

Meeting Minutes
United States Election Assistance Commission
BOARD OF ADVISORS MEETING
April 23-24, 2018
Hyatt Regency Coral Gables
50 Alhambra Plaza
Coral Gables, Florida 33134

The following are the Minutes of the United States Election Assistance Commission (“EAC”) Board of Advisors held April 23-24, 2018. The meeting convened at 8:44 a.m. EDT on Monday, April 23, 2018, in Coral Gables, Florida at Hyatt Regency Coral Gables and adjourned on Tuesday, April 24, 2018 at 12:05 p.m. EDT.

Monday, April 23

Call to Order

Chairperson Sarah Ball Johnson called the meeting to order and welcomed everyone to Miami.

Pledge of Allegiance

Vice-Chairman Michael Winn led all present in the recitation of the Pledge of Allegiance.

Roll Call

Secretary Michael Yaki called roll for the Board of Advisors and found present himself, David Beirne, James Dickson, Sarah Ball Johnson, Marc Guthrie, Ricky Hatch, Daniel Ivey-Soto, Neal Kelley, Linda Lamone, Sarah Ball Johnson for Connie Lawson, Alysoun McLaughlin, Jeffrey McLeod, Gregory Moore, Sachin Pavithran, Richard Pilger, Gary Poser, Donald Mark Ritchie, Shane Schoeller, Barbara Simons, Philip Stark, Patricia Timmons-Goodson, and Michael Winn.

Secretary Michael Yaki declared a quorum was established.

Welcome Video from Congresswoman Ileana Ros-Lehtinen to the Advisory Board of the United States Elections Assistance Commission.

Welcoming Remarks from the EAC Commissioners

EAC Chairman Thomas Hicks welcomed the Board of Advisors members to Miami and thanked everyone for their dedication to the EAC Board of Advisors.

Chairman Hicks mentioned the challenges election officials have faced in recent years and that insight about these issues from the Board of Advisors members serves as a key resource to the commission. He talked about the public hearings, workshops, round tables and meetings that the EAC commissioners conducted in 26 states across the country in 2017 in order to expand resources to election officials and voters. Chairman Hicks also provided a detailed synopsis of the 2018 EAC Summit that was held on January 10th in Washington, D.C., which highlighted a spectrum of issues that state and local election officials will face as they work to administer a secure, accessible, and efficient 2018 Federal Election. Attendees heard from keynote speakers and expert panelists who addressed topics such as election security, voting accessibility, and how to use election data to improve the voter experience. He also gave examples of the tools and resources that the commission provided to election officials at the summit to help strengthen their ability to serve millions of American voters.

Mr. Hicks expressed the EAC's commitment to making the \$380 million in 2018 HAVA election funds available as soon as possible to support election activities to approve the administration of elections.

Mr. Hicks expressed his appreciation for all members of the Board of Advisors and introduced Vice-Chairperson Christy McCormick.

EAC Vice-Chairperson Christy McCormick welcomed all in attendance to Miami and expressed her appreciation for their presence and dedication and for their on-going hard work. She further expressed the importance and great value of the Board of Advisor's perspectives and advice to guide the commission in their decisions to best determine where to concentrate efforts in the election community going forward.

Vice-Chair McCormick explained that the commission needs to be on guard for any possible attempts to interfere with our elections and our democracy, and they are now required now to review everything with an eye towards security. She expressed the EAC's desire to support and assist in any way they can to help with all the important tasks for this coming year, and that the commission is looking forward to hearing the perspectives of all those in attendance. She thanked the staff for their hard work in organizing the Advisory Boards' meetings in Miami.

Introductory Business:

Adoption of Agenda

Chairperson Johnson called for a motion to approve the agenda as submitted. Gary Poser made the motion and Mark Ritchie seconded the motion. Chairperson Johnson called for a vote. The motion was carried.

Approval of Minutes

Chairperson Johnson called for a motion to approve the minutes from the May 23-24, 2017, meeting of the Board of Advisors as submitted. Gregory Moore made the motion and Barbara Simons seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

Overview of Bylaws and Proposed Amendments

Chairperson Johnson reminded everyone that all members received a series of emails between December and early January to review the current bylaws and submit any proposed amendments. She reported that no proposed amendments to the bylaws were received as a result of that request. She further asked if any member present wished to propose an amendment to the bylaws at this time, and hearing none, she reported there are no proposed amendments to be considered at this time.

Procedures to Fill Executive Board Vacancies

Chairperson Johnson provided an overview of the history, terms, and procedures for electing new Board of Advisor officers. She also detailed the job description and responsibilities of the open position of the Board of Advisors Secretary. Ms. Johnson announced that Gary Poser, a member of the Board of Advisors representing the National Association of State Election Directors (NASED), has requested to be considered for the position of Board of Advisors Secretary. Ms. Johnson asked for any other members interested to come forward for consideration.

Chairperson Johnson called for a motion to nominate Gary Poser as the named candidate for Secretary of the Board of Advisors. Neal Kelley made the motion and Alysoun McLaughlin seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

Chairperson Johnson called for a motion to nominate Michael Yaki as the named candidate for Vice-Chairman of the Board of Advisors. James Dickson made the motion and Philip Shark seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

Chairperson Johnson called for a motion to nominate Michael Winn as the named candidate for Chairman of the Board of Advisors. Michael Yaki made the motion and David Beirne seconded the motion. Chairperson Johnson called for a vote. The motion carried unanimously.

In Memory of Wendy Noren

Several members shared personal stories in honor of Wendy Noren, recently deceased Boone County Missouri Director.

Resolutions Committee Appointed

Chairperson Johnson announced the appointment of a Resolutions Committee with appointed Chairman as Michael Winn. Michael Yaki volunteered to join as a committee member. She encouraged all present with a resolution to confer with the Resolutions Committee.

Introduction of New Members

Chairman Thomas Hicks performed the official swearing in of the new members to the Board of Advisors. (Members names were not announced).

The Board recessed at 9:15 a.m. and reconvened at 9:41 a.m.

Federal Advisory Committee Act (FACA) Responsibilities and Role of the Board Under the Help Americans Vote Act (HAVA)

Clifford D. Tatum, EAC General Counsel, presented slides explaining that the Federal Advisory Committee Act (FACA) is the framework in which the Advisory Boards operate. The EAC Advisory Boards were created by the Help America Vote Act (HAVA) to assist the EAC in developing the Voluntary Voting Assistance Guidelines (VVSG), reviewing and participating in creating best practices recommendations for the EAC, and to review the absentee voting processes and procedures for overseas and uniformed voters.

Mr. Tatum explained that the three EAC Advisory Boards are the Standards Boards, the Board of Advisors, and the Technical Guideline Development Committee (TGDC), and they are established by statute. He further explained the operating terms and the duties of board members, including that there is a federal law that prohibits members from being a lobbyist.

Mr. Tatum stated that the Act requires a Designated Federal Officer be assigned, and currently Commissioner Christy McCormick is the Vice-Chair and the Designated Federal Officer (DFO) for the Standards Board.

Commissioner Thomas Hicks is the Designated Federal Officer (DFO) for the Board of Advisors, and at this point the EAC does not have an officer for the Technical Guidelines Development Committee.

Overview of EAC Mission & Objectives for 2018 & Beyond (EAC Video)

A video was shown which describes the purpose and the role of the Elections Assistance Commission.

EAC's 2018 Campaign (and beyond) Preview

Mr. Newby thanked the EAC staff for the hard work that was done to prepare and organize this meeting. The staff continues to work hard to make the EAC a reliable and responsive organization.

Mr. Newby described what the local voting jurisdiction that might most benefit from the services of the EAC might look like. He estimated that is a community of perhaps 50 to 150,000 people. The process of sharing best practices can help state and local jurisdictions. He encouraged more people to get involved with the EAC, and the staff continues to attempt to determine what the best way to measure effectiveness might be.

David Kuennen, Director of Research at EAC spoke about the election administration and voting survey. EAVS attempts to gather data with the use of surveys, which are sent out to all of the states and territories every two years. The survey consists of six sections and contains hundreds of questions about many types of election data points. The goal is to attempt to make the EAVS more impactful and relevant to members. Attempts continue to make filling out the survey easier. Attempts will also be made to determine how election technology has shifted over the years and what impact that has had on elections. The next iteration of EAVS is close to completion. There currently is a one-page fact sheet which provides high-level data from the EAVS on voter registration turnout, how people voted by mode, by mail, etc. For the first time the website contains a data interactive which can be an effective tool that allows data to be reviewed on a state or local level. Some small changes will be made for the 2018 survey. A separate document now exists inside the survey which provides instructions for completing the survey. A new outside EAVS contractor is currently out for bid. It is anticipated that a new contractor will be in place by June. He reported on the research and clearinghouse projects at EAC. The purpose of the clearinghouse is to connect members of the election administration field to one another to share knowledge and experiences. Clearinghouse activities range from large scale convenings of election officials to smaller scale efforts like blog posts and white papers. Work has been performed on improving voter facing information provided on the website. This can assist individuals looking for information on how to

register to vote or update their registration information. Additional efforts have been placed on adding information on voter registration. The main goal is to provide basic information to the public and then submit that information to state and local election officials. In 2017, the CLEARIE awards were first presented. The award is given for outstanding innovation in election administration, improving accessibility for voters with disabilities and best practices for recruiting, training and retaining election workers. Two events have been planned for the summer of 2018. The first will be in Philadelphia, Pennsylvania on July 12th, which will be a platform for state and local election officials from Pennsylvania and around the country to share information on how they use data to improve the election process. The second will be co-hosted by the Democracy Fund Voice in Washington, D.C. and will focus on helping election officials share information on how to better serve voters with limited English proficiency.

Natalie Longwell, Public Affairs Specialist at EAC, explained some of the resources the EAC has developed and the growth that has occurred with online engagement. The sharing of best practices along with updating and professionalizing the look of the website are goals for 2018. Ms. Longwell explained the considerable work being done to bring people together to share best practices and share lessons learned.

Brenda Bowser Soder, Director of Communications and Public Affairs at EAC, stated that work is being done to reboot the Standards Board newsletter in an effort to highlight the accomplishments of the Board. Ms. Soder encouraged members to share the security video with stakeholders. She mentioned the Women in Election Series that the staff worked on with Vice-Chairperson McCormick, which highlighted the work of women from across the elections community. She also emphasized the new thematic approach to communications that is now being developed. The communications office is always available to members whenever people need help.

Mark Listes, the EAC's Director of Policy, discussed current efforts in long term planning and encouraged everyone to let him know how he can assist members. He invited everyone to visit the EAC website and review the strategic plan and provide feedback.

Program Amendment Request

Michael Winn, as Chair of the Resolutions Committee, requested an amendment to the program to allow time for presentations of proposed resolutions.

Chairperson Johnson called for a motion to amend the program. Mr. Ritchie made the motion and David Beirne seconded the motion. Chairperson Johnson called for a vote. The motion was carried.

The Board recessed for lunch at 11:30 a.m. to 1:20 p.m. for a Presentation by Robert Kolasky, the Acting Deputy Under Secretary for National Protection Directorate at the United States Department of Homeland Security.

Chairman Hicks introduced the lunchtime speaker, Mr. Robert Kolasky, Acting Deputy Under Secretary for National Protection Directorate at the United States Department of Homeland Security.

Mr. Kolasky began by reminding everyone that in January 2017 the Secretary of Homeland Security designated election systems as critical infrastructure. Though a controversial decision at the time, the result is that the federal government will put more of a coordinated, enhanced and prioritized effort toward what can be done to help secure the nation's election systems. Mr. Kolasky described the various ways in which the Department of Homeland Security (DHS) works to make the nation's elections more secure. The DHS has not yet noticed any new activity threatening our elections similar to what took place in 2016. The threat does remain however. Improvements have been made in the communications between the federal government, the EAC and other similar organizations and with state and local elections jurisdictions. It is important to understand that it is not as important to stop incidents from occurring, it is important that the effects of those incidents be minimized. Mr. Kolasky finished by taking questions from the members.

Voluntary Voting System Guidelines (VVSG)

Chairperson Johnson introduced Brian Newby, who provided an introduction to the VVSG 2.0 presentation by Brian Hancock and Ryan Macias, EAC Testing and Certification.

Brian Hancock explained the VVSG 2.0 structure, consisting of a set of 15 principles and 53 accompanying guidelines. He defined the on-going task of developing the requirements and test assertions. The requirements being the technical details that the vendors will use to develop the voting systems and the test assertions will be the specifications to test those voting systems. Mr. Hancock described the process of VVSG 2.0 and the differences between VVSG 2.0 and previous versions of VVSG.

Ryan Macias provided details about the manuals that are currently used by the EAC, the Testing and Certification Manual and the Voting System Laboratory Manual, and further explained that these two manuals were

voted on by previous commissioners. They are the policies that the EAC is governed by, and their three-year term is close to expiration. In preparation of that expiration, they are being modified to align with the VVSG 2.0 model.

A considerable amount of questions and some opposing concerns were expressed to the panel and discussed immediately following the presentation. Legal counsel was consulted to provide clarifications.

Chairperson Johnson asked for all comments regarding the VVSG language be submitted in writing. She stated all comments will be added to the comments spreadsheet that will be delivered to the EAC for review.

The Board recessed at 3:00 p.m. and reconvened at 3:17 p.m.

Grants Panel

Mark Abbott presented an overview of the process to distribute available funds and a map detailing the distribution areas. He stated the distribution is a population-based formula that has a minimum of \$600,000 for territories and \$3 million for states. He provided a history on HAVA funds and how the different funds can be used.

Mr. Abbott expressed his interest in having the election community and stakeholders engaged around this strategically as the money is distributed.

Chairperson Johnson stated that the Board will distribute a copy of the explanation letters that were sent to states. The Board of Advisors will also review ways to announce when states receive these funds.

Election Security Panel

Chairperson Johnson provided a brief history and an overview introduction of the election security panel.

Presentation Video on Election Security

Following the election security video, Mark Listes, EAC Director of Policy introduced Geoff Hale, Director of the Election Task Force at the Department of Homeland Security (DHS). Some of the goals of the Election Security Panel were to assist in the understanding of the basic terms of elections security and definitions of government acronyms. The panel finished their presentation with a moderated Q & A session in which all those in attendance were encouraged to answer or ask questions

regarding critical infrastructure and how critical infrastructure applies to cybersecurity in general.

Geoff Hale of DHS stated that in 2017, Jay Johnson, the former Department of Homeland Security Secretary, designated election systems as critical infrastructure and he recited the official definition of critical infrastructure drawn from the USA Patriot Act as: Systems and assets whether physical or virtual so vital to the United States that the incapacity or destruction of those systems and assets would have a debilitating impact on security, national economic security, national public health or safety or any combination of those matters.

Mr. Hale provided an overview of the focus on the dynamic threat environment, both from a cyber perspective and with respect to physical vulnerabilities across 16 critical infrastructure sectors. He further explained that critical infrastructure also includes venues that serve as public gathering places, city squares, our arenas, and all things that are the core life in the United States and that remain attractive targets to adversaries. He explained critical infrastructure sectors and sub sectors establish both sector coordinating councils (SCC) and government coordinating councils (GCC). He defined a SCC as being for private sector members largely in the elections arena, such as manufacturers of voting systems, database vendors, etc. and a GCC, as being for government entities, such as federal, state, local, designed to enable interagency and cross-jurisdictional coordination.

Mr. Hale clarified that the critical infrastructure partnership advisory council framework is a voluntary framework. It is about bringing together a community of owners and operators of critical infrastructure who work together to develop strategies for the broader community. They are not rules, they are not regulations. They are in the nature of guidance and opportunities to enhance the security and resilience of designated critical infrastructure, in this case America's election system. He encouraged members to locate their connection points either into the Government Coordinating Council or in the Sector Coordinating Council, and to be part of the process going forward.

Chairperson Johnson expressed her thoughts and perspectives, along with additional history involving the beneficial relationship between the EAC and DHS. Several other members provided their insight and experiences as it related to the subject.

Mark Listes reminded all in attendance that the EAC is continuing to post new critical infrastructure resources, along with a cybersecurity shared dictionary and other resources that help everyone navigate everything from terms to new developments on their website at EAC.gov. Panelists

acknowledged several times that it is challenging, yet very important for everyone to become familiar with the terminology, definitions and acronyms when dealing with this subject.

A considerable amount of questions and comments were brought before the panel and discussed immediately following the presentation.

Miscellaneous Announcements & Business

Chairperson Johnson requested all members to review the draft resolutions and prepare any questions for the originators of those draft resolutions in anticipation of a deliberation and voting on those resolutions.

The meeting recessed at 4:52 p.m. EDT

Tuesday, April 24

Chairperson Sarah Ball Johnson called the meeting to order at 8:31 a.m. EDT

Chairperson Johnson called the meeting to order and confirmed that a quorum existed.

A motion was made by Mr. Yaki and seconded by Mr. Winn to amend the agenda to move the VVSG section to earlier in the meeting. The motion carried by voice vote.

VVSG Discussion Continued

Chairperson Johnson read Resolution 2018-01: "Therefore, be it 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 the EAC commissioners." The resolution was so moved by Chairperson Johnson. The motion was seconded by Mr. Dickson. There was considerable discussion by the members.

There was a call to question the motion by Mr. Yaki and seconded by Ms. Lamone. There was some discussion by the members. Chairperson Johnson called for a vote. The motion failed.

Mr. Beirne proposed an amendment to after the semicolon and the highlights, striking that and inserting, 'further we request the EAC to create a strategy for the consideration of updates to VVSG requirements and test assertions to be updated in the absence of the EAC commissioners or in the absence of a quorum of EAC commissioners.'" There was considerable discussion of the amendment by a number of members.

Mr. Beirne made the motion and Mr. Ivey-Soto seconded the motion. Chairperson Johnson called for a vote. The motion failed by a vote of 8 to 13.

Mr. Ivey-Soto proposed an amendment striking from the resolution "a provision providing for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of the EAC commissioners."

Mr. Ivey-Soto made the motion and Mr. Beirne seconded the motion. Chairperson Johnson called for a vote. The motion failed by a vote of 2 to 16.

A motion was made by Mr. Ivey-Soto to substitute the entirety of the Standards Board resolution previously passed by that Board in lieu of the current drafted resolution from the VVSG committee. The amendment is as follows: Title: Advanced Voluntary Voting System Guidance (VVSG) 2.0. Whereas the Election Assistance Commission (EAC) is an agency of the United States federal government created by the Help America Vote Act; whereas, the Elections Assistance Commission Technical Guidelines Development Committee unanimously voted for approval of the draft of the VVSG 2.0 principles and guidelines on September 12, 2017; whereas the Elections Assistance Commission Board of Advisors VVSG Committee has reviewed and commented on the draft VVSG 2.0 principles and guidelines and submitted those comments to the full board for review and comment, now therefore, be it resolved by the Board of Advisors of the Election Assistance Commission that Section 1 of the United States Election Assistance Commission Board of Advisors recommends to the United States Election Assistance Commission that the proposed modifications to the Voluntary Voting System Guidelines recommended by the Technical Guidelines Development Committee on September 12, 2017, be adopted by the commission, Section 2, the United States Elections Assistance Commission Board of Advisors further recommends to the United States Election Assistance Commission that the modifications be designated as "Voluntary Voting Systems Guidelines 2.0," to reflect the nature of the modifications. Section 3, the United States Elections Assistance Commission Board of Advisors further recommends the United States Election Assistance Commission in its consideration of the recommendations and modifications take into account the following.

Subsection one, the schedule and procedures to implement Voluntary Voting Systems Guidelines 2.0 should be as efficient as possible to ensure a smooth transition to the new guidelines. Subsection two, the role of the entire membership of the Board of Advisors under HAVA should be respected and preserved with regard to the implementation and modification of more detailed technical procedures and standards employed to conduct the certification of voting systems under Voluntary Voting Systems Guidelines 2.0. Section 4, that the Board of Advisors recommends the United States Election Assistance Commission to consider the draft of 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 for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of EAC commissioners.

Mr. Ivey-Soto made the motion and Mr. Beirne seconded the motion. Chairperson Johnson called for a vote. The motion was carried by a vote of 20-1.

Chairperson Johnson called for a vote of the original resolution as amended. Ms. Johnson made the motion and Mr. Dickson seconded the motion. Chairperson Johnson called for a vote. The motion was carried by a vote of 21-0.

Special Recognition

Greg More announced the death of Congressman Al Swift who was the author of the National Voter Registration Act.

Election Day Procedures

Richard Pilger, Director of the Election Crime Branch of the United States Department of Justice and a member of the Board of Advisors addressed the assembly on the role of the federal government in the state and local election process. Mr. Pilger emphasized that the Department of Justice recognizes the important principle of federalism that constrains the entire federal government in the area of elections. Mr. Pilger shared various incidents that have occurred where the Department of Justice has jurisdiction regarding polling places and where it does not. Federal law enforcement officers are not permitted to enter a local polling place so long as voting is taking place. In addition, it is important to understand that the Department of Justice can not necessarily stop an incident from happening. It must, unfortunately let the incident occur and then prosecute. Mr. Pilger took numerous questions from members.

Open Discussion & Resolutions

Mr. Dickson proposed Resolution 2018-2 which was seconded by Mr. Kelley. There was considerable discussion on the resolution.

Ms. Simons made a motion to amend the resolution to change the resolution section to “be it resolved, that when paper ballots are used every voter must be provided a means to mark, verify and cast a ballot privately, independently and accurately.” The amendment was seconded by Mr. Stark. There was considerable discussion.

Ms. Simons made the motion and Mr. Kelley seconded the motion. Chairperson Johnson called for a vote. The motion failed by a vote of 7-13. One abstention.

Mr. Stark made a motion to amend the resolution stating that “it does not preclude the use of hand marked paper ballots as a component of a voting system. The motion was seconded by Mr. Yaki. Discussion followed. The amendment was accepted as a friendly amendment. No vote was taken.

Mr. Dickson made the motion and Mr. Kelley seconded the motion. Chairperson Johnson called for a vote on the Resolution. The motion was carried by a vote of 20-1 with one abstention.

Mr. Stark proposed Resolution 2018-3. The motion was seconded by Ms. Simons. Discussion followed. Mr. Ivey-Soto proposed a friendly amendment to delete the word ballots. To change the word paper from an adjective to a noun. The friendly amendment was accepted. Ms. Timmons-Goodson proposed a friendly amendment to change the word advise to recommend. The friendly amendment was accepted.

Mr. Dickson made the motion and Mr. Kelley seconded the motion. Chairperson Johnson called for a vote. The motion was carried by a vote of 10-8 with four abstentions.

Mr. Stark proposed Resolution 2018-4. Mr. Yaki proposed a grammatical change in the first sentence and a change to say, “not certify.” The changes were accepted as friendly amendments. The motion was seconded by Mr. Ivey-Soto. Discussion followed.

Mr. Stark made the motion and Mr. Ivey-Soto seconded the motion. Chairperson Johnson called for a vote on the resolution with the friendly amendments. The motion was carried. The motion failed by a vote of 9-11 with two abstentions.

Mr. Dickson made a motion to ask the officers of the Advisory Board to send a letter to Congress and to the White House requesting a full

commission, if permissible per the EAC General Counsel. The motion was seconded by Mr. Ivey-Soto. Discussion followed.

Mr. Dickson made the motion and Mr. Ivey-Soto seconded the motion. Chairperson Johnson called for a vote. The motion was carried unanimously with one abstention.

Welcome & Introduction of New Officers

Chairman Hicks swore in the new officers of Board of Advisors.

Plenary Adjournment

Chairperson Sarah Ball Johnson adjourned the meeting.

The April 23-24, 2017 meeting of the Board of Advisors adjourned at 12:05 p.m. EDT