make all people with disabilities vote by mail. This is not accessible and it eliminates the private, independent ballot. A number of years ago, the EAC did develop some standards for best practices in accessibility and I really believe that needs to be updated. I know for myself, voting by mail would be very difficult. And I think recently one of our members, Ted Jackson, was able to visit one of what they now call vote centers. And these are popping up all around Colorado.

But the bottom line, it focuses on voting by mail or the vote centers are so spaced out they cause some real transportation barriers for people with disabilities. So, I guess what this comes down to, for me, is I would like to see the Election Assistance Commission using your bully pulpit. You've got one, use it. And we can increase the voter turnout for people with disabilities by just improving some of these accessibility issues.

NICL, the committee I'm on, will be happy to work with you in any way we can. Just one final comment, I became disabled over 30 years ago and I have been fighting to get my civil rights back, because mine is an acquired disability and voting is one of those rights that I want to be able to take advantage of. And on that note, I just say thank you. And if you have any questions or if we can do anything, please let me know.

CHAIRWOMAN MCCORMICK:

Thank you so much, Ms. Hoell. It's been very enlightening listening to your testimony today. You've asked us to work on updating our best practices in accessibility --

MS. HOELL:

Right.

CHAIRWOMAN MCCORMICK:

-- standards. Do you have any other ideas for us that we might be able to work on immediately that would be helpful?

MS. HOELL:

I would just say, any of the best practices that you've done that look at voting more people with disabilities, they need to be updated. They need to -- and we need -- as Dr. Golden suggested, people with disabilities, some of us use technology. I'm an example of that because even though I'm old, I don't write. So I've been using computers since they came out.

But so, for me to order a pizza online or to do any of those things, I know for a lot of people with disabilities, if we could use our own equipment, that would be so good. It would make the system work so much better because there are such big transportation barriers for us. I mean, you can't just hop in a cab. You -- it's just no options, no good options.

CHAIRWOMAN MCCORMICK:

We appreciate that. This is a difficult nut to crack to get everything that we need to do.

MS. HOELL:

Oh, and I understand.

CHAIRWOMAN MCCORMICK:

As Americans, we're used to taking on hard problems, right? We've gotten to the moon, we're on our way to Mars, we've got pictures of Pluto now. We can solve this.

MS. HOELL:

Yes. And --

CHAIRWOMAN MCCORMICK:

And we're going to be working on it.

MS. HOELL:

And I want you to know that we -- if there's anything we can do, we will do, because we are primarily a membership organization. All decisions from our organization are made by the members and we have a lot of them. So if we can do anything to help, please feel free to contact us.

CHAIRWOMAN MCCORMICK:

Thank you, we will. Mr. Vice Chair, do you have any questions?

VICE CHAIRMAN HICKS:

Not necessarily a question, again, a comment. Thank you so much for your testimony. It was very enlightening and very heartfelt.

MS. HOELL:

Thank you.

VICE CHAIRMAN HICKS:

I think that it's appalling the problems that you've had to face to exercise your right to vote and I hope that we can do something in our limited role to basically improve that. One of the things that I know that Commissioner Masterson is head of right now, as the DFO, is basically improving our Voting System Guidelines.

And one of the things that I would suggest that you help us with is with our public working groups. Once those things are established and when we start asking for public comment, to make sure that you make your voice heard, so that we can hear you.

MS. HOELL:

And we can do that. And we've got a loud voice.

[Laughter.]

MS. HOELL:

I can guarantee that.

CHAIRWOMAN MCCORMICK:

And we're listening. Commissioner Masterson?

COMMISSIONER MASTERSON:

I do have one quick question. And thank you so much for your testimony and for being willing to share not only your experience, but your members' experience and challenges as they attempt to vote. My question is, within NICL or another organization, do you know of an effort to have members either volunteer or work with election jurisdictions to be poll workers? One of the suggestions we heard earlier was to have more folks with disabilities serve as poll workers.

MS. HOELL:

Actually we -- there are states that are suggesting people with disabilities work in the polls. Nebraska, the state I'm from, actually hires people with disabilities and people below the age of 30 to work in the polls. But the technology is so old that they don't know what they're doing either.

[Laughter.]

CHAIRWOMAN MCCORMICK:

Well, thank you so much, Ms. Hoell. We appreciate you coming here and speaking to us and enlightening us with your information.

MS. HOELL:

Well, thank you very much for having this hearing.

CHAIRWOMAN MCCORMICK:

You're welcome. We're going to move on to other business right now. We learned so much today from our witnesses about accessible issues and we're going to take all of this to heart and work hard on these issues. And we appreciate your interest in this subject and your participation and your collaborative efforts with us to try to make improvements in the accessibility for all voters in our democracy.

We're going to hear now about the 2014 Election Administration and Voting Survey. And hopefully we can move through these pretty quickly. We're -- I know we've been going on, but this is an important subject that we needed to hear about. So we appreciate your patience.

I invite up to the microphone John Fortier. Mr. Fortier joined the Bipartisan Policy Center in April 2011. He's a political scientist who focuses on governmental and electoral institutions. Prior to going to BPC, he was a Research Fellow at the American Enterprise Institute, where he also served as the principal contributor to the AEI-Brookings Election Reform Project, the Executive Director of the Continuity of Government Commission, and the Project Manager of the Transition to Governing Project. He was also a regular contributor to AEI's Election Watch series.

He's also served as the Director of the Center for the Study of American Democracy at Kenyon College. He has a PhD in Political Science from Boston College and a BA from Georgetown University. We welcome Dr. Fortier. Thank you for coming in today.

DR. FORTIER:

Great. Thank you, Chair McCormick and Vice Chair Hicks and Commissioner Masterson. And I will note how nice it is to be able to say those words after a number of years where one couldn't say that. It is a pleasure to be here today. I will note that we are maybe five stories underground here in this hotel. So I suspect you may not be able to reveal this to us, but this may be the continuity of government space where the EAC will survive any --

[Laughter.]

DR. FORTIER:

-- anything that befalls this country, so I'm glad to hear that --

CHAIRWOMAN MCCORMICK:

We're all safe.

DR. FORTIER:

-- that's in place.

COMMISSIONER MASTERSON:

Yes, America's safe.

DR. FORTIER:

I will also note, I have a favorite joke I haven't been able to tell in years and with all these people who have spent a long time today, I say you deserve a prize. And it may be that there is a new channel on CSPAN, which is CSPAN 8, you should all get this. It covers the lives of the EAC Commissioners' personal lives.

[Laughter.]

DR. FORTIER:

Twenty-four hours a day. So watch out.

CHAIRWOMAN MCCORMICK:

Oh God, help us.

DR. FORTIER:

Again, it's nice to be able to tell that joke. Because for a few years, I wasn't able to. So, but thank you for having me. And I guess the reason I'm here to talk about today is the EAVS survey, which I think really is an extremely important function that the EAC performs. Some of it required by law, other parts of it I think just essential for policy makers, scholars, and election officials.

As the Director of the Democracy Project and working with the President's Commission on Election Administration, we are hosting their work after their existence, that Commission was very data driven. It certainly drew from election officials, it drew from scholars, it drew from whatever data there is out there. And there is a lot of data in a lot of places. And for an institution like the EAC to really be able to collect that, as you have been doing and as you will, I hope, continue to do, is extremely important.

Let me say why I think that's important. We are not a country like many in the world. When visitors come here from other countries, election officials or policy makers, they are astounded that we do not have a unitary system of running elections. In many places, the ballot looks the same in every part of the country, the procedures are the same, the technology is the same. And of course, we are not a country like that. And the EAC, while a federal institution, is by no means a nationalizing presence, not meant to even out all the differences.

But because of that, it's extremely important that it be able to catalogue and put together what really is going on out in this very diverse country in terms of holding elections. We have 50 states, D.C., territories responsible for elections, local jurisdictions who are actually administering them. And I could go on and on about the differences between states about technology and the hours they're in place and whether you allow vote by mail and the types of jurisdictions that run elections and how those officials are elected or not elected or appointed. It's a very different place here from one county to another.

And it's for this reason that the EAVS survey is really of vital importance. Let me just say something about my -- I've come at the EAVS survey from a couple of different perspectives. I am a political scientist by training and I wrote a book back in 2006 on absentee and early voting. It was a set of procedures, a set of phenomena that were expanding and starting to get some notice at that time. And I looked around and I thought, well, how am I going to lay out what's really happening in this country? It's very hard to do in a country as big and diverse as ours.

And it was, of course, fortunately at the relative beginning of the Election Assistance Commission's survey on elections, which I turned to and was able to have a base of knowledge. Which was not perfect and still probably today is not perfect, but it was one agency trying to go out and collect information from all parts of the country to try to get a handle on these different phenomena. Simple questions like how many people vote by mail? How many people vote before election day at a polling site? How many people vote on election day? Simple questions, but very hard to answer because of the way our country is run.

Without it, I think the book would have been impossible and I think many other surveys and research that scholars do would also be impossible. But I'll note, again, the importance that you've kept it up and you've improved the survey over the years. That was a very early survey, really relying on the 2004 survey, almost at the beginning.

And how did you determine what states meant when they call things advanced voting or early voting or absentee voting in person or the many, many other variations of this? What did that really mean? And some of that was captured by your survey. Frankly, some of it also, I think, today you and others have to look at some numbers and go back to the states and say, what did you really mean by that when you put that number in there? Did you mean that people were voting by mail or did you mean that they were showing up somewhere in person? So there was some of that.

And of course, there was the question of trying to get all this data from, not only the states, but from the 5,000 or plus jurisdictions that you are surveying. One, I guess you could call it, funny story I had was the state of Maine. And that survey hadn't really reported anything about absentee voting. So I called the Secretary of State of Maine, and not to pick on them, I'm from New England where we have lots of towns and small jurisdictions, and the answer was basically, we don't have a number, but you should feel free to call the 500 local towns and ask each one for their number.

That still is true of some parts of the EAVS survey. There are some holes. There's not a perfect reporting. But that has changed dramatically over time, and that's, again, the beauty of a survey that, while it may change some, has some stability, has the ability of the providers, the jurisdictions, to understand the questions, to understand how to get it back to you, of the survey takers to really explain and work well with them to get the types of answers back. So, those kind of holes are still there, but there are not as many as there were. And the categorizations are better and what we know about the survey is much better.

What I guess I would stress is a couple of other uses of this. I mean, certainly, by statute, the NVRA and the UOCAVA surveys now kind of combine all into one place, are required and important. Important for legal reasons, important for allocation of resources, important for policy makers to know when some of their policies are working or not working, important sometimes for lawsuits, important for all sorts of reasons.

But I was also stressing the other part that is not necessarily absolutely required by law, but the one that really tries to sketch out how we are casting votes, how we are counting votes, how we are using voting machines, et cetera. That is a very important resource, again, for the scholarly world, for the policy making world, and for the election world.

Quickly, who uses the data? Certainly, election officials who want to compare their states and localities with others. It's not a final answer, but it's a starting point for looking and seeing how you compare to others and what others are doing. Certainly for policy makers who are trying to get a sense of the landscape. And that's true at the federal level, but it's also true at the state level for policy makers to say, where's my state compared to others?

And then, turning back to scholars, I note the huge influence that it's had. I want to give some credit to places like the Pew Charitable Trust who take major parts of this data into their Democracy Index, working on the data, improving it, presenting it, in digestible ways for the public. Certainly for individual scholars, too many to mention. I'll mention one, Charles Stewart, who worked very closely with the Commission and still works closely with us. But certainly individual scholars rely on this as well. So I think it's a survey that many people rely on and it is an important core function of the EAC that you keep this up, that you continue to improve it, and work on the survey.

Let me, while I'm very, very positive, let me say a couple things about a couple of places where there might be improvement in a few broad areas that I think the survey could go. One is that, while many of -- if you looked back to the 2004 survey that I talked about, and looked at today's, you would find many fewer blanks. That's partly because states have and jurisdictions have come to understand and fill in this data. And it's partly also because the questions and the categories are starting to become more intuitive or regular for people.

But there are some exceptions. And just to point to one, Chart Number 30, where you'll see a lot of blanks. And that really is, I think, indicates that there's some places where maybe we don't -- maybe the jurisdictions don't quite understand the survey. This is one that really talks about, well, how many voters are you capturing and signing into the polling place? And how many things are you getting from voter history? And a variety of things. And some states have a way of breaking that down, some states don't seem to answer at all, some states might be answering them in a different way.

I think those are the kinds of things that have really -- we have many, many fewer of them. But there still are some places if you went and looked and found the places with lots of blanks in the survey, that you know that there's some more work to be done integrating what the survey takers and what the survey givers, the jurisdictions are looking to get at.

Second, I do think that there really -- this is an important document for you, and so, some significant error checking and some also -- providing somewhat of a broader context here. And, I guess I mean that in a couple ways. One, look there -- this is a survey that's going to be hard -- that you could find errors in. It's a big survey, it comes from 5,000 different places, I don't expect it to be error free.

But I'll note one big thing that struck out at me. I have a couple others if you want them afterwards. If you look at the voter turnout which you're reporting, it looks like the state of Alabama did really well, it was number one, had 82 percent turnout in the last midterm election. That can't be true. I think I know where that came from. It came from a number that was probably misreported and put through the process.

But I stress to you that I think this is a very important document for you. And if you want more credibility, which I think you already have a lot of it, internal checking. Sometimes that means better error checking, but I think it also means bringing in some of the community. Because the community is scholars, but it's also election officials and it's often hard to find people who know all of these things, people who could look at a number and say, oh, that doesn't look right. And I think building in a process where you feel very, very good that it's gotten a look from the election community as well as some of the scholarly and data community would be helpful.

I mentioned the summary of data and analysis, I'm of two minds of this. Look, I think the key thing for you is that you are the clearinghouse of data and others may have their spin on what this all means. And I don't think the EAC needs to necessarily have a big thesis of the world coming out of all of the data that you provide. But I do think it would be helpful to do even more than you do. You already do some highlights and big points, but for -- this is a painting of the landscape, what's going on in this broad country of America in elections.

And some of the highlights, some of you already mentioned, how many people vote by mail and how many people vote early in person, but I think having a 10 or 15 page summary of the big points, what is out there, is something that you can do without taking away from other organizations who are going to look at it from their own perspective. Just the facts, ma'am, but maybe at a little bit higher level.

And then finally, I guess, that there be some greater role for some data principles and I think you've already moved far in this direction, but I'll note some simple things like making sure that there will be zeros in fields rather than fields left blank. I think that's one of the great questions scholars always ask, well, there's nothing in this field, what did that mean? Did it mean somebody didn't report it? Did it mean that there's an actual zero? So I think some addition of data principles.

But I guess my summary point is this is extremely important work. You have done a lot by just having this survey and improving it over a course of many years. It's important not to change too much too quickly because that process is really important for the people who rely on the data and the people who provide the data understanding what they do. But that more could be done and that this is a really core function that the EAC should perform and the rest of us are better for.

CHAIRWOMAN MCCORMICK:

Thank you, Dr. Fortier. Other than synthesizing the data and looking for errors and things, what one thing would you say would be probably the priority in modernizing or upgrading the EAVS survey going forward?

DR. FORTIER:

Well, I guess I would take my time in making major changes. So it's -- one could think of all sorts of things one would want to know, right? But that would mean lots of new questions for election officials. Election officials are busy. It would also mean trying to understand these new concepts. Some states really may not really understand what you mean when you say, well, again, early and absentee voting. It means a lot of things in a lot of places. So, if you're introducing new concepts, I would be careful about it.

That being said, I do think at this point, just for the improvement of what you have, I think having -- you obviously want to get this out in a timely way, but having a group that represents the different types of producers and users of the data to be able to review and give you comments and find the errors and give you some sense of context. And that would be, again, election officials, both those who are -- how they provide the data, but also being able to look at it and how they use the data, scholars, certain data producers.

Generally, I don't know if it's a council or a group of people, but I do think having that look at it before you put it out would just give it that greater context. It would also give you a little sense of where you want to go if you are doing a kind of a bigger frame or analysis, which I would be careful about, don't want to tell the world what to do, but just to sort of sketch out what the world is, I think that would be helpful.

CHAIRWOMAN MCCORMICK:

Thank you. Mr. Vice Chair, do you have any questions?

VICE CHAIRMAN HICKS:

As a fellow New Englander, welcome. I wanted to --

DR. FORTIER:

And the Red Sox are not doing well this year, so Tom and I are glum.

CHAIRWOMAN MCCORMICK:

We won't talk about Tom Brady right now.

[Laughter.]

DR. FORTIER:

Yes, yes. And Jim Dickson too, yes.

VICE CHAIRMAN HICKS:

Thank you for your testimony today. And I know that you already know this, but I'm saying this more so for the other folks in the room and on our webcast, that come mid-August, the 12th and 13th, at AU, we will be having a Data Summit where we'll be looking at the EAVS survey and some of the changes that we would like to have made. And I agree that we can't make hundreds of changes or a super number of changes because we will get a lot push back from the election officials --

CHAIRWOMAN MCCORMICK:

Yes.

VICE CHAIRMAN HICKS:

-- who have to fill this out and our -- change takes time. But I think that there are improvements that can be made to the survey. And, again, want to thank you for your testimony and enlightening us on some of the issues that you faced when writing your book. And we want to continue to work with you.

DR. FORTIER:

Sure.

VICE CHAIRMAN HICKS:

Thanks.

DR. FORTIER:

Maybe I'll quickly just add, I do think there are many areas that we'd like to know more. You already know a bit about the technology that jurisdictions use. I guess I think one could do more with that. I'm stressing don't do too much too quickly, but I think if one could give an even better map of the world of what sort of technology is used in casting and counting votes in various places. That's something that maybe there is a better level of granularity you can get to than you're already getting, as a suggestion.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

COMMISSIONER MASTERSON:

Just very quickly. As you went and worked with the PCA and heard from election officials and looked at the data and kind of mixed the two, what did you see, or did you see as far as best practices or ideas on how election officials were using this data? Because if they have to collect it, it should be tangible and usable for them to improve their processes. So just quickly, what did you see or hear about that?

DR. FORTIER:

Well, look, I think this is a -- this is generally important. And one thing that has come out of Florida and other problems that we've had has been the development within academia and within the election community of many important partnerships. Academics realize that election officials have a lot of data. That's good for academics. Election officials realize that sometimes academics can use that data to really help election officials show them what's going on and what they might do. So I think that's all very important.

That's probably separate from the survey. I really think the survey is a pot of gold that all of those academics and election officials can use. I guess I think that the level at which the survey is, is -- I think is useful. I'm not sure how many election officials are browsing through the EAVS data. And that's maybe one of the reasons why I think a little bit of more a highlighted -- highlights in simpler language before you get to the tables on more subjects would be useful to them.

But I think the thing that election officials are doing at this level is trying to figure out what their counterparts are doing. Is it really true that you are able -- you've moved from having only five percent of your voters vote by mail to 25 percent in a four year period? What types of technology are you using? How is -- are this many people really registering online with the new advent of many states using online registration?

So I think this level of data -- I think there's a lot to be learned from election officials and partnerships with academics on specific subjects, but at this level of data, I think it really is trying to understand the universe, trying to see that there are some practices going on in other places, and then the various mechanisms by which election officials might talk to their counterparts in other states to follow up on that in the data.

That's the level that we're at. It's a high level data, but I think it's an important way for the sort of comparative understanding of what others are doing that you might want to adopt yourself.

CHAIRWOMAN MCCORMICK:

Thank you, Dr. Fortier. We appreciate you coming out here and discussing this with us today.

DR. FORTIER:

Great. Thank you.

CHAIRWOMAN MCCORMICK:

Thank you. I'd like to invite up from our staff the Director of Research, Policy, and Programs, Karen Lynn-Dyson and Dr. Ron Szoc who is a Senior Scientist with ICF International. He has more than 30 years experience in program evaluation, multivariate statistical methods, and multimodal survey administration and data collection.

His research projects have addressed such issues as the employment of people with disabilities, the use of alcohol and recreational and prescription drugs by the military, satisfaction with family and child support services in the military, and the impact of family factors on retention of military personnel. He has directed research projects for such federal agencies as the Department of Veterans Affairs, the Department of Labor, the Department of Defense and its military branches, the Office of Juvenile Justice and Delinquency Prevention, the Department of Justice, and the U.S. Census Bureau.

For the past six years, Dr. Szoc has been a member of ICF Project Team assisting the EAC in collecting data for statutory overview and the Election Administration and Voting Survey, assuming that role of the Project Manager for the 2012 and 2014 iterations of the survey. So thank you both for testifying. And just in the essence of time, we ask you to -- I know we've been here a long time so, to compact it if you can and so we can just move forward. But thank you so much for your testimony.

MS. LYNN-DYSON:

Okay.

COMMISSIONER MASTERSON:

It's on.

MS. LYNN-DYSON:

Thank you.

CHAIRWOMAN MCCORMICK:

You can just talk.

MS. LYNN-DYSON:

And so in the interest of time, I will not make my remarks. I will just provide a couple points of clarification for John Fortier's comments. So this will be a rebuttal, I suppose --

[Laughter.]

MS. LYNN-DYSON:

-- as it were. First of all, in terms of some of the states for 2014, if you go back a number of years, '08, '10, and '12, there are a lot of missing values. Those states' data have been certified. Those states have been very clear about their unwillingness to provide certain data. And that there are certain data that they do not provide because they are not required by law. And so, I think the public should know that, that this is not a document that is missing a lot of data, a lot of states choose not to provide that data and they certify as much.

I think, also, to John's points about data verification and clarification, and Dr. Szoc will get into this a bit, we apply 240 rules in the algorithm in which we validate the data. We, every iteration, hire an expert in elections. Historically, Mike Alvarez has worked with us a great deal. This last time, Lana Atkinson, from the University of Arizona, actually did a hand calculation of all of the data tables. And for those of you who don't know, we amass about 1.6 million numbers, data points. And so, Lana in her due diligence actually did, again, hand calculations of the tables and that checking, went back into the system, and went back through ICF and the work that they did.

And also, I think Ron will probably touch on this, but also, so the public knows, that to collect those 1.6 million numbers, ICF, the contractor, employs six full-time technical assistance providers who work with ten states apiece and they go through every one of those questions, every one of the calculations in the tables. And so, I just wanted to provide those points of clarification.

I mean, this is all work that we certainly didn't do in the early years, we do now, and moving forward, we will certainly continue to fine tune the instrument and as mention was made of the Election Data Summit, we will spend a good deal of time in the second day of the Summit talking with some specificity about particular questions that need to be nuanced and need to have a finer point on them, because even now, there remain differences in understanding of those questions and interpretation of those questions. So with that, I'm going to let Ron talk a bit more about the process that is used, which is a gargantuan one, as you might imagine.

DR. SZOC:

Okay. So I'd like to sort of walk you through the overall time frame, because in terms of the project, we always -- having done this now three times, we always have a hard stop on June 30 of the year after the election. And as far as -- and I don't want to break the law. So we will deliver the product as specified.

And as you know, the election survey actually has two parts, and we frequently forget about the Statutory Overview. What we do is, and this began in 2008, is we send each state a qualitative survey of various terms, like, what do they mean by under vote? Can you cite the legislation in your state election laws for these various definitions? How do you handle these situations? And we collate all of that and we put that together in a qualitative report called the Statutory Overview Report, which we issue typically in January after the election year.

The timing of that is that we, and the overall process is, toward the later part of June, we contact all the states, because it's been two years or a year and half since we last talked with them, we validate the points of contact at the state level for us and for the EAVS. And then, shortly, one or two weeks after that, we send out the Statutory Overview with an email -- and the EAVS, which is the quantitative survey, in PDF form. We send that out to the states.

The Statutory Overview has been prefilled with the data from the prior cycle. So that makes it easy for them to respond. They don't have to regenerate all these words each time, they just click yes or no, and they replace, if the law has now changed and the response is different, they just enter in the differences. They don't have to enter the whole thing. And the deadline for that is September 26, or it was last time. And typically, we got Statutory Overviews back as early as July and as late as November. And we were able to incorporate all of those into the report.

On the EAVS side, which is the one that results in the 1.6, 1.7 million pieces of data, we send them a copy of the survey in, again, in the latter part of June so they get a sense. This time, the only way that the survey differed is that it had questions from FVAP. And that was done through the agreement that you know about with FVAP. So we were acting -- the EAC was acting as sort of a data collection agent for those 17 questions that were FVAP questions. And we delivered the data to them.

The -- we send them the software, the data entry software sometime in November. And actually this past time, we sent them the last week of October, October 26 or so. And the overall process and the schedule that we tell them is as follows. That beginning February 1, they've gotten the software starting October 26, so beginning February 1 of the following year, we ask them to send us back through various means, uploads and electronic means, send us back their filled out data entry templates by February 1.

We have up to two weeks to turn that around, review the data, and I'll talk about the review process, and then we send them back to the states for corrections, if we have questions, things like that. Then they in turn have two weeks. The idea being that by this, in this year, March 2, all of the data will be in, corrected, and reviewed. In reality, life doesn't work the way you plan always, but we make accommodations.

So for -- I have some data, so 51 of the 54 states, Puerto Rico does not have to submit any data for midterm elections, so that's why the number of states is 54, so 51 of those 54 states had their first template in by February 28, during the month of February. Which is good. Most of those came in the first half of February, which was even better.

Here's what the overall process is for vetting the data. When they're entering the data, there are approximately 122 rules that are applied as they enter data in a live fashion. So they have the option of either correcting that data point when an error condition is triggered or they can click an option to ignore it. Because otherwise, they can't get past it and we didn't want to create a system where they would get stuck on a piece of data and not be able to go past it. You can -- we didn't want to induce that level of frustration given that the survey is frustrating enough for them.

So then, when we get the first -- when we get the template back, we upload it into a validation system that applies those 122 rules, plus an additional 120 other rules that are sort of awkward to implement in a real time fashion. So in the end, we're applying 247 rules looking for consistency. Despite that large number of rules, we don't really check for everything or sometimes the thresholds that we check for are -- don't reflect some of the desires that some academics might have.

For example, one of the things that, and I don't know if this is one of the rules, I'd have to check, but let's say we check that the total number of voters participating in this year's election cannot be greater than the total number of registered voters. That's reasonable. But in reality, always, the actual number of voters is less than the total number of registered voters. We never get 100 percent participation. But what's the number then? What threshold do we apply? So we stick with, let's say, it has to be less than the total number of -- not greater than the total number of registered voters. Okay.

Then there's a report that's generated, and then, one of our TA providers looks at that report because there's a lot of cascading errors. If a jurisdiction doesn't have -- has one quantity that's wrong frequently for one jurisdiction, they will have that same quantity wrong for multiple jurisdictions within that state.

So the TA provider summarizes that error and says, okay, this one error occurred in these jurisdictions that you gave us. And that's to get rid of these annoying same error message over and over again just with a different jurisdiction name attached to it.

So, then we send that back to the state and we ask them to make the corrections. And most of the time, they do. Sometimes they say, we don't have those data. And we ask them to certify it, which they do. And, then that goes into another system from which we generate reports. Okay.

So this time, in terms of getting a full certified data, we had full certified data from 13 states by the end of February, which was good. We had a total of 44 states certified by March. Then the remaining ten that were certified after March. So part of the challenge is that we have this hard stop at June 30. So the later we -- and we try to accommodate because there were issues. There are always issues. We try to accommodate the states.

And so, the later that we get the data, the less time we have, not necessarily to do the tables, because those are automated and it's usually a QC process as Karen explained, it's really to develop the text and the narrative and that's the tricky part. Because you don't want to cite numbers that may change because you're missing a state or things like that. You can always wait for the table, but at some point, you have to have a final table to write from or to write to. So that's sort of part of the challenge of the EAVS. And I think that's -- oh, then, we do the report.

[Laughter.]

DR. SZOC:

And we give it to you and the report is, in keeping with the theme earlier, it's 508 compliant and it's put up on the website. And we also put all the data, all the raw data, as we get them -- as we got them, on the EAC's website.

CHAIRWOMAN MCCORMICK:

Thanks so much.

MS. LYNN-DYSON:

I just want to say, John is stepping out, but I did want to point out, John step back in because --

[Laughter.]

MS. LYNN-DYSON:

Because I don't know if you're aware of our data visualizations that we did this year. They're on our website and I'm actually very proud of them. They are eight data visualizations that show the highlights of the -- a snapshot of the 2014 midterm elections.

And Ron and I worked on those with the very audience in mind of local election officials and lay readers that they can literally, we're so visual, it's such a visual world, at a glance, you can see the numbers, you can see the charts, you can see -- and there is text describing, descriptive text as well, describing at a glance what we learned and what we've seen over time. So I did want to point that out and encourage people to take a look on our website.

DR. SZOC:

Yes. Some of the interesting findings for me, personally, were a couple things. One, Motor Voter is a great success, 35 percent of all registrations come through DMV offices now. Interestingly enough, it's a lower percentage during presidential election years than during midterm years. It's like around 35 percent in midterm years, it's about 30 percent in presidential years.

Eighteen percent of ballots now are absentee. That's a large number. That's almost one out of five, and I find that surprising. And the registrations via internet has exploded by 400 percent, compared to 2010. So, in a period of four years, it went from in the hundreds of thousands to 3.5 million. And I don't see any -- I don't see that slacking at all.

CHAIRWOMAN MCCORMICK:

So thank you so much. I think this is incredibly important project and we appreciate your work on it, both of you. And I would say it's important for legislators, for academics, for election administrators, for voters, I mean, it's across the board. This information -- campaigns. This is very important information and we appreciate that you spend the time on it that you do. I know that I'm looking forward to the Election Data Summit on August 12 and 13 to discuss this more, and where we're going forward with the EAVS survey. Thank you. Mr. Vice Chair, do you have any questions?

VICE CHAIRMAN HICKS:

Not that I want to talk about today. I think that I'll hold off my questions until August 12 and 13.

DR. SZOC:

There'll be plenty of time then, yes.

VICE CHAIRMAN HICKS:

So, for all you who have to turn in just to hear that.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

MS. LYNN-DYSON:

Again, shameless commercial, August 12 and 13 at American University School of Public Affairs.

COMMISSIONER MASTERSON:

Nothing from me. Thank you very much.

CHAIRWOMAN MCCORMICK:

Thank you so much.

DR. SZOC:

Thank you.

CHAIRWOMAN MCCORMICK:

We invite our Director of Grants, Monica Evans. And I know you're going to keep this nice and sweet and short.

MS. EVANS:

Absolutely.

COMMISSIONER MASTERSON:

This is the easy one.

MS. EVANS:

Thank you, Chairwoman McCormick, Vice Chair Hicks, and Commissioner Masterson. In the essence of time, I will greatly condense my presentation today. I know you have the original request and briefing materials already, so I think we will be able to keep this very short.

On August 1, 2013, we received a request for an advisory opinion from the South Dakota Secretary of State. And the question reads, would the use of HAVA funds for an in-person absentee voting location be an approved expense from the South Dakota Help America Vote Act funds? And, if so, would South Dakota be required to amend its current state plan to reflect those uses?

And I'm not going to go into the full discussion, but by way of summary, the Grants Office has determined that this expenditure would be in the furtherance of federal elections and we have determined that the expenses are allowable, allocable, and reasonable. And so, this is something that we would like you to consider for approval. And I'll take questions.

CHAIRWOMAN MCCORMICK:

Any questions? Vice Chair? Commissioner Masterson?

COMMISSIONER MASTERSON:

Just one quick one and that is, how long has South Dakota been waiting on this response?

MS. EVANS:

It came in August 1, 2013. And so, almost two years exactly.

CHAIRWOMAN MCCORMICK:

Well, thank you for preparing the information. And although we aren't going over it here, we do appreciate that you provided it to us. So, do I hear a motion to approve the use of the HAVA funds for in-person absentee voting locations in South Dakota without an amendment to its current state plan?

VICE CHAIRMAN HICKS:

I so move.

COMMISSIONER MASTERSON:

Second.

CHAIRWOMAN MCCORMICK:

All those in favor say aye.

[The motion carried unanimously.]

CHAIRWOMAN MCCORMICK:

It's approved. Thank you very much.

MS. EVANS:

Thank you.

CHAIRWOMAN MCCORMICK:

Appreciate it.

COMMISSIONER MASTERSON:

Go ahead and call South Dakota if you don't mind and let them know.

CHAIRWOMAN MCCORMICK:

And finally, we have the very patient Brian Hancock, who is our Director of Testing and Certification at the Elections Assistance Commission. And he will discuss the EAC Future VVSG Working Group white paper. Welcome Mr. Hancock.

MR. HANCOCK:

Thank you, Madam Chair, Commissioners. We will go over this one very quickly, as well. I did give an update at the Technical Guidelines Development Committee meeting seven days on the Future VVSG Working Group, and so, some folks have heard the -- some of the presentation already. So, we'll move through it fairly quickly, in lieu of time.

So, the origin of the Working Group came from the round tables that the EAC had, particularly when we had no Commissioners, as a way of getting information and sharing information with the public. We organized round tables on various subjects. And the round table that we had on June 12, 2014 was entitled Reforming the Testing and Certification Process.

One of the panelist for that round table was Ann McGeehan. Ann was a former Director of Elections for the State of Texas and her suggestion at that point was that the EAC begin discussions with members of the election community regarding ways that future Voluntary Voting System Guidelines could be developed, designed, and structured. She was very clear that this didn't mean developing the requirements themselves, but just the structure, the overall structure of the document. And so, we did that.

There were two primary objectives for the Working Croup. One was to see how future VVSG efforts could support innovation and allow flexible product solutions while still maintaining clear and testable standards, which is really the important aspect to the standards. And second, I think when we developed the 2005 VVSG and even with the 2007 and 1.1 documents, the EAC and NIST did a fairly good job of bringing most of the constituents in, accessibility community, like we've been talking about here today, cybersecurity experts.

I think the one thing we could have done better is consider the stake that election officials have in the document. They have real time operational needs that need to be addressed by the document, as well as all the other concerns related to all the other constituencies that we're bringing in. And I think the group felt it was really important to figure out how we can improve upon that in the future. To that end, we had, of course, EAC and this staff, we had four state election officials, two local election officials, three voting system manufacturers, we had one of our voting system test labs as a member, one accessibility expert, and finally, Ms. McGeehan as the PCEA member on that Committee.

I'm not going to go over these goals. There were 12 of them that were unanimously decided on by the group. But you see they're all very general and speak to the design and structure of the document. I also developed -- we also developed and presented to you all a companion white paper document that explores the thought process that the group went through during the meetings. And I'll just hit the highlights of that document, if you will.

Certainly, the Working Group felt that one of the fundamental purposes of the VVSG was determining the policy objectives that the guidelines were trying to achieve, and really, to define and to describe what a voting system is. And so, the group wanted the next iteration to have a very, very clear definition of what components included a voting system. Since the 2005 document was developed, we've sort of moved past the traditional concept of a voting system being the component that the voter touches and perhaps the election management systems that election officials use to build the ballot and report out the election results.

Right now, there are a lot of other things that are very closely touching that old concept of voting system, ePoll books, more complex election night reporting systems, and a number of other things. And, as Merle King likes to talk about, it's more a concept of election system now than voting system itself. And so, I think the group wanted the TGDC and future standards developers to think very carefully about that aspect.

The other thing here is that the group felt very strongly that the document should reflect the bottom-up reality of election administration, right? The purpose of this document is to help election officials, to make elections better in the United States. And to that end, the group thought that the EAC should continue the work that we've been doing on mapping state requirements to the VVSG requirements.

And what that entails is taking whatever the state uses in their certification process, whatever their requirements, standards, procedures are, and looking to see where there is overlap with the currently Voluntary Voting System Guidelines. And see if we can develop from that a baseline for every state to be able to use in a very clear and concise way.

And finally, as we all know, cost has been a very contentious topic through the years as we've expanded our testing certification program. And so, the group thought and the EAC agreed that in working with our voting system test labs, an important aspect of Future VVSG would be that we develop a cost estimate in conjunction with the document being put out for public comments, so that the voting system manufacturers actually have some general idea, of course it's not going to be perfect, but it will at least be a general idea of the potential cost for any future VVSG.

I'll quickly move into the TGDC update. We did have the meeting, as Acting Executive Director Miller said, on July 20 and 21, out at NIST. And it, essentially, was a pre-meeting. It was mostly used for education, update, and discussion. Several TGDC members were still undergoing the vetting process by the National Institute of Standards and Technology, and hopefully, by the next meeting, everyone will be an official member of that Committee.

As you see, there were updates that the TGDC received from a number of organizations, including the NASED Subcommittee, PCEA, and the others that you see on the slide here. I think the most important takeaway from the meeting was this slide, which is a slide that was presented by Mary Brady of NIST, and it goes over the concept for the working group structure that a few folks have talked about before. That is the concept to be used moving forward.

These would be public working groups under the TGDC, directly under the TGDC, and they would concentrate on the basic election functions. So the pre-election functions, the election functions, and then, the post-election functions. There's still some question about where interoperability will fall here, whether it will be up at that level or down below.

And, as you'll see at the bottom of the page, NIST has shown what we call constituencies here. So there's going to be, very important for this group here, a usability and accessibility constituency. And those groups can be made up of anybody in the country that wants to participate, has the time to participate, and the will to participate. There will be one for cybersecurity, as well. Hopefully, one for interoperability. And, interestingly enough, the -- we believe that the work that the IEEE P1622 Committee is doing, related to commendative format, will eventually be subsumed under this interoperability subcommittee. So we'll see how that plays out in the future.

And finally, a testing and certification constituency made up, not only of the EAC, but of every state official that deals with certification on the state level that wants to be a part of this and have their voice heard. This is not finalized yet. It's still under some discussion and debate, and I'm sure it will be fleshed out further at the next TGDC meeting, which will be in December of 2015. Dates will be coming, so we'll stay tuned for that.

And anyone that's interested, currently, in participating in one of the public working groups can send an email to the address up here, and that's voting@nist.gov, and they'll be responded to and included on one of the working groups. And I believe NIST is actually working on separate email lists for each of those separate subcommittees. So we'll sort of play with that and put the information out on the EAC's website as we get additional information. With that, I'd be happy to take any questions.

CHAIRWOMAN MCCORMICK:

Thank you, Mr. Hancock. Vice Chair Hicks, do you --

VICE CHAIRMAN HICKS:

I've talked a little bit today about the public -- the working group. How do you feel that the public -- the working group will improve the process?

MR. HANCOCK:

Yes. Thanks Commissioner. I think the most important thing will be to expand the transparency of the process and have more people get involved early on. We've always done a public comment process, some have been very extensive, over 200 days for VVSG 1.1, but that's always after the fact, right? The document has been developed, it's been drafted, and so that's what the folks are commenting on.

Here, they'll be able to actually have input into the actual development of that draft. And we think it'll be great. We'll be able to bring more people into the process, more experts, more election officials, more members of the public, to have that process be more transparent.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

COMMISSIONER MASTERSON:

Just quickly, on the public working group. This isn't something that either us or NIST pulled out of thin air, right? The concept of the --

MR. HANCOCK:

Correct.

COMMISSIONER MASTERSON:

-- public working group, can you speak to that little bit? How that idea came about?

MR. HANCOCK:

Sure. NIST develops standards in any number of areas and it's a concept that they've used at varying levels in the past. And just in some discussions we've had, some of the folks over there, Mary Brady in particular, thought that we should try this.

I think we all agree that we can do better than we've done in the past and we need to find a little bit different way forward, and this seemed like us to be a logical move in that direction. Because, as I mentioned to Commissioner Hicks, it will increase participation up front, and hopefully, add to the transparency of the process.

COMMISSIONER MASTERSON:

And then a follow-up on Goal Number 12, which is talking about education and outreach, on the next set of standards and the process, quite frankly, that's something we heard, when I was at the EAC the first time, the need for. Can you talk about kind of how -- the education and outreach goal, how the group talked about that, in terms of the white paper and educating on the standards?

MR. HANCOCK:

Sure. Exactly. And that was certainly one of the things that we took away as something we could have done better last time. And while that's not really standards related or standards development related per se, it's a key ingredient. We need to do a better job of communicating what that document says and why it's important to the election community, to all of our other stakeholders, including the folks in this room and the folks that are listening on the webcast.

Because they really need to know how these standards are going to benefit election administration, right? And why all this work is being put forward and to what end all that is happening. So, to the extent that we can, we'll work with NIST and try to hit as many of the election conferences as possible, and look at other areas where we can provide educational resources related to the standards. Thanks.

CHAIRWOMAN MCCORMICK:

Okay. Thank you very much, Mr. Hancock. We appreciate your presentation today.

MR. HANCOCK:

Thank you, Madam Chair.

CHAIRWOMAN MCCORMICK:

Thank you. We will now take closing remarks. So, Vice Chair Hicks, do you have any closing remarks?

VICE CHAIRMAN HICKS:

All I have to say is that it's been a long day and I've learned a lot and we have a lot of work to do.

CHAIRWOMAN MCCORMICK:

Yes.

VICE CHAIRMAN HICKS:

That's it.

CHAIRWOMAN MCCORMICK:

Commissioner Masterson?

COMMISSIONER MASTERSON:

I appreciate everyone's time. I feel like those left should get like orange slices and Capri Suns in the back or something. So I appreciate your time --

[Laughter.]

VICE CHAIRMAN HICKS:

Spoken like a true dad.

COMMISSIONER MASTERSON:

Yes, exactly. Exactly. We'll all get in the minivan and go home. So, thank you very much.

CHAIRWOMAN MCCORMICK:

And, I also want to echo my fellow Commissioners in thanking you for your patience. We've listened to some incredibly important testimony here today. We do have a lot of work to do on accessibility, on the EAVS survey, on the Voting System Standards, and testing and certification. I mean, there's just a lot of work for us to do and we appreciate all your support and your input. And this is to be continued. So, thank you so much.

COMMISSIONER MASTERSON:

Thank you.

CHAIRWOMAN MCCORMICK:

Can I have a motion to adjourn the meeting?

COMMISSIONER MASTERSON:

I would move to adjourn the meeting.

VICE CHAIRMAN HICKS:

I second.

CHAIRWOMAN MCCORMICK:

Meeting adjourned. Thank you so much.

[Whereupon, the above-entitled meeting was adjourned at 5:09 p.m.]