

**Meeting Minutes**  
**United States Election Assistance Commission**  
**BOARD OF ADVISORS**  
**May 23-24, 2017**

The Courtyard Minneapolis Downtown  
1500 Washington Avenue South  
Minneapolis, Minnesota 55454

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) Board of Advisors held May 23-24, 2017. The meeting convened at 8:50 a.m., CDT on Wednesday, May 23, 2017, in Minneapolis, Minnesota at The Courtyard Minneapolis Downtown and adjourned on Thursday, May 24, 2017 at 10:26 a.m. CDT.

**Wednesday, May 23**

**Welcome Remarks from Senator Klobuchar (via Video)**

Senator Amy Klobuchar began by thanking the EAC Commissioners and Board of Advisors for being generous public servants who dedicate their lives to improving our elections and our democracy. Senator Klobuchar said she became the ranking member of the Senate Committee on Rules and Administration which has jurisdiction over the EAC and she recognizes the tremendous role the EAC plays in elections and our democracy and is committed to finding bipartisan solutions that improve our federal elections and election administration.

**Welcome to Plenary Session**

DFO/Commissioner Thomas Hicks took privilege as the DFO of the Advisory Board to lead in a moment of silence for reflection for the victims and families of the previous nights’ attack in Manchester, England.

DFO Hicks welcomed all to the Board of Advisors Meeting, thanking the EAC staff for the hard work of putting it all together and reflected on the positive feedback on the #BeReady16 campaign, the new voting rights card, vote-by-mail aspects of voting, the Clearinghouse, best practice guidance, check lists and other resources, along with new EAVS report that will also be released at the end of June, and a more substantial media presence. He noted the upcoming presentations in the next two days.

## **Call to Order**

Chairman Neal Kelley called the meeting to order and welcomed participants to Minnesota. After some housekeeping notes Chair Kelley made a few comments, thanking Commissioner Hicks and Chairman Masterson, and noted that Commissioner McCormick extends her regrets that she could not attend. He also thanked the EAC staff for their hard work in making the meeting possible.

## **Pledge of Allegiance**

Chairman Kelley led all present in the recitation of the Pledge of Allegiance.

## **Roll Call – Determination of Quorum**

Michael Winn called roll for the Board of Advisors and found present: David Blount for Daniel Ivey-Soto; David Beirne; James Dickson; Marc Guthrie; Matthew McDonald, proxy by Sarah Ball Johnson; Ernie Hawkins; Sarah Ball-Johnson; Neal Kelley; Linda Lamone; Tim Mattice, proxy by Ernie Hawkins; Alysoun McLaughlin; Denise Merrill; Gregory Moore; T. Russell Nobile; Wendy Noren; Richard Pilger; Gary Poser; Shane Schoeller, proxy by Sarah Ball Johnson; Barbara Simons; Philip Stark; Patricia Timmons-Goodson; Michael Winn; and Michael Yaki.

Michael Winn reported that 22 members of the Board of Advisors were present and declared a quorum was established.

## **Oath of Office**

DFO Thomas Hicks administered the oath of office to the Board of Advisors Members.

## **Welcoming Remarks from the EAC Chairman**

EAC Chairman Mat Masterson thanked the Board of Advisors for their time, participating and providing guidance and advice on how to move the agency forward and described what is forthcoming in the meeting. Chairman Masterson said the EAC staff has been committed and

dedicated to serving elections officials and noted accomplishments such as deploying the new EAVS survey, a robust Clearinghouse, the #BeReady16 series, and related how the EAC is working with the Department of Homeland Security, the FBI and The National Association of Secretaries of State and others. He announced June 6<sup>th</sup> the EAC will hold a Language Summit in northern Virginia, moving forward with lessons learned and improvements is going to be a focus for the rest of the year for the EAC.

### **Approval of Minutes of May 04-05, 2016 Meeting**

Sarah Ball Johnson asked for a motion to approve the minutes from the May 4-5, 2016, meeting of the Board of Advisors. Wendy Noren made the motion which was seconded by Linda Lamone. The motion carried unanimously.

### **Procedures to Fill Executive Board Vacancies**

Counsel Cliff Tatum reported that pursuant to the bylaws, the officers for each of the executive positions serve for a term of one year. He stated that no names have been submitted to the Solicitation Committee, so nominations will be accepted from the floor and unless there is competition for any particular seat, there would be a voice vote per office. And if there is a challenge for each seat it would then proceed to a secret ballot.

-Michael Yaki was nominated as Secretary from the floor.

James Dickson moved for Michael Yaki as Secretary, Marc Guthrie seconded. The motion carried unanimously.

-For Vice-Chairman, Mr. Michael Winn's name was forwarded.

Michael Yaki moved for Michael Winn as Vice-Chairman.

Philip Stark seconded. The motion carried unanimously.

- Sarah Ball Johnson's name was forwarded as Chairman.

Linda Lamone moved for Sarah Ball Johnson as Chairman.

Wendy Noren seconded. The motion carried unanimously.

### **EAC Staff Update**

### **Presentation of Federal Advisory Committee Act (FACA) Responsibilities and Role of Board of Advisors under HAVA**

Cliff Tatum, EAC, General Counsel, presented FACA as a federal law passed by the Federal Government to regulate and manage the Standards Board, the Board of Advisors, and the Technical Development Guidelines Committee. These three boards are created by statute to advise the Election Assistance Commission on a number of areas listed/set forth in the federal law itself. HAVA requires that the EAC carry out its duties in consultation with these Boards.

Mr. Tatum went in to some detail concerning the purpose of FACA, Board membership, ethics, and conduct, attendance and matters pertaining to the meeting agendas. He particularly stressed that participants cannot lobby in their official capacity as a Board member. Mr. Tatum also addressed general committee management and guidance, advisory committee member selections, and the role of designated federal officers (DFOs).

## **Overview of EAC Agency Operations**

Executive Director Brian Newby expressed his appreciation to the Commissioners, having now served under all three as Chairpersons, and thanked Cliff Tatum for the role that he has played at the EAC.

He provided an overview of activities that the small sized, but very capable EAC staff has accomplished, the #BeReady16 series, new requirements for Voluntary Voting System Guidelines, the Clearinghouse as a resource for election administrators, using social media to connect, EAC's new website, webisodes, helping with requests for proposals for new voting equipment, grants that have not all been distributed, certification and testing. He reported that he and Brian Hancock went to the White House complex to discuss election cybersecurity/critical infrastructure. Mr. Newby said that the focus is to connect, to bring together shared practices, to be the go-to election resource and get to the handoff for #GamePlan17.

## **Communications and Website Update**

Brenda Bowser-Soder, Director of Communications and Public Affairs, EAC, talked about how threats and the cybersecurity concerns and all of these stories that are shaping headlines are not the only issues but also, accessibility, procurement of new equipment, recruiting poll workers are some of what the EAC is helping state and local election officials and voters trust and understand. She added that resources such as fact sheets, explainers, talking points, checklists, reports, the EAVS data, the technical guidelines are the heartbeat of the EAC and helping people in the field use them to improve voter experience. Ms Bowser-Soder explained three areas of emphasis as a CPR plan: C as in Clearinghouse resources such as tip sheets, reports, videos, and the PCEA, the NVRA

tools on the brand new EAC website; P as in Press assistance, to assist in engaging editorial boards, taking press calls and finding time for talking points, opinion articles and to provide a series of fact sheets on all of the different issues; R as in Reach, to share tweets or make a comment on the EAC Facebook page, at EAC.gov, partnering together to get the message out. She acknowledged Brian Whitener and Mark Abbott for laying the foundation of the new website and Simona Jones brought it across the finish line.

Simona Jones, Webmaster and Social Media Specialist, EAC, reported that the mobile friendly website with quick links on the top right of the new homepage adds tab navigation for videos, blogs, social media and FAQs features resources for the key audiences, voters and election officials. She pointed out another new homepage feature is the ability to register to vote right on the homepage and also that the Board of Advisors section was revamped. Ms. Jones new additions to the website, PCEA, critical infrastructure, and an updated and improved NVRA section that will soon allow users to select the state and language with specific instructions. And she invited suggestions/comments sent to her at [webmaster@eac.gov](mailto:webmaster@eac.gov).

**(The Board recessed at 10:44 a.m. and returned to open session at 11:06 a.m.)**

## **Voluntary Voting System Guidelines and Equipment Certification**

Brian Hancock, Director of the EAC's Testing and Certification Division, opened the session discussing the background of the VVSG and reported that the TGDC and then the Standards Board unanimously voted to adopt the 17 core functions of a voting system. This will allow NIST, the EAC and the public working groups to change from a device-base approach to a functionality-base approach to doing standards which falls in line with objectives given by NASED, by the EAC's VVSG working groups and to get deeper into HAVA and use that as the guide moving forward.

-Ryan Macias, with the Testing and Certification team, addressed the functional level related to voting systems noting that testing and certification have been written towards DREs, towards ballot marking devices, EMSs, and with new technologies coming out segued into looking at a functional approach. Mr. Macias explained in some detail the 17 core functions in a nonlinear fashion where the intersection of these functions are with the voting system devices.

-Mary Brady, Manager of Voting Program, National Institute of Standards and Technology, gave a preview of the principles and guidelines on the VVSG 2.0 development. Under HAVA, NIST has responsibility to help the TGDC put together the VVGS, forwarding it to the EAC, which then

distributes the information to the Standards Board and the Board of Advisors for comment, and now adding input from public working groups. She noted personnel changes at the TGDC and then spoke of a series of white papers that have been brought together that addresses the gaps between technology, research advances and VVSG 1.1, the NIST Special Pub 1500-xxx, still in draft, has recommendations for 2.0., there are two additional white papers coming on interactive design and on voter verifiable paper records and accessibility, the cybersecurity working group has started working on detailed requirements for auditing and the interoperability group are near final on cast vote records. Ms. Brady asked the Board to review the documents, provide feedback and participate in the working groups.

-Matt Masterson, EAC Chairman, expounded on the purpose of the new scope and structure of the VVSG is to create a flexible set of standards, guidelines to improve innovation, that is adaptable to emerging technology, encourages competition and in conjunction with the work being done on RFPs and procurement and talked of the timeline, noting that there will be a meeting on May 31<sup>st</sup> of a group of accessibility and security advocates, professionals, and election officials, on September 11<sup>th</sup> and 12<sup>th</sup> the TGDC will meet either in Boulder or in Washington, D.C, with a goal to finalize recommendations and vote them out, a revised document will go out for public comment, and then, finally approved by the Commission with the goal of of early 2018 for finalization of VVSG 2.0.

-Linda Lamone, Administrator of Elections, Maryland State Board of Elections, echoed the appreciation of the really hard work by NIST and the EAC staff, working with the public working groups and said it is exceedingly gratifying to see that the President has included in his budget, not only for the remainder of this fiscal year, but for next fiscal year, money that will allow the continuation of this very valuable bipartisan project, to continue the effort to make sure that our voting system and the standards that guide them for the future are as up-to-date and modern as possible.

**(The Board recessed for lunch from 12:15 p.m. until 12:42 p.m.)**

### **Working Luncheon**

Kamanzi Kalisa, Director of Overseas Voting Initiative, Council of State Governments (CSG), thanked the Commissioners, and the Board and the EAC staff for the opportunity to speak behalf of the Council of State Governments, opening with his background, and then addressed the Board to provide an overview of CSG's Overseas Voting Initiative that was

launched in conjunction with FVAP to improve the overseas voting process for service members and U.S. citizens abroad. Mr. Kalisa provided details with regard to the working groups that focus on policy, technology, and very recently on the EAC survey, the section “B” of the voting survey that is given biennially to the states. He remarked on the challenges with military and civilians voting overseas, structural issues, geographic displacement, communication, and states’ eligibility rules and deadlines. Mr. Kalisa mentioned his very good staff, Michelle Shaffer, Jared Marcotte, Ann McGeehan, and also the Orange County Registrar of Voters website as an example of something that does not require a lot of money or labor that states and local jurisdictions can copy the template and use it.

David Beirne, Director, Federal Voting Assistance Program (FVAP), related his background in elections and addressed the Board to provide an overview of the activities that FVAP has undertaken, including social media marketing, direct mail outs, training workshops in the field for voting assistance officers and voting centers, research series of service member interviews, and he explained how UOCAVA, the Uniformed and Overseas Citizens Absentee Voting Act, the Military and Overseas Voter Empowerment Act, and the MOVE Act relate to FVAP. Mr. Beirne spoke of ongoing research looking at international mailing systems, automatic voter registration, July 2017 is the FVAP report to Congress, August is the general timeframe for the adoption of the new FPCA and the FWAB, August 2017 is releasing of the Military Ballot Tracking Pilot in conjunction with the Council of State Governments, and in October 2017 will be releasing the 2018-2019 Voting Assistance Guide. And going forward into 2018, FVAP prescribes two standardized forms, the Federal Post Card Application and the Federal Write-In Absentee Ballot.

### **The Honorable Steve Simon, Secretary of State of Minnesota**

DFO Hicks introduced Secretary Simon, acknowledging the duties and goals of the Secretary of State and some of Secretary Simon’s background.

Secretary Simon thanked the EAC and he thanked the Board of Advisors for the work that they do in making true the promise of the Help America Vote Act. He welcomed all to Minneapolis and acknowledged Gary Poser, Minnesota’s Director of Elections in the audience. Secretary Simon expounded on Minnesota’s virtues and that he is particularly proud of Minnesota’s election turnout record, explaining that Minnesota has: a fabric of laws that tends to reward and encourage voter turnout, same day or Election Day registration, online voter registration, and no-excuses absentee voting. And he continued, relating Minnesota’s culture, he emphasized accessibility, the in-house SVRS, the statewide voter

registration system, and a general and fundamental confidence in the election system. He concluded with words on a t-shirt that said “Failure to vote is not an act of rebellion, it is an act of surrender.”

## **Elections as Critical Infrastructure**

Mark Listes, Esq., Program Management Specialist, EAC, stated that on January 6<sup>th</sup> then Secretary of Homeland Security Jeh Johnson designated elections as critical infrastructure, but prior to that EAC was working with DHS to help them understand and educate them on election administration and create a feedback loop and since the designation have continued to work together and acted as an intermediary between DHS and the election administrators; localities, counties, states. And now moving forward, continuing in that role, a section of the EAC staff is dedicated to continually research critical infrastructure, producing toolkits with a goal that election administrators and officials can be knowledgeable, discuss the issue and teach their own staff about the issues so this can be a fully informed conversation. He announced the CI Scoop blog that helps people understand what critical infrastructure is and what it means for elections and said to tune into CI Scoop online for an ongoing source of information.

Geoffrey Hale, Department of Homeland Security, stated the various missions of DHS and said that he works in National Protection and Programs Directorate with the mission of safeguarding and securing cyberspace. He reported that DHS had no evidence of any voting systems being targeted, impacted or votes having been manipulated, what they saw was that incidents on state voter registration databases and incidents on political affiliated organizations had similar cyber threat indicators. This ultimately led to a nation state actor, so they provided incident responses as requested and begin to coordinate and facilitate a dialogue to help improve the posture of state and local governments. Mr. Hale said that 33 states and 36 county governments adopted cyber hygiene, which is a remote and persistent scan, before the November 8<sup>th</sup> election. One risk and vulnerability assessment, which includes in-depth penetration testing, wireless discovery, operation system scanning, was done in advance of the election. Mr. Hale operates at DHS in the parent organization of the National Cybersecurity and Communication Center. The responsibility of this organization is to provide incident response and information sharing. He spoke of the multistate Information Sharing and Analysis Center, ISAC, an organization that serves as a liaison for state and local government issues, all states are automatically members and DHS pays for it. Mr. Hale stated that Critical infrastructure was defined by the Patriot Act as “Systems and assets, whether it physical or virtual, so vital to the United States that incapacity of destruction of such systems and assets

would have a debilitating impact on security, national economic security, national public health or safety or any combination of those matters” and said critical infrastructure designation is really a process mechanism that allows us with liability protections to share more information with election officials. Ultimately, what DHS is asking state and local election officials to understand is that none of this designation really affects the authorities’ responsibilities or sovereignty of state and local governments over elections, but DHS will provide election officials, who are interested, with risk management information and resources to support their risk informed decision making to help them bolster their cybersecurity posture.

### **Election Administration Voting Survey**

Sean Greene, Program Management Specialist, EAC, gave a brief overview of EAVS, which collects comprehensive nationwide data about Election Administration in all states, DC, Guam, Puerto Rico, American Samoa, and the Virgin Islands, it is six sections -- voter registration, military and overseas voting, absentee voting, polling places and poll workers, provisional ballots, and Election Day activities. He explained changes to the supplemental instruction manual, with recommendations from the Section B Working Group about how to make it easier to read, clarify it, get rid of duplicative language, format it better, and to use unified language and integrate it into the survey itself, and then looking into a way to integrate that information into an online survey.

The Fors Marsh Group won the contract to administer the survey, provide the data, and with EAC do analysis and generate the EAVS 2016 report which is due to Congress on June 30<sup>th</sup>.

-Brenda Bowser-Soder, Director of Communications and Public Affairs, EAC, added that the EAVS will be on the website and also will do social media around EAVS and that they can use members assistance in resharing to get the word out.

### **List Maintenance Language, Data, Accessibility Events**

Sean Greene defined Clearinghouse, as connecting members of elections community with each other, to share knowledge and best practices. He mentioned the Language Access Summit June 6, in Annandale, Virginia, co-sponsored with Democracy Fund Voice with Cameron Sasnett, the Registrar of Voters in Fairfax as host. Mr. Greene spoke of Accessibility, federal voting rights card, fact sheets, quick summaries of issues important to Election Officials and voters, the #BeReady16 Campaign, a series called Legends of Elections, the Clearies, a best practices

competition, and using Facebook Live talking about voter list maintenance. He announced that Jessica Myers will be heading up procurement implementation, RFPs for all election technology.

## **Update on USPS**

Tammy Patrick, Senior Advisor, Democracy Fund, started off mentioning the National Postal Forum that she and Jessica Meyers attended in Baltimore, and taking the experiences of the local and state election administrators to the postal service, and then, translating postal speak to election officials all across the country. Ms. Patrick reported that last year was a year of collaboration, Election Assistance Commission, with FAVAP, and the USPS, and that Deputy Postmaster Stroman came to a number of sessions, including the Elections Center. She said that she presented, Delivering Democracy, the Critical Role of USPS in American Elections, at the National Postal Forum last year, the first time a non-postal person presented to their operations core. Ms. Patrick noted that Doug Chapin, of the Humphrey School, was a part of a postal pilot program called Informed Visibility that is now nationally available, and she also said that the Democracy Fund funded an effort with Democracy Works and the Bipartisan Policy Center to launch electionmail.org.

## **Wrap Up of 2016**

DFO Hicks announced an after hours small group discussion with the Executive Board for committee assignments, to move issues forward.

**[A video presentation, Wrap-up of 2016, was played]**

[The Board of Advisors meeting recessed at 4:17 p.m.]

**Wednesday, May 24, 2017**

**Sarah Ball Johnson called the meeting to order at 8:28 a.m. CDT**

Michael Winn called roll, stating 19 members in attendance, with proxies, that a quorum is established.

### **Introduction of New Officers**

DFO/Commissioner Hicks administered the oath of office to the new slate of Executive Board Members Sarah Ball Johnson, Chair; Michael Winn, Vice-Chair and Michael Yaki, Secretary.

### **Executive Committee Reporting**

Chair Ball Johnson stated that 13 board members attended the after hours meeting last night and discussed ways to facilitate communication, that the Executive Board, the DFO and the appropriate EAC staff will do monthly meetings, a round up of what's going on at the EAC, then e-mail members, have quarterly conference calls and WebEx; and they also discussed the committee structure for the Board and the role of the Board of Advisors in the VVSG.

In response to a request for clarification, Chairman Masterson, Brian Hancock, Ryan Macias and Mary Brady gave some background on the VVSG and guidance and structure in that the role of the Board of Advisors is to provide input on the next set of voting system standards, informally in the form of participating in the working groups, and formally by passing resolutions.

**[The Board recessed at 9:35 a.m. and returned to open session at 9:53 a.m.]**

## **Updates from Standing Board or Committees**

Chair Ball Johnson reported that, to date, the VVSG Committee will have Wendy Noren as Chair, Philip Stark, Barbara Simons, Marc Guthrie and Linda Lamone; the EAVS Committee will be David Beirne and Patricia Timmons-Goodson; the Clearinghouse Committee; Voter Registration Committee; Critical Infrastructure Committee will be Philip Stark, Barbara Simons, Linda Lamone, and Alysoun McLaughlin.

## **Motions**

Wendy Noren moved a Resolution from James Dickson, a brief discussion was held, Ms. Noren withdrew the motion.

Dr. Stark proposed a Resolution, after discussion, David Beirne offered a friendly amendment, Barbara Simons seconded, the Resolution carried unanimously.

**[The May 23-24, 2017 meeting of the Board of Advisors adjourned at 10:26 a.m. CTD.]**