

**Meeting Minutes**  
**United States Election Assistance Commission**  
**PUBLIC MEETING**  
**May 20, 2019**

1335 East West Highway  
Silver Spring, Maryland 20910

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (EAC) held May 20, 2019. The meeting convened at 1:35 p.m. on Monday, May 20, 2019, in Silver Spring, Maryland, and adjourned at 3:52 p.m.

**PUBLIC MEETING**

**Call to Order**

Chairwoman Christy McCormick called the meeting to order at 1:35 p.m.

**Pledge of Allegiance**

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

**Roll Call**

Chair McCormick called roll and found present Vice Chair Benjamin Hovland, Commissioner Donald Palmer, and Commissioner Thomas Hicks and declared a quorum present.

**Adoption of the Agenda**

Chairwoman McCormick called for a motion to approve the agenda, as submitted. After being seconded by Commissioner Palmer, the motion carried unanimously.

**Welcoming Remarks and Opening Statements of Commissioners**

Chairwoman Christy McCormick thanked everyone for their attendance at the Election Assistance Commission's third public hearing regarding the Voluntary Voting System Guidelines (VVSG) 2.0 and explained that the public comment period will end on May 29, 2019, and urged those still interested in filing to do so by that date.

Vice Chair Benjamin Hovland outlined briefly what was discussed at the previous two public hearings in Memphis and Salt Lake City and thanked

all who worked on the VVSG 2.0 for the past several years and also reminded anyone interested in filing public comments to do so by May 29, 2019. Vice Chair Hovland expressed his appreciation to the witnesses for their attendance.

Commissioner Donald Palmer asked anyone with input into the VVSG 2.0 to please provide their comments by the deadline as well in order to assure correct implementation.

Commissioner Thomas Hicks thanked the Commissioners for the three public hearings and specifically expressed his appreciation for the hard work of Brian Hancock, Jessica Myers, and Ryan Macias. Commissioner Hicks congratulated Jerome Lovato on his new position as Testing and Certification Director and went on to reiterate the Commission's desire for public comments, the 1,200 comments received thus far, and again mentioned the May 29 deadline.

### **Voluntary Voting System Guidelines Version 2.0 Comments**

Chairwoman McCormick introduced and welcomed Paul Pate, the Iowa Secretary of State and President-elect of the National Association of Secretaries of State (NASS).

Secretary Paul Pate addressed the Commission to provide testimony regarding the Iowa Secretary of State's position on the development and implementation of VVSG 2.0. He explained that his remarks represent only his role as Iowa Secretary of State and not the National Association of Secretaries of State.

Secretary Pate expressed his appreciation to the EAC and Department of Homeland Security (DHS) for working with Iowa and the other States to protect the integrity of elections, which helped ensure a secure 2018 election. Secretary Pate expressed his concern about the structure of the VVSG document and how quickly changes can be made to update the components of the VVSG as needed, especially in light of the unknown future cyber threats.

Secretary Pate agreed with the proposed VVSG 2.0 guidelines but was concerned about the flexibility and adaptability of requirements, especially if there happens to be a lack of quorum. Another issue raised by Secretary Pate included the time limit of disbursement of Help America Vote Act (HAVA) funds. Secretary Pate explained that, as Iowa Secretary of State, he will be asking Congress to assure that the EAC will be fully staffed and adequately funded, assure that EAC maintains a continuous quorum, and find ways and resources to bring additional testing labs into the election space.

## **Questions and Answers:**

In response to Chairwoman Christy McCormick's inquiry as to what kind of voting systems are used in Iowa, Secretary Pate responded that Iowa is a paper-ballot State, the local county jurisdictions pay for the voting systems with the exception of the initial HAVA funding, and Secretary Pate assured Chair McCormick that their systems are secure because they are paper ballots and Iowa conducts post-election audits.

Vice Chair Benjamin Hovland asked Secretary Pate to comment on his experience as Secretary before and after EAC's existence, to which Secretary Pate explained that the major difference is the level of cyber threat that exists now and that the EAC will be a valuable partner in ensuring the security of elections.

Commissioner Donald Palmer asked Secretary Pate about the accessible voting equipment used in Iowa, to which Secretary Pate responded that he would be happy to send the Commission a complete list at a later date. Commissioner Palmer then inquired as to the HAVA funds provided to Iowa, and Secretary Pate explained that those funds were provided directly to the counties based on a formula. Commissioner Palmer asked Secretary Pate which of the principles he believes the Commission should be most focused on, and Secretary Pate responded that the language may be ambiguous, the absence of a quorum needs to be addressed, and the ability of the Commission to respond quickly to changes is important.

Commissioner Thomas Hicks followed up on Commissioner Palmer's inquiry about counties paying for voting equipment rather than the State, to which Secretary Pate reiterated that is indeed true with the exception of the HAVA funds distributed some years back but that the cyber training and support systems are being covered by the State. Commissioner Hicks then asked whether the 5 percent match from the \$380 million appropriated by Congress came from counties or the State, to which Secretary Pate responded that the 5 percent match came from the State.

Chairwoman McCormick followed up with a question regarding the oldest of all voting equipment in Iowa, to which Secretary Pate responded 10 or 15 years old.

Commissioner Hicks asked whether different accessibility standards could be tested at different labs depending on expertise, and Secretary Pate responded that any option that affords greater access and faster response should be considered.

## **Panel of Technical Experts – Voluntary Voting System Guidelines 2.0**

Chairwoman McCormick introduced and welcomed the second panel of witnesses: Joseph Lorenzo Hall, Chief Technologist and Director of the Internet Architecture Project, the Center for Democracy and Technology; Traci Mapps, Director of Operations at SLI Compliance; and Jack Cobb, Laboratory Director at Pro V&V.

Dr. Joseph Lorenzo Hall addressed the Commission to provide testimony regarding the Center for Democracy and Technology's perspective and important issues in the VVSG 2.0 process. Dr. Hall explained that the most critical aspect of developing and adopting the VVSG 2.0 is the need to design it to be flexible and agile even when a quorum doesn't exist. Dr. Hall suggested that the EAC define a separate process that outlines ongoing and regular public comment for VVSG requirements and a mechanism for members of the TGDC and the EAC to flag specific requirements that might require a Commission deliberation, discussion, or vote. Dr. Hall provided some suggestions on transitioning between VVSG testing regimes, adversarial testing and vulnerability handling, the consideration of hiring a security testing program evaluator, and the critical areas that exist outside the scope of the VVSG.

Ms. Traci Mapps addressed the Commission to provide testimony regarding the proposed VVSG 2.0 principles and guidelines from a Voting System Test Laboratory's (VSTL) standpoint. Ms. Mapps outlined SLI Compliance's role in Federal certification testing of voting systems, which includes functional testing, usability and accessibility, hardware and software analysis, telecommunications, security, quality assurance, and configuration management audits. Ms. Mapps requested that modification of VVSG 2.0 principles and guidelines be considered to reduce ambiguity of language and expressed concern that SLI Compliance has yet to see the requirements that have been developed, which, in her opinion, could have been better developed with VSTLs' input into the process.

Mr. Jack Cobb addressed the Commission to provide testimony regarding Pro V&V's perspective on the VVSG 2.0 principles and guidelines. Mr. Cobb began with a brief overview of the steps that led to the development of VVSG 2.0.

### **Questions and Answers:**

Vice Chair Benjamin Hovland asked the panel to discuss whether VVSG 2.0 falls in line with other industry standards and the significant changes between VVSG 1.0 and VVSG 2.0. Ms. Mapps responded with her concerns about the ambiguity of language in the principles and guidelines such as terms like "robustly," "gracefully," and "clear." Dr. Hall concurred

with Ms. Mapps' determination that the language needs to be clear so that engineers can implement it. Vice Chair Hovland inquired of Dr. Hall whether wireless technology should be included as a principle/guideline or as a requirement, and Dr. Hall responded that he believed it would be inappropriate to ban wireless technology in the principles and guidelines since wireless can be used in many different ways and so language determining the usability of wireless technology should be included in the requirements.

Commissioner Donald Palmer asked the panel what the Commission could do to ensure timeliness of system implementation, and Mr. Cobb responded that, because of HAVA, implementation necessarily takes time because of the process of the public comment period but that the high-level principles and guidelines with more specific requirements will make changes over time easier to implement, and Ms. Mapps agreed. Dr. Hall responded that it may be beneficial to try to come up with a continuous process for updating the requirements so that new ideas may be vetted and possibly implemented quickly. Commissioner Palmer asked Dr. Hall why Dr. Hall doesn't believe that the Commissioners can vote on more than a handful of requirements at a time, to which Dr. Hall responded that there may be thousands, which require a lot of extra information and would be too time-consuming. Mr. Cobb agreed with Dr. Hall that it would be beneficial to the manufacturers to update their systems a little at a time. Ms. Mapps agreed as well that a phased approach may be the best way for manufacturers to update their systems to new standards.

Commissioner Thomas Hicks inquired of Ms. Mapps whether SLI Compliance had worked on the test assertions for VVSG 1.0 before or after the final Commission vote, and Ms. Mapps responded that the test assertions were not developed until after VVSG 1.0 was implemented. Commissioner Hicks then asked about standards in other industries like the auto industry, and Dr. Hall responded with his limited knowledge on auto industry standards. Commissioner Hicks inquired whether testing could be expanded out to more groups, and Mr. Cobb responded that skill sets are very specific, third-party labs are able to perform some of the work, and compartmentalization may be useful in the future. Ms. Mapps feels that her VSTL is qualified to do all of the work but that it would be nice to be able to subcontract some things.

Chairwoman Christy McCormick inquired of the panel whether they believe an additional lab is necessary, and Ms. Mapps responded that it would be hard to keep three labs busy but that two labs are essential. Mr. Cobb responded with a history of specific labs such as iBeta, SLI, Wyle, and Cyber and that he agrees with Ms. Mapps that two labs at all times would be ideal. Chairwoman McCormick asked Ms. Mapps about the ambiguity of language in VVSG 1.0, and Ms. Mapps responded

contradictions in language with font size and National Registry listings. Chair McCormick asked Dr. Hall whether the manufacturers will continue to allocate resources into changing their systems or whether they will wait for the EAC to update the requirements, and Dr. Hall responded that manufacturers should have a continual process to change their systems but that it's hard to predict what the manufacturers will do but that proper incentives to evolve their systems will be necessary. Chair McCormick expressed her concern that the manufacturers have had many years to implement 1.1 and they still haven't and what that means for 2.0 implementation. Chair McCormick then inquired of Ms. Mapps as to whether SLI Compliance had been involved in any of the discussions for the requirements for 2.0, and Ms. Mapps explained that they'd begun to participate in the public working groups but it was unproductive and a waste of time.

Vice Chair Hovland inquired of the panel whether the requirements could be broken out into themes or categories within the requirements, and Mr. Cobb responded with hardware testing, precertification testing, and usability requirements. Ms. Mapps responded that she agreed with hardware testing and that security improvements should be done in a phased approach.

Commissioner Palmer asked the panel about incentivizing manufacturers to move to VVSG 2.0, and Dr. Hall responded that there should be a point past which manufacturers can't test to old standards that essentially are so outdated that they don't provide value. Ms. Mapps suggested that that must be driven by the market, by the States themselves, because it is a voluntary program. Mr. Cobb agreed and added that the States will continue doing what they're doing until forced to change. Commissioner Palmer then asked about adversarial testing and vulnerability handling and the suggestion of a security testing program evaluator handling the penetration testing if the EAC had funding for it, and Dr. Hall responded that that type of security work could be subcontracted out but that there needs to be standards and handling processes in place so that manufacturers can accept the report of a vulnerability and fix the vulnerability in a timely way. Mr. Cobb noted that VSTLs are not allowed under HAVA to subcontract work out. Ms. Mapps pointed out that an outside security subcontractor would be more expensive than doing it in-house.

Commissioner Hicks inquired of Dr. Hall what he meant by "trained security experts," and Dr. Hall explained that those are people who are hired to break into people's systems to find vulnerabilities. Commissioner Hicks followed up on Ms. Mapps' opinion that SLI Compliance's involvement with the working groups was a waste of time and asked her to

expound, to which Ms. Mapps apologized for her terminology but that she feels changes to the public working groups would be beneficial.

Chairwoman McCormick inquired of the panel whether the requirements should be attached to the high-level principles and guidelines, and Dr. Hall and Ms. Mapps both believe that they should be. Chair McCormick asked whether, after passage of VVSG 2.0, updates to the principles and guidelines will never be necessary because they are so high level, and that changes will only be needed to the requirements, and Mr. Cobb responded that the principles and guidelines are broad enough that they shouldn't need to be changed. Chair McCormick asked whether the boards would be necessary any longer after passage of 2.0, and Dr. Hall responded that they would be to ensure the requirements are in compliance with the principles and guidelines.

Vice Chair Hovland followed up on Chair McCormick's question by asking if the requirements should align with the principles and guidelines but they don't necessarily need to be one document, and Dr. Hall agreed that they can't be completely divorced from each other. Vice Chair Hovland then asked particularly about barcodes and that the barcode should meet the principle of auditability, and Dr. Hall responded that barcodes are technical in nature and therefore should be addressed in the requirements. Vice Chair Hovland then inquired of the panel how often a review should occur once a requirement is passed, and Mr. Cobb responded that, because of the political nature of the requirements, different groups will see the requirements differently. Dr. Hall and Ms. Mapps suggested an appeal process would be useful.

## **Public Commenters**

Guillermo Mena from the National Hispanic Caucus of State Legislators provided testimony to the Commission regarding his organization's opposition to the VVSG 2.0 and cited examples of ambiguous language in the document that he believes would lead to unintended consequences.

Maurice Turner, Senior Technologist at the Center for Democracy and Technology, Election Security and Privacy Project, provided testimony to the Commission regarding particularly Principle 5, Principle 6, and Principle 8: Specifically, HAVA calls for voters to be able to vote privately and independently without assistance from others; foreign interference in the 2016 elections sharpened priorities for local, State, and Federal officials on the security of digital technologies used throughout the election systems; and that there is an increased expectation of accountability in the election process as a means of reducing the ability of interfering with votes and voters.

## **Adjournment**

Chairwoman McCormick made a motion to adjourn the public meeting, which was seconded by Commissioner Donald Palmer.

**The Public Meeting of the Election Assistance Commission adjourned at 3:52 p.m.**