

**United States Election Assistance Commission**  
**Standards Board Annual Meeting**

Held at

1:33 p.m.

Friday, July 31, 2020

Via Zoom Meeting

VERBATIM TRANSCRIPT

DRAFT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) Standards Board Annual Meeting that was held on Friday, July 31, 2020. The meeting convened at 1:33 p.m. and adjourned at 5:04 p.m.

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COMMISSIONER PALMER:

-- virtual format is new for this annual meeting, and I know we all prefer to be seeing each other in person. There are many items on the agenda today, and we appreciate your patience in this format. A critical item for discussion is the VVSG 2.0 requirements. This meeting is another important step in keeping that final approval process moving, allowing the design, manufacture, and testing of new voting systems by manufacturers in the years to come.

Even though the general election is on everyone's mind, thank you for recognizing the importance of the VVSG 2.0 and its impact on long-term planning. We want to make sure this iteration can produce real advancements in voting systems technology moving forward. This meeting is a unique opportunity to discuss what the impact of these new requirements will be on the greater election community, the voting process, and the voting systems that you may purchase in the future.

It is also important to the EAC that, because we want to design a VVSG testing program that meets the needs of you and your colleagues, please don't hesitate to ask questions or voice your opinion. The Commissioners and staff value your input and

perspective. It adds real-world context to the sometimes technical debate over requirements and the impact of decisions. I want you to discuss today's software independence or interoperability or wireless, Bluetooth, or VPN systems in polling places, the innovation clause, and hear your opinions on those issues.

On behalf of my fellow Commissioners, I'd like to convey our appreciation to all those who have contributed to the VVSG 2.0 development process thus far. This includes staff members at NIST and the EAC, members of the election community, and the broader public who have been engaged in this process and especially those serving on the TGDC and the EAC Board of Advisors and you, the EAC Standards Board, who play critical roles in developing and reviewing the VVSG.

With that, I'll turn the meeting back -- well, I say back over. I'll turn it over to the Standards Board Chairman Brad King.

CHAIRMAN KING:

Thank you very much, Chairman Hovland and Vice Chairman Palmer. We appreciate the work of the EAC and coordinating this virtual meeting. Over the last several days and weeks we've worked with EAC staff members to conduct dress rehearsals of various technical parts of this meeting, and for those who are growing accustomed to Zoom meetings, I hope you'll find that we will not have too many episodes of turbulence, but we'll

improvise as necessary to conduct the business that is before the body and make an effort to do so efficiently, but at the same time make sure that everyone has an opportunity to voice their views.

Please remember that we are being recorded and broadcast live on YouTube. If you are logging in, please make certain that your first and last names are included so that it's easier to determine who in fact is speaking or requesting recognition to speak.

With that, our first step is a roll call to determine a quorum, and so, I will call on Steve Trout, our Secretary, with the assistance of the EAC staff, to state the current participants who are members of the Standards Board and determine if we have the required 56 members present.

MR. TROUT:

All right. Good morning -- good afternoon for most of you.

Thanks for being here. And we're doing this a little bit different so that hopefully we don't have to go through the entire list and read the entire roll. So, Mr. Chair, my understanding was we were going to read the names of the participants that have logged in. Is that correct, or are we going to take those as present?

CHAIRMAN KING:

I think for the record we need to read those in if you would, please, Steve.

MR. TROUT:

Excellent. And so, I'll apologize now for those of you whose names I mispronounce. And the way they're listed here in Zoom is alphabetical by first name, and so, that's how we'll go through. And I know that there are some people in here that, as I'm going through, I'm going to call on you and your EAC staffer or NIST or some other nonvoting member, and so if I make a mistake and call your name, if you can just let me know that you're not a Standards Board member.

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[Stephen Trout, Secretary of the Standards Board, called roll.]

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MR. TROUT:

And at this point, Mr. Chair, we have 60, which meets our quorum requirement. Is there anyone else that has not checked in either through the chat or on the phone?

[No response]

MR. TROUT:

All right. Mr. Chair, we have a quorum.

CHAIRMAN KING:

Thank you, Mr. Secretary, for your able work in navigating through the list of names. It's the most difficult work a Secretary does on the Standards Board.

I declare that the July 31st, 2020, meeting of the Standards Board is called to order with a quorum.

The first item of business is approval of the minutes of the April 11th through 12th, 2019, meeting of the Standards Board, which were previously circulated. For beginning of discussion, is there a motion to approve those minutes, as submitted? And when you make your motion or second, please identify yourself.

MS. CEGAVSKE:

This is Barbara Cegavske from Nevada, and move for approval.

MR. PETTIT:

This is Jerry Pettit from Washington. Second.

CHAIRMAN KING:

The motion has been made and seconded. Is there discussion?

[No response]

CHAIRMAN KING:

Hearing none, the question is on the adoption of the motion to approve the minutes of the 2019 Standards Board meeting. All those in favor will signify by voice vote by saying aye.

[Chorus of ayes]

CHAIRMAN KING:

Opposed, signify by saying nay.

[No response]

CHAIRMAN KING:

The ayes have it. The motion to approve the minutes from the last meeting is approved.

Our next item is approval of the agenda of the meeting that we are currently conducting. Can I ask EAC staff -- thank you -- to share that agenda? Again, for purposes of discussion, is there motion to approve the agenda, as presented?

MR. STANTON:

So moved, Durward Stanton, Mississippi.

MS. GOECKNER:

Seconded, Barbara Goeckner, Wisconsin.

CHAIRMAN KING:

Motion has been made and seconded. Is there discussion?

[No response]

CHAIRMAN KING:

Hearing none, those in favor of the motion, signify by saying aye.

[Chorus of ayes]

CHAIRMAN KING:

Those opposed, signify by saying nay.

[No response]

CHAIRMAN KING:

I know we have received one abstention in the comments.  
The motion passes. The agenda is approved.

The next item of business under the bylaws is for the Chairman to appoint members of the Election Certification Committee meeting. We will be filling a vacant seat on the Executive Board as part of this meeting. For purposes of certification of the election process, I appoint Ray Valenzuela, Joe Gloria, Debbie Erickson, Mark Goins, and myself to serve as members of that committee. We will report back after the election has been conducted.

One moment here. And now we have a report from the Proxy Committee. The Chair recognizes Ray Valenzuela with a report of proxies.

MR. VALENZUELA:

Thank you, Mr. Chairman. Members of the board, we do have three proxies. We have Robert Dezmelyk for New Hampshire who proxies his ability to vote for the Standards Board meeting on Friday, July 31st, to Anthony Stevens, New Hampshire. We have Carol A. Thompson from Alaska who proxies to Gail Fenumiai from Alaska. And we have Julie L. Flynn from Maine or -- who -- yes, Julie L. Flynn from Maine who proxies to Brad King, Indiana. And those are what we have as of this moment in time.

CHAIRMAN KING:

Thank you very much. I appreciate the report of the Proxy Committee. Without objection, those proxies will be accepted.

[No response]

CHAIRMAN KING:

Hearing none, it's so ordered.

The next item on the agenda is a review of the Federal statute that governs the operations of the Standards Board and other Federal agencies. We will receive a presentation and slideshow from Kevin Rayburn, EAC General Counsel. Kevin, if you could please proceed.

MR. RAYBURN:

Thank you very much. I'm pulling up the screen share. We'll get started. All right.

Well, thank you. My name is Kevin Rayburn. I'm the new General Counsel for the Election Assistance Commission. As a brief background, I came from the Georgia Secretary of State's office where I was the Deputy Elections Director and Deputy General Counsel. Before that, I worked in the Tennessee Secretary of State's office, and before that, private practice. So, I've come from State election administration. I know how difficult under normal circumstances elections are, how complicated, and especially this year, 10 times more so. So, I really appreciate

everyone taking the time today to join this meeting knowing how busy you all are.

So, I'm going to give an overview of the various advisory boards that serve the Election Assistance Commission. I'm going to talk about the Federal Advisory Committee Act, the various roles and duties of the boards and the individual members.

The Election Assistance Commission has three advisory boards, the Standards Board, the Board of Advisors, and the Technical Guidelines Development Committee, referred to as TGDC. HAVA actually creates these boards. They are a creature of that congressional action. And these boards are subject to the Federal Advisory Committee Act.

I'm now going to talk about the duties of the various boards. The Standards Board and the Board of Advisors actually have parallel duties. The duties are set forth in HAVA, and they're actually both lumped together in the same provision. The statutory duties laid out in HAVA are that the Standards Board and the Board of Advisors are required to review the Voluntary Voting System Guidelines, the voluntary guidance under Title III, and best-practice recommendations regarding overseas voting.

The voluntary guidance under Title III, what that's referring to is the guidance the EAC has put out regarding the requirements under HAVA, section 301, 302, and 303. Three-oh-one is the

requirements for voting systems, so even if a jurisdiction or a State doesn't use an EAC-certified system, the system they do use for Federal elections is required to meet the requirements in HAVA, and that's section 301. Section 302, the provisions on provisional voting during Federal elections, and section 303 has to do with statewide voter registration systems. And the EAC has put out guidance and periodically updates that guidance. And one of your duties is to review that guidance.

The other main duty that was referenced there is one of the things you're taking up today, which is your review and feedback on the Voluntary Voting System Guidelines. And today on your agenda is in reference to the requirements.

The other duties that are not mentioned in the duties section but otherwise in HAVA, the EAC staff will also from time to time seek consultation and guidance on its mission, its programs, and its long-term goals so that there is a back-and-forth that's ongoing between staff and the Standards Board. Now, TGDC, their primary goal is to help the Executive Director of the EAVS -- or, sorry, of the EAC draft the Voluntary Voting System Guidelines and amendments. And once it goes through that process in the TGDC, it's then referred to the Standards Board and Board of Advisors for review.

So, the Federal Advisory Committee Act, otherwise called or referred to as FACA, it governs the establishment, the operation, and the ending, the termination of advisory committees. The act was passed in 1972 and there's currently, I believe, over 1,000 advisory committees that are providing guidance to various government agencies in the Federal government to the President, and so they can be created by statute like the three for the EAC were. They can be created under the presidential -- President's authority, but it can also actually be created by the agency's own authority, so the EAC could create additional committees under this pact.

The operations and management are largely governed and operated by the Designated Federal Officer and the Committee Management Officer who ensures that the requirements of FACA for transparency, records-keeping, that that is all met.

And the act actually has a sunset provision for all advisory committees. They are subject to a two-year sunset. So, every two years, the charter of each committee needs to be refiled for it to survive, for it to be able to continue on. If it's not refiled, it goes inactive. And if it's not refiled within -- every two years, then you cannot actually have a board meeting until it is filed. And so that's a way to ensure that the -- there's just an automatic process for older or non-used advisory committees to fall off.

Now, the duties and responsibilities of board membership; your main responsibility is to participate, to engage, to show up to the meetings and to participate when you can to subcommittees, to doing those. And you should comport yourself with integrity, and you need to ensure that you're not using your position as a member of this advisory board for your own personal benefit. You should not be using it to promote yourself, your services, products, or to -- the point is to serve the EAC, to help that Federal agency do its duties to serve its stakeholders and to the American voter. And then the law also requires that if you do have direct communications with Congress, it should not be in your official capacity. When you're operating in your official capacity, that line of communication should go to the EAC.

Now, there are laws restricting lobbying, so if you are a federal -- federally registered lobbyist, you cannot be a member of an advisory committee. So, if there is anyone who currently is a federally registered lobbyist, after this meeting or within the next couple days, please reach out to us, reach out to me so we can review that with you. But the law does not allow you to be simultaneously a federally registered lobbyist and a member of an advisory committee like the Standards Board. And, likewise, if you were previously within, you know, pretty recent times a federally registered lobbyist, go ahead and reach out to us as well, just so

we can make sure that has been correctly severed, so there's not even misperception of an issue there.

But you can, of course, still communicate with your State legislatures and Congress in your own capacity, in your personal capacity. But if you do engage with Congress or State legislatures on EAC board business, Standards Board business, you should make clear that this is not in your official capacity as a member of the EAC advisory board, of the Standards Board, but it is in your personal or some other capacity.

So, the Designated Federal Officer is the chief person to ensure that the various requirements are met for the committees. And this includes making sure the charter is filed every two years with the various agencies and oversight committees that has to be filed with, also making sure that the board meetings are approved, the agendas are approved, and that minutes are correctly prepared and, once approved, also put on the website and made available to the public.

Now, one of the requirements in FACA for the various committees is that they need to be balanced in terms of point of view and geographic representation. And that way that the -- the advice the Federal agencies are receiving are representative of all of the United States and not just segments. And so, in our case with the Standards Board, HAVA has a great process to make sure

that's met because the 55 States and territories are all represented with two members, and then, those two members cannot be of the same party, so that way the views are represented across the board and, geographically, we are well-represented across the board.

The meetings of the boards are open to the public. That is not necessarily true for subcommittee meetings, but the meetings do need to be accessible to the public.

We have to keep detailed minutes of all these meetings, and that includes who was present, who gave presentations, the content, what were the discussions, the conclusions, the time, date, and location of the meetings, as well as any referrals or resolutions passed, so we appreciate the time taken to do things like a roll call and making sure we have good records of these meetings.

So here are the currently -- the current DFOs for the EAC, and it's -- we have Vice Chair Donald Palmer is the current Commissioner that's the DFO for the Standards Board. And here are the various citations to laws and regulations I referenced in my presentation. That way if you want to jot this down or later look at this presentation, you can look at the source law yourself.

And that -- Chair, that concludes my presentation. Thank you.

CHAIRMAN KING:

Thank you very much. I appreciate the thorough review of the applicable statute. Are there questions or comments from the membership for Kevin with regard to FACA?

[No response]

CHAIRMAN KING:

Hearing none, once again, Kevin, thank you very much for your presentation. We appreciate it and the work you do to ensure that we're in compliance with the applicable Federal statutes. It's --

MR. RAYBURN:

Thank you.

CHAIRMAN KING:

It's my honor at this time to recognize the Executive Director of the EAC, Mona Harrington. Mona?

MS. HARRINGTON:

Good afternoon. Thank you, Brad.

We're providing you with an update highlighting EAC activities. The EAC is working to support election officials like all of you and your colleagues around the country and the voters you serve during the COVID-19 pandemic. These are unprecedented circumstances for everyone across the elections community. Currently, many jurisdictions are preparing to implement new pandemic-related election policies and procedures. In this environment, we know election officials are striving to meet the

wide-ranging needs of all voters. We stand ready to assist you. We're closely monitoring the needs of election officials and actively expanding available guidelines and resources. We're tracking new developments and preparing to marshal Federal assistance where necessary. The EAC Commissioners and I look forward to continuing to work with all of you and other election officials during this crisis to ensure that the right to vote is safe, secure, and accessible for all Americans.

As you are all aware, on December 20th, 2019, the President signed the Consolidated Appropriations Act of 2020 into law. The act included \$425 million in new HAVA funds made available to States to improve the administration of elections for Federal office, including to enhance technology and make election security improvements. We awarded all the FY '20 HAVA grant funds to all States and territories with the exception of one State that hasn't made its request yet.

On March 27th, the President signed the Coronavirus Aid Relief and Economic Securities -- Security Act, CARES, into law. The act included \$400 million in new HAVA emergency funds made available to States to prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle. EAC is pleased to report we awarded all 56 CARES Act grants on April 6. As of today, all States have requested disbursement of the funds and

submitted descriptions of their anticipated activities. The EAC hosted numerous webinars for the States on the CARES Act.

While officials prepare for increased mail voting, modified polling place locations, and other new costs, accessibility must be a priority. The right to a private and independent vote for those with disabilities is protected both by the Help America Vote Act and the equal access provisions of the Americans with Disabilities Act.

HAVA and CARES Act funds are available to assist officials with achieving accessible elections for all voters during this crisis. For further information on allocating other grant resources in this area, please visit the FAQs on the EAC website.

The EAC has worked hard to staff up since receiving our FY budget -- FY '20 budget in January. New staff include General Counsel Kevin Rayburn -- you just heard from him -- communications and clearinghouse director and associate counsel, a senior grants program manager, a new cyber division with multiple staff members, two new additions to the Testing and Certification team, a financial officer, and several other positions have been hired, assisting the agency performing its mission.

The new cyber staff have extensive security credentials and are implementing cybersecurity capabilities to assist State and local jurisdictions. They're working on releasing cybersecurity training modules, cybersecurity best practices, blogs, workshops to assist

with crisis and risk management and enhance election security preparedness page with cyber resources from our Federal partners.

The EAC is also committed to moving the process of adopting the Voluntary Voting System Guidelines, VVSG 2.0, forward. We have hosted VVSG 2.0 virtual hearings on March 27th, May 6th, and another on May 20th, and we're reviewing the testing and certification program manual and working on draft test assertions to make the changes required to support VVSG 2.0.

In 2018 and 2020, tremendous progress was made toward the adoption of VVSG 2.0. The VVSG 2.0 represents a significant leap forward in defining standards that will serve as the template for the next generation of secure, accessible, and accurate voting systems.

Following extensive work done by EAC Commissioners, staff, the TGDC, and NIST, the EAC submitted the proposed 2.0 requirements to the Standards Board and Board of Advisors for review on March 11th. On March 24th, the EAC initiated a 90-day public comment period on the VVSG 2.0 requirements that concluded on June 22nd. We received 77 sets of comments and a total of 1,660 comments. The overall messages that we summarized as far as the comments were concerned related to vagueness of the requirements, glossary modification requests, inconsistent terminology, concerns that some of the requirements

are not measurable unless associated with testing assertion, and other accessibility-related concerns.

The EAC is working on several parallel paths in order to submit documents for review by the Commissioners and approval by the end of the year, which includes the requirements, the guidelines, testing assertions, the glossary, the program manual, and the laboratory program manual.

EAC testing and certification and cyber programs meet twice a week with NIST to prepare and evaluate and resolve the comments that were submitted. We currently have gotten through Principle 1. The EAC staff is in the process of drafting test assertions that will be presented to the VVSG 2.0 implementation working group, which consists of representatives from all EAC-register manufacturers, EAC-accredited VSTLs, NIST, and other technical experts. This working group meets once a week.

That concludes my update. Thank you.

CHAIRMAN KING:

Thank you very much, Mona. I appreciate the update with regard to the extensive activities conducted by the EAC.

Are there questions or comments for Executive Director Harrington from the membership?

[No response]

CHAIRMAN KING:

Hearing none, we want to thank you again. And we'll move on to the next item of our agenda. This consists of committee reports on two proposed amendments to the bylaws. I understand again that EAC staff is going to present the text of the -- I think I was muted there for a moment. I'll assume I can be heard at this point.

I was stating that the next item on the agenda is the consideration of a committee report from the Bylaws Committee, and I understand that EAC staff will once again be able to present copies of the pertinent documents for these amendments on screen for members to view the text, although they were furnished some time ago to the membership as a whole.

If I could ask -- there we go. Thank you.

Let me provide a little background. I serve as Chair of the Bylaws Committee, and in 2018 we encountered a problem regarding the filling of vacancies on the Executive Board. There are two provisions in the bylaws regarding how to fill vacancies. One is when a vacancy occurs very shortly within the final 90 days before a scheduled Commission meeting to appoint an interim to serve, and the other is for a full-fledged election process, which can take the form of mail-in absentee ballots or an in-person meeting of the Standards Board. But, unfortunately, the dates created a gap, which prevented the Executive Board from filling the vacancy that

resulted when Edgardo Cortes ceased to be a member of the board.

The amendment to the bylaws eliminates that conflict and provides for the standard full election by the entire membership at all times except during that final premeeting period when the provision to provide for interims remains in effect.

For purposes of discussion, is there a motion to adopt the committee -- or rather the amendment recommended by the Bylaws Committee? I'm sorry, could you repeat that? I'm sorry, can the person who made that motion repeat it? You may have been cut off. Or another person can make that motion if they wish.

MR. GOINS:

I'll make that motion. Mark Goins of Tennessee.

CHAIRMAN KING:

Thank you. Is there a second?

MS. CEGAVSKE:

Barbara Cegavske from Nevada, second.

CHAIRMAN KING:

Thank you. Is there discussion of the proposed amendment to the bylaws?

MR. SCHWAB:

I got a quick question. This is Secretary Schwab out of Kansas. And I'm not sure if this has to do with the amendment, but

looking at the slide in front of you under the Standards Board will under subsection 1, the very first word is advice. Should that not be advise?

CHAIRMAN KING:

Yes, I think it should.

MR. SCHWAB:

All right. That's my only comment. Thank you.

CHAIRMAN KING:

That will be later work for the Bylaws Committee. I appreciate that, Secretary. Thank you.

Are there further comments on the proposed amendment?

[No response]

CHAIRMAN KING:

Hearing none, I'll call the question. All those in favor of the adoption of the motion to amend, signify by saying aye.

[Chorus of ayes]

CHAIRMAN KING:

And, again, we have an abstention from Jay Ashcroft.

All those opposed, signify by saying nay.

[No response]

CHAIRMAN KING:

The ayes have it. The motion to amend is adopted.

If we can proceed to the second of the two proposed bylaws amendments, this deals with a similar issue that occurred in 2019 regarding continuity. We had a situation where there was a vacancy in both the office of Chairman and Secretary. I was currently serving as Vice Chairman, but if I had left the scene, we would have been without any officers for the Standards Board and no way to fill the vacancy to conduct the business.

And so, the second of the two proposed amendments allows the Chair to appoint an existing member of the Executive Board to fill a vacant spot as an officer. And in the unlikely event that there are no officers, as in the scenario I described, the vacant offices would be filled by the current members of the Executive Board based on their seniority as members, and since there will always be a tie, for the tie to be broken by the individual whose State appears first in the alphabet having seniority. There may be other methods to break that tie, but that seemed the most predictable and straightforward.

So for purposes of discussion, is there a motion to approve the second of the two bylaws amendments?

MR. GOINS:

Move to approve. Mark Goins, Tennessee.

CHAIRMAN KING:

Thank you. Is there a second?

MR. GOUGH:

Second, Lance Gough, Illinois.

CHAIRMAN KING:

Thank you. Is there discussion with regard to the second of the amendments?

[No response]

CHAIRMAN KING:

Hearing none, the question is on the adoption of the amendment. All those in favor, signify by saying aye.

[Chorus of ayes]

CHAIRMAN KING:

Those opposed, say nay.

[No response]

CHAIRMAN KING:

We have received an abstention from Mr. Ashcroft.

The ayes have it. The amendment to the bylaws has been approved.

Thank you for your patience and understanding as we work through some of the minutia, which seems highly technical until you actually find yourself in one of the scenarios that I described.

I note that our time is 2:20. The next item on our agenda is the VVSG 2.0 requirement discussions and vote. I anticipate, of course, that will take the largest part of our time. We had built in,

during staff discussions, a potential short 5- to 10-minute break if members wanted to take one. Is there a request to take that break? If so, indicate yes. Say yes.

[Chorus of yeses]

CHAIRMAN KING:

Okay. Hearing a significant number of yeses, the meeting will stand in recess, let's say, until 2:30. Please do not sign off of Zoom. We want you to remain checked in. But we'll resume the meeting at 2:30. Thank you.

[Recess]

MR. ARDOIN:

We're already 10 minutes past. Can somebody pull this thing back together?

MS. HARRINGTON:

This is Mona from the EAC. It looks like Brad got knocked off, and he'll be back in momentarily.

MR. ARDOIN:

Thank you, Mona.

COMMISSIONER PALMER:

Mona, you just let me know if we need to move on if we can't get Brad back on.

MS. HARRINGTON:

Yeah, I think he's coming back on right now.

COMMISSIONER PALMER:

Okay.

MS. HARRINGTON:

Thank you, everyone, for being patient.

[Pause]

MS. HARRINGTON:

Commissioner Palmer, you might want to go ahead just for the -- I think he's having internet difficulty on his end.

MR. VALENZUELA:

Chairman Palmer, this is Ray. I can take it from here if you wish as the Vice Chair since we're just leading into, it looks like, the VVSG presentation anyways, so I will use this opportunity to secede Brad as Chair.

COMMISSIONER PALMER:

Go ahead.

MR. VALENZUELA:

And I'll invoke the secession rules, but it's --

COMMISSIONER PALMER:

It looks like it's going, yeah, go ahead.

MR. VALENZUELA:

Okay. So where we're at, it looks like it's just -- we're on the spot where we're at the VVSG 2.0 requirements discussion and vote, and I know that Brad had indicated this may be -- you know,

we want to definitely spend some time with it, but according to our agenda, we're just kicking off NIST's presentation where Mary can, if she's able to, come in and share the screen. We'll just go through that and come to the Q&A after that.

Mary?

MS. BRADY:

Can you all hear me?

COMMISSIONER PALMER:

Yes.

MR. GOUGH:

Yes.

MS. BRADY:

Okay, great. Well, it appears as though we're having a little bit of trouble sharing my presentation, so I'll just go ahead and speak to it, and if it pops up in the meantime, then that's great. You know, we'll continue on from there, although you'll probably have to let me know if it pops up because I'll be looking at a different screen.

MR. VALENZUELA:

Okay. It looks like you froze.

MS. BRADY:

Okay. Did I freeze?

MR. VALENZUELA:

You're good now. We can hear you.

MS. BRADY:

Okay. Well, let me just -- I have just a very short introduction to the VVSG. I just want to mention it's very hard to introduce, you know, 200-plus pages in a very short amount of time. But today I just want to let you know that even though it's me here speaking that I'm joined by the rest of the NIST team. We have Sharon Laskowski, who's our human factors lead; Gema Howell, our cybersecurity lead; John Wack, who leads on a number of the voting methods, interoperability and transparency; and Ben Long, who's leading the hardware, software, and testing; and our TGDC liaison Patricia Wilburg.

I also want to tell you that I am leading the effort today, but I am retiring at the end of August and Lisa Carnahan will be joining us as well. She'll be taking over for me.

So, let me just start off by giving you a little bit of background. We'll talk a little bit about what's new in the VVSG requirements, and then I have some of the -- we've gone over the public comments, and I have some general themes if you want to go over some of them or we're happy to just take your questions at that point. You know, we can do whatever is best for you all.

So, as you know, the VVSG, you know, in -- the development of the VVSG takes place initially inside the TGDC,

and NIST works very closely with the TGDC in order to put together the initial draft. This time around -- in the past, there's been a back-and-forth between NIST and the TGDC largely with NIST going out and doing research bringing topics back into the TGDC and iteratively going over the various components of the VVSG.

This time around, we decided to engage a set of public working groups so we could get all stakeholders at the table at the beginning of the process rather than waiting till the end of the process and to -- so we could tap into as many experts as possible and get continual feedback while we were going through the development of the VVSG.

This was done, these public working groups. It was a set of about 600-plus unique individuals, and they were broken up between election groups and what we called initially constituency groups but later called them technical groups, technical working groups. So, the election groups went through and set up -- defined a set of election processes that we used as part of the development process, and then the technical groups took over. So, the -- and this took place over, you know, over quite a bit of time. We held biweekly meetings of these groups to really keep the process moving along.

And we would -- we took that information and brought it back into TGDC meetings. You know, NIST would go over it, you know,

get feedback from the stakeholders and the public working groups, but then we would put our own, you know, sort of slant on it and bring it into the TGDC deliberations.

Over the last year -- it's hard to believe that it's been a year that we've been at this -- we -- you know, we initially started by bringing the TGDC up-to-date last summer in the August and September time frame, so, you know, we're almost a year. And we started by bringing them up to the current status of the requirements and the open issues. We -- at that point we met almost monthly until we got it across the finish line.

At the September meeting, you know, some of the open issues that we went over were the -- whether or not common data formats should be included. So, for those of you who don't know, the common data formats are simply data change formats where you can define what kind of data -- well, what you want to call the data and what data you're exchanging between two components. So, these were developed by NIST and, you know, through a working group process as well for election reporting, event logging, cast vote records, and voter records interchange, so the question was whether or not they should be in there. There has been a lot of discussion back-and-forth on the benefits of having them in, but it really sort of does enhance transparency. It allows you to more easily audit systems and, down the road, it could, you know, lead to

plug-and-play interoperability and component-based testing. So that was one open issue.

Another was indirect voter associations, you know, whether or not they should be allowed. Some States actually require it, require you to map the voter to the record until such time that the voter can -- whether or not -- until such time you can determine whether or not the voter is eligible to vote so that -- there was a question on it. There was a question on barcodes. You know, first off, should we have them, and the later, we talked more about if we do have them, you know, what constraints should we put on them? And finally, on the use of wireless and internet technology and so on, you know, what types of networking technologies were we going to permit?

So that all sort of kicked off those discussions in September. There were several areas where we're required to do a bit more work. In November we looked more at the use of E2E systems, you know, because part of -- a cornerstone of the VVSG is this notion of software independence, which it -- any -- sort of a simple definition of software independence is if you -- if there is an error during the election, it can't go undetectable, so, you know, many people say that, hey, that just leads to paper because, you know, you have paper as a -- you know, paper as your vote of record, and you can always go back to the paper and count it.

So, you know, we wanted to allow for future innovation and, you know, there's been a fair amount of discussion on these end-to-end systems, so we wanted to allow for that possibility. So, we had some more work to do on those requirements to keep them in the VVSG, and so we presented them in November and they were accepted.

There are some discussions on software independence and ballot secrecy to ensure that, you know, when you were looking at -- and ways to actually implement risk-limiting audits that you could actually ensure ballot secrecy as well, continued discussions on wireless and internet. That was one of those issues that was really sticky and took us several meetings to get through. Some smaller things like password complexity, random numbers, and some log file preservation methods, and so to go back and look at some of these standards that we looked at for -- particularly for environmental kinds of concerns, a set of standards called the mil standards which, you know, as you might imagine, it's -- what that really means is military standards, and to what extent we should update them, you know, from -- because we had backward pointers to previous versions.

In December we followed up these conversations with a review of a voting system definition, and I'll share that with you in

just a second, although it will kind of be hard to do that without the screen.

And we also had a review of these hybrid solutions, so the hybrid solutions are, for instance, if you have an e-poll book that also activates a ballot, there were a lot of discussions on, well, what does that really mean? If we're not casting e-poll books and e-poll books are outside the spec, then how do you test the activation of the ballot that's within the e-poll book or on the backend on election reporting? So, if you have a system that you use to capture votes, you know, and you also use that same system to transmit your -- you know, your votes up a line for -- so they can count it, what does that mean? So, there are a lot of discussions, you know, surrounding it.

And then, in February we came back in and we had a very in-depth discussion on, you know, are we doing enough in terms of accessibility or are we favoring security? Because we set out at the onset to -- you know, to say, hey, they are both prime targets so that we want them to be both accessible and secure, and we don't want to favor one and -- you know, for the other.

We talked more about clear boundaries between the voting and elections systems, so -- and then the need to air gap between those systems, and we also discussed the number of accessible machines and the ballots produced, so, you know, we had a fair

number of discussions on the fact that oftentimes you'll see one accessible machine in a corner. And if you don't have enough ballots going through there, then are you really able to ensure the privacy of the accessible voter?

And then throughout that entire process, you know, we -- there were ongoing discussions on the need for provisional standards, what do you do in the case that if you find yourself without a quorum of EAC Commissioners, can we still have a process to update those standards, and how often should the standards be updated?

And we -- there was also a fair amount of discussion on the need for a transparent public comment process. So, the TGDC went through and -- for both of those, the provisional standards and the transparent public comment, we put together some resolutions and forwarded them to the EAC for their consideration.

Okay. So, today, we're here to talk about the requirements. And in the past, we -- as you know, there's a new structure with these -- the notion of the principles and guidelines, which are these higher set of guidelines that we all want to aspire to, and they've been discussed in the past. And today, these -- you know, we're here to discuss the requirements, which are really, you know, a level down, so they're deeper down. These are requirements that can be used by the testing laboratories to determine whether or not

the manufacturers meet the requirements and also, you know, for the manufacturers to build to.

So, one of the changes, you know, just to sort of orient our thinking was in terms of what constitutes a voting system, and we do have a definition. It's -- that was discussed within the TGDC as part of the VVSG. I really don't want to read it to you. In the past we sort of talked about, okay, the scope, you know, our scope here is from activation to accounting. That's not exactly true, but I know we've always talked about it in those terms. But it really also encompasses some of the pre-election set up, so defining elections and ballot styles, configuring the voting equipment, identifying and validating voting equipment configurations and performing the logic and accuracy tests. And then it starts with activating the ballots, and it goes through all the way to producing records that are in support of audits but not the actual, you know, transmission, you know, applying and counting.

So, this -- I'll come back to this. It's an important distinction that we'll come back to. In fact, we're here now, that, you know, there -- again, as we all know, there's -- the voting systems -- there's a lot of confusion among what constitutes a voting system versus an election system and, you know, over the last 15, 20 years we've seen the introduction of e-poll books, statewide voter registration databases, database systems, back office systems that

election officials use for communications, and so forth, you know, even, you know, items like traditional and social media accounts, and election night reporting systems. So, there's a lot out there, so it's like what exactly are we talking about here?

And, you know, I have a little graph, and this is -- it draws this line around the voting system itself, which is really the vote-capture devices that you normally see inside the polling places, as well as perhaps, you know, some of the election management systems and some of the systems that you would use -- some of the devices you could use for counting. Everything else is outside the scope, so the problem comes is what do you do with the boundaries, you know?

So, the boundaries over the years, so we've started to use a variety of communications or networking systems. Sometimes they're cellular-based, so, you know, maybe it's using the same kind of network as your cell phone. Sometimes, you know, you're connecting via a cable modem or something like that. And in some cases you have the old dial-up modems, although oftentimes those dial-up modems are not the analog modems that they were quite some time ago. They -- they're -- when you bring up your system, oftentimes all of these devices will provide you with an always-on connection that could be -- and the problem with the always-on

connection is if it's on and it's usable by you, it can also potentially be broken into by somebody else.

So, one, it's something that we really sort of strive to do is to protect those systems that you vote on so they can go back and they can be inspected in case there's any problems. But we still want election officials to be able to use networking technologies to do their job, so I think Paul Lux said, hey, I've got counties who are really far away from each other. I can't -- and I have got a reporting requirement, you know, every half an hour. I can't get people to drive that fast.

So, you know, when we were discussing, you know, one way to protect these systems is to provide an air gap between them. And when you do that, you know, as something we said to Paul, it's like, look, we want it air gapped, so we'd like for you to use something like sneakernet technology, so, you know, use a USB device, something like that, that you can take out of one machine and run over to another machine. We don't want you to use carnet, you know, technology. We don't want you to have to drive, you know, great distances to, you know, transmit results. So there's a fair amount of discussion in that vein as well.

So, let's get down to the principles and guidelines themselves. So, the first four principles -- high-quality design, implementation, transparency, and interoperability -- are really sort

of about the general operations, okay, but they're backed up by additional principles and guidelines for human factors, so this is for usability and accessibility, so they're 5 through 8. And then the final 9 through 15 are for security.

So, what's new? You know, I just did a very high level. We believe that they represent the latest in both industry and technology best practices, requiring significant updates and many aspects of voting systems. There has been a lot of work in human factors in the last 15 years, 15, 20 years, and these -- and much of that research has been incorporated directly into these requirements, you know, either indirectly because the research is there and we know it's good or because it's required by law. So, the human factors requirements now reference Federal accessibility standards, section 508, and the work coming out of the World Wide Web Consortium that -- on the web content accessibility guidelines.

The voter interface requirements, they've been updated to incorporate recent usability research and interactions that result from using modern devices like, you know, tablets -- we're beginning to see a lot of tablets -- and fully support accessibility through the voting process.

The common data formats, as I mentioned before, are now required, and a key component of them is they provide the low-level

support needed for risk-limiting audits. We are requiring defensive coding practices. We always have, but we're -- we updated the defensive coding practices. The reliability and electrical requirements were reviewed, updated, and streamlined.

And another area that we thought would really sort of clean up the VVSG to some degree is in the area of the guidance that's relevant to testing and certification. So, a lot of it -- a lot of this has to do with what a manufacturer would submit in what's called a technical data package or the supporting information that they would submit for quality assurance or configuration management. And the problem was that part of that was in the VVSG, and part of it was in the EAC's testing and certification manual. And sometimes they didn't line up, and it was hard to keep them -- you know, if you changed one and the -- you know, and you couldn't update the VVSG, then they were out of sync. So, we thought it would be better to have it all in one place.

And this has led to a little bit of confusion because, you know, we have more general requirements in the VVSG with the specifics, it -- that will ultimately, we believe, be in the EAC's testing and certification manual, but the testing and certification manufacturers are -- and the testing labs have questions surrounding that and say, well, what are we really going to be tested to and, you know, what are the requirements here?

One, some of the new security requirements call for software independence and support auditing methods, including risk-limiting audits. There's a dedicated section on ballot secrecy, the preventing the voter information from being carried through to the voting system. Two-factor authentication is now mandated for critical voting operations. And there's cryptographic protection and new system integrity requirements that ensure that the security protections that have been developed by the industry over the past decade are built into the voting system, though security is another area that's -- where there's -- it's been a whole active body of research over the last couple decades, and so it was an area that received a lot of updates.

I think with that, that sort of concludes what's new. There's -- I do have some prepared information regarding general themes on the -- from the public comments if you want to go over them or, you know, we'd be happy just to take your questions directly.

MR. VALENZUELA:

This is Ray. I don't know if Brad joined back on, but I'll -- Mary, if you don't mind, I'll -- I don't know what his agenda was, but I think it's probably -- is somebody talking? I'm sorry. No? Okay. I just assumed that the boards would be more interested in asking their Q&A and if we have them so we can, you know, at least

address the EAC board's concerns. So, I'll go ahead and open it up to those questions to you, Mary, if you don't mind.

But before we do that, I do want to mention -- which I'm sure Brad would have -- thank Bob Giles and Paul Lux for serving on that -- or as far as part of this VVSG process for the EAC Standards Board. And I know the EAC's Board of Advisors, Neal Kelley and Linda Lamone, also served. Thank you for that. It's a heavy lift.

But if you're okay, Mary, then we'll open it up to questions, and we'll try to do this not so much as a Zoom where everybody one time, but we'll -- if you want to go ahead and propose any questions, and we'll try to control the crowd. So open up for questions.

MS. BRADY:

Sounds perfect.

MR. VALENZUELA:

Mary -- or questions for Mary, go ahead, anybody.

MR. SCHWAB:

This is Secretary Schwab out of Kansas. Just real quickly, Mary, you said you had the themes from the public comments. Can you go ahead and just shoot -- can the staff in the EAC just shoot that --

MS. BRADY:

Oh, absolutely.

MR. SCHWAB:

-- to our email just so we can peruse it and I can share with our elections division?

MS. BRADY:

Well, there is in my slides -- my slides -- we were trying to send them over to them. I suspect we can get them to you.

MR. SCHWAB:

Yeah, if you can just give it to staff. And, staff, if you could just forward that on to the entire committee, that would be helpful, please.

MR. VALENZUELA:

Any other questions also, just opening that up? But I did want to ask the staff, EAC, that I assume that presentations, presented or not due to technical difficulties, will still be provided to all of us so we can -- we'll know that we'll have that. Is that correct, EAC staff?

MR. RAFFENSPERGER:

Yes, that's correct.

MR. VALENZUELA:

Okay. Thank you. So other questions?

MR. RAFFENSPERGER:

Brad Raffensperger, Georgia.

MR. VALENZUELA:

Bob, go ahead.

MR. GILES:

This is Bob Giles. So I had a couple questions more for the Commissioners. Mary raised the -- during her presentation the three resolutions that were voted on back in September of 2019, September 19th. Could you comment so just very quickly the -- a quick overview of the three. One was that they adopt -- the Commissioners adopt the yearly review of the VVSG so they don't fall far behind. The second resolution was that the EAC Commissioners present -- permit EAC professional staff, in consultation with NIST, to make minor technical changes to the requirements in a timely manner. And this should include the development of any appeals process. And the third resolution was basically what we've been asking for quite a while is did the Commissioners ever come up with a way to -- provisional requirements that should there not be a quorum we could move forward with provisional requirements, and then when the TGDC got back together, they could give a full approval of those?

And then just the other thing that came up at that meeting, for years we've been asking for the legal opinion on what -- whether the requirements have to be voted. That's -- was the whole point of separating them. I know at that meeting Commissioner Hovland

gave an overview but did -- was or ever a written opinion that could be shared with the Standards Board or the TGDC? Thanks.

COMMISSIONER PALMER:

Well, as the DFO, I guess I'll start. This meeting really is about the requirements, Bob. I mean, I understand that there was a number of resolutions on these three areas. I do think that we do get a yearly review of the VVSG, both inside the EAC and obviously through our boards, including the Standards Board.

The second issue you brought up was the professional staff and the creation of a possible appeal process. There have been discussions amongst the Commissioners. We haven't focused a hearing on that separate issue that's outside the scope of the VVSG. I know there's been some disagreements about whether or not Commissioners can delegate authority on the VVSG or related topics to staff, and so that's still an issue of consideration.

The last issue you brought up was the provisional requirements. Again, that goes into, from my perspective, an issue that's not really, you know, inside the scope of the requirements of this meeting, and so I know it's an issue that if, for example, there was a lack of a quorum, what would the EAC do in the event of the updated requirements again? I think that is a legal and a policy issue, but that's really outside the scope of our requirements here today. Are we satisfied as a Standards Board with the

requirements that we have to be attached to the guidelines and as we set up our test assertions and eventual -- with the manufacturers eventually designing and building equipment to those requirements.

Many of those issues I consider a process with a legal and policy aspect to them. I think Mary said it correctly that it's outside the scope of the VVSG. But I understand that these are issues that the community is concerned about. But I hope I answered the question from this Commissioner's perspective that we can address those issues, but it's sort of -- we're trying to do the nuts and bolts today on, are we satisfied from a policy perspective on certain requirements that the manufacturers will test their equipment to.

MR. GILES:

And then just any update on the legal opinion concerning separation of the two that we're taking that path?

COMMISSIONER PALMER:

Well, from my memory, I do know that the General Counsel at the time, Cliff, provided some legal analysis to the TGDC on this issue, and obviously, we now have a new General Counsel. I would rather defer to him on that issue. It is one aspect of the issue. I think that from my perspective we -- in the development of standards and requirements, these are issues of the TGDC, the Standards Board, and the Board of Advisors to develop those and

provide input to the EAC for the eventual development of those standards and requirements for a new VVSG 2.0. That's sort of my opinion on the issue. I do know there's been some legal analysis. But obviously, we have a new counsel on board, and we would like to talk to him about that issue. I don't think he's reached any conclusions.

But we are basically in the final four to six months of this process bringing this in for landing on 2.0. Obviously, I'm hoping to listen, as a Commissioner, to both legal and policy discussions, but from my perspective the primary method that Congress established for the establishment of requirements is with the EAC and its advisory boards and not professional staff necessarily. Obviously, we take their advice, you know, very importantly. We take that -- we have great relationships with our professional staff, but that's more of a legal and policy issue. That -- I don't want that to distract us from getting to the finish line on these requirements.

And so, what I'd like to do is just -- if we need to have some separate discussions with that on where we are with the resolutions, what is some of the thinking in the EAC. I know everyone's busy. I'd like to focus on some of the requirements and just sort of what is the general thought on whether or not the product that the TGDC and the Board of Advisors has looked at, whether or not the Standards Board is satisfied with that as we

enter this final phase post-comment period for development of those requirements.

MR. GILES:

So just -- well, I mean, we've been going around and around on the legal opinion. If you're saying that the new legal counsel will review it and hopefully will share that with us, we -- all we ever got was a summary of it at the last meeting, and so -- but to the other three resolutions, I respectfully disagree that I believe they are part of today's conversation because they have to do with the requirements. And if we're going to pass a resolution today the same way we did at the TGDC, I think those should be part of a discussion where what will happen to these requirements once they get passed and put out there and you don't have a quorum or, you know, that's an ongoing concern for all of us.

So I -- you know, I believe that's a discussion we should have. I know a resolution has been drafted, but we may want to consider -- and I would bring it up -- the three resolutions adopted by the TGDC should be adopted by -- I would ask that they be adopted by the Standards Board as well, or have them be included in the resolution.

MR. LUX:

I would have to -- I --

MS. MYERS:

And this is Jessica Myers. I just --

MR. LUX:

Go ahead, Jessica.

MS. MYERS:

I just want to echo what Bob is saying. As a now State election person and previously State election person, but also former EAC staffer that worked at -- in testing and certification and had to try to make requirements fit when we didn't have Commissioners, I echo a lot of Bob's concerns. And I understand and very much want us to get this 2.0 out and agree with you, Commissioner, about that's the primary focus of today. But I also echo Bob's concerns and concerns of others on this board and some of the other advisory boards that it's a very real and serious concern, and it caused significant problems and damaged -- and damage throughout not just with relationships at the EAC but also within States and their ability to implement and purchase and advance. So, I just wanted to make sure I got to say that.

Thank you for bring it up, Bob, and thank you for your response, Commissioner Palmer.

MR. LUX:

And I would just echo Bob's comments. This is Paul Lux. And the reason is, you know, that's part of the reason why we're where we are right now with 2.0 is because none of these things

were in place and this has been a concern. The TGDC -- I certainly have not served on the TGDC as long as Bob has, but this has been a concern of the TGDC for as long as I've been on it, and we still don't have a resolution to it. And I think it's absolutely very appropriate that the Standards Board have an opportunity to hear those concerns and if, as Bob suggested, forward those resolutions again as the Standards Board.

MR. NEWBY:

So, this is Brian Newby, and speaking today really from the State of North Dakota and North Dakota's views, I would clarify a little bit about what Bob Giles said in that I wouldn't say this is a concern for all of us. It's a concern for many. I'm not concerned personally, and I don't think our State is about the quorum issue.

But I do have to say that if we're talking about the nuts and bolts today of VVSG 2.0, nuts and bolts today mean that if there are changes to the requirements, they have to go through the same process that we're going through today. They have to go to the boards, they have to have a public comment period. And so I do think it's germane to the discussion today.

If instead what is being said is that there will be a separate notice, hearing, public comment period on the way that requirements will be modified, much to the other discussion that's already happening, then I think then that's fine to not have it today,

but I don't know how you can approve VVSG 2.0 without also making a comment related to the way that ongoing changes will be administered.

MR. VALENZUELA:

I see that Brad is back, and Brad, I don't know if you -- I took the privilege to secede you in your absence, so -- but I don't know if you've been -- have you been hearing the past -- where we're at or what our next move if you will -- because I know it's a vote to recommend or not recommend the VVSG 2.0, but are we still in discussion and wanting to know --

CHAIRMAN KING:

Ray, first of all, thank you very much for actually accepting your responsibility to step forward as Vice Chairman. I apologize. I had a technical difficulty here on my end where we had some overheating that kicked me out of the meeting, and so it took some extra effort to get me back in. So, I do appreciate your presiding over Mary Brady's presentation and the discussion that we've had so far.

Commissioner Palmer, you sent a text about a request for 30 seconds of personal privilege, and I don't know whether you were able to have that yet or not?

COMMISSIONER PALMER:

No, I -- actually, I should have brought it up when I was talking to Bob about his question. I had neglected in my comments to give the best wishes from -- to the Standards Board from Commissioner McCormick, the former DFO of Standards. She had a medical procedure and is not going to be on the call today, but she's in our prayers. And I just wish to convey that as well to the members.

And with that, I'll turn it back to you, Mr. Chairman. That's all I wanted to say. Thanks.

CHAIRMAN KING:

Okay. Thank you. And I'm sure all of us join in wishing her the very best and trusting that she will be back at the helm shortly.

At this point in the agenda we are having an ongoing discussion regarding comments or questions with regard to Mary Brady's presentation. Are there further comments or questions in that regard?

MR. RAFFENSPERGER:

Brad Raffensperger, Georgia. I had a question. We have a new system in Georgia, and it is obviously VVSG 1.0. And what we obviously want to be is grandfathered since it's brand new. We just want to make sure as we forward to 2.0 that we recognize that most States, the fielded systems aren't going to meet the new standards.

CHAIRMAN KING:

Okay. Thank you. Are there further comments or questions?

MR. WOOD:

Question, please. Question, please.

MR. VALENZUELA:

I hear somebody asking to request a question.

MS. BRADY:

Yeah.

MR. WOOD:

Can you hear me?

CHAIRMAN KING:

Yes. Please proceed.

MR. WOOD:

Brian Wood, West Virginia. Mary, I was wondering, in the last public hearing, the third hearing, the vendors were asked to come on and speak, and one of the questions -- I believe all of them stated that none of their systems now would meet the 2.0 standards. And the question was asked is there any concerns they have with the 2.0 standards. And all -- if not all, most had some concerns. Those concerns were supposed to be put in writing and submitted to you all, but from a Standards Board member, I did not get to hear what those concerns were and wondering if you had any insight into that and can those be resolved?

MS. BRADY:

So, yeah, thanks for the question. I -- as Mona pointed out, there is a group of folks that are meeting weekly, so this is staff from the EAC, from NIST, from the manufacturers, from the voting system test laboratories, and a couple of other folks who are technical folks as well. And what we're trying to do in those meetings, what we've done in those meetings is go back and we started by asking the manufacturers to provide additional detail because we'd like to really sort of zero in on what their concerns are and see if there's a real technical concern there and perhaps it's something that can be addressed or, you know, or what the actual concern is. So, we're really trying to drill in.

And so what we've been doing here recently is we went through and -- as you might imagine, if you ask an open-ended question, you really don't get much of an answer, so it's -- so what we did is we said, hey, look, you all submitted your comments. We went through, grabbed all of the manufacturer comments, and evaluated them. We analyzed them, and we're stepping through them, you know, one by one with the manufacturers to try to see if there's any resolution.

Some of the things that have come up already -- and I'm sure my slides are over there now, and some of this is in the slides -- is there's a real concern -- and I sort of alluded to this -- that we --

when we took and moved the documentation for the technical data package and for the quality assurance and configuration management, these are all things that are all artifacts that the manufacturers have to submit for testing and certification. So they -- there's a lot of documentation in there, and there are a lot of questions about, okay, since you took this and you moved it to the EAC's testing and certification manual -- and it's not there yet, so we don't know exactly what it is we have to do -- they're concerned about how they're going to be tested and, you know, how deep they have to go for some of these things.

So, I think that's something that's pretty easily worked out. We just have to figure out where it's going to be, how -- you know, what they -- what they're concerned about, they know where to look for it, they know what it is they have to do to start the testing and certification process, and what they have to submit, so that's easy.

Something that's a little more meaty is there's this -- the use of COTS, commercial off-the-shelf hardware, that's allowable in the VVSG, but there's a whole series of questions that come up that surround it. So, for instance -- let me just see if I can get to that slide.

MR. WOOD:

If we were to pass this --

MS. BRADY:

Take me to -- yeah, so, for instance, there's questions about like the past voting systems had pretty stringent electrical requirements and environmental requirements, and for COTS, they're like, well, these COTS systems aren't going to meet that because, you know, those requirements come out of military standards, so you're looking for hardware that's going to be really, you know, pretty robust. And the -- you know, your laptops are not nearly as robust. Your tablets are not nearly as robust, you know, if you just buy a commercial off-the-shelf system.

The same problem with the lifespan of systems, so normally you're shooting for 10 years or more. You know, in some of these tablets we go through them in two to three years. So that's, I think, a legitimate concern that it's like, okay, you know, we need to talk about that and figure out how we might be able to address it.

So, we are working through them, you know, so there's one that's sort of on the edge, okay, it's documentation. What do we have to provide? And it's just a matter of listing it so they know and they get a warm fuzzy feeling that, you know, we haven't upped the ante to such a degree that they can't meet it and that these are things that they can do.

And then, you know, here's another one on the other side, COTS, where, okay, we really need to have an in-depth discussion about what's reasonable to do here, and perhaps military standard

that we're referencing is too stringent for these types of systems and there has to be recognition that, you know, tablets -- you're going to have to -- if you're working with tablet technology, you may have to replace it more often. Does that answer your question?

MR. WOOD:

Somewhat. If we pass 2.0 and we don't address these concerns, are we going to be right back in the same spot we are now in that we have guidelines and specs that can't be met and we're boxed in like we're in a --

MS. BRADY:

Well, I mean, that's part of -- I think that's part of what, you know, Bob was alluding to and, you know, normally in -- normally when you put together standards and, you know, if you go to a standards-setting organization, standards aren't a one-and-done kind of thing because technology evolves and you have to continue to, you know, update your requirements to evolve with technology. So, there are -- you know, in order to do that, if you're going to do that in a standard, you have to have a testing and certification program, in my opinion, that can also operate in that fashion.

And I think that's -- the testing and certification is separate but pretty much related to the requirements, right? So I think they are discussions that we have to have, and I believe that will come up with the manufacturers is how do you have an agile testing and

certification process that will allow for, you know, for continual updating to the degree that's -- I mean, you can't update everything all the time. That's not fair to the manufacturers, right? But where you're catching the big things that you have to catch.

You know, it's something that came up with TGDC discussions is what if you find out that there's a security problem? You want to patch that as fast as you possibly can, right? So you have to have an agile process that will allow for that and will allow for that system to be certified and -- very quickly.

Now, the EAC, I think some of the past -- and I don't want to speak for you all, but -- for the testing and cert folks, but I know some of the -- you know, some of the updates where they were just smaller updates, they've been able to get them through very quickly, you know, so that'll be part of the discussion as well.

MR. WOOD:

I'd like to echo Bob's concerns as well, as well as Brad's concerns with making sure that the old systems are grandfathered in.

Congratulations on your retirement I believe you said.

MS. BRADY:

Yeah, thank you. Yes.

MR. WOOD:

Thank you for the time. I appreciate it.

CHAIRMAN KING:

Thank you, Brian.

Are there further questions or comments?

MR. KELLNER:

I had a comment if you'll recognize me, Mr. Chair?

CHAIRMAN KING:

Yes. Please proceed, Mr. Kellner.

MR. KELLNER:

So, this is Doug Kellner. I'm Co-Chair of the New York State Board of Elections, and I'm very troubled about these comments with respect to grandfathering. They remind me of the old Henny Youngman joke where the doctor says, well, if you can't afford the operation, I'll touchup the x-rays.

And the point here is that if we're using substandard equipment, we should acknowledge that. These are only guidelines, and to the extent that election administrators are not able to upgrade their equipment to meet the standards, we should at least acknowledge that we're using substandard equipment.

CHAIRMAN KING:

Thank you. Are there further questions or comments?

MR. LUX:

Yes, Mr. Chairman. What is the effective date?

CHAIRMAN KING:

Paul, I'm sorry, you're referring to the effective date of which item in particular?

MR. LUX:

Of 2.0, of the entire -- if we voted today, what's the effective date of the entire VVSG 2.0?

CHAIRMAN KING:

Well, I'll defer to EAC staff, particularly legal staff, but of course the standards are adopted by the four members of the Election Assistance Commission. I don't know whether they can specify an effective date other than the date of their vote, so, again, I'll defer to EAC staff for an answer on that point.

COMMISSIONER PALMER:

So, Brad, this is Don Palmer, and I'm welcome to be corrected if I'm wrong. I mean, once you establish the VVSG 2.0 guidelines and requirements, there has to be test assertions on those requirements. Then, the -- excuse me. Manufacturers will design and they will build voting systems to those standards, so I guess you could say they're -- they come into effect when they're adopted, but it will be a number -- probably at least a year, probably more, before the first manufacturer will actually have a machine that's built to those standards.

But our goal, at the EAC, is to make sure that it -- our program is ready for it as soon as possible thereafter of the

adoption with our test assertions, with our accredited labs understanding and having that relationship with the manufacturers for testing to the new requirements. And I'm happy to have staff come in and correct me if I misstated anything.

MR. RAYBURN:

This is Kevin Rayburn. You're spot on, and the particular section of HAVA is section 222, paragraph D, that talks about final adoption. So, if that's what you mean by effective date, then it's spelled out in HAVA with the vote of three -- at least three Commissioners.

CHAIRMAN KING:

Thank you.

COMMISSIONER PALMER:

Mr. Chairman?

CHAIRMAN KING:

Yes, sir.

COMMISSIONER PALMER:

One additional issue. Again, I'm fine to be corrected. Secretary Raffensperger's question regarding grandfathering, my understanding is that is separate and apart from VVSG. It may be something that goes into the program manual as a policy. That would be something that I believe the Commission as a whole would adopt, what effect -- what the grandfathering is and what are

the effective VVSGs for testing. And again, that's my understanding, and I'm -- no one piped up, so I thought I'd try to answer that as best I could. But if there's a more specific answer to that, staff is more than willing to pipe in.

CHAIRMAN KING:

Thank you, Commissioner.

MR. LUX:

And this is Paul Lux. I would just like to add, Mr. Chairman, to the question of grandfathering, it's not a matter of are we using a substandard system. It's a matter of we're using systems that were certified to a previous version of the VVSG being substandard. It may not be current standards, but it wasn't substandard when it was certified to the most recent version of the VVSG.

MR. RAYBURN:

This is Kevin Rayburn. And to go with that, if and when VVSG 2.0 is adopted, that doesn't result in decertification of old systems, so it -- you know, adoption of 2.0 would not have an impact on a decertification of a prior system certified under a prior standard, just like 1.1 didn't have an impact on 1.0.

CHAIRMAN KING:

Thank you. Further comments or questions?

MR. NEWBY:

Mr. Chair, I just have a question if -- as a point of order. If -- is this portion questions of the presentation or also discussion about the overall VVSG 2.0? In other words, when there would be a call to vote, will there be discussion after that before the vote, or is this intended to be both those items here?

CHAIRMAN KING:

Mr. Newby, this is the questions and comments in response to Ms. Brady's presentation. There is not currently a motion pending before the board. Since you've raised it, I'll take the opportunity to say that a resolution regarding this matter has been drafted and was circulated very recently to the entire membership by EAC staff. And so, when the comments or questions arising from Ms. Brady's presentation are concluded, the next item on the agenda is consideration of the resolution that you were provided on this topic. And there will be an opportunity for further comments and questions on this subject as part of the discussion of that resolution.

MR. RAYBURN:

Mr. Chairman, I want to add that the EAC staff associate counsel Amanda Joiner had sent out Ms. Brady's presentation to the full Standards Board, so everyone should have that in their email.

MS. CEGAVSKE:

I just got it in mine. This is Barbara Cegavske from Nevada, so I do have it. Thank you, Mary.

MS. BRADY:

You're welcome.

CHAIRMAN KING:

Yes, thank you very much.

Are there further comments or questions with regard to the presentation?

MR. ARDOIN:

Mr. Chairman, Kyle Ardoin from Louisiana. I'm wondering, from Mary, if all of the legal or non-technical issues have been addressed by the manufacturers.

MS. BRADY:

I'm not sure what you mean by legal or non-technical issues.

MR. ARDOIN:

It's my understanding that there's been issues brought up by the manufacturers that address some legal issues that they believe that this VVSG 2.0 will address and technical issues that they're concerned about and not all of them -- not all of these questions have been answered or have been vetted in detail.

MS. BRADY:

Okay. So, we are working through -- we have weekly meetings with the manufacturers, and we are working through any

issues they may have. I have not heard anything regarding legal issues just yet, although there is some discussion on a patent policy and whether or not there -- any of the manufacturers might hold patents to -- but if there's anything within the VVSG that would preclude them from building it, you know, due to, you know, another manufacturer holding a patent that -- so I heard about that, but it hasn't been brought up in any detail inside these meetings just yet, but I expect we'll get to it.

MS. HARRINGTON:

This is Mona, and I second what Mary just said. And we're working methodically through the requirements, so we just probably haven't gotten there yet, but nothing legal has come up to date.

MR. ARDOIN:

Well, if it hasn't been worked through, then why are we entertaining a resolution until all those issues are addressed sufficiently?

MS. BRADY:

Well, Don, maybe that's a question for you. I mean, the -- my only answer to that is this is the HAVA process. The HAVA process is to go through the TGDC and then after it's adopted by the TGDC, to send it up to the Standards Board and the Board of Advisors for comment. So I think at this point the question is, you know --

COMMISSIONER HOVLAND:

This is --

MS. BRADY:

-- that's -- I -- that's the process we're working through, and eventually that will all go to the Commissioners with -- you know, for the final decision.

COMMISSIONER HOVLAND:

Yeah, I can --

MS. BRADY:

Go ahead, Ben.

COMMISSIONER HOVLAND:

-- comment on that. So, we had the public comment period, the 90 days that ran. You know, we got feedback from the manufacturer hearing. We're working through those. You know, and again, that will all be eventually -- as you've heard, it's going to be worked through by staff. That will be presented to us eventually. What we're looking for here is feedback from the Standards Board members on any issues that you see with these technical requirements.

Again, the way that HAVA states here, you know, we are -- the TGDC forwards this to the Executive Director. It gets forwarded to the other boards. We are then prohibited from voting on it for 90 days. So more than any specific action, it is that we are prohibited

from voting on the VVSG for 90 days until after you've had a chance to see it. The 90-day comment period ran, but we obviously value Standards Board feedback, and that's what we're seeking to get here. And we're also continuing to work through a lot of these processes on parallel tracks because we are aware of the time concerns about how long this process has taken and our dedication to trying to get it done.

So certainly appreciate that feedback, but again, I think what -- you know, again, we're working through those issues, and what I think we want to get a sense of today is if the Standards Board feels there are specific issues that do still need to be addressed or should be considered and/or if you are generally comfortable with the direction that the requirements are in. Thank you.

CHAIRMAN KING:

Thank you. Further questions and comments?

[No response]

CHAIRMAN KING:

Hearing none, Mary, thank you very much for your presentation. I appreciate your willingness --

MS. BRADY:

You're welcome.

CHAIRMAN KING:

-- to discuss this and address the questions raised by members.

The next item on the agenda concerns consideration of a resolution regarding these matters, and I don't know if EAC staff can, again, publish the first of, I believe, two pages of the resolution that was circulated very recently, within the last day or so, to members of the board. Staff, can you do that?

MR. RAYBURN:

If Steve's not able to get that up, I can try to share screen and put it up. One second.

CHAIRMAN KING:

Okay. Thank you.

MS. HARRINGTON:

One moment.

CHAIRMAN KING:

Okay. Very good. Let me ask. Have the members had an opportunity to read through this resolution?

[Chorus of yeses]

CHAIRMAN KING:

Yes. Okay. I'm not hearing any noes. Then for purposes of discussion, is there a motion to adopt resolution 2020-1, as submitted? I will so move. Is there a second?

MR. PETTIT:

Mr. Chair, I -- if you don't want to do that, I would be happy to do it. This is Jerry Pettit from Washington.

CHAIRMAN KING:

Thank you. I would appreciate that. Is there a second?

MR. ROCK:

Rob Rock from Rhode Island.

CHAIRMAN KING:

Thank you. A motion has been made and seconded. We will proceed to discussion on the resolution itself. Whoever would like to recognize, again, please identify yourself. And our discussion will commence.

MR. GILES:

Hi, Brad. It's Bob Giles.

CHAIRMAN KING:

Hi, Bob.

MR. GILES:

So, the three resolutions I mentioned earlier, would we -- and you're the procedures expert. Would those be something we take separately or try to include in this resolution?

CHAIRMAN KING:

Well, let me ask if the staff can scroll down to the bottom of the resolution. You'll see in italics "or with additional recommendations outlined below." We had a vote earlier in this

meeting to approve the agenda with this resolution on it, and so, procedurally, the proper approach would be to offer the resolutions you referred to in some form as an amendment to the resolution that's pending before the body.

MR. GILES:

So then if I offer the three resolutions -- and I can bring them up on screen if need be -- to amend this resolution -- and I guess that's the question. Do you want to take those separately, as separate resolutions, or included in this --

CHAIRMAN KING:

You may offer the amendments in any form you wish. You can offer them as a single amendment or as three separate amendments. But, of course, we will only consider one amendment at a time.

MR. GILES:

So then, since we get three separate resolutions at the TGDC, then we could take those as three separate amendments and we can do one at a time if that's --

CHAIRMAN KING:

Yes, that is correct.

MR. GILES:

Okay. Would you want me to share my screen so everyone can see those?

CHAIRMAN KING:

Well, let's decide what you would like to offer and the order you'd like to offer them in if they're separate. But then, sure, if -- I assume we can get them to be shared on the screens.

MR. ARDOIN:

Mr. Chairman, point of order.

CHAIRMAN KING:

Yes, who's speaking?

MR. ARDOIN:

Louisiana Secretary of State Kyle Ardoin. I have real concerns --

CHAIRMAN KING:

Thank you, Secretary.

MR. ARDOIN:

Thank you. I have real concerns about where we're headed at this moment in time. I do not know anything or have any information about the three resolutions Mr. Giles is proposing to amend to this resolution. I already have concerns about this resolution for previous comments that I made. And so, if we're going to head in this direction, then I'd like to make a substitute motion to table the entire subject matter until another meeting when we can be fully updated on all the information we're going to be considering.

CHAIRMAN KING:

Okay. Thank you, Secretary. There is a motion to table the resolution and postpone consideration until the next scheduled meeting of the Standards Board. Have I stated your motion properly, Mr. Secretary?

MR. ARDOIN:

Yes, sir, Mr. Chairman. Thank you.

CHAIRMAN KING:

Okay. Thank you. As I recall, motions to table are not subject to debate, and so I will simply ask for ayes and nays. Those in favor of the motion to table, please signify by saying aye.

[Chorus of ayes]

CHAIRMAN KING:

Those opposed to the motion to table, signify by saying nay.

[Chorus of nays]

CHAIRMAN KING:

Was there a question addressed to the Chair?

MR. MERRILL:

What's the ruling of the Chair?

CHAIRMAN KING:

In the opinion of the Chair, the nays prevail.

MR. MERRILL:

Okay. I call -- this is John Merrill from Alabama. I call  
division.

CHAIRMAN KING:

Which is granted. Staff, if we can open up procedures for  
members to indicate their preference.

MR. SHEW:

Mr. Chair, may I ask a question?

CHAIRMAN KING:

Yes, certainly.

MR. SHEW:

When is the next meeting of the board that we would be  
tabling to?

CHAIRMAN KING:

We do not know other than a yearly meeting is required  
under the statute.

MR. SHEW:

Okay.

MR. ARDOIN:

A point of information, Mr. Chairman. Do you have the  
authority to call a future meeting, or does it take a vote of the  
membership to call for a future meeting?

CHAIRMAN KING:

Meetings are called essentially through the Election Assistance Commission since their approval is required to enter into contracts with hotels and other facilities so that the meeting can be facilitated.

MR. ARDOIN:

Or we could have another Zoom meeting.

CHAIRMAN KING:

Presumably, we could have another Zoom meeting.

MR. DEARING:

Point of information, Chair?

CHAIRMAN KING:

Yes, please proceed.

MR. DEARING:

This is Jared Dearing, Kentucky. So I understand the concerns the Secretary has, and they're valid, but I guess my concern is are we talking about pushing this further down the road for a full another year, and if that's the case, that does give me some pause and concern that this should move forward.

CHAIRMAN KING:

Okay. Thank you.

MR. RAYBURN:

Mr. Chairman, so my understanding is we're going to take essentially a roll call vote, and you're -- are you asking if we can do that through a poll or if we need to verbally go down the list?

CHAIRMAN KING:

Yes. A division has been requested and granted, and so we will -- I would take a poll rather than a roll call vote if we can do that. If we cannot, then we'll have to take a roll call vote.

MR. RAYBURN:

It might take --

MR. GOUGH:

Mr. Chairman? Excuse me, Mr. Chairman?

MR. WATSON:

Mike Watson from Mississippi here. I'm on the phone, so I can't vote at a poll.

CHAIRMAN KING:

That's -- we would accommodate votes that come in by phone.

MR. GOUGH:

Excuse me, Chairman --

CHAIRMAN KING:

At the end of the -- one moment. At the -- during the poll and after, I will make a point to ask individuals who are on by phone

to indicate their vote on the motion so they will be included in the final tally.

MR. WATSON:

Thank you, sir. I'm a "no" if you want to go ahead and write that down.

MR. PETTIT:

Mr. Chair, Jerry Pettit from Washington.

MR. GILES:

So, Brad, this is Bob Giles. I guess my concern on taking a vote without a date certain for the next meeting, to Jared's point, of Kentucky, that is concerning. I -- you know, if it's a 30-day delay to get the --

MR. SCHWAB:

Okay. Point of order. I thought this was not debatable.

CHAIRMAN KING:

This -- this is not -- thank you. This is not subject to debate.

MR. PETTIT:

Mr. Chair, Jerry Pettit from Washington.

CHAIRMAN KING:

Yes, Mr. Pettit.

MR. PETTIT:

My concern with having specific people have -- being called out that are on the phone having to address specifically who they --

who they are to make a voice vote, then I would prefer a roll call vote to ensure that everyone of membership is on record as far as their voting preference.

CHAIRMAN KING:

I appreciate your concern and understand it, but at this point staff indicates, if I understand correctly, that a poll can be conducted, and I've indicated that telephone votes will be accepted.

MR. PETTIT:

Mr. Chair?

CHAIRMAN KING:

Yes, sir.

COMMISSIONER HOVLAND:

Can I make a point of clarification just to -- so it's my understanding that right now is a potential roll call vote on a motion to table this recommended or this drafted petition -- or to send to the EAC. And I would just flag for people that if that is the case, as I mentioned, HAVA says we are not allowed to vote for 90 days. It does not say we have to have your recommendations, so you will be voting to put us in a position to either stall the EAC -- stall the VVSG 2.0 in order --

MR. ARDOIN:

Mr. Chairman, is this debating?

COMMISSIONER HOVLAND:

I'm just trying to educate people of the scenario, or to move forward without --

MR. ARDOIN:

I think you're actually debating the motion whether or not to table. I think that any -- we can call a meeting anytime I want, and the Chairman has that authority. Certainly --

COMMISSIONER HOVLAND:

Absolutely.

MR. ARDOIN:

-- no one is -- no one's saying we should put it off for a year. No one's suggested that at all. I simply want to clarify whatever Mr. Giles is pursuing with these other resolutions more information in order to get that and be able to make an educated vote on this issue. I'll meet in two more weeks. I don't care.

COMMISSIONER HOVLAND:

Absolutely. This is -- this --

CHAIRMAN KING:

I think if I can ask for order for a moment and then, Secretary Merrill, I'll be happy to recognize you. Yes, we are getting into debate, and we do need to proceed in whatever fashion with a vote on the motion to table.

But, Mr. Secretary, please proceed.

MR. MERRILL:

Listen, I just -- I feel like we've talked about this long enough, so whatever course of action you want to take, Mr. Chairman, as far as recognizing how the members feel I think is appropriate, but we need to do so right now because we already took a 30-minute break that we didn't schedule to take earlier, and some of us have other things to do this afternoon after our allotted time was given to the meeting. So, let's go ahead and vote. You do that the way you think is best, but let's vote.

CHAIRMAN KING:

Thank you. The Chair has ruled for a poll vote to be taken with telephone votes to be eligible. EAC staff, can you please proceed to enable that?

MR. RAYBURN:

So, if I may, Mr. Chairman, Steve, are you available to speak, and have you by now created the poll, or would you like instructions on how to word the poll?

MR. TROUT:

Yeah, the wording of the poll would be helpful, and then I can throw it up on the screen.

MR. RAYBURN:

Mr. Chair, can you provide how you want the poll worded, and then I presume a yes and no response?

CHAIRMAN KING:

It's very simple. Shall resolution 2020-1 be tabled until the next regularly called meeting of the Standards Board?

MR. MERRILL:

Mr. Chairman, would you mind changing that to say regular or special called meeting?

CHAIRMAN KING:

I am open to that amendment, yes.

MR. MERRILL:

Okay. Thank you.

MR. RAYBURN:

Steve, and it should say the next regular or special-called meeting of the board.

CHAIRMAN KING:

Of the Standards Board, yes.

MR. RAYBURN:

Oh, I remind folks, only voting members should be voting on this motion.

MS. HARRINGTON:

Thank you, Steve.

CHAIRMAN KING:

Thank you, members. Please proceed to vote as promptly as possible.

MR. STEVENS:

Mr. Chairman, is there an opportunity to vote by proxy for this?

CHAIRMAN KING:

Yes. You and I both hold proxies for other members.

MR. STEVENS:

How would we execute that?

CHAIRMAN KING:

We can do that by phone. Do you have, Anthony, the number of EAC staff to reach to convey your vote for your proxy?

MR. STEVENS:

Not right here.

MS. HARRINGTON:

Steve, can you provide that information, please?

MR. TROUT:

Would you like me to display the results on screen?

CHAIRMAN KING:

Yes, please, when they're finished, when I close voting. My vote for my proxy is being called in.

MR. RAYBURN:

And, Mr. Chair, this is Kevin Rayburn, General Counsel. Since this is not a secret vote, I think, just as you will go through the people on cell phones, I think proxies can be verbalized as well if that's more efficient.

CHAIRMAN KING:

Very good.

MR. VALENZUELA:

Just to clarify --

CHAIRMAN KING:

I'm going to continue -- can I ask anyone who is on by telephone to indicate their vote on the motion?

MR. WATSON:

This is Secretary Michael Watson from Mississippi. I'd like to  
table.

CHAIRMAN KING:

That would be an aye?

MR. WATSON:

Aye.

CHAIRMAN KING:

I have a text from Jay Ashcroft, who says he did not receive a popup and votes aye. I'm sorry. I may have missed a message, a text message there that was just sent, as long as EAC staff could see the screen. We have a note to those without a popup, you might try clicking the polls icon at the bottom of your screen. Okay. I'll leave the polls open for another minute.

MR. VALENZUELA:

Mr. Chair, this is Ray. I just want to reemphasize that the proxies, I know they know who they are, but just for the point of record, is Robert Dezmelyk is a proxy for Anthony Stevens, so if they want to initiate their vote. Carol Thompson for proxies to Gail Fenumiai and Julie Flynn, proxies to you, Mr. Chair, which you've already cast, but just to clarify.

CHAIRMAN KING:

Thank you, Ray.

MR. STEVENS:

Mr. Chair, this is Anthony Stevens. On behalf of Robert Dezmelyk, I'd like to vote nay.

CHAIRMAN KING:

Thank you. I received -- can staff see the messages that others are sending in that are appearing on my screen that indicate their vote?

MS. MUTHIG:

If the message is to everyone, then yes, we will be able to see those messages.

CHAIRMAN KING:

Okay. So, for example, Gail votes nay.

MS. MUTHIG:

Yes, we can see that.

CHAIRMAN KING:

Okay, good. I just wanted to make sure nothing was lost  
that only I was seeing.

MS. MUTHIG:

Yep. Thank you.

CHAIRMAN KING:

Okay. The polls will close in a matter of seconds.

MS. MERRILL:

This is Denise Merrill from Connecticut. Can you hear me?

CHAIRMAN KING:

Yes, thank you.

MS. MERRILL:

I'll vote nay.

CHAIRMAN KING:

Thank you. Can staff please record that vote? And the polls  
are now closed. When staff has an opportunity, can you provide a  
report regarding the vote? The roll call shows by percentages 70  
percent have voted nay, 30 percent have voted aye. The motion to  
table has been defeated.

Are there further motions concerning resolutions 2020-1?  
Well, we're -- I should say we're returning to our original motion to  
adopt as submitted. Are there further amendments to that  
resolution?

[No response]

CHAIRMAN KING:

Hearing none, is there further comment or debate regarding the resolution itself, resolution 2020-1, as submitted?

MR. MERRILL:

I call the question.

MR. NEWBY:

Mr. Chair, I have a comment.

CHAIRMAN KING:

Mr. Newby is recognized. The question will be called in as expeditious a manner as possible.

MR. NEWBY:

And it's just to stress I think the -- not to do anything other than just go on the record with our view in North Dakota. We can't support the resolution as it stands -- with the VVSG 2.0 as it stands related to the inclusion of wireless requirements and also with the -- I guess the uncertainty for sure that the Commissioners will not be following the process outlined in HAVA to approve any further and future changes in the VVSG 2.0. So not really bringing that up for debate, just wanted to clarify what my vote would be.

CHAIRMAN KING:

Thank you. Mr. Kellner has requested recognition.

MR. KELLNER:

Thank you, Mr. Chairman. I voted against supporting the guidelines at last year's meeting, but I want to endorse the revisions that have been made. And I believe that they strongly improve the role of ensuring integrity and verifiability in the election process. I still have some reservations, which I wrote in written comments to the EAC, and to save time I won't go through them now, but given the very substantial improvements that have been made, I do support the resolution.

And my greatest and most significant reservation is the continued use in some jurisdictions of online return of voted ballots, which I believe should be considered to be covered by the Help America Vote Act as part of the voting system, and yet there is no process for certifying that equipment. But, nevertheless, I believe that it is better for the EAC to adopt these guidelines now, so I support them and urge a "yes" vote on the resolution.

CHAIRMAN KING:

Thank you. Are there further comments? Are there further comments?

[No response]

CHAIRMAN KING:

Hearing none, we will call the question. This matter requires a roll call vote of the membership. I would ask, as a courtesy to

Secretary Merrill, that he be called first in this. So, if EAC staff could please proceed to work with Steve Trout, our Secretary.

MR. TROUT:

Well, great. Secretary Merrill?

MR. MERRILL:

No.

MR. TROUT:

Anthony Albence?

MR. ALBENCE:

No.

MR. TROUT:

Marci Andino?

MS. ANDINO:

I vote no.

MR. TROUT:

Secretary Ardoin?

MR. ARDOIN:

I vote no.

MR. TROUT:

Secretary Ashcroft? I'll continue to watch the chat. Thank you, Secretary Ashcroft, got it.

Kenny Barger?

MR. BARGER:

Yes.

MR. TROUT:

Lisbeth Becker?

MS. BECKER:

No.

MR. TROUT:

Rachel Bledi? Rachel?

[No response]

MR. TROUT:

Okay. Nancy Boren?

MS. BOREN:

No.

MR. TROUT:

Brenda Cabrera?

MS. CABRERA:

No.

MR. TROUT:

Secretary Cegavske?

MS. CEGAVSKE:

I'm a no.

MR. TROUT:

Dana Debeauvoir? Dana?

[No response]

MR. TROUT:

Okay. Jared Dearing?

MR. DEARING:

I apologize. My -- I'm having a bad connection. Can you please read the -- what exactly it is we are voting on specifically so I can make that correct vote, please? I apologize to the Chair.

CHAIRMAN KING:

The motion under consideration is whether or not to approve resolution 2020-1, which staff displayed on the screen earlier in part. I don't know if you saw that or not or had previously read it.

MR. DEARING:

I did, and I did read it. Were there amendments that were being added to this by Member Giles, or is that a second vote after this --

CHAIRMAN KING:

No. -- act? No amendments were offered, so this is a vote on the final version of the resolution, as submitted, without amendment.

MR. DEARING:

My vote is aye.

MR. TROUT:

Thank you. Robert Dezmelyk, I think Anthony has his proxy.

MR. STEVENS:

Vote aye on behalf of Robert Dezmelyk.

MR. TROUT:

Thank you. Michael Dickerson?

MR. DICKERSON:

I vote no.

MR. TROUT:

Thank you. Batina Dodge?

MS. DODGE:

Aye.

MR. TROUT:

Heather Doxon?

MS. DOXON:

Aye.

MR. TROUT:

Heather, did -- I didn't catch that if that was you responding.

MS. DOXON:

I said aye.

MR. TROUT:

I, thank you.

MS. DOXON:

Yep.

MR. TROUT:

Debbie Erickson.

MS. ERICKSON:

Aye.

MR. TROUT:

Gail Fenumiai? Gail, I'll watch the chat.

MR. SHELLMAN:

She voted by proxy, Steve.

MR. TROUT:

She has a proxy for Carol Thompson.

MR. SHELLMAN:

I beg your pardon.

MR. TROUT:

Okay. Julie Flynn also has -- someone has a proxy for her.

CHAIRMAN KING:

This is the Chair. I have a proxy for Julie and vote aye.

MR. TROUT:

Thank you. Bob Giles?

MR. GILES:

So, I -- and I apologize. I'm a little confused myself. I thought the amendments I brought up or going to be included. Then we had a motion to table it, and so I'm really confused at this point how we -- you said -- because I thought we were voting with amendments, and now you're saying there were no amendments,

and I brought them up. Then the Secretary asked to table it, so now I'm really confused.

CHAIRMAN KING:

I can address -- Bob, I can address that. It is complicated. The motion to table takes precedence, and so we considered it first. And then I made an offer -- I made a request for further discussion and had indicated before that that you could offer amendments either as a single document or as a series of amendments, and so that was the opportunity to offer those amendments.

MR. GILES:

And -- well, I -- I don't believe that was clear because I offered to share my screen to bring them up. That's when the Secretary asked to table, and then I -- I thought my amendments carried through and you were seeking additional amendments.

CHAIRMAN KING:

Well, Bob, you did not again specify what exactly you were offering as an amendment, whether it was to be separate or one omnibus amendment. We need to proceed with the roll call, so we'll do that, and then there are other -- there are other options which you can consider such as a motion to reconsider depending upon how you vote on the main motion.

MR. GILES:

Is there an option to offer those resolutions separately as  
standalone resolutions?

CHAIRMAN KING:

If we agree to amend the agenda, yes.

MR. GILES:

Okay. Then I'll vote yes on this.

MR. TROUT:

All right. Thanks, Bob. Joe Gloria?

MR. GLORIA:

No.

MR. TROUT:

Barbara Goeckner?

MS. GOECKNER:

Yes.

MR. TROUT:

Mark Goins?

MR. ARDOIN:

Yes.

MR. TROUT:

Jackie Gonzales?

MS. GONZALES:

Aye.

MR. TROUT:

Lance Gough?

MR. GOUGH:

I vote no.

MR. TROUT:

Thank you. Mandy Grandjean?

[No response]

MR. TROUT:

Okay. Steve Harsman?

MR. HARSMAN:

Yes.

MR. TROUT:

Stuart Holmes?

MR. HOLMES:

Yes.

MR. TROUT:

Keith Ingram?

MR. INGRAM:

No.

MR. TROUT:

Neal Kelley?

MR. KELLEY:

Yes.

MR. TROUT:

DRAFT

Doug Kellner?

MR. KELLNER:

Yes.

MR. TROUT:

Brad King?

CHAIRMAN KING:

Yes.

MR. TROUT:

Dave Kunko?

MR. KUNKO:

Yes.

MR. TROUT:

Justin Lee?

MR. LEE:

Yes.

MR. TROUT:

Rene Loy?

MS. LOY:

Yes.

MR. TROUT:

Paul Lux?

MR. LUX:

Yes.

DRAFT

MR. TROUT:

Bernadette Matthews?

MS. B. MATTHEWS:

No.

MR. TROUT:

Maria Matthews?

MS. M. MATTHEWS:

Yes.

MR. TROUT:

Guy Mickley?

MR. MICKLEY:

Yes.

MR. TROUT:

Alice Miller?

MS. MILLER:

No.

MR. TROUT:

Carol Morris?

MS. MORRIS:

Yes.

MR. TROUT:

Jessica Myers?

MS. MYERS:

DRAFT

Yes.

MR. TROUT:

Brian Newby?

MR. NEWBY:

No.

MR. TROUT:

Maria Pangelinan?

MS. PANGELINAN:

Yes.

MR. TROUT:

Sorry. I put an extra vowel in there.

MS. PANGELINAN:

That's okay.

MR. TROUT:

Jerry Pettit?

MR. PETTIT:

Yes.

MR. TROUT:

Janine Petty?

MS. PETTY:

Yes.

MR. TROUT:

Chris Piper?

MR. PIPER:

Yes.

MR. TROUT:

Lisa Power?

MS. POWER:

Yes.

MR. TROUT:

Secretary Raffensperger?

MR. RAFFENSPERGER:

No.

MR. TROUT:

Dag Robinson? Dag?

MR. ROBINSON:

Sorry, yes.

MR. TROUT:

Rob Rock?

MR. ROCK:

Yes.

MR. TROUT:

Justin Roebuck?

MR. ROEBUCK:

Yes.

MR. TROUT:

Secretary Schwab?

MR. SCHWAB:

No.

MR. TROUT:

Dwight Shellman?

MR. SHELLMAN:

Yes.

MR. TROUT:

Jameson Shew?

MR. SHEW:

I vote yes.

MR. TROUT:

David Shively?

MR. SHIVELY:

Yes.

MR. TROUT:

Rachel Soulek?

MS. SOULEK:

Yes.

MR. TROUT:

Durward Stanton?

MR. STANTON:

No.

DRAFT

MR. TROUT:

Anthony Stevens?

MR. STEVENS:

Yes.

MR. TROUT:

Michelle Tassinari? Michelle?

MS. TASSINARI:

Yes.

MR. TROUT:

Carol Thompson, proxy to Gail? And I got those both off the chat, two yeses. Thank you. Steve Trout, I'm an aye. Ray Valenzuela?

MR. VALENZUELA:

Yes.

MR. TROUT:

Mandy Vigil?

MS. VIGIL:

Yes.

MR. TROUT:

Linda Von Nessi? Linda Von Nessi?

[No response]

MR. TROUT:

Patty Weeks?

MS. WEEKS:

Yes.

MR. TROUT:

Brittany Westfall?

MS. WESTFALL:

Yes.

MR. TROUT:

Meagan Wolfe?

MS. WOLFE:

Yes.

MR. TROUT:

Brian Wood?

MR. WOOD:

Yes.

MR. TROUT:

Secretary Watson? Secretary Watson?

[No response]

MR. TROUT:

And then Randall Wenger?

MR. WENGER:

Yes.

MR. TROUT:

DRAFT

Okay. Let me go back to those that I had earlier that we didn't chime in. So, Rachel Bledi?

[No response]

MR. TROUT:

Okay. Dana Debeauvoir?

[No response]

MR. TROUT:

Okay. I got Gail. Mandy Grandjean?

[No response]

MR. TROUT:

And Linda Von Nessi?

[No response]

CHAIRMAN KING:

As I indicated earlier, if there's anyone joining by telephone whose name has not been called, please call in to indicate your vote. We'll give you a minute to do that while the EAC staff prepares the results of the election.

MR. DEARING:

I just received a text from one of the members saying that she couldn't get through. If someone can either wait for Mandy Grandjean's vote to come in or request that she get an opportunity to vote, that would be appropriate, please?

CHAIRMAN KING:

Yes, certainly. Can -- does she have a number -- can EAC staff provide a number for her to call in?

MS. HARRINGTON:

Steve, can you provide a number, please?

CHAIRMAN KING:

And then let us know when you've received her vote.

MS. MERRILL:

This is Secretary Denise Merrill. Can you hear me? I am joining by phone, but I thought we could do this verbally as well.

CHAIRMAN KING:

That's correct. Please proceed, Secretary.

MS. MERRILL:

Okay. I vote aye.

CHAIRMAN KING:

EAC staff, are we still waiting for our final telephone vote?

MS. HARRINGTON:

We've provided a number in the group chat. I don't know if you see that.

CHAIRMAN KING:

I did. I did see that. I'm going to keep the polls open --

MS. JOINER:

Oh, geez.

CHAIRMAN KING:

I'm sorry, please proceed.

MS. JOINER:

I'm sorry, Mr. King. This is Amanda Joiner, associate Counsel. I just received Amanda Grandjean's vote via email, so I'll add that to our tally.

CHAIRMAN KING:

And could you please report what that vote was?

MS. JOINER:

The vote was aye.

CHAIRMAN KING:

Thank you. With that, I will close the polls and request that we receive the results of the vote.

[Pause]

COMMISSIONER HICKS:

Mr. Chairman, this is Tom Hicks. I just want to make sure that Linda Von Nessi's vote was counted as well.

CHAIRMAN KING:

Yes, Commissioner. We just received a text from her, and so I'm assuming it's included in the count we're going to be provided with shortly.

COMMISSIONER HICKS:

Thank you.

CHAIRMAN KING:

We -- I've received a text with a vote. Because we're still waiting on results, I will direct staff to accept that vote from Mr. Thurston, a no vote.

MR. SHELLMAN:

A point of order? Does someone have a proxy for Mr. Thurston, or is this just a connectivity issue, Mr. Chair?

CHAIRMAN KING:

No, this was where he had texted in. His vote just appeared on the screen a few moments ago. At least it appeared on my screen.

MS. MUTHIG:

Yes --

MALE SPEAKER:

Mr. Chairman, he has a connectivity --

MS. MUTHIG:

-- earlier, Ms. Linda Von Nessi as well, and that should also be in the chat box.

MR. SHELLMAN:

I see. I thought the Chair was saying you received a personal text or something. I understand. Thank you.

CHAIRMAN KING:

No. Thank you for raising the question.

[Pause]

MR. PETTIT:

Mr. Chair, this is Jerry Pettit from Washington.

CHAIRMAN KING:

Yes, please proceed.

MR. PETTIT:

I'm going to have to leave the meeting here shortly because of our current primary election ballot collections and so forth, so just to give you a heads up, that will happen here shortly.

CHAIRMAN KING:

Thank you, and good luck.

MR. PETTIT:

Thank you, sir.

MR. MERRILL:

Mr. Chairman, John Merrill from Alabama.

CHAIRMAN KING:

Yes.

MR. MERRILL:

The results were overwhelmingly in support of the resolution passing. Is there a reason we can't receive the additional information on the agenda and go ahead and just have a final vote total reported to us later? Is that okay?

CHAIRMAN KING:

Yeah. Secretary Merrill, let me ask EAC staff when you anticipate providing those vote totals? Would that be in the next minute or so?

MR. RAYBURN:

We're checking.

MS. HARRINGTON:

Kevin or Amanda, can you respond to that, please?

MR. RAYBURN:

I'm being told 10 minutes.

CHAIRMAN KING:

Okay. Then, yes, Secretary Merrill, we certainly will proceed to other business while we're waiting for those final results. Barbara Goeckner, would you -- I'm sorry. Before we go to Barbara, Bob Giles, are you in the meeting?

MR. GILES:

Yes, I'm here.

CHAIRMAN KING:

Do you wish to offer any amendments at this time to the agenda?

MR. GILES:

Yeah, I would like to offer amendments that we adopt or we vote on the three resolutions that were passed unanimously by the TGDC at their September 19, 2019, meeting.

CHAIRMAN KING:

Okay. Is --

MR. LUX:

I second that, Mr. Chairman.

CHAIRMAN KING:

Okay. Thank you. I appreciate the second.

MR. ARDOIN:

Mr. Chairman?

CHAIRMAN KING:

Yes.

MR. ARDOIN:

Point of information. Does this require a vote of the body to add this to the agenda since it's not on the agenda?

CHAIRMAN KING:

Yes, it does because we, as a body, took a vote to adopt the agenda earlier in this meeting, and therefore, it would take a vote to amend it.

MR. ARDOIN:

And what vote does that require?

CHAIRMAN KING:

But we will do that -- but we will do that by voice vote.

MR. ARDOIN:

And does not require a two-thirds vote, a majority vote, or --

CHAIRMAN KING:

A simple majority vote.

MR. ARDOIN:

Thank you. I'm sorry.

CHAIRMAN KING:

Okay. Thank you. Bob, do you have -- or perhaps EAC staff may, but do you have copies of the text of your amendment, which I understand would be all three resolutions combined in one -- in your motion?

MR. GILES:

Yes. The only thing -- and if the EAC is going to provide -- it's on their website -- the last sentence of the third resolution just talks about the TGDC will provide a process recommendation within 30 days. I would remove that one sentence and then accept the three resolutions. And if it's easier to accept them as one resolution, I'm willing to offer that way.

CHAIRMAN KING:

Okay. I want to be clear on your intent. As I understand it, you're offering as a single amendment the three resolutions that were referenced minus text at the end of the third. Could you clarify that for me?

MR. GILES:

Yes, at the end of the third -- the last sentence of the third resolution would be removed.

CHAIRMAN KING:

Which reads roughly?

MR. GILES:

Which reads, "The TGDC will provide a process recommendation within 30 days."

CHAIRMAN KING:

Okay. Your motion has been made and seconded. Is there discussion regarding this motion to amend the agenda? We are not voting on the resolutions themselves. We're simply voting on whether we will consider this.

MR. ARDOIN:

Mr. Chairman?

CHAIRMAN KING:

Yes.

MR. ARDOIN:

This is the Secretary from Louisiana. I have a point-of-order question. I don't understand how we can amend an item that has already been disposed of.

CHAIRMAN KING:

There has been no vote with regard to Mr. Giles's motion or the text of the amendments included in it.

MR. ARDOIN:

I'm sorry. Let me clarify my point of order -- my question --

CHAIRMAN KING:

Okay.

MR. ARDOIN:

-- and that is if the resolution has already been dispensed with and is off the table by a vote of the body, then how is Mr. Giles able to amend an item that is no longer up for consideration because it's already been passed?

CHAIRMAN KING:

The short answer is you are correct. This is not a motion to amend the text of resolution 2020-1. We are waiting for the final results of the vote on that. This is a motion to amend the agenda to consider the three additional resolutions referenced by Bob in his motion.

MR. ARDOIN:

Okay.

CHAIRMAN KING:

Does that make sense?

MR. ARDOIN:

Yes, sir. That means I --

CHAIRMAN KING:

Okay.

MR. ARDOIN:

-- misunderstood what the intent --

CHAIRMAN KING:

Okay. Thank you. It is complicated, so I appreciate the question.

MR. RAYBURN:

Mr. Chairman, we do have that total if you want to hear it now or we can wait?

CHAIRMAN KING:

Yes, please, if you would announce it.

MR. RAYBURN:

The total is 51 in favor of the motion, 20 against.

CHAIRMAN KING:

Thank you. The motion is adopted. Resolution 2020-1 is approved. We have before us the motion made and seconded to amend the agenda. Is there further discussion on that?

MR. SCHWAB:

Yeah, Mr. Chairman, this is Secretary Schwab out of Kansas. Procedurally, so you amend the agenda, but the net effect is it does not affect the 2020 resolution? So the man gets to speak, but he doesn't get to change the resolution, correct?

CHAIRMAN KING:

That is correct. The resolution 2020-1 has been approved. It is the official action of the Standards Board. Mr. Giles is requesting to amend the agenda to consider additional resolutions that are in the form of a single amendment, but he will have no --

MR. SCHWAB:

So, these are asking us to consider another -- first off, so you're amending the agenda to create a new resolution to alter the resolution we just passed?

CHAIRMAN KING:

We would be amending the agenda if his motion is approved to consider this as a topic.

MR. SCHWAB:

Okay. Thank you, Mr. Chair.

CHAIRMAN KING:

Okay. I hope that helps. Okay. Is there further discussion on the motion to amend the agenda?

MR. SHELLMAN:

Mr. Chair?

CHAIRMAN KING:

Yes, sir.

MR. SHELLMAN:

This is Dwight Shellman from Colorado. I support the motion to amend the agenda. I think Mr. Giles's comments should be well-

taken. There was also in my mind confusion about the process following the motion to table, so I support his motion to amend the agenda so we can consider these additional items. Thank you.

CHAIRMAN KING:

Thank you. Further discussion on the motion to amend the agenda?

MR. ARDOIN:

Mr. Chairman?

CHAIRMAN KING:

Yes.

MR. ARDOIN:

This is Kyle Ardoin from Louisiana again, and I would direct this to Mr. Giles but to everyone as well. I do not oppose what he is attempting to do in terms of being considered. I oppose the method of which we are doing this because none of the three resolutions he's referring to have I seen. Maybe everyone else has, but I haven't, and I do not know what it is that we're actually voting on to consider. And having not had the ability to understand the three different resolutions that he wants to bring forward, I just think we're not doing this in the most educated fashion that we, as election officials, like the public to be educated in terms of knowing what they're voting on well ahead of time to vote.

So I would just urge that we look at this by calling a special meeting at some very close date from here in order for us to be educated on what we're voting on. And I would be happy to study that very closely and work with Mr. Giles if I had any concerns on it, but I don't even know if I have concerns because I don't know what I'm voting on other than to amend an agenda to put items on that I've not seen before.

CHAIRMAN KING:

Okay. Thank you. Any further comments with regard to the motion to amend the agenda?

MR. GILES:

So the -- hi, everybody. This is Bob Giles. And I apologize, Secretary, that -- and it might just be a -- I guess when we did it at the TGDC meeting, we did it at the meeting. We did not -- and maybe the process is a little bit different, a little bit more freewheeling at the TGDC meeting, and I was not aware I had to submit these ahead of time. And that's why I attempted to get them into the resolution that we voted on. I do have them. There -- like I said, they're on the website. They'd be the exact same resolutions adopted by the TGDC unanimously. I can do a screen share so everybody can see them or if the EAC has the ability to put those resolutions up, that might be helpful. And I agree that you haven't seen them, and my point was to bring them up for discussion.

They're very short resolutions, and they cover three very important topics.

CHAIRMAN KING:

Thank you.

MR. LUX:

Mr. Chairman, I call the question.

CHAIRMAN KING:

Is there further discussion?

MR. DEARING:

Chair, point of order if I could?

CHAIRMAN KING:

Yes, please, Mr. Dearing.

MR. DEARING:

This is Jared Dearing in Kentucky. My -- I guess my larger concern is this -- is under Robert's Rules of Order -- and you are clearly more of a parliamentarian than I am -- but under Robert's Rules, if a motion to table something fails, then you go back to the prior motion. And at no point in time did Mr. Giles' motion receive any type of vote to move forward on anything other than whether or not his motion should have been part of the original amendment. I'm wondering if we can have some sort of counsel weigh in and look specifically at how that took place and why we moved forward without receiving a vote from Mr. Giles' original amendment.

CHAIRMAN KING:

I can address that and then defer to counsel. Again, you may recall Mr. Giles and I had a discussion about the form that his amendment or multiple amendments could take, but there was never a vote on the substance of any of those three amendments in any form, and so that language has not been defeated.

MR. DEARING:

That's the reason --

CHAIRMAN KING:

It simply was not --

MR. DEARING:

-- why I believe it was asked to be tabled.

CHAIRMAN KING:

If I may --

MR. DEARING:

Sure.

CHAIRMAN KING:

-- it simply was not offered by Mr. Giles during the opportunity for further discussion and comment on resolution 2020-1. And I appreciate that there -- you know, there may have been a misunderstanding, a miscommunication, so I apologize for that, but we have to move forward with the motion that's on the floor before us. And I'll defer if EAC wishes to add anything.

MR. RAYBURN:

This is Kevin Rayburn, Counsel. I was just going to add, I -- from what I was following, it was clear to me that you asked are there any amendments after we tabled, and nothing was brought up, and so that was the time for Mr. Giles to bring up an amendment to 2020-1. Now that it's passed, I think we need to move on.

MR. DEARING:

Would his not -- his original request for amendment not proceed at the tabling? You took -- he made a request to amend, and Mr. -- Member Giles, please let me know if I'm wrong. But he made a request to amend. There was a request to then table that, at which point that failed. I'm not sure why -- I understand why we would then open it back up for another discussion or another amendment when his original should still stand after the vote to table took place.

MR. SCHWAB:

Actually, correction. In Robert's Rules of Order, when you put -- this is Secretary Schwab out of Kansas. When you do a substitute motion, it completely removes the underlying motion, so the motion would have to be renewed because otherwise you just go back to the original discussion. So, if I had to open up a motion

and you moved to table, the motion to table eradicated the original motion to amend.

MR. DEARING:

Thank you, sir, for clearing that up. I apologize.

CHAIRMAN KING:

Thank you. We are getting a very good exercise in practical parliamentarianship today, so I appreciate everyone's contribution.

MR. ARDOIN:

Mr. Chairman?

CHAIRMAN KING:

Yes.

MR. ARDOIN:

Mr. Chairman, Secretary Watson from Mississippi is trying to be recognized, and for some reason, he's been muted and can't unmute.

CHAIRMAN KING:

Can I ask EAC staff to identify that problem so that he can speak?

MS. HARRINGTON:

Yes. Can you tell us if --

MR. WATSON:

Mr. Chairman, can you hear me now? Mr. Chairman?

CHAIRMAN KING:

Yes, I can hear you now.

MR. WATSON:

So, I apologize. I'm on the road, and obviously I'm new to this board here. My understanding is we were set up to go for three hours, and I've got a couple things I've got to get done. Is there -- would there be an option -- and again, being new to this, could I move to adjourn? Would that be a superseding motion, we take this up at the next called meeting?

CHAIRMAN KING:

That would be out of order because we need to elect -- we need to conduct a meeting of the Executive Board, but we also need to receive the vote on filling our vacancy and have that individual, along with the new officers, sworn in. So, a motion to adjourn would be out of order because we're required by statute to engage in those activities, aside from anything else we might do today.

MR. WATSON:

Thank you, sir. And I'm about to have to drop off, so I'm going to withdraw my nomination for the vote later, just so you know.

CHAIRMAN KING:

Thank you, sir. I appreciate it. I appreciate your presence and contribution.

MR. WATSON:

Yes, sir. Have a great day.

CHAIRMAN KING:

You, too. One last call. Does EAC staff have any legal analysis it wishes to present on the questions we discussed?

[No response]

CHAIRMAN KING:

Hearing none, I will call the question. The question is with regard to amending the agenda to include consideration of the items referenced by Mr. Giles in his motion. We'll do a voice vote. All in favor of the motion, signify by saying aye or yes.

[Chorus of ayes]

CHAIRMAN KING:

All opposed to the motion, signify by saying nay.

[Chorus of nays]

CHAIRMAN KING:

In the opinion of the Chair, the house is evenly divided, so I'm going to ask for a division of the house. So, again, if we can cast a vote.

MR. MERRILL:

Mr. Chair?

CHAIRMAN KING:

Yes. Who's speaking?

MR. MERRILL:

John Merrill in Alabama.

CHAIRMAN KING:

Yes, Secretary.

MR. MERRILL:

My hearing is not always real good, but I thought it was pretty overwhelmingly a yes as opposed to the noes. Would you mind doing it one more time before we go down the alphabetized list for expeditious purposes?

CHAIRMAN KING:

Yes. I'll be willing to do that.

MR. MERRILL:

Okay. Thank you.

CHAIRMAN KING:

All in favor of the motion to amend the agenda to add the resolutions referenced by Mr. Giles, signify by saying aye.

[Chorus of ayes]

CHAIRMAN KING:

Those opposed, say nay.

[Chorus of nays]

CHAIRMAN KING:

The Chair agrees that the ayes appear to have carried, so the agenda is amended to include the resolutions referenced by Mr. Giles in his motion.

Mr. Giles, do you want to proceed to offer your motion, which has been -- or discuss your motion, which has been made -- no, I take that back. That was the motion to amend the agenda. If you'd like to move adoption of particular language, and assuming there's a second, we can proceed with consideration.

MR. GILES:

So, yes, I would like to make a motion we adopt resolutions 1, 2, and 3 made by the TGDC at their September 19th, 2019, meeting with the one change in resolution #3 to take out the last sentence that says the TGDC will provide a process recommendation within 30 days. And I can screen share --

MR. GOUGH:

I'd like to --

MR. GILES:

-- that if you'd like.

CHAIRMAN KING:

Okay. Thank you. A motion was made and seconded, and if you'd like to speak to it, please proceed, Bob.

MR. GILES:

So, I believe those -- and I could read them. They're not -- and I understand since some people are on the phone, they're not very long. Resolution #1, "We recommend EAC Commissioners formally adopt a yearly VVSG review process where proposed changes and/or additions considered by the TGDC and determinations are sent to the EAC Executive Director or person operating in that capacity to begin the adoption process and that, whenever possible, review process such as Board of Advisors review, Standards Board review, and public comment periods run concurrently to ensure timely adoption of changes and/or additions."

Resolution #2, "We recommend EAC Commissioners permit EAC professional staff, in consultation with NIST staff, to make minor technical changes to the requirements in a timely manner. This should include the development of an appeals process for these minor technical changes."

And, resolution #3, "EAC Commissioners should ratify a provisional requirements review and approval process for the EAC professional staff to update VVSG requirements in the circumstances where there is no quorum of the EAC Commissioners."

CHAIRMAN KING:

Thank you. Is there a discussion regarding the motion?

MR. ARDOIN:

Mr. Chairman?

CHAIRMAN KING:

Yes, who is speaking?

MR. ARDOIN:

Louisiana. I call the question.

CHAIRMAN KING:

Okay. Thank you. If there is no further discussion, the question is on the adoption of the resolutions. Those in favor will signify by saying aye.

[Chorus of ayes]

CHAIRMAN KING:

Those opposed, say nay.

[Chorus of nays]

CHAIRMAN KING:

It appears to the Chair that the ayes have it. The motion is adopted.

MR. GILES:

Thank you.

CHAIRMAN KING:

Thank you. I recognize that we are running past our time, so we'll be expeditious as we can. The Chair recognizes Barbara

Goeckner. Barbara, could you please give at least an abbreviated report regarding Postal Service guidance?

MR. ARDOIN:

Mr. Chairman?

CHAIRMAN KING:

Yes.

MR. ARDOIN:

I'm sorry to interrupt you, but I, too, as Secretary have other obligations since we are in the middle of early voting for our August 15th election and other Secretaries have other pressing issues to deal with. Could we move up in the agenda the voting on the seats that are necessary so that those of us who have to leave won't have to lose our vote?

CHAIRMAN KING:

I would just simply ask Barbara to be as abbreviated as she can. She had offered to drop her presentation, but I think, as a matter of courtesy, and the fact that it was on the approved agenda, that we should provide at least an opportunity.

So, Barb, would you please proceed?

MS. GOECKNER:

I will. Thank you, Mr. Chairman. Thank you for allowing me to speak, and I'll be very abbreviated because I know everybody has tasks to do.

So, in the discussions at our USPS Committee, of which I am the Chair, we've talked about what happened in April in dealing with the pandemic and the mail-in ballots. Some of the things that we learned through that is that are the important tips, and I'm just going to headline these, and if anybody wants, I can send my presentation, notes, and my photos later through the EAC. We'll get those out to everybody.

First and foremost, always encourage your voters to request and return their absentee ballots as early as possible. Mailing can take anywhere between three to seven days and sometimes longer, especially during this pandemic and under the new directives with the USPS, so they need to get those out and get those back as soon as possible.

Using an intelligent mail barcode or an IMB on your address labels is also very, very critical. It will help move the piece of mail and that being a ballot through the mailing process and provide tracking information on that journey. It will go a much smoother process to get where it needs to be quicker.

There is something called a tag 191, and I'll just hold that up really quick. This is a tag 191 that you can get through your local post office. If they don't have it, they can get it through their bulk mailing center. These should always be attached to your tray for your absentee ballots that are being mailed or any ballots, and

those that should stay with the tray and the ballot throughout the entire process to the processing plant. That alert postal workers these are ballots. It gets them through much quicker.

Another key point is to always develop a relationship with your local postmaster and with the USPS. Developing that personal relationship will help you get ballots to and from them in a better resource, and you can have a discussion on what they see as points to help you better process those before they get to them so they'll go to the process quicker and they can give us tips on -- or rather we can give them tips on what's happening on our end as well.

Something that's happening in the State of Wisconsin is our district USPS office is holding Zoom calls with all clerks throughout the State once a week for whoever can be on that call, and that sharing of information has been critical to assist us.

One final piece is there is a website, [electionmail.org](http://electionmail.org). If you have any problems or situations with USPS and your election mail, please file a report on that website. That goes directly to the USPS for them to investigate and then find a resolution to the issue. You may not get a direct response, but it doesn't mean they didn't get it, and it is the best resource to file any issue you have.

If anybody has any questions, feel free to email them to me or telephone if you like. My information is with the Standards

Board. And that is about as quick as I can make it. Thank you for giving me --

CHAIRMAN KING:

Thank you.

MS. GOECKNER:

-- the time.

CHAIRMAN KING:

You're very welcome. Thank you for your expedition and your patience and your work, much appreciated.

MS. GOECKNER:

You're welcome.

CHAIRMAN KING:

And does anyone have any quick questions for Barbara?

FEMALE SPEAKER:

Hi there. It's Gloria.

CHAIRMAN KING:

Yes, please proceed.

FEMALE SPEAKER:

Sorry.

CHAIRMAN KING:

I'm sorry, I don't know if that was a question or not. Let me move on in the interest of time to the next item on the agenda, which is a combination of the Executive Board conducting a

meeting and the Standards Board membership at large voting on the vacant seat. We can make the election board -- Executive Board rather, move along promptly.

Officers are elected to serve a term of one year. The following individuals have volunteered to serve in the positions to set forth as follows: Ray Valenzuela has agreed to serve as Chairman, moving up from Vice Chairman. Steve Trout has agreed to serve as Vice Chairman moving up from Secretary. And Barbara Goeckner has agreed to serve as Secretary.

I would make a motion that the Executive Board -- so we're only talking about the eight of us who are on the Executive Board here -- approve the election of these individuals to the indicated offices for a term that will begin immediately upon the adjournment of this meeting.

MR. ROCK:

Rob Rock from Rhode Island seconds.

CHAIRMAN KING:

Thank you. Is there discussion?

[No response]

CHAIRMAN KING:

Hearing none, all in favor, say aye.

[Chorus of ayes]

CHAIRMAN KING:

Opposed, say nay.

[No response]

CHAIRMAN KING:

Okay. The motion is adopted. Thank you.

MR. ARDOIN:

Abstain.

CHAIRMAN KING:

I'm sorry, who was that?

MR. ARDOIN:

Louisiana abstains.

CHAIRMAN KING:

Oh, thank you. This was -- I appreciate that. This was just a vote amongst the executive board members, but --

MR. ARDOIN:

Oh, I'm sorry.

CHAIRMAN KING:

That's okay. I appreciate that.

I'd like to have the board -- the Executive Board, that is, take up one item of business, and that is we currently have committees and Chairmen and membership designated. We -- at a regular meeting, we would poll the membership to see what committees they're interested in serving on. And we have done so with regard to the 14 individuals who have joined the Standards Board since

our meeting last year, so my motion for the Executive Board would be to reaffirm the appointment of all committee Chairs and members currently in existence and then appoint the members who have joined the board since to the committees they have indicated in correspondence to the Election Commission.

MS. ERICKSON:

Debbie Erickson, Minnesota. I would second that.

CHAIRMAN KING:

Okay. If no discussion, all those in favor, say aye.

[Chorus of ayes]

CHAIRMAN KING:

Opposed, say nay.

[No response]

CHAIRMAN KING:

The ayes have it. The motion is adopted.

Now, I will ask the EAC staff to guide us with regard to the election of the individual to fill the vacant seat on the Executive Board.

MR. RAYBURN:

And, to clarify, it was Michael, I believe, Watson who withdrew his nomination earlier?

CHAIRMAN KING:

Yes, I believe that's right.

MR. RAYBURN:

Okay. We are removing him from the poll. So, this will be a vote -- a secret ballot vote of the members. Proxies cannot vote for this, so it would just be those members. For those voting on the phone, we'll need them to communicate to our staff their selections, so if they could email Amanda Joiner, that would be the ideal way to communicate that or to -- and if they can't, that would be the ideal way to do that. That way we can preserve the secret ballot outside of this meeting. So that's AJoiner@EAC.gov. But we are going to put up a poll. Once again, only voting members can vote in the poll.

CHAIRMAN KING:

And while you're doing that, can you speak to the secrecy of the ballot with regard to our responses?

MR. RAYBURN:

So, the way a poll is structured, the Zoom has an option to do anonymous voting so that the record will not actually record each individual person's name next to their vote. We will have the ability to have the tally, but your vote will not actually be tied to your selection through the Zoom application. And then for those that can't use the polling will have to email because on their phones we will -- you know, staff will make sure that those are tallied without

your name when they are provided to the Certification Committee  
for the final certification of the vote.

CHAIRMAN KING:

Thank you. We'll expect the poll to be up shortly. Thank  
you. It just appeared.

[Pause]

MS. MUTHIG:

You want to -- you just want -- you want your name removed  
from the voting?

CHAIRMAN KING:

I'm sorry. Who is that addressed to?

MS. MUTHIG:

Hello, Mr. King. This is Kristen with the EAC. I have Mr.  
Thurston, who is having some issues connecting, but he would like  
to remove himself from the voting.

MR. THURSTON:

That is correct.

CHAIRMAN KING:

Well, some ballots, I'm sure, have already been cast.

MR. ARDOIN:

I would request a replacement ballot. Just a little funny,  
thank you.

CHAIRMAN KING:

Thank you. Yeah, we appreciate it. He may decline it if he wishes to if he is successful.

[Pause]

CHAIRMAN KING:

And let me just note, proxies are not available in voting for the election of Executive Board members. So if, like myself, you hold a proxy, you can only vote once for yourself.

[Pause]

CHAIRMAN KING:

Okay. I'm preparing to close the polls in less than a minute.

[Pause]

CHAIRMAN KING:

And the polls are closed. If we can have a report from staff with regard to the result, that may take a while. Let me ask if Commissioner Palmer is on the line.

COMMISSIONER PALMER:

Yes, I am.

CHAIRMAN KING:

Mr. Commissioner, would you please swear in our new set of Standards Board officers while we wait for the election returns for our seat?

COMMISSIONER PALMER:

Sure.

CHAIRMAN KING:

And those would be Ray Valenzuela, Steve Trout, and Barb Goeckner.

COMMISSIONER PALMER:

Okay. Thank you, Brad. I'm going to go ahead and start the oath and then just repeat after me, and then I'll move onto the next part of the oath. So, raise your right hand and repeat after me.

\*\*\*

[Commissioner Donald Palmer led the recitation of the Oath of Office.]

\*\*\*

COMMISSIONER PALMER:

Thank you. Congratulations.

CHAIRMAN KING:

Thank you, everyone.

MS. GOECKNER:

Thank you.

MALE SPEAKER:

Congratulations.

CHAIRMAN KING:

Does EAC staff have a projection time for us with regard to the vote?

MR. RAYBURN:

I'm being told the vote is being transferred right now to the Certification Committee.

CHAIRMAN KING:

Okay.

MR. RAYBURN:

You should have it in your email.

CHAIRMAN KING:

All right.

[Pause]

CHAIRMAN KING:

Okay. And, Ray, I believe you are Chair of the Certification Committee, so if you could report the result, please, when you have it.

MR. VALENZUELA:

My apologies. I didn't -- it just came in. Let's see here. The attached results are as follows as soon as it opens. And while this is opening, I want to let you know I voted "no" for myself as Chair because nobody can do as good of a job as you, Brad.

CHAIRMAN KING:

Well, you're very kind. I appreciate it. Thank you.

MR. VALENZUELA:

The results are -- in the voting are in, the -- by -- and we'll go just -- so the winner itself was Mr. John Merrill from Alabama by 48

percent of the vote. Mr. Tatum came in second, and Mr. Thurston third.

CHAIRMAN KING:

Very good. Thank you, Ray.

MR. VALENZUELA:

Sure.

CHAIRMAN KING:

And I believe Secretary Merrill had to leave, as he indicated earlier. He had a prior commitment, and so, Commissioner Palmer --

MR. MERRILL:

Mr. Chairman?

CHAIRMAN KING:

Yes.

MR. MERRILL:

This is John Merrill from Alabama.

CHAIRMAN KING:

Oh, I'm sorry.

MR. MERRILL:

No, I am still here, and I appreciate it, and thank you for the support. I look forward to joining the board.

CHAIRMAN KING:

Very good. Commissioner -- we're glad to have you.  
Commissioner Palmer, if you could please swear in Secretary  
Merrill.

COMMISSIONER PALMER:

Hold on one second.

MR. VALENZUELA:

And I do want to note while they're making that -- this is Ray  
Valenzuela -- that if Secretary Merrill didn't -- wasn't here, I was  
going to of course do the thank you for him and Roll Tide.

MR. MERRILL:

Roll Tide.

COMMISSIONER PALMER:

Secretary Merrill, could you raise your hand and repeat after  
me?

MR. MERRILL:

Yes, sir.

\*\*\*

[Commissioner Donald Palmer led the recitation of the Oath of Office.]

\*\*\*

COMMISSIONER PALMER:

Congratulations.

CHAIRMAN KING:

Thank you.

MR. MERRILL:

Thank you, Commissioner.

CHAIRMAN KING:

Thank you. Welcome, Secretary Merrill.

That concludes the business portion of our meeting. I want to take a moment to express my thanks, first of all, to the Election Assistance Commission staff and Commissioners who have devoted countless hours in preparing for this meeting, which, as you'll recall, was rescheduled from earlier this year, and we've adapted to a virtual format. In particular, I wanted to call out Commissioner Palmer, our DFO, and Robin Sargent and Kristen on the staff for their help in preparing for this meeting. We could not have conducted it without them.

I want to thank all of you members for giving the extra half-hour of devotion as we went through some very substantive and serious discussions.

And I will conclude on a personal note by saying that it's been my distinct honor and privilege to serve as Chair even though it's for a one-year term, off and on for several times since 2011. And so, I will be very glad to turn over the gavel to the skillful hands of Ray and will look forward to continuing to participate as a member of the Executive Board.

With that being said, is there a motion to adjourn?

MR. ROCK:

Rob Rock from Rhode Island.

MS. CEGAVSKE:

So moved.

CHAIRMAN KING:

Is there a second?

MS. CEGAVSKE:

Second, Barbara Cegavske from Nevada.

CHAIRMAN KING:

Moved and seconded. All in favor, say aye.

[Chorus of ayes]

CHAIRMAN KING:

Opposed, no?

[No response]

CHAIRMAN KING:

The ayes have it. The meeting is adjourned. Thank you.

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[The Virtual Public Hearing of the United States Election Assistance Commission  
adjourned at 5:04 p.m.]

bw/cms