

**United States Election Assistance Commission**

**Board of Advisors Meeting**

Held on

Monday, April 23, 2018

at

Hyatt Regency Coral Gables

Coral Gables, Florida 33134

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) Board of Advisors Meeting that was held on Monday, April 23, 2018. The meeting convened at 8:44 a.m. EDT and was adjourned at 4:55 p.m. EDT.

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CHAIR JOHNSON:

Hello. Good morning everyone. Welcome to Miami and the humidity. My hair knows it's – it's not in Colorado today. Thank you all for coming out and traveling, especially to those election officials who have elections today or days in the future. Thank you all for coming out. We'll go ahead and get started with the meeting today. So, we'll start that with our traditional Pledge of Allegiance led by our Vice-Chair Michael Winn.

VICE-CHAIR WINN:

(Pledge of Allegiance)

CHAIR JOHNSON:

And now I'll move to the roll call by our secretary, Michael Yaki.

MR. YAKI:

Ok, when I call your name please say "I" if you're here. Elloit Berke. David Beirne.

MR. BEIRNE:

I

MR. YAKI:

James Burn. James Dickson, Madam Chair Sarah Ball  
Johnson.

(Later in the meeting, Mr. Yaki confirms that Mr. Dickson was present)

CHAIR JOHNSON:

Here

MR. YAKI:

Marc Guthrie

MR. GUTHRIE:

Here

MR. YAKI:

Ricky Hatch.

MR. HATCH:

Here

MR. YAKI:

Ernie Hawkins. Chris Herren. Senator Daniel Ivey-Soto.

MR. IVEY-SOTO:

Present

MR. YAKI:

Neal Kelley.

MR. KELLEY:

Here

MR. YAKI:

Linda Lamone.

MS. LAMONE:

Here

MR. YAKI:

Connie Lawson has given her proxy to the Chair.

MR. YAKI:

Tim Mattice. Matthew McDonald. Alysoun McLaughlin.

MS. MCLAUGHLIN:

Here

MR. YAKI:

Jeffrey McLeod.

MR. MCLEOD:

Here

MR. YAKI:

Denise Merrill. Gregory Moore.

MR. MOORE:

Here

MR. YAKI:

John Murante. Russell Nobile. Sachin Pavithran.

MR. PAVITHRAN:

Present

MR. YAKI:

Richard Pilger.

MR. PILGER:

Here

MR. YAKI:

Gary Poser.

MR. POSER:

Here

MR. YAKI:

Shaun Rahmeyer. Mark Ritchie.

MR. RITCHIE:

Here

MR. YAKI:

Spencer Ritchie. Shane Schoeller.

MR. SCHOELLER:

Here

MR. YAKI:

Barbara Simons. Philip Stark.

(Later in the meeting, Mr. Yaki confirms that Ms. Simons was present)

MR. STARK:

Here

MR. YAKI:

Patricia Timmons-Goodson.

MS. TIMMONS-GOODSON:

Here

MR. YAKI:

Michael Winn.

VICE-CHAIR WINN:

Here

MR. YAKI:

Me? Here. We have quorum.

CHAIR JOHNSON:

Congratulations, you made the most important role call of the meeting. Thank you all. So now we will turn this over to do -- hear some words from our EAC Commissioners, Tom Hicks and Christy McCormick.

CHAIRMAN HICKS:

Before that we're going to cue up a video.

VIDEO:

Hi, I'm Congresswoman Ileana Ros-Lehtinen, and I'm so thrilled to welcome the United States Elections Assistance Commissions' Advisory Boards to the great city of Miami, which I am so proud to represent here in Congress. The EAC Standards Board and Board of Advisors play an important role in advising the commission and its work to support election administrators across our nation.

Your gatherings this month are especially important as the nation prepares for the 2018 election and looks ahead to the next presidential election in 2020.

The U.S. congress recently approved \$380 million dollars in funding for states to improve the administration of elections for federal office. As our nation's election infrastructure ages and we face new challenges, including security threats, this infusion of funds seeks to help election officials across the nation provide secure, efficient, and accessible elections for the voters they serve.

To keep our elections secure, I've also introduced the House companion to the Van Hollen-Rubio Bill. The defending elections from threats by establishing Red Lines Act, better known as the Deter Act.

What does this bill do? Well, the act uses powerful national security tools to hold accountable those that have attempted to disrupt our democratic process, and also to dissuade hostile foreign powers from meddling in our future elections by ensuring that the cost outweigh the benefits. I know these are some of the important issues that you will be discussing during your meetings this week. As Americans on the front lines of administering and defending our elections, you are providing essential work, and I want to thank you for taking the time to serve as an advisor to the U.S. Elections Assistance Commission. The EAC is an unparalleled resource for

election officials charged with administering the most fundamental part of our democracy, the vote.

Again, thank you for coming to our piece of paradise. While I hope you are able to accomplish all that is on your agenda for this gathering, I also hope that you will take time to explore our vibrant city. Best wishes for a successful meeting and safe travels as you journey home. Thank you.

CHAIR JOHNSON:

And one thing we need to do – because I was so excited to get this meeting started – is we should probably approve the agenda. So, everyone take a look at the agenda. It's been emailed to you. It's in your packets. So, if we can have a motion to approve our agenda for the next day and a half.

MR. POSER:

Gary Poser, Minnesota, I'll make the motion.

CHAIR JOHNSON:

And a second by Mark Ritchie. Former Secretary of State Mark Ritchie.

CHAIR JOHNSON:

Thank you. All those in favor of approving the agenda, please say aye.

(MANY VOICES):

Aye.

[approved unanimously]

CHAIR JOHNSON:

Great. Thank you.

CHAIRMAN HICKS:

With that I want to give a few opening remarks but take care of a couple of housekeeping issues. One – please turn off your phones or just put them in vibrate. That’s one thing, and the second is if you start to speak, press the red button on your microphone that’s in front of you and announce yourself, because we are having this transcribed, so that we know who said what, then give your remarks.

With that I want to welcome you all to Miami. Especially our new members. It’s finally nice to be here. We thank you for coming and your dedication to the EAC Board of Advisors. Your role is very important, and it’s important as ever. The EAC cannot fulfill its mission under HAVA without an active, collaborative relationship with the Board of Advisors.

The field of election administration is demanding more from officials with each election cycle. Our agenda today and tomorrow reflects many of the challenges election officials have faced in recent years, and will continue to seek guidance in and after 2018. Your insight about these issues serve as key to our Commission.

During this time of great challenges and opportunities, the EAC works to help America vote by expanding the resources we offer election officials and voters alike. In 2017, EAC Commissioners collectively traveled to 41 cities and 26 states to attend or present at conferences, visit local election offices, attend public hearings and meetings, and lead workshops and round tables for election officials.

We began 2018 with the EAC summit to highlight a spectrum of issues that state and local election officials will face as they work to administer, secure accessible and effective federal elections this year. The event featured key note speakers and expert panelists to address topics such as election security, voter accessibility and how to use election data to improve the voting experience.

The Commission also provides tools and resources to help strengthen the ability to serve millions of American voters. For example, through public forums, roundtables, partnerships and other engagements, the EAC engages voters who have historically faced accessibility issues at the polls – voters with disabilities, limited English proficiency voters, and overseas and military voters.

Most recently the EAC announced the availability of \$380 million in 2018 HAVA election security funds to support election activities to improve the administration of elections for federal office. Marking the first-time appropriations from HAVA grants since FY

2010. This much needed funding will provide states with much needed resources to secure and improve election systems. The EAC is committed to making these funds available as soon as possible, and we fully expect this money to be deployed in meaningful ways to support the 2018 election.

I want to again welcome you all and give my sincere appreciations to everyone present for the Board of Advisors. We have an ambitious schedule here today and tomorrow, and with that, I'll turn it over to Vice-Chair Christy McCormick for a few opening words.

VICE-CHAIR MCCORMICK:

Welcome. It's a tough job having to be in Miami but someone's got to do it right? Thank you for taking the time out of your extremely busy schedules to be here with us. I know that you have other things on your plate so this is greatly appreciated. I am grateful that you are taking the time out – I know you've got issues at your offices, so I thank you so much for taking the trip down here to Miami to be with us these couple of days.

Your input and perspectives are of great value to the commission, and we need your advice to know what we should be concentrating on and the thoughts that are out in the election community. And we look forward to hearing from you this next couple of days. So, I hope that you will speak up and provide us

with whatever input you have from your experience and knowledge which is vast. So, thank you.

Elections have changed a great deal since the world was focused on South Florida in 2000, and as Commissioner Hicks reminded me the other day, those people who were born in 2000 are now voters this year. So, we've come a long way since the Bush v Gore debacle and the creation of HAVA. We're in another phase of election administration now with a focus on security, and this of course is incredibly important and something every election administrator is concerned with. But I would also just take note that we need to be careful not to forget our foundational rights in the effort to making voting secure. That people still get to vote privately and independently. There needs to be a balance struck between security and accessibility.

I hope you find the next couple of days informative, and if you need anything at all please don't hesitate to stop me or ask any of the staff who are here, and I would be remiss not to thank them for the hard work they put in to rescheduling and helping us get this meeting off the ground -- so thank you to our staff. Some of them are in the back. Thank you so much. You can give them a round of applause if you want. (applause) They are really dedicated -- a huge amount of logistics go into this meeting, so thank you to our staff.

We look forward to hearing from you this week. If you don't want to speak out in the meeting, feel free stop me or Tom while we're here. We would love to hear from you and chat with you.

Thanks again, and welcome to Miami.

CHAIR JOHNSON:

Thank you, commissioners – it's always good to hear from our commissioners. I am sure in the brief amount of time you've seen in your packet, you've all had a chance to review the minutes from our last meeting. So, what I would like -- is they are in your packet on the left hand sides of your packet. I'll give you a few minutes to peruse those. And then if we could have a motion at some point to approve the minutes from the last meeting.

(inaudible – many voices)

CHAIR JOHNSON:

Yes Greg, I think I saw -- my microphone doesn't like me. So, we have a motion by Greg and a second by Barbara to approve the meeting minutes from last year. All those in favor, say aye. Great, thank you. Thank you. That passes. All those opposed just to be perfunctory here, although I think everyone said yes, thank you for that.

[approved unanimously]

CHAIR JOHNSON:

So, the next section on the agenda you'll notice is an overview of bylaws and amendments. And I do want to remind everyone that we all know we were supposed to meet in January, but due to a government shutdown we did not meet. So, a series of emails went out to you going back to late December and early January through obviously the emails to get us here.

During all of that have time we received no proposed amendments to the bylaws. Is there anyone here today that wishes to offer an amendment to the bylaws? We previously received no amendment. Seeing that there aren't anyone jumping up to amend our bylaws, we will assume they are correct as they are today, and so we will move on from that agenda topic.

So, the next topic and this is again pulling up the bylaws, is really procedures to fill the Executive Board. So, this will be my swan song as Chair of Board of Advisors. So, thank you all very much, we still have a day to go – you still have me for a day.

So basically, let me give you some history because we do have some new members from the inception of the Board of Advisors what has occurred on the -- the members, which are obviously the Chair, you have a Vice-Chair and you have a Secretary, is traditionally those officers have -- once the Chair goes out of office – they're a year term – the Vice-Chair moves up to

Chair, Secretary moves to Vice-Chair and we tend to elect a Secretary. And that is as we have done – when I moved up to Chair – that’s as we have done in the past. We did put out the note in the email earlier in the year, toward the end of last year, noting that we would be -- if acceptable we would be electing a Secretary to the Board, again moving up the two – the Michaels as I have affectionately called them this past year – The Michaels. I keep telling them they should have a little band or something called The Michaels. But they’ve been very gracious (inaudible) – I got to get it in there one more time.

So, there has been one person indicated from the earlier emails to put their name forward for Secretary, and that was Gary Poser, who is obviously a member of the Board of Advisors representing NASED, National Association of State Election Directors. So that is one name pursuant to our bylaws, if we have, just to let you know, if we have a person that’s interested and no one else expresses an interest, we can do it by voice vote. If there's another name or names we would quickly produce some ballots and vote that by secret ballot.

So, again I call is there any other individuals who are interested in putting their name forward for the position of Secretary of the Board of Advisors? And again, it is a one-year term with the understanding if agreeable, you do not have to move up the

sequence, but you certainly can if you wish. Are there any other individuals that wish to be Secretary at this time of the Board of Advisors? Put their name forward. Let's all have a rush to hands on that. Okay --

MR. STARK:

What does the job entail?

CHAIR JOHNSON:

Sure. The job entails for Secretary, as you see Michael does already, is calling the roll and making sure at all times if we do come, we have a quorum. Making sure that when we vote that we get those votes counted. And throughout the year, it's basically that we will confer. All three of us, we have regular phone calls with our -- all three of us have regular phone calls with our DFO Chairman Hicks and other staff in preparation for the meeting. We also have regular calls and we also organize some quarterly phone calls that many of you participated in, particularly on the VVSG in this case.

Otherwise, it's really as topics come up, but I think the most important thing we instituted were those regular monthly calls -- at least with us and the EAC, and then emailing that out to you all or having those phone calls. But it's not a -- and the same thing with the Vice-Chair position, obviously not doing -- we are all checking the quorum issues but the Vice-Chair is also involved in those phone calls and just helping and bringing forth ideas, working with

the committees, Chairs, getting updates and preparing information and really determining what's on the agenda. Based upon your input and also the EAC, same thing with the Chair. Obviously chairing the meeting, but we're all basically doing -- we're all three working together on your behalf and taking comments and helping you all find information you need and taking new suggestions.

So, we'll start with Secretary if that works for everyone. So, can we have a nomination for our named candidate Mr. Poser for Secretary.

MR. KELLEY:

I would move to nominate Gary.

CHAIR JOHNSON:

Okay. Neal Kelley moved to nominate Gary Poser in the position as Secretary. Do we have a second? Alysoun, I believe is ready to second that nomination. So, all those in favor, say aye. All those opposed? Excellent. Congratulations, Mr. Poser. You will soon -- tomorrow-ish -- become Secretary of the Board of Advisors for a year. Thank you.

[approved unanimously]

CHAIR JOHNSON:

And then could we please have a nomination, if agreeable, for Michael Winn to become Chair -- or I should say Michael Yaki, the Michaels, Michael Yaki to become Vice-Chair of the Board of

Advisors. (inaudible) Jim Dickson nominates Michael Yaki, and we have a second from Philip Stark. All those in favor of Michael Yaki becoming Vice-Chair of the Board of Advisors please say aye. All those opposed? Congratulations, Michael.

[approved unanimously]

CHAIR JOHNSON:

Can we please have a nomination for Michael Winn to become Chair of the Board of Advisors?

MR. YAKI:

So moved.

CHAIR JOHNSON:

Michael Yaki makes the nomination, and I believe David Beirne wants to make the second on that. So, we have a motion and a second to offer Michael Winn as Chair. All those in favor, say Aye? All those opposed? (cough) The cough doesn't count. (laughter) Congratulations to your new officers that will officially I believe gavel in – we will do the official gavel in ceremony tomorrow, which is really official – make sure you get here early tomorrow. So, congratulations. (applause)

[approved unanimously]

CHAIR JOHNSON:

So, we have had a member who has requested to say a few words about -- many of you know Wendy Noren who used to be the Boone County Missouri Director, has passed away and she was a wonderful woman. I will say this. A wonderful woman who did so much for the election world and will be greatly missed. The most important thing for us as Board of Advisors is Wendy was a founding member appointed to the Board of Advisors from the very first day they had a Board of Advisors created from the Help America Vote Act.

So, Member Dickson would like to speak a few words. He also was a founding member of the Board of Advisors and does have a lot of history on that. And if you didn't know Wendy, please there has been some wonderful articles about her. She was just an amazing force and did so much good for the election world. So, I will turn this over to Member Dickson to talk about Wendy Noren.

MR. DICKSON:

Thank you, Madam Chair. Wendy Noren was a deep and important force in improving the quality of elections in the United States. As you said, she was a founding member of this Board representing NACO. More importantly, she taught myself and I think most of the Board a great deal about the importance of mastering the detail, of really listening to the concerns of voters, volunteers, poll workers. She was a joy to be with. She could be

feisty, but her energy and her insistence were always that every vote should count and that every election should be above reproach. We will all miss Wendy a great deal.

CHAIR JOHNSON:

Thank you, Jim. Those were kind words for a wonderful lady. Is there anyone else -- I'm sorry, Jim had mentioned earlier that he would like to say a few words. Are there any of us who knew Wendy and wish to say any words? Yes.

MR. SCHOELLER:

Shane Schoeller from Missouri. I just want to echo those comments certainly within our state. Since she's resigned, it's been a loss, and she meant so much, and of course I'm just in my fourth year as County Clerk, knew her back in early 2001 when I worked at the Secretary of State's office, and I was telling one of our colleagues here earlier that I didn't necessarily interact with her then but I remember even during that time period, she was a force to be reckoned with. When her name up, everyone usually addressed her concerns pretty quickly. And so, and then for me my first meeting I attended here at the EAC, she was there to kind of to help me understand the role of the EAC.

But, you know, the feisty side was there, but there was also a very tender, caring side to Wendy, and I think a lot of people that knew her well, knew that. She cared significantly and it didn't

matter your party. She was concerned elections were run, as has already been commented, to the best potential that they can be, and that there's always room for improvement. Though certainly even my first term as a County Clerk back home, that's a goal that I set, and she helped set the example for me, and it's an honor to be from the state that Wendy is from and just appreciate her being recognized this morning. Thank you.

CHAIR JOHNSON:

Barbara Simons.

MS. SIMONS:

I just wanted to add to what has been said about Wendy. I joined this group in 2008, so I am not one of the timers, but I always looked forward to seeing Wendy. She was very special, and we had some very – we would have lots of very interesting enthusiastic discussions. And she was really great at that. So, I didn't know she had passed. I am really sorry to hear that.

CHAIR JOHNSON:

Alysoun?

MS. MCLAUGHLIN:

I didn't prepare any remarks but I need to speak as well if we're going -- I would not be here today, certainly not in the sort of role I am in in if it weren't for Wendy Noren. She was a mentor, an inspiration. I know many of you know I was a staff member for

NACO at the time that we appointed Wendy to be one of the original members of the Board of Advisors, and there was certainly no question as to who you know would be front and center of speaking on behalf of election officials around the country on these issues.

She taught me, I would say, most of what I know today about elections. She was always there when we needed to bounce ideas, when we needed to understand how things worked, when we needed somebody to take the time -- even if she had an election that day or an election the next day, she would carve out whatever time was necessary to be able to explain what needed to be explained you know to folks on the hill or elsewhere on these issues. She is a huge loss, a tremendous loss, and simply a wonderful person who continued not only teaching but also leading and you know forging ahead, whether it was using newer technology, whether it was kind being outside the box on procedures and processes and creative interpretations of what she could do and ask forgiveness for rather than permission. Simply a wonderful human being and it's a pleasure to have known her.

CHAIR JOHNSON:

Thank you all. I know Wendy is looking down on us all and really appreciating the kind words.

CHAIRMAN HICKS:

I just wanted to quickly say, you know that Wendy lost her battle on March 11<sup>th</sup>, but we were able to go out to see her one last time in November and get a lot of her thoughts on video. We have that on EAC's website as part of our Legends of Elections series. So, I really encourage you all to take a look at that. She had some very inspiring words – knowing where things were going, and wasn't pulling any punches even then. So, it was really an honor to know her, and I got to know a lot more about her when I went to her memorial last month in Missouri and visited with her family. She is truly missed. She spent more than three decades in this field and was very very powerful. And if there was ever an award for a local election official, she would be the one to win that. And with that (inaudible).

CHAIR JOHNSON:

Again, thank you all for those kind comments. So, we're going to keep us on schedule here. We're going to take a 15 minute break to get settled, do anything you need to, and then we'll meet back here to pick up with the agenda. So, thank you all.

Thank you for the Resolution Committee – I wanted to let you know that I'm appointing a Resolutions Committee because we've had several resolutions. Thank you all who sent those I, plus there may be some more that you guys have. So, we are going to meet during the break. Michael Winn per the bylaws is our Vice -

Chair for now – is Chair of the Resolutions Committee and Michael Yaki has also volunteered with his experience in writing resolutions to be on that committee. So, of the people we know that have turned in resolutions that would be Philip, Barbara and Jim. If you all can meet with Michael and Michael just briefly during this break time to make sure that -- in the packet are your resolutions. On the right-hand side. So, make sure that those – we took those from what you sent us so, make sure those are accurate and they do want to confer you all on those please during the break. Otherwise, we will be back here at 9:30.

VICE-CHAIR WINN:

And those on the committee, we could meet very quickly in the back if you want to do that. Jim, Barbara, Philip.

(Break)

CHAIR JOHNSON:

We'll go ahead and continue on with the meeting.

MR. YAKI:

Madam Chair, I just wanted the roll call to reflect that Barbara Simons and Jim Dickson were both present, but were outside the room as roll call was made, but they were both at the meeting. If anyone else came in after the roll call and wishes to be included on the roster, please let me know.

CHAIR JOHNSON:

And one more housekeeping item, really important housekeeping item that we need to do and thank you for the reminder Marc Guthrie thank you. We would like to -- Commissioner Hicks would like to swear in our new members. And new means, if this is your first meeting you're attending here, maybe you didn't just get appointed but you weren't physically at the last meeting. So, if we can have those members who have not been sworn in as official members of the Board of Advisors to just come down front, please, and Commissioner Hicks will officially swear you in as members.

CHAIRMAN HICKS:

While we are waiting, I just want to remind everyone when you speak, we have -- we're getting this transcribed, announce your name so that the transcriber can make sure that your comments are attributed to you.

CHAIR JOHNSON:

Is that everybody that has not been officially sworn in? Not that you were appointed, but that you officially attended a meeting and had been sworn in. Ricky, I do believe that you -- Secretary Ritchie that is you. Come on, this is really a wonderfully important step here. We have to make you official please.

CHAIRMAN HICKS: (with new members repeating)

All right, raise your right hand. I state your name. Do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies foreign and domestic. That I will bear true faith in allegiance to the same. That I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of this office on which I am about to enter, so help me God.

Thank you.

(applause)

CHAIR JOHNSON:

Thank you all. Thank you – thank you. I hope you feel more official now than you did a few minutes ago. So, in moving on with our agenda, what we will do now is hear from Cliff Tatum on the FACA responsibilities for this Board. And by the way, I'm sorry -- Cliff Tatum is the general counsel for the EAC.

MR. TATUM:

Good morning. I'll draw your attention to the two monitors up front and try to move through this Federal Advisory Committee Act overview as quickly as possible. For you existing members and folks that have attended meetings in the past, you recall that the Federal Advisory Committee Act is the regulation that structures how we operate our Advisory Boards.

As you know, the Help America Vote Act – move the slide forward for me – the Help America Vote Act actually created the advisory committees. We have three advisory committees, and they are the Standards Board, this Board itself -- the Advisory Board, and the Technical Guidelines Development Committee.

Those Boards were actually created within the language of HAVA, which means they are permanently created legislative Boards. Those Boards don't go away unless the legislation, the Act is actually changed. So, as you recall several years ago, the Commission lost its quorum and those Boards weren't meeting. Simply because they weren't meeting doesn't mean that they went away. We still existed, we were able to reconstitute those Boards, and keep the Boards moving forward. Move the slide for me Henry, move the slide for me -- one more.

The Standards Board and Board of Advisors are charged with providing the EAC with assistance on reviewing the Voluntary Voting System Guidelines, which is the very reason we're here today -- is for you to review what has been proposed by the Technical Guidelines Development Committee and make recommendations to the Board as to the EAC as an Advisory Board. You also review best practices that are recommended. A number of you have participated on some of our best practice panels and I believe in selecting some of the -- counties submitted

practices to our agency for publication for at least publicizing to the website itself. Move the slide forward for me. One more.

As indicated, the advisory committees are either created by statute, they are created by presidential authority, or they're created by agency authority. The operations of the committees are managed by designated federal officer. Tom Hicks, Commissioner Hicks, is the designated federal officer for the committee, and the advisory act requires that we conduct regular record retention policies, which means we follow the Freedom of Information Act.

The duration of the committee itself is for two years. That sort of sounds contradictory to my saying you're a permanent committee. Under FACA we have to file a charter for each of our advisory committees every two years, so we renew the charter every two years, and you serve for a term of two years or until replaced. So, as your sponsoring members as listed in HAVA can submit a representation notice to us which either continues your representation for another two years or we will continue you through that representation until those sponsors notify us that they replaced you. Next slide, please.

What are your duties as members of the Advisory Board? You are to participate in meetings and subcommittees. We ask that you comport yourself with integrity so as not to trade upon your position as a member of the EAC Advisory Board for your own

personal benefit. What does that mean? Not use your service as a representative on the Board to promote yourself or your services or your products. So, if you dial into a conference call with some outside entity and you say you should listen to what I'm saying because I am a member of the U.S. Election Assistance Commission's Advisory Board and what I say has the authority of, can't do that. So, you can certainly indicate that you are a member of the Board, but try not to parlay that into some sort of benefit for your personal gain. Next slide.

Federal law prohibits you from being a federally registered lobbyist, and if you are a federally registered lobbyist, I would like you to see me at some point during this meeting so that we can ensure that we get that straightened out. That doesn't mean that you can't lobby for yourself. You certainly can call your Congressman, you can call your senators, and you can ask them to do things. Now if you call your Congressman, you call your Senator, and you say I'm a member on the Advisory Board and this is what needs to happen, then be careful with that. You can certainly say that you participate on the Board and you hear the conversations and hear some things you like for your Congressman or your Senator to know as their considering certain things. As indicated, you can lobby in your personal capacity on your own behalf. Next slide.

As pointed out, the Designated Federal Officer is responsible for the management of the committee meetings. For the committee -- for the supervision of the agency committee. I have indicated we file a charter every two years. Next slide.

All of our meetings that take place are open meetings. Your subcommittee meetings are not subject to the Freedom of Information Act in terms of it doesn't have to be noticed as being a meeting. And the reason for that is as a subcommittee, you conduct your meeting, you then report your subcommittee meeting information to the full body as a whole, and then your full body then presents that information to your executive body submits that information to the full body, and it's the full body presentation that takes place in an open meeting.

Your DFO should of course be aware that there are subcommittee meetings, and more than likely a staff member would be participating with you on those subcommittee meetings or the DFO may be participating on those subcommittee meetings. Records of our meetings are kept, attendees present including guests and members, documents that are presented at these meetings are made part of the record. And any closed meeting activities have to be noticed far in advance so that the public is aware that we're closing a meeting. For instance, today we didn't notice that we're closing this meeting, so we cannot at any point

move into a closed meeting for any of our proceedings today. Next slide.

As indicated, there's the contact information for the Designated Federal Officers for the Standards Board, that's Commissioner Christy McCormick, and for the Board of Advisors, which is Commissioner Tom Hicks, and at this point we do not have a Designated Federal Officer for the Technical Guidelines Development Committee. Next slide.

Here's a couple of the applicable laws and regulations that govern the Federal Advisory Committee Act. The act that I – the Federal Advisory Committees, the Act as I indicated. There's also regulations, and of course there's the lobbyist prohibition and again, the Freedom of Information Act. Next slide. Any questions? Yes, sir?

MR. BEIRNE:

David Beirne, Federal Voting Assistance Program. The DFO responsibilities with just two Commissioners, and I notice the absence of one for TGDC, does that -- is there any statutory requirement that prevents one of the Commissioners from being dual hatted to represent or be the DFO for two of the committees?

MR. TATUM:

No, there's not, and that's a good question. With the Commissioners came in in 2015, they created a succession plan as

part of our 2015 overall management and operation,s and that plan allows for the Chair and existing Commissioner to name the DFO for the next -- for that open seat. So, at some point we will have that worked out as to who will be the DFO and then that committee can continue meeting forward. Any other questions? Next slide.

There's the contact information for Commissioner Hicks, Commissioner McCormick and Executive Director Brian Newby. Next slide.

And here's our social media -- what do we call those -- point of contacts? I need get my social media training. What is it? Handles? That's one for our email, Twitter, Facebook and YouTube channel. It didn't know we had a YouTube channel. How about that? Next slide. There we go. Thank you very much for your attention. (applause)

CHAIR JOHNSON:

Thank you, Cliff. Now that we have had our members sworn in, and have all the legal things we should be doing and have done up to this point, it is time now to get a really good overview of the EAC's mission and objectives for 2018 and beyond, and Brian Newby the Executive Director of the EAC will provide that along with a video.

MR. NEWBY:

One moment, please. Mark is supposed to correct me any time I say something. I think we're going to show a video. Are we going to show the video first?

VIDEO:

So, what is the EAC? Glad you asked. EAC stands for Election Assistance Commission, and simply put, our goal is to make your job easier. Now, seriously. We were established by the Help America Vote Act of 2002 as an independent bipartisan Commission charged with helping Americans vote. The primary way we do that, by ensuring election officials have the support and resources they need. We help in a few ways. We craft and adopt the Voluntary Voting System Guidelines, accredit test laboratories and certify voting systems. Clearing house of information and best practices related to elections. We also maintain the national mail voter registration form, which can be used to register to vote, update registration information with a new name or address, or register with a political party. And develop recommendations and standards that address the needs of voters, state and local election leaders and other election stakeholders. At the end of the day, we work to ensure every eligible American has the opportunities to vote independently, privately, and with confidence in our nation's election system. We do everything in our power to make sure election

officials have what they need to support that. Learn more at  
EAC .gov.

MR. NEWBY:

So good morning, everybody. Welcome to Miami as you've said, or people have said already. Several of us have been here for quite a while. And we had the Standards Board meeting the end of last week. It's a much larger crowd so all of us this morning were kind of like looking at the name plates like where's all people. We wanted to make sure we bring it, give you the energy that you deserve here, and talk today about what's going on at the EAC, and then also lead into some other things that we're going to talk about throughout the day.

So, I thought I would talk about that first. I guess the starting point though is -- we were planning obviously to have this meeting back in January, and we working on the meeting in November and December. And I know Commissioner McCormick has said thanks to several people, who are in here right now. Robin Sargent at the back of the room, (inaudible) Benevides (phonetic) is over here, Shirley Hines is somewhere hiding, but she's been working incredibly hard. There's Ashley Williams right there. We have a couple people who have gone back home who have been working very hard, and if you can imagine the thing I've equated it to -- now sadly, I brought up this example in January and I got some glares --

too soon, but you know if you've ever worked on a college paper, and then you didn't save it, and you had to start all over again. That's kind of what might have -- that's a little bit like what this crew went through. And they have not only put this meeting together once, they put it together twice, they've done it really well, and I know Commissioner McCormick started applause but I wanted to do that again, if you could please because they've worked very hard. (applause) But lemonade out of lemons.

So, the good thing about what has occurred is when we were going to have the meeting, we came to the conclusion we couldn't have it because of the government shutdown which was really going on that weekend. And government shutdown really is just tied to not having funding to continue the government. So that really manifested itself though. The outcome of that was the Omnibus Appropriations Act that was passed in March, and that created the opportunity for the \$380 million in HAVA funds that we will discuss later today.

So, that kind of did lead to a very positive outcome. But also makes this meeting more relevant, in the way we're not only talking about the things we were planning to talk about, but also now we can discuss the grant. So, the way the day is going to go is we are going to discuss some things – just what's going on at the EAC and the staff. And then we'll have a speaker from the Department of

Homeland Security – Bob Kolasky, because we want to make sure that you hear some of the things that maybe you might not have the opportunity to get day to day, both from DHS. And then later today, after we talk about Voluntary Voting System Guidelines 2.0, Mark Listes, who is here at the special table, he is going to lead a security panel of many of you who have been on the Government Coordinating Council. So, what we want to do is have those of you that are on the council representing the rest of you, speak about what's going on and get some dialog going so that you can just have some interactive conversation about the GCC, which is the Government Coordination Council.

So, in that whole flow there, right before the security panel, Mark Abbott from our Grants Department is going to come and discuss with you the grants, and the process and how we're administering those. The best news that I can give without taking any more of his thunder away is that we've gotten everything out as of last Tuesday. So that everybody, so the states can begin drawing down their money. They have to send us the paperwork to grant award notification and we can transfer the money. If any have done that late last week, they probably have the money by the time this meeting ends tomorrow.

So, in any event he'll discuss that in more detail. So, today what I wanted today do is go over the stuff that's happening at the

EAC. We have a lot of very talented people from our staff, and then many more who either have gone back home or were already working at home for the entire period, they will represent them here as well. So, I think this is working now. Maybe not.

Last year when we met, we discussed the initiative of – if you might remember, I had like a little stamp on a slide that said make it real. We wanted to do everything happening at the staff, all our activities, we wanted them to be relevant to the stakeholders we serve. The stakeholders we serve are election administrators and voters. Voters a little bit less than election administrators. There are some aspects specific for voters, but everything does begin for voters. They begin with voters. So, the voter is kind of the central place for all our activities, so even though we serve election administrators, we're really serving voters even in that regard. From your standpoint, because many of you interact with voters in an entirely different way than election administrators, we're also serving you and serving our voters through you. So, while many things we discussed today will be about election administrators, we want to get your feedback if you're not an election administrator about things we can do differently that might be more effective.

This is how we can measure ourselves in terms of numbers. Activity. This is what we did last year. Lots of numbers, lots of big

numbers, lots of press releases, lots of everything. What we're planning to do is really drill down to see if this is the best way to measure our effectiveness. This has really been something that's been a big deal for us, really since we formed, kind of reformed the agency back in '15 as our staff came. How do we know what we're doing is working? So, we want to be nimble. We want to be a nimble organization, and we can be because we have very few decision layers, but if we go off and do the wrong thing we don't have many resources. So that's going to encumber us down the road. So, it's very important we focus on the right thing. And what that is, is something we really continually try and figure out.

So, one of the things we like to do -- I have a background from marketing at Sprint -- is we want to look at essentially segmenting the market. The best way to say it. Take a look at all of our election administrators and all our jurisdictions, and determine what the right way is to target that market. Figure out who is best -- the best suited for the EAC resources and maybe what Neal Kelley may need might be different than Alysoun McLaughlin might need, different jurisdictions.

Intuitively, I think the sweet spot for the groups that would benefit most from the EAC are probably 50 to 150,000 registered voters, but that's intuitive. I don't know that, and it really may not come down to number of voters. We commonly break down by

state and local. We also like to break down by number of voters. There's probably language requirements, urban versus rural there might be -- that even itself may not be a very good distinction. So, we plan to do, is really focus this year on what are the right segments, and not segmenting for segment's sake. So, we don't want to have a bunch of segments. We want to know how that will drive our behavior and drive the way we reach you as election administrators. So, that's a big thing for us in 2018.

When we kicked off this year, we had a very good event right at the beginning of the year bringing together many different people from across the country. Some of you were involved in that. Also, we brought in DHS, Bob Kolasky who's going to speak today. He's at the bottom middle picture, and it was of a great event to just really just demonstrate the different topics the EAC is involved with, and I thought it was something just really great. I don't know -- I hope you found it effective. It had a lot of energy. We were trending on Twitter. We haven't ever trended on Twitter before, but that was what was happening that day, so we were kind of excited.

And we want to continue having those kinds of events throughout the year -- not just this year but beyond. What I would like to do now is I'm going to hand off to our staff and we're going to go through different topics. We're going to go through EAVS, we are going to go through our communications, we're going to go

through overall our research, we're going to go through our strategic plan. That's the stuff we're going to cover right now. There's other staff members who are here, Brian Hancock, Ryan Macias, and Jerome Lovato. They are part of our testing and certification division, so we're going to talk about VVSG later. So, this is only a representation, an excellent representation, I believe, but a representation of our talented staff. With that I'm going to hand it off, I think now to David Kuennen in to talk about EAVS.

MR KUENNEN:

Good morning everybody. My name is David Kuennen. I work with Sean Green on the research team at the EAC. I'm going to share with you this morning our recent and ongoing activities related to the Election Administration and Voting Survey, EAVS, as well as a number of recent and upcoming clearinghouse initiatives. And then I'm going to pass the slides over to my team – the communications team, and Cliff Tatum if you want to learn something about our social media (laughter) – this is where -- feel free to tune out my section.

I imagine many of you are familiar with the EAVS survey and reports, so I'll just start with an overview. So, every two years after each federal general election, we administer the EAVS, which surveys more than 6,000 local election offices in all 50 states Washington, D.C. and four U.S. territories. The survey responses

and subsequent report, which are required by HAVA to submit to Congress by June 30th after each general election, represents the most comprehensive data about election administration in the United States.

The survey covers a wide range of topics, including voter registration, participation by uniformed and overseas citizens, absentee voting, polling places and poll workers, provisional ballots and voting technology. The EAVS survey and report now combine the election day survey with the NVRA and UOCAVA reports. Since 2014 we've worked in partnership with the Federal Voting Assistance Program, FVAP, to include its post-election voting survey alongside EAVS section B.

The EAVS produces data which can be used to improve election administration and voter experience. It allows us to see the impact of policy changes over time, and changing voter behavior. This is becoming even more powerful as now we've conducted seven surveys since 2004. So, we are able to see trends in a bigger perspective. We also use the data in house to create resources that we think can serve election officials and voters. And we're continually looking for ways to make the EAVS data more interactive, relevant and impactful, and some of the things I'll talk about now is evidence of that.

Okay. So, as part of our efforts to make EAVS data more accessible, we began releasing some election issue briefs that we're calling EAVS deep dives. These deep dives take the analysis presented in the EAVS report and go one or two levels deeper. For example, we include more state level information and more trend analysis, election on election.

We have released three of these so far, one on the topic of voter registration, one on early absentee and by mail voting, one on polling places and poll workers, and we have two coming up this spring. I think one will be released this week or next on election technology, and a final one on provisional ballots.

In addition to these deep dives last year, we released the EAVS data interactive. You can see on the screen there's some screen shots from that interactive. This uses the tableau data visualization platform and allows visitors to readily access EAVS data responses and compare their jurisdictions with others across the country. I think, yeah the most popular function on this tool for election officials is this comparison tool. They can use any EAVS data point and compare their jurisdiction to others. For example, by the size of -- the numbers of registered voters -- find some folks in their state or out of their state at a similar size and see how they're stacking against other jurisdictions on issues like absentee and provisional ballot adjudication.

At the same time, we also released what we call EAVS data briefs for all 50 states. These data briefs are single-page snapshots using key EAVS data points, including voter registration transactions, method of registration, UOCAVA ballots, provisional ballots and voter turnout by method.

So, what is next for the EAVS? Once we release the final two deep dives in the coming weeks we'll turn the page and 2016 and return our focus to the 2018 survey. So, you might know we administer the survey using a contractor. The RFQ for that is out for bid right now, and will close May 1<sup>st</sup>. We expect to have a contractor lined up and start implementing the 2018 survey by June.

We're always looking for ways to make the survey more user friendly for jurisdictions to complete, as well as improve data completeness and accuracy. So, in 2018 we're going to codify some changes that we made to section B, consolidating a few questions in other sections to avoid repetition, and to include improved instructions to the survey.

We also administer what we call statutory overview sent to all 50 states, and we hope that that will be easier to complete as well. We hope to build into the 2018 and 2020 -- or we have built into the EAVS contract the possibility of administering the survey

online. We hope to pilot some of this in 2018, but in all likelihood, this will be something that will take place in 2020.

So, we also want to build on the successes of something that was called the section B working group. This was a partnership between FVAP and the council of state governments, which sought to streamline and clarify questions in Section B of the survey. We're hoping to stand up a similar working group on Section A, which is the voter registration section.

Last week at the Standards Board meeting, the Standards Board EAVS committee recommended we continue exploring that, and we hope to launch that initiative here in the coming months. So, that's what I have to say been the EAVS survey. Now we're going to talk a little bit about clearinghouse. We use the term clearinghouse to describe a wide span of activities and projects, and this is something the research team works hand in hand with the communications team on, as well as other teams at the EAC.

So, the EAC's clearinghouse function serves to connect members of the election administration field to one another, to share knowledge and experience, and we also create products in house using input from experts in the field and EAC research. This ranges from large scale convenings of election officials to smaller scale efforts like blog posts and white papers.

The image here is of these die (sic) from the Colorado's risk limiting audit that they performed last year. So, we highlighted this experience through a number of clearinghouse activities, including social media and communications activities, blog posts from our Commissioners, and we allowed our website to be used as a platform for a guest blog post from Dwight Shellman and Jennifer Merrill from Colorado, who also wrote a white paper on risk limiting audits.

So, the first clearinghouse initiative I wanted to share with you today is some updates to voter facing information that we're making on our website. This is the register to vote page on our website. We have a -- we get a lot of traffic of folks, probably because we have the national voter registration form and we're a federal agency that supports elections in America. So, we get a decent a traffic of folks looking for information on elections and particularly how to register to vote, and we want to make sure we send these people to the states in a user friendly -- easy way and user friendly way. So, we have put some effort into improving this page on our website.

So, what we have up there now is this election calendar map of all federal elections in 2018. And then we have on this map tool, you can click to it and find your registration deadline and links to registration information within your state. Also as a part of this, we

started collecting some analytics on this so that we would know how many people we're serving in this way. Since March we have averaged between 600 and 1200 voters per week that we're sending to registration pages in the state.

We plan to update this page as the election moves forward to include other voter facing information, such as polling hours and alternative methods to voting, to traditional election day voting.

So, the second activity I wanted to share with you is our CLEARIES awards. This is the annual clearinghouse awards that we call the CLEARIES. These awards recognize outstanding innovations in election administration that we hope can serve as examples to other election officials across the country. In 2017, there were three categories, this was outstanding innovation in election administration, improving accessibility for voters with disabilities, and best practices in recruiting, training and retaining election workers. Our judges selected winners from across the country, including Denver County Colorado; Indiana River County Florida; Pierce County Washington; the Washington Secretary of State's Office; El Paso County California; two disability rights organizations who partnered with Collin County Texas; Minneapolis Minnesota, and Port Heron Township in Michigan. We plan to do this again in 2018, and we look for contributions from those of you

in the audience here that might like to serve as judges for the CLEARIE awards, as well as category ideas.

So, beyond the CLEARIES, we highlight and share best practices in a number of additional ways. Notably this summer, we are going to have two events in July, both of which are continuations of events that we've had in previous years. First is a data summit on July 12. We are going to have that in Philadelphia, co-hosted with the Pennsylvania Department of State. And then secondly, we will have our third annual language summit co-hosted with the Democracy Fund Voice and we will have that in the Washington D.C. area on July 24<sup>th</sup>, seeking to help election officials better serve voters with limited English proficiency and meet their – and those who are covered meet their obligations under section 203 of the Voting Rights Act.

Another one of our favorites ways of highlighting best practices and lifting up good experience from the field is through our blog. We've been doing a series of question and answer style blog posts. This is an example of one that we did this winter following the 2017 elections, which we called Recount Ready. Neal Kelley was a part of this. Gary Poser was a part of this. Thank you very much, and we hope to continue doing similar blog series in the future.

Accessibility is a big focus of us and always has been and will be continuing. We continue to participate in events around the country. This winter we were a part of an event in Spokane, Washington, my home town. Go Zags. Organized by the association of programs for rural independent living, and this summer we'll be at the national disability rights network in Baltimore. We're also, in addition to the language access event we're having this summer, we also plan to roll out a clearinghouse product related to that. Kind of a four-pager, three-pager kind of snapshot resource that can help election officials know how to better serve voters with limited English proficiency.

And finally, I wanted to highlight one page on our website dedicated to voting by mail. We have updated our resources -- aggregated all of our resources into one spot, and highlighted some priority resources at the top that helps election officials better work with the USPS and serve voters who vote by mail. This includes a one-pager that the USPS committee on the Standards Board created that aggregates a lot of resources and helpful tips and tricks for election officials.

With that I'm going to pass the baton to my colleague Natalie Longwell. I just wanted to say that the EAC's clearinghouse function is our opportunity to be creative at the EAC. It's a really great thing, and we derive ideas from you all. So please, please

reach out to us if you have ideas on ways that you think we can better serve voters and election officials. And thank you very much.

(applause)

MS. LONGWELL:

All right. We're jumping to the website now. Some of the resources the EAC has developed and the growth we've seen in our online following and engagement as a result.

So those are some of our online stats. They are -- one of the biggest factors to this growth has been highlighting the wisdom and experience in this room as we've done with Q and A blogs such as the Women in Election Series that Brenda will talk more about later.

So, our goal for 2018 and beyond is to update, professionalize and create a common look and feel for all of our products. There's been a good deal of reevaluating materials. Long time products such as the EAVS which is a cornerstone of the EAC's work, are being reimaged and they're leading to much more interactive tools and briefs which mine the data present in this survey to make it more relevant and impactful for election officials and other election stakeholders. The more personalized and specific our resources are, the more likely election officials and others in the election community are to reference them and return to these products as they refine their systems and processes.

We're also asking what new materials can we create that election offices and the voters they serve can benefit from. There's a lot we've already seen, such as the EAVS data interactive and more still to come. In 2018, election officials can expect more materials from the EAC to help them prepare for the increasing demands of administering elections.

One of the ways the EAC plans to do this is by convening election leaders – sorry leaders in the election administration and give them a platform to share best practices and lessons learned. We'll do this through the CLEARIE awards, through online campaigns and meetings and summits such as this one. There's a lot that can be learned from the shared wisdom of the election community, and in 2018 one of our primary goals will be to continue to promote those voices as election officials prepare for the 2018 federal election and beyond.

Our call to you is to give us your feedback. What materials would you like to see? How can we make products more accessible and relevant to your work? We want to hear from you and we will use that feedback to create better resources.

MS. BOWSER-SODER:

Good morning. Almost there – here we go. All right. That was of a great segue to some of the things I want to talk about. I want to thank Natalie. She has been a huge part of the

professionalizing of our materials, the – she called it the reimagining -- to have more people on staff who can sort of really work in coordination with our research team think about what it is we can produce and in what formats that might be best received by all of you and the others in the election community, has been exciting. I'm more energized than I was even last year. There is so much happening. Our team is incredible.

I want to give a big shout out to Simone Jones as well, who is not here with us, but is back home in Maryland holding down the fort. That social media growth slide that you saw is in large part thanks to her and her coordination with all of you to really make sure we're not talking at you anymore. I hope you really felt that we are talking with you. And that's the goal here, and so my next couple of slides will be a little bit about how that's happening.

One thing you'll probably see a little later I believe today is we've produced in this responsiveness, right, we're hearing from election official what they need and trying to flip back to them some products that are helpful. Obviously, election security, a huge topic that most of you have probably been either asked a question about or often talked with others or give presentations even.

One of the things that folks said is you know there's really nothing that sort of like captures all of the things that happen behind the curtain frankly to protect elections. It's all about you

know only usually talking about what the voters experience once they get to the polls.

So, we worked together to create a very brief video that election administrators -- really the goal for this video is it can be used with rotary clubs or school groups or anyone that you talk to out in the community. You can show this video. It sort of runs the common thread -- the common denominator between the security steps that we know are happening in nearly every jurisdiction. You can imagine we're never going to produce a video that speaks to every jurisdiction specifically, because you are all governed by individual state and local statutes.

So, we invite to you give us your feedback. We've had folks say hey, love the video, this part doesn't work for us, what if we cut that out. That's fine, you make the video work for you. What we wanted to provide was the template video that you really could use to go out and start the conversation, to bring everyone to the same page as you're talking about some of the steps you take to secure elections. It has a presenter's guide and some other pamphlet materials that kind of thing that you can also take with you. If you're talking about this topic. We're really excited about this product. The response everyone state and local election officials has been tremendous, and we thank them for their feedback. I can see us making different iterations of this as time goes on, and the

landscape changes and the feedback comes in, but we're rather proud of this, and I think it's indicative of the kind of material we're hoping to provide that has value and as Brian said -- makes it real.

So, that's exciting. And I hope you'll check it out. It's on our YouTube page, Cliff, which I can direct you to later. (laughter) Never living it down. That's where we put all the things we don't want Cliff to see. So, as Natalie mentioned earlier, Women in Elections is a series we did earlier this year, and I wanted to highlight this as an example of what we're trying to do. So, as your calendar year progresses, we're looking to tap into what's naturally happening in the world, what's happening in your space, and using that to amplify folks across the spectrum.

So, I worked with Natalie and Commissioner McCormick and others on the team to say who are the kind of folks we can highlight during women's history month to talk a little bit about the cool roles women are playing across the spectrum. So, FVAP's in there, we have Meagan, some other familiar faces. This is a sort of blog Q and A series that David was talking about earlier. I think you'll find these interesting. We've had tremendous response to them. A lot of retweets, a lot of views, a lot of click throughs, and really for me I use these as a portal to push people then back to our site where they can think about things like poll workers or UOCAVA voters or

other things that these folks highlight for us. It's a really cool way to do that and to make that personal connection.

And as Commissioner Hicks mentioned earlier, another vehicle for that is our legends in elections. We have some of those yet to come, I know, but I hope. Many of you I heard were interested in seeing one from Wendy. It is quite moving and powerful so, I hope you'll check those out as well.

So, obviously the HAVA grants are top of mind for many folks, especially in the states right now trying to think about how they're going to access and use their funding. We are trying to make that as easy as possible.

Our website is a year old. Yay. And so, we're past our growing pain stage, and now sort of in that Phase II of where we're really figuring out how we make that website work for you. And so, you'll notice this is indicative of that. We have a dynamic home page. So, when you come to EAC.gov, you're going to see right off hopefully at the top of the page the things you need. This is one example of that. You'll see a payment and grants button at the top. When you click into that, immediately you will be directed to the page that has the FAQ's, how much each state is getting, the methods by which to draw down your money. Mark will talk a little bit more about that I'm sure when he gives his presentation. But

again, responsiveness to what you are looking for when you come to the website.

We have a slider at the top of this page. So, when you come to EAC.gov, it may look different every time, and that's intentional. We try and put on that front pole -- I call it the pole place position -- we try to put right there what you're looking for. For example, you might see information about the Board meetings if you go to that right now. Next week you might see something about another announcement or the HAVA grant or what we're working on. So, really making that home page work for us, and this is an example of that.

So, the sneak peek. This is the stuff I get really excited about. We have a lot happening in communications and research. I think you're seeing a really holistic approach to the way the EAC develops and deploys resources. You're going to continue to see that. We always are open for your feedback and suggestions. We kind of thrive on that. Again, I don't want us to be the agency that talks at you. That's the IRS. (laughter) We're the agency that talks with you. So, just to highlight a few of our approaches -- that one was also for you Cliff Tatum.

So, we have the schematic outreach, again, this is just sort of harkening back to what I talked about earlier. You also start to see I hope, is we're trying to evolve the release of our resources as

well as the presentation of our web presence to reflect your election calendars and what you're doing. So, when you're thinking about poll workers, for example, right now, we are thinking about poll workers. This is something we've worked closely with Brian on, he's one of our few in house election officials that knows the timing of what you need. So, we're trying to make sure everything we do matches up with what you need and when you need it.

This segmentation of audiences also we hope will be of benefit moving forward, that is as all of you know, that's a heavy lift. You want to get that right, because you don't want to leave anyone out that needs assistance, but you also want to make sure you're providing information in a way that's easy for them to use and understand. I don't want someone to have to wade through a hundred page document when maybe there's only 15 pages in there that apply to them. So, we are really trying to think through. We know about your time is valuable, and we want to respect that, and we want to make sure you're getting what you need when you need it, and packaged in a way that's easy for you. So, sometimes that might be a video, sometimes that might be a white paper, sometimes that might be a one-page fact sheet. So really, we're going to be looking for your feedback as we undertake this process. Segmentation is a very careful science, and so we want to make sure we get it right.

The target and public outreach and engagement continues. Media, as well as working with folks to amplify messages. Met with David and FVAP. We want to try to make sure we're that right. That we're coordinating with the other federal agencies and partners to make sure that we're amplifying the things that all of you need, and also taking advantage of opportunities to get our messages out into the press.

Last year I mentioned that there's trainings. We have provided consultation throughout the year to folks who need it, but we're always here. We're a phone call away if you have questions or just want to run things by someone. Both Natalie and I have years of experience with public relations and messaging and that kind of thing. So, we're always willing to help you. We want to be a resource. And you can feel free call us at any point in time to make sure that you are on point. I'm going to turn it over to Mark.

MR. LISTES:

I'll stand because my little witness stand doesn't have a microphone. For those of you that I haven't had the pleasure of meeting quite yet, my name is Mark Listes. I'm the EAC Director of Policy. What that means on any number of days, I'm wearing a different number of hats. I'm here to talk to you about one of my favorite hats to wear, which is I have the unique and great

opportunity to think about the long term -- think about the path forward over many years.

With that – that can be a long and dense topic. But I simply have two points. One is an announcement and one is a request. The announcement is that in February we published the EAC's four-year strategic plan FY18 to FY22. It's available on our websites at EAC.gov, and I hope you'll download it and read through it. My request with that is that what you'll find when you read through is that we're developing an annual strategic planning process as well. So now that we have our four-year plan, we're developing a process to take a new look at it every year. See what we're doing well, and what we're doing not so well, and what we can improve on. See where we need to pivot to be able to serve our stakeholders best and serve the people in this room and the groups you represent.

So, as we're working, as you're reading through our plan, as you're interacting with my great colleagues and everyone else, I want to hear from you and we want to hear from you. I put my email and my contact information on this slide to make it as easy as possible. Please take it down and reach out to me, but don't reach out just to me. Reach out to our staff, reach out to the Commissioners and reach out to my great colleagues. We all want

to hear you from you because we want know what we're doing well and what we can improve on.

We can, and we have of a great amount of talent here at the agency. There's only so much that we can know without hearing from you. So those are my two quick points. Please download the plan and let us know how we're doing. With that I'll turn it back over to Brian Newby.

MR. NEWBY:

So Mark said he was standing. I want to assure you that I am standing also. With that, though, if you have any questions, we can help with, we'd like to have questions -- just so we can talk to you some more. First of all, David and then Neal.

MR. BEIRNE:

David Beirne, Federal Voting Assistance Program. One question and one comment. The date of summit that was referenced in Philadelphia, what's the focus and intent on that and then my one comment was for Natalie. In terms of the EAVS survey -- actually I think it was for David as well. In terms of the EAVS survey, one thing we run into a challenge at FVAP is the reconciliation of using leading indicators and then reconciling it with deep dive on administrative and legal foundations. What really drives maybe some of that complexity or that nuance to each of the states. So, I would encourage -- I can't recall what section that is of

the EAVS. But something that would bridge between that section and the EAVS that would be helpful especially for the FVAP mission as well.

MR. KUENNEN:

Sure, well I can try to handle the second part of that related to how the data fits within the context of the legal and administrative framework of any given state. That's definitely the -- one of the trickiest things about studying American elections is the vast diversity among the states. And you have to kind of caveat everything. You say, we think this is true based on this data, but don't forget about these seven other things. You know they don't have provisional ballots in this state, or they aren't covered by NVRA, or this is the one state that doesn't offer this type of voting method.

So, it's very -- the context matters a lot and we try to provide that when we -- we're very careful when we write about the things that we do. But the statutory overview is a survey that is sent to all of the states and is meant to try to provide some of that context.

But I think -- we're thinking really hard about how to improve that. In the past the overview has kind of been a fill in the blank type survey, give us -- cut and paste your statutory language related to this topic. And we would get that, put that up on website and people downloaded individual state responses or summary

reports they might be able to kind of put that data in context. But it's not the most user-friendly document at all.

And so, moving forward our hope is to issue this statutory -- and I think we'll call it a policy overview or something with a little more broader and more accessible terminology, and then we'll ask these questions multiple choice. I think there will be opportunity to provide the context in the state, but we're going to try to get the states to categorize themselves in a way that helps -- that helps users of EAVS data understand that policy and administrative framework a bit better.

And your first question was about the data summit. Yes, the data summit is -- the main audience of it will be election officials, and we want to lift up experiences from local and state officials in Pennsylvania and elsewhere about how they use data to improve election processes. So, I imagine it will be four panels across the day. It will follow the cycle of the election year, and so the first would be stuff related to voter registration and related issues, second might be absentee and early voting, third could be results management and post-election processes. Stuff like that.

But I imagine you will see most of the presenters will be election officials, state and local, Pennsylvania and external, but also bring in a few academics and advocates and folks who work on data issues in the broader community.

MR. NEWBY:

Neal, actually first, and then Barbara.

MR. KELLEY:

Thanks, Neal Kelley. I had asked I think last year, maybe the year before about the possibility of the EAC developing some sort of training program. And just from perspective in California where you could hit a region and potentially cover millions of voters within that region, would be really valuable for election officials to be able to train staff, and I'm just curious if that's been thought about or if there's some plan for that down the road.

MR. NEWBY:

Short answer -- I don't know -- I'm not sure, though -- the specific training you're thinking about, what kind of training would it be?

MR. KELLEY:

Well, I guess it could be a number of things related to the collection of EAVS data and best practices for how to do that in your shop. You know in Orange County we have a number of staff members that could benefit from that. I'm using that as one example. There's probably lots of other things that I could think about tonight.

MR. NEWBY:

Yeah, I mean, the -- one of the things that we thought -- I don't know if it would fit in to training, but it was more about overall registration laws, and we were thinking about creating just a general guide for anyone who just came in to election office to be -- understand the laws, both NVRA, HAVA, just all the laws related to registration. And then also a guide, if you were say the person over registration, that you could then train your staff on.

I don't think that really fits what you're saying at all, but I know that's one process we're doing. So, I think we would want to -- my opinion would be good to pick topics like that that you could use -- we have all the cybersecurity training that is out there that DHS does, but I think we'd like to do that. I just think we'd really want to make sure that we hit the right topics because what would really make the impact. Maybe we should just talk to you about it beyond just tonight. I think it's a great idea, it's just -- we want to make sure we just don't do something that we think makes us -- as I said, makes us feel good and doesn't get used. When you think of these for your staff or --

MR. KELLEY:

Yea, my thought is for staff. I mean, there's a lot of election officials, the principals engaged with EAC, but that doesn't always trickle down to the staff, and I think they could benefit from your

wisdom and the training that we can't always provide perhaps can be supplemented.

MR. NEWBY:

It kind of gets to the quick start guides, and Natalie said we're going through those and redoing those because I think -- I have my own opinion of the quick start guides often weren't that useful, because unless you were a county clerk running against -- or a county clerk candidate running against a county clerk, and you were elected, but they were so angry they burned all the files in the office, having a quick start guide may not help that much because there's always people in your staff and in your office who could help kind of pass the baton.

But what we want to do is make sure our stuff is useful. Anyway, I am saying much of the same stuff again. We'll talk to you and see if we can get your ideas and pursue it some. So, I saw Barbara and then Jim, I'll get to you after Barbara.

MS. SIMONS:

Thanks. So, I have a couple questions about the Philadelphia conference or meeting. So, one is, is this going to be open to the public or by invitation only? Oh, it is open to the public, I see. So that's answers that question. And the second is how are speakers going to be selected, and could there be a role for some of us on the Board of Advisors with emphasize on the advisor part

to perhaps help or at least make recommendations for potential speakers?

MR. KUENNEN:

Yes, it will be open to the public and it will also be live streamed online, both summits will be. I forgot to mention that. Yes, so forming the agenda is something we're doing in partnership with the department of -- Pennsylvania Department of State, but we certainly welcome all ideas and we'll hash those out as a group.

MR. NEWBY:

So just to pile onto that a little bit, what Barbara said, one of the things we find is that the best -- the purpose of the whole clearinghouse is to share best practices. And what we'd like to do is identify I guess new people -- I mean, the more we can have representation of 8,000 administrators, as opposed to 800 or 80 is good for the industry. So, the more, Barbara you or others have ideas for people that we would want to utilize who are election professionals for different things is good.

So beyond just that, if you have administrators where you live for instance that we just don't even know, that would be good to know. Let me get to Jim Dickson and then --

MR. KUENNEN:

Sorry, let me just interrupt real quickly. I wanted to mention that the data summit on July 12th is the day before the NASED

summer meeting, which is in Philadelphia as well. So, a lot of folks will be in town for that can come a day early and participate in our event as well.

MR. NEWBY:

Let's go to Jim and then back after that.

MR. DICKSON:

Jim Dickson. CLEARIES, is that named for somebody?  
Was there a Mr. Clearie?

MR. NEWBY:

So, it's -- we have branded it so well we have forgotten what it was supposed to be kind of. So, the clearinghouse awards -- is what it stands for, clearinghouse awards. So as a joke, we thought we would call it the CLEARIES to have a little fun tag to it. So, it's not named after anybody. It's just -- it's supposed to be short for clearinghouse.

MR. DICKSON:

I guess I would ask that you think about perhaps naming it in honor of Wendy Noren.

MR. NEWBY:

So, I think we should discuss -- I would consider that. I think that's a great idea. We've discussed that some with Commissioner Hicks and need to discuss a little more, but we thought about -- what we'd like to do every year is expand the categories, so there

might be a category that we might want to have or the -- so we can discuss that.

MR. DICKSON:

Great. Thank you.

MR. NEWBY:

Yes.

MR. MOORE:

Greg Moore. Two questions. One was about the CLEARIES. When are they actually held, or are they associated with anything, or is it just an online award? I have another follow up behind that.

MR. KUENNEN:

That's a good question. I think last year they were released in November? Is that correct?

MR. NEWBY:

We usually -- well not usually, we've done it twice. So soon we will announce the kind of the call for entries. And it has traditionally gone in the first two years from June through September. And then we announce them at the end of September. We utilize people from the Standards Board, and also any election administrators from the Board of Advisors who would like to be involved in that as judges.

The biggest thing – for instance when I was an election official, I had an outreach budget of zero. I had no money, and so if I wanted to get the word out about advanced voting sites or election day, I couldn't get that. But, if there was some best practice award we'd won, we can get coverage for that, and then we can use that as a clever way to say oh, and, by the way, media person who would never cover us otherwise -- there's an election coming up and here are the details.

That's what we're hoping is clearinghouse is not just recognize but use it as a vehicle for people to use as outreach.

MR. MOORE:

And one more question. I know there was a mention of the strategic plan for 2018 through 22. Is that going to be spoken about a little bit more in more detail? I don't go online enough on the site, but is there a place today or someplace soon or anybody who could give a little bit more insight given the history of this agency to know more about what that five-year plan looks like and how we could be helpful?

MR. LISTES:

Sure thing. So, we don't have a panel set aside to talk to the strategic plan. I am around throughout the whole day to talk through any aspect of it that you'd like since I have just a little bit time right now and I have the microphone, I can tell you that the

four-year strategic plan has a revisited mission statement in it, a revisited vision statement as well, for agency priority goals for the next fiscal year and four strategy goals.

The four strategic goals, three of which are mission oriented and they are customer facing. So, election official and stakeholder facing. And then the fourth goal is an operational goal to make sure that we are good stewards of public funds and we're operating to the most effective and most efficient way we can.

The three stakeholder facing goals are to analyze the space and contribute to the country's understanding of election administration, then two -- to use that understanding to build products and build services that help our stakeholders and then, three, to distribute them in the most effective way.

What you'll find throughout the entire plan is an emphasis on metrics and data-driven decision making to make sure this agency while small it as effective as possible. Other than that, I'm happy to answer any questions you might have, and I am here throughout the whole day, and if you don't have time today, my contact information, I'd be more than happy to talk about.

For those of you looking to download it, it's under the operations section of our website. Or just reach out to me and I'll happily send you a copy.

MR. NEWBY:

And then even though -- I mean, there was of a lot detail. It really is still at a high level, the document, because the guts of it are still to be developed through an operating plan. So, this just lays out what we hope to be when we grow up kind of thing as opposed to the day to day.

MR. IVEY-SOTO:

Daniel Ivey-Soto -- so, and I was going to follow up with someone offline but since it appears that since we are 37 minutes ahead of schedule, I figured I would do it publicly. So, in the presentation there was a discussion at one point about a working group with the United States Postal Service. How's that going?

MR. NEWBY:

So, first of all, questions are cool. So, I'm glad -- that's what we wanted, so I'm glad. So, we created a site called, vote by mail.gov, was that our site? We worked with the post office quite a bit in 2016 -- when they say the task force, I don't have that we have -- we do have the Standards Board. Do you have anything to add though, Dave -- I don't know that we really had a USPS task force.

MR. KUENNEN:

We have a USPS committee in -- composed of Standards Board members, and they've been working on some things, but there's a broader effort in the election community that we have

been somewhat apart of, but not driving -- where there's been a lot of working with election officials and the USPS, and I saw a presentation they gave at a recent election center event in which they describe 15 different tangible results of that engagement. It was a really impressive demonstration of just getting in the room with the right people and talking the issues through with the right folks. You can make a lot of marginal improvements over time. And in the kind of changing nature of mail in America, as the U.S. Postal Service changes the way it operates it's really an important time to be doing it.

MR. NEWBY:

So, we had a webisode back early '16 on all the things you need to do to process mail and that kind of thing. I think we really need to redo that as we get -- probably heading into 19 and 20. Is there something that you want us to be doing --

MR. IVEY-SOTO:

So, here's the thing. So, every time I talk to people up higher up in the postal service it sounds fabulous. And then I talk to folks on the ground, and it's a very different story. You know, and the thing is there are some idiosyncrasies, and I will just point one out of many. Under the NVRA it's very clear, if there's a postmarked voter registration postmarked by the deadline for that state or 30 days prior to the election, it's good no matter when we get it.

Most states or many states, I don't know -- many states -- I know my state, we, as courtesy to the voter, provide business reply mail on the voter registration form. The USPS refuses to postmark business reply mail. They will not under any circumstances. They won't even let you put a stamp on it, and then postmark it because it says business replay mail.

Now it just seems to me like there's a basic problem there that's fairly easy to solve, if it says election mail, postmark the damn thing. Don't put that in the -- (laughter)

CHAIR JOHNSON:

Too late. (laughter) We can redact it.

MR. NEWBY:

Says Senator Daniel -- no.

MR. IVEY-SOTO:

But, you know --

MR. NEWBY:

And forward this to your local post office --

MR. IVEY-SOTO:

Yeah, exactly. No, they know me well. So anyway, you know, so there's just some of these simple things that they could do to actually make their procedures correlate, not with local processes, but with federal mandate.

MR. NEWBY:

I agree. I mean, I feel like there's so many places to go in a postal discussion, because it's -- I agree. So, this is -- so possibly one of the issues as I said we're trying to go back to the registration laws and guides, and that's tied to NVRA. So that's one thing. There is a postal conference in early May. I don't think any of us are planning to go to it, but we -- are you going to go to that? Yeah so, yeah, that would be good.

MR. BEIRNE:

David Beirne with the Federal Voting Assistance Program. Yes, there's a national postal forum on May 8th in San Antonio. It will be a whole day dedicated to election mail issues and topics. We have found the USPS to be a tremendous partner, much like EAC has.

I know FVAP and Department of Defense were exploring engagement with an MOA with USPS so we can codify some of the gains we had made in the 2016-cycle. I'll happy to discuss offline trying to get the inclusion of the EAC into that same MOA, so it can be a tri part agreement. I'm willing to have that conversation with you all the offline.

MR. NEWBY:

That would be great. I know that from when I was an election administrator, things are much better with the postal service that then even seven or eight years ago, and I believe it's

because -- there's still much to be done, but I think a lot has because there's a larger uprising of election administrators to be very vocal. So, we may tap on you if we do the webisode just to raise those -- I mean there's lots of issues like that.

MR. IVEY-SOTO:

That would be great and I will censor myself if I do so.

MR. NEWBY:

Okay. Patricia?

MS. TIMMONS-GOODSON:

Thank you very much. I just wanted to follow up on the question that Greg Moore asked a few minutes ago, and the response that was given, which as I understand it was a brief lead into what was involved with the 2018 through 2022 strategic plan. And then the statement that will follow up offline. I ask that you consider perhaps a presentation on it. I was trying to go over in my mind the -- whether we'd received any kind of email seeking input or anything like that, and I may be wrong, but I don't recall anything. I believe it would be worthwhile in a meeting going forward to -- since it covers 2018 to 2022, and I understand that it's a done deal, but to talk about the strategic plan. And so, consider a presentation.

MR. LISTES:

So, a couple of things. Yes, I'd love to set up a time to do that. And unfortunately, we don't have time today -- the agenda is already set. I would love and I would welcome the opportunity to do that. Both in our own strategic plan but also from federal mandate stakeholder engagements, as well as engagement with our broader federal community is something we've have as objective within our plan but also set out as OMB has set out for each federal agency. And I welcome every opportunity to be able to do that. Whatever we can do to set up time to be able to do that I'd like to.

Now I do want to add on one little point, and that is that you, you made the comment that it's a done deal. It's a done deal, it's been drafted and voted upon to this point, but the annual strategic planning process which is actually called out in the plan is there to make sure that what we set out four years, four-year timeline, isn't necessarily a done deal if it's not necessarily working, or if we can improve upon the process.

MS. TIMMONS-GOODSON:

All the more reason to share what it is.

MR. LISTES:

Right. So, I welcome any opportunity and we'll work to set something up.

MS. TIMMONS-GOODSON:

Thank you very much.

MR. NEWBY:

I think that we're excited you're interested in that. So -- I do know that there was a thought with Commissioner Hicks before or maybe every six months or some period having a call with the overall -- the Board of Advisors as opposed to a meeting, and so if there is something like that in the future, we could even if he's willing to try and have that as a discussion item so we can do that. Way back there, Rich and then I'll come back.

MR. PILGER:

Richard Pilger from DOJ. Just before we get too far from the postal service issues I wanted to put a marker down. First thing I want to say is my father who's blind votes by mail and it's very helpful to him and this is definitely a good to be furthered.

But the marker I want to put down is the most frequent ballot fraud offense that we see at DOJ is vote buying, and use of the mails to collect up the ballots is one of the primary ways that it happens. And it also enables -- it also provides flags for us to get after that. Which is a lead up to saying as we engage with the postal service, I think it would be a good idea to make sure the postal inspection service gets involved. The people who investigate

co-opted postal delivery personnel and otherwise get early warning of fraud should be part of that process.

MR. NEWBY:

All right, making a note. David? Did you have something –

MR. BEIRNE:

We're -- David, Federal Voting Assistance Program. Sorry I had too much coffee, so I just keep firing things in on you. One thing I would offer in terms of strategic plan, just to echo the sentiment, that's a perfect opportunity to leverage the diverse expertise you have on the Board of Advisors. When you talk about market segmentation in terms of election officials versus voters and what brings this body together versus a Standards Board. I think that's a unique opportunity for us to help provide some input in terms of how to achieve that and what does fit best.

MR. NEWBY:

We agree. Let me go to Alysoun and we'll come back –

MS. MCLAUGHLIN:

And while we are firing things at you and in that same spirit, perhaps this is really a targeted more at Sarah and Michael, but perhaps we ought to think about the Board of Advisors and our structure and our committees. There's been a couple references, discussions about the committees of the Standards Board this morning. And so perhaps whether it is the postal issues or whether

it's other things that are different than what the Standards Board does, like our role in the strategic planning process for the EAC. Are there things that we and the unique kinds of expertise and interest that the Board of Advisors has can perhaps develop some committees to engage on an in a useful way for you.

CHAIR JOHNSON:

Actually, I was just talking to our incoming Chair about that, that very concept. So, I think it's really important as your kind of officers for the group, that those are some good examples we need to hear from you about topics. And I do -- one thing we'll do is make sure that strategic plan will connect with Chairman Hicks to make sure that we get an email out to everyone with the strategic plan. And so that everyone is aware of it and perhaps even on a quarterly call that-- we've kind of been doing, conference calls, we can put that on a subject. But, yes, on committees. I do know that a couple of years ago we did have a USPS committee that did coordinate a little bit with the Standards Board committee on USPS issues, and the determination at that point was that committee was pretty -- pretty set. They had been long established. I know when I was on the Standards Board and Chair of that was a committee we established years ago and they're very active. So I think the consensus of our members who are our committee working with them, they were content that they were in the driver's seat the

Standards Board and knew what they were doing and offered to kind of disband that committee. That was several years ago. Because of the work the other committee had done. And I know the election center originally started a postal task force, and then the Standards Board picked that up once HAVA came through.

And I do know that that is an important issue as a vote by mail state. I will echo the sentiments that work with the postal service is better than it ever was before – is it perfect -- no. I can give you a long list of why not. But, there's a long list of why it is better. Just as an update on that. But yes, we're taking notes up here about the issues that you all have expressed interest in. By all means, please throughout the year, as we try to keep you informed, make sure that your leaders know if you see something and you're interested in, that we kind of have to feed from you guys and we only meet once a year for sure, but we look forward to that.

So, thanks for the suggestions and any other ones that come out from this meeting, know that they will work on that.

MR. NEWBY:

So, 2015 both Boards kind of were given birth if you think of it that way. They had been not operating for a few years. And a Standards Board member from a member from the clearinghouse committee stopped me in June of last year and wanted to know how the clearinghouse committee could get more involved. And we

came in to the Standards Board meeting as a staff because of that comment. Like we were going to -- we wanted to really -- again, back to the "make it real" -- we wanted to utilize those committees for our overall operations, and how they can help us and how we could understand and get good feedback. And I think it's just a great natural progression if that happens here at the Board of Advisors also. So, that's great. I think that's the whole point of the Advisory committees, is that they provide advice, but also consultation and help us. So, Neal and then Ricky.

MR. KELLEY:

Thanks. And I had a question for David. We did some pretty good work with FVAP and CSG on looking at EAVS and particularly section B, and having discussions about how that could be automated at some point down the road. And I had some lengthy discussions with former Commissioner Masterson about that possibility, but I think probably that's really long term, and I don't know if you've made any progress in that regard or if you're currently thinking about it.

MR. KUENNEN:

I will have to get back to you. Maybe Brian has some knowledge of that.

MR. NEWBY:

So, we are -- one of the things that David was saying early on, we put out the survey RFP, and I think the responses are expected back early May. And we have put in the RFP that kind of idea. But we fully expect that it's more of a 2020 thing than a 2018. But we want to at least start getting the vendors to respond to be thinking about how they would do it.

So, we actually put some money in there, whatever that means. We expected from a budget standpoint to, should that come back, we can execute, but we don't know that we can. But we at least wanted to kind of lay the seeds out there for now and maybe David, some thought about that?

MR. BEIRNE:

David Beirne, Federal Voting Assistance Program. Kind of breaking news is that we do have 2.0, the cooperative agreement with the council of state government. That's going to be restarted here shortly, and part of that inclusion was scope for looking at section A as well as section B, because we do have some UOCAVA tie in in terms of voting registration, the acceptance of the federal postcard application. So we look forward to continuing in that same partnership as we established for section B to help seed that discussion for section A as well.

MR. NEWBY:

So, we wanted to think of it as either or. There will be communities that probably won't want to have the streamlined way, and so we want to get some ideas from the vendors who respond.

MR. KELLEY:

Thank you for that. I think it's great it's in the RFP, so that's progress. Thanks for responding.

MR. NEWBY:

Ricky?

MR. HATCH:

Yes. Ricky Hatch from the National Association of Counties. I also sit on the GCC, and working on how to distribute and promote all the great resources that are out there in terms of election cybersecurity. But my question is more along the lines of the great resources that the EAC provides to local election officials.

We have so many -- we have almost 9,000 local election officials throughout the country. Most of them serve 10,000 voters or less. And so, they're very understaffed and very kind of a Jack of all trades, they have to do everything. And I just wonder how many of them actually are aware of what the EAC does, and so my question is, has the EAC -- have you looked at distribution or promotion or communication strategies, that specifically address

how to get that information out to the locals? Because I want to copy it.

MS. BOWSER-SODER:

This is something that we (inaudible) throughout the presentation -- this idea of segmentation, which is I think is kind of what you're talking about. It's a fancy word for it. So, how we get what people need to them, especially you know those folks who -- you said one or two people maybe they're part time, maybe they're serving 10,000 voters. So, it is the million-dollar question. I wish I had the answer. I would sell it today. I think what we've done is to date we've worked sort of anecdotally. People say I love that webisode or that quick start guide was helpful. I think what we want to get is more scientific about it so that we're better able to reach those folks.

So, I think what we're striving to do is get a handle on first what markets we think need us most. That's really, you know, as Brian said -- may be something different than a local person in Pennsylvania, my home state. So, what do people need? How quickly can we create it? When do they need it? As Mark can talk about, he has given this a lot of thought, how institutionalized the process is that make that happen.

And so, you'll see more and more of it coming from us, so I guess the short answer is we don't quite have that complete

scheme in front of us, but it is our intent to make the coming year all about it, and to make sure that we're working. And I think for me, some of you in this room represent locals, represent these bodies that are already talking with these folks. So how do we tap into that resource so that we're not reinventing wheels either. For me it's really about going to the source of where they're getting their information. So if I know they're getting a monthly newsletter from an association they're already a member of, I don't necessarily maybe even need them to sign up for something new. I need to get in on get into what they're already reading at first, and then figure it out from there. We're trying to be much smarter about that. It's front of mind for me, for Natalie, and for our team for sure, and I know David and Sean when they look at the creation of materials it is for them as well. So, you can rest assured we're working on that big problem. When we get the solution, we'll let you know.

MR. NEWBY:

So, the election administrator, IT administrator – they basically that training. That does kind of meet that need a bit, because if we have it at a state association meeting that's training that wouldn't get to the 10,000 type election official unless that person was there, because they don't have the money to go elsewhere. What we've discussed also is having like a -- if we could pull it off, at least one or two maybe more regional kind of

events that might be for that. Like it would be great if we could have four, but I don't know that we have the money for that, but if we could start with the idea of one or two and then branch out.

We also talked about kind of the equivalent of a constant contact newsletter. We have to get through some paperwork production act issues and that kind of thing. But provided we can do that, we're trying to figure out techniques to reach different administrators in different ways. That's really what we're trying to figure out. So, I don't know that we've cracked it, but we've put a lot of thought into it I guess is the best way to say it.

MS. BOWSER-SODER:

The summit, we had folks come to the summit who basically blew their whole travel budget from a local standpoint to come to Washington to attend that event, because they viewed it and deemed it rightly so, I think -- sort of a really important milestone at the beginning of an election year, where they could hear directly from experts on a variety of issues, accessibility, security, you know list maintenance. All kinds of really important topics that they would otherwise not get access to. And they came up to us afterwards and basically said it's worth every penny. And to Brian's point, the more we can duplicate those efforts closer to them and make it more and more accessible, sort of take our show on the road so to speak. I think that will be hopefully a big help to folks.

MR. LISTES:

Ricky, I want to echo something that both Brian and Brenda have said just to emphasize it, that is how seriously we are taking finding the answer to the question you ask. I think the question you asked is like -- is the proto-typical goal of the underlying thought of the overall strategic plan. And that is that election officials, broader stakeholders are not a monolith, and they don't have all have the same needs and we can't reach them all in the same way.

So, from how we look at how we analyze data to how that plays into what we can build and what we can put together to how we get it down to each different level. So you identified a very specific level, but the question exists at various levels of how many voters that are being served, or how many resources each office has.

We're taking, getting an answer to that question from all different angles very seriously. We've allocated resources over the next six months to start to crack that code, and I want to circle back to one of the questions that was -- one of the comments that was presented earlier, and we look forward to interacting with everybody to bounce off our ideas of our segmentation off our Boards -- off our stakeholders to see how we're doing and understanding our stakeholders not as a monolith, but as individual segments so we can answer that question and answer in a very real way. And of

course, with everything we do -- if you want to copy it, you're welcome to copy it.

MR. NEWBY:

Right. So, we have a program called staff associate program, where we hire a couple people at a time, and we're hoping to redo that again soon. And we hired them to work on -- solve problems, I guess. And they're kind of term employees with the idea that at the end of the term, if they like us and we like them -- and the two right now we really like them, then we'll find a good place for them to be within the agency. Ashley Williams, she's in the back -- she's been awesome -- is one of them. And another one is Bob Sweeney, he had to head back, but his project right now is segmentation. He and I met on it on Friday for a little bit further, and what we really want to do to Mark's point probably as he comes up with the idea -- you haven't really volunteered, but probably going to ask you to help us now -- to look at the segments and see if it makes sense.

Because if it doesn't make sense to segment for segment's sake. It makes sense to segment if it changes your behavior. So, we're trying to figure out what that right thing is so that -- I mean, I've used the example. I used Neal Kelley. Neal Kelley may not need EAC. He just may not. We may need Neal Kelley much more than he needs us, which is probably true in general. But, the more

we can highlight something that Neal Kelley is doing, it validates maybe to those he reaches -- those smaller administrators or jurisdictions. He may know -- and they see something Neal is doing so that makes it seem like it's a great idea because they know Neal. That kind of thing, even though we may not have resources for Neal, we may really need the larger jurisdictions to help us be more effective in reaching the smaller ones.

And that's the kind of stuff we're really trying to think through is to -- what are the small ones need as an example, who is the right audience for our resources, and which ways and -- it's a huge project. We also don't want to take it on just for the sake of taking it on. We'll involve you more. And let's go to Shane.

MR. SCHOELLER:

Shane Schoeller, Senate Rules Chair. I think one of the things that, as I heard Ricky Hatch's comments. I think if you could have a designated contact in each state, and maybe twice a month, send information out that you're putting out. That could be past information or current information, that we can send out, because we have our list of election authorities, that they know us, and then we can say here's some information that would be valuable to you. That's a quick way to do it.

But then number two. There are a lot of groups that are now beginning to focus on cybersecurity and they're doing reports. Well

the media gets a hold of that information, and they quickly have a lot of questions, and even myself as an election authority, I'm not necessarily know all the answers to how that report has been put together, but I'll tell you valuable the EAC could do. If you could have a quick response team, QRT, that could take those reports and say here's the information that's unbiased, but here's information that you need to be aware of where not all the questions were asked correctly, because, for example, some of the -- one of the groups recently, our Secretary of State is not going to provide all that information because they're essential information that exposes them to more cybersecurity threats because they don't know this group, but then they get a low grade from them.

And that is not fair to anybody, and any county across our nation to be graded on something, because frankly they shouldn't be sharing that type of information with those entities when those questions are asked. So, I think something that could help people say here's quick response of how to respond to the media calls you so that you can kind of, you know, slice through some of the more important questions you'll be asked, because immediately the media believes that somehow you're vulnerable as an election authority because of the report. And that is not necessarily accurate.

So, I think if you could be a little bit more quick response when these national reports to help us at the local level, I'll guarantee you, you will quickly be appreciated by local election authorities for being able to do that.

MR. NEWBY:

So, there's two things. The second thing -- I know I saw David and Natalie taking notes about that. So I think that's a good idea. The GCC that Ricky mentions is, there's members and we'll get into that when we talk to the security panel today, but there's members from local, state and secretaries well represented. And the idea is that in 2016, we got threat information given to us from DHS, FBI, and we sent it to you, sent it to the Standards Board, sent it to TGDC. And that was kind of an informal thing.

And critical infrastructure was to formalize that. Now, this may seem cynical, kind of is a bit, but we haven't had any threat information since then. Apparently, they've all taken a year off. But in theory we'll see that again. In the meantime, we're getting information through the GCC of best practices and passwords and that kind of thing.

Those aren't really probably what critical infrastructure was intended to be. But they're good things. So, we're trying to figure out -- what we want to do is when we send things out we want to be EF Hutton so you're going to listen, as opposed to sending you stuff

all the time and you just don't care anymore. Like this isn't important. So, we're kind of trying to figure out a way to maybe aggregate some of that GCC stuff urgent, non-urgent. All that to say, there might be a way -- it's kind of unrelated to what you said, but on the other hand it is. Maybe we can also have kind of an urgent standpoint as well.

MS. BOWSER-SODER:

Yeah, I would also just add the GCC has sort of these subgroups under it right. So, there's within the GCC, the communications professionals who work for the various agencies for example are in regular communication, and this is a question that we often discuss. So, I think there's some thought going into that. I would also sort of say, though, that another thing that I think is helpful -- you know Chairman Hicks often talks about you know voters feel secure when they are part of the process and that kind of thing. And so, the proactive sort of changing, almost flipping that coin on its head a bit, and thinking about what as state and locals you can do proactively to share the kind of information that makes voters feel confident, and makes them themselves question findings that are not in line with things that they hear from trusted resources.

And that's part of the emphasis behind the security video and some of the supplementary materials and some of the other

things that we've put out. We have to some extent, a voter education problem. They don't know what to believe anymore, frankly because they are hearing so many conflicting things. So, I think we want to be your partner also on the front end of those stories to help you set yourself up for success when they do come out.

MR. SCHOELLER:

Right, and sometimes we're not aware that those reports have been put out until the media calls.

MS. BOWSER-SODER:

Totally. Understand, absolutely.

MR. SCHOELLER:

To get a little bit of a heads up if possible – that's good. But I know in doing '16, we opened everything up. I mean we told the media, come. We made it public. When we tested our machines, I invited them to be there, and we did everything as public as possible. And it was very helpful and there were some questions that were asked that were actually helpful towards election day that the media had that actually made our election process better.

And so, I'm a full believer in transparency. Make sure everyone knows the process, but not necessarily every election authority – to Ricky's point – understands that or because they are the jack of all trades for a smaller county, they're just trying to get

the budget done, trying to get other process done, and so this is just one more thing. But if they can get something helpful. I'm glad you guys are heading towards that direction.

MS. BOWSER-SODER:

Yeah, for sure. Absolutely.

MR. SCHOELLER:

But, my point of – they know us back home so, if they get something from us verses someone they don't know, I do think that would be helpful to you and what you are doing. And so, yeah, I think urgent verse non-urgent Brian, is a great way to characterize that.

MR. LISTES:

I have just a quick add on to that conversation. So, one of the things you'll find in the strategic plan is objective 2.2 under strategic goal two. And that objective is building out an institutionalized process for dealing with new things that come up. It's a call for the agency to be responsive to new things that come out and things that affect the space as well as, as Brenda was talking about, proactively produce resources.

But we have a call in there to make sure that we are building out something so that we are consistently and regularly handling those. So, as we do that with the other items that we talk about with the plan, I would love to engage with you to talk about what the

process we are building is and whether or not it would work for what you are thinking though.

CHAIR JOHNSON:

I do want to point out – I guess this is a good point for this – is that I know the emphasis up here has been on helping voters, the misinformation that Brenda mentioned. Those kind of things, and what's happening with the EAC. But again, I would like to specifically remind the EAC, not only the commissioners, but the staff that this group here, we tend to get wrap around the election officials -- those of us that are actually conducting those elections but, I want to remind that look at this room, look who's here, look at the groups that they are representing. They also play a large part in helping educate voters.

You know, I often -- always think about elections, but I mean we've got Commission on Civil Rights, we got NCSL, we got the Governor's Association. A whole lot of people. The Access Board, the admin Boards. You've got all of us here representing, congressional leaders that vote on the things that we then have to implement as election officials.

I would again like to remind them -- I know the Standards Board's a lot bigger. I know it has all election officials, but please take a look at the roster of people and groups that this Board represents. And while we may not be super vocal early on because

sometimes we don't even know you are working on it, please don't forget that this is a partner. This is not just election officials. There are other groups, again, everyone in this room can help us disseminate information because we all reach voters, right? Maybe not the same voter, but all different voters. So please I urge that you see to not forget that. And us as election officials do not forget that – that we are partners. It's why this Board was created, to be as diverse representation as it is. So, please please, please, if you remember nothing, please remember that all of these people here and their entities can help. We are all part of the big picture.

MR. NEWBY:

Well, you are right because a voter may not contact an election administrator. They may contact a member of Congress. They may contact an organization. And then an issue, a complaint, that kind of thing may come back up through a different channel. Alysoun.

MS. MCLAUGHLIN:

I'd like to elaborate on that further. Sarah just far more eloquently made a point that I was actually tossing my hand up in the air to make as well. As speaking on my own behalf as a representative of the National Association of Counties, I am very grateful for all of the services and all of the very deep hard work and thought that the EAC puts into me as an election official.

But I know that I am also here representing the county IT folks. I know that I am also here representing the folks that handle our payroll. I know that I am also here representing the county commissioners. I know I am also her representing county executives. I know I am here to represent institutions that go beyond just those of us just as the election officials. But, also representing all of those associated agencies and partners that we work with. And so whatever support we can offer to you in our role as members of the Board of Advisors, we are here and delighted and happy to help. So, you can take that as a pledge. Certainly, I know from us and I know a lot of the other folks here in the room, that we're eager to help you with the market segmentation project and the other work that you do.

MR. NEWBY:

Thank you. Richard.

MR. PILGER:

Richard Pilger from DOJ. With the talk about transparency and public education, which I understand and agree with, I do think it's time for another marker, which is to mention that DOJ and our investigative agencies -- we put a lot of thought into what we can communicate to election administrators when we detect a threat. And that thought centers around our non-interference policy. As a general matter, we do not reveal that we know a ballot fraud is

happening while it is happening. We hold people accountable afterwards. That's been the policy for something like 40 years. But recognizing particularly in the cyber world, that threats are developing, including threats overseas, we want to engage and find ways to engage within policy with election administrators who may be the victims of these things.

But at the same time, and this is the marker I want to lay down, we need to do that in a way most of the time that's covert, because there's always a way to put a political spin on the fact that the government is doing anything. If we come to an election administrator and say, candidate A is the subject of an attack on your system, they are going to dial down her votes and dial up the opponents votes. And that somehow leaks out, then it becomes an issue in the campaign. Fill in the blank, China, North Korea, whoever is in bed with my opponent to effect the election. We have to be confident that won't happen to engage you on some of the threats that were discussed.

MR. NEWBY:

Thank you. Okay, so – oh Ricky.

MR. HATCH:

That's really helpful to hear that comment from the DOJ and I think – I feel safe talking on behalf of a lot of election officials, probably everybody, last thing we want is to be in the news. That's

our goal – is to not be in the news as election officials. And so, we will – we would guard any information – we would welcome that information and would guard it with the same level of secrecy that we do with somebody’s individual vote. So, we would be very careful with that.

MR. NEWBY:

So, as a testament to how small and mighty you are, you’ve had many, many questions. Per capita, you have tripled the Standards Board, in actually the number of questions – you probably tripled the Standards Board. We were at the end of the day the other time and it was great that we were hearing -- we got all of these questions, it is very helpful. Many of us were taking lots of notes. I have an announcement as we leave to the next step, and that is – well actually the biggest announcement is to hand over to Brenda who will explain what to do with a photo. We want to take your picture before we take you in to see Bob Kolasky, whom I am assuming is probably here in another room.

MS. BOWSER-SODER:

It’s your favorite part of the day. It’s class photo time. So, we have several new members that were sworn in this morning. If you go to our website, you’ll notice that each of the Advisory Boards has its own section, which is kind of cool. Your names are up there and all that good stuff. We’d love to include a photograph for those

of you who would like to. In order to entice you to do that, we are going to provide that photograph back to you and you are able to use that in whatever capacity you would like as your official headshot.

So, Leo in the back, is our great photographer who's here. Everyone say hi Leo. We have – we are headed to lunch, but I believe when we come back from lunch, because I think we are all on schedule now right? We don't have a lot of extra time. Okay, so after lunch, we would ask you to meet in the lobby. Am I right Leo, that's where you want them to meet by the front desk? Oh, for the group photo. In the lobby. So, we're going to do the group photo first. There's not many of you, and I promise it will go super quick. And then when you come back here, Leah will have in the hallway right outside these doors, the availability to have your photo taken. So, if you're a new member or a sitting Commissioner, we ask that you go to the hallway and see Leo and his team. Ashley will be there and David will be around to help with the group photo, and we'll get those done very quickly I promise, and you'll be able to resume your business shortly after lunch. And I know there's other items here on the table as well. And thank you for everything this morning. It was really great to hear your feedback.

CHAIR JOHNSON:

I'm going to turn this over to Michael Winn, the Chair of our Resolutions Committee for a quick announcement.

VICE-CHAIR WINN:

Thank you, Madam Chair. The Resolution Committee met this morning and we'd like to do two things. We'd like to offer a friendly amendment to the program today. Some things have come up and we want to be able to give you an opportunity to look at the resolutions, so what we have done is we've gathered the resolutions. We'd like to make an amendment to change the program and for each of the individuals who have offered -- I'm sorry, resolution -- who have offered a resolution, to give them two to four minutes to kind of talk about their resolution, so you can look at it, sleep on it, and be prepared to vote on it tomorrow.

So, we'd like to offer the amendment to the program to follow after the 1:00 to 3:00 p.m. VVSG overview to have Gary -- not Gary, but Neal Kelley, Philip Stark, Barbara Simons, and Jim Dickson talk about their resolution.

CHAIR JOHNSON:

Do I have a motion to make that amendment?

MR. IVEY-SOTO:

Is that instead of a break?

CHAIR JOHNSON:

No, that's a quick -- so everybody practice your speed talking. Do I have a motion, I think Secretary Ritchie has moved that. Do I have a second to make that amendment? David Beirne has made that amendment. All in favor, aye. All opposed? Great. [approved unanimously]

Thank you, and thanks to everyone.

There still is, by the way, time in case you have a thought to do resolutions. This is just on the ones we know of. If you are still percolating, thinking about any type of resolutions again, Michael Winn, Chair of the committee. Michael Yaki is also on that. Please reach out to them. Thank you. And then -- the lunch area, it is my understanding that you go back out here, and as far as I know you make your way towards the lobby and EAC staff will be directing us to where the room is for lunch.

(Lunch break)

CHAIRMAN HICKS:

Hello everyone. I know you heard from me earlier today, but you are going to hear a little bit more from me now. I know you are eating but we have a wonderful lunch time speaker. Bob Kolasky. Mr. Kolasky was appointed as Deputy Assistant Secretary for Infrastructure Protection in January 2015. As deputy, he helps lead the coordinated nation effort to reduce the risk to the nation's critical infrastructure posed by actors of terrorism and to strengthen the

national preparedness, timely response, and rapid recovery in the event of an attack, natural disaster or other emergency. Join with me in welcoming Deputy Secretary Bob Kolasky from DHS.

MR. KOLASKY:

Thanks Tom, and thanks for having me here. It's good to see familiar faces. This is my second trip down here in the last four or five days. I was here at the end of the Standards Board meeting for a meeting we had amongst the leadership of our coordinating councils. So, I will tell you a little bit about that. (Inaudible) I will give a few overarching remarks and hopefully take any questions that you may all have.

Tom was kind to read only a little bit of my bio. I think the most relevant parts are the fact that I am here somewhat because the Secretary of Homeland Security in January 2017 decided to designate election systems, election infrastructure as critical infrastructure. And as we said at the time, and that was a controversial decision, there were debates pro and con related to that. As we said at the time it did not mean that the Department of Homeland Security was taking any additional authorities over how federal elections were conducted, state and local elections were covered. But what it did mean was the department was going to, and the federal government as a whole, was going to put more of a coordinated, enhanced, prioritized effort toward what we can do to

work to help secure the nation's elections systems. I get to talk to you now, 18 months later, and I think for the most part, those statements that we said at the time remain true and are true at this point. And we demonstrate that to some extent.

We have not fundamentally, those of you in this room who know elections a lot better than us, we haven't fundamentally changed anything about how elections are conducted related to that because the Department of Homeland Security is now involved in the process.

What we have done is we have elevated the importance of the security of elections, the resilience of elections systems, under the idea that they are critical infrastructure. That an attack on our elections is an attack on our national security. That we as a nation, and as a federal government who work for the citizens of the country have a responsibility to do whatever we can to keep those elections secure. Those of you who do different things in elections understand that. I hope that what we have been able to do is bring the efforts of the Department of Homeland Security in support of that. And we have done that by doing things that we have done pretty consistently across other critical infrastructure sectors. Setting up information sharing processes. Setting up partnership arrangements, what we call coordinating councils. Government Coordinating Councils, and Sector Coordinating Councils.

Designing services that are meant to be value added to people who have the front-line responsibilities of security.

So, that has been the frame by which we have approached the problem. I have always felt comfortable with this work, as I have spent the time pretty closely over that last year working with election officials and working with the vendors who sell to their election officials. I felt comfortable in the sense that I knew that we demonstrated that we could do this with other industries. We could do it with the electric companies. We could do it with the banks, water companies, communications companies. And, over time building the trusted relationship. Getting to know each other. Learning that the needs we would be able to do that with elections systems.

I think it's fair to say I was probably a little bit overly optimistic about how well that message would be received and the degree to which I would immediately be trusted when I said things like that. But I do stand here today with a number of folks who are in the room who have participated in the coordinating council, particularly the Government Coordinating Council. And again, I hope that we have lived up to our promise and if not, I expect questions from people like Linda and Neal, right now.

So, with that, there are a lot of people in this room who can keep me honest so please do keep me honest. (inaudible) the

partnership efforts of this. I am joined here by Geoff Hale, my colleague, who leads the day to day efforts of the department under our election's taskforce, to organize our resources, to provide operational support, operational information sharing, day to day work with election officials from around the country.

Geoff is going to talk on a panel this afternoon about the work of the elections task force. But we do have a group of people who, on a daily basis, wake up thinking about what we can do to make the nation's elections more secure and support state and local election officials. But, I get the privilege of stepping back and coming in and out of the conversation a little bit, and talking a bit of a bigger picture, and I will try to give you some of that for this talk.

So, let me start by offering the department's perspective about where we are right now in the run up to the 2018 election as primaries continue to go on. There is a special election primary tomorrow in Arizona. First, we have not seen significant new activity threatening our elections similar to what we saw in 2016, yet in 2018. I say yet, hopefully there is no yet there. We have not seen that in 2018 at this point. This is not going to be a classified threat briefing, but suffice it to say that through the classified threat briefs we have provided to election officials, we are not substantially saying something that hasn't been said at different places publicly and the reporting that we came out of 2016.

That being said, it is the judgement of the intelligence community that the threat remains. That what the Russian government attempted in 2016, that chaos that to some extent they sewed in 2016 that still -- the possibility of that happening still remains. That we have not seen any change in the intent of the Russian government through intelligence reports, and we don't expect that the capability of the Russian government has diminished to cause harm in cyberspace. And in fact, there is the possibility, by things that they learned through activity in the 2016 run up, to the 2016 election, that their capability is more well designed to deal, to address vulnerabilities in our election systems.

We also are careful, as we talk about the threat, the intelligence community is careful to say that 2016, the scenario, what we are talking is activities undertaken by the Russian government. That does not mean that the next time, if there is a next time such a scenario happens, it necessarily would be linked to the Russian government or Russian activity. It could be other countries or cyber bad guys, for the lack of a better word, who have an interest in sewing harm in the American democratic process.

So, from my perspective, from our perspective, the threat remains. We will be tracking very seriously any signs that the threat is picking up. That we are seeing similar threats from 2016.

My second take away is that despite the fact that the threat remains, it doesn't necessarily mean that the risk has increased. The threat can increase, and risk can decrease. And I think to some degree we have made some progress at reducing the risk that the nation's election systems face through the activity of the fact that the election community has come together to take particularly cybersecurity seriously. We have and, I think, I have been to enough election conferences -- my colleagues have been to enough election conferences, we have spoken at enough election venues, to understand the degree to which cybersecurity is top of agenda among government officials who have responsibility for conducting elections among industry, who have opportunity to sell to government officials.

So certainly, the idea of security and the need for security and the thinking of how to do security well has increased in the last couple of years. So, too has the collaboration across the critical infrastructure community. Starting with the collaboration, and I preach to my colleagues at the EAC, the collaboration across the federal government, particularly with the Department of Homeland Security and the US Election Assistance Commission. I don't think in the summer of 2016 any of us had really been in the room together. The Elections Assistance Commissions and the Department of Homeland Security, and Connie Lawson jokes often

about the relationship between the Secretaries of State and DHS being a bit of a forced marriage. I don't know if the EAC and DHS was a forced marriage, but it certainly was very quick dating. (laughter) We signed our contract very quickly. It was an intense courtship. So, I appreciate them, but I do enjoy working with the EAC, and I have learned a lot from my colleagues including Commissioner Hicks and Commissioner McCormick here about elections.

Within the federal government, the other thing that has really happened is the degree to which it has been prioritized across the intelligence community. The law enforcement and intelligence community. The need to take seriously threats against the nation's elections. Later this week the director of national intelligence is hosting an all-day exercise just among the federal threat, the people within the federal who are most likely to see a threat, most likely to respond to an incident, to talk through what that looks like. It will be led by senior officials across the government, and we will have really senior people who work at operations center, who do investigations, who are likely to understand when a cyber incident happens that might be attributed to a national security, something related to national security. And we are working through those scenarios, and the intelligence community has prioritized the

collections requirements around whether foreign governments are interested in causing harm to elections.

Working with the FBI, DHS and the FBI are certainly prioritizing that anything that looks like anomalous behavior that could be linked to a national security issue gets elevated very quickly, gets worked through the interagency process, gets out in the hands of the senior state election officials so that they can take steps to mitigate any potential security things. So that collaboration has improved too, and then the collaboration between the federal government and state governments through the Secretary of State and State Election Directors, particularly through the Government Coordination Council, local county officials, local officials, the relationship between state and local governments, Working through shared perspective on the problem and how we might share information in the face of incidents that are ongoing.

The second thing is, I think the community has risen to the occasion. It's not a pleasant thing to be the potential target of a nation state adversary. I always -- a lot of the pain we went through coming together was because a nation state put that pain on us. But now that we have come together, we have created a stronger country. We have created a stronger ecosystem.

The third take away I have at this point, as we have established those partnerships, as we have put the priorities,

information sharing is much improved as well. We have established the elections infrastructure. Elections Information Sharing Analysis Center and Elections Infrastructure Information Sharing Analysis Center the EI-ISAC has been established on the foundation of the multistate Information Sharing Analysis Center that DHS funds in Albany, New York. Organized and run by the Center of Internet Security, we now have upwards of 500, 600 members of that Information Sharing Analysis Center. The majority of states have joined the EIISAC. That means they are getting information about any threats and vulnerabilities to election systems as they are found out about. That they can take advantage of that. State and local governments can take advantage of sensors that we have to sense anomalous behavior.

Basically, network flow of data of things that look like something anomalous is going on in elections systems. And if that data is found, it gets anonymized and it gets shared as appropriate across the election community. So, there is an operational and information sharing arrangement. So too are there protocols that if we find out things like we did in 2016 that a state seems to be under, a state system seems to be under some sort of attack or some sort of attempt to breach the system we know who to call. We know the senior state election official. We know how to get a hold of them. We have arrangements with them and the community

as a whole, that if we see something in one state it would be shared. We would work through that for other states because there might be similar activity in other systems. State governments and their localities, states and counties are working together on information sharing protocols related to that.

We do regular threat information briefings and we will start to do that at the classified level. We briefed state and local election officials in February at the classified level and threats. As I said, not a lot of new threat information coming out at this point, but we are prepared to share that as it works. We are now working through information sharing processes with industry as it relates to vulnerabilities that perhaps get identified through people, security researchers who are trying, or people who are just looking for those vulnerabilities or through things we notice through an adversary.

So, actually being able to communicate where there are vulnerabilities out there, and encourage industry to work with their state and local partners to patch those vulnerabilities or address those vulnerabilities. So, information sharing has improved. I think we are seeing all the attention on security. We are seeing like we have with other infrastructure sectors. Like we are across the critical infrastructure space. We are seeing security practices improving as well.

One of the engines for doing that is by designing good cybersecurity practices, designing guides, thinking through good cybersecurity practices that could be general, but how do they work for election infrastructure, for the ways that elections are conducted, for the management of the voting process, for the management of the voter data base rules, the tallying process related to that. And we are starting to see a whole batch of best practices and advice that are tailored toward putting good cybersecurity in to the operating environment of the election infrastructure. In to the operating environment of election management systems. How elections are conducted.

A good document that outlines some of those is the Center for Internet Security's best practices, which they published a couple of months ago, which really attach good security controls to configurations of election systems. Its different rule sets for how elections are conducted, and it gives a template for those folks who have the IT responsibility, the design responsibility, the operational responsibility for election systems to apply security best practices. We are working now through the councils that we set up to customize how to use the NIST cybersecurity framework for the election community.

Mary is here. She sits as an ex-officio member on NISTs behalf on the GCC. She is going to lead a working group where the

folks at NIST who design the framework, which really has become the standard for cybersecurity across critical infrastructure for managing risks across cybersecurity, are going to help work with elections to set up, idealize election, state election officials, local election officials -- to set up idealized risk profiles for using the cyber framework in the election space to work with the vendor community to do that. And to provide some tailored advice on how the framework might work and then hopefully encourage adoption of increased maturity against the NIST framework, the cybersecurity framework. So, the framework starts with here where you are at and here is the idealized idea of where you should be. And, I think this work group is really going to give a mechanism for state and locals to make increased decisions to manage risk around that.

So, and then the work that is being done to update the VVSG, which you will hear about in the next panel, and a number of you know a lot know more than I do about that, but I am quite confident that the VVSG is grappling with next generation security requirements as part of the overall update to the voluntary guides on how to conduct elections. So, security practices are raising.

The third area that we focused on is a Government Coordinating Council incident response. You are seeing more exercises, you are seeing more incident plans out there. You are

seeing baked into election planning. Elections have always been a discipline where, as I have learned where, there is a game day where there really is a focus on what could go wrong on that game day, on the running up to the game day. That is very similar to how we think about homeland security. Our mission, where eventually it's about contingencies and managing the contingencies. More than ever those game day contingency planning now take into account cybersecurity. Potential cybersecurity incidents and also the communications around things that might cause chaos into the voting process. Media coverage. Things that might seem like they might be cybersecurity incidents that really aren't that significant, but may have that effect of sort of tamping down how the voter or tamping down people who want to vote, or how the voting process works, or causing delays that then could confuse the integrity of the election process. So, incident response planning really has to be more than just about the incident itself, but around the coverage of the incident or what is out there in the media around that. And that is an area where you are seeing more of that and you will see a lot of that in the run up to 2018.

And then the sixth area where we are now is attributed to the recent budget and now the work of the EAC to put more money into the system and to put more money into hopefully election cybersecurity, among other things though the HAVA funding, Help

America Vote Act funding and the \$380 million. Again, the EAC knows more about the process. The money will be dispensed and what it can and can't, what is allowable, what isn't. Any restrictions and those sorts of things. I'm not going to comment on that, but what I will say is the GCC, we certainly hope that as that money gets injected into state government budgets and trickles down in to the system, that it is being used smartly to make enhancements in cybersecurity. We are working as a Government Coordinating Council to provide some ideas of how to use money smartly based on what we have learned about looking at election systems. The common vulnerabilities that we have seen in election systems based on the experience we have. Things that we have seen in other venues that have improved overall cybersecurity. Cybersecurity posture, how to be a smart consumer of cybersecurity services. And again, can't put a lot of restrictions, certainly DHS doesn't put any restrictions on how HAVA money is used, that's not our job. But we can as a bringing together the government coordinating council I think, bring together a powerful voice that speaks for government officials, ideas to how to use this money smartly, and that is something we will continue to explore with the EAC.

And then there is the whole vendor management component piece to this. So, from where I sit, we have executed against a

pretty aggressive agenda over the last year and we have done so in the face of a lot of interest from the Congress. A lot of interest from the media. In the face of things, we still are learning, and certainly were over the last year about what the Russian government and other things that happened in 2016 election. That has, because the spot light has been on, because there is so much interest at some level, lack of understanding what happened in 2016. And there is just an overall politics that we all operate under and certainly we do.

Under DHS, as part of the administration, that hasn't always been easy, but as I said I think the communities come together, we have made real progress. But the area we have made the most progress in is really understanding, starting to share information, building the partnerships so that we are ready to work even further to speed up efforts to reduce risk, to enhance security, and should new threats or vulnerabilities be discovered, should they come, should there be new risks, I think we now are positioned to surge quickly, to work through this together. That's something that we were not in 2016. That will serve the country well.

But the thing we really have to keep to is recognizing that when that comes part, I say when, if that comes, part of the challenge will be how to communicate with the voter. How do those folks who have the authority that the voters will be listened to, get

confidence that the process itself is going to be secure. That the process, there may be incidents here or there. There may be breaches here or there, but that doesn't fundamentally alter the fact that the democratic election process works and that the people who go to the polls to vote for the candidate they want to vote for, that their vote will be counted.

The metric ultimately that we should all be judged at, and we say this often. Our secretary said this last week at the RSA conference out in San Francisco, it's not whether we stop everything from happening, that's an unrealistic scenario, but that we minimize, quickly manage, keep things from spinning further than they should. We ultimately have resilient systems that can take things that do happen and not have those fundamentally impact the way that infrastructure is viewed, and in this case the way that people view our elections. So, I remain optimistic about that. I appreciate all of you who I have worked with over the last year. Teaching me a thing or two, and I look forward to continuing this through the 2018 election and beyond. Thank you. (Applause)

CHAIRMAN HICKS:

Jim, go ahead.

MR. DICKSON

Thank you. It is very heartening to hear your optimism and thank you for listening to elections officials. It's important to all of

us that we have a secure election system. I have -- more and more information for voters is on line. Sample ballots, candidate information, where your polling place is, voter registration. When you are developing systems and recommendations for the way to keep that information secure, what do you do to make sure that those security improvements are not reducing accessibility for people with disabilities who use adaptive equipment on the web?

MR. KOLASKY:

Yes. Thank you for the question. Our security advice tends to be largely outcome oriented. So, I say that we recognize that there are times things that could be in conflict of the objective that we are trying to achieve. In this case, security and accessibility, but our advice is certainly centered around the idea that accessibility is a first order priority here and as such the system needs to understand what the accessibility requirements are and work through how to secure with that accessibility in mind.

There are going to be components of election processes that are going to be internet facing, and there are ways to secure things that are networked. So we start with not trying to fundamentally take away the idea that that is an important objective, but instead say okay, how do you achieve that objective with security designed in.

I mean it's hard for me to answer specific security advice questions, but start with the premise that the objective is important, and security can't then undermine that prospective. Just like security can't be put in place in some way that undermines general encouragement to vote. That is a bad thing. Or general flexibility to allow people to register within what are state laws, when they are allowed to register. You have to accept certain system objectives as a reality and then think about security by design with those in place.

CHAIRMAN HICKS:

We are transcribing this so make sure you announce who you are, and we are going to have staff walking around with a mic. So, first is Daniel and then Barbara will have a question.

MR. IVEY-SOTO:

Well, now that I know you are transcribing I might change my question. (Laughter)

MR. KOLASKY:

I wish he had told me that before.

MR. IVEY-SOTO:

No, it just seems to me -- I know that the analysis isn't complete yet, but it just seems to me that we have looked at what happened in 2016. The biggest vulnerability in the American

election system is the American voter. What are you doing to eliminate that threat? (Laughter)

MR. KOLASKY:

We want voters to vote. We want Americans to vote.

MS. SIMONS:

Barbara Simons. A couple comments and a question. In terms of the concern that talking about security vulnerabilities might scare off voters. We have done some preliminary work with focus groups, as I say, preliminary results are that if you talk about security, but also say we have a solution, people don't get scared off. In fact, if anything, it increases their desire to vote. So, I don't think we should be shy about addressing the security issues and I am glad you are doing that and thank you.

I also support your talk about having our systems resilient. We all think that is important. We can't stop attacks, but we need to be able to recover from attacks. And I think that is critical.

So, my question is you said, you talk about security experts raising issues, I am sure you have seen the video that the New York Times made, of Alex Halderman in which he shows how he can remotely hack into a paperless (inaudible) voting machine remotely. These machines are being used in Georgia, all of Georgia, and many other parts of the country, and similar paperless machines are being used elsewhere. These machines are not

resilient if there is a successful attack, and after all, if Alex can do it, so can the Russians. They have far more in the way of resources than he has. If there is an attack, a successful attack on these machines, there is no recovery. And why doesn't the DHS say that. Why can't we speak out and say we have to eliminate these machines if we are going to have a secure voting system.

MR. KOLASKY:

So, again, with the idea that outcomes are what we are looking at, we want traceability, auditability, the ability to confirm, post an election that the voter went to vote for, that there is a way to do that. Paper redundancy, as our secretary said, is certainly a good way to do that. There may be other ways, but we think you have to have traceability and auditability in that.

Security researchers play a useful role in finding flaws, but they also sometimes find flaws by testing things in unrealistic operating environments, or things that make it easier to find flaws. So, at DHS we work to understand what security researchers do and certainly don't want to discourage the spirit of research, but we also don't want the voter to think that every time there is a hyperbolic story of a researcher doing something in a laboratory space that that matches what can happen in realities.

CHAIRMAN HICKS:

So, if I could also follow up on that, DHS and the EAC are not in the business of telling states what they should be doing in terms of the voting equipment they should be using. That is left up to the states, since the states are running the elections themselves. But the Congress has said in the last 25, 27 days that with this \$380 million you can use that to shore up your election systems. It's a down payment. We don't know if anything is going to be coming after that, but this is a way for states to use that money in 2018 and 2020 to strengthen their voting systems moving forward. Philip?

MR. STARK:

Thanks. I'm Philip Stark. Implicit in what you said, you didn't actually say it was a threat model for attacks on voting systems, that basically these would be attacks on servers, voter registration databases, things that would generate anomalous traffic that could be discovered and also the notion of game day imagining that there would be a more advanced attack closer to the election event itself.

And, my biggest concerns are actually quite different. They are around things like third party vendors, small operations, that have very little IT security of their own -- are subject to spear phishing attacks and things like that. Programming machines for a

large number of jurisdictions. Is there any way that you can monitor for things like that? I mean, best practices related to outsourcing some of the programming and IT that is happening in elections.

MR. KOLASKY:

Yeah, part of what we are doing as coordinating council of government, coordinating council -- sector coordinating council is on the government side. I think we are relying on the expertise of state and local officials on how to, things they have done, to be better purchasers, to put security into the procurement process. To understand how their IT Departments, how their IT systems work. We actually, at DHS, do some on site assistance, we do some spear phishing testing, those sorts of things.

And then to encourage the state and local IT stuff, the vendor management -- encourage building best practices into contracts, best practices being built into designing IT systems and things like IT departments and things like that.

On the vendor side themselves, the big players in this, contracts for the small players to some extent. I think we have the people who can put pressure on the smaller community to up its game. So that is some of how we are thinking about getting out there and then giving guidance.

CHAIRMAN HICKS:

Wait a minute, because we want to make sure you are on the mic. Thanks for making me walk. (Laughter) I'm teasing.

MR. STARK:

I'm wondering whether putting forward best practices around, even doing things like sweeps of the systems of these smaller vendors to be able to actually catch malware on their systems. Somehow it feels like local elections officials are not well equipped to do that kind of IT security or even to screen some of the inputs that are coming to their machines. States aren't generally set up to do it for the counties or for the local elections officials either. Your agency is the one that has the relevant expertise. I know there is worries about the feds taking over the elections, but still people --

MR. KOLASKY:

I mean, we do things. We have voluntary assessments where you can sign up and take advantage of cyber hygiene scans, which do some of what you are talking about. We've done cyber hygiene scans at over 30 states and 30 counties. Spear phishing.

MR. STARK:

For things like command central that these small operations that are programming machines (inaudible).

MR. KOLASKY:

The first element of the NIST framework is sort of identify. It really is about identifying what are the key elements that create potential vulnerabilities into your system, and so you start by -- and we found this in the federal government as a whole. You have to understand how your system is designed and where the players are. And then identify, so walking through the identify, and then things, then you see things that maybe you didn't think were connected to your voting process that actually have some things.

The language we offer and the GCC's playing with to help buyers using HAVA money are, do your vendors have security best practice in place. The system configuration, their own operation, the degree they do patch management, standard patch management process. What kind of access control do they have in place? And what kind of monitoring activities.

So, I agree, at some levels, and we are seeing this at other infrastructure sectors, it's not the big players, it's not the big systems that are obvious that create the vulnerabilities. Those risks tend to be managed, those vulnerabilities tend to be managed, but it's the connection across things that then create risks into the system. So, you're right. Let's keep pushing on.

CHAIRMAN HICKS:

I think the security panel this afternoon is going to get more in depth on that too.

MR. MOORE:

Yes. Greg Moore with the Advisory committee. First, thank you for all of the work you've been doing to help build the system and working with the EAC. Some of the people in this room are from advocacy organizations, and they have, or we have systems in place that we use to call monitoring the elections. So, we are looking for problems in urban areas, problems that might exist in minority communities, or things that maybe election officials don't see until we bring we bring it to their attention. So, we can use things like radio, or the press, or even the internet.

Is there any guideline that will be given for outside actors who are not election officials, who are not a part of the government structure, but are actually good government groups and other players who want to be a part of this new system? But we don't really have that defined yet in this new environment that has been created.

MR. KOLASKY:

I think there is probably a kernel of an idea that I would like to better understand that might be something that we can take on. The idea of the Sector Coordinating Council certainly was that organizations that are non-governmental, that have influence over aspects of the election infrastructure process have a way to give the government advice. Sector Coordinating Councils exist first

and foremost to give the government advice on things the government could do to reduce risk. So, that might be an avenue as well.

CHAIRMAN HICKS:

So, I think we have time for two more questions.

MR. BEIRNE:

Sir, David Beirne with the Federal Voting Assistance Program. I have a question. I used to serve as a local election official in Houston, Texas and I think there is a lot of focus on cyber, but I am curious in terms of Homeland Security's role in terms of information sharing with intelligence, sharing of intelligence in terms of threats to physical environments. Having experienced a shelter in place from the Houston ship channel, on an election day, I am very mindful of you mentioning a game day event, and there is no bigger game day event than the presidential election in which it can have dramatic impact. So, I am just curious in terms of, we've got the cyber, but can you help us understand more about that role for DHS overall?

MR. KOLASKY:

Yes. So, we have worked through different scenarios previously. There have been times going back to the 2004 election where the fear of terrorism was to a certain point that we worked through some of those scenarios. Sandy landed before the 2012

election, which had the potential to impact voting places in the Sandy impacted area. So that was like a week before. So, we worked through that. We have protective security advisors around the country who are available to give security advice to the design of polling places. Again, polling places have to prioritize access. They have certain rules in terms of how close people who are handing out literature etc., can get. So, there is things like that, make sort of hardening that as target difficult, but we are out there and able to give security advice on anything like that.

And if should we see any signs that polling places would be a potential target or there is intelligence that indicates that way, all the processes we put in place would turn on and we would communicate that information in that way.

So, the people we would have to be communicating with are the same people. It happens to be cybersecurity that has energized this partnership, but it will have benefits should there be other threats that manifest themselves.

CHAIRMAN HICKS:

So, we have time for one more question and then I have to make an announcement.

Mr. PILGER:

Richard Pilger from DOJ. This isn't a question, but just to go back to places that the NGO's in attendance can communicate their

concerns. I'll speak for my colleague who is not present, Chris Heron, from the voting section of Civil Rights. They run a very large-scale complaint intake operation around the elections and they are on line all during election day. They also do an outreach to NGO's prior to the election and there is usually a big meeting in Washington to welcome people and to make comments and to express their concerns.

MR. KELLEY:

Bob, thank you, I just wanted to make a quick -- Neal Kelley, sorry. Wanted to make a quick comment for those nonelection officials in the room. I was at the table 18 months ago when this all started. The tensions were high I think among, as you pointed out, between the states and DHS. But just from perspective, my perspective, it's really improved dramatically, and I think we have made a lot of progress since that time. And, just as a quick example of that, there is a lot of discussion about voting systems being vulnerable in the media in particular. I personally think that voter registration systems are much more vulnerable than voting systems. But to that regard, we have been able to engage DHS on a number of services that you offer that we would never would have done, you know five years ago with you. So, again, thank you to DHS for all the involvement and what you have done to date. I think it has been great.

MR. KOLASKY:

Very much appreciate that. Thank you, Neal. And thanks Ricky who sits behind you, and also sits next to you at the GCC often. So, thank you. I appreciate you saying that.

CHAIRMAN HICKS:

So, Bob unless you have any closing remarks, I want to thank you for coming down again. You have come down twice now to address the group and want to make everyone know that this is a very important issue to DHS and EAC, so it's very important to be a part of this security panel later on this afternoon. But I wanted to, if you can join with me in thanking Bob for being here today.

(Applause)

So that being said, we are going to do the annual picture. It's like your school class picture. We are going to be at the staircase? Where are we going to go? So, we are going to the bar area. (Laughter) but not reflective of the bar itself. So, we are just going to go there and take a quick picture and then start up at 1:00.

CHAIR JOHNSON:

...at that point. So, I'm going to turn this over to Neal Kelley, who is our, as you may recall, the VVSG BOA VVSG Committee. That was a lot of acronyms, wasn't it? So, Brian Newby is going to start. Let's just say since I went down the road to the committee. Neal is our committee Chair. And thanks to the members of the

committee for all of their hard work and particularly to Neal for stepping up and Chairing that committee, and we're going to turn it over to Brian Newby.

MR. NEWBY:

Yeah, so just briefly, and then I'll come right back to Neal.

The way the Help America Vote Act works is that when it speaks to Voluntary Voting System Guidelines. It mentions the Technical Guidelines Development Committee, of which Neal is a member, and the Technical Guidelines Development Committee is tasked with creating the guidelines that once completed are presented to the executive director of the EAC and then there's a process from there before they are taken up for adoption by the Commissioners.

So, we're at the point where the TGDC, which is chaired by NIST actually. They sent us a letter in October of 2017 that said we have a winner. We have completed this package, and that has been now sent to you from me and our office, and now this process here is to allow for your input into the VVSG 2.0 as part of the process and then when Brian and Ryan discuss, they will go through and actually lay out the process even more. With that I'll hand it to Neal who will then take it from there to start the discussion.

MR. KELLEY:

Thank you, Brian. I don't mean to keep bouncing people around, but I think it would be, just from a logical order that you folks go first. Would that make sense? I'll turn it back over to Brian.

MR. HANCOCK:

Thank you, Neal. And just in case you were aware, there are a lot of Brians and Ryans around here. So sometimes you have to use last names or we're all going to respond to you. So just fair warning for everybody.

Well, thank you, and welcome to the afternoon session. We will be talking this afternoon quite extensively about VVSG 2.0. I hope everyone had a good lunch. It was very nice to hear from our colleagues at DHS at lunchtime. A great session we had there. As Neal mentioned, I will start off this afternoon's session, and I'm going to talk most about the structure and process, the overall structure and process related to VVSG 2.0. There are a number of new members that got sworn in this morning that probably haven't heard this before. And even for those of you that have heard this before, it's probably a good reminder, and it will be a good lead-in to the rest of the discussion this afternoon.

After I'm done I will turn it over to Ryan to talk more in depth about the internal processes that we worked out and discussed,

and I think that will begin some of the interactive parts of the agenda this afternoon. We did this same presentation, by the way, at the Standards Board, and I would say we had a lively, would you say that was the -- yeah, a lively discussion at the Standards Board, and I certainly expect that to happen here as well. And we're happy to engage with you and to talk in detail about that.

Let me lead off. Let's remind ourselves about the structure of VVSG 2.0. What's here on your slides is a graphic representation of how the documents were intentionally structured. As you know, VVSG 2.0 is made up of 15 principles with 53 accompanying guidelines. Down the line in fact these are being worked on as we speak. There will be associated requirements and test assertions that accompany VVSG 2.0. The requirements are the very detailed things that the voting systems have to meet, right. The voting system manufacturers need to have those in order to build systems so the principles and guidelines that we have here. And then the test assertions are actually something new. That hasn't been something the EAC or public has participated in in the past.

Currently the way it works is the -- our two independent test laboratories essentially do their own independent and proprietary test assertions. This will make it a public process first of all, and second of all, allow us to be sure that both labs are testing much

more along the same vein – along the same lines. So, manufacturers can have knowledge going in that no matter which lab they pick, the testing will be very, very, very similar, and I think that's important to our process.

And some of the background. Why did we choose to go with the structure we just outlined? Well, when the EAC was reconstituted with a quorum of Commissioners back in 2015, waiting for them on their chairs the very first day they started was a letter from NASED's VVSG working group. It said a number of things, but essentially it talked about VVSG, the next iteration of VVSG needing to be designed so it would enable not to instruct or impede innovation, and therefore be able to deal with responding to changing statutes, changing rules, changing jurisdictional needs or changing needs of the voters as that happens. And then also to provide deployable systems and modifications to those systems in a timely manner that -- that generally recognizes the nature of election calendars and election schedules. Very immutable nature of those things. They heard from NASED on that.

The EAC also convened a working group. Actually we started in December of 2014 with this group. It was similar to the NASED group, but it was made up of state election directors, local election officials, voting systems manufacturers, and both our representatives from our test laboratories. So, it was fairly inclusive

of the group of folks we deal with on a daily basis, and as you see, some of these items are very similar to what NASED talked about, particularly the very bottom line that says VVSG should allow maximum flexibility to incorporate new and revised requirements including those from other standard setting bodies.

A little tweak on that was that our group also thought that the new VVSG should contain technology neutral statements and have -- that have longer lives in order to keep the document as ever green as possible. There's certainly a recognition that it may need to change at some point, but I think what we did not want to get into was a complete change of the VVSG process every single time part of that document needed to be changed. That's really what we have to do right now. So that was an acknowledgment from the VVSG working group. It actually laid out the fact that the most promising avenue for dealing with this would be to have high level performance-based standards and then have details contained in some lower level Document which is one of the previous slides I showed you. That was also part of what went into our decision to move in the way we have.

Then comes the Board of Advisors resolutions and Standards Board resolutions as you will see, but in 2016 at the May meeting, this body itself adopted the resolution that it supported the format of the next iteration of the VVSG, adopting the broad

principles and guidelines, and then the subsequent requirements and test scripts or what we're now calling test assertions that would follow that. And that was a resolution of this group. Standards Board as well in 2016 talked about very similar things. They noted the NASED document that I mentioned a little while ago. And they unanimously voted to move forward the structure of high-level principles and design goals, guidelines, noting the requirements are the more technical portion of this for the vendors and advocacy groups, and then finally the test assertions I talked about. They moved forward as well approving the structure.

In 2017 the Standards Board unanimously determined they would adopt the 17 functions of a voting system as the scope of VVSG 2.0. And then ultimately, they recommended -- recommendation as VVSG committee the principles and guidelines document be forwarded to the TGDC going forward. And they voted unanimously to move that recommendation.

Finally, back to the TGDC, or our Technical Guidelines Development Committee. They held two meetings in 2017. Early one in February, they voted to adopt the scope of VVSG to allow public working groups, NIST and EAC, to write the principles and guidelines. And then finally at the September meeting, the committee unanimously voted to approve the draft VVSG 2.0 principles and guidelines. I think of note and following on

discussion had this morning, there was a resolution adopted by that committee. It was cosponsored by David Wagner and Diane Golden. It's here and I think it's important enough to read in full. It said, "we had resolved if a voting system utilizes a paper record to satisfy auditable principles and associated guidelines, the voting system must also provide mechanisms that enable voters with disabilities to mark their ballot and to verify and cast their printed vote selections privately and independently." So, this was adopted unanimously by the TGDC moving forward. And noting both accessibility and security were equally important. Talk a little bit about the process for developing.

MR. STARK:

Can I interrupt with a question? I hope that all voting systems -- Philip Stark sorry -- certainly I hope all voting systems will involve a paper record for auditability et cetera, but that sounds like you're limiting the accessibility requirements only to systems that involve paper rather than just having them be for all systems.

MR. HANCOCK:

No, certainly the intention was from both of the members of the TGDC to just put something forth that would tell the community that both of those principles, the principles of security and the principle of accessibility were equally important moving forward.

And recognizing that HAVA actually says that very same thing essentially. And that was the intention of those folks there.

So, this is a kind of graphic representation of the process that we've done already and sort of moving forward. And this is sort of where we get into a little interesting discussion, and Ryan will perhaps move that forward later on. But you see the public working groups and then the TGDC forwarded the principles and guidelines as a TGDC recommendation as is required by HAVA to our Executive Director Brian Newby. The Executive Director then sent it to, as required again by HAVA, to the Standards Board and Board of Advisors for review and comments. We'll get to the comments from this group later when Neal takes over up here.

HAVA also requires a public hearing sometime during this process before Commissioner vote for adoption, as well as the public comment period. You'll note here we have 30-day public comment period. We believe currently that is a minimum. It's not set in stone that it will be 30 days. You will probably remember, those of you that have been around for a while, that that public comment period was longer for VVSG 1.0. It was 90 days, and for several reasons, including the fact we did not have a quorum, VVSG 1.1 was on the order of 200 and some days, because we had the time at that point.

But nevertheless, all of those things need to happen before we have a Commissioner vote to adopt the VVSG 2.0. Obviously, we currently do not have a quorum, and this timeline reflects that. As you see at the very top, the goal of the staff at the EAC was always to have the EAC vote for adoption of VVSG 2.0. Sometime around August of this year, August of 2018. Obviously that date may slide a little bit for lack of a quorum currently. And you see the 380 day public comment period and public hearing there as well. But those things will happen. And I think it's our goal as a staff to move the VVSG principles and guidelines forward as much as possible. Get it through as much of this process as possible. So, when we have a quorum again, and I'm not saying if, I am saying when, the Commissioners will have that document to vote on as soon as we can get new Commissioners up to speed on where we've been.

So, that's certainly the goal of the staff moving forward. But just to let you know, we don't have a quorum which is currently correct, but we are still working and we are still certifying voting systems. As you can see, VVSG 1.0, which was adopted in 2005, is still being used, has modifications to voting systems. In fact, majority of what we're testing now are modifications to those systems. But if you remember, the VVSG 1.1 was adopted in 2016.

They were active immediately, but they were required 18 months later, which was July of last year.

So, at this point, any new system that we get, meaning any voting system that we have not seen before, right – must be tested to those VVSG 1.1 requirements. Right now, we have exactly one system in, and we just received that application when we were here in Miami last week. So, everything else in currently to the 2005.

But, the point to this slide being that we are still working and that we will still continue to work into the foreseeable future certifying voting systems to these existing standards. And again, just to remind you, as a kind of lead-in to Ryan's discussion, again the high-level structure of VVSG 2.0 principles and guidelines, requirements and test assertions will be accompanying those.

So, with that, I will turn it over to Ryan, and we will both take questions once Ryan's done on our two presentations before we turn it over to Neal. Thank you.

MR. MACIAS:

Good afternoon everybody. As Brian stated, I am Ryan Macias, and I am also with the testing and certification program. I am the Senior Election Technology Specialist, and as Brian has stated, his focus was on VVSG 2.0. That is the required document by HAVA, and that was sent out to each of you guys from the TGDC

– or excuse me, from the Executive Director who was passed to him by TGDC.

I am going to focus this afternoon on the next document. On the requirements and text assertions, and how we got to kind of the process for adopting the requirements and test assertions, because it is new.

In the past, those two things have been merged together as a single document, and so we knew when we got into this process with VVSG 2.0, in order to make the process as nimble, as flexible, as agile, and as resilient as it needed to be based on what came out of NASED, out of what came out of the VVSG subcommittee, what come out of your guys resolutions, and votes in the past. Both you, TGDC and Standards Board, that we had to update our processes internally as well.

So currently we have two manuals. We have what's called the testing and certification manual, and then we have the voting system testing and laboratory manual. These are the policies that were voted on by previous commissioners that set the structure, set the policy for the rules by which the testing and certification program does its testing and certification. It's how we accredit labs, it's how we register manufacturers, it's how we test voting systems.

However, like the VVSG 1.0 and the VVSG 1.1, these are very large documents that are all encompassing. They have

everything from policies to procedures to processes, literally down to the amount of time that we must respond to an email, in what we call the policy manuals. And so, when we were looking into VVSG 2.0, again in order to be nimble, agile and resilient, we knew that what we needed to do was make these policy documents look just like we wanted to make the VVSG look.

So, EAC decided to revamp these manuals for two reasons. One is to meet the needs of the VVSG 2.0, but secondarily is because they expire. Based on some content that is in the document, they fall under the Paper Reduction Act, which makes these documents require – expire on May 31<sup>st</sup> of 2018. So, we knew we needed to revamp them. So, in revamping them, again, as stated, we took the exact same structure as the VVSG 2.0. We looked at it such that there would be a policy document that would be these high-level policies that would govern the testing and certification program that would be equivalent to the principles and guidelines. This is what the Commissioners would vote on.

Next, the EAC testing and certification program at the staff level would have the process and procedures document. These would be lower level procedures. This would be how the requirements and test assertions would be implemented. This would be the operating procedures, and things like the voting system testing laboratory accreditation and auditing process and

the like. But really all we were trying to do was make the process look exactly the same as the VVSG 2.0. process, where we have one set of policies, voted on by the Commission, second would be a lower level staff process and procedure document.

So, here's what they currently look like. As I stated, we have the two different manuals, testing and certification manual and the voting system testing laboratory manual. As you can see, there's a lot of redundancy. Both operating procedures and voting system testing and certification process are described in both manuals. Number one, it makes both documents voluminous, but it also has created areas where there were direct conflicts. Because we were trying to reiterate the exact same thing in two different documents and didn't carry over correctly, and there's some areas where we have had to do what are called notice of clarifications to amend them, because in order to make a change, for instance, one says that documents have to be ten business days, the other says ten calendar days. Very minor, however, in order to make those two documents align, it would have taken a new Commission vote.

And so, when getting into it, we decided the next thing we needed to do was structure it differently. Structure it the same way the VVSG 2.0 is structured. As you can see, the operating procedures manufacturer registration VSTL accreditation program and testing and certification process are all in blue. That's because

those were just ported over. The conflicting areas were brought to a higher level. They were clarified, and put into a single document so there was no conflict amongst two different documents.

But what we want to focus on today as I alluded to when entering, are the parts in gray. Instead of having two separate manuals, the intent was to have the one testing and certification program quality and policy manual. What this would be is that high level set of policies that the Commissioners would vote on. And basically, what it would say is the testing and certification program shall have process and procedures for the four items that are listed below – excuse me, the five items listed below. Four of which are in blue, basically just purporting over the applicable parts from our current manuals, but then there is the other area that is in gray that is new, which is requirements and test assertions.

As Brian had stated, the test assertions in the past have never been anything that the EAC has governed. That was part of the accreditation process for the voting system testing laboratories. We do look at them. We do review them. But it is not something that has ever been in the public domain. It's not anything that's ever been voted on, and it is not something that is generally out in the public domain to be looked at. The requirements were a part of the VVSG 2.0. But based on your feedback and the need for the

nimbleness and resiliency in this process, as Brian showed in the structure, those were separated into two separate documents.

So, this gray area was something we needed to handle. What we heard at the last Standards Board meeting, what we heard at the last Board of Advisors meeting, and what we have heard at multiple TGDC meetings, was we are not sure if we're ready to vote on the VVSG 2.0 until we know how the requirements and test assertions are going to be handled. So, that was one of the reasons for putting this together, was so we could present it to you today to say this is the intent right now. This is the draft of what was the process will look like.

So, what is the requirements and test assertions process? Development. EAC and NIST are using the public working groups process. This should look familiar. This is exactly the same process that was used for the VVSG. We have public working groups that are developing requirements, and even some that are developing test assertions at this time to align with the principles and guidelines that were put forth to the TGDC, and then on to you guys. The public working groups provide the recommendations to NIST through the Chair or the Lead of each of the public working groups, and the EAC is a part of each of those, but really it is facilitated through NIST, and I have to put a plug, I know some of them are here, and we couldn't have done this without them. They

are doing the heavy lifting. They are facilitating the biweekly calls or weekly calls. They are gathering each of the -- they did gather the principles and guidelines to put forth the recommendations. They are still gathering the requirements. They are well down the way in those requirements. Some are done, some are close to being done, but we're well down the path of having those done and they have done amazing work to put those forward.

And so again, what would happen is those recommendations are going to go to NIST. They will combine those requirements and test assertions, and then we will end up with a public working group recommendation through NIST that would be called the VVSG 2.0 requirements and test assertions document. That is what you saw in Brian's presentation. That was kind of the -- what the VVSG 2.0 led into.

So, what is the distribution and implementation process? The Executive Director will distribute the initial version of the VVSG 2.0 requirements and test assertions to each of the Advisory Boards. Again, this should very look familiar. This is exactly what we have done with the principles and guidelines. We heard loud and clearly and have been stating this since the beginning that our intent was always to make sure that you guys have an opportunity to weigh in on not just the principles and guidelines, but since we were going to bifurcate the system, to make sure you guys had an opportunity to

continue to weigh in on the requirements and the test assertions as well. And so, these would be distributed in the exact same order. TGDC would receive them. After the TGDC gets their edits, they would go to each of the Boards simultaneously to provide comment back to us. Again, this initial set would go out for public comment, and after comments were addressed, Commissioners would vote to adopt the final version of the initial set. As we've done in each, here's a little bit of a pictograph, and as you can see, the VVSG 2.0 kind of has a dotted line into the VVSG 2.0 requirements and test assertions showing that one leads to the other, but they are separate and apart. They are two different documents. Inside the VVSG 2.0 requirements and test assertions are individual requirements and individual test assertions that are being fed by the public working groups. And then as you can see just to the right is TGDC, the Standards Board and Board of Advisors are going to review the document as a whole, not the individual requirements and test assertions, but basically the grouping, the lump sum. And that is a back and forth arrow because you guys will be providing comments to us, making amendments as necessary, and then the next step would be for these to be carried forward onto the Commissioners to vote on the requirements and test assertions. (inaudible voice off mic) -- Either way. We can have a back and forth dialogue, so -- go ahead.

MR. KELLEY:

I appreciate that. So, I guess the first question is, and this is not a surprise to some of us that heard what the Standards Board had the discussion with you on. Why now are the test assertions being voted on by the Commission as opposed to the staff level?

MR. MACIAS:

So, as was stated to the Standards Board, this is a draft first of all, and so this is the first presentation that has come out publicly, and as we were putting forth these presentations and the conversation for the Board meetings, that was the way that it was drafted. That was the conversation that we had internally. That the requirements and test assertions, since they were being grouped and lumped together, the way that the VVSG principles and guidelines were being lumped together, there was a thought that because the requirements were voted on in the past, that this document would be voted on as well.

MR. KELLEY:

Okay. And I understand that. But isn't there the potential that that gets held up if the Commissioners can't vote on that? And then everything stalls.

MR. HANCOCK:

Yes. That's correct. I think -- and Ryan made this point -- I think this was a draft for discussion purposes. There are certainly

two thoughts to -- one is Commission vote, one not -- for one of the reasons you mentioned. And we brought it up. We did get some comment at the Standards Board and certainly expect this group to comment as well.

MR. KELLEY:

So, by commenting does that mean you're open to changing it? Or is this at the Commission level?

MR. MACIAS:

So, two things. One, is as the Standards Board did -- they put forth a resolution as an Advisory Board to advise the Commissioners on their thoughts and feelings of how this is in draft right now.

The other item is as this is being drafted -- again this is a discussion point right now as we talked about earlier, is there are the two different levels. So, one would assume based on the way it's drafted and this pictograph right now is that would be at the policy level, so that would be something the Commissioners would vote on. And so if it was, you know, if it was put forth as it was by the Standards Board as a recommendation or a resolution to state that, you know, whatever it was that you guys wanted to -- whatever process it was you wanted to change or amend, that would go to them because they still have to vote on this. So, when I say this, that is the policy. So, it could be that the policy would say the

Commissioners have to vote on it. It could say that the Commissioners are going to push that down to the staff level and so that is what you guys as an Advisory Board are here to do, are to comment and provide feedback on this process because any which way none of this is going to happen without a Commissioner vote because they set forth the policy, and then the testing and certification program would set forth the process and procedures on how to implement that accordingly.

MR. KELLEY:

I guess I can reserve for now. We're offering an amendment to the resolution which was provided to everybody after lunch related to this very issue. But just to go on comment -- I wasn't able to attend the Standards Board meeting, but I would have had the same comment there and that is that I think you're really tying your hands in some regard if this were to move forward under this model. Those of us looking for innovation and that are looking for movement, there's a concern there, that could really stall.

MR. MACIAS:

Understand.

MR. POSER:

Gary Poser, representing NASED. Just to kind of further explain what happened at the Standards Board -- I think the members were a little surprised by the Commissioner vote being

needed on the requirements and test assertions. And simply because the whole process all along of even this Board when we took our action a year ago to adopt the framework of having the policies and guidelines being the high level, and allowing all the flexibility by putting the requirements and test assertions in a subsidiary document, that that's what gave us the flexibility for making change. Keeping up with technological changes and whatever, keeping that all separate more easily updated. So our concern at the Standards Board as well, following from certainly from the NASED side, was that we wanted these test assertions -- something to at least be able to continue to be adopted even if there wasn't a quorum of Commissioners, and that's really the crux of what happens if this requires -- if the requirements and test assertions require a Commission vote.

What happens in the absence of the Commissioners when there isn't a quorum and not wanting to be put into the same position? We've been in prior to the reconstitution of the EAC when we were just completely stalled. So that's really the crux of the amendment that was taken by the Standards Board.

MR. KELLEY:

Can I -- is there some reason this was drafted this way? I guess maybe that would help me understand for the purposes of the discussion -- maybe there's something we're not thinking about

that came from the Commission that was asking about this or -- or do you not want to answer that?

MR. HANCOCK:

I mean, I think it was to show the options that are available. Obviously, the requirements and the test assertions are new, of course, but the requirements were as Ryan mentioned part of the VVSG before, again, which was voted on by the Commissioners. So, it did happen in the past. Obviously, we set out some pretty compelling reasons for a change this time, but there are options available. David?

MR. BEIRNE:

So, I've got a series of questions on this. So, I'm clear that it's expiring. The current certification is expiring in 2018, so we're in a period of (inaudible) until there's another Commissioner, correct?

MR. MACIAS:

Correct.

MR. BEIRNE:

And then going forward, putting on some previous hats that I've worn. Test assertions, they were the equivalent or a little bit of a hybrid from the test plan that is established under the current guidelines from the lab. Is that correct?

MR. MACIAS:

No. They're even deeper than that. And -- these are literally the step-by-step process. So, you click on the windows dialogue box, you hit okay, you --

MR. BEIRNE:

Okay. That's a test assertion in your mind?

MR. MACIAS:

So, it's the test methods, test suites and -- it's the explanation of how to test a requirement that -- so the test assertions don't get that deep, but the test methods on how to test the test assertion go down to that level?

MR. BEIRNE:

Okay. Sorry, this is David Beirne with the Federal Voting Assistance Program. So, just so I'm clear. The test plan is more of a higher level document versus what is envisioned for the test assertions? Help me understand that please,

MR. HANCOCK:

Yeah, absolutely. So, the test plan is for each test campaign. The lab shows us how they're going to test to make sure that the specific system they're testing is going to meet the VVSG requirements. What's their plan? What's their strategy for testing that system?

MR. BEIRNE:

Okay.

MR. HANCOCK:

That's what the test plans are.

MR. BEIRNE:

And, the assertions are higher level than that?

MR. HANCOCK:

Lower level than that.

MR. BEIRNE:

I think I have a concern in terms of -- has legal counsel looked at this to make sure it reconciles with the roles? And I guess where I am going is, looking at HAVA, it talks about the adoption of the voting system guidelines. And when they kickback to the Federal Advisory committees is when you are modifying potentially the guidelines themselves. And I can see a situation, and I'm curious if anyone within EAC leadership has looked at that, because if you're getting into the assertion business -- I can see this ping ponging the way I'm understanding this. Where if test assertions have to be adopted to understand more of what 2.0 might look like. I think I heard that comment, that one is kind of a dependency for the other. We need to have some sense of assertions before folks are comfortable moving forward with adopting 2.0.

MR. MACIAS:

We heard that from some members of each of the Boards. They wanted to at least know what the process was for handling the requirements before they were willing -- because the requirements were the requirements.

The principles and guidelines are at such a high level they wanted to at least know what the intent was for moving forward with the principles -- I mean excuse me, with the requirements and test assertions before they would feel comfortable on voting on a resolution for the principles and guidelines.

MR. BEIRNE:

So, I guess where I'm going is that it seems very -- becoming very complicated under this scenario in terms of what may result in terms of a test assertion coming before the EAC could in fact be a modification to a guideline based on what was done in the past under our request for interpretation, for example. And I guess that's where I'm just trying to understand is how much -- where does this fit within the formal Advisory committee structure versus some other hybrid? What I'm seeing is much more of a hybrid and what I'm not quite clear on I guess is how it reconciles under HAVA.

MR. HANCOCK:

You know, it might actually help if Ryan is able to finish his presentation because some of these things he touches on, and

then we can get back to this. We're not at all dismissing the question. I agree with you, but some of these things Ryan is going to touch on in about five seconds.

MR. MACIAS:

Mary, do you have a question or a clarification?

MS. BRADY:

Yeah, this is Mary Brady from NIST. I wanted to clarify about the test assertions. One, they're on a very different timeframe than the requirements. The requirements will come first. The test assertions will follow. So, think about that when you think about what should be voted on, and how quickly we can get requirements out to manufacturers so they can build systems.

And two, the test assertions themselves are meant to give advice to both the manufacturers and -- in particular the laboratories about how broad they should be testing and how deep they should be testing. So, think about if a particular vulnerability might exist -- to ensure you are testing broad and deep enough to make sure that you're going to catch it. So that's the kind of thing that may change over time if the new vulnerability were to appear, for instance.

MR. MACIAS:

Thank you, Mary. All right so I think this starts getting into that last question, David, in regards to, how the Boards play a role

and the like. This as drafted right now there's two different sets of ways that new requirements and test assertions could come in. One is through a recommendation and one is through a request. So, we have a recommendation here, and a recommendation is a suggested revision or update to the document. So, after that initial set were to be put forth, this is how we would update it annually, and I'll get to that in a moment. And recommendations can come forward through the public working group process by way of the Chair or the co-Chair, and the Chair and co-Chair are either NIST or EAC/TGDC personnel who are facilitating the calls. And so, they can make -- through the public working group process, a recommendation could be made to the Chair or co-Chair who would put that forth to the EAC.

Or it could come directly through state or local election officials or you guys through the Board. So, if you guys decided that you thought there needed to be new recommendations because of new technologies, new requirements, new test assertions that needed to be done, you guys could put forth a resolution saying here are our recommendations for things that you need to update, change, modify, or the like.

So again, through the pictograph process, you guys are highlighted here in the pinkish color. The Boards could put forth the recommendation, but also the public working groups but not

individuals as the public, but as through the Chair and co-Chair put forth a recommendation, or election officials, those recommendations would go on to the EAC.

As drafted there is an annual review. So basically, at each of these Board meetings at the Board of Advisors, Standards Board and it could be a subset or more often, but at least annually. There has to be an agenda item to review the updates or outstanding recommendations that may not have been put forth into an updated version of the document yet.

Recommendations from the annual review, so if you guys put forth a resolution to have new recommendations go forward, then they would be handled as any other recommendation coming in from the public working group or an election official.

So, how does that differ from a request? So, David mentioned an RFI. As you can see in big bold letters down there, this is the exact same process as an RFI. A request and -- a request is only a registered manufacturer or an accredited VSTL, and it is when they are developing or testing a system. And so they're in the middle of testing something and a test assertion for the specific technology, a new technology has come out, a new vulnerability has come out, and there's not a test assertion that tells them how to test that technology to the requirement, then a request may be made to be able to update or create a new test assertion or

clarify a test assertion that already exists. And so, this is the exact same process that we currently use under our current manuals for VVSG 1.0 and VVSG 1.1. So again, a registered manufacturer or a VSTL puts forth a request and the request goes directly to the EAC. Altogether here it just shows the difference between a recommendation and a request. Both coming into the EAC. Once they come into the EAC, an updated version of the document would be created. And so, we have -- in the operating procedures a way to version, version control and be able to -- to update and we'll get to that in a minute -- to update these as they move forward. So, we would constantly have the version control identifying the document called the VVSG 2.0 requirements and test assertions similar to what we had with VVSG 1.0 and 1.1, and now leading to 2.0.

So again, we were just talking about the updates. An update is a substantive change to the document. So, it would be a new set of requirements. It would be -- and the respective test assertions or the deletion of the requirement, if there was a need to delete an entire set of requirements and their applicable test assertions. So, something substantive. A major change, or what we would say is a one's place basically going from similar to the VVSG 1.1 going to 2.0. It's a major change and this is typically made to accommodate modernization and innovation in technology and security. This is what is reviewed by the EAC Advisory Boards, by the registered

manufacturers, and by the accredited VSTLs. So again, here we see similar depiction, where recommendations and requests are dotted, so they come in through the process that was described, and we create an updated version. So, we go from version 1.0 to version 2.0, and that new version of the VVSG 2.0 requirements and test assertion document, not the VVSG 2.0 itself, but to the requirements and test assertion document, is then distributed to each of the Advisory Boards, the registered manufacturers, and the accredited VSTLs to get feedback to then come into the EAC to take on those comments and push out to what would be the implemented updated version of the document.

MR. HANCOCK:

Just to reiterate, the request is common and that's really not optional. We have to do that now. The bottom line is no matter how good you are, no matter how good NIST is, no matter how good the EAC or any other standard setting body is, you can't write perfect requirements right that contemplate everything that's going to happen in a test campaign. There's always going to be things that are unclear.

When we were doing VVSG 1.0, for example, probably the first year, year and a half, we did at least a dozen requests for interpretation or requests right because the labs were testing saying this doesn't make sense, or this portion of a requirement

doesn't make sense. So, we had to go back through an iterative process, talking to the labs and the manufacturers saying okay, we're going to change it this way, you know, is this acceptable for everybody. Labs, can you test to this. Manufacturers, are you good. So that's been going on. The last year, I think it's probably been 18 months since we've done a request now because we're comfortable. Everybody's more comfortable with testing obviously at this point with the 2005 version.

MR. MACIAS:

Did you have a question, Dave?

MR. BEIRNE:

I was waiting for you to finish.

MR. MACIAS:

Okay. (laughter) I saw the mic turn on. And so, then the last step would be a set of revisions. And the revision is a non-substantive change. This is a modification to an existing requirement or the addition, deletion or modification of test assertions. This would be handled at the program director level and they must determine which revisions get incorporated. And again, as you can see the big red box at the bottom, this is derived directly from the process for an RFI right now. So, revisions would be what we would call the tenths place update and modifications to the requirements and test assertions document. And -- David?

MR. BEIRNE:

David Beirne, Federal Voting Assistance Program. This process started approximately three years ago with working groups. Is that correct – with 2.0? (inaudible response). And this seems to be a late addition to the process. Has there been any type of analysis in terms of impact, going back to -- Mr. Hancock and I share some of those common histories with the first iteration of voluntary voting systems standards, the lead time, the stress points that came with it. The EAC has come a long way since then and I'm curious, has there been an analysis to say, okay, we're going to deal with a lot of ambiguous language, we're going to deal with a lot of test assertions issues, that does look like a bit of a spaghetti bowl in terms of what triggers -- I'm going to hold those comments for just a bit -- has there been any type of internal analysis, have you had the chance to do that type of analysis before this meeting?

MR. MACIAS:

So yeah, actually so in the development from the RFI standpoint, we knew that we needed to have something that was equivalent to a RFI. So that's why we built into the process the requests and also why we built in the revisions was to make sure that part of the process would be able to continue to be just as nimble, just as agile, and would be able to move forward as necessary. Again, I think to the overarching question comes into

the recommendations and the updates that you guys have put forth, and we hear that portion of it. But I think -- again, the intent behind that was the fact that the requirements in the past had always been voted on and so basically, we aligned it with that same process.

MR. BEIRNE:

David Beirne with Federal Voting Assistance Program.

Okay. So, I'm clear on revisions being RFI, non-substantive edits, if you will, or interpretations. What is interesting is the use of the word update. And that I think is what I'm having difficulty with understanding, how that comports with HAVA, which we're here to adopt guidelines, for example. It does trigger that formal federal process for consideration of modifications. Which I convey -- take away from that being substantive adjustments to the Voluntary Voting System Guidelines, and I guess that's where I need to get a better sense of legal's review on this. Because what I'm hearing is just a number of back and forths in terms of public working group, you got the Federal Advisory committees, the test assertions that would potentially drive in consideration of updates. And so, I can see this continuing to evolve over time, and I'm concerned about the amount of work that's going to be levied on staff in support of all of the federal Advisory committees, when in fact the purpose of the 2.0 guidelines were to provide flexibility. That to give you the overall framework, we know what's going to come next which is

always intended, which was the adoption of what was known as test plans or whatever you want to call them. That's really an expression of putting it on record to say here's how the labs are going to comport themselves, conduct their functional testing, here is how they're going to apply it. In terms of evolving vulnerabilities, there's also the flexibility that was already baked in in terms of if the technology changes, I would say that you just have to then map it to the high-level guidelines under 2.0 rather than having to go back and treat it as a modification or a change.

And that's what I'm trying to understand is -- I don't understand where this is all coming from and help me understand -- I'm looking probably for Mr. Newby or Cliff Tatum to chime in and say yes, we see this as comporting with the role of the Federal Advisory committees or is this a hybrid in some form or fashion?

MR. HANCOCK:

Well, I'll start out and, I don't know if you gentlemen want to take over after that, but certainly because these groups, meaning the Board of Advisors, Standards Board, weighed in on the requirements in the past, the process we're outlining is a way for you -- we actually think is more nimble, but still a way for you to weigh in on that process, right -- to get an annual update. Here's what we've done, here's the things that are coming into our program, here they are. Let's talk about them, answer any

questions, receive comments from you all. So, we think -- it's very analogous to that, but it also fits in more closely with the structure of VVSG 2.0.

MR. NEWBY:

I think that's all correct. I think maybe back to the initial question that Neal had earlier is that -- and then what the Standards Board did -- there's a -- the Commissioners when we have a quorum will have to approve VVSG 2.0 and they will have to approve a testing and certification policy manual. The policy manual will talk about how these things are updated. So that's -- one way or the other they will essentially have to approve the way the structure right now, the initial requirements because that's part of the VVSG 2.0. -- that would be in the policy manual.

The Standards Board proposed an amendment that said when that policy manual -- I'm paraphrasing so I may not say it correctly -- I think it says something along the lines that the policy manual would consider the possibility or allow for the flexibility to have requirements approved if there weren't a quorum. I think it was something like that. And that seems to be a smart way to address some of that. I think this thought of -- is it back and forth, is it a hybrid. I guess it kind of is, but there is some thought that Commissioners would need to approve or codify, or whatever the phrase might be, changes that were made to the requirements long

term so that they're actually -- there's some agency action that approved them if there were some interim or nimble change, but then longer term the Commissioners would have to sign off and say, yes, we agree with that. That was just really probably to give a nod to the role the Commissioners have in the agency. So, I think we were trying to lay out all things to all people. Kind of approach and then take the feedback from the Boards, and that will dictate how it's all presented to the Commissioners, because they're going to have to vote on it in the end anyway. The first process. That's why we really wanted to smoke out the feedback, so that we could provide that, and then let the Commissioners, once there is a quorum, decide.

MR. MACIAS:

And the only other piece before I go to you, Jim, to address kind of the back and forth is it actually, when we were talking about the back and forth, we thought it was of a clearer approach to the back and forth than what we have now with the RFI. Because the RFI, we have 70 documents or so over the years that each independently as a request for interpretation, and so as requests for -- or requests in this instance were rolled in, it would iterate -- version the document so that it would all be embedded into basically a single encapsulated document or set of documents

instead of kind of having a RFI sitting outside of the VVSG, but that was also because of the structure of the VVSG at the time. Jim?

MR. DICKSON:

Jim Dickson, National Council on Independent Living. We are the association that represents the independent living centers across the country, and I'm appointed by the minority Senate rules committee.

Once this is adopted, once you've got VVSG 2.0. and then the testing materials, if this Board makes a recommendation that there be a change or an addition in the testing materials, what happens with that recommendation? Who approves it or disapproves it and makes it part of the testing documents?

MR. MACIAS:

So, I think that's the kind of the overarching question that we're discussing right now. Kind of as it was laid out, was a recommendation would go into an update version of the document and the presentation was that the Commissioners would vote on that, and that's the conversation that we're having right now.

MR. DICKSON:

But if we don't have Commissioners -- if, again, we're at a point where we don't have Commissioners at that future point, what happens? Does the staff say we're provisionally adopting this and

putting it into the test assertions? Or does it hang -- it just sits on the shelf until there are Commissioners?

MR. MACIAS:

Again, I think that's kind of the question at this point. That's the concern, if there is not a quorum and/or not just a quorum but also a vote, a majority vote, to be able to move those forward, then what does happen with those, and so I think that is the concern that you were hearing voiced here and what we heard voiced by the Standards Board as well.

MR. DICKSON:

But I understand that's the concern. But, does the document say what's going to happen with that or is it left vague?

MR. MACIAS:

Right now, it says it needs a Commission vote so -- if there is no vote there it doesn't move forward.

MR. DICKSON:

That's what I wondered -- okay, thank you.

MR. KELLEY:

Can I jump in, Jim? This is Neal Kelley. The resolution that we, with the help of Gary Poser, amended to pass on the VVSG to the Commission has a provision that is recommending that in the absence of a quorum, staff could still move forward.

MR. DICKSON:

Okay. Great. That was my question. You have my vote.

MR. MOORE:

I'm sorry. My question was along that line was whether or not the Standards Board passed modification language that would allow this to take place without a quorum vote. Are we being asked to do the same thing as the Advisory Board today?

MR. KELLY:

Yes, sir. I was going to run through just a brief update and then get to that resolution, but you're right on point with that.

MR. MACIAS:

Alysoun?

MS. MCLAUGHLIN:

At the risk of complicating this further, Alyson McLaughlin Montgomery County Maryland -- I understand the question. I understand the concern. What I don't understand is the alternatives. What are the different scenarios that are being laid out on the table for how a hypothetical issue would proceed with or without a quorum?

MR. MACIAS:

So, a hypothetical would be, without a Commission vote then it would fall to the agency. And so it would basically be handled through the methodology that the agency handles processes and

procedures, which could be basically through a staff level and/or executive director level of pushing forth the final, but again, that would not preclude or would not change the aspect that it would still be going to the Boards for feedback, still be going to the VSTLs and the manufacturers, and those who ultimately have to implement all of this. Then them sending the recommendations out and the agency making a determination. After the comments and everything else. And so basically right here is it would go to the Boards of the registered manufacturers, VSTLs and on to the EAC.

MR. KELLEY:

Alysoun, is it okay to –

MS. MCLAUGHLIN:

I just want to clarify. The options that are on the table really have nothing or almost nothing to do with where that line is drawn between substantive or a non-substantive question. They have everything to do with whether the Board -- or I'm sorry -- whether the Commission needs to have a quorum for action to occur or whether action can be taken by the staff of the EAC in the absence of a quorum. Is that correct?

MR. MACIAS:

So, the one minor exception to that would be what we currently handle as a RFI, which is a request. That can be done based on the way that it's written in the fashion in which it is now,

which is by the testing and certification program. But that is actually in the midst of a test campaign that is going forward. So that's unchanged from the process which it is now.

MR. KELLEY:

To follow up on David Beirne's comment, under the recommendations and request process I'm just looking for the practical effect. If there's a VSTL that has a new system that they're testing and they have a need in order to further the testing to make a change, is this -- what do you envision as the worst case scenario of it stalling to go through this process?

MR. MACIAS:

From the case of a request, we literally -- so we typically just because we do have this comment period for it to go to people, typically stalls 30 days for a request. A recommendation would be until, at this point, as drafted, until we got a vote by the Commission.

MR. HANCOCK:

So, the way the request process works is usually it's the test lab that sends us the question. Here's x requirements. We have this question about it. We'll respond, we'll send it to the community, meaning the labs and the manufacturers, for about seven to ten days. They can give us back comments. We'll consider those, come out with something final, and then just send it to everybody

so they know what we've done and then, so the test campaign can move ahead. So, Ryan is right. It's 30 days or less stall currently.

MR. MACIAS:

If no further question, I'm going to hand it over to Neal at this point.

MR. KELLEY:

Thank you. So, I just wanted to give you some background before we get to the language in the resolution. As Brian alluded to, when he first began, the TGDC took up the final vote on the VVSG 2.0 in September of 2017. At that time our Chairwoman asked me to chair the VVSG committee for this body so that we could provide comments, provide feedback to the broader Board in order to make a well informed decision on whether this should move forward or not. And we started that process, like I said, almost right after the TGDC met. So, we spent the fourth calendar quarter of 2017 working together to review.

And I just wanted to give a shout out to those that were on the committee, because it did take a little bit of time. Michael Winn our Vice-Chair, Marc Guthrie, Linda Lamone, David Beirne, Philip Stark and Barbara Simons were all members of that committee, and that was of course under the leadership of Tom Hicks and then our Chair Sarah.

Just to give you an idea of what we addressed in our committee and some of the agendas that took place, we were looking at the discussion of next steps, how we should communicate to the Board at large. Should we as a committee provide the comments to the Board, and then that serves as sort of fuel for the fire to expand the comments within the Board, and that's ultimately the decision and the method we choose so that we could send our comments out to the Board as kind of a starting point.

The comments that we received back -- first of all, from the committee members that participated in that subcommittee for comments was Barbara Simons, Phillip Stark, David Beirne and myself, and then we also received additional comments from Gary Poser and Liz Howard on them. I don't want to -- it would be a nightmare to walk you through every single comment that was made. I'm not going to do that. But what I would like to do is provide a brief summary on all 15 principles and a high level what was the takeaway of the general comments. On a high quality design which was the first principal, it really -- most of the comments focused around that instead of using "commonly accepted". It would be better to use the term common throughout those guidelines. Under the second principle high quality implementation, there was a lot of concern over the use of best practices because they of course can change over time. And data

integrity can have different meaning, and is a little bit ambiguous. Under the third one, transparent, I think a lot of us felt that some of the guidelines read more as a principle and again, there is comments that we're forwarding. Under interoperable, quite a bit of comment on the COTS requirement should be a higher level item, because the Commercial-Off-the-Shelf COTS devices that you could use in a voting system under 2.0, perhaps will change over time quickly and maybe that should be more of a principle, higher-level item. Under number five, equivalent and consistent voter access, minor comments related to style. On number six, voter privacy, there were concerns over commingling privacy over anonymity and you can read in the comments what we were talking about there. Number seven marked, verified and cast as intended, there was clarity that we were asking for over the controls or use of the word accurately, but generally again minor suggestions regarding style. Number eight, robust, safe, usable and accessible. Several comments regarding the use of "wide ranging" in the guidelines and how voting systems are used were the general comments. Number nine, auditable, there was concern over applying a principle that might conflict with state law. Good example of that is laying down markings on a ballot when doing a risk limiting audit and if that conflicts with state law, do you have principles in place that might conflict with that. Number ten, ballot

secrecy, data encoding should not be proprietary. That was a strong comment. And then the protection of the identities of votes is overly emphasized in our comments. Number eleven, access control, minor comments related to style. Number twelve, physical security, also minor comments related to style. Data protection, we're asking for clarity on verifiable and well vetted, strong concerns over networked systems in general. Number fourteen, system integrity, minor comments related to style and then the last one, number fifteen, detection and monitoring, asking for an expansion on the idea of automated processing and then detecting in addition to protecting when we're looking at malware were the higher level comments.

Your Board did receive the comments in the email sent out by Commissioner Hicks. So, you would have had hopefully a chance to review all the comments in general. Out of that the committee agreed based on the comments we provided and received that we would draft a resolution to present to your Board for moving forward VVSG 2.0 to the Commission. So, this would fulfill the statutory requirement that this Board move this on.

I drafted the resolution based on the comment Gary Poser made and myself regarding the Standards Board and our questions. Thank you for answering those. We have amended it. I'd like to read the proposed -- not all the resolution, but just the

proposed nuts and bolts at the end. Now therefore it be resolved that the Board of Advisors recommends to the United States Election Assistance Commission to consider the draft VVSG 2.0 principles and guidelines for full adoption considering the comments offered by the Board, and that the EAC adopt within the testing and certification program quality and program manual a provision providing for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of EAC Commissioners. Madam Chair that completes my report for your Board.

CHAIR JOHNSON:

Just as a note, a copy that you had before you as you may have noticed has that amended language on it already. Any other questions for any of the panelists on VVSG? Anything they didn't address that anyone does have a question. Just remember the draft VVSG -- draft resolution that the VVSG committee is offering will be voted on tomorrow, along with the other resolutions, just to let you know that, for a point of order there. Any other questions? Yes?

MR. MOORE:

Greg Moore. Name tag fell, sorry. Question. You just said test assertions to be updated in the absence of a quorum. Did you mean adopted or was that a change to what we have in front of us?

MR. KELLEY:

I'm sorry, you're correct. What you have in front of you is right. I misread it. Thank you.

MR. POSER:

Neal, the language that the Standards Board adopted used the word updated, so that was going to be one of my questions and I was happy to hear you say updated because that's the word the Standards Board used was updated and I just noticed here that it says adopted on –

MR. KELLEY:

So it's easy then to blame the person that typed this up.  
(laughter) which is Cliff Tatum. Poor Cliff.

MR. TATUM:

I'm still looking for the YouTube channel.

MR. KELLEY:

Back to you, Mr. Moore. I read it as it was proposed by Gary and I apologize. There certainly is a difference, you're right. And to clarify that, is it possible, Cliff, we could get an updated version?

MR. HATCH:

Ricky Hatch with National Association of Counties. This may or may not be the appropriate forum. I have probably missed the deadline on updating the actual language but, if I had a couple of fairly small questions about some of the language and a couple of

the principles. The best way to address that? Is that something I should bring up now or reach out to folks after the fact? Or am I too late?

MR. KELLEY:

So, Ricky, if I can make a recommendation, so the comments I would say -- is it fair to say they would close at the end of this meeting? Is that a fair assessment?

MR. HANCOCK:

Yes. They can close at the end of this meeting, but remember, there will be a public comment period and you all are members of the public as well as officials of this Board so you can double up on comments or submit them then as well.

MR. HATCH:

It's not anything huge, just some language about Cliff Tatum and YouTube.

MR. IVEY-SOTO:

Yes, Daniel Ivey-Soto from New Mexico. A couple things. The first is I'm wondering, given the conversation we've had about process and how the EAC gets there from here under the circumstances that the EAC finds itself. I'm wondering if we may want to consider a couple small changes to the therefore be it resolved part of the resolution. And the first couple of them I've kind of mapped out. There might be a consequential one

afterwards. But basically, to strike the words “for full adoption” on the third line. So let it be that the Board of Advisors recommends the U.S. Election Assistance Commission – whoever’s there -- to consider the draft 2.0 principles and guidelines considering the comments offered by the Board.

And the only reason I suggest striking the words for full adoption is because if somewhere between Brian, Brian, Ryan, and Cliff and -- collaborating with Tom and Christy, they figure out a way that there might be a way to implement these without a quorum, I wouldn't want our -- our resolution -- I guess I would like for our resolution to enable that. If it does require a quorum, it wouldn't matter that we struck the words adoption, I guess is my suggestion.

And then likewise, then, that we would strike in the fourth line adopt within so it would simply -- or -- EAC adopt within so that it will be and that the testing and certification program quality -- quality and program manual provide for the ability of VVSG 2.0 requirements test assertions to be updated. And I would just put a period there. And then leave it for the legalities later on as to whether or not it requires a formal adoption or if it can be implemented some other way. If we're not going to adopt this until tomorrow morning, there's some time to work on that. But I just wanted to suggest that I've got some other comments as well, but I wondered if Sarah, if you had any thoughts on that or anybody else.

MR. HANCOCK:

The only thing I'll say – in absence of anything further from our favorite YouTube viewer -- I think the adoption of the principles and guidelines themselves are required by HAVA, and it is to me very clear that that requires a Commission vote at minimum. That's my feeling, unless someone else has anything different.

CHAIR JOHNSON:

I agree. Do you have anything else? I think those are good suggestions, and I think that is something that we can provide our general counsel -- do you want to comment on who has the final adoption or – okay.

MR. TATUM:

I think we're clear. The Commissioners have to adopt the VVSG in its entirety. So, the full adoption there would be -- whether we drop the full, we need the Commissioners, three Commissioners at least, to adopt the VVSG, and the question then becomes what do we do with the testing requirements. And that's really where the -- where we're trying to work the language.

MR. IVEY-SOTO:

And if I may, I agree with that current interpretation. But just like we're trying to adopt principles not knowing where technology may go, I guess I'd like for us to adopt a resolution not knowing where interpretations may go.

CHAIR JOHNSON:

Okay. I appreciate that and I think – are the two commenters – do you want to – Ryan? David? – are you commenting in reference to that conversation or something separate?

MR. BEIRNE:

No, I'm piggy-backing.

MR. MACIAS:

And I do have a couple other things – circle back around then --

CHAIR JOHNSON:

Ok, so – oh, I'm sorry. David, did you have something to comment?

MR. BEIRNE:

I want to go back to the discussion, this might tie in with some of his concerns. David Beirne, Federal Voting Assistance Program. Excluding my desire to get into the weeds for a process standpoint, I am still assuming that before us are the guidelines, right? Will we have an opportunity to review whatever protocols and procedures as part of a broader testing certification manual? Whatever will be the policy implications in terms of what is proposed for these test assertions, will we have an opportunity before the Federal Advisory committee is to review that prior to its adoption?

MR. MACIAS:

So, actually the testing and certification program quality and program manual, is that what the question is around?

MR. BEIRNE:

However, the EAC envisions formalizing what was a notational description of a future policy – I don't have enough detail is what my point is. To say, I am beginning to wonder why that was injected into the slide deck when we don't have anything before us to consider – in regards to this change.

MR. MACIAS:

Got it. So, my understanding is that since it is a policy that would be adopted and has to be voted on by the Commission, is that it would be through an open meeting or through – an ability to be able to comment on prior to any vote or adoption.

MR. BEIRNE:

But you understand the distinction between a quick turn 30 day comment period versus a more deliberated discussion amongst the Federal Advisory committees? That's where I'm going. It would be helpful at least afterwards to understand what the EAC intent is. Just because I think that is a big issue of concern going forward in terms of what was the original intent for 2.0 versus where we find ourselves today – and just what was being thrown out.

I would encourage the EAC to let us have that discussion mainly because I'm hearing from other members of the election community in terms of how this might be rolling back gains made over the last few years.

MR. TATUM:

Madam Chair – point of clarification for the question – the policy manuals as adopted by the Commissioners would not be submitted through the Advisory Boards for a full-blown 90 day or any period of revision. The question becomes the process that's described in the manual by the Commissioners – if the process was determined that the staff would approve the technical requirements then those technical requirements would come back through the Boards for review. The other option is that the Commissioners would consider those and adopt.

So, that's really the two-prong that we are talking about. But, no, the Boards would not get a full-blown review of the policy manuals.

MR. BEIRNE:

This is a larger concern I would encourage you to look at again. One of the big issues that's already in my mind is a scenario because of what's before us in terms of guidelines, they are very high-level principles. If the EAC empowers itself as what I'm hearing in terms of 30-day public comment period in terms of the

consideration of a substantive change in terms of a test assertion, that concerns me, and I have a concern all along in terms of the dynamic approach in terms of 2.0. However, I don't have a good alternative. There was definitely a compromise to say where we have to be within history – where are we going. And I think that is one concern I have is to say that seems to start getting into real technical substantive matters that here you have the federal Advisory bodies looking at very high level guidelines who have no real substantive input on test assertions besides being a member of the public. We're all created equally but I think that's a concern I have in terms of deliberation and making sure that other stakeholders are being heard.

MR. TATUM:

Madam Chair, may I -- historically the Advisory Boards have not been involved in reviewing and commenting on testing and -- test assertions, neither the test plan nor the test assertions. Those were developed by the test labs and the vendors and the test assertions were created in that environment as well. The question as indicated by the slide is whether or not those test assertions should be reviewed by the Commissioners. I think the feedback that we're getting is helping us make -- helping us inform that determination. And so, historically we never looked at the test assertions, and I'm not certain -- depending on what you all decide

or at least propose to advise the Commissioners, then that would --  
that would help inform us.

MR. HANCOCK:

And I think David, just by way of historical reference, in the past the two manuals, the two separate manuals that Ryan mentioned, were subject to public comment period but only because they were subject to Paperwork Reduction Act requirements. That's still to be determined for this set. Okay.

CHAIR JOHNSON:

Greg, you've been very patient. Thank you.

MR. MOORE:

It's going back to an older question. So, when the Standards Board changed the word from adopted to updated, was that intentional? Are we doing something that would lessen -- I keep hearing the word adopted repeated over and over and we're saying updated in our resolution. Just trying to make sure that's not intentional.

MR. KELLEY:

No, sir, I should clarify that. The updated language was from the Standards Board resolution. Gary, am I correct on that? So, what you have there is a typo.

MR. MOORE:

So, there was never a bill -- never language that said adopted, it was always updated?

MR. KELLEY:

Yes, sir.

MR. MOORE:

Just want to make sure it was intentional. Thank you.

CHAIR JOHNSON:

Cliff?

MR. TATUM:

Madam Chair, for a point of order. The recommendation -- the resolution and the amendment from the Standards Board is actually in your packet so you can see the language there.

CHAIR JOHNSON:

It's in the very, very back on the right-hand side of your packet that was -- it's behind the proposed resolutions as they existed in the earlier -- it is in the packet for view. Alysoun?

MS. MCLAUGHLIN:

Aylsoun McLaughlin. National Association of Counties. I'm trying to help wrap my head around where we stand right now on some of these things, and maybe this will help me at least if not others. A year from now, when we get together for our next meeting of the Board of Advisors, what type of documents or

document do you expect us to be reviewing and what level of detail will they provide?

MR. MACIAS:

As laid out in the process right now, assuming a VVSG 2.0 has been adopted, it would be the document entitled requirements and test assertions. And so, it would be basically what I'm going to say is the full packet of all requirements and test assertions that had been drafted at that point, should that not have already been provided to you in the interim, but so it would be all requirements, all test assertions in a document or documents, and then any updates that would be made from that date forward would be what you would look at each and every year going forward. At least annually.

CHAIR JOHNSON:

David?

MR. BEIRNE:

I'm just like a dog with a bone here. David Beirne with Federal Voting Assistance Program. That's helpful for us to hear because that's where I was going earlier. In terms of looking at test assertions, that's one of my concerns is that once we start going through that -- is there a scenario in your mind -- let me just ask you this question. In terms of old Voluntary Voting System Standards, what we're hearing was the level of detail in test assertion certainly

smells and sounds like the old VVSG rather than the flexibility that was intended with 2.0, and the recommendation from that original working group. Is that an accurate statement or portrayal?

MR. MACIAS:

So, the only thing I would say specifically to the test assertions, those would be as spelled out right now would be considered minor revisions. So those could continue to be implemented, changed, modified without having to go through the entire Board or all of the Boards as necessary. In it is a grouping of a new requirement and all the associated test assertions that are -- carry down to it, then that would go through the update process and go through you guys.

MR. BEIRNE:

Update process, that sounds eerily similar to guidelines. That's what I've been saying all along -- now seems like we're adopting principles, then the test assertions are going to be very akin at least in my mind to the old voluntary voting systems standards or guidelines in terms of specifying the level of design, the level of technical.

MR. HANCOCK:

No I don't -- I don't -- if anything, that's -- the requirements would be similar to that. The test assertions will be very different, right? They will be something that the labs will be extremely

interested in, the manufacturers will be very, very interested in, and frankly, most of the rest of the public will be less interested in. The requirements, however, are a different story. Everybody will, guaranteed, be interested in those. The test assertions, I think because we haven't dealt with them before as part of our process, will perhaps be more iterative. When we start getting into these public test assertions and the labs start working with them, I expect there's going to be some back and forth and probably some interpretations on test assertions as well, perhaps because it's a new process, and as you know, things never -- best laid plans don't necessarily survive battle. And so that's my thought anyway.

MR. MACIAS:

And so the other point of clarification just in case I misunderstood it, is the other part where it would be significantly different at least under this discussion right now, assuming the amendment, from where the VVSG is now is each one of those updates wouldn't have to be voted on by the Commission, rather you guys would have the opportunity to provide comment and recommendations back.

CHAIR JOHNSON:

Senator, I believe you had some other comments outside of the original ones?

MR. IVEY-SOTO:

Thank you. I'm told in my legislature that I don't need the mic even for the people at home. So, Daniel Ivey-Soto -- so as I understand part of the conversation was that the comment period with regard to the Advisory Board is open through the end of this meeting. And so, is this an appropriate time if we wanted to add additional comments or is there time tomorrow?

CHAIR JOHNSON:

Comments in general about the VVSG like we're having now?

MR. IVEY-SOTO:

Not about the process, about the content.

CHAIR JOHNSON:

If you want to prepare those -- you can prepare those. I know I think Ricky mentioned some additional comments on the draft VVSG 2.0. That's what you're talking about, not comments on the resolution?

MR. IVEY-SOTO:

Correct.

CHAIR JOHNSON:

Okay. If you want to prepare those, Neal was the one to receive those, the one we stated all along could receive those. So, if you have those and can provide those to Neal.

MR. IVEY-SOTO:

So you want them in writing?

MR. KELLEY:

Yes, sir, and then I will add it to the spreadsheet that we will deliver to the EAC.

CHAIR JOHNSON:

Go with the resolution.

MR. IVEY-SOTO:

Okay. Fair enough. Thank you.

CHAIR JOHNSON:

It will be attached -- I'm sorry, that hasn't been super clear. So good point. The comments to Neal is he as VVSG committee chair, he will put those in the spreadsheet document that went out that will go with the resolution. I apologize for not making that super clear early on that those comments are going to be attached to the body of the resolution. Yes. Alysoun?

MS. MCLAUGHLIN:

Those comments -- so the spreadsheet has been circulated to us. Glad to hear we have an opportunity to make further suggestions. Do you want to set like a timetable when we need to get that to you, so that then you can re-share that with us before the meeting closes or if we want to put something crazy in there, just give it to you and you'll pass it on and it won't come back to us?

CHAIR JOHNSON:

So, at the risk of reminding everybody of the multiple emails and multiple months that have passed since we first got the VVSG and -- like I said, multiple reminders that if you have comments to please send those in, caveat to the new members, who may not have seen that, yes, absolutely, by the end -- by the time we adjourn tomorrow, we need those comments provided in the spreadsheet to Neal, please.

I mean, we've been looking at this for months, and we really do need at some point to end that piece of it. Yes, Alysoun?

MS. MCLUAHGLIN:

And I think I was going somewhere different than that. I mean, in the draft resolution that's before us we're sanctioning the comments. So -- are you sure you want further comments to be added to the comments that we've already reviewed and are sanctioning -- are you giving us a window to provide comments that we will have the opportunity to review again before we vote on a resolution sanctioning them? Does that make sense?

CHAIR JOHNSON:

I mean, I can certainly email everything that's already been emailed out. We can do that again overnight to take a look at your emails again. But basically, the VVSG Committee has worked really hard on gathering all the comments. So, if you have

comments, get them in now. Or the alternative is through the general public comment period whenever that is set.

MS. MCLAUGHLIN:

And that's my -- I am --

CHAIR JOHNSON:

You would be doing that as a -- excuse me, sorry to interrupt -- you would be doing that as an individual, not as a Board of Advisors -- on behalf of the Board of Advisors.

MS. MCLAUGHLIN:

For my part, I am perfectly happy to say public comment would be the opportunity to make further comments to what the committee has already developed and put forward. I guess I just want to be clear, if you are in fact opening for more comment to be submitted to become part of the Board of Advisors comment, quite frankly, I would like to review what other people submit beyond what's already been given to us for review. So, I guess I'm actually asking that if you are opening it up for further comment from members of the Board, can you please set a timetable when whatever they submit we'll have an opportunity to look at before we vote on it.

CHAIR JOHNSON:

There's kind of two things. I mean, going on, yes, that would be the preferred method overall, assuming everybody in this room

was a member during all these months that we've been working on this, was that you would do it as part of the citizen in the public comment period. However, I know that the senator is a newer member, and has not been involved in all of those conversations, so in deference to the newer member, my thought at least was, not your fault you weren't a part of the merry band here, that you could certainly provide your comments and then we could provide them to the committee and the committee could study those. If the committee is willing to study those. However, that was my suggestion is really you all are members, I am Chair, that's true, it's your committee, it's going to be your resolution and comments that are coming forth. So, there's the option. Everybody from here on forward becomes a public citizen, public comment or we allow the newer member who did not have the opportunity to join our group to join our group.

MR. BEIRNE:

David Beirne, Federal Voting Assistance Program, our intent here within moments is to consider the resolution or is the resolution for consideration tomorrow?

CHAIR JOHNSON:

Again reminder, resolution votes are tomorrow.

MR. BEIRNE:

Madam Chair, I would suggest that perhaps if the new members have an opportunity to review could they not read their comments for consideration or have them presented prior to adoption or consideration of that resolution?

CHAIR JOHNSON:

They certainly can, and that was the suggestion to get those comments to our VVSG Chair, Mr. Kelley, to add those into the spreadsheet. And yes, that could be something that could be read tomorrow, which was the intent. Sorry that I didn't actually vocalize that. But the key is, we got to know what those are. I totally concur with that, but we do want to offer that deference to the new member.

So, is that an agreement that the newer members, not just this one, can certainly provide those comments to VVSG Committee Chair – we'll get those in the spreadsheet – we'll read those tomorrow before we vote on the resolution. Yes, Alysoun?

MS. MCLAUGHLIN:

So, old as well as new members, any member can provide additional comments – we will provide them to the committee chair such that the committee chair will be in a position between 9:15 and 10:00 a.m. tomorrow morning, or actually I'm sorry 8:30 tomorrow

morning when we have the committee reports, to be able to read those comments into the record.

CHAIR JOHNSON:

I think that's fair. So by 8, let's just say – 8:15 tomorrow morning, new members, preferably sooner than later, if you could have those available.

MR. IVEY-SOTO:

Madam Chair, I – first of all, let me apologize for any disruption and also appreciate the willingness to try to be a little flexible. And I will also just note that especially for people who are not here for the initial conversations it's not always implicit for everyone that comments means written. So, when there's conversation about -- consider the principle and comments -- some people might infer there's a discussion, that there's a verbal comment that will be discussed. I just want to point that out. If one was not at the inception, so -- Thank you.

CHAIR JOHNSON:

That's fine. So, if you could provide your comments in writing.

MR. IVEY-SOTO:

I'll get right on that, thank you.

CHAIR JOHNSON:

Just to help out so we can add them in the spreadsheet – to Mr. Kelley – I think that would be extremely helpful on that. Does anyone else have any newer members? If you have any comments please get them to Neal. We'd greatly appreciate that. Sorry Cliff?

MR. TATUM:

Madam Chair or for the Board itself, comments that are being collected by the Advisory Committees are comments that you are forwarding to the EAC for consideration, so the Advisory Board would not take the position of striking a member's comments or not accepting a member's comments. The question is whether you're going to propose that the EAC adopt the VVSG considering -- taking into consideration the comments that are being provided. So, all comments are welcome, and you would categorize them as you have and submit them to the EAC for consideration.

CHAIR JOHNSON:

Thank you for that clarification. Any other comments? I know this has been a hard two hours after lunch, right? (laughter) So as Michael reminds, there's sugar outside. There's also caffeine outside to refresh. I do appreciate everybody's patience and great dialogue on trying to get this going. I know this is the toughest subject for a while that we will deal with, and I appreciate

everybody's patience. So, we will -- we do -- just a moment. We have the resolution comment. Sorry, I got a little too excited.

VICE-CHAIR WINN:

All right. So, at this time we're going to open the floor up to the resolution comments. I think --

(inaudible voices -- off mic)

Do the break first? We'll do five minutes for bathroom break.

(Break)

CHAIR JOHNSON:

Next up we have Grants. So, if Mark Abbott wants to -- Sorry, Sorry, for some reason I keep forgetting the resolution part. So, I am going to turn it over to Michael Winn to have our resolution people discuss the resolutions.

VICE-CHAIR WINN:

We have Neal? Is everyone in? Phillip Stark, is he in here? Neal? Jim, are you prepared? Jim, are you prepared for your comments? Jim Dickson?

MR. DICKSON:

I'm always prepared and if I'm not, I'll make it up. (laughter)

VICE-CHAIR WINN:

All right. Mr. Dickson, you have the floor.

MR. DICKSON:

Good afternoon, everybody. My resolution is for this body to basically support what the TGDC has already gone on record as saying, and if it's possible to put that up there while I'm talking, that would be wonderful.

MR. MACIAS:

It's on a Word doc. It's not on presentation mode so -- I was talking to the AV guys in the back.

CHAIR JOHNSON:

Everybody does have a paper copy at your seat. Those are the ones that were placed on your seats while we were at lunch. So, everyone does have a paper copy.

MR. DICKSON:

All right. I want to explain some things. Are we set?  
(inaudible voices – off mic) I am confused.

MR. YAKI:

Resolution 2018-01 -- No. We're good.

MR. DICKSON:

I want to do a little bit of history here. As Santiano said, if you don't know your history, you're doomed to repeat it. The ADA is a wonderful piece of legislation, but it is far from perfect. In fact, the Help America Vote Act, when it comes to voting, fixes a serious limitation in the Americans With Disabilities Act. Federal courts in a

variety of lawsuits, in a number of lawsuits, have ruled that there is no right to a secret ballot. Let me repeat that. Federal courts have said that there is not a right to a secret ballot under the Americans With Disabilities Act.

That is why with rigorous support from election officials and other organizations, the disability community fought to have language in the Help America Vote Act that says those of us with disabilities get to cast our vote secretly and independently and in the same time and manner as other voters. We do not oppose the use of paper. We say if there's going to be paper, it has to be accessible. This resolution, this notion, that if this paper is going to accessible is what my resolution is about. It echos the resolution that was already passed by the TGDC after months of debate, and with the support of David Wagner, who's a very well-known supporter of paper.

This resolution is not going to in any way, shape, or form delay getting money out to the states. The new \$380 million appropriation, which we worked very hard to get, because we believe that systems should be accessible, secure, and we want election officials to have the resources to update their equipment. I'm hoping that people will be able to vote for this resolution. There is another resolution coming. Is this the time when I should speak to it or not?

VICE-CHAIR WINN:

I don't think so. I think you have time to comment on your resolution.

MR. DICKSON:

Okay. All right. I will add that my resolution was run by a number of national disability organizations before I submitted it. So, it is the result of a process that a broad spectrum of the disability community was involved in, and I urge your affirmative vote. Thank you.

VICE-CHAIR WINN:

Thank you, Mr. Dickson. Barbara Simons? And her resolution is 2018-02.

MS. SIMONS:

First of all -- oh yes, you got the new one up -- I don't think there's any disagreement here. I totally agree with Jim that voters with disabilities should be able to vote privately and independently, and that's something that we all care about. So, when I originally submitted this resolution, I viewed it as a friendly amendment. I understand that Jim didn't have quite that perspective, but I urge him to reconsider, because I have added wording to the resolution which isn't there now -- bring it up. I added privately and independently to the final sentence of the resolution. Just to read what it says, in case you don't have a copy, the first words are -- be

it resolved that the accommodations compliant with the Americans With Disabilities Act must be available to enable voters with disabilities to mark, verify, and cast secret ballots privately and independently.

So, Jim was concerned about the court cases under the ADA that said that it was sufficient for voters with disabilities to bring in someone to help mark the ballot. So, this addresses that directly.

Furthermore, I argue that the ADA is a broader bill than HAVA. It has many aspects to it that HAVA doesn't have. For example, under the ADA, a voter with disabilities can bring a private right of action against a government agency or official if he or she -- if there's an issue that he -- where they feel the ADA wasn't properly enforced. You can't do that with HAVA. So, by bringing in the ADA, I think we're actually broadening the options.

Furthermore, the be resolved section says that accommodations compliant. Now, the phrase -- the word accommodations doesn't occur in Jim's resolution. I think it's something we need to be concerned about. I know, for example, that there have been many cases where -- well, too many cases, anyway, where polling places have not been accessible for example, to people in wheelchairs or even just elderly people who have to stand for long periods of time when they need to be able to

sit down while they're waiting in line. I think the resolution I've introduced is actually strengthening what Jim was proposing.

VICE-CHAIR WINN:

Mr. Phillip Stark. – Resolution 2018-03

MR. STARK:

Thank you. The idea behind this is while I absolutely applaud the theme in VVSG 2.0 of going towards principles rather than specific technologies in order to keep the VVSG as ever green as possible, this was to provide clarity that currently the only technology that allows auditability of the correctness of results and the software independence which are expressed in principles 9.1 and 9.3, is paper. That it just be made clear that for now, the VVSG means that electronic only systems will not be certified.

VICE-CHAIR WINN:

Thank you, Mr. Stark. Do you have a second one?

MR. STARK:

Yes.

VICE-CHAIR WINN:

I'm sorry.

MR. STARK:

Not at all. The second one again addresses the paper issue, usability, accessibility and verifiability principles in VVSG 2.0. What I'm concerned about is that there seems to be a move towards

voting systems that produce ballot marking devices that in fact don't mark a ballot, but produce a summary printout of selections only. And it is -- I've gone through the exercise of trying to vote by answering a sequence of questions much like a touch screen interface would take you through where the full text of the measure, the candidates' names, et cetera, are visible and then to review my selections on a selections-only summary. And my memory is not fabulous, but it's not horrible, and for a ballot as complicated as a California ballot, I could not recall whether all of the contests were on the summary ballot, and I certainly couldn't recall how I had voted on similarly named measures or things that are only identified as number.

So, I'm concerned that selections on the ballots may be much less usable by voters for the purpose of verifying that they marked their votes as they intended to. I see three big issues in the usability of paper ballots. One is the ability to mark it as you intend, another is the ability to verify that you marked it as intended, and the third is the ability of auditors or recounters to use that as -- to find what the record of voter intent actually was.

And what I would like is for the EAC to postpone certifying systems that print selections-only summaries until we have some data on their actual usability by real voters for realistic ballots to

know whether they are comparably usable by voters as full face ballots are.

VICE-CHAIR WINN:

Thank you, Mr. Stark. Finally, Mr. Neal Kelley.

MR. KELLEY:

Mr. Vice Chair, didn't we appropriately hash that out –

VICE-CHAIR WINN:

I think we did, but I want to give you an opportunity –

MR. KELLEY:

I'll pass on the opportunity, if that's okay.

VICE-CHAIR WINN:

So – Ladies and gentlemen, you have the resolutions before you, so you have them to read tonight and sleep over ,and tomorrow we will be voting on those. And so, Mr. Dickson?

MR. DICKSON:

Yes. A point of order. I want to speak to what Ms. Simons said. I recognize she thinks that her resolution helps. I want to make it clear that I think it hurts. That the ADA is a lesser standard than the Help America Vote Act, and citing a lesser standard is hurtful, that she uses the word accommodation. Accommodation –

VICE-CHAIR WINN:

Mr. Dickson, your points are well-taken, but I think that in the order of time, I think we need to move on and we can discuss that tomorrow.

MR. DICKSON:

So, I'll have a chance to speak tomorrow?

VICE-CHAIR WINN:

Yes, sir.

MR. DICKSON:

Thank you.

VICE-CHAIR WINN:

Yes, sir.

MR. GUTHRIE:

Mark Guthrie. I'd like to ask if maybe the interested parties to those two amendments could get together for a few minutes . I know those of us from the Access Board would like to meet with the folks connected to those two amendments after we adjourn today if there's no objection to that.

VICE-CHAIR WINN:

I don't see any reason -- any objection to it. You can get together after we meet today, and you guys can have a conversation amongst yourselves. Ladies and gentlemen, you

have the resolutions before you. Sleep on it tonight. Tomorrow we will be voting on them and Madam Chair, I'll turn it back over to you.

CHAIR JOHNSON:

Great. Thank you, Chair of our Resolutions Committee. Good work. The Michaels. Good work. Mark does bring up a good point. Obviously, you've heard the thought behind the resolutions. You got them tonight. Tomorrow when we bring them up one by one, that also is a time for you to make amendments if you would like, ask questions, to make statements. There will be time to speak -- public comment on those for everyone.

Also, if you do have specific questions about the resolution that's being put forth by the members, feel free connect with them just as Mark suggested, feel free connect with them, you know, tonight, tomorrow, via email, et cetera, if you would like to do so, in a non-meeting-ish way, so to speak. Yes, Barbara?

MS. SIMONS:

The paper that was passed out -- because I made the change after it was written does not include privately and independently --

CHAIR JOHNSON:

That's a good point. We'll try to get that updated and get that out to you all tonight on that. So, definitely please confer and please be ready to discuss those tomorrow.

So now we will kind of connect back to the agenda and we're going to talk about something happy, which is grants -- and money. Everybody always likes to hear about that. So, Mark is making his way up here to do the presentation. And nobody is staring at him at all. This is definitely something very happy that all the election officials and everyone, non-election officials, are really excited to hear that Congress did for all of us in this activity. So. we'll turn that over to Mark.

MR. ABBOTT:

Thank you, Sarah. I thought I heard you say he's just waking up but you said walking up, didn't you? I was awake, I promise. Hi, everybody. Mark Abbott here. And yes, we come with good news. We have some dollars to distribute this year, and I want to talk to you just briefly about the process we're using to distribute that money, what we think the money should be used for, and then take questions from you all. Any questions at all will be fine.

This chart here put together by EAC staff shows the disbursement of funds. The darker the color -- as Brian Newby likes to say, the more green you get -- the more money you get. The distribution is a population based formula that has the minimum. So, the minimum for territories, there's five of those in this appropriation, is \$600,000. The minimum for states is \$3 million. And then it works its way from there based on population.

MR. DICKSON:

What was those numbers again?

MR. ABBOTT:

So, the minimum for the five U.S. territories is \$600,000, with no match requirement. And the minimum for the small states -- got under \$3 million based on voting age population alone received \$3 million. And then after that it goes up from there. I'll take a couple questions right now for point of clarity. Please.

MR. MOORE:

Are there match requirements for all of it or just for the under \$600,000?

MR. ABBOTT:

No match requirements for under \$600,000 for the territories and everyone else has a five percent match requirement. Five percent of the federal share is the match requirement here.

MR. GUTHRIE:

Marc Guthrie with US Access Board. Are states then allowed to establish a match requirement within their state?

MR. ABBOTT:

Yes. Absolutely, and we encourage that. So, depending on how the state administers the funds, and there are several ways they can do that that we have seen as best practices, they may require the locals to have a match. They may have activities under

way currently that would constitute the match. Just depends on whether or not they're planning on administering the funds down to the local level or managing it from the state level.

MR. GUTHRIE:

And the -- would locals have or could states use it, then, for hardware grants or localities?

MR. ABBOTT:

Yes. In fact, that is -- we have several states that actually have indicated they plan to do that. Either as a match, like the states are paying for a portion of it, and then the localities are paying for a portion of it. The states would then pay for another portion on it on a reimbursement basis. You could submit your receipts and get refunded for that. Then whatever the locality paid in would be part of the match.

MR. GUTHRIE:

Thank you.

MR. ABBOTT:

I want to do just three things here -- just a quick history on HAVA funds just to refresh your memory about the kinds of money we've had in the past, and how this is the same and different.

The new election security funds, and we'll talk about them and how states get their money. I have a special announcement to make on the winner of the first request made, and second as of five

minutes ago. And then talk in more detail about how the funds can be used. I'm only going to talk for like five minutes, and if you have questions we can fill in were those -- maybe ten -- and the rest of the time with questions.

So, under HAVA, there's three kinds of money available. There's Section 101, which was not administered initially by the Election Assistance Commission. It was administered by GSA before EAC was stood up. And that money went to improve the administration of the federal election process, and there was a whole series of activities that were allowable under that, and some caveats. Like they had to be in support of title three, for example.

Then section 102 was the federal government saying in a very decisive way, hey certain kinds of voting systems aren't going to be allowed anymore. So, to help you replace that we're going to give you money based on the number of those punch card voting systems that you had in your state.

The third version of funds was Section 251, called requirements payments. These literally were payments to meet the requirements of title three of HAVA, which was the extensive list of new activities that states had to be engaged in around their federal election process. So, the federal government reimbursed them for those costs. And the goal was with 251 to get everyone title three compliant. I believe we're there or close to there. Understanding of

course that that's a snapshot in time, and those compliance have to be met on an ongoing basis, so it's not a one and done situation.

I bring this up because the current money, the \$380 million, falls under the partial authority of Section 101. That's significant for a couple reasons we'll get into. So, the bill was signed on March 22<sup>nd</sup>, and as you probably know, under the election reform program title, under HAVA section 101, and there's a limit of five years on this money. That's one of the first big differences between this section 101 money and the earlier money we had which was available for use without limitation until it was expended. Here we have a situation where there's a clock on the money.

If you guys have been around a long time, you remember in 2008 requirements payments had a similar clock. It was a five-year period to draw down the funds and use the funds. To draw down the funds for 251.

So, what we did on April 17<sup>th</sup> when the federal government was taking your money on tax day, we were giving money back. So the process does work, sometimes. So, we issued notice of grant awards which is the legal document that allows you -- allows the states to enter into a contract with the federal government to receive these funds. It has all the requirements that they have to meet to access the money. It gives them -- and then the packet had instructions on how to draw down funds. There's five simple

things that we had to ask you to do in order to access your money. And then the submission. We're going to ask for something back from you. A plan on how you're going to spend this money. But that is not due as a requirement to get the money. Sounds a little backwards because it is. Had we given states 90 days to figure out what they were going to do with every penny that they had eligible, we would have frankly missed the 2018 election cycle with some improvements that could be made with this money. So, we pushed it forward and we reversed the process.

You can actually access your funds as of today, or as of April 17<sup>th</sup> rather, and Missouri and Illinois have done so. So, they're now going through the process of drawing down their funds.

And then we gave some instructions for that 90-day plan or submission we're calling it. The kinds of things we want to see, and I'll touch briefly on those as well. HAVA money can be used. The appropriations act, like it usually is when you get money in the appropriations law, it's just a sentence. Now there are some report language, that's supposed to signal the intent of Congress, but this is really what the law says. To provide money – necessary expenses -- to makes payments to states for activities to improve administration of elections for federal office, including to enhance technology and make election security improvements as authorized by section 101, et cetera, of HAVA.

So basically you know, this is that flexibility that 101 provided in the past, which is giving states a fair amount of discretion on how they do this, and a strong signal that this money is about security, and hardening and securing the vote ahead of this election and the 2020 election. The joint statement after the bill was passed makes that abundantly clear.

We've asked states to tell us, what do you plan to do in 90 days with these funds. So we asked them to report on certain categories, five specific categories, and any ones they want to add, so we can roll up their activities and talk about how this money is being deployed coming into the next round of elections and beyond.

So, improving administration of elections, educating voting procedures rights and technology, training, equipment for voting systems and technology, as well as methods for casting and counting votes and accessibility, quantity and quality of the voting place, and the accessibility of the process of voting are all eligible activities under here. What we said in that guidance was this is the 101 money, it's flexible. And we want to know what you're doing around security. So, if you have all your security handled and you need to use this money in a more general way, then that's what you should tell us in your plan. So those instructions are out. We're fielding questions now. The biggest questions have been around what constitutes an improvement to the administration on federal

election. And that's one of those things that's hard to define, but I'm thinking we can define it by what it's not at least initially. It's not simply a continuation of what you were doing with non-federal money before this money came down the pike. So we'll be talking a lot about that, and how that will become an audit standard and something we look at going forward.

So I have lots more I can talk about, and we have another whole deck here. I can pull up slides, but you may have questions, so I'm going to stop right there and see if we have any questions. If not, I can dig into more detail if you're interested. Thank you. Yes, Neal?

MR. KELLEY:

Thank you, Mark. So are the states solely deciding on how that money is going to filter down to the locals or is there an opportunity for jurisdictions to apply directly for the funds, which I think the answer is no, but --

MR. ABBOTT:

So -- local jurisdictions cannot apply directly to us for the money. The eligible applicant is the state. Now, and I didn't mention this in the presentation, but we have a state plan process. We're encouraging all states to eventually update their state plans, but not in time to put together the small narrative and begin spending this money that's needed now. Not a year from now when

the state plan update would be done. So, we're encouraging states to find a way to engage with their stakeholders and with their localities about what their needs are. As we learn of local needs, people tell us all the time what they're thinking about, how they would like to access the money, we will share those back with the states and with anyone that's interested in hearing it on the website, so we can build a quick and fast library of practices and ideas around ways to meet Congress's intent with this money.

So, there's an opportunity, but you're going to have to make it yourself. If you're a locality, you need to talk to your state. We will encourage it as best we can, but we're not mandating any kind of process outside of them figuring out what their stakeholders, how they want to spend the money.

MR. DICKSON:

Jim Dickson. Two questions. Is all of the \$380 million under section 101, or some of it going out under other sections?

MR. ABBOTT:

It's all under section 101. There is some other sections after 101 that gives us other parameters for the money, but the money -- the use of the money is under 101. So, 104, for example, sets the small state minimum, 103 tells us some reporting requirements.

So, it's all -- but it's all under title one of HAVA.

MR. DICKSON:

And the second question is, to get the money, the state has to do a short narrative. We're going to beef up the security of our database. We're going to get whatever, new election machines or we're going to do this, that, and the other. Is that right?

MR. ABBOTT:

That's right. And a budget to go with it.

MR. DICKSON:

And a budget, but it's not a detailed process. I guess the third question, though, is if a state is going to buy new equipment, do they have to go through the state's budget purchasing – the state's purchasing requirements, or can they -- if you want to buy equipment, and your a state that's got a four-month process for bidding, then you're not going to be able to do anything in time for 2018.

MR. ABBOTT:

That is -- you will not be in time for 2018, and you will not get that equipment with this money. So, some restrictions we were able to loosen, like getting the money to you right away, beginning to spend the money now. Looking at match from a date earlier in the fiscal year. There's some of that we have flexibility on, but we're following the super circular audit standards from OMB. This is a grant program, and that requires the states to follow their state

procurement procedures, and frankly, I don't think we would ever want to blow that up. We need those safeguards in place.

MR. DICKSON:

I wasn't recommending you do it. I just wanted to lift that up, so there will be some states that just cannot act in time for this election.

MR. ABBOTT:

So we have states that are already in process with their procurement, and they will benefit from this prior to '18 in some cases. We also have a number of activities that we're starting to hear from that really will make a material difference in the security of the election processes in '18 where money can be deployed now without a long procurement process that you would have when doing a competitive bid for equipment.

So I think there will be some very tangible outcomes across the 55 entities that receive money this year, but you're correct, March 22nd was too late in the year to actually run a full procurement process.

VICE-CHAIR WINN:

Thanks Jim. Linda?

MS. LAMONE:

Linda Lamone. Maryland. You said you've already gotten some good ideas for implementation for the November election. Can you share what some of those good ideas are?

MR. ABBOTT:

Sure, we have one state that has 50 of their counties that have no IT director because they're so small, so literally the county computer systems are not protected by an over-arching plan or individual that's hyper aware and makes it his or her job to deal with security issues, yet those are the point of entry into the voter registration system, so there's deep vulnerabilities there. They recognize this, they're partnering with the National Guard, that is partnered with DHS, to go in and help those counties get ready for the '18 election. They want to know if they can use this money to support that partnership and that training activities, and of course the answer is yes, for example. Hi, Jeff?

MR. MCLEOD

Jeff McLeod National Governor's Association. Just a quick clarification. The FAQ seems to have different information from the grant guidance document about when states can charge expenses to, in terms of the start date. I think it says in the FAQ's effective date of the notification letter and the grant guidance document says March 23rd onward.

MR. ABBOTT:

So, it's March 23rd onward. So, the start of the grant period corresponds with what's on the notice of grant award, and we made that back to the day we got the appropriation.

MR. MCLEOD:

Okay. Sorry, this is I think Jim asked -- just to make sure I understand. Once they receive a letter, they can start to spend funds. All they need to do -- what is the -- has to be prior notification to EAC before that can happen. That's not the formal process -- the 2-3 page narrative.

MR. ABBOTT:

No, that comes later. What we need to get money -- let me back up one sentence here about this particular issue. The reason we did this is states have effectively administered \$3.2 billion in the time that the EAC has been -- prior to our existence over 18 years, and they did it incredibly effectively. Less than one percent of those costs were ever questioned in an audit and we've audited all 50 states, and much less than that was ever paid back or found not to be used correctly. So, pretty good faith in our partners going forward that we could start deploying this money immediately and then back up with the plan. So that's why we did that. But I lost your question --

MR. MCLEOD:

The question was once states receive the letter, what notification do they have to give you –

MR. ABBOTT:

They have to request the funds -- there's four or five data elements that we need. Some basic stuff, and this is in the letter -- I can share this when we're done here. They have to make sure their account is up to date, that they have a SAM number, which is a federal number, account they use to get the funds and a disbursement. They have to provide -- they have to attest that the money will be spent in a way, in accordance with title three of HAVA, and one other small thing they have to certify. And then they actually just have to request it. And so, once we get that letter back, we'll make sure that letter has all the right ingredients and we'll process the payment.

MR. MCLEOD:

Okay. Thank you.

MR. ABBOTT:

Takes about three to five days to review and process, assuming everything on there is correct. Linda?

MS. LAMONE:

You also have to open up a HAVA account. Banking account.

MR. ABBOTT:

So, everyone has a HAVA account now. That account at the state level is an interest bearing account. This money will go to that account. It can be comingled with 251 or earlier 101 money. What counts is how you report on it. This money will have a separate FFR, and you'll track your match and your FFR different from your old 101 money or 251 money, but it will go in the same account. If you want to put it in a new account, you obviously can do that. Yes?

MR. MOORE:

Will states who took steps that were section 101 compliant in '17 and '18 be able to get reimbursement, not states but localities, be able to draw down on some of these funds? I know that came up --

MR. ABBOTT:

Interesting question. Part of this -- a good part of this is going to be depend on what the state decides to do. There are many improvements that localities make every year to their election process that in and of itself is not sufficient to access this money. The state will set the criteria for how they want to spend this money, they'll share that with us in a plan and budget, and then they could allow reimbursements to the localities based on what they've said -- how they're going to spend the money. It would not be appropriate for example, to have the entire amount going to equipment, but

then reimburse a state for some training they did with poll workers to enhance security at the poll site. It's just off scope, and we're going to audit what they say they're going to do, so it would put the locality and the state in jeopardy in an audit situation. Comes back to that plan. Again, I know we don't have the plans yet, but whatever they do immediately would presumably end up in the plan.

MR. SCHOELLER:

Shane Schoeller, Senate Rules Chair. Quick question regarding the auditability in terms of after the funds are received. I'm still new. I wasn't there when the funds were initially implemented, but I've heard many election authorities, especially back in Missouri say, we didn't know what the audit requirements were going to be until well after, and then there was a lot of leg work to go back and try to put all that together. Is that going to be very clear and put forth at the very beginning so there's not this work that has to go back and figure out what should have happened?

MR. ABBOTT:

It's a great point, and you're absolutely right. In some ways it's kind of like back to the future. GSA sent out checks in the early early days, with just like here you go. And that killed everybody. Because the IG came back five, six, seven, eight years later to a

set of audit standards that no one knew was in existence, and it was ridiculous. It was not fair. It was arbitrary. It seemed very arbitrary even though they were just doing their job.

When I started at EAC in 2010, my first order of business was to fix all of that. We will not repeat that mistake. So, we'll be doing -- there's been a fair a turnover around the 55 entities that receive this money. They will get training and support, PowerPoints, we're available for questions. We're publishing the standards for how we're going to audit. We'll do everything possible to keep them out of harm's way when they spend this money as quickly and as efficiently as possible to secure the election. Other questions? Follow up? I'm personally around until tomorrow, I think mid-day, when I head back. And I'm happy to chat with anyone individually, go through any certain state-specific questions, more general questions, that would be great. Happy to help. So, thank you.

MR. DICKSON:

I have a question.

MR. ABBOTT:

Oh, I'm sorry. I missed that. Jim, I didn't see your hand.

MR. DICKSON:

Jim Dickson. Is the EAC going to be releasing a press release so that when the check goes to the state, the media and the state know that their state has received X dollars to make this election secure?

MR. ABBOTT:

I would say yes, and I would actually say – hold on a minute. We plan to do a fair amount of communication around the ideas and the fact that money is flowing out. I mean, part of this right is to show we're all working, you know, together into this to make a difference. And so people have to understand that there's money available. The states are actively figuring out how to use it, and we have a unique vantage point to look at that. I assume our communication department will be all over that.

MR. DICKSON:

If the communications department could notify at least me and I suspect the other NGOs who are here, we would certainly do our part to get that word out which would help build confidence in the fall's election.

MR. ABBOTT:

I agree. Also helps build the kind of dialogue we need that states need to be having as they figure out how to deploy this, and negotiate their own circumstances with their own state legislators and other folks that have ideas about the money. So, having the

election community and stakeholders engaged around this strategically as the money flows is very smart, and I think we'll definitely be on that. Thank you very much for your questions.

CHAIR JOHNSON:

Thank you, Mark. Just a couple summary points. One, I believe I saw quite a bit of interest in members receiving a copy of the explanation letters that Mark sent out to the states. Is that a fair statement? We'll make sure those get sent to the group. And then also, we can work with the -- Chairman Hicks on making sure that perhaps there's some announcement out to our members when states receive the money. Have applied for and received that. I think I saw some interest in you all knowing who those were, outside of what Jim mentioned in the press release. Now we're ready to talk about -- from grants -- we're ready to go to election security panel. I believe. As those members are making their way up to the podium.

MR. LISTES:

All right. Now for the last panel of the day onto a lighter topic, election security. But in all seriousness, we have one more panel, that is the election security panel. And I am joined on this panel by an esteemed group of individuals who I am excited to hear from. This panel has two goals. One, we want to talk about election security. and specifically we want to talk about the

Government Coordinating Council, critical infrastructure, and what that means for election security across the board. Two, we want to give you the opportunity to ask questions of the people on this panel, who have all had experience firsthand with critical infrastructure and the Government Coordinating Council, and have your questions answered.

So, what we're going to do for the format of this panel is -- I'm going to in a moment turn it over to Geoff Hale, and he's going to give us a short overview presentation of critical infrastructure and the Government Coordinating Council structure.

After that, we're going to move on to a moderated Q and A, and I'll kick things off with a couple basic questions, and I will continue with questions so long as no one else on the Board has questions. However, I would encourage everyone from the very beginning to use this as an opportunity to engage with the members of the panel, engage with our esteemed colleague from DHS and get your questions answered. So, please jump in with questions as soon as you have them. With that, I will turn it over to Mr. Geoff Hale, who is the Director of the Election Task Force at DHS.

MR. HALE:

All right. Well, I've only got four slides for you. Hopefully this is not a completely new topic, but 16 months ago then Secretary of Homeland Security Jay Johnson declared election infrastructure to be critical infrastructure. What that really meant is that there are 16 critical infrastructure sectors listed at the bottom of this slide of which he designated election infrastructure to be a subsector of government facilities. The concept of critical infrastructure program was really formed in 1996, and then revised with the Patriot Act when there were 14 sectors. Again, another -- the definition that's on the slide is modified from the Patriot Act.

The other large milestone there was in 2013. The revision of the National Infrastructure Protection Plan, or NIPP, which was charged by Presidential Policy Directive 21. Anyway, all those things are to say that we should -- that the Department of Homeland Security has responsibility for coordinating the information sharing for systems and assets across the country that are considered vital to the United States.

What this means are the benefits of critical infrastructure are really a soft sharing and facilitation. It allows you to work with the government in a manner that means security information won't be released through FOIA. We can't protect from state sunshine laws, but that's kind of on the other side of the table. We're able to give secret clearances. We are able to prioritize our assistance. I

certainly -- I mentioned that there are 16 critical infrastructure sectors, energy, transportation. So, when a power plant asks for our assistance, and then a mom and pop shop asks for us to assist with, for example, a risk and vulnerability assessment, we are able to say why we chose to help election infrastructure or the power plant over the mom and pop shop. That gives us the ability to prioritize internal.

I've mentioned the ability to have candid and frank discussions on vulnerability matters, and that's due to CPAC protections. There's also different types of protections called protected critical infrastructure information. All that stuff is to say that as much as legally possible, when you share information with the government, we keep it private. We (inaudible) everything we can. We keep as much of it private as is legally permissible.

The last element is that being a critical infrastructure sector establishes an ISAC, an information sharing and analysis center. And the function of these bodies -- where I work receives billions of indicators over time. Of cyber threat indicators, signatures, evidence of malicious cyber actors, and to just send these to you directly would be to do you a disservice. You wouldn't know which ones are important. So, there are these bodies which filter these and identify what is relevant to each individual sector.

The designation does not impose any federal regulation or requirements. I think we have been at this long enough you've seen DHS has not taken over. It does not give us any particular authority. It also unfortunately does not give any funding, and does not require any use of our services, as much as we would like that.

Lastly, just a couple items of note. The Department of Homeland Security is the sector-specific agency for this new sector, although we rely very heavily on the expertise of the EAC, this critical infrastructure designation has established coordinating councils to facilitate that frank information sharing. The Government Coordinating Council, of which you'll hear a lot of, also has EAC on it, as well as NIST is a heavy participant. These allow us to have frank risk discussions. The other element is DHS. I mentioned the EI-ISAC, information sharing and analysis center. As the sector-specific agency, DHS is funding to date the election infrastructure information sharing and analysis center through the multi-state information sharing and analysis center. We do this recognizing that unlike other sectors, which may be more cash heavy, for example, the financial sector doesn't need our assistance as much as state and local governments might to pay for this information sharing body, which really adds a cross-state situational awareness. Those are the slides I have. I guess we could start with questions.

MR. LISTES:

So, thank you, Geoff. We've assembled this panel of members of the Board as well as Geoff with the purpose of giving you both the perspective of what critical infrastructure is and what it means for security. But also, to give you some insight as to members of the Board's experience with critical infrastructure and the councils themselves. But I think before we can get into that, we need to answer a couple of basic questions. So I'll pose a couple questions to you, Geoff, and then I'll try to get the rest of the panel's perspective on it as well.

And what I want to do first is knock out a couple of basic terms, so we're all starting on the same page. Geoff, we'll start with you. We've got critical infrastructure, and then we've got these councils. There are two councils, the GCC and the SCC. What are the councils and what do they do?

MR. HALE:

With this particular sector, we find it unique compared to others. In all of our critical infrastructure sectors, we have a Government Coordinating Council and a Sector Coordinating Council.

The Government Coordinating Council is made up of the government agencies, typically federal, that support -- that have some role to support the private sector critical infrastructure sector.

This means in other sectors the owners and operators of critical infrastructure in the SCC, the Sector Coordinating Council, this flips that on its head a little bit and the owners and operators of much of the critical infrastructure in the election infrastructure sector are the government, are within the Government Coordinating Council. So, the sector has formed around having state, local, and federal representation on the Government Coordinating Council, and established a community of vendors within the Sector Coordinating Council. I don't know of another sector that quite has this dynamic between the two.

MR. LISTES:

So, when the councils are brought together, what do they do?

MR. HALE:

The point is to discuss risk and risk management practices going forward. It's not necessarily at a granular technical system level risk, but that can happen. It is to move the discussion for the sector of how incidents should be communicated, what type of information would benefit the sector, what would benefit the private sector, what would benefit the government officials, and to begin to establish and move the community forward in that direction.

MR. LISTES:

So, one last question, and then I want to turn it to the rest of the panel. What's the benefit of all of this? You talked about some resources, you talked about some priorities. To the people in the room, and the people who they represent, what's the two big takeaways. What has been -- are the benefits of going through all of this?

MR. HALE:

Well, I would say a body like this enables the challenges of 2016 to not happen again. We now are not introducing ourselves in the midst of an adversary trying to sew chaos. We've met the -- the DHS has now met the community, and is able to share incident information more appropriately. And so, this is kind of the goal going forward.

MR. LISTES:

So, I want to turn to the rest of the panel, then. If you could, tell us what your experience has been with critical infrastructure and the councils themselves, and tell us what your perspective is on it. Have you found it to be beneficial and have you -- do you see a beneficial way moving forward, or else wise. Michael do you want to start?

VICE-CHAIR WINN:

Michael Winn. I represent Travis County. I'm a local election official. So, for me the benefit of the GCC is to get the information and to understand all the acronyms. You know, first of all, as a local election official, you're bombarded from these folks with a lot of acronyms. So, I thought what was very helpful to me was the overview and the understanding of all the acronyms.

I come from a county where there are 254 counties. And so, my concern is how does that information get filtered down, disseminated to local election officials. So, what this has done for me is allow me the opportunity to understand the process of critical infrastructure and how it all intermingles, and all works together. My concern is how someone in a small rural county is getting that information. And I always tell my staff when we're working, if you have a problem, please come with a solution. And so, for me the solution is if I have 254 counties that are within my state, I think the very basic critical way to get information down is probably through the state associations. And we do have those meetings. I would like to see the possibility of GCC or DHS come to those state meetings, and maybe be a part of those programs to inform other jurisdictions about what they're doing. And so, I see it as a benefit, but also, I see it as a hindrance. And so, I don't know if we've quite

gotten there yet. But I think we need to kind of continue to do the work in that regard.

MR. LISTES:

Sarah, would you like to give us your perspective?

CHAIR JOHNSON:

I think my perspective initially was -- just for some other history, the EAC brought state and local election officials together from the various organizations of election officials to meet and get to know the DHS people. And to really start that education process. So, for me, the first couple -- the first couple of meetings we had was the EAC in charge, and then turned it over to the Department of Homeland Security and actually formed the GCC.

To me that was the benefit because we as -- we had a lot of the same questions and reactions I'm sure you had initially, about they're going to do what, is this a federal take over, and we had a lot of those questions. But it was a forum for election officials to honestly talk with DHS and answer the questions and help them understand the difference in state and local elections, how they were formed and where the federal government and EAC fits into that.

To me that was extremely helpful. And getting on the same page, and helping. Not only did we learn the acronyms, which Michael mentioned, because there are a lot of them out there, but

also I think, I hope, helped DHS understand the election world and to be able to speak our language a little bit more.

And then I think it also helped us to be able to take that information back to our individual associations we were representing, and specifically back to our county and/or state organizations about work being done and to see some progress. It's an ongoing project, but to me it's the education on both sides about how it works.

MR. KELLEY:

So, Neal Kelley, I represent Orange County, California as the chief election official there. I want to echo what Michael and Sarah both said, but add a little bit to that. But I'd like to tell you a quick antidotal story from March of 2016. I'm not telling you anything that's classified, so just want to put that out there first.

I received a phone call from the FBI in March of 2016 and they said we'd like to meet with you right away. When they call and say they want to meet with you your ears perk up. What they indicated to us were that there were a series of IP addresses hitting our network from IP addresses through the Ukraine and Russia. And they asked us to scrub our system against these IP addresses and low and behold, several of them came up. And from that moment on, I realized it was a paradigm shift. We were in new uncharted territory for what we were doing. When the GCC formed

it all started to come together for me because we started to understand the risk. I think it evolved a little bit more for us. And to what Michael and Sarah said, it was bridging those gaps and building those relationships and collaboration was really important.

I do want to also add to what Michael said about the rural counties. In California we have one of the largest counties, Los Angeles, ten million people, and one of the smallest at under a thousand people. There's a real division between those sizes. What's important to me is I do want to get the information to the rural counties. That's important. But if that's our weakest link, if there's a vulnerability in that network, then you have a potential intrusion into the statewide system which could affect a county of ten million people in Los Angeles. So, even though there's only 27 members on the GCC, I think it's super important for us to continue to push that information out and down to all local election officials. A daunting task given that there's only 9,000 of us.

MR. HATCH:

So, I got involved about a year ago when I came to an EAC panel, which was let's bash on the DHS because you guys are in trouble. And the first couple of meetings that we had as we were trying to form this GCC and talking with DHS, it was pretty -- EAC and the state and local officials were pretty frank with DHS as far as displeasure and distrust, and to their credit DHS has come a long

way in improving their communication and understanding the unique nature of the elections world.

I think the two big benefits that the GCC and this critical infrastructure designation and working with DHS provides us, it's really two things. It is resources and communication. As far as resources, I think of the DHS as a rich uncle. That if I'm in trouble or if I'm in need, I can go to them. They've got deep pockets from a resource perspective because they've got the specialist who can monitor across the globe. I don't have that in my county. And so, I can go to them and they can, even though they live in a different state, and even though they have their other people that they have to take care of, I can go ask for help and they will provide that. It's very comforting to know that I can access that level of deep expertise in most cases at no cost. That's the resources side, a huge benefit.

On the communications side, this EI-ISAC and GCC and what we're working on, it's super important that we talk to each other. And it's great to see state, local and federal folks in the elections world and cybersecurity communicating both directions. And to see states communicating together now across states on cyber specific incidents and issues. I don't know that's really happened on a large scale before, so I'm grateful that's coming together.

The challenge we face I think is like what Michael talked about. We've got almost 9,000 election officials out there. Many of which -- most of which are in these small areas that don't have an IT person at all, let alone a cyber person. And we need to somehow be able to push or offer information, so they know what resources are available, and what practices -- best practices are out there to help them with their networks, which in turn helps secure the entire infrastructure. That's a big challenge. We're working through that on the GCC to try to come up with a best way that doesn't force feed, and doesn't overwhelm the local folks, especially the smaller ones. But at least gets them aware and makes them hungry for more resources that their rich uncle can provide.

MR. LISTES:

So, I want to stick with that topic of resources. While I do that, I want to remind everybody if you have questions, please do raise your hand and jump in when you have them. But on the topic of resources, we have a little bit of overlap between this and our lunchtime speaker. Neal, one of the things you said at lunch, you've requested resources. Can you tell us about that? What was your experience like and what did you request?

MR. KELLEY:

Sure. So, we have requested cyber hygiene as well as physical inspections of our buildings, and DHS has accommodated us on both of those. You would be surprised, I think. You think in a large county like we are in Orange County that our buildings are secure. They come in and tell you where they're not secure very quickly. And chain of custody of ballots. It all comes into play into all that design and process. That's been very helpful for us.

And DHS, the tools they provided on the cyber side have also been very helpful and enlightening. We're also working with the National Guard in addition to DHS. They have a robust cyber program as well, in combination with both of those. It's been very helpful. In addition to that, as Ricky mentioned, the EI-ISAC through CIS has a monitoring system called Albert, which is a network monitoring system to detect intrusions, and also not just detect intrusions, but provide remediation for those intrusions and we're installing that on our system very shortly. So, there's a number of resources we've taken advantage of.

MR. LISTES:

So, Neal, I want to spring board off something you said. Breaking down the different types of resources. I'll turn this to Geoff. This isn't just cybersecurity, is it? We talk a lot about the cyber side. If I'm not mistaken, there's a physical side of it as well.

MR. HALE:

That's correct. Actually, Bob Kolasky, who spoke at lunch hour oversees the entire infrastructure protection side of the house within DHS, which is our physical security side. I'm nested within the office of cybersecurity and communications and the election task force, which I lead and is one of the first efforts to really try to bridge the gaps across physical and cyber.

MR. LISTES:

Jim, did you have a question?

MR. DICKSON:

Jim Dickson. I had two. For somebody who's not very detail -- doesn't understand the detail, when Neal just said in effect not only come in and tell you there was a threat, but they tell you here's the remedy. What does that mean? You detect a threat. The Russians are trying to get at your database. So, the remedy is what, so they can't do it?

VICE-CHAIR WINN:

Well, you know, that's a really good question, Jim. I just -- I'm part of that same process that Neal talked about with the amber alerts and also the MS-ISAC team. When they detect a threat, what it's done for me is made me very chummy with my state IT person and my local IT person. And one of the threats they detected that I saw was through an app that people used. And an

app like Waze which gives you directions to different parts of the city and they say it will tell you they detect a threat here, so what you need to do is if you are associated with that, they list individuals who are within your organization who may have that app, and tell you to change those passwords. They'll tell you to look at some of your processes if you're using those processes within your jurisdiction. So that was one way.

MR. DICKSON:

That was very helpful.

VICE-CHAIR WINN:

And others may have some comments on that as well.

MR. YAKI:

Do they tell you what Facebook app to change?

MR. KELLEY:

Neal Kelley. I wanted to add also real quick, that when they provide that information on the threats and they're also looking at the vulnerabilities, they provide some specific assistance in that regard. I want to tell you this one on the street example, right. So, with the patch management system that we had in place in Orange County, which is very robust, they showed us ways we could improve that patch management system. And it's those small nuances that can really continue to build that ring of security and protect your systems. Bob Kolasky made a really good remark at

one point, and said it's not fair to let Orange County go up against the Russian federation all on their own, and I thought that was really an appropriate comment, because -- yeah, because they've really helped us to continue to --

MR. DICKSON:

You can lick 'em, come on.

CHAIR JOHNSON:

I will also say that one of the things we learned in Colorado Springs and Colorado was we had -- we were already members of the MS-ISAC, but we were not using the Albert monitor. Our IT division had a different company that they were using to monitor web traffic to see if there were threats to any of our networks in the city. So, one of the things that after I came back from the GCC -- a couple of GCC meetings, I met with our IT staff in the city and they went back and talked to MS-ISAC about the Albert monitor. And they ran some comparative tests over a period of time, and found out that this particular monitoring system that we had used and paid a fortune for was not nearly as good as the Albert monitor, for example, which is through the MS-ISAC. That's an example of something that helped us. Not only the in just the election division, but the entire city as a whole.

MR. LISTES:

Geoff, I know you're leaning in to start an answer. I'm hoping that when do you, you can also break down really what an Albert is as part of your answer.

MR. HALE:

So, Albert sensors, to use a physical analog, would be like putting a camera on the street towards your house. And that camera would be aimed at seeing the license plates of the cars coming forward, and in this hypothetical, somebody's kept track of all of the malicious vehicles, all the vehicles that a bad guy might drive. Here, if when an Albert sensor sees a license plate of a known malicious actor, it not only can tell the person whose house is down the street, it can also highlight this for situational awareness across the other states, and say if you see this license plate, lock your doors. So that's the threat side of the house that an Albert sensor provides.

We also do vulnerability scanning, which is quite complimentary, but it would be like looking at the -- from the outside at a picture of your house and telling you, do you know that your windows are open or not locked or -- all these things that allow for access that you may not be aware of. On the physical side, it seems intuitive but it's a lot harder to look at in digital space.

MS. LAMONE:

Linda Lamone from NASED. Neal, you just mentioned that DHS gave you some good advice how to improve your patch program. That will be something that would be useful to be shared with other people. We also have what we think is a rigorous one, but -- so, just a suggestion.

MR. KELLEY:

I think it's a good suggestion. I would be happy to share with you, Linda. I think because each network, and Geoff, maybe you can chime in on this too, is uniquely managed and constructed, may not apply the same across the board. I'd be happy to share with you what they told us.

MR. HALE:

And part of the goal is to work with the GCC to identify some of those higher level best practices. Patch management can be highly dependent on the systems you employ, but you can take a couple steps back from that and start to work that into your contract language and build the requirements for effective patch management that way. That's one area where potentially the GCC might be able to provide guidance.

MR. LISTES:

Geoff, can you also go into I think one of the points that Linda brings up, is there are some resources that people are

hearing about that they would also like to take advantage of. Can you go into the process of getting a hold of those resources?

MR. HALE:

There's a catalog of cyber resources out by the water cooler if you have not seen this, in digital or physical copy, and some other form. I encourage everybody to take a look at that and feel free to take them. The main way to request services -- each one has an email address, and that will just begin a discussion. What I would -- the services will range from in depth vulnerability scanning, external dependencies management, that was pertinent to one of the questions for Bob Kolasky earlier. That's the type of assessment that would say your implementation of third party ballot programmers is a vulnerability here. And so, we have different types of assessments that can work for different aspects that you're looking to learn about. And that's all on the cyber side. There's an additional set for physical.

MR. LISTES:

David, I saw your hand up.

MR. BEIRNE:

David Beirne, Federal Voting Assistance Program. I was curious with all of the discussion about resources, grants, is there an opportunity for the state and locals to leverage DHS to come in and help them not only do an assessment but also understand how they

can package an application for resources from a commercial space? I know you guys can't endorse products, but things that can help them shore up versus just putting a body behind a desk to do -- maintain due diligence. What's that look like, or is that something -- that's one of my big concerns, there's confusion between cyber and voting systems. Not to say one is more important than the other, but they are definitely different in terms of threat factors and things of that sort.

MR. HALE:

So, it's nuanced as to what DHS can do, but we can also turn to the GCC to speak to the sector as kind of -- and have a two-way communication in that manner. One of the things that we can do is help to provide guidance based on the vulnerabilities we've seen. We've done -- it's certainly not a statistically significant amount of assessments, but we have started to see trends in the assessments that we have performed and things like data disclosure, spear phishing, unsupported operating systems, patch management practices. Insecure default configurations are trends that you start to see across stakeholder to stakeholder that we can put guidance out and use some funds towards those functions would probably be a smart move.

VICE-CHAIR WINN:

The question I have, because I had a DHS representative come a couple weeks ago, and very nice, and did some of the very same things that he did with you, Neal, and he talked about physical security and some of those things. One of the questions I asked him was of the \$380 million that's available to the states, could they make recommendations on security processes that would ensure that you were safe and secure. And the answer was yes, but now that I have a DHS representative here, is that true?

MR. HALE:

DHS is not going to, to my knowledge, make any recommendations for the money that now would -- if the sector wants to put out a document, we would work with the sector to do so.

VICE-CHAIR WINN:

Okay. Okay. Thank you.

MR. LISTES:

We had a question over here. Jim, you're next.

MR. RITCHIE:

Mark Ritchie, Senate Rules Committee. I want to add that DHS, we had them for over a year in Minnesota for the hosting of the super bowl, and it is incredible the amount of federal resources available at least for that part of our critical infrastructure. And I

think people have been shy a little bit about federal resources and whatever, but it is -- it was a miracle, but it was a very, very large expenditure by the federal government, you know, for securing that particular event, and it just is a reminder of the skill and expertise. And for cities that are hosting large events, DHS's role will be very big, and maybe there's some ways to get some cross-benefit or at least some more public awareness of other DHS contributions. Huge contributions to our communities.

MR. LISTES:

Thanks Mark.

MR. DICKSON:

Jim Dickson. The disability community -- we were trying to convince Congress to come up with the \$380 million, as did a lot of the other organizations in this room. It was a difficult job, and I'm wondering -- I have something I want DHS to think about, which would be for you to reach out to the state legislatures and county council organizations and the governors' associations and start to educate them that this question of security isn't going to be fixed by \$380 million. The local election officials, when they have to go after their budgets, it's a difficult task, because it's are we going to get a new firetruck, or will we add five policemen. And I think it would be very helpful to public dialogue if DHS would look at educating the state and local officials who control budgets, so that we can start to

build an understanding that this is going to be an ongoing expense, and you can't always rely on the federal government to pony up all the money.

MR. HALE:

I think that makes sense. I do want to point that Secretary Nielsen has in her recent testimony said this is one of her top priorities, and sees as a vital national interest. I don't know if we get down to dollars and cents, but we're certainly on board with this needing to be funded.

MR. DICKSON:

Right. I mean, maybe not providing, you know, budget estimates, but getting state legislators -- a (inaudible) we work with a lot of state legislators around the country, or give us some general information. These services sound wonderful, but I have no idea what they would cost for somebody to come in and do a physical assessment of how secure your building is. Some document that would give both advocates and election officials information that when it's budget time, we can be talking realistically about the kind of resources it will take to keep our elections secure.

MR. HATCH:

If I can add kind of a side note to this. I was happy to hear about the \$380 million dollars, but I want to make sure that the public and lawmakers know that to have a secure election

infrastructure, money isn't the panacea. I actually think the most important way to combat cybersecurity is a mindset. The tone at the top. Security mindset that trickles through the entire organization, all the way to the citizens. That we have to think with our security caps on as we do everything. We can have a million Albert sensors, which are awesome and fantastic training, but if I click on a link in my email without thinking about it, it could throw everything out the window. And Google -- the defending digital democracy project, they put out the top 10 cybersecurity tips on how to secure your election. Six of the ten don't really involve technology. It's behavior, don't click on unknown links, make sure your patches are current, a lot of how to address spear phishing and things like that. I think it's crucial to keep that in mind, that yes it will cost a lot of money to have the resources implemented, but there's a lot that we can do that doesn't cost money, and I think the biggest thing is to educate and change the mindset, not just of election officials, but the people who approve their budgets and of the public in general.

MR. LISTES:

Thanks. I think we've got time for two more questions. And we'll go...Shane and Gregory.

MR. SCHOELLER:

Shane Schoeller, appreciate your comments this afternoon. And last night I got to my hotel room and noticed a headline that in (audible) Afghanistan there was a voter registration center that was bombed and 31 people died. And a lot of people may not know this, but in an election in California a gun man walked into a polling location, and I believe two people died at the hands of the gun man. It was on USA Today. I happened to catch that come through on my phone that night of the election.

One of the things that I'm very much about the election security, especially on the front end on voter registration and not just the back end, and I talk about this constantly. But what is DHS doing to help make sure that on election day, especially during major elections, these soft targets in terms of what's happening across the nation, that we have some measure of protection as local election officials to be informed about that. Is that activity that they're monitoring?

Because I do think, that as folks who participate in terrorism and those activist groups do that, as we continue to tighten down and continue to make advances, they're going to come after the very, I think, strength of what allows freedom to flourish across the world, and that's elections. So, I think it's something that we cannot underestimate. You know, fear and chaos is what creates

uncertainty in the mind of the voters. They may say may it's not worth it. I certainly hope that never happens, but I don't think we can turn a blind eye to it either.

MR. HALE:

One point to that is when Secretary Johnson made the declaration that this was critical infrastructure, it was not simply the cyberinfrastructure, it was of the physical polling places, physical systems themselves. And so, we have charged the intelligence community with collecting information on any threats to the physical or cyber aspects of these systems, and we're committed to sharing that if we know anything. The protective security advisors, which have done the building inspections, there's more than a hundred of them located in the field. They're not going to do any day of defense, but they can certainly help with the assessments and identification of vulnerability and practices that can help you to secure soft targets, mass gatherings, et cetera.

MR. SCHOELLER:

And I think one of the things that concerns me is I've seen two popular TV shows now using elections and the threats on election day in their scenarios, and unfortunately, I think that gives ideas to people that may be on the fringe. That's another reason we need to keep it in mind. Thank you.

MR. LISTES:

Gregory, next. Richard, just to save your arm, we'll get you after Gregory.

MR. MOORE:

Thank you. I just know that there was a lot of bills in Congress before this 380 came, and we're happy to get it but there's a lot of us in this audience who are representing those committees on Capitol Hill, House and Senate, both sides of the aisle. And so, any comments the panel wants to make about the importance of that other legislation that's still floating out there that had money attached to it, but now that the money is pulled out it may take away the perception of the necessity for that federal legislation that would help provide some of the things we were talking about. Anybody who wants to address the other lingering federal initiatives out there to help secure the elections?

MR. LISTES:

I'd love to turn that question over to our local and state election officials to hear their perspective.

MR. HATCH:

One of the big ones is the Secure Act. At the intro today, they talked about the Deter Act. Those -- it's kind of hard. Any time you get the legislature involved sometimes cookieness comes in. I don't know how to explain it. Sometimes they want to do things we

don't actually want them to do and actually harms the intent of what we're wanting. So, the good thing is that lots of election folks looked at these and have actually been back to D.C. and talked about some of the writers. It's important to help ensure that good principles stay or are injected into this legislation, because back in D.C. quite often they feel the solution to our issues can be done at a national level and sometimes at just a state level, when in fact it really does need to trickle down even to the local election level.

Now I'm rambling, but I think the importance is that we maintain communication with them. I think that those legislative items are good and healthy to have a discussion to continue the awareness, and they do provide some additional things just as long as we're careful it doesn't federalize the elections process or insert higher levels than it really needed.

MR. KELLEY:

Can I add. Particularly the Secure Act had provisions for creating a body that would help oversee this infrastructure. That's already created with the GCC through DHS. There was a lot of push back on that because these collaborations and partnerships have already been built. So just to Ricky's point.

CHAIR JOHNSON:

I think there are a variety of bills. Obviously, I represent a member in Congress, too, who has recently asked my opinion. I think there's some good pieces, I agree, with Neal, we don't personally, this is just me. I don't think we need gigantic Boards created to oversee at this stage. I would personally like to see this new money, the grant money that Mark just talked about. I would like to see how the states use that money. Basically, step back a little, go ahead and have the dialogue, that's my opinion, and then just see how the states utilize those resources, because the local election officials in the states too, but mostly the locals are the boots on the ground to use that phrase, and they've already been adapting as well as and quick as they can, and the money is going to change that. So, I would definitely like to see the reaction and what happens with those grant funds for a little bit of time before we perhaps go get more money, or go down the road of creating some of the big committees and more structure.

MR. LISTES:

Michael, anything to add? So, we'll just move to the last question then because we are out of time. Richard?

MR. PILGER:

Richard Pilger from DOJ. So, I just wanted to anticipate my remarks tomorrow a little bit in response to the question about that

the shooting in California. Just to set the expectation, the federal government will not be conducting any armed presence to protect you all at the polls. That's against the law. But we are watching. So, the shooting that you talked about, I heard about that in real time from FBI (inaudible) as it occurred. It was actually a couple blocks away. And we are doing task force work which I'll talk about more tomorrow with our state and local counterparts in law enforcement as well as our FBI HRT and so on to deal with any kind of terrorist incident that might occur within the law, and quickly and appropriately.

MR. LISTES:

Thanks Richard. Ok, so one last question to wrap us up. For every member of the panel, what are one or two things you wish you knew as you got into this topic of critical infrastructure and elections as part of it. We've got a great representation of people who have been through the process from both sides. What's one of the -- one or two things we're missing in this conversation. The one or two things you want people to know as they get into it. Michael, start with you and work our way down.

VICE-CHAIR WINN:

I think communication for me is probably the most important thing. And getting that information down to local officials without jeopardizing the whole program.

CHAIR JOHNSON:

I think one of the things that I -- in the first few meetings sat through with the EC started the discussion before we got the GCC. I wish I knew more about the tech world, and I think that's a lot of the election officials are coming from that realm and citizens in general. You know there's an internet, you know how to do your things but you don't know the intricacies of the dark web and those kind of things. You're not as familiar with those and so, sometimes you miss the nuances and discussions in the papers you read. You miss those nuances, so I always wish I knew more.

MR. KELLEY:

I think the information sharing and the ability for the detection systems. I've learned quite a bit of that over the last year. While we have been here today, our system in Orange County will be scanned about 20,000 times from IP addresses that are mainly overseas. So, this is not a threat that's going away. It's increasing.

MR. DICKSON:

20,000 times?

MR. KELLEY:

Yes.

MR. DICKSON:

In a day?

MR. KELLEY:

Yes.

MR. DICKSON:

Wow.

MR. HATCH:

I wish that I knew a way that we could create hunger at every local election official's level. Hunger for more information and more resources that DHS and others can provide. If we can create that hunger locally, they will reach out to state associations, to the DHS, the EI-ISAC, and that will greatly strengthen the infrastructure as a whole.

MR. HALE:

Yeah, what I currently -- I'm trying to deal with is we've established decent relationships at executive level and state election director and with the GCC and with some local officials, but the numbers are for EI-ISAC we've signed up about 500 jurisdictions. And when you consider the full -- that this is really just signing up to receive an email about threats to your potential -- to your system. I do not understand why it would not go even farther. So, I'm still looking for that way to reach more locals.

MR. LISTES:

So, with that it, I'll make one final plug for the EAC's resources in this area. The EAC is continually putting out

educational resources on critical infrastructure, as well as cybersecurity. We have a whole section of our website that's dedicated to it and resources, like dictionary of commonly used and commonly defined cybersecurity terms, as well as a white paper and ongoing blog posts and videos and presentations as well. With that, I hope you'll join me in thanking our panel and thank you all for your time. (applause)

CHAIR JOHNSON:

Thank you all for that interesting panel. I hope you all found it interesting. So now, we're at the time of the miscellaneous announcements and business. So, one quick thing I will say is in looking at the agenda tomorrow, we do have -- breakfast is from 730 to 815 in the room, looks like where we had lunch -- that room. And then we do have some welcome -- we're going to have the new officers, the official handoff, and then just to let you know on the agenda we have committee reports at 830 and then we VVSG continued at 915.

So, you've basically heard from our two committees, kind of off and on. We'll get a resolutions committee report again in the morning, the VVSG committee. Neal will be probably giving his update when we bring up the resolution. So, other than that, there really aren't any other committees. So, I believe if everyone is agreeable, that we might be able to move some things up on the

agenda. We'll see how it goes in the morning, but it's really important if we can make sure everybody tries to definitely get here at 815, so we can get moving through the agenda, and we might be able to move some things up. I know some of have you flights earlier in the afternoon that would like to get a little extra time at the airport also. But I do want to make everyone aware of, we have -- by doing that, if we do away with those couple things, that gives us extra time to talk on resolutions.

As you know we have several resolutions, and I want to make sure we have some good dialogue and everybody gets to comment or suggest amendments and those kind of things. So, homework assignment for the evening is to read through the draft resolutions that you have, go back and see if you have anything, any questions. Feel free to get with the originators of those draft resolutions too with any questions, or feel free ask any of us or your fellow members on that. But let's come in tomorrow prepared to move forward or not, depending on the votes on those resolutions.

Does anybody have any other questions, or any other comments on anything that they would like to talk about before we adjourn for the day? Case we're missing anything? Is everybody ready to go out into and explore Coral Gables? Okay. Great. We'll see you -- yes, Bert says we have something.

UNKNOWN:

The front door is not secure. The one outside, until like 10:00 o'clock at night so you can leave your folder and stuff, but any kind of computer stuff [inaudible].

CHAIR JOHNSON:

Okay. Great. We'll see you guys tomorrow morning.

(Meeting adjourned)