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US Election Assistance Board Meeting

May 5, 2025

Testing captions.

>> Captioner, Karen, testing audio now. Mic channels have been  
unmuted.

Testing, testing. Karen and captioner. All mic channels  
were just muted preemptively apparently.

>> Good morning, everybody. My name is Ricky Hatch, and I am the chair of the Board of Advisors. I am calling this 2025 annual meeting of the Board of Advisors to order.

And I will now turn this meeting over to EAC commissioner Christy McCormick, the Designated Federal Officer for the Board of Advisors.

>> Thank you, Ricky. I would like everyone in attendance to rise and cite the Pledge of Allegiance with me.

[Pledge of Allegiance]

>> CHRISTY MCCORMICK: Good morning. And thank you all for joining us here to discuss our nation's elections and the ways that we can continue to improve them. Even during allegedly off years, there's still plenty of work to do as we're continually preparing for the next elections.

As we work to preserve the vote for generations to come, we look for your advice as we navigate the executive order and other issues like Federal funding, audits, and voter list maintenance.

The EAC is working on our response to the various issues and needs and appreciate your feedback. We will work in good faith to respond in the best way possible on behalf of stakeholders like you to follow the law.

We know there are a lot of unknowns and uncertainty at this time, but our mission is to support election officials in improving the voting processes and ensuring free, fair, and secure elections with integrity.

The 2024 elections went exceptionally well. One reason for that is that the EAC worked hard with election officials to prepare them for any contingency. The work continues as we look toward gubernatorial elections in New Jersey and Virginia and other elections around the country. There are always new trends and technologies to address, and as well as preserving the excellent work that has made our nation's elections resilient.

As we discuss the important issues facing elections over the next two days, I ask that you please be an active participant. We value what you have to say, as it will inform our actions.

I will now turn this over to Chairman Donald Palmer.  
Thanks, Don.

>> DONALD PALMER: Thank you. And thank you for being with us today. I want to thank the election administrators and officials who served in the 2024 election. It was a huge success and the big story was that there wasn't a story that involved election officials. I want to thank all the other members of the Board of Advisors. We really do value your input and advice to us. Many of you are stakeholders with the Congress -- and the public. So that interaction is really important to us. So we have an

understanding of how you view the programs that we are considering and then get your feedback on them.

At the EAC, we are looking to make improvements to the mechanics of elections through the testing and certification program, which raises the level of security, transparency, and accessibility.

The ESTEP program continues to work analyzing, developing standards and testing of nonvoting systems. There's been concerns of the public on voting systems and other systems. And we continue to analyze those systems to try to develop standards and testing regiments to improve that confidence.

So over the last 20 years, we have seen a lot of changes in elections. Sometimes the implementation of new processes can be bumpy. We're looking at this with executive order 14248. Right now, we may not know exactly how this will play out, but we have procedures and processes in place under Federal law, including this advisory board, on how we can continue forward, lean forward, and keep our head down and do our work for the American people. With your help, we will be able to navigate that course.

The EAC will continue to make adjustments and highlight ongoing best practices to make our elections successful. We continue to look forward to working with you on these changes. I will turn it over to vice chair Hicks for his comments.

>> Thank you. And I want to thank everyone for joining us in

the meeting, I believe our first Board of Advisors meeting in our new headquarters. We have quite a few new members. I want to thank you for your willingness to serve on the Board. And I look forward to getting to know you more over these next two days.

And of course, a huge thank you to our returning members. We look forward to continuing working with you.

I would be remiss if I did not acknowledge some of the folks who aren't here. One of those is Jim Dixon who retired from the Board who I believe served on the Board of Advisors since its inception after the Help America Vote Act was signed in 2002. So thank you, Jim, for your years of service. And your advice to me, mostly unsolicited, over these last 20 years.

2024 was extremely busy for election officials and broader election community. And in case you missed it, last year, the EAC reached some milestones and rolled out exciting new products. The learning lab, training platform came online with 12 new training modules and includes 25 trainings and counting. And so far this year, the subject matter experts trained over 1100 election officials in person from around the country.

Our clearinghouse community now has over 1,000 members from all 50 states, DC, and we're still working on the territories.

The election support technology evaluation program launched the voluntary voting system Electronic Poll Book certification program and the field services program completed

their first site visits across the country. We released a TTX card deck to help election officials for contingencies, which we are excited about. And the agency worked with NCSL on the elections 101 book to give folks who may not be familiar with the administration a quick overview of the functions and responsibilities. It was published this month and we have copies here if you would like one.

We know that there's a lot of uncertainty right now and there's a lot, a lot, a lot to discuss. And we look forward to frank discussions and respectful discussions over the next couple of days. But now I will turn it over to Commissioner Hovland for his comments.

>> Thank you, Commissioner Hicks. We appreciate you all for taking the time to be here. There has been significant change at the local, state, and federal level in election administration in the last several years. We have seen how the elections community has come together to adapt to the myriad of issues and policy developments in this space. Under heightened scrutiny and with limited funding and resources at hand, really credit to the professionals that run our elections for how they have stepped up.

At the EAC, we're doing our best to navigate the developments and fulfill our mission to help election officials across the country to improve the administration of elections and help our fellow Americans participate in the voting process.

That is why meetings like this with all of our advisor boards are so important. We just had very successful Local Leadership Council and stands board meetings in Charlotte, where we heard from over 100 state and local election officials who are the leaders in their respective states. We shared feedback, insights, and concerns with us on a variety of timely issues, resources, and future steps. As members of the Board of Advisors, you all are ambassadors to our broader stakeholder community and represent various points of view. It's important for us to hear from you, to ensure the EAC's work is best serving election officials and voters.

We also hope you can share the work of the EAC with the entities you represent and help us raise awareness about all the efforts that go into ensuring our elections are safe, secure, accurate, and accessible. Thank you for being with us today as we navigate the changes together. With that, back to chair Ricky Hatch.

>> RICKY HATCH: Thank you. I will pass it right to Brianna, the EAC executive director.

>> BRIANNA SCHLETZ: Good morning. I am the EAC executive director. It is a pleasure to be here. I have remarks later where I will be doing an agency update and providing updates on the programs that Commissioner Hicks briefly touched about. I want to welcome you to our headquarters. We are pleased to have you and appreciate you being here and participating. Thank you.

>> Thank you. We will pass around for the other necessities. This is the Wi-Fi information. So we're going to pass this around. If you need it, use it. And then pass it along, please.

Now we're going to accept a report from our proxy committee led by EAC Board of Advisors secretary Chris Walker.

>> CHRIS WALKER: Good morning. Great to see a robust group of people. We have four proxy designations. Jonathan Brater named Howard Knapp as his proxy. Isaac Cramer named Ricky Hatch as his. Lawrence named Barbara Simmons. And Lisa Morrow named Howard Knapp as her proxy.

The committee reviewed and verified the eligibility of all our proxies. That's my report.

>> Thank you, Ms. Walker. Without objection, these proxies are accepted. As a reminder, proxy voting is allowed for all business matters.

Now back to Chris Walker as the Board of Advisors secretary for roll call. After the member indicates their presence, please briefly introduce yourself because it will help us get to know each other a little more quickly.

And one other thing you might consider is completing the punch line for the joke old election officials never die. You don't have to do that, but you might want to. And I will go first. Old election officials never die, their Chads just start hanging.



>> Thank you, Chair Hatch.

>> I'm shocked Tom didn't come up with that one.

>> Okay. Ms. Walker?

>> CHRIS WALKER: Thank you.

J Christian Adams.

>> Good morning. I'm here because I'm a commissioner on the U.S. commission of civil rights, a presidential appoint tee. And we designate two people, I'm one of them.

Old election officials never die, they just become secretaries of state in North Dakota.

>> CHRIS WALKER: Cathy Darling Allen.

>> Present. Cathy Darling Allen. I'm the retired Shasta County, California clerk and registrar of voters. And I don't think I can do any better on the dad joke. Thank you, gentlemen.

>> CHRIS WALKER: Excuse me if I pronounce this incorrectly. Elver Ariza-Silva.

>> Good morning, everyone. And yes, you pronounced it correctly. My name is Elver Ariza-Silva and I am the chairman of the U.S. access board. I reside in Washington, DC. And I am very honored to be part of this Board of Advisors.

I'm not sure how I could apply that joke or saying. But thank you anyway.

>> CHRIS WALKER: Thank you.

Tina Barton.

>> Good morning, everyone. Tina Barton. Obviously present.

Right? First of all, just want to give a shout out to the staff. Prior to my position at the elections group where I am now, I was one of those staff members. I know how hard you work to put this meeting together. So thank you for that. I have been in your shoes.

Now with the elections group, I am representing the U.S. conference of mayors today. So honored to be here as one of their designees.

I would say old election officials never die, they just go make more money consulting.

>> CHRIS WALKER: Note taken.

DeAnna Brangers.

>> Hi. I'm from Kentucky, recent appointment by senate rules committee. Happy to be here. I have been serving on the Kentucky state board of elections for seven, eight years. Was on a local board of elections for about ten years prior to that. And unfortunately, I have nothing for the joke.

>> CHRIS WALKER: Jonathan Brater has been named the Knapp as proxy.

And Isaac Cramer has named Chair Hatch as his proxy on the list.

Stephanie Enyart? Not here? Oh, you are here. Sorry about that.

>> I was working on your microphone.

My name is Stephanie, I am a public member with the U.S.

access board. I'm originally from a very rural part of California, a small incorporated village with wonderful steakhouses and strawberries. I now live in Arlington, Virginia.

And I would say old elections officials never die counting ballots because they're too passionate about the work.

>> CHRIS WALKER: Very nice.

Thomas Ferrarese.

>> I'm Tom Ferrarese, I live in upstate New York. I was formerly the commissioner in Monroe County, which is Rochester area. My appointment is from the house administration committee, the ranking member, Congress Morale. And I actually very much am glad to be here with this group. It's a really good group of people. I had the opportunity to meet many of you and I think this is an excellent group.

In terms of old election officials, gosh, that definitely hits home. But I think elected officials never die because they keep getting dragged back in.

>> CHRIS WALKER: Eric Fey?

>> Tom, you took the one I was going to say.

I am Eric Fey, director of elections in St. Louis County, Missouri. Appoint tee from the association of government officials. Tom, that's what I was going to say. I don't know. Maybe they also end up serving on the Board of Advisors. So thanks for much, Chris.

>> CHRIS WALKER: Rosalind Gold.

>> Good morning. I'm the chief public policy officer of the National Association of Latino Elected and Appointed Officials. I'm an appointee of ranking member on the Senate Rules Committee. Our organization is a nonpartisan nonprofit that works on issues of democracy and access to our democracy for all Americans.

And old -- well, I know the answer to this one. Who are you calling old?

>> CHRIS WALKER: Ricky Hatch.

>> I'm the county clerk auditor in Weber County in Utah, just north of salt lake.

I already said my joke.

>> CHRIS WALKER: Elizabeth Howard.

>> At the Brennan Center for Justice and I'm an appointee of the U.S. conference of mayors and delighted to be here.

And Eric took my joke about they come back as the Board of Advisors to the EAC.

>> CHRIS WALKER: Senator Cheryl Kagan.

>> Good morning. Cheryl Kagan, very proud to be the senator in Rockville in suburban Maryland. I represent the national conference of state legislatures on the EAC.

And tomorrow, governor Wes Moore will be signing six of my election bills into law. So I'm excited about that.

Old election officials never die, they just go down for the count.

>> CHRIS WALKER: Howard Knapp?

>> Hey, y'all. I'm Howard Knapp from Columbia, South Carolina. I'm one of the appointees for the National Association of state election directors. I'm the election official for the state of South Carolina. And I honestly do not have a finish to the joke because I am not even halfway through my coffee. Thank y'all.

>> CHRIS WALKER: Dean Logan.

>> Good morning, Dean Logan. I'm the registrar recorder and county clerk for Los Angeles county. It's great to be here and see so many familiar faces.

Old election officials never die, they just recount.

>> CHRIS WALKER: Next is Lisa Morrow and she has assigned Knapp as proxy.

Gregory Moore.

>> Good morning. Greg Moore with the promise of democracy foundation, the representative from the house administration's minority. Ranking member Joe Morelli of the immediate past chair of the EAC Board of Advisors. And happy to see Ricky and all of you again.

My joke was taken by Eric already. I will say election officials never die, they just become members of the standards board.

>> CHRIS WALKER: Brian Nieves.

>> Good morning. I'm here on behalf of the DOJ. And I have nothing to conclude that joke.

>> CHRIS WALKER: Lawrence Norden with the Simons proxy.

Victoria Nourse?

>> She's on the civil rights commission with me. I suspect she will be showing up.

>> CHRIS WALKER: Representative Pat Proctor.

>> Thank you. My name is Pat Proctor. I serve the people in the Kansas state house. And I am also the -- I serve the people of Kansas as the chairman of their elections committee.

>> CHRIS WALKER: Justin Reimer?

[Off mic]

Appointed by Senator Thune, majority leader. I'm an election law practitioner. And too early on Monday, I'm sorry. But I have enjoyed hearing everyone's jokes. Nice to be here.

>> CHRIS WALKER: Great. The Honorable Scott Schwab.

>> Scott is participating remotely, but we have not seen him log in yet.

>> CHRIS WALKER: Karen Rice Sellers.

>> Good morning. I'm Karen Rice Sellers, the executive director of the Kentucky state board of elections. I was appointed by the chair of the senate rules committee, senator McConnell. And I appreciate the opportunity to be here.

Old election officials never die, we just get better.

>> CHRIS WALKER: Barbara Simons.

>> I'm Barbara Simons. I was appointed by the minority leader of the Senate. I am a computer scientist. And I have been working on election security for the past two decades. And as far as the joke goes, I got up at 4:30 this morning, California time, and I can barely say my name. So no joke, sorry.

>> CHRIS WALKER: I hear you.

The Honorable Steve Simon.

>> Hi. I'm the secretary of state of Minnesota. I am here as the designee of the National Association of secretaries of state.

And I will quit while I am ahead.

>> CHRIS WALKER: Lucas Vebber.

>> Good morning. I'm an attorney out of Milwaukee, Wisconsin. I'm a appointee of the chairman of house administration. And I don't have an additional dad joke to share with you yet.

>> CHRIS WALKER: Go, Pack, go.

Hans von Spakovsky

>> I'm a senior legal fellow at the heritage foundation. I'm appointee of the house administration committee majority. I spent five years of the county registration election board in Fairfax County, Virginia -- I'm sorry, Fulton County in Virginia and three years on the Fair Fax county election board in Virginia. I'm also former commissioner at the federal election commission. And Tom, I actually served with Mr. Dixon on the

first Board of Advisors after the Help America Vote Act was passed. He was a great guy. I can't believe he was still on 20 years later.

I am also former counsel to the assistant attorney general for civil rights in the civil rights division of the Justice Department. I was responsible for coordinating enforcement of federal voting rights laws.

The old officials never die, they just go into storage for 22 months.

>> CHRIS WALKER: Christine Walker. Present.

County clerk in Jackson County, Oregon. Also appointed by the inter-National Association of government officials. Replaced Linda, who I believe was one of the original appointees as well.

Started my tenure actually as a county employee solely for the purpose to put food on the table, I had a small child, in 1995. Just had my 30th anniversary with the county. 17 years elected. It's an honor to be here.

Election officials never die, they just go to the same stylist or we don't know how this worked out. Colors here. Great.

Andrew Warner.

>> Good morning. Former secretary of state in West Virginia. Deputy assistant attorney general civil rights division.

[Off mic]



>> CHRIS WALKER: J. Scott Wiedmann.

>> Hello. With federal voting assistance program. We carry out the uniformed and overseas citizens absentee voting act at the Department of defense.

And old election officials never day. They may retire but never ballot, bail out? Sorry.

>> CHRIS WALKER: And Wesley Wilcox.

>> Hi. I'm Wesley Wilcox, supervisor of elections for Marion County, Florida. I'm the other member from the elections center. This is my 35th year in the profession, 27 years this month in the state of Florida. And with that, there are no funny election jokes as it relates to the year 2000 in the state of Florida.

>> CHRIS WALKER: Very good. That concludes our roll call with 27 members present, not including the proxies and of course couple that are not here yet. Thank you, Mr. Chair.

>> RICKY HATCH: Thank you. Appreciate it.

Now I will recognize chair -- sorry, commissioner McCormick to administer the oath of office to the board of advisor members.

[Oath]

I do solemnly swear or affirm that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Thank you.

>> RICKY HATCH: Thank you, Commissioner McCormick.

I will now call for motions to adopt the meeting agenda and minutes in the previous Board of Advisors annual meeting. It will be seconded and members will have the opportunity to object or add edits if they wish. As a reminder, members were sent the agenda and the minutes ahead of today's meeting. And please, before you speak, state your name for the transcriptionist.

I will now entertain a motion to adopt the agenda as presented.

>> Wesley Wilcox, I make a motion to adopt the agenda.

>> RICKY HATCH: Thank you. Do I have a second?

>> Dean Logan. I will second.

>> RICKY HATCH: Thank you, Dean.

Any objections?

>> Not an objection, but I have a question.

I have two issues I want to bring up, which are not on the agenda. Can I bring those up under other business? Or do you need an amendment right now for those?

>> RICKY HATCH: Yes, you can raise those during the other business section.

>> Very good. Thank you.

>> RICKY HATCH: Great. Thank you.

Any other comments or objections?

>> Chair Hatch, Chris Walker. I also wanted to just follow up. I did state the number of members present. But I wanted to establish that a quorum has been met. Just for the record.

>> RICKY HATCH: Thanks for clarifying that.

Other comments? Okay. It's been moved seconded that this body adopt the agenda before you. I will take a voice vote to adopt the agenda. All in favor, say aye. Any opposed, say nay, please.

Thank you. The ayes have it and the agenda is adopted.

I will entertain a motion to adopt the previous meeting minutes as presented.

>> Christian Adams, so moved.

>> RICKY HATCH: Okay. I will take a second from Mr. Moore. Fantastic.

>> Greg Moore, second.

>> RICKY HATCH: Any objections or comments? Hearing none, it is moved and seconded that this body adopt the minutes before

you. I will take a voice vote to adopt the minutes. All in favor, say aye? Any opposed?

>> I would like to abstain since I wasn't at the prior meeting and can't vote on the accuracy of the minutes.

>> RICKY HATCH: Thank you. All right. I will rule that the ayes have it with one abstention and the minutes are adopted.

Okay. Pursuant to the bylaws, I will appoint the election certification committee.

I'm going to appoint three members to the committee. The spokesperson for the committee is going to be the Honorable Secretary Steve Simon.

And other members of the committee will be Mr. Scott Wiedmann and Ms. Stephanie Enyart.

The committee will announce the nominees for the executive officer positions. They will describe the election process and they will certify the election results.

I will recognize now I will recognize Secretary Simon as the election certification committee spokesperson and held announce the nominees and describe the election process.

>> STEVE SIMON: Thank you, Mr. Hatch. In March of this year, the EAC solicited nominees on behalf of the nominating committee for two open positions on the executive board. The Board of Advisors received two nominations for the position of chair

elect and three nominees for secretary.

Information about these nominees was distributed to the membership of the Board of Advisors in April. Per the bylaws, voting for the two open positions proceeds sequentially, starting with the election for the chair elect. The nominees for chair elect are Hans von Spakovsky and Chris Walker. In accordance with the bylaws, the election for chair elect will be conducted by secret ballot. Mr. Hatch?

>> RICKY HATCH: We would like to have each candidate take about one minute to briefly outline their interest in the role for which they are running and we will proceed to voting. We will start with Hans von Spakovsky and then Chris Walker.

>> HANS VON SPAKOVSKY: For people watching virtually, I'm Hans von Spakovsky. I started on the Board of Advisors when it was first created after the Help America Vote Act was passed. I see this board as essential to providing advice and guidance to the four commissioners. The most important thing about it is getting election officials from all over the country involved in this on a bipartisan basis so that we can hopefully come to a consensus on the many issues facing us.

We have had various crises over the past few years regarding public confidence in elections. I think it's important that this board do everything it can to maintain, increase, and make sure that the public has the confidence that is needed. That's an essential element of turnout. When people don't have

confidence in elections, and I think it's very, very important that this Board be as active as possible.

Part of that, frankly, is when there are vacancies on the board and individuals who neither attend, nor even send a proxy, I think one of the things that the EAC needs to do is send notice to whatever organization has the responsibility for appointing them to let them know that their board member has not been attending the meetings. The meetings are few in number and I think it is essential that every individual is appointed to this board is an active member of the board. And having vacancies and individuals who don't attend I think is a real problem.

So I will do everything I can to make sure at that board works to help the four commissioners. Thanks.

>> CHRIS WALKER: Chris Walker, county clerk in Jackson County, Oregon. I agree with Hans on a lot of the things he said. I also agree although this group might be bipartisan, as a county clerk and chief elections official, we have to perform in a nonpartisan fashion. We represent the voice and will for all of our voters in the process.

And without that nonpartisan activity within our offices, we do not represent each and every person within our jurisdiction.

I'm committed to doing this job, as well as making sure that state and local elections officials have a voice not only

in our home states, but here at the Federal level as well. And of course working with all of our Federal partners, we can work together, not work separately, to make sure that our voters' voices are heard in the elections process.

So thank you for listening. Have a good day.

>> RICKY HATCH: Thank you. I will now request any member looking to cast a ballot for the chair elect position to go check in with the EAC staff in the hallway. You're going to cast your ballot and return back to this room for the meeting. Members may cast a ballot either electronically or on paper. And committee members should remain for the results. I kindly asked the three members of the certification committee to get up now and be the first ones.

Once they have left the room, the remainder of the board members can get up and go out and vote. We would ask that members of the public remain in their seats in this meeting during the voting process. Thank you.

>> RICKY HATCH: Thanks, everybody. Sorry for the delay. I wanted to let you know, like any good election, never -- there's always a hiccup in the elections. We received a proxy vote right as we were beginning the election, and we are currently reviewing some details surrounding that to determine whether the proxy vote can be counted in this election or future elections or not at all.

So just hang tight with us for a little bit.

>> RICKY HATCH: Okay. Welcome back. Sorry for the delay. We received a proxy request at almost the exact same time as we announced the opening of the voting. Per the bylaws, the proxy committee is the committee tasked with making the decision on whether to allow a proxy vote to be verified. So I will turn this over to the proxy committee chair, Chris Walker.

>> CHRIS WALKER: Thank you. As chair of the proxy committee, I'm going to abstain from this vote. And throw it over to Karen who will make the announcement.

>> Thank you. So after some review of Article 7 of the Bylaws related to proxy, B and C, the two remaining members of the certification committee or the proxy committee, excuse me, have determined that the process was not followed toward the first called election by the chair. The chair did not call the proxy name because we were not aware of that. So now we agree that the secretary election, the proxy after the chair calls that, may cast the ballot for the secretary position as the proxy of the person not here today.

And I will turn it back over to Ms. Walker.

>> RICKY HATCH: Yes, we will talk about the proxy as it comes up to the next section, which we're just about to start.

Are there any questions from the Board? Yes, sir,  
Mr. Proctor?

>> I'm just curious to know who was the person who requested



the proxy and who was the proxy that they wish to appoint that we're not allowing to vote.

>> So the appointment was by leader Jeffries and he has appointed Brian Michael Limica as appointment and Greg Moore as his proxy for this meeting.

>> RICKY HATCH: Thank you. Other questions?

Okay. We are still -- they didn't want to start counting the results until we had a full decision on the proxy situation. So they're counting right now. And I'm sure all of you heard Wes Wilcox say that if we were in Florida, this would already be done by now, right?

>> And we would be home.

>> RICKY HATCH: Yeah.

So we'll just wait just a little bit while they canvass the election. Okay. While we're waiting, we're going to go ahead and have Brianna give us the board presentation.

>> BRIANNA SCHLETZ: All right. Good morning, again. I am the EAC's executive director. Since we do have new members on the board, we wanted to provide an outline of the roles and responsibilities of the membership. I will apologize in advance, the person who usually gives this, Camden, is out because his wedding was this weekend. Congratulations to him. You will get me instead. Held be in attendance tomorrow. If there are questions, we will get the answers tomorrow or the legal team will get the answers today.

This slide is the relevant Federal laws and regulations. Generally, this is for awareness. Involvement and participation in Federal advisory committees with primarily governed by the federal advisory committee act and government and sunshine act. Records produced during the course of the committee business are subject to FOYA and privacy act.

HAVA created the Board of Advisors.

This next slide outlines your duties and responsibilities. I will run through these quickly. Generally, board members' main responsibility is to participate in these meetings. To submit nonbinding advice and recommendations to the EAC and commissioners. The board must follow a EAC approved charter and relevant law on the last slide.

You must conduct yourself with integrity and do not trade upon your position as a member of the board for your own personal benefit. You must not use your service as a representative on the board to promote yourself, your services, products, or private parties.

This next slide continues with the duties and responsibilities. The first one there is probably the one we like to highlight. Any permissible direct communication with Congress in your official capacity be made only through the official channels of the EAC. That does not prohibit you from lobbying or urging others to do so in your own time and own personal capacity.

If you lobby Congress or state legislators and the issue is related to EAC board business, make clear that you are not representing the board and not acting in your official capacity as an advisory board member.

This slide shows the different advisory committees that the EAC has. There are four. HAVA creates three of the advisory committees. These are nondiscretionary required by law. The TGDC is chaired by the director. And specifically has a role in the voluntary voting systems guidelines. The board has 55 state or local officials determined by the state chief election official. The standard board functions much like the Board of Advisors and provides general advice on EAC operations.

The Board of Advisors is a fully represented appointment board with members selected by the Congress members or other boards.

The last one is the Local Leadership Council, the only discretionary committee based on congressional feedback that EAC created the LLC in 2021 to receive more direct feedback from local election officials. The LLC has two election officials serving in their official professional associations. So those are the four committees.

I apologize, this slide has small writing. I will read it out to you. But this highlights the process which this Board of Advisors does have a part in. So we wanted to make sure you were aware of it.

The Voluntary Voting Systems Guidelines with central to the mission and required by HAVA. The advisory committee calls out in HAVA -- I'm sorry, committees called out in HAVA each play a role. So the first three that we discussed.

As the executive director, I must take into consideration recommendations provided to. And I must submit the guidelines to the Board of Advisors and standards board and both parties shall review and submit concerns and recommendations regarding the guideline or modification to the commission. HAVA specifies that a guideline cannot be officially adopted unless the Board of Advisors and the standards board have had a full 90 days to review the guidelines or modifications and submit comments and recommendations that are taken into consideration in that final adoption.

Final adoption requires approve of at least three commissioners. And final adoption of the Voluntary Voting Systems Guidelines or modification shall be carried out by the commission with four things in mind. And I will read those. The publication of notice in the proposed guidelines in the federal register. An opportunity for public comment on the guidelines. And opportunity for a public hearing on the record. And publication of the final guidelines in the federal register.

I'm going to briefly pass it to Adam to quickly talk a little bit about the role that the Board of Advisors has in reviewing our work products.

>> ADAM POSOLWITZ-THOMAS: Good morning, everyone. I am the ADFO for the Board of Advisors. I think everyone received probably too many emails from me at this point.

I'm going to briefly talk about the role that the boards play in advising the commission on the reports that we send to you all.

So as you're probably aware, HAVA grants the EAC broad authority to conduct research and resources to improve the election administration. They consult with the board to gather feedback on the reports and studies conducted under HAVA as part of the normal process. For the third party credit bureau report that you received and we will talk about later, that consultation includes depending on the board, seven to ten days of time to provide us feedback and discussion at the annual meeting. We discussed two weeks ago in Charlotte and we will discuss it this morning. Your feedback helps us ensure the diverse perspectives and expertise with considered. For those who have been on the board, we have done this in the past with two research report that is we distributed last year. One on the recruitment, training, and retention of poll workers and the other on the grant funding. Both were shared with the boards and comments were received and considered before the adoption and public posting. The report on third party credit bureau data is rooted in the clearinghouse role. If you're looking in HAVA and what gives you the authority, it's the clearinghouse function.

It's various local and state election offices using the data for the -- and the board should continue to expect over the next two year term to receive the draft reports and we do value and prize the feedback you all provide. And back to Brianna.

>> BRIANNA SCHLETZ: I am happy to attempt to answer any questions that you might have on roles and responsibilities if there are any.

Otherwise, I will turn it back to Ricky. Okay.

>> RICKY HATCH: Thank you, Brianna.

Okay. I want to now recognize the election certification committee spokesperson, secretary Steve Simon to announce the results of the election for chair elect.

>> STEVE SIMON: The prevailing candidate is Christine Walker. So now what we do is go on to the next election. The Board of Advisors received three nominations for the position of secretary. The nominees are J. Chris can Adams, Eric Fey, and Chris Walker. Per the bylaws, a member may not serve in two executive board roles as once. So Chris walk area's nomination is withdrawn.

In accordance with the bylaws, the election for secretary will be conducted by secret ballot.

>> RICKY HATCH: Thank you. We will now ask each candidate to take one minute approximately to briefly outline their interest in the role for which they are running. And we will start with Mr. J. Christian Adams. And then Mr. Eric Fey.

>> J. CHRISTIAN ADAMS: Thank you. My name is Christian Adams. I'm on the United States commission on civil rights. I'm an appointee through the year. And I was on the DOJ voting section and enjoyed that time. I brought civil rights cases there. In fact, I brought one last week not at the Justice Department, but a voter getting death threats in the mail, literally in the mail, threatening to kill them. Two plaintiffs we represent there.

The civil rights commission split 4-4. Republican and democrat. And it requires it to reach consensus and work with the other side or get nothing done. And we're evenly split. I agree this needs to be nonpartisan, but this is a policy recommending board. The political reality is this is a highly contentious area. And the political reality is we have to reach bipartisan consensus to have the views viewed credibly out there. And the reality is this board does not always enjoy the perception of being a bipartisan functioning board. And it is very important, because there's a lot of people now paying attention to these issues who didn't before, that if this board is to attain a measure of credibility among all these newfound folks watching and caring about how elections are run, there needs to be a measure of bipartisan ship that frankly I'm not sure was present all the time. That's why I'm running is so you all get to enjoy your recommendations. And when they reach the body, the public aren't viewed the way they have been in the

past. Thank you very much. I would appreciate your vote.

>> ERIC FEY: Hi, everybody. My name is Eric Fey. I'm the direct or of elections in St. Louis County, Missouri. I have been on the Board of Advisors for a few years now. I have served I think chairman Moore appointed me chair of the VVSG subcommittee, served on the executive director recommendation subcommittee. So familiar with the inner workers somewhat of the work and the VVSG.

And to Christian's point, he is absolutely right that bipartisanship is very and consensus is important in election administration. In Missouri, the county that have election boards, the board and staff are divided equally between the political parties. We get nothing none without consensus and I have to work every day to get those things done. I'm past present of the Missouri clerks and elections. And the real divide is not between democrat and Republican, it's between urban and rule in the legislation. And I was elected as president of the state association by a predominantly rural set of colleagues. So that is also my goal is to have consensus to the extent that it is achievable and to have all voices heard. And I think my track record proves that.

So appreciate your consideration. And I will stop there.

>> RICKY HATCH: Thank you, gentlemen.

We do want to announce before we call for the vote that we have a proxy that we received. And that is Mr. Brian Michael



Lemeck designated Greg Moore as his proxy. I want to double check with the proxy committee chair, Ms. Walker, if you have anything additional to say.

>> CHRIS WALKER: No. The committee has reviewed and verified and so Brian Michael Lemeck appointed Greg Moore as his proxy and that is confirmed.

>> RICKY HATCH: Excellent. Thank you.

I recognize the election certification committee spokesperson -- sorry, we're not there yet. I was going to have you announce the results, which would have been very impressive.

Okay. Now request any member who wishes to cast a ballot for secretary to go check in with the EAC staff in the hallway and cast the ballot and return to the meeting. Members may cast your ballot electronically or on paper. The election certification committee members will remain in the voting area to observe the process and certify the results and once again, members of the public should remain in their seats here during the voting.

So let's go ahead and move to vote.

[Power outage in room]

>> We also overwhelmingly heard that well developed voluntary national standards would be helpful so that election officials have something that they can point to. And we will talk about that later on the agenda, but wanted to give you a preview.

And we held discussions around voter list maintenance and at the standards board meeting, we discussed our working group efforts to improve the election administration and voting survey and future efforts to collect data that would help election officials.

I would say overwhelmingly, we received positive feedback on the work the EAC is doing and the resources we are providing to help election officials do their job.

Last year, I described my hope of offering staff stability and ensuring the right policies and procedures in place and stakeholder collaboration to meet the customer needs and getting the most from feedback. I am pleased with the work the EAC has done to operationalize the new organizational chart and to improve policies and invest in partnerships.

In 2024, we reorganized to five central officers, the Office of general counsel, the chief election information office, the chief election technology office, and chief security office, and chief financial office. This helped us to be aligned, efficient, responsive, and capable of accomplishing the agency's mandate. And it allows us to break down silos and cross train staff.

In addition to the reorganization, we filled key positions. We are currently operating with a staff of 78. You are here at our headquarters in Washington and we have staff in 23 states in all regions of the country. What we have seen and

heard is this improves the connections to states, election administrators to understanding different processes and perspectives. As an agency, we have taken steps to issue and update policies to implement automation throughout the agency and invested in systems. One example, the grants glass system increased timely reporting from 76% in 2022 to 93% in 2024.

We put recommendations into the annual report in accordance with section 207 of HAVA. Those are on the screen and I will read them out. The first one was to consider efforts to strengthen election security and cyber security. For this, we have been consulted on proposals to address the need through a vulnerability disclosure program. Our team continues to provide technical assistance in this area.

I will pause for a minute in case Chair Palmer wants to say more about that.

>> I would point out that this recommendation was made by the commission in its annual report. It involves vulnerability disclosure program. So when there are issues and allegations of the discrepancies or vulnerabilities, there are means to create and run a vulnerability disclosure program. There has been a bill in Congress, but that is the type of thing that takes resources and personnel to do. I just point that out that there are ways to identify vulnerabilities in an independent manner, in a process that could help in that area.

>> Thank you for that.

The second recommendation we made was to authorize and appropriate funds to research ways to improve voter list maintenance, which we will be discussing today.

The third was to authorize and appropriate funds to allow the EAC to expand the state local official training and workforce development.

To amend HAVA to include the commonwealth of the northern islands. The HAVA legislation includes provisions and classifications for Washington DC, the commonwealth of Puerto Rico, Guam, American Samoa, and the U.S. Virgin Islands. They have been included in the recent grants.

Number five is to authorize an appropriate funds to research the cost of elections. I will spend more time talking about this. In most states, the cost is borne by counties and local jurisdictions. Research found that the actual cost of the elections nationwide is challenging to determine. Recent reports indicate it could be 4 to 6 billion dollars in a given year.

And it's estimated that between 2003 and 2020, the federal government funded about 4% of that.

The EAC believes that understanding the actual cost to administer elections would more accurately help policy makers and election officials to make more informed decisions regarding election planning.

And then finally, number six is to authorize and appropriate funding for election jurisdictions impacted by

natural disasters.

So next, I'm going to provide a couple of updates on the election resources, technology programs, and our grants program.

The EAC focused pretty heavily on partnering with election officials and providing them with resources. This slide shows the election administration core competencies. There are 20 categories with everything from public relations to logistics to auditing and recounts and mail. Election officials have a tough job, as you know. And state and election officials are responsible for performing an increasing number of complex duties in service to their constituents. One way that we have tried to help is making sure that the clearinghouse resources hit on each of these different areas. Much of our work has been at the request of election officials. So we have strived to meet the request, but also to make those products customizable to be tailored to what a state or jurisdiction needs.

I would like to highlight a couple of examples from last year. Up on the screen now, we have the be election ready videos. In 2024, the EAC developed these to explain election processes to citizens to help with the transparency around the voting process. There are 6 videos that laid out registering to vote, making a plan to vote, in-person voting, voting by mail, trusted information, and reporting and certifying results.

These videos are available on EAC's website and on YouTube and social media channels.

Other videos that we did following the request from election officials at the last board meetings, we partner with the American psychological association to develop videos on managing work place stress, specifically for election officials. And also one that was designed to be used in poll worker training classes.

We streamlined an older election security video to make it shorter and customizable for states. Research indicates that this video increased voter confidence by offering transparency around the process. Therefore making it helpful for election officials and voters.

We also found that research found that when the videos were customized with state and local information, they were even more successful at increasing voter confidence.

This next slide includes information on our learning lab. We have invested in the learning lab training academy and this is where election officials have access to on demand training. The videos are short, under 20 minutes, interactive, and free for all election officials.

We have a variety of topics, including accessibility and federal election laws. And I just want to point out our subject matter experts teach this content at state election conferences or by request on a variety of topics. Basically anything you ask, you name it, if it's election related, they will develop content to deliver it and use our resources.

We have heard that this has been a huge benefit to election officials and we have really gotten an overwhelmingly positive response on it.

This next slide, we offer a variety of tool kits, checklists, COOP plan templates, best practices. These continue to be very popular resources with election officials. I think I laid out earlier that they have a lot of jobs and a lot of hats to wear. And being a communication expert or developing content throughout the year is just another thing in addition. So EAC created a customizable social media tool kit to save time and resources. Each image comes with pre-written Alt text to describe the image and also it can be used on different social media platforms and has sample post-text that can accompany the graphic.

Shifting gears a little bit. I will share some updates on the election technology and security programs. So our testing and certification team is small, but critically important, as you know, election technology is evolving and our testing and certification program provides a foundation of trust by ensuring systems are safe, secure, accurate, and accessible.

I'm going to provide a high level update on our testing and certification program, but also on ESTEP and field services. So we have talked a bit about the process already. But for those unfamiliar, the EAC has an election supporting technology evaluation program, we refer to as ESTEP launched at the request

of congressional stakeholders. It aims to evaluate the election supporting technologies, Electronic Poll Books, ballot deliver, and election night reporting systems.

Our field services program is a part of the testing and certification program. Employs members to provide services and work directly with state and local election officials on the voting systems. This essentially offers quality monitoring that the voting systems that are fielded are certified.

So in 2021, the EAC adopted 2.0. We are excited to have three systems currently under test. Those are listed on the slide. The smart VSR1, 2.1. Vanguard 1.5. And voting works suite 4.0. Among other things, the team does engineering change orders. In 2024, there were 26 approved with an average turn around time of 2.5 days. And in some cases, they were processed in as little as an hour. I note that just because I want to show that we are committed to collecting data and metrics to continually improve our processes and do better in every aspect of our work.

This slide is on ESTEP. So for the election -- I'm sorry, electronic ballot delivery program, we anticipate that the pilot will launch in June of this year for that program. For election night reporting, we're aiming for a pilot in August of 2025. And for voter registration systems, right now, we're working in order to incorporate common data format requirements and we're hoping that pilot will launch in early 2026. The voluntary



Electronic Poll Book certification was adopted last year on April 8, 2024. We have one Electronic Poll Book that has been certified, the knowing poll pad 3.6. A public hearing on that to discuss advantages of having a federal certification program and lessons learned following that first campaign.

Next slide here is on our field services. So I mentioned in 2024, EAC launched a quality monitoring program. This was a needed program to ensure the integrity and strengthen the oversight of the systems. The team has membered dedicated to each region. They go on site to work with state and local officials on post-certification quality monitoring. The slide has some of the different things that the team offers. So they do verification, fielded system reviews, help with anomalies and conduct manufacturer audits.

I will spend a little bit of time focusing on hash validation. Many of the requests that the team received so far has been for an site and virtual assistance through the industry standard practice. The process essentially ensures that a deployed system software matching the software certified by the EAC. It's a security tool and reinforces the chain of custody best practices. In 2024, the team addressed 54 requests from various localities and provided training to local election officials on this process.

Field services staff also successfully completed and documented two pilot project, one in Hawaii and one in Nebraska.

And provided briefings on the program to officials from 43 different states and territories.

We held a hearing on this earlier this year in order to discuss the results and some of the takeaways from the initial engagements. We also had the clearinghouse team and field services team partner together to do a training on hash validation so that that is included in the learning lab and something that election officials can access on demand if they wish.

Moving on to grants. So one of EAC's main roles is to administer the HAVA grants to states. I will give a brief update, but happy to answer questions.

Recently, Congress appropriated \$15 million for the HAVA security grant program for 2025. These are requirements payments that are distributed to states and territories based on a formula. The \$15 million appropriation provided states a minimum of 272,727. And territories a minimum of \$54,545.

HAVA election security funds can be spent in a variety of ways in accordance with federal law. And the pie chart there on the screen shows the main areas where funds have been spent. This statistics are as of September 2024 and the three largest categories cyber and physical security at 36%. Voting equipment at 23%. And voting processes at 18%.

I would briefly like to highlight the recent report we published assessing the impact of the HAVA grant funds. Thank

you to this board for your comments and feedback. We take that incredibly seriously and value it. We truly believe that the comments make our products better. So please keep the comments coming.

This report sought to understand the impact of HAVA grants. And I will touch on some of the findings. Election officials interviewed for the report agreed that the grants facilitated improvements in security, accessibility, poll worker training and communication. The states reported spending over \$638 million or approximately 63% of the appropriated election security funds. I will note, though, that over 98% of the remaining funds have been budgeted for planned activities. So states know what they intend to do with the funds.

We often get asked the question of why states aren't spending funds. We have developed a one pager on that. It lays out the common reasons we hear for funds not being used, including availability of future funds or being unsure if future funds are coming, difficulty providing the matching requirement. These grant funds do have a matching requirement. State legislative timing difficulties and other challenges.

In April, the EAC released a report on funding election administration with information on some of the different state and federal funding sources. So that included a state by state look at how each state is paying for different categories of election costs.

Moving along. This slide is on vote.gov. So the EAC has continued our partnership with the general services administration or GSA to support and improve vote.gov. This site is dedicated to providing trusted state specific information on how citizens can register to vote. We currently have a GSA employee detailed to the EAC to help with transitioning operations of the site over to EAC.

The goal there is to expand the website's role as a one-stop for voters to find voting and registration information.

And finally, the newsletter. If you are a new board member, you will be automatically added to the list and see the next edition soon. For continuing members, please read it. It has the latest what we have been doing and events upcoming and products that we issue.

And for anyone interested that is not currently receiving the newsletter, feel free to sign up. There is a QR code on the slide or go to the website to sign up as well.

That concludes my presentation. But I did want to take a minute to thank our team. I am incredibly proud of the work that they do. You will hear from some of the staff later throughout the course to have meeting. Our teams are small. They are incredibly dedicated, though, to the mission of the EAC. I want to specifically recognize Adam as his role in ADFO. He spent the weekend making sure all of the last minute appointments got through and doing a bunch of other things to make sure this

meeting can be a success.

And he also organizes the executive board meetings that happen all year long. It's not just the annual meeting, it's a whole lot of work.

And then to the rest of our team, there's a number of them helping with logistics, IT, communication, subject matter. We appreciate you and thank you for everything that you do.

With that, I think I'm turning it back to Ricky.

>> RICKY HATCH: Thank you. I will turn it over to our election certification committee spokesperson, secretary Steve Simon.

>> STEVE SIMON: Thank you, Ricky. When the power goes out in the middle of an election, conspiracy theories can abound. But I can assure everyone here that our committee as well as the poll workers had their eyes, eagle eyes on the ballot and pouch and everything and the election went out off a hitch.

I wanted to announce that the top vote getter for the position of secretary was Eric Fey.

I think that concludes our work. Thank you.

>> RICKY HATCH: Thank you, Secretary Simon.

Ms. Kagan, you had a question?

>> Thank you. Senator Cheryl Kagan. I had some questions based on Brianna's slide presentation and report, which was excellent. But it also raised questions for me. And I'm not sure if this is the right time. But the slide that had all of the authorized and

grant -- hold on. Authorized and appropriate funds and you had several different categories. I'm curious. Election worker training, that's inclusive, nonpartisan, bipartisan. That makes sense.

Election help increase from 4% to increasing the federal funding for the conduct of elections everywhere. Again, that's important and needed and a great idea. I think.

The one that I would like to learn more about, though, is authorize and appropriate funding for election jurisdictions impacted by natural disasters. Because that disproportionately effects some parts of the country, some areas. I'm wondering what's the trigger? Does the state or locality have to apply? What's the process for reviewing and approving? How quickly can it turn around? It raises a whole lot of questions. All three were interesting to me. What's the status now? But that one in particular seems so relevant and an increasing process.

And just to close, obviously, we have seen in whether it's -- well, New York City after 9/11, but New Jersey was affected, other states have dealt with this already. And COOP plans for continuous operation is so important in all things. I work a lot in 911 as well. But obviously, not everyone is ready at this same level. So with that, I would love to get some answers. Thank you.

>> I will jump in on that. Natural disasters coinciding with elections isn't a new phenomenon. There was we saw several

reminders again this year ranging from the impacted areas of hurricanes, but then also wild fires, floods. We saw really impactful presentation. Again, people heard about the LA fires, people heard about the hurricanes. Missouri and a lot of -- from Missouri to Texas around election day had huge flooding. I saw a picture of some people in their trunk in Missouri. We heard about ballots getting wet and issues with that. Whatever the natural disaster, we hear and see so much of that in the vantage point.

Several years ago, we had started a working group effort around that of funding cuts sidelined it for a little bit. But it's an area we want to see additional investment in. We built out a lot of programming around continuity of operations. Both the COOP template and also trainings in the learning lab coming in that regard to help people.

One of the concepts we talked about, and again, those recommendations are really from the commission unanimously to Congress to have them look at. And I think on the funding area, obviously, when communities are impacted by some of these events, it's devastating. And occasionally, election officials may have access to resources, but they're in the same line often with people who have been dealing with loss of life or other real tragic events.

So but the elections go on. That's part of the business. So what we envision there was a segregated fund. The details of

which would of course be worked out by Congress. But where election officials would have access to that, whether if you have lost equipment or need to move polling places or need to do various things to respond in that moment to that election, there would be a pot of resources that could be accessed to ensure those elections were able to be conducted.

>> CHERYL KAGAN: Following up quickly, Commissioner Hovland, what is the status now? So the proposal is there. Congress needs to act and appropriate funding. And then EAC would administer and distribute? How would that work? Do we know?

>> That's how we would envision it. It is in a recommendation that we put forward both with our annual report and recommendations we make to Congress. I don't know that I have seen any sort of uptake yet at the congressional level. So I don't know. I wouldn't anticipate that it's on the immediate horizon. But we thought it was an important issue to raise and try to raise awareness to that, again, while different areas of the country experience different natural disasters, maybe more often than others, it's something we see across the country. And so this was something we wanted to, again, lift up and note that there's a way to do this or there's a way we could play an assistance role for the election officials in those circumstances. But again, totally dependent on funding from Congress for that.

>> CHERYL KAGAN: Thank you, Commissioner. I want to mention



that I have been texting with my two senators and members of Congress that cover my district. Since that is part of our possibility to advocate as board members, Board of Advisors, perhaps that's something we can encourage them to consider or are there limits on that?

>> I am claim in on behalf of Camden and note as Brianna highlighted earlier, as Board of Advisors members, it's important in your conversations with members of Congress to note that you are not lobbying on behalf of the board or representative of the board in any conversations you have in that regard. Thank you.

>> You can still have those conversations on your personal behalf.

>> RICKY HATCH: I don't think I have seen the few hairs on Ben's head go up like that. That's great.

Ms. Simons, please?

>> BARBARA SIMONS: I want to follow on to the previous discussion. I noticed with some concern that the money allocated for election security has been on a downward trend. And I realize that the EAC is limited by the money you're allocated. But I just wanted to flag that and especially given all of the concerns that have been raised about the security of our elections, urge people to in their personal capacity push for Congress to allocate more money so that we can focus on election security. And maybe one of the commissioners has comments. I

don't know.

>> Barbara asked the same question that I had. But I did want to see if you could put the chart back on real quick so we can see the decline from 2018. I thought that was a striking chart to show. That's what Barbara is speaking of, I believe. It's the grant.

And my question was the impact of our work or the work in the states has to be impacted by the amount of the declining funds. Just any response from the commissioners or director about how we're addressing that and what that impact actually is?

>> Secretary Simon, did you have a related question to that? Did you want to ask that first?

>> STEVE SIMON: I was going to say on the funding issue, it's something that secretaries deal with a lot. My suspicion is one of the reasons for the declining outlays is that a number of states are still holding on to some of the HAVA funds. I can well understand anyone in Congress looking at that and asking the question why should I give states more money? You're already sitting on some money.

But the rejoinder to that on behalf of several of my colleagues, we, including we in Minnesota, are sitting on that money for a money. One reason is any of you here who have spent more than two minutes around government know if you have use it or lose it funds, that tends sometimes even subconsciously that

people are spending money on people that they don't necessarily need. So that's one reason. And that's a good reason. We should not want people to just use the use it or lose it mind set to spend aimlessly and needlessly on stuff they may not need. But they're in fear of losing.

Number two, we who feel this way, a lot of secretaries of state, feel that. And I think we have been vindicated in this belief is that if we don't hold on to it, we don't know what the interval is. It's an unknown interval. It will come and be a burst of funding. And a year and a half later, another one. And not for another three years. You can see based on the schedule, it's intermittent. We don't know whether we're meant to make the money last for two years, five years, ten years, more, less. So in an abundance of caution, Minnesota included, we have be small C conservative about the use of money. We have been cautious about it. I understand how an appropriator in Congress or anywhere else would look at the bottom line and say you have this money, what are you doing? We're not going to give you more. We're sitting on it.

Which is why I want to say I'm interested in looking at the one pager. And I hope this sentiment is reflected in it, at least roughly. And I'm glad you made the remark at the end that you adjusted for money that is sort of spoken for. That wasn't the language you used. Because -- and I really, really appreciate that on behalf of many secretaries. Those of us who

are sitting on a few of the dollars, it's not as if we're just sitting on them to admire the pile of money. We're sitting on it with real plans over the next two or three years. It might not be officially appropriated in the legislative sense, but we have a plan to use the money. It's not just sitting there for a rainy day.

That's what I wanted to say. I understand the EAC is not in the position to lobby for the money. You're the pass through, the filter, the administrator of the grants. We don't want to put you in the position of lobbying for or against the funds. But I'm glad you're helping explain why there might be fund balances.

>> Thank you for your comments on that. I think that is commissioner McCormick laid out that if you want to let Congress know in your unofficial capacity to let them know of the dwindling amount of funds handed out.

I don't believe that folks in Congress realize that when they advocate for money for a certain year that this money is not going to be predominantly used in that year, that the election officials plan out years in advance on certain things.

For instance, commissioner Palmer and I went to Louisiana a couple of years ago to advocate or to discuss a little bit about the VVSG 2.0 that we had just passed at that point. Louisiana was in the process of purchasing new equipment so they were not spending money on that. They're not going to purchase

new equipment immediately because there's no machine available that's 2.0 certified yet.

So as we look at allocating funds, it's the allocation of funds for things that are readily available in other aspects of it as well.

You had talked a little bit about the moneys that were expended that have a basically use by date. And that was the case with the CARES funds. But I believe that states looked at that, saw what their needs were, and advocated to use that money effectively on things that they actually needed, not just spending it. So I think there's a healthy balance that can be put out to say hey, you have to use these funds by a certain date. And you have to do these on other things as well.

I don't believe I have seen and our IG looked at waste, fraud, and abuse of funds for moneys that have been spent out from HAVA funds. I think it's very low overall. So we don't have that same sort of issues as other departments or other agencies with the allocation of funds. And I think that that's working with states on what HAVA funds can be spent on and to correct the problem before they actually happen. So I think that as we move forward to have more funds because federal elections are in '26 and '28 that Congress can look at allocating appropriate funds for election officials that will benefit and have confidence for the American people that the elections are safe, secure, and accurate.

>> Mr. Secretary and representative, I think that, first of all, the graph in my mind, it shows -- it reflects what the states are doing. And what I'm taking away from this is you can see the primary expenditures are for cyber and physical security and voter registration and voter equipment. What I'm taking away is HAVA has been traditionally spent on cap tap purchases, a core part of Help America Vote Act. That's telling me, though, we have HAVA funds that are actually a little bit less as we continue. But we now have a huge part that wasn't -- a huge part of the pie that's now spent on security that wasn't there 10, 15 years ago. So I think that's a new challenge.

So the other thing I would point out is in discussions with the Congress is, again, the HAVA funds are primarily the most benefit on purchasing new voting systems, new technology, refreshing technology that was the purpose to replace the voting systems. With the advent of 2.0, systems are in testing, it's going to be highlighted. It's been highlighted in the states. The states are going to need assistance to make that transition. If not, it's going to take a number of more years of implementation than I think anybody is happy with.

So what we have is less of the existing HAVA funds spent on voting systems and with the adoption of 2.0, there needs to be a new focus on how to help the states transition to the new technology in the future. I think that's the best argument when it comes to Congress on why this is a capital purchase. It's not

helping the states or requiring the states on a day-to-day basis or a monthly pay my bills. We're not supplementing day-to-day operations. It's about the capital and security of voting systems nationwide.

>> RICKY HATCH: Thank you. Good discussion.

>> Ricky, can I mention one thing?

I want to thank Secretary Simon for bringing up that we are not in a position to advocate and lobby for amounts or money or money at all. We have no data from the states on what they need and what they're spending. If we were to pull a number out of the air, it's a number out of the air. So we don't do that. We do discuss how the states have spent funds. But we aren't in a position to go to Congress and say the states need \$400 million or whatever. And I don't think that's our role. So I just want to make that clear that we have the conversations about why money -- states still have money, but we are not in a position to advocate for the states and how much money they need.

>> RICKY HATCH: Thank you commissioners and secretary that. Secretary Schwab has his hand up online. And then Ms. Walker.

>> Can you hear me okay? Give me a thumbs up, Ricky. I can see you. Okay. Great.

I want to echo part of what Secretary Simon said. As secretaries that are chief election officials across the country have talked about this subject endlessly and we're not always in

agreement. And Minnesota, where he's the main purchaser of such things, I'm not. It's my local units of government. And Jamie Shoe in Kansas has the best quote that you will not find a better representation of federalism than you will find with the elections systems in the United States. It's absolute a true reflection of federalism.

When it comes to getting federal funds, the strings attached scare a lot of us and also the match, we have to commit to a match before we have had approval with the legislators, which was brought up before.

The other concerns we also bring up with leftover balances is we have created in Kansas basically a trust fund so that we have paid for cyber security down to the county level and we have 105 counties. And we took our HAVA funds and we have put them into basically a trust so that that will be ongoing even when I'm no longer secretary, it no longer becomes a local mandate.

To get 105 counties in Kansas to agree and appreciate something the state does is rare, and we appreciate the additional security. But the money is going to be there so it serves as cyber protections in perpetuity.

As it relates to the EAC asking for money, I do want to make sure we have one exception. We passed a resolution last year for an increase in pay for commissioners because they're grossly underpaid for the amount of commitments they keep. And



that's one thing I want to make sure if everyone in this room could have a conversation. I am shocked at the number of meetings I have been to that our commissioners have a presence in. And that's time, personal time away. It's more than 40 hours a week. And their commitment has been -- it's dauntless. I don't want to underestimate that.

So I just appreciate you letting me come in by Zoom. I wish I could be there, but the doctor said I can't. I will be at the next one, though. Thank you, Ricky.

>> RICKY HATCH: Thank you, Secretary Schwab.

Ms. Walker, please.

>> CHRIS WALKER: Thank you Chair Hatch. Chris Walker, county clerk, Jackson County, Oregon. I want to say how appreciative as a local elections official any time we get funds to be able to add huge pieces, equipment, security upgrades, it is grateful. No matter what. We are one of the counties funded solely -- well, mostly based on our recording fund, property records. Of course, with interest rates right now, that has been very difficult, hugely in the red because of lack of purchases for homes, refinances, home equity lines of credit. That directly funds the programs under the county clerk's office, as well as reimbursements for special elections. We have the obligation to pay cost in primary and general elections at the county level.

So I would like to see do you have a break down of how

much each state received like off 2025 what the state allocation was? That would be great to see that at some point.

Just another comment about the natural disasters. And I get that, the funding is amazing. That would be an amazing fund to have. But it is reactive rather than proactive. So I would like to see too that there be funds available for that preparations such as backup generators. My county was proactive in that years ago because we were a backup 911 center. '08, my first election as county clerk, I walked in on election day and we had no power. That backup generator was on site and we were the only county department that was fully functioning in '08. Since then, we have done things to further enhance and robust that system. We do regularly load test on the system. We bring everything up, turn the power off, and then wait to see if something fails.

But just it's become a regular part of our program. So I would like to see some of that rather than being reactive to a disaster, which is absolutely justified, but being proactive with the funds to accomplish some of the COOP plannings. Thank you. Thank you.

>> One thing I would like to see as a member of the board, perhaps in an email, I know that the IG for the EAC does audits of the use of the HAVA money. And I know that they have found in some of the reports misuse of those funds. What I would like to see is a report on the audits that have been conducted, what

jurisdictions were targeted, any findings of misuse of those funds, the amount that was misused, if the amount was misused, did we get -- request refunds of the HAVA amounts? And if in fact there was potential violations of the officials misusing the funds, what was done about it? Were criminal referrals made to, for example, the Justice Department? I would like to get a general report so that out of this huge amount of money, an idea of how much was not used the way it was intended to by both the EAC and Congress. Thanks.

>> I can speak to that briefly. The OAG reports are public on the website. But we can also send the link to that information.

I previously served in the role as EAC Inspector General before moving into this role, and I can assure you that the process is anything that comes into the hot line related to anything criminal is referred to DOJ. That is part of the process and laid out on the Office of Inspector General's website. I don't know in any of you want to add to that.

>> Just a quick question. If criminal referrals have been made, it would be nice to know, and I don't know if this is in the semiannual reports --

>> It is.

>> Did DOJ do something about them? Because that's -- a lot of agencies, Congress, many folks often will make criminal referrals to DOJ. They don't always follow up on them. And I would be interested in knows, for example, in the EAC made five

criminal referrals over misuse of funds, were any of them followed up by DOJ? If not, I think that's something the Board of Advisors will want to know about.

>> Thank you. The break down of the hot line complaints and whether or not they were or were not referred or where they were referred to is in the semiannual report to Congress. And there is usually in the OIG is aware, the disposition of that. So whether or not the DOJ chose to take it on or not.

>> RICKY HATCH: Any other comments from the commission?

>> Yeah. I would -- one of the things I have seen sort of changed over the years is we have had a marked increase in the number of states who have undergone audits. For a long time, it's three or four, maximum. And now it's five to seven states. So a significant more number of states are going through the audit process. While I am sympathetic, now everybody gets to join in the pain. But yes, that's a good thing that we are very active on auditing the HAVA funds.

>> Last thing I would say is that I don't know how many folks realize it, but from this grant, from this graph, Congress went a number of years without appropriating any funds to the EAC to be giving out to security funding. And I think it was close to seven or eight years or so.

And also with Brianna, the executive director talked about earlier in terms of some of our recommendations based on some other things was that we are looking to ask Congress to

appropriate a number of funds to us so we can actually go out to the states to find out what they actually need in terms of funding to run their elections so that none of this money is going to be wasted or abused or devoted toward fraud. I agree with you on those issues as well.

>> RICKY HATCH: Thank you, commissioners. Any other comments on Brianna's report?

>> Ricky, one quick add on the formula, because that came up. So HAVA has -- or it is notable with this funding, it is not discretionary, it is a formula that's spelled out in HAVA. Depending on the amount, Congress will tweak the floor. But there's generally a minimum per state and territory. So with the \$380 million in 2018, it was \$3 million as a minimum per state. And then there's a formula that is roughly population based for the remainder. With 2015 or 2024, when you get at or below \$50 million, that variation gets pretty small. So as mentioned earlier, but with the 15, it was a little over -- it was about \$250,000 per state. And that is, again, with \$55 million for the 50 states, five territories, and District of Columbia, you can quickly do back of the envelope math. It's about \$1 million with a little bit more for the larger states population wise.

>> RICKY HATCH: Thank you, Commissioners.

Okay. So we're a little bit behind. Probably I will attribute that to what has now become known as proxy gate.

So what we're going to do, we were going to have a break

at this point, but we have a representative coming. So unless anyone has any critical concerns, we will continue going up until lunch time. And then we'll have the photograph at the beginning of lunch. And that will just save us a little bit more time. Of course, if you need to, you can always step out.

Let's see here.

Okay. Welcome back from our break.

Next we'll have a brief update on the EAC voter list maintenance pilot program with a discussion of voter registration and list maintenance. I will turn it over to the senior election subject matter expert, Adam Podowitz-Thomas for the pilot update. And chairman Palmer and vice chairman Hicks will lead the discussion.

>> ADAM POSOLWITZ-THOMAS: I think everybody should have received the draft report in the email. Find me today if you did not. It is in the materials for members folder that you should have received. You should be able to access it there.

You may have heard about the pilot study on the use of third party credit bureau data constructed in cooperation with the Experion. We have prepared a draft report. We will talk through some of the data derived from the pilot. Most of the data is unlikely to be surprising or ground breaking. But there is value in ground truthing some of the things we found.

Briefly, I won't go into all the details, there are

details in the report. But there were 11 participating jurisdictions. Five were local, so either municipality or county. And six state level jurisdictions. Participants were able to use the access to the data portal to run searches that best met their needs. For example, some chose to run all of the voter lists, others chose to run only the inactive lists or voters that they had a hard time tracking down.

EAC picked up the cost for the pilot study. And after the pilot study concluded, we wrote a report and submitted it for feedback. After the feedback is reviewed and incorporated, we will take a vote to adopt the report and send it to Congress.

And I want to emphasize that at no point did the EAC receive the voter data. And only a statistical data after the fact was provided to the EAC for analysis.

So as I said, there were 11 jurisdictions and a little over 11 million addresses were run. Out of the 11 million, 74, 75% were accurate. That is the address that the jurisdiction submitted matched the most up to date address on file.

For 15% of the addresses, Experion generated a new address. That 15% was between 7% and 22% depending on the jurisdiction.

One jurisdiction that ran just the inactive list received a high rate. That same jurisdiction when it ran its active list, so not the inactive, but the active list, it had a match rate of 11.75%. 39% for the inactive. 11.75 for the active.

Another jurisdiction submitted a small number of addresses suspected wrong had a 98% hit rate on the data.

So this suggests that the data may be useful for tracking down the hard to locate voters. 10% to 11% of the voters submitted couldn't be found, they weren't located in the records at all. That pretty closely tracks outside research we have that suggests about 10%, 11% of Americans don't have records with one of the major credit bureaus. Validating data saying that the data reflects what we would expect.

We had one statewide jurisdiction that provided additional data for us to analyze. And for that jurisdiction, 83% of the voters had some sort of record or touch point in the past six months. Those up to date addresses, the voters with recent touch points generated approximately 12% new addresses. So kind of a moderate amount. The number in the middle of the range we discussed earlier. Anything older than that, had a 29% new address rate. So you may be saying what does that mean? It suggests that addresses that are newer are probably more accurate and probably more likely to be addresses of the jurisdiction to use. If they're older, that voter list is probably the more accurate. The election official had engagement with the voters at a more recent point.

Finally, and I would be remiss to not point this out.  
>> in at least one state, the data showed a correlation between ZIP codes with high percentages of certainly racial



categories -- relatedly, ZIP codes with higher rental rates generated higher rates of new addresses and ZIP codes with higher percent of younger or older voters saw more frequent address updates.

So just some additional considerations and conclusions. Most jurisdictions participating in the study didn't engage with the data during the life of the study due to constraints on funding, time related to the national voter registration act quiet period. Remember, again, we did this during an election year. A lot of folks were running primaries and in a quiet period. As well as a lack of clarify in the permission of using the list.

Participating -- we had a number of feedback sessions with jurisdictions that participated over the pilot study. And in the feedback sessions, the participates jurisdictions noted that the data seemed more comprehensive than other data bases, including more addresses than similar run scans.

They also described it as a useful tool in the toolbox. We heard that over and over again. And unlikely to use this data alone and it provided a useful, additional source of information particularly for populations with frequent change in residences.

There were concerns expressed about some of the data quality particularly related to changes in last names, minor changes to street names. One said that they flagged the different C view one word and two words. That's not really a new

address. We all recognize that.

As well as some concerns related to the impact on military or other voters. Additional research is needed for a cost benefit analysis of the data such as NCOA or social security master death list. It would help reduce the number of nondeliverable ballots.

There are numerous policy considerations that needed to be reviewed prior to the use of the data that includes integrating the data into existing dataless software, as well as related considerations that we addressed earlier.

In sum, the pilot study suggests that using third party credit bureau data to determine new or best addresses for voters may be a useful tool. Jurisdictions that ran the voter lists experienced true trace product had results that ranged from 10% to 22% new addresses to reach out to update the addresses. I'm supposed to pass it to commissioners. You have the report. If you can get us the feedback by tomorrow -- sorry, on Wednesday, that would be helpful. We're in meetings today and tomorrow. If you have time to provide feedback, we would appreciate it. Thank you. Commissioner Palmer?

>> Thank you, Adam. I appreciate the briefing on the report. And I do have it. This study was an attempt to show an example of how to EAC could assist localities in providing information to them. And for their use in a pilot sort of way. So they could sort of understand it. In my interactions with local election

officials, once they get used to the tools, they are fairly effective. Experion uses not just the commercial data, but the NCAO and other as a data set.

We're looking for your feedback. What we're seeing with national change of address, there is a gap of information or intel that an individual moved. That's why you see addresses, new addresses that election officials with Experion will find. And we like to hear from the election officials and other folks here in list maintenance what's working, what's not, how this might be helpful to your office.

And also, what can the report show? It's going to go to Congress. So what sort of recommendations might we make of that.

So let's start with the first question. What are some of the challenges that you're facing with list maintenance in finding with the data? It's one reason why we did this report is because of the challenges that election officials are having. We would like to talk about the challenges of the data and of list maintenance.

Barbara?

>> BARBARA SIMONS: I just have a quick question not relevant to what you just said. Is this report -- can this report be shared outside of -- in other words, people concerned about this, can I share it?

>> Obviously, afterwards. But we are actually getting comments. Are we able to -- it will be released once it's

finalized.

>> BARBARA SIMONS: But before it's finalized.

>> You have an opportunity right now --

>> BARBARA SIMONS: No, no, there are other people in expert in some areas that I'm not that I would like to share it with.

>> That's a pretty insistent request. I'm going to toss it to the general counsel to make that. But the initial indication was no. But we'll get you an answer on that.

>> Thank you. We have our special guest has arrived. What we're going to do is put a pin in this discussion and we'll save that and continue that in a moment.

We are going to -- I would like to recognize Commissioner McCormick to introduce our special guest, representative Bice, from the committee on house administration.

>> CHRISTY MCCORMICK: Thank you so much. Welcome, Stephanie. Stephanie Bice is a fourth generation Oklahoman currently serving as the U.S. representative for Oklahoma's 5th congressional district. Prior to her congressional service, Congresswoman Bice served in the Oklahoma state senate from 2014 to 2020. Before entering politics, she worked for almost 20 years in the private sector gaining experience in business development, financial oversight, and sales.

This Congress she serves on the appropriations committee where she was named vice chair of the transportation, housing,

and urban development subcommittee. Additionally, she is the chairwoman of the subcommittee on modernization and innovation within the committee on house administration.

Congresswoman Bice was also name to do a seat on the United States military academy at the west point board of visitors. We look forward to hearing her remarks on the role of elections and the EAC. Welcome.

>> REPRESENTATIVE BICE: Good morning. This is my first time with you all and I'm thrilled to be here.

The work that you all do has greatly improved how we administer our elections here in the U.S. And on behalf of the committee on house administrations, I thank you for your continued partnership in our mission to protect American elections, enhance election integrity, and increase voter confidence across the United States.

As the committee with broad oversight in federal election policy, the committee on house administration remained steadfast in our commitment to strengthen our elections. Securing elections really is of paramount importance. We have to ensure that it is easy to vote and hard to cheat. The committee invested significant time and resources into finding ways to strengthen our elections. We have been hard at work on election integrity and have hearings on how to improve election administration nationwide.

And I just want to add one point. Before I was elected to

Congress, I actually had the great privilege of serving in the Oklahoma State Senate. And as part of that role, I was giving the task of overseeing our state election board. I think that Oklahoma does elections right. I know that every state has their unique way of doing it. But one of the things that we really look at is making sure that it is timely, it is efficient. I learned a lot about things like chain of command of ballots in my time in the state senate. These are the things I utilize when we are looking at processes to make sure that we're doing things in a way that makes sense and builds that integrity across the country.

Most recently, we held a full committee hearing on California's state election laws and specifically the state's lengthy ballot counting process. I want to thank Chairman Palmer for appearing before the committee last week during the hearing to answer questions and share your expertise with us. So we appreciate it.

In that hearing, we discussed ways that California could improve the system to call races sooner, including shortening the curing process from 28 days, allowing more options for early in person voting and eliminating the practice of the universal mail in voting.

In Oklahoma, we actually recognize that there may be a benefit to extending early voting in person. And implemented that for primary and general elections to allow for individuals

to have more time to participate in the process.

We hope to have more hearings in the future to examine how to help states from a federal level improve election administration.

Your job here at the Board of Advisors is to be a resource for states and local jurisdictions when conducting elections. We provide election administrators with guidelines on things like accessibility, absentee and vote by mail, and how to manage a voting location.

The resources and guidance you all provide helps to ensure that poll workers are conducting the election properly and that there is not an opportunity for error.

As we know, the smoother an election goes, the more voters trust that the results are accurate.

Trust in our elections and election administrators increases voter turnout and leads to greater voter participation. I encourage you all to continue to be the greatest asset for state election administrators and continue your outreach.

I urge you all to make sure the resources we provide are allowing for safe and secure elections in all 50 states and municipalities across the country.

A corner stone of the committee's work is making our elections more secure while maintaining access to voting for all registered voters. And one way we have worked toward that is by

passing the safeguard American voter eligibility act. It was passed by the house committee on administration and the U.S. House and is now waiting a vote in the Senate. The legislation will ensure that elections are for American citizens only. Certainly, we know that that has been -- the rule of law for many moons before, but I think this actually strengthening that by providing documentary proof of citizenship when registering to vote for federal elections. This not only protects the vote, but will strengthen the confidence.

It's important to note that the SAVE act will not make amendments to the uniformed overseas citizen absentee voting act. There's been questions about that and I thought it was important to mention here. The act will leave in place the existing procedures and safeguards for service members abroad to vote absentee in federal elections. The service members must be able to participate in democracy. They are putting their lives on the line to defend it and this has been and will remain a top priority for myself and the chairman and the committee.

Once passed, it will cod identify important parts of the executive order of protecting the integrity of elections.

Additionally, the committee is working hard to root out foreign interference in elections. In the previous Congress, it was introduced the secure handling of Internet donations, or the Shield act, to close loopholes in campaign finance systems that allow for foreign donations to come in to the elections. You



have probably seen reporting on that. It's important to make sure to look into these areas and trying to address to make sure that we don't see any foreign influence.

We anticipate that act being reintroduced in the 119th.

And the integrity of the elections is something that I will never ignore. But I want to take a moment to thank each and every one of you for your hard work to support states across the country. You have a monumental task ahead of you in trying to support the states because we all do things differently. But making sure that across the country that these election processes are adhered to and are fair and are timely and produce the accurate outcome in every single state.

So it is a lofty job. But know that those of us on the committee on house administration appreciate the commitment and the work that you all do to ensure election integrity across the United States.

So thank you for having me today. And I look forward to the continued partnership and working to protect and secure America's elections.

>> Thank you very much, Congresswoman Bice. Are you willing to take some questions from the group? Does anybody have questions for the Congresswoman? Mr. Proctor?

>> Thank you. I grew up in Noble, Oklahoma, down the road from your district, but not in your district.

I'm Kansas representative, now I'm the chairman of the

house selections committee.

I love the idea of the SAVE act. My concern on the voter ID requirements, who will be -- if that were to pass the Senate, who actual adjudicates what count as a voter ID? I'm concerned about the federal government unintentional consequence?

>> REPRESENTATIVE BICE: The states get to determine the process by which the documentation would be accepted. Right now, things like a real ID, which I believe day after tomorrow is required to fly, that would be sufficient. And so the states really have an active role in making sure that documentation meets the criteria. There's a laundry list of documents that can be utilized. But the states would ultimately get to decide that. And I think that's an important distinction. I'm conscientious having been a former state legislator, I want to adhere to the constitutional provisions, which is time, place, and manner by which elections are to be held will determined by state legislatures. Thank you for the question.

>> Other questions?

>> REPRESENTATIVE BICE: They need more caffeine, it seems.

Thank you for the opportunity to be here with you all this afternoon. Very much appreciated. And good luck in the future with the work that you are doing. It is important. It is crucial. And we will continue to work hand in hand with you all to make sure that these elections move forward accordingly.

>> Thank you for stopping by. We really appreciate it. Thank

you.

>> RICKY HATCH: Thank you. And representative Bice's fingernails were painted the same color as Chris's and Cathy's jackets. So we will -- very nice.

So we will be holding a drawing for a pink Cadillac later today.

Okay. Looks like we still have some time now to go back toward our discussion on the voter list maintenance and the report given by Mr. Thomas regarding the pilot program with Experion.

>> Thank you, Chairman Hatch. I did not get the pink memo. Apparently, Adam did, though. We'll get started, though.

We will open up the conversation again on some of the challenges and what data is used in the states and what might be helpful in the future. Christian Adams?

>> J. CHRISTIAN ADAMS: Thank you, Commissioner Palmer. Thank you for really doggedly bringing this issue to the election administration community the last couple of years regarding the use of commercial data.

First of all, a little history I wanted to share about how this was looked at at the Justice Department two decades ago. When I was there and the first case I think was United States versus Indiana regarding list maintenance. The department at that time used math ratios. And you can read this in the

complaint. It's not a client secret. It's right there that some counties in Indiana had much higher percentages. I think Indiana was the case.

That's like a carburetor compared to fuel injection. Looking at ratios only gets you so far. What you're proposing and suggesting is a great modernization. And I will tell I that the Experion data is tremendous. If you pull the voter roll list, which is a first step to doing this, and not only do you get moves, but you get deads. You can find out -- they want to figure out who is dead so say bank doesn't loan money to the wrong person. So the thing that you are focused on is a way to modernize list maintenance. And everybody has a say about this risk or that risk, but in the end, states have to go this way. This commercial data is incentivized to be accurate. It's incentivized to be correct. It's not a rumor. So please keep pressing this. I think this body should give a ringing endorsement to modernizing list maintenance by using this.

>> Thank you, Mr. Adams.

Mr. Fey?

>> ERIC FEY: Thanks for your synopsis. And I read over the report in some detail. We actually tried this in St. Louis County a couple of years ago prior to your efforts. We learned from Orange County, California, which is chronicled in your report, they are one of the pioneers of this. And it was a good experience, I would say. And I agree, it's probably something

that more election administrators should attempt. But just like anything, the devil is in the details. When we undertook our pilot, there were a couple of things that we learned from it. And I think they are pointed out in your report. One was can we share PII from the voter data base with the credit reporting agency? So that's a legitimate statutory consideration in my states.

And then if so, what information do the local election administrators or state election administrators have access to? After we conducted our pilot, there were a number of members of the general assembly in Missouri that had pause over the amount of information we had access to on the voters after purchasing these data.

And one -- and I think this is kind of pointed out in your report, but one interesting or funny anomaly is we tried to get the recent mover information. In many cases, it came back as this voter may have moved to this new place, but it was in fact a parent co-signing on a loan for a lot of younger people, we found especially co-signing on a car loan or something like that.

So if we had done it again, we learned from that. We had to change our communication with the voters. A lot of them were angry that how did you get this information? Why are you contacting me? I have been voting from this address for 30 years, I have never moved, things like that.

And then finally, I think the big thing because we all agree we want the most accurate voter list possible, but voter list maintenance is expensive. I know from the county clerk's organization in Missouri, a lot of the rural counties don't undertake it to the extent some of our more well financed counties do because all the return mail and staff time is very expensive. And unlike funding for actual election administration, there is not much, if any funding for voter list maintenance from the state to the localities.

So I would encourage the commission to take that into account when recommending this kind of undertaking because it is expensive. It generates a lot of mail and staff time.

In some cases, the juice may be worth the squeeze. Missouri was a member of ERIC when we undertook this. So I don't know that at the time the juice was necessarily worth the squeeze. It was an interesting I'm glad we tried it. Now we're not a member of ERIC, so maybe it would be more useful since we're no longer a member.

That's my feedback. And thanks. I thank the commissioners for even looking into this and taking it into consideration.

>> Yeah. A couple of points. And Adam, you can correct me if I'm wrong here. I think one of the things is that it's a direct interaction between the locality and Experion. And frankly, you don't have to provide the last four. You can provide the name and date of birth and the address. Obviously, it helps when you

have the last four. But it's not necessary. It doesn't really -- so that's actually a little bit less PII. And it's sort of the top level information. It's none of the credit information.

So it really is just at sort of top level identifying information of your name and address and what's your last address.

But no, I think that I hear your concerns about the resources and it's something that it's so bad on the resource side that folks aren't even using NCOA, which is very significant issues. That's why I call it the list maintenance gap. This sort of helps NCOA is having its issues, this can help get the best address for officials. So it's that piece of intel that allows them to at least reach out to the voter.

We hear your pain. That's one reason we wanted to bear the cost of it. It's not something that we couldn't do it for years and years unless the Congress made a commitment to it. But that's why you do a report like this and provide it to the Congress so they can see what the art of the possible might be. Right?

>> Representative Proctor?

>> Thank you, Mr. Chairman. So first of all, thank you for the report. Kansas is looking at doing something similar for identifying deceased voters on the voter file. We just frankly

ran out of time. But we're looking for ways to compensate for the lack of Federal information that we no longer get at the state level or the county level.

My question, you had a bunch of statistics about people are identified. I would love to know the difference between deceased voters and not at the same address voters. But also, I would love to know if any of the states, municipalities that were part of this experiment or this pilot that did identify as voters, if any of the voters had voted, either folks identified as deceased or folks that were no longer at the address of the jurisdiction in which they were voting.

>> So I will do my best to address those, Representative Proctor.

To the point related to dead voters. My recollection is that nobody in the pilot study utilized that offering from Experion. The product can identify folks on the master death list from the social security administration or other potential source of that data. There's additional indicators that you can select. You can select to use the NCOA indicators. And there's also commercial indicators if you want to know if it's a commercial address.

So there's a number of additional products not part of this particular pilot study, but that are available from Experion.

Specific regarding whether any of the voters voted, none



of the jurisdictions engage in the analysis. We have the data and may have done that analysis and not informed us. But we're not aware of that.

>> I will add one other quick thing somewhat to Mr. Fey's point. As we look at the -- sorry, Ben Hovland, EAC. As we look at the issues, again, Mr. Fey, to your point, there are real costs associated with list maintenance, the real challenges associated with that. Certainly I think we undertook this pilot to see if there are things that we could identify, if this was a useful tool for election officials to have in their toolbox.

And one we have talked about is looking at effective communication to help people understand the need to keep and the value of keeping your registration current. We know we live in a very mobile society. A lot of people move. And so many Americans don't know about the need to update their registration and the impact that that can have.

So looking for effective ways to communicate that to let people know your registration doesn't automatically necessary gets updated depending on the government interaction you had somewhere. So many think when you do the thing, it takes care of that. So looking for effective ways to communicate that and include that in information that gets sent out to voters. So that's another area that we could explore and try to identify some best practices around.

>> Ms. Gold?

>> Thank you so much. I want to commend the folks who worked on this report for just coming up with the idea of the pilot, engaging election jurisdictions in the pilot, and doing such a good job of putting this report together.

I wanted to ask because this is relevant to the question that's being talked about now that when election officials, if you haven't given your input on the report yet, I wanted to ask you about one section of the report to ask you to look it over and sort of make sure that what do you think about the recommendation in it. And it has to do with the recommendation regarding data quality. And this is on page 15. When it talks about recommendations on data quality, it says what jurisdictions need to be doing is to look at the methods that credit bureaus use to collect and address update information and identify any potential error. And I guess my question for election officials is do jurisdictions have the capability of capacity to ask the questions they need to be asking about data quality and potential sources of errors?

Because later, the report says oh, we need to do more research on this issue. So I guess should the report give -- the report gives high level guidance on what you need to consider for data integration. Are we at the point where the report can talk about high level guidance on how a jurisdiction should go about identifying potential sources of error? Again, I would want, though, election officials to really weigh in on whether

you think jurisdictions are in the position to make those decisions right now or do they need more information on that?

And just the second thing I wanted to follow up on Eric's comments regarding your experiences. Later on, the report talks about building trust with stakeholders and bringing stakeholders in the process. Maybe the report doesn't need to explicitly say this, but I think it's good to recognize a part of the process of building trust with stakeholders is that when stakeholders learn that information is being gotten from credit bureaus, they are going to be very worried about what information is it, is it being kept private, what's being kept private and confidential. So again, the report may or may not want to explicitly say in part of building trust is to assure people about confidentiality of what information gets to the election officials for list maintenance. Thank you.

>> So the -- Adam, unless you had something on that specific issue.

My understanding it was the address. But I think the larger -- the address, the new potential address of the voter. But I think the more -- we take your comments seriously on the previous part of your comments. And I think that election officials, some of this is -- and I will give one example. And Adam, correct me if I'm wrong. It's the same thing with NCOA. You learn as an election official which information may or may not be helpful. Similar to what you used to do in NCOA, if it's

more than three months old, maybe six months old, that's kind of stale. The voter may have moved two more times and we don't know it. So using experience, what we have found is if it's closer to the three-month mark, that's much more accurate than six or seven months. And that's actually the sort of information that's very helpful not only to a pilot or somebody using the program. For example, for Orange County, California, they used it over a number of years to find savings. There were lessons learned in the beginning how to best use that information for their office and the way the list maintenance process is set up in the state of California, in Orange County, it works specifically for them how they utilized the information.

>> Just real quick. I didn't read the report. I skimmed it. But did the report have any protections against Experion pulling data from the voter file that would help them identify people they were searching for?

>> Thanks for that question, Mr. Moore. The contract did not permit them to do that. So certainly, jurisdictions using the product going forward have their own contract provisions. I can't speak to those. But the contract with EAC specifically for the pilot, they were not permitted to use the data for those purposes.

>> Greg, basically, they opened up the data base and the jurisdictions matched their data against it. Experion didn't

take in any of the data. Barbara Simons. And then Hans.

>> BARBARA SIMONS: Thanks. Barbara Simons. I'm not saying that this shouldn't be done, but I also have concerns. One of my areas of concern is the accuracy of credit bureau reports. We know that there have been problems, significant problems in the past. In fact, just last year, the CFPB had a report talking about all these problems. Again, picking up on what you said about being able to check the information, if the election officials aren't given the resources to do the checking, this could result in legitimate voters being disenfranchised. That's something that none of us wants. That's contrary to the purpose of why we're here.

So the unintended disenfranchisement of voters has me concerned. And also there are the privacy issues raised. Which is why I asked if I could share the draft with other people who know more about, for example, credit bureaus.

>> Barbara, I want to tell you this is not a disenfranchisement, it's just to notify the jurisdiction there's a match. It's up to the jurisdiction to investigate it further. It's not we have a match, let's take them off the list. It's an update and the jurisdiction has to investigate it more.

>> BARBARA SIMONS: I hear what you're saying. I think there's still a threat, a risk.

>> I would -- I think that the general goal of the EAC -- well, of election officials, is to have as much accuracy

in the process as possible. I say this as an election official that NCOA is inaccurate often. And this is a government source of information. And that's why when there's more accurate information that might be available as intelligence to then do our list maintenance work more precisely and accurate, that's the sort of information we want.

NCOA is just not -- it's the only tool in many cases, but it's not really getting the job done. So we're trying to look for other ways to sort of mitigate that issue.

This is not a silver bullet. I think that most election officials would say it's not a silver bullet. But it gives you more information on individuals that may have moved. If you use it correctly, it can be a very effective tool. Hans?

>> HANS VON SPAKOVSKY: First of all, I want to commend you on the study. I think you know I have been recommending use of credit agency data for a very long time. So this is a good study for you.

And I'm sorry, I have to address this disenfranchisement issue. As a former election official, I was an election official for eight years in the largest counties in two different states. I think every election official in here can confirm that no one is automatically deleted when information comes in, whether it's individual information or from a data base comparison match. Each case is individually investigated to make sure that information is accurate before anyone is taken off the line. And

the credit card information, the credit agency information is just, as you say, Commissioner, added intelligence that's going to get investigated to make sure it's not a mistake.

And frankly, even if, and I think this is pretty rare, again, I think election officials here can confirm this. Even if an election official make a mistake and in fact take someone off the roles who shouldn't, they're still going to be able to vote because of the federal requirement for provisional ballot and we would examine and investigate every single provisional ballot when I was in Virginia on the election board. We would investigate it and if a mistake was made, that person's vote was counted. Okay?

I would like to suggest to the commissioners that you do another study that is along a similar vein what would provide election officials with information. 39 states, their DMVs are members of the American Association of Motor Vehicle Administrators. That association runs this computer system network, it's called the state to state verification system. And the way it works is if you're a member, a lot of people, when they move, they don't necessarily change the voter registration, which is part of what causes so many election officials problems. But just about everybody goes in and gets a new driver's license when they move to a new state because state laws require it. If you're going to drive in your new state of residence, usually within 30 days or 60 days, you have to turn

in your driver's license from your former state and get a new one.

That system, that computer network system that these DMVs are a member of, they notify other states when someone comes into the state, establishes legal residency, which is a requirement to get the driver's license in every state, they notify the prior state and part of the system is that you can't have more than two driver's licenses. You can only have one. You have to give up the driver's license from the prior state.

But my understanding from the research I have done is that that information is not being given to and is being used by state and local election officials. And what I would suggest to you is a study that looks into that system, the extent to which that information could be useful to state officials and the restrictions that I understand this association puts on the use of that data for list maintenance purposes. I think that would be a very useful study to take a look at.

>> Senator Kagan?

>> CHERYL KAGAN: Thank you, Commissioner. I want to go back to address Barbara Simons' point about this report. It's an 18-page report. I think like Commissioner Moore -- sorry, Greg Moore I think many of us have reviewed it briefly, but maybe not scrutinized it. I think Wednesday is a short deadline. I think the fact that the report was paid with taxpayer money, I think it should be a public document. It has a draft water mark. I



think we should have more time. I'm not sure after so much time was invested in it that on Wednesday when many members of this committee may be traveling home or busy going back to their jobs that that seems an unreasonable deadline and I think it should be a public document that we can benefit from lots of input and consideration.

>> Mack Warner, former secretary of state in West Virginia. I would like to endorse what Hans proposed. As somebody who has dealt with this, first, I don't think DMV should be involved in giving out voter registration list. The reason that was done in 1993 is people didn't have these and computers and so on. We now have those and you can register using a mobile device or a computer. As long as DMV is involved in the process, we should use the same data we're getting to cross reference between states. I wholly endorse what Hans recommended. Thank you.

>> Adam, were you going to address senator Kagan's?

>> ADAM POSOLWITZ-THOMAS: Yeah. I want to point out to the board members pointed prior to this past weekend did have last week to review the report. But everybody should have had seven to ten days to look at the report.

>> Director from South Carolina.

>> So as a chief election official for the state of South Carolina and I'm only speaking for South Carolina, this kind of program wouldn't work for us. Our counties add voters. The state has the sole purview to remove them. We already get a lot of our

data that Experion gets, we get that data independently.

Number two, the definition of domicile even in my own state is all over the place. Our Department of Revenue uses a different definition, Experion has a different. In South Carolina, it's wherever they intend to return and that is it.

And this is not a knock on Experion. It's a marriage, or divorce of state election laws and experienced business processes.

They just don't match for us.

And from a public perception -- and again, I'm from a unique state and we are very distrusting of everybody. I cannot sell the idea of giving my voter information to a private company in South Carolina. I just can't. I have floated this idea to some of the leadership in the House and Senate and the looks I get are as if I'm from North Carolina or something.

So I think the intention, I think another study might be a good idea. But I'm just looking at it from a practical standpoint. It would not be usable in my state.

The biggest issues we have in South Carolina with the voter list maintenance is getting the various Federal agencies and state agencies to send us accurate information as quickly as possible. And really that's what I tell people all the time when you give speeches and such is our voter list is never accurate. People die today that are on the list weeks from now. We want it to be as accurate as possible. I wrote my second letter to the

Department of Homeland Security to have them help us with voter list purposes last week. Haven't heard back from them yet. But I think the intention behind this is good. I think it's a good idea overall. I don't think it works with my state's election laws.

>> I just want to chime in real quick and thank director Knapp for that comment. I think it's a great reminder for the role we play and with the Election Assistance Commission give credit for this to Christy, Christy notes that assistance is our middle name. But we were really created by the Help America Vote Act to be a customer service agency. So we do look at across the country, we look are there issues that are 50 state issues? Issues 45 state issues? And when you think about this undertaking or others, it's not to tell states what to do or how to do it, but simply to say here is what we learned looking across the 50 state. So for South Carolina, if it's not something they're interested in or is plausible, that's fine with us. But it's having that information, knowing -- to be able to make those decisions in an informed way. And frankly, there's real economies to scale. We have seen the Orange County pilot, knew other folks had done it. To be able to look at a diverse set of jurisdictions across the country, big, small, and to be able to say here's what we learned so that other jurisdictions that were thinking about this could go in eyes wide open and know a little bit more about what this might mean, was this data

of a quality that was useful for them? Again, it takes investment, it takes staffing time to follow through with this explicitly in the terms. We noted that this doesn't get anybody out of the national voter registration act and its requirements around list maintenance. So again, just providing that information and that picture to people and letting them ultimately make the decisions for what best serves their voters and their jurisdiction.

>> Yeah. Maintaining sort of a sense of where voters -- when voters are moving has always been an issue in election administration. It's one of the challenges we have and one of the reasons the lists are unfairly characterized. Having a tool in the toolbox for states could be helpful. Justin Reimer?

>> JUSTIN REIMER: Thanks, commissioner. The NVRA itself contemplates list maintenance without certainty. You may get information that the voter may have moved. It's predicated on uncertain data. It's very hard to remove a voter. It is. And I think there is a reason why Congress did that because you're acting on data that may not be 100%, I don't want to use the word accurate, but may not reflect someone who actually moved. The point about domicile is well taken. But remember, the voters are going to get notification movers. They're not removed for two federal elections. You have no choice to use the data, even if it reflects a change of address.

>> One of the points the director of South Carolina brought

up, this is an EAC advisory board. Are there areas the EAC can focus on top helpful, research, technology tool, pilot programs, voter education, working with other federal agencies, or something else?

>> I love the way you took my question.

>> We had the perfect Segue.

Are we at the time for lunch?

>> RICKY HATCH: Yeah. Yeah. It's about time.

Okay.

>> I would say that to really think about that during lunch and then come back so we can continue on with this. Because I do feel that this board is -- does have influence. So to think about those questions about how we can be helpful during your hour of lunch would be really helpful. And then as we come back.

>> RICKY HATCH: Great. Thank you very much, commissioners. And thanks, everybody, for your discussions.

We are going to first take our photo before lunch. So what we'll do is members and just the members only come up to and we'll have the photo. And then those who are EAC clearinghouse winners, I think that's Mr. Logan and Mr. Knapp, and I'm not sure if I missed anybody else, we want to get a special photo of you with the commissioners as well.

Oh, make sure -- just leave your badges at the table so that they don't mess up the photograph.

And lunch -- after the photo, go over to where you voted

to the polling place over around the corner and get lunch.

[Break for lunch]

>> We will get started in two minutes.

>> Welcome back, everybody. Hope you had a good lunch. Good job, staff. That was very good.

And for those of you who live on the western side of the continental divide, make sure to caffeine up. It's been a long day for you.

And I'm sure you saw they had fruit out in the hallway and then cookies in here in the interest of objectivity and balance, we have moved the cookies out by the fruit so that equally accessible and yeah. There you go.

Okay. We had just a couple -- we want to finish up our discussion that we had with the voter list maintenance. Adam had -- there was a couple of questions that Adam wants to respond to. And then we can spend five or so minutes if the commission has any additional items or questions that you want to Ask seek for additional input. Adam?

>> ADAM POSOLWITZ-THOMAS: This will be very quick. First, to

address the concern in the room regarding the amount of time that folks had to finish reviewing the report, the commissioners have agreed to extend the deadline for feedback until Friday at 5:00. So that's two additional days for everyone. We recognize you guys are in the room here and that's eating a lot of the time we gave you.

The second point is we are looking into the ability to make the report public. We're consulting with lawyers. We will get back to you tomorrow morning with an answer to that question. We are taking it seriously and we are trying to get you an answer.

>> RICKY HATCH: Thank you, Adam.

Commissioners, other comments? Or do we want to open it back up if any of the board members has additional comments? Representative Proctor?

>> Thank you. So to the discussion we were having before lunch, I take to heart the comments from the commissioner that the role of the commission is to kind of be a service and a provider to the states. This report is super valuable to us as a state because our voter data -- I heard several people say they're concerned about the privacy issues in sharing the voter data with a credit agency. In Kansas, our voter data is public. So as long as it's not used for commercial purpose, which I think the conditions of the pilot program required that it not be used publicly.

I also wanted to kind of add my name and my endorsement to Hans idea about this pursuing using DMV recording and interstate change of address DMV records. In Kansas, we just required the DMV to share citizenship data they are collecting in order to do the real ID to make sure we don't have noncitizens on the voter roll. To the people who said the DMV shouldn't have a role in this, whether they like it or not, they're involved in voting. I would like to add my name to the list of folks endorsing that request.

>> RICKY HATCH: Thank you.

I see a hand, but I don't see the face. Whoever's left hand is there, please.

>> Also be a really good resource for people who work to encourage people to update their addresses and keep their addresses updated with voter registration and election officials. I just wanted to make two comments.

One, on page -- let's see. I believe this is page 14 where it talks about the demographic considerations and it looks at which groups where there was issues with ZIP codes. It does the major racial groups that the census bureau when it asks about your racial and ethnic identity, it first asks about race. But it asks about Hispanic origin in a separate question. I hope you can go back to the census bureau and find out how does that ZIP code data look considering the growth of the Hispanic electorate. At the time the question was asked, it's two



separate questions. Again, for people who work to get everybody to get your addresses accurate with election officials to know whether we're seeing the same issues for the Latino community is important.

And similarly, if more research is done, which I think is a great idea, when the jurisdictions that are chosen to participate, when outreach is done to get jurisdictions to participate, again, getting jurisdictions that have a larger share or concentration of Latinos is important. Again, Latinos are like the second and faster-growing eligible electorate in the nation. So I think that would be helpful as well. Thank you.

>> Secretary Simon?

>> STEVE SIMON: Can I bring up a new topic under this umbrella of list maintenance?

>> Please, go ahead.

>> STEVE SIMON: I don't mean to be triggering. I would like to bring up ERIC. I hope we can stay away from the debate for a second. Is everyone fall with ERIC, basically speaking? Not that Eric.

So ERIC is the electronic registration information center. And the only reason I want to bring it up in one narrow sense, I hope we can leave on the shelf our arguments or disagreements on ERIC itself. There has been some talk, as I understand it, about some sort of relationship, possibly maybe between ERIC and the EAC. I'm not quite sure what that is. And since we're an

advisory board, I think it would be helpful to hear from some in the room what has been discussed or what if anything you contemplate might ultimately take place.

>> Well, I think that one of the issues is EAC has heard from states is that many states are leaving ERIC. And some don't have any intention of joining or rejoining. So there seems to be a need in the community for data sharing of registration and voter history. It's a very important part of list maintenance. It's of those things about the baker commission and on and on.

So the question we're looking at from a research perspective is how could the EAC serve the states in a bipartisan way providing that sort of data to the states.

And it's no reflection of our opinions one way or the other on ERIC itself. But there may be ways to assist the states, obviously, with list maintenance and this may be one.

And the other thing, going back to Carter Baker and origination of the Help America Vote Act, there was the vision of states being able to communicate with each other and interact and EAC was seen as maybe being able to facilitate that communication.

Interoperability wasn't really possible. Neither was accommodated format, the technology wasn't there yet to help the states communicate with each other on this type of thing. But things are changing a bit. And the technology is there. And perhaps there's more will for the states to communicate with

each other.

So we're just thinking about the future and how we can serve the states.

>> One thing I would add there as well, I think good lists are a big deal for all kinds of reasons. And we want to see those. Again, I think if there's a role that we can play in helping facilitate that, it's excellent.

But there is a piece to whatever conversations have been out there where they all start ultimately, one of the recommendations that was mentioned or that we also forwarded to Congress was around providing resources for studying or working more in the list maintenance area. And again, to any kind of significant undertaking in that regard would cost millions of dollars that literally no one is seriously talking about giving us.

So again, so much of our direction is based on what we see and hear from Congress and the resourcing that we get in order to address some of these issues.

And certainly, we have been stagnant now for a few years and I don't know that I hear many people, obviously, we had a visitor from house administration and appropriations here. But I haven't heard any real conversations looking at funding in a way that would be required to take on some of these challenges or provide additional assistance in that regard.

>> One of the other things that I have heard as I have gone

out throughout the country is the federalism concerns. Is it a good idea for the Federal Government to handle data bases for the states. As you know, the Trump Administration, previous Trump Administration Presidential Commission asked for that data and most of the states turned that commission down.

There is a concern that there be a Federal voter data base. So those are some of the things we have to think about. The scope of how we would handle this and how we would handle the data and the federalism concerns as well. Hans? Sorry, go ahead.

>> Before Hans, I wanted to echo what my fellow commissioner said. I think back to the Carter Ford debate on these issues and how they came to a consensus and how no one basically felt that they were getting more of an advantage overall. So how do we go back to having two statesmen, like Carter and Ford, to come object with a recommendation for that commission and that report? And then when President Ford became ill, James Baker stepped in his place and continued on with that. Where we had a report that was also done that no one really could throw a lot of arrows at to say that this is not -- this is something that's going to help the Democrats or this is something that's going to help the Republicans for the most part.

I think as we look at these issues, I think that Secretary Simon, you were saying how ERIC has become more politicized. If we are going to look at diving into that to see what sort of

role we can play so it's not looked at as an overreach or a takeover, but also how can this best serve the American people while -- how are we paying for it? As Commissioner Hovland said we had somewhere here from house administration and appropriations and that was a perfect opportunity for folks in the room to say hey, give the EAC some money.

But as that may happen coming up --

>> In a non lobbying way from your Board of Advisors perspective.

>> In a nonpartisan, non advocating in my previous job as a lobbyist way.

But in all seriousness, I do think that these are opportunities to take to raise these issues. So how can we best serve the American people for '26 and '28 moving forward with a list of voters who are accurate and so that no one is feeling like one side is gaming the other.

>> RICKY HATCH: Thank you. Mr. Von Spakovsky and Wilcox and secretary Schwab online.

>> HANS VON SPAKOVSKY: Let me suggestion to you I think the most useful thing that the EAC could do in the area, again, a study, would be -- look, I have worked with the organization that has worked on comparing, for example, voter registration lists from different states. And the biggest progress in this whole area is there's no interoperability. You used that word before. Every state has different software designs that -- and

how they classify and categorize and put the voter registration in makes it difficult for even two neighboring states who want to find people perhaps who are registered in both states to compare that data. And the most useful thing I believe that you all could do would be to look at the standards that are going into the software that's being designed and sold by a lot of commercial vendors to election officials that basically are their voter registration operability systems so that you could make recommendations on standards that would standardize the way this is done across the country so that, for example, the states that are leaving ERIC, many of them are entering into data sharing agreements with other states. Florida has done that. Mississippi has done that. Alabama has done that. That would be a big help to them also if you can concentrate and focus on that issue, interoperability, so that states actually have the ability to compare their different lists and, for example, find people unlawfully registered in two states and are voting in two states.

>> We do have a bit of opportunity there with our ESTEP program and looking into doing a pilot with voter registration systems and perhaps setting up a certification program. We could look at requiring interoperability as one of the things. But appreciate your comments. I think that is something that I would like to see us look at as well. Thank you.

>> WESLEY WILCOX: Wesley Wilcox, Florida. I would like to

echo Secretary Simon's comments concerning some sort of interoperability. I know a couple of weeks ago when the Local Leadership Council met, 100 members across the states, one of the big topics was exactly that process from the local perspective. And one of the concerns is who would house said environment. And we thought from that perspective, it would be more in a state type agreement such as the agreements between the states for ports and other types of controlling mechanisms. That way, if there were any issues with a federal agency, it would still be back to the states to have that control of their abilities to go back and forth.

So that was a big concern of ours, a big talking point that we spent quite a few hours on at the local leadership level. Rick reasonable care thank you. We'll go to Secretary Schwab. And then Barbara Simons.

>> SCOTT SCHWAB: Can you hear me okay? Just a quick thumbs up. That sounds bad.

>> RICKY HATCH: Hang on one second. Try that again.

>> SCOTT SCHWAB: Can you hear me now? Give me a thumbs up if you can hear me. Okay.

One of the things, and I kind of want to echo a little bit of what Hans said earlier and ease the concerns about disenfranchisement. Back in the day, Secretary Ron Thornberg, and the democrat secretary of Missouri, Paul Pate of Iowa, and I can't remember what was the secretary in Nebraska at the time.

Two Republicans and two Democrats. And we created -- they created a system called cross check to make sure in the corner of those four states, the data integrity was okay. And it became politicized under the Kobach administration and we lost the tool.

And then now it's happened to ERIC. And the importance of this list maintenance tools is to make sure your data has integrity. Because if it doesn't have integrity, I'm less concerned about somebody double voting as somebody who ends up voting in the wrong polling place and they get a ballot that's a provisional ballot and doesn't get counted or a partial ballot and they're voting in the wrong place because the data wasn't right. It's not just about removing people that shouldn't be registered. It's also making sure that the people that are registered, their data is right so they have a full access to vote.

And I really like the concept of what Hans said about using the DMV data because anything I can do to make sure a voter's information is correct so they don't have to vote provisionally is a win. And it's not -- the Supreme Court has put very tight guidelines on what it takes to remove a voter. But having misinformation, it's not that hard to make somebody end up voting provisionally then whether or not that ballot becomes counted in many states depends on the county board of canvassers. And then it becomes a subjective question.



So I would say if you don't have integrity in your data, there's a bigger threat to voter disenfranchisement than using tools and removing somebody accidentally.

>> RICKY HATCH: Thank you, Secretary.

Ms. Simons?

>> BARBARA SIMONS: I just want to support what Han said about interoperability. I think that's always a good idea. But I want to caution that it will take a while to effect it. First of all, you have to agree on what the standard should be. And then the changes, making the changes can be more time consuming than we would like. So I wanted to issue that caution.

But I think it's a good idea in principle for sure.

>> RICKY HATCH: Thank you. Commissioners? Any comments? And then we'll go to Eric. Mr. Fey.

>> ERIC FEY: Thanks. Eric Fey, St. Louis County. I think the commissioners understand and I want to reiterate it. First of all, this, again, it's a very important topic. One thing that hasn't been mentioned is traditionally, we have relied on the postal service for a lot of list maintenance. And the commissioners know this. You're at conferences across the country on the sidelines of any election administration conference, election administrators have stories and anecdotes about troubles with the postal service and return mail not working and so on. So there is a thirst for new tools, additional tools, especially more resources. Reports are great.

Studies are great. Maybe 10 or 15 people will read them.

So if you want your reports to amount to anything more than a hill of beans, I think, again, just to mention, have actionable things that local election administrators, state legislators can take and implement in their respective states.

And none of it works without resources. So just want to reiterate that.

>> RICKY HATCH: Thanks, Mr. Fey.

Ms. Walker?

>> CHRIS WALKER: Thank you, Chair Hatch. And I completely agree with Eric. Hans as well. Our systems are snapshot in time. Our voter registration data bases. We get requests all the time, at this date and time, can you -- no, our system is a snapshot in time. And it is constantly being worked. It's constantly being changed based on updates that we get. And the data we get. So our previous -- one of our previous elections directors, his stating -- he said bad data in and bad data out. And so that is probably one of my biggest concerns is that aggregation of data. We are an ERIC state and it works well. But what we find is sometimes that data we're getting is old as what Commissioner Palmer stated earlier too. It can't be six months old. The fresher the data, the better the voter roles are going to be. And that said, we utilize the DMV. But it's been out there and we have had problems in Oregon with that. Once again, bad data in, we get bad data out.

Another item just one other comment is about a struggle too is every state seems to maybe have a different interpretation of the requirements of the NVRA for cancelling voters after federal elections, et cetera. Oregon takes a route that we inactivate, not cancel. And that is being litigated as we speak.

So but that is a frustration as a local elections official about what is and what isn't. So getting some answers, we just want to have the best data roles or voter roles that we can. But there are -- the struggle is real on this. And especially getting the best data that we can and how do we aggregate that so that the voter roles stay clean? Or at least clean to the perception of the public and the people around us. Yeah.

>> I would just say in the response to some of the comments, sort of looking at the data quality is imperative because let's be honest, that really is the root of the problem. And our voter registration systems are not nearly as accurate as the other systems we use in voting. And it gets -- it's being noticed not only by the public, but also stakeholders. When they really criticize you directly, and I'm saying that to me about the quality of data, I will go ahead and put it on my shoulders. But there's a lot of bad voter registration data out there. This is sort of a fundamental way to try to address the problem that was never addressed, I believe, after the implementation of HAVA, and that is the quality of voter registration lists. It may be a

process through ESTEP and the VR pilot and hopefully a program of evaluating those systems. Maybe that will help our quality and we address this as a community together to get that better down the road in the next five to ten years, if not sooner.

But like Eric Fey noted, there are other things we're discussing. We talked about how to communicate with voters about the importance of updating their address? What are other tools we can use and how can EAC assist in this area? It's the reason we did the commercial data pilot. It's a good quality tool to use. How do we make awareness of that to the election officials and state legislatures that this is a tool that's available.

>> RICKY HATCH: Thank you, commissioner. Any other comments?

>> No. I was going to say thanks folks for the discussion today. And the fact that the conversation doesn't need to end here, that we can continue on having this discussion, reaching out on this topic as well. I think it's very clear that folks want us to continue on with some sort of list maintenance thoughts on this. What that looks like, we will have to discuss as a commission. But we value your insight. And I want to turn it back over to Chairman Hatch.

>> RICKY HATCH: Thank you, Commissioner Hicks.

All right. Final call on list maintenance questions. Any final comments?

Okay. Now on to super exciting stuff. We will talk about auditing. So I want to invite up now Monica Childers, the EAC

senior election subject matter expert who will lead a discussion on audit standards.

>> MONICA CHILDERS: Thank you so much, Chair Hatch.

Are we all excited for audit standards? Good post-lunch discussion. Thank you so much, as Ricky said, I'm a senior election subject matter expert here at the EAC. And I'm delighted to be able to spend some time getting your feedback today on the idea of audit standards.

So election audits have been growing in range and popularity across the country. We have seen over 300 bills in state legislatures focused on different types of election audits just since 2022. We know that stakeholders across the spectrum are looking at this. And here at the EAC, we're trying to get a handle on whether this would be a project useful for the EAC to take on to take on the voluntary audit standards used for a lot of audits across the spectrum, but would give the local officials and policy makers and other stakeholders a place to start when they're thinking about what makes a quality audit and what should be considered and looked at.

So we want to get your feedback on that.

And I want to share that that is we have. We were able to survey the members of our Local Leadership Council and standards board just a few weeks ago about some of their audit implementation practices, how the nuts and bolts audits work in your state and in your locality. And I wanted to share some of

the results with you. Obviously, these are not nationally representative. We just got 64 responses from members of these particular boards. But they are interesting.

We asked what kinds of audits people were doing. Logic and accuracy testing was the most common type, almost 49 of the respondents said that. But post-election tabulation audits and checking the vote counting was the second most common. Most people were doing a traditional or fixed percentage audit, 37 responses for that. 19 for risk limiting. And 13 for automated when you're rescanning the ballots on the same system again or a different system.

We saw a wide variety of other kinds of audits looking at different parts of the process. So things like accessibility audits. Looking at your polling places or your voting information on the website. Voter registration audits. Pulling a sample of voter data and double checking it against forms and the data base.

Procedural or compliance audits, looking at whether laws were followed, were things done on time, were you getting public notices out for meetings and counting.

Signature validation audits were noted by the members. And districting audits as well.

So what we took away from that was the wide variety of audits about all different parts of the process that are done across the country.

We also asked a question about who sets the rules and procedures for the audits. This was actually probably the area with the most commonality across the country. Overwhelmingly, the election officials said that the state legislatures or their chief election official in the state is setting the rules and procedures for the audits. The local jurisdictions themselves don't have a ton of flexibility. A couple noted if they're in a pilot phase or trying something new, they might have the ability to add on a new audit that the state hasn't adopted. If a state adopted it, the procedures are pretty well set.

We asked the election officials questions about who can handle the voting equipment and ballots in the state. It matters who can legally touch the ballots and equipment. Many people said that their election officials and poll workers could handle the equipment and ballots. And we responses that law enforcement and vendors can be qualified to handle the equipment.

We asked questions about how they handle party affiliation of the audit board members or folks doing the auditing. And this was pretty interesting. About half the respondents said that their states require them to party balance. They must have two different party affiliations for the auditors. But the rest of the states, the other half were a mix. We try and party balance, but we're not required to. 11 of the respondents actually said we're nonpartisan and our workers are nonpartisan. Everyone behaves in a nonpartisan manner and sign an oath and we're

comfortable with that.

We also asked questions about observers and transparency. Who can come and watch your audit. The vast majority of people were open to public observation with the audits. We had a few states that said no, we require just candidates or candidate representatives to be present. That's who can come and watch. Media and public are not allowed. So a little bit of a difference there.

And finally, we asked questions about chain of custody. Who used continuous recordkeeping of who has possession of sensitive items, who had tamper evident seals, whether there was a requirement for two people to be present any time something changed hands so make sure you had the record. And whether surveillance was used to monitor storage equipment. And we had the majority of respondents using multiple of the procedures across the country. But which ones varied state to state.

So again, this gives you a snapshot that there's a lot going on around auditing across the country. It's not necessarily the same state to state, as with many things in election administration. There is no one size fits all and there's a lot of variation.

And we also asked one final question of the respondents, which was what are your biggest challenges. Overwhelmingly, everyone said time. The time that is available, particularly for post-election tabulation audits between when the ballots are



getting in and when the results need to be certified and the need to do the audits before the results are certified is not possible. And it's a huge lift. So I wanted to mention that as well.

The chair has kindly agreed to help us out with the discussion today. I'm going to turn it over to him for the first question and we will open it to the broader group to respond. Point a housekeeping, please use your mics. The captioner is using that to do the transcriptions as we're going. So please speak in the mic. It will help with that. And state your name when you come off mute.

So to our chair, would you tell me a little bit about how election audits have been helpful in your work and what role you think audit standards at a federal level might be able to play, how that might be helpful to you?

>> RICKY HATCH: You bet. And first, a confession. Prior to being in an election official, I was an auditor. I was a CPA. I am a CPA. And so just got to clear that out.

And I thought --

>> Buckle up, folks.

>> RICKY HATCH: That's right. Now's the time to get the cookie and the caffeine.

Financial auditors have been doing this for dozens, over a hundred years doing types of audits. And that is a well established profession, not perfect, of course, and we saw some

of these with Enron and other issues. But the profession adjusted and revised and strengthened their audit processes.

And so I think it makes sense to approach this the same way that the financial auditors are approaching or have approached audits and come up with concepts.

And so I did an exercise where you compare the financial statements to election results. And how do financial auditors audit the financial statements to make sure that they accurately reflect the transactions within the system? And how does that compare? Can we do similar types of audits?

There are four audit assertions auditing a financial processing system that you have to look at. And the acronym is CAVR. C stands for completeness. And completeness is if I enter -- if I have a source transaction, I need to audit to make sure that that source transaction flowed all the way through the system and is reflected properly on the financial statements. Converting that to election speak. If there is a legitimate, valid voter that cast a ballot, how do I know that ballot is in the election results?

Next is accuracy. We all understand what accuracy is. I won't go into that in detail.

The third is validity. Validity is the exact opposite of completeness. So validity says in the financial world if I see a balance on my accounts receivable on the balance sheet, how do I know and go back to verify that it belongs to a valid source? So

converting that to election speak, if there is a vote reported on the election results, how do I know that that vote relates to a legitimate ballot cast by a legitimate voter?

And last is rights and obligations, which doesn't apply to elections. So we will just say it's CAV. Or if you're from Cleveland, Cav.

So we tried to look in our county, we have tried to look at auditing elections kind of from that standpoint. What are the three audit assertions, completeness, accuracy, and validity, and tried to figure out how we audited that. And interestingly enough, the audits that everybody talks about addresses one of those three. And that's accuracy. That's really all it does.

There are a lot of other audits that local election officials already do that do address the others. We'll go over some of those.

So for the audits that we do in Weaver County in Utah and I'm guessing most local jurisdictions do. First off, the ballot proofing is a form of audit. That is making sure that your ballot is legitimate, the right ballot is going to the right voter. And I consider that a form of audit. We talked about, Monica talked about voter registration audits. In Utah, that's required by state law. It's conducted by the state elections office behind the scenes. The locals have no idea who or when they are auditing voter records in the state. The logic

inaccuracy, that is one of the audits performed before the election that does in my mind, that does look at the completeness aspect, as well as accuracy and a little bit validity as well. Because you're not just auditing is the system correctly capturing and accurately reporting that, but it is making sure that the source document relates all the way back and is reflected in the results.

Signature verification audits are another audit that is being done.

Post-election audits in Utah, we do a hand count of just recently changed over from a fixed percentage batch related audit to a full hand recount on a batch level.

Hash validation audits are crucial in my mind because they address so much the ability to access -- sorry, the concern that our election systems have been compromised. If done right before you process any ballots and before you certify any elections, it's a fantastic audit to help show this system that just processed all of these ballots has not been tampered with or altered from the system that was authorized by the EAC or certified by the EAC.

And lastly, we don't call them audits, but reconciliations. We have batch control sheets or chain of custody documentation that tracks the process of the ballots all the way through the tabulation to reporting. And those reconciliation points are a form of audit. And that can also

address your completeness and validity audit assertions.

Now, I don't see too many closed eyes. We will talk a bit at the end, the benefits to our county, first off, knowing that you're going to be audited and how you're going to be audited really does improve your recordkeeping. It's really a preventative control. If I know that we're going to be conducting audits and they're going to be based off of batches, as an election official, I want to make sure it's easy to pull the batches once a sample has been selected. There's a huge benefit there.

Second is obviously the actual verification that the systems functioned and the process functioned the way we intended and that they were accurate. That provides your election officials with tremendous confidence because it's an independent verification that the system is working.

Lastly is voter confidence. Being able to do these in open meetings, in full view to the public. We're not usually election officials aren't very good at touting hey, we have done these audits, look at all these audits we have done. We don't bring that up as much as I think we should. But voters find that comforting. That provides them with some benefit.

If we start going into the weeds of what kind of post-election audit we're conducting, fixed percentage or risk limiting, the voters' eyes gloss over just like your eyes are glossing over. We don't care what kind of audit. We care because

we're nerdy about that stuff. But the voters just want it checked. I just want to make sure it's being checked and checked independently.

So those are the benefits that came from -- that I saw from the audits that we conducted.

>> MONICA CHILDERS: Thank you so much, Ricky.

I would love to open it up to other members of the Board now. Any comments you have on whether you think audit standards would be a useful protect for the EAC, what kinds of things you would want included in the standards, are there things you want us to be mindful of? I can see several faces in the room and I know you have worked a lot on this topic. I urge you to share. Hans, go ahead. Kick us off.

>> HANS VON SPAKOVSKY: I think this issue is so important. Actually three years ago, I wrote a comprehensive paper on it and our chairman recognized this. I basically took GAS, the generally accepted standards, and I changed it so it's generally accepted election audit standards.

But I think it's vital that the EAC develop auditing standards, generally accepted auditing standards that can be used all across the country. And not just -- Mr. Chair, look, you mentioned different kinds of processes you did. When somebody says well, we did an audit and the only thing they did was check to make sure that machines counted the ballots correctly. Okay, that's not an audit. That's just part of what

we ought to be developing, which is a comprehensive auditing system. One that looks at the entire election process. And everything from yeah, were the machines accurate and did they work correctly in counting the machinery? But also, were all of the federal, state, and local laws and ordinances complied with by election officials? Is there a system in place for dealing with mistakes, errors that not only reports it, but then has a process in place for remedying them?

And this doesn't need to be done, in fact, I would strongly recommend it not be done until an election is completely over. Because the whole point of the audit is not to make sure that election -- everything was correct before it's certified. The point is once the election is completely over is to go through, in my mind, look at everything that happened. Do a complete audit of it. And fix any of the mistakes and errors so that it won't happen in the next election.

And that also includes, by the way, auditing the voter registration system and the list maintenance procedures to make sure that that is also being done correctly. I would strongly recommend to you that you talk to a guy named Chad Ennis. Remember, Texas passed, I think, the first auditing state law and setting up a system that requires the Secretary of State. And that's where I think this should be housed. To engage in comprehensive audits of a certain number of counties every year. Well, the Secretary of State's office had absolutely nothing in

place to do this. So the guy they hired to put a system in place, to establish standards was Chad Ennis. If you see one of the first reports they did, I think it was Harris County, it's two volumes about this big. Because they went through the entire system they used and some of the results were just astonishing and shocking. But the point of the audit was that it gives local officials the ability to fix the problems. And when they realized -- at first, apparently I have spoken to Chad a lot about this. They were scared about this and didn't like the idea. Once they realized the whole point of this was to find problems and fix them before the next election, then they came on board. Because they knew that would avoid them having huge problems in the future.

So my only point is that I think it's really important that you establish standards because there aren't any right now anywhere across the country. States are try to go develop them on their own. If you could come up with the kind of standardized auditing standards that the accounting industry uses, that would be I think a huge tool, not just to locals, but frankly, to state legislatures. A lot of them now are doing this. Mississippi, as you know, followed Texas in putting in auditing standards. And I think it's just vital that the EAC develop this.

>> MONICA CHILDERS: Thank you.

Senator Kagan, I saw you first.



>> CHERYL KAGAN: Thank you, Monica. Thank you for raising the issue. And thanks for your work on this and being a subject matter expert.

Cheryl Kagan, senator from Maryland. I agree with virtually everything that Hans said. I don't know if fellow in Texas. But I agree with the concept. I think it's important. And I want to put on the table the concept of optics, ethics of audits. When it was first -- when risk limiting audits, I can't even speak. When RLA was first proposed in Maryland, I made sure we defeated it. It came up in 2021. And after all of the challenges with the 2020 election, I thought the messaging that could be used or could be discerned by voters or leaders or the press would be it was broken and now we're going to fix it. And I thought that was a really bad message for us because Maryland's elections are great. And so I waited '21, '22, '23. This year, we passed RLA. And the governor just signed it into law last week.

So I think timing, messaging, optics, and making sure that any changes to our audits are cloaked in and surrounded by confidence in the excellence and accuracy and inclusion and accessibility and all the great words that you all have been using all day in making sure that those words are included and we want to take it to the next step in a transparent and accountable way.

>> MONICA CHILDERS: Secretary Simon?

>> STEVE SIMON: So I want to join the chorus. You're getting a lot of recommendations today aren't you for new tasks? I think the EAC would be well suited to contribute to better audits. I agree with Hans, this would be a good task for this organization. NAS took this on in the aftermath of the 2020 election. We had four Democrats and four Republicans and met over a period of months and came out with very broad, non audit statements about audits. For example, one, speaking of optics, is don't we all agree it's a good idea to go into the election with the rules of the game and what the audits are? Don't after an election say we will audit it and make up the rules right now. Put it in statute so that everyone going into the election knows the rules. That's one example of one of the leader principles.

But I think an EAC stamp of approval on recommendations would go a long way and be a positive development.

>> MONICA CHILDERS: And Cathy, over here. I apologize, it's hard to see this side of the room.

>> CATHY DARLING ALLEN: Cathy Darling Allen. I think I really appreciate your remarks, Senator Kagan, thank you. I think that especially if we're introducing new processes to states that don't already do certain kinds of audits, having a really good faith effort and building trust is how we're going to get adoption. Right? Looking a little bit further down the road.

There's -- I also had a question for Ricky. You described

ballot proofing in a way that I haven't heard before. So in California, ballot proofing does a number of different things that certainly we are validating correct contest to correct district. But we're also validating candidate names, measure language, and everything else that appears on a ballot.

And you described it a little bit differently. So I'm curious.

>> RICKY HATCH: Probably very similar. In our county, we don't have a language requirement. And we usually don't refer to it as auditing, but it is an audit of accuracy and in some cases completeness verifying that a vote is going flow all the way through. That's generally how we -- if you look at it from an audit standpoint, I think it could be considered as an audit of the process.

>> CATHY DARLING ALLEN: And if we're recommending that states adopt new processes, we need to also recommend that funding is provided to pay for the staff who are going to be doing this processes.

>> MONICA CHILDERS: Thank you so much. Rosalind?

>> I had a discussion with the leadership council where the list was developed of the potential audits. When the audit for compliance with laws was discussed, was this a recommendation that this should be done? Was this a discussion of this is a possible audit that could be done? I was curious about how this was framed. Arguably, considering the complexity and the number

of laws that have to be complied with during an election, that's a heavy lift. And I was just curious about how that was framed.

So I did want to just find out a little bit more about what the local folks were saying about that.

>> MONICA CHILDERS: Sure. I can answer that. That was part of our survey to the Local Leadership Council and the standards board. And all we did was ask which of them were conducting the audits. In many states, there is actually already it goes by different names, but a procedural or a compliance or a process audit in place. And that's exactly what that does. It looks through all the legal and regulatory requirements at the federal and state level and steps through them and says was this followed, was this followed, was this followed. So that was a count of how many of our respondents actually said that they already participate in that either because they have to, their state has mandated it or voluntarily.

>> ROSALIND GOLD: And it seems like there's a lot of folks that think audit standards are a good idea. I think as part of the EAC looking more into this issue, there should be some initial clarity about what kind of audits the standards are going to be and what kind of audits are going to be included in those standards are going to be developed for, again, giving the possibility of how large of a scope this could be.

>> MONICA CHILDERS: Thank you for that.

Pat?

>> PAT PROCTOR: Yeah. To your initial question, which is is this a thing that the EAC should weigh into, absolutely. And the thing that I would raise is right now, EAC has a best practice for elections that is published for election officials. Kansas, we did a legislative post-audit of elections in two parts. Our template for going to election offices and looking at their practices and procedures was the EAC best practices. It has an air of legitimacy that the list from the elections committee or some arbitrary standard would not.

I'm here on the behest of national conference of state legislators, so you have to mention them at least once in the room. They have great best practices for election audits that I definitely commend you to take a look at. We have used it as we drafted legislation.

I am very reluctant to ever disagree with Hans on anything. And I know this isn't what he meant. There's a place for the post-audits after the election. Put there's also a vital place, and I know that's not what you meant, I'm picking on you. There's a vital place for those audits before the canvass, the situation that I would -- to illustrate the point, Cherokee County, Kansas, we did our election. And when they went to do the paper audit because we require an audit of paper ballots, they discovered that they had misprogrammed the machines and the wrong guy won the county election. But for the grace of God, they did pick that race to audit. But it allowed them to, A,

make sure the right person won the election. And B, go back and revise for the entire state of Kansas more explicit rules for how you do your logic and accuracy testing so that it doesn't happen again, God willing.

So I just say as you do the best practices, I would look at kind of like you framed it, Ricky, before, during, and after the entire election process.

>> MONICA CHILDERS: That's great. Barbara?

>> Can I jump in?

So I wanted to talk about NCSL real quick. I think that they have been instrumental in a lot of the things that EAC has done over the last couple of years because of contract that we have worked with them for. But I am very upset with NCSL right now because they have allowed for Wendy Underhill to submit her retirement and accepted it. So I want to do all we can to prevent that from happening. I think that she has been instrumental over the last decade and a half of election administration.

So I think that she's going to be well missed as we move forward through these things. There's not a topic that I can remember that I cannot have called Wendy on to have those sorts of conversations with.

So I just wanted to make sure I put that out there.

>> MONICA CHILDERS: Thank you for that, Commissioner.

Barbara, go ahead.

>> BARBARA SIMONS: First, I want to say I totally agree with what Pat just said. And there have been other examples where the initial results were wrong because of misprogramming of the scanners. It should be possible to correct that kind of mistake or God forbid something worse. It should be possible to correct it.

So at the risk of being broken record, I'm going to ask you is this report available? And also, does it say which state said what? So for example, I'm interested in audits, definitely. I'm also interested in chain of custody rules that states have. It would be nice to know which states are doing what so the ones doing it badly we can yell at. Not for this group, of course.

And then I also would like to just request -- I think you should do the study. So I strongly support it. And that you include at least one expert on risk limiting audits when you do it. That can get kind of messy.

>> MONICA CHILDERS: Thank you so much. Yes, the survey data is available, I believe. I don't know if we can release it publicly and I'm not sure we collected states. We may have done it anonymously. I will check on that and get back to you on whether we can release that.

>> This is part of the problem with not being exempt from the paperwork reduction act. Just pointing that out.

>> MONICA CHILDERS: And Howie I think?

>> HOWARD KNAPP: I'm not a fan of having boards on boards on boards. I think it would be good to have some kind of meeting where states and locals who do audits can come together. Because frankly, South Carolina started the first audit division, I have a whole division dedicated to audit in 2021. And there are very few people in this country who know how to do this correctly. It's not like financial auditing. It's not a legal analysis. It's a mesh of both. And different election systems require different types of audit. Because they produce different cast vote records. I won't get into CVRs right now. But in different municipalities, the size of the elections matter.

And another thing is we have two different kinds of audits in South Carolina. We have of course election tabulation audits, which I know has been said the tight turn around. We have the tightest certification deadline in the country and our certification is anywhere from three days to one week. And we get the statewide audits done in the time period. And that does inform on whether the election is certified or not.

But if a county screws up or something bad happens, after the election, I have the authority to order a county compliance audit. So I think that speaks to, again, not to beat the drum of states' rights, as typical as that is for South Carolina, but you need state statutes to empower the chief election official or the state board or somebody to investigate or audit the body that did the election.



And again, the state, what I don't have, which -- is what happens when things are found to have gone wrong? Besides a public shaming, what actually happens to people when they screw up? Or purposefully or negligently? Which I know goes way deeper than the EAC is looking to go. But there are a hundred different ways to do this. So good luck to you.

>> MONICA CHILDERS: And on that ominous note.

>> Before we go, I see Dean is out there. One of the things we wanted to do was talk to all the boards and we also wanted to talk thinking about what a hearing or regional meetings might need so folks doing audits, the states doing audits and doing different things, we can get that input so we hear from experts and election officials from across the country. Because there is a wide variety of that. I wanted to let you all know that.

>> MONICA CHILDERS: Thank you. Dean?

>> DEAN LOGAN: Dean Logan, Los Angeles County. I want to underscore a few of the things said. And I appreciated, Ricky, the way you started out the conversation and looking at the term auditing from a broad perspective. It's a good idea to look at best practices and standards. But we might want to tease out the terminology that we use. And there may be different categories. I think the process of canvassing is in fact an auditing process. And I would argue and there's probably disagreement here, but that should be done before you certify the election results for the reasons that representative Proctor and others

said. If there's an opportunity to correct to make sure that the outcome of the election is correct before you certify, that makes a lot of sense. And there are a lot of activities involved in that canvassing process, depending on your state law. So even the act of verifying signatures on vote by mail ballots is a form of auditing. It's auditing that the person who cast the ballot is the person who submitted the ballot. We talked about list maintenance, logic inaccuracy test. The process of remaking ballots that are damaged. There should be standards on that so there isn't a question of why is somebody over there marking ballots? And who is validating that and what's the chain of custody and the record associated with that?

Those are things in my opinion that should be done before you certify the election. And I would add that it's actually in those laser thin margin contest that determine the control of Congress that taking the time to do that is probably the most important.

But I think we have heard in the discussion today that there are other forms of auditing that can happen after the election. Some that could happen before the election. Teasing those out and getting some common terminology around that I think many of you know that Washington state was the first state to put in place an election review process that requires all the counties to go through. The secretary of state has a team of people that go out during an election. They're there before the

election and on the election day and after the election. They're checking to see was there compliance, both with the law as stated, the intent of the law, and in some cases, compliance or adherence to the best practices.

And that's a much more involved process. It takes longer and there's a comprehensive report that comes out. There's also an equity process where the county can respond and provide explanation to the finding. And there is an action plan going forward. That's a model that could be looked at.

But again, that's not referred to as an audit. So we have to think about maybe there's audit standards, but maybe there are procedure review standards and maybe there are canvassing standards. Just thinking that this is a little broader and more holistic than maybe how it was first presented.

>> MONICA CHILDERS: That's great. Thank you.

Commissioner?

>> I just wanted to thank Dean for that commentary. It reminded me of a couple of things. Communicating this to the public or how we communicate a lot of this work. I was reminded of in Brianna's presentation, she mentioned the video series we did. And one of the most popular are the ones that really sort of got a lot of uptick in interest was the one that explained the canvass and certification process because that's so unfamiliar I think to much of the public. And it was done in a two-minute cartoon that showed how that works.

So I think we also have in the learning lab upcoming sneak preview here, upcoming resources around communicating about audits. But I think the point there as we explore this is also thinking about how you convey -- it's good that we're double checking the math, but how do we show our work to the public in a way that's impactful? I think that's a big piece of it as well. So thank you.

>> MONICA CHILDERS: Christine?

>> CHRIS WALKER: Chris from Jackson County, Oregon. So I think the audits are great and we have to do them. But I think this starts more organically, again, as our previous conversation was with our voter rolls and data bases. That is a huge part of conducting an election.

It's been well publicized Oregon had issues with noncitizens being brought on through the DMV system. They don't attest at that point. It's only the online and the people that put a paper card in, they attest to their citizenship. A whole broader issue.

But several years ago, us clerks notified the state that we thought we had a problem because on occasion, we would get somebody who would call or email and say hey, I want to cancel my registration, I'm a noncitizen and I should never have been brought on. And at least 99% of those was based on an interaction at the DMV.

Of course, when a think tank went to the DMV and said hey,

let's look at your DMV and your registration items is where that was publicly disclosed. But even though we had sounded the alarm a couple of years earlier. So I think that needs to also take great consideration when we're talking about an audit of an election, that piece absolutely is the foundation of where our election starts.

So not trying to cause controversy or stuff, but we are living and breathing this right now. And trying to find ways to work with the Department of Motor Vehicles to have greater accountability for the work. Although they do a great job. They had some not so standard auditing practices and verifications that were not in place. And it has been difficult, especially the local election administrators.

>> MONICA CHILDERS: Hans?

>> HANS VON SPAKOVSKY: I just want to clarify what I was saying before. Since we're taking minutes. The point I was trying to make was that when I was doing the research for my paper, I would call up election officials and talk about what kind of auditing. And they go well, we do a canvass, so we do an audit. And canvases should be done exactly for the reasons you were talking about.

But my point to them was that if you think that's the only thing you should do in an audit, that's a mistake. Because the standards, again, and then I will quit talking. The standards I think we need to develop are the standards that cover all the

different things we were just talking about. Everything from doing a canvass to checking the voter registration process and how it's working and whether it is working to legal compliance. Are election officials, actually, in every county complying with the federal law that says you have to provide a provisional ballot to people who come in and they're not on the list? The standards ought to be developed for all of that. That's the only way that, for example, a secretary of state's office, which is handed by the legislature the authority and the duty to start doing comprehensive audits of counties, which is happened in Texas. That gives them something to operate from is the standards that the EAC develops. And that's what's really important is to cover all these areas.

>> MONICA CHILDERS: That's great. Thank you for that feedback.

And that goes to my next question. As you're thinking about other stakeholders like legislators, policy makers, advocating, what do you think they need? Do they have what they need? Are there things we should include in standards? Are there pieces of this process that we should make sure we include so that they have what they need when they're thinking about legislation, for example, or advocating for particular processes? What's been successful in that?

>> CHERYL KAGAN: Two words. Plain English.

>> Just one question. Senator Kagan, in your previous comments, did you mention ethics? I had a couple of stakeholders mention to me what are the ethics involved in the audits? Maybe that's a separate section. But did you mention that before and I miss it? Or did I hear correctly?

>> CHERYL KAGAN: The word ethics came out of my mouth instead of audits. That was a mistake. Thank you for listening so carefully, Mr. Commissioner.

>> MONICA CHILDERS: Wonderful. Howie?

>> HOWARD KNAPP: I will echo what the senator said. I think all the stakeholders, there's a lot of stuff on the Internet about what election audits are. And I think having a centralized federal best practices at the very least explaining to people in plain 4th grade English what election audits are and what they're not would help your state and local election officials big time. Because a lot of them aren't going to believe the federal government. But they're definitely not going to believe us no matter what. And people are just frustrated. They read all this stuff perpetuated out there. And there's really, I mean, it's frustrating for me and I'm the chief election official of a state. It's immensely difficult for my counties. It's like playing whack a mole. I think if the EAC played a bigger role in defining what audits were and what they're not, that would be immensely helpful. Especially to legislators. All due respect, legislators draft bills that are not completely informed.

Because in my experience, legislators, some of them, they want to -- they know what they want to do, but they're not sure how to frame it in a way that makes sense. And that's been my experience. I have never worked with a legislator in my state who was working in bad faith. They just didn't fully understand what they were trying to say.

>> MONICA CHILDERS: Cathy? I saw you had your hand.

>> CATHY DARLING ALLEN: It's a button. It's really hard.

Yeah. Definitions is exactly what I was going to say. I think it almost feels like Hans, like you have an idea of what the canvass means. I think it means something different. Just in the way you used it now. So I think there's real value to being explicit about what we mean when we say audit and what we mean when we say canvass and all of those terms for the purposes of a standards document.

>> MONICA CHILDERS: Thank you for that.

>> Yeah. The way you used something is very different. And again, Tina Barton, sorry, forgot to say my name. I'm thinking about the high turnover we have of election officials in our country. Some states, anywhere from 30% to 80% turnover of chief election officials. And how that impacts the audit process. Ricky, you said people need to know the rules up front and what they're auditing against and how they're going to be audited and that makes the audit more successful because you can prepare for that.



I see value and opportunity here also to create an education portion, not just for the public, but for those coming into the election field. I'm from the state of Michigan. And while I'm not here representing the state, I'm here representing the U.S. conference of mayors, I can't help but think about my decentralized state of over 1400 election officials in one state. And the Wisconsin and New England states and the high turnovers. And a lot of those, over 1200 in Michigan, are elected township clerks. It's not uncommon for people to come into that profession with no experience whatsoever in the election field because they're elected into that position.

So there's not only a real need for education for the public, but I think there's a need for a new election officials across the country with the turnover we have seen and the continuously elected into the field to understand. Even just RLA, for those of us who have been doing this for over 30 years, we're still like okay, Dr. Stark, can you go over that one more time? You know what I'm saying? It can be certainly confusing. And when you talk about from state to state how different it is.

So I see value in the public and the plain English. But I see a lot of value in us creating some good education around how to do this and what it means for our election officials. And for our legislation. For them to also understand the impact of what their requirements are and understanding that terminology too, some education there too.

>> RICKY HATCH: I will add an example for the importance of proper definitions, like many of us have talked about. How many of you received comments after the 2020 election to conduct a forensic audit? And that as an IT auditor, that has a very distinct meaning in my mind. It means that 100 million things to 100 million different people.

And the other thing I would suggest as we consider audit standards is the concept and the challenge of balancing independence of the auditor with expertise of the auditor. Ideally, you want independent, third party verification when you're conducting an audit. That's not always possible because the third party isn't always an expert in the processes and the local officials are the experts. But you don't want to audit yourselves. That's not good either. There's a hire ark can I of things. But there's naturally a challenge between the independence of the auditor and making sure you have something that's expert enough that you won't create false positives when you go into an audit.

And there's no solution. I just thought I would bring up the problem.

>> MONICA CHILDERS: Thank you, Ricky.

Commissioner McCormick, I saw you?

>> CHRISTY MCCORMICK: It's been referred to. I was going to challenge anybody in the room to succinctly describe what an RLA is. I don't think it can be done.

>> MONICA CHILDERS: Other feedback? Rosalind?

>> ROSALIND GOLD: Rosalind Gold. Thank you.

So again, I know I might be repeating what people have said, but I keep hearing this a lot. I think that as the development not only of the standards, but how the standards are communicated, there needs to be very intentionality about the audiences for different things that are being produced. Again, what is being produced for election officials. What is being produced for the public, can something be produced that would speak to state legislators without being political? Right?

And something that just talks about what state legislators ask about, what their frequently asked questions are, how do you build the case that these adoption of these standards and making sure that election officials have what they need to do it. If that is possible. As I look at the website, there is the website of the EAC, there is a lot of thinking about who is the audience for documents. But I think in this case, that intentionality is even more paramount.

>> MONICA CHILDERS: Thank you for that.

>> Just before -- I appreciate that. And I think that one of the anecdotes that came to me as we start thinking about this was you would have sometimes election officials go to the legislature or they want to do audits or they want to set up some sort of audits that they feel is appropriate. And the

legislators may say what are you basing that on? Where are you getting your facts for this or what's the baseline? And there was no body that created that from a federal level.

So that was sort of the thing. Where can we get more information? So I think that we appreciate those comments.

>> MONICA CHILDERS: Barbara?

>> BARBARA SIMONS: Christy, I can give you a three-sentence definition. Do you want it? Okay.

Well, I have to read it. I'm reading from our book.

It means if there's a machine reported that's incorrect, there is a large prespecified chance that the audit would reveal the correct outcome. If it is incorrect, if the outcome is incorrect, by counting all the ballots, the correct outcome would be obtained and the audit continues until there is strong evidence that the outcome is correct or until all the ballots have been manually counted.

>> I doubt any in the public would understand that. People in the room don't understand that. I get there's a three-sentence definition. I get it. But my point is made, right, by you reading that. It's a really difficult space to work in and to describe succinctly for the public to understand. A lot of the public is enumerate and ill literal. It's very difficult to come up with the definitions at a level that people are going to understand.

>> BARBARA SIMONS: I agree with you. And I would like to

point out that the kinds of audits done by auditors is also difficult to explain, I think.

So that's the nature of the game, of the animal, I'm afraid.

>> MONICA CHILDERS: Thank you.

Go ahead.

>> I am going to give a shout out to Mary Washington who presented it on the senate floor and everyone understood it. She talked about if you had a factory and you were making shirts and you wanted to make sure there were no flaws in the shirt. You won't look at every shirt and make sure to check that every one is perfect. You pick every so often. And if you find no problems, then you're going to assume the whole batch is fine and move on. If there are problems, you go deeper and look at more of the shirts to see if it's an ongoing problem. It was really simple and everyone got it.

>> MONICA CHILDERS: Thank you for that. Commissioner?

>> I want to give a shout to our subject matter experts who in a few years ago put together a handy outlay of election audits across the United States. And this is one of the things that I am very proud of that the AC does. When there are questions, we have resources for that, which come with funding. So I encourage everyone if you want to get a copy of that, we can give you a printout before tomorrow. Or we can send you the link.

>> MONICA CHILDERS: Thank you, commissioner.

And Pat?

>> PAT PROCTOR: No problem. So I heard several comments about state legislators. As a state legislator, I felt like I should -- no. The state legislators coming to secretaries of state and election officials with concerns are reflective of the people. We represent the people that are voting. And so I would just say I heard somebody else talk about audiences. In my mind, the 100% number one target audience for our audits is the public. The voting public. They have to be able to understand -- they have to be confident that the results of the election reflect their will. And so as we're communicating, as we're developing standards, whatever the case may be, we always have to have an eye to how that is going to be communicated to, which I have heard several people say. But also how they're going to be able to participate in the audit or the results of the audit, whether that's watching it happen on YouTube or that's actually being present of the county clerk's office while people are licking their thumbs and going one by one through the ballot. In broad swaths of the country, we have a crisis of voter confidence still, despite the results of the 2024 election. And if we cannot bring all those folks back into the process, then I think we have missed a big opportunity. That's what I wanted to say.

>> MONICA CHILDERS: Thank you for that.

Does anybody have any last minute? I think we will close it out. Thank you so much. This has been a wonderful discussion. I have taken a lot away from it. And we'll keep you posted on our next steps.

>> RICKY HATCH: Who would have thought audits would get a clap. That's great. Monica is a master.

We will take a break. Please come back at 3:00 p.m.

[Break]

>> RICKY HATCH: We'll get started in two minutes.

>> RICKY HATCH: Please come back to your seats and we'll get started.

Fantastic. Welcome, everybody back. You saw you updated the snacks out there so you can get even more snack stuff.

Okay. For the next hour, we are going to start and have a conversation related to what we foresee for the 2026 and 2028 election cycles.

I'm going to ask a series of questions. We have more questions than we have time. So feel free to go on tangents if you feel that it's helpful to the topics of discussion. Don't feel limited specifically to these questions. We're focused on what we foresee for the 2026 and 2028 election cycles.

So I will start with this. The national conversation focuses on what's broken, but there is value in spotlighting what is working well. And the EAC clearinghouse is a great example of a ton of projects and programs and innovations that have worked really well. If I had time, I would probably go through every application for the EAC innovation awards for the Clearies awards. There are so many great ideas there. It's really a great benefit. And we will talk a little bit about this tomorrow.

So here's the question for you. What new programs or creative solutions have you seen in the field that others can benefit from? And preferably could be scaled up for maximum impact?

Read? Go. Mr. Fey?

>> ERIC FEY: Eric Fey. Missouri. To go on a tangent right off the bat. I think I mentioned this last year and I want to re-up it on the topic of the Clearies. I love the Clearies. I am so glad the commission has embraced the exercise every year. I think it is widely known across the country among the officials at the state and local level.

But to Ricky's point, I would love to read through all of them and few of it do. The commissioners of -- when you all talk to us at our respective state conferences, please highlight some of the Clearies award winners in your allotted times. I think a lot of us don't go through the list of the winners. If you



highlight some of those. Look, in elections, I embrace this, the case method, copy and steal everything. To the extent that those can be pointed out more often I think is great. Thank you.

>> RICKY HATCH: Excellent point. Thank you, Eric.

Senator Kagan?

>> CHERYL KAGAN: I don't know that everyone in the room knows what the Clearies awards are. It's clearinghouse and new ideas and elections and one of the winners was the Maryland state board of elections working with a part of a bill I passed a couple of years ago that allows people to cure their ballot through texting.

>> RICKY HATCH: And now for a simple, plain language explanation of the Clearies, we will go to Barbara.

Other examples of innovation that could be possibly scaled up and benefit others? Things that have worked?

Okay. Let's go to the negative stuff. Just kidding.

Did someone have something? Please. Elver?

>> ELVER ARIZA-SILVA: Good afternoon, everyone, again. I was kind of waiting for the right moment to make a comment. But let me say first that thank you so much for today's feedback from everyone. I have learned so much. And still learning.

But regarding of your question or your comment. I am just going to base on my own personal experience. Last year, I was officially election worker ADA coordinator for the presidency election. And I was visiting so many campuses, voting campus,

voting areas. And from early, early hours in the morning until late, late night. At night, what was the more remarkable point because I have to assess what was doing well and what wasn't working.

So mostly the focus was fully accessibility. And let me say, please, that fully accessibility matters, not only for people with disabilities, but for everyone. If you don't have the accessibility that you need, you cannot do your work. That's it. And regardless if you have a visible or not visible disability. But you need to have accessibility.

Some other folks, like me, we need a little bit more extra. And that accessibility be fully accessible. Because sometimes we find that the building is accessible, but the door is not. So yes, it is accessible. But it is not fully accessible because it is cutting my independence to get inside or outside by my own.

So after that statement, we were going late night to make this assessments what did worked and what didn't. It was attractive to see the accessibility that so many voting centers made in terms of accessibility to the buildings. Some of them were able to have ramps. Others just the door. Others were so creative just to have staff, additional staff to assist people when they need it.

But at the end, I was asking to everyone okay, did you face any challenge? They say no. I said oh, really? Why not? No,

no, everything worked. I said really? How that happened? And they said well, because nobody came. When they say nobody came, we're referring to a person in a wheelchair, a person who was blind, a person who was deaf, et cetera, et cetera. So those folks, they were not showing up to vote. Maybe they did vote by mail. Maybe they didn't vote at all. But that kind of group of population is not visible. We are not seeing them.

I was working also during the two presidential campaigns doing canvassing. And I have to tell you, if you have the opportunity and accessibility for those folks to really work, they do the work. They do canvassing. And also invite others to do more.

So the bottom line is that we need more people to vote in these upcoming '26 and '28 elections. If we don't have enough votes, enough people, we are not going to accomplish what everyone wants to accomplish.

But my point goes to that if we can just encourage and we can just do different procedures, you use the word audit. Okay, that is manageable. But what about procedures of common practices and common sense to make everything accessible and more diversified for everyone? And pretty much, I wanted to highlight the point that these voting centers were created fully accessible for everyone. But nobody came to vote to use that accessibility. I mean, from that kind of group. So I just wanted to highlight that point. Thank you.

>> RICKY HATCH: Thank you.

Excellent comments.

>> I would like to jump in there real quick and thank Elver for the comment. It's important. It reminds me of a couple of things. We have been able to do a lot more work in recent years. But really so central for folks that are newer or so central to the Help America Vote Act was the principle of Americans being able to vote privately and independently. The Help America Vote Act is obviously about elections. But so much of it is accessibility legislation. And that really is core to our agency. For those folks that don't know, a fun Easter egg. In our new seal, when the Diodes are raised, that's vote in braille. So we put that key at the heart of the agency and our mission to do that work. And some of what we have seen recently that's been great, we have had a continued relationship with Rutgers University doing research in this area. And some really interesting stuff that's come up that I think you were just hitting on was about of course accessibility at the polling places, but also thinking about accessibility in our communications, how we're reaching out to people and letting them know about options, where people are getting their information, where all Americans are getting their information.

And we also are thinking to what was highlighted earlier in the learning lab. One of the first learning lab products was

a multipart series on accessibility. And again, ranging from accessibility of polling places to websites to communication materials and thinking about that. And to me, it highlights one of those areas where the agency can be effective. Because accessibility is something that is a 50-state issue no matter how you run your elections, that is something that needs to be taken into account. It's a great example of one of the areas that the agency has found success. So thank you.

But I will say one of the things we learned in that Rutgers study was how we have seen significant progress in reducing the turnout gap between Americans with and without disabilities. But also that there's a lot of work to do. So that continues and we continue to look for new ways to highlight and lift up success stories to better serve all Americans who are seeking to vote.

>> RICKY HATCH: Thank you commissioner Hovland.

Okay. Let's move on to another question. This deals with voter education campaigns. They have had to become more targeted and creative to reach their intended audiences. What strategies have you seen to be successful in building public understanding? And have you seen any instances where partnerships with stakeholders have been effective in amplifying key messages? Think about voter outreach, voter education. How do we build -- how have we built or how could we better build public understanding of elections? Using the RLA example, we speak on

our language sometimes. Rosalind, please?

>> ROSALIND GOLD: Thank you, again. Rosalind Gold. I think one of the practices that we have seen that is very, very effective is for counties and other local election jurisdictions to actually have a formal advisory committee of stakeholders. Okay?

Because Dean is here. I'm going to highlight the fact that LA County has a county voter outreach committee. It has committees on language access, committees on access for persons with disabilities. Another possibility is learning about outreach to voters who are not fully engaged in the process.

So one of the things that's important is to be able to hear directly from stakeholders because -- and community members because these are the people who are working on the front lines of voter education. And depending on the jurisdiction, every jurisdiction has to tailor this to often very diverse populations where some people are going to be best reached by radio. Some people are going to be best reached by social media. There's not a one size fits all approach to voter outreach.

So to the extent that there can be more consistent dialogues with stakeholders and getting back to the stakeholders about what's been implemented and what's been put into place is very important as well. It's a two-way street. You not only hear from stakeholders, but you're able to educate community members who are on the front lines, grass tops if you want to call it

that, about a lot of these complicated issues and the challenges that are facing. And sometimes troubleshooting can go on if there's a misunderstanding about a certain process or procedure, misinformation out there.

These kinds of structures can really help. Thank you.

>> RICKY HATCH: Thank you. Justin, please?

>> JUSTIN REIMER: I would plug the political parties and campaigns for that. I want represented the Republican national committee for several years. The political parties and the campaigns have in exponentially more resources that you all have to reach your voters. And they obviously both sides are much more engaged on election administration issues. I think obviously this needs to be done and you need to invite both sides to the table when you do this, but we can reach voters more than anybody. So I think it's important to get them in the process as well. They can be great force multipliers to reach pretty much everybody.

>> RICKY HATCH: Thank you.

Mr. Proctor? And then --

>> PAT PROCTOR: To your question of kind of methods that worked to educate, I will go back to this discussion that we closed out the last topic with, which is we have a large segment of the population that's concerned that the results of the elections no longer reflect their will. As the chair of the elections committee, what I have tried to do is tried to create

a platform where we can have a conversation. Because I think the public really is hungry to have a conversation, not a shouting match, not calling each other names. A conversation about elections.

So sometimes I tee up topics I have actually no intention of passing on to the committee, but I know they will be great conversations. And folks that have concerns about elections, some of which I agree with and some are not valid. He get to come talk and the other side gets to come talk. If something says something that is factually not true, we engage them.

It's been crazy, and it sounds crazy saying this out loud, but some of my committee hearings are viral videos. People are so hungry to have the conversation about our elections. And they just want people to hear their concerns and where there are valid concerns and vulnerabilities, we can address without making it harder to vote, but making it harder to cheat. Let's do that. But sometimes they just want the chance to stand up and say I have a concern about this and hear people talk about it.

I don't know how to scale that up, but it's been very effective in Kansas.

>> RICKY HATCH: Excellent. Mr. Moore?

>> GREGORY MOORE: I don't want to disagree about the role of the parties and candidates. They play a key role. But the biggest complaint is that the voters don't know what's going on with the issues. And also in states where there's a lot of



changes to voting laws, they don't understand that the laws changed from the last time. So there's not a lot of time to do the voter education. A state like Ohio where I spent a lot of time, it changes every two years. There's different laws about ID, who mails the application, who can turn in an applications. So to the degree that the election boards can do more, that's great. But I think depending on the parties to do it or the candidates, you're going to get stuck with the groups like my group, we do a lot of voter registration. But the voter education is the missing part. I want to mention that.

And the issue focus is tied to whoever can put the most money into these election education campaigns. A lot of times, that's not happening if you're just trying to get your voter out. So standardized people in the doors are saying we're not getting any good information.

>> RICKY HATCH: Thank you.

Scott Wiedmann?

>> J. SCOTT WIEDMANN: Scott Wiedmann with the federal voting assistance program. When we go out to train the voting assistance officers and military members on how to vote, a lot of them are the 18-24-year-old age bracket and a lot of them don't understand how the process works at all. So we have incorporated into our presentations a couple of slides on civics, how voting works, how absentee voting works. That's in the news a lot the last couple of cycles. And then we get to

UACAVA voting and how they fit into the process. Assuming they don't know anything from the ground. For years, we train them on the absentee voting assumes they knew this.

And a lot of them have never mailed a letter and we're asking them to Origami an envelope and put it in the box. We have to start from scratch with a lot of stuff.

>> RICKY HATCH: Thank you, Scott.

Just before we go to Chris Walker, in Weaver County, we got a Clearies award for this. We used the local university sports program. And I think it's NCAA requirement that on election day, they can't have practices. And so we had our entire football team come out and help set up tables and chairs at the vote centers. We have had volleyball teams and others that came out and helped on election day. And usually, you can get the mascot to come out as well and that gets good press as well and voter education. So your local university might be a good resource.

Ms. Walker? And then Mr. Warner.

>> CHRIS WALKER: Chris, Jackson County, Oregon.

So I think this needs to happen more organically. And I completely agree. We're educating people voting age, or trying to reach out. So back in the days when we were young, we would have mock elections in elementary school. We would have high school mock elections. We would actually be put through the processes. I think this needs to really start at the elementary

school level. And I don't know what the solution is statewide or country wide, but I think we need to get back to where civics are taught again. Even just looking at a ballot, making an informed decision, educating yourselves, not necessarily even on the candidates at that point. In the little local elections in their school. They usually have a class president or they have other people that represented their student body level.

So I honestly think that is where we need to go back to that organic when it's just that beginning level and it becomes engrained in their brain. It's not an option. This is part of your civic duty as a citizen is to experience, to go out, to educate yourself on voting.

And it doesn't matter if you're vote by mail or a polling place election. Have different methods so people can see how to do that.

And by the time they do get to register to vote, they're excited and can't wait to vote. Instead of thinking that it doesn't matter.

>> RICKY HATCH: Thank you. We'll go with Mr. Warner and Barbara Simons and Mr. Von Spakovsky.

>> ANDREW WARNER: I would ask you to bear with me to pull disparate things together here. I need to get through all of them to make sense.

First, the question was what can we do the educate the public. Most of the public or half of it is not trustful of the

government, trying to tell them what's going on. They want to be heard. And for at least four years and maybe more, they haven't had that chance, or the chances that they have had have been shut down with, say, a decision in the Supreme Court where 17 states tried to say Pennsylvania, what happens in Pennsylvania actually affects all of us. But they were shut down on standing or another technical legal aspect as opposed to hearing to the merits of what actually happened.

So my suggestion, and I personally have been shut down in situations where I have tried to raise this. I'm not saying the EAC is the proper place for this to happen. But I'm encouraging you to broaden our perspective. Where is that forum for half of America to voice their concerns where we're listening to them and not the other way around?

So it's not enough to in Georgia or Pennsylvania or Arizona to say that the questioned ballots aren't enough to question the outcome of the election. Let's do what we talked about earlier. If there's a problem, go and analyze the problem. Wisconsin with the drop boxes, the legislature came back and tried to change that and the Supreme Court changed it and they went back. So we haven't addressed are drop boxes good or bad? We haven't analyzed that.

You could go state by state, ballots coming in three days after the election in Pennsylvania, ballots coming in in Michigan without the signatures and on and on. Just because that

wasn't enough to change the outcome of the election doesn't mean we shouldn't address that and come up with a remedy for each of the situations so we don't face it again in '26 and '28 and on and on.

So the weaponization of our legal system to try to shut down people from even talking about it and we try to put alternate electors in jail and trying to ruin people by going against the lawyers who try to represent these people to try to shut them down isn't productive for encouraging people's faith in the election process.

And so if nothing else, if nothing else, I would go back to my military experience in Bosnia or in south America or Cambodia and so forth. It's the idea of a truth commission. That is give people the ability to come and speak freely without the concern of prosecution. That's the way to get to the bottom of -- places where massacres occurred, these problems happened in our elections. And until we have heard about it and half of America gets the chance to voice their concerns, we don't get the faith in the election.

I appreciate the couple of minutes. Thanks.

>> RICKY HATCH: Thank you. Ms. Simons?

>> BARBARA SIMONS: Barbara Simons. I thought I would mention a couple more specific examples, if that's okay.

One way in which I think the broad we could do a better job of educating is in informing overseas voters about the Move

Act in 2009. That provides them with a lot of resources that many overseas voters, especially perhaps in the military, are not aware of.

So I think one thing we could do is encourage local election officials and secretaries of state and the military to educate voters that they can get blank ballots online 45 days in advance of the election. And in the case of the military, have expedited mail return so that they should be able to get their ballots back before election day, if they at least respond promptly. Of course, getting them to respond promptly is another issue. But there's an educational component to this that I believe would be helpful with the overseas voter issue, which I know has come up in recent elections.

The other thing, just to be speaking from my own experience, on occasion, candidates call me, mainly because they would like money. And I often ask them what kind of voting system is used in your election. They don't know. Many of them don't know.

So when we talk about political parties, let's educate the candidates too. They should at least know what kind of voting system is being used, how the ballots are being counted. And then when there are problems in the elections, they haven't been prepared because they haven't thought about it.

>> RICKY HATCH: Thank you.

>> HANS VON SPAKOVSKY: I have a question. I know that EAC has

given out awards. And in fact, I know that folks in Fairfax County won an award I think for their training program for poll officials. The reason I know is I used to serve on the board there so I know people there.

My question is, like, you all have given awards to various places around the country for really good, for example, in Fairfax, the training program they put together for the poll managers. What is the EAC doing to promote those particular programs to other folks around the country? Because I know about Fairfax County because I know people there. But I doubt anybody else in the country knows about it.

>> So I think -- and I wasn't here for some of the responses to Eric Fey's question. But I think it's probably similar, how do we highlight the Clearies or best practices. Frankly, it comes down to resources and how we have limited ways to amplify it. Over the years, we have done individual interviews on YouTube, for example, to highlight a particular winner. I know that our team has developing on a website ways that folks can go back to past years with a good search engine to identify different areas of Clearies winners and not only just the current winners, but also in the past.

And then we started, for example, in the standards board, we started to have Clearies winners come in so we could have the discussion with their peers. One of the things we thought about for the future is we have a data summit where we talk about

different data survey issues, particularly the Eve survey and some of that, is having an opportunity for the Clearies winners to provide a brief outline in the discussion sort of point of view of their Clearies winning category and their presentation.

Really, an opportunity to share that.

I think that that's our goal is to really highlight as much as possible. There's so many resources. I can only do so many YouTube videos. If there's ideas on that, how to amplify that, we are open to it. We have been thinking about that and ways to amplify the winners and get the word out on the best practices.

>> So I think that -- Tom Hicks. I think that's excellent. But I want to emphasize that as ambassadors of the agency to also talk about these issues to folks about some of the things that we have done.

I have been passing these as much as I can today in terms of what's that in your hand, Tom?

So an election official came up with an idea of hey, what can you do if issues occur? So the EAC subject matter experts put together issues that occur in elections in a card deck. It doesn't have answers to that because every state is different.

And it was highlighted in the New York Times by chairman Hovland, but even folks in the room don't know about the card decks. We have hundreds of these, even thousands of these. And we're willing to give them out to you to give out when we go to



conferences and so forth. They lay out different scenarios. It's really something that I would like to continue on.

But I also think that one of the things that happens with issues is that no one wants to hear about good news. And so when we go out and say hey, these folks won for doing something good, then no one wants to hear about that. If we gave out a shame award, I'm sure that everyone would know all about it.

So that's my two cents on that.

>> Really quickly. To highlight what Commissioner Palmer said and on a more positive note than Commissioner Hicks, when I send out an email thanking the judges for participating, that's what I was hearing back was people wanted to be able to search the previous winners to get those ideas. The team did end up we had a previously as individual web pages, which made it incredibly difficult to search for them. That's now an index on the website. The other request was to put the documentation. The idea is great, but the actually documentation to copy and paste as Eric said is more valuable. And those are available online with the supporting documentation as well. And I believe it's on the clearinghouse network. Any of the officials part of a network can search easily to find certain solutions that meet what they're looking for.

>> I was just going to add too on the Clearies, obviously, it's just one piece. But as we have seen that evolve now again with a record 258 entries this year, we continue to build out

ways to access that that I think are important.

Also, those 258 ideas are all good ideas, even just because you're a winner, doesn't mean that not only is this not a good idea, but also it could be the solution for somewhere depending on what scenario you find yourself in.

So one thing I think is continuing to build out sort of that data base and make that more accessible for election officials. But we have also done a lot to build out the tool kit and what we provide winning jurisdictions with, ranging from a sample press release and background on the program. We actually in our clips that we get internally, we actually track and see quite a bit of pickup with those local press releases. And again, those are good stories that are going out talking about the work that election officials are doing.

So really, that program has really been I think a success. But it really accomplishes several things. One, recognizing and uplifting the work of election officials. Two, sharing the ideas so they can be replicated and we can benefit from the decentralization.

And then also, again, telling the good stories. Getting the credit with the public, letting them know that a local community is being recognized nationally and that there are people doing great work on behalf of democracy.

So again, I think that has been very successful so far. But it is continuing work in progress. And I think our team has

done a great job of continuing to build on that year after year and look forward to seeing how that continues to grow.

>> I appreciate that comment, Hans. I think one of the challenges the EAC has in general is that people don't know we exist at all. People don't know about the EAC. Or they confuse us for the Federal Election Commission. And that's a big challenge for us.

While election officials might know who we are, the general public doesn't know who the EAC is. And we don't have the money or the platform to do our own PR at the level we would like to do. But it is a challenge. And obviously, we have had this program in place for years and people haven't heard about our program or our winners. That's something else we have to keep in mind. The EAC is a very little known agency. And we do love it when we get attention and articles written about the Clearies winners I think really helps highlight that. So we hope that the local election officials are contacting their local press as well. But again, challenge for us. Thanks for bringing that up.

>> RICKY HATCH: Thank you. Ms. Barton? And then Ms. Gold.

>> TINA BARTON: I am going to be a champion for the EAC. I don't work there anymore, but I love you guys a lot. Just the fact they had over 250 entries, I applaud you all. That says that people know the Clearies are important, they see the value for the local community and election officials. Hey, look, we're

doing something here and got an award for it. There are very few things that election officials can do and get awarded for their innovation. They can get that from the EAC and it's so validating to have that happen. I remember back when I was working here that we had to extend the deadline a few times to get more entries in. And the fact that you had over 250, I was like celebrating internally that you had that many to choose from. And I think your team does a great job, I will flip to Kristen that they do a great job on social media of making sure they put a nice slide show together of all the winners, this is the topic, this is where they're from. I see the local election officials sharing this out. I know about all of them because I follow the EAC, but I also follow a lot of the election officials on social media. So I want to applaud you all. You're getting out there more.

One word that I think is makes a difference is presence. You all have such a presence with all of you and your SMEs out there. And it's building people knowing who you are and respecting the agency and the great work that you're doing. And I want to say thank you for all the investment that the four of you have made as commissioners in the EAC, building the subject matter experts. It's also built up this clearinghouse process. And I think it's really just validated the need for this agency.

This is nothing of what you can do better, but I want to thank you. I have seen it grow over the last few years and I

think it's because of the importance that you all have put on it.

>> RICKY HATCH: Ms. Gold, please?

>> ROSALIND GOLD: Hi. Rosalind Gold. What she said. But yeah, I know, I think the EAC is one of the best, sadly, one of the best kept secrets in terms of the work of the federal government.

I would say -- I want to just follow up on some of the great comments that I heard from folks around the table. First of all, Christine, you're absolutely right there is a need for better civics education in the K-12 system. Unfortunately, that is not necessarily happening on a consistent basis between state to state.

So there is a role for election officials, they can't replicate the two semesters or whatever of a high school course and things like that. But there is really a need for people to have what I call the bar review course version of civics. And information on how to cast a ballot.

And it has to not only connect civic duty, but it has to have in a nonpolitical way talking to people what voting is going to get for you and your community. This is at least in communities we have worked with, this is one of the most powerful messages. That voting is a way to improve the life of your family, to improve the life of your community.

So there is a need for something that, like I said,

doesn't replicate a civics course, but combines that information about voting and the mechanics of it with the importance.

Secondly, and I know this is going to be a little controversial. I would be curious to hear what the election officials think about the ability to do rapid response to misinformation that is not political misinformation, but misinformation about voting. Okay?

So all of a sudden, something goes out there that says the local county has changed the deadline for when you have to send your vote by mail ballots in. Right? Is there a capacity and ability and knowledge about how to respond in rapid response time to this? Because this is another thing that really reaches a lot of voters. The saying about a lie can travel three times around the world before the truth has a chance to put its socks on in the morning.

So I want to throw that out there as a question about whether that's a need to do rapid response to misinformation and disinformation. But separate out what is things that you wouldn't do as an election official because it's clearly political as opposed to misinformation about the election process.

>> Thank you. That points well to the TTXs that have been conducted throughout the country and over the years and that the EAC can help with with their field experts as well. I will share there was back in '22, there was a problem at our county that

Google was listing the wrong vote center address. And we were having some problems. Huge shout out to Amy Cohen who gave me a call. We were doing things to get the word out. But Amy called me and helped facilitate the contact with Google and we were able to get that corrected surprisingly quickly on a busy election day.

So yes, there are procedures in place. We certainly could do better for sure on how best to make sure that the right information is out there and that any harmful information that could prevent people from voting can be corrected.

Mr. Fey? And then we'll move to the next question.

>> ERIC FEY: Sorry. I didn't realize we were moving on. Hate to prevent that.

In response to your inquiry, I don't know that local election officials or state election officials are necessarily the best situated because a lot like the EAC, our resources are very limited. So I think to Ricky's point, we try to respond to things as they arise. But that's a reactive response. I think the best thing at least from my experience is to be proactive. And to the point that a lot of people around the table have made, and I have seen this all across the country and this is really since 2020 ramped up local and state election officials giving tours of their facilities, very comprehensive tours. In St. Louis County, we have had the central committees of the political parties come in, have their business meeting at our

office. And after that, we give them a tour of the office, the warehouse, show them how everything works. Groups of state legislators, various community groups, we really encourage them have your meeting at the election board office and then the hook there is then you have to take a tour afterwards and learn about it.

But then those people who are trusted in the community amongst various groups, when things come up, they say I was at the election office and no, it doesn't work that way. I was there and saw it, it works like this. We found that to be somewhat successful.

And I think some academics from UCC San Diego completed a study on this and found that it has a measurable impact on trust in the election. Yeah.

>> RICKY HATCH: Thanks, Mr. Fey. Go ahead, Ms. Barton.

>> TINA BARTON: Sorry. I blame you, commissioner Palmer. You said you were surprised I wasn't talking more. I took that as a challenge.

Just quickly, outside of my work with the elections group, I work a lot with the committee for safe and secure elections. So I facilitate a lot of conversations with election officials and law enforcement. One of the things we found to be critical with the stakeholder conversations that you mentioned as having that group of stakeholders there who are educated and maybe you are disciplining them on correct and accurate information.



Often times, law enforcement in communities and counties has a much larger social media presence. So for instance, an election official in Wyoming worked with their county sheriff's office to actually do proactive messaging through their social media presence because their social media presence was multiplied times the size of the election official's social media presence. But it also meant when things got a little squirrely on election day, people knew that they could get that information from there too and it was impacting more people. And people looked at that as a trusted source too. It was not only coming from their election official, but from the law enforcement. So I think that having those stakeholder conversations, recognizing that the groups that you're talking about, but also within your own county offices are local offices, those trusted voices of information are prepared to also do that on your part because especially on election day, that election official doesn't have the time, the resources, very few have the staffing to do that. They're not out checking social media. They're not out listening to the radio. So having stakeholder conversations ahead of time, being proactive and giving some training to them is also helpful to debunk that or set the record straight.

>> RICKY HATCH: Thank you, Ms. Barton.

Next question we have got is in terms of technology and voting systems, acknowledging today's realities and conflicting

priorities, what strategic decisions or contingencies should election officials be exploring heading into '26 and '28? So regarding technology and voting systems, what strategic decisions or contingencies should we be exploring as election officials?

>> Let me summarize that. Barbara style. I'm joking.

How do we talk about the voting systems, confidence in the voting systems in 2026 and 2028? Any thoughts?

One of the things that came up at the LLC meetings and standards board meeting, and this is not to take away from tomorrow's conversation, is how do we talk about as we transition to 2.0, how do we talk about the new systems while we're using older versions of systems? And what does that transition mean?

We had a similar discussion or the issue came up a little bit prior to the 2024 election because we actually had 2.0 out there, but systems were in testing. So I don't know if this is what the question is getting into. Since there was a little bit of silence, we're thinking about messaging and voter education is how do we talk about this? We were asked point blank by state officials how are we going to message this in 2026 on the voting systems when we're in this transition period. Representative Proctor?

>> PAT PROCTOR: This is a question answering the question. I'm a professor and that's what professors do.

As chairman of the elections committee, I get asked all the questions. And one of the biggest questions I get asked that I don't have an answer for folks on because I'm sure it's convoluted and technical is what is the difference between the 2.0 standard and the standard that we're on now? And if the 2.0 standard is so important, why is anybody using anything that's not up to that standard? I don't know the answer to your question, but I also don't know how to communicate. Young people are looking to me to communicate to them because I'm supposed to be the guy that has the answer to the question and I can't answer for them in a way that isn't a -- I'm not going to reference you again, Barbara, you're getting picked on. An explanation that's so complicated that people glaze over.

Is there a succinct explanation to what is going to change with the standard that's going to solve everybody's concerns and issues?

>> Let's not make too much about 2.0. The way I see it, and sometimes it's not a great example. Just with any technology, you have improvements that technology provides you over the course of every year or every decade. And so these standards were developed as technology has improved. So now we have better security. We have more audibility of the machine itself than we had three, five, seven years ago. We have higher accuracy standards than three, five, seven years ago.

The system is more transparent. This technology we

incorporated into standards developed by the experts. And it's like it's not the greatest example, but it's the same reason why we have the F-15. Until we have the F-22. Until the F-35. Except as technology increases, we develop better systems that we can -- the military considered better systems.

Same with voting is that we have now standards that are higher. But we have our full trust of people that developed the F-15, excellent aircraft. It's still used today. Still top of the line fighter. But we have fourth and fifth generation aircraft. Things are going to change. Otherwise, we're stagnant. We have full belief in the 1.0 systems. They were tested to the security standards which they meet and we stand behind and the states stand behind.

So at some point, though, we have to make the transition to the next generation of voting systems. And unfortunately, it's going to cost money too. Right? The manufacturers will build to that and test to that and sell it for profit. That's how we do it in this country. Right? And so we have to figure out a way to bring where we are to where we want to be.

And that's great explanation. I was asking a meta question. I understand the reason for going to a more security -- it's just some situational way to say the new system is going to do X, Y, and Z. And it's taking time to get to the standard because A, B, and C. Something succinct so when we are communicating to the public, it's accurate and it's persuasive.

>> I always just equate it to cars. In terms of if I have a 2010 whatever and the 2020 has a lot more things to it, I can still drive that 2010 and it still is good for the road and it still is going to do what I need to get done. But the 2020 is going to have a lot more bells and whistles, be more doing everything better or whatever because they have had more technology behind it. That doesn't mean that I'm going to get rid of the 2010. It means that the 2020 is going to be a little bit better in terms of cars.

>> I wanted to add that the question that you just raised came up. I meet monthly with the exec board and the exact same question came up and they were hoping I think for a communication tool to use. The beginning of the VVSG lays out the differences, but it is highly technical. So our team is working on hopefully what will end up being a one pager that describes that and can be used as a communication tool for all of the election officials that are having to describe that.

>> Another thing I use in communication is that it's a multistep process involving federal, state, and local testing of these machines. Right? With both parties involved in it. So it's not just one entity that somehow could be corrupted. That it's a three-prong chair. And everyone's got a set of eyes on this. We're testing at all different levels of state and federal government. And then prior to elections.

So I think those are some ways that we communicate, trying to talk about everyone that's got their hands on it from a testing perspective in standards development, it's not just four of us grouped in a room or one political party. It's stakeholders from across the country that are involved in this. And we all have an interest in the systems being accurate. And we're just trying to improve them from 1.0 to 2.0. We talk about a bridge or transition period. But we have faith in the previous versions that tested. It's the same reason why a manufacturer may bring a system that is making improvements to it, but it's still a 1.0 version or a 2.0 version. They bring in systems because it's a constant state of improvement. We're not going to be stagnant in a security environment that requires being nimble.

So it's the same thing with the standard. We can't stick with 1.0 for the next decade.

>> RICKY HATCH: Thank you. We'll go to Ms. Simons and senator Kagan and Ms. Gold.

>> BARBARA SIMONS: First I want to let you know that I am going to trademark the phrase Barbara style. So you will have to pay me every time you use it. Just be warned.

On a slightly more serious note, I thought I would bring up a topic which we aren't discussing and tell me, please, if this is not the time. This is a headline. Cyber security officials warn against potentially costly Medusa ransomware

attacks. This is from March of this year. I think we have to worry -- yes, we need to be explaining to people about how elections work and how they're safe. And we have to be proactive in trying to prevent bad things from happening.

And one area in which I feel we need to be more proactive is in cutting back on Internet voting. Because Internet voting is the channel by which you could have a ransom ware attack or a hack of on elections. And talk about raising questions about elections. If there's a ransomware attack, even if the ransom is paid and the ballots returned, who is going to trust it? And that's going to raise huge doubts about elections, all elections.

So I think this is -- the Internet has gotten more and more insecure. We hear about attacks all the time. But these ransom ware attacks have been multiplying. And I fear that one of these days, there's going to be one on an election

>> RICKY HATCH: Thank you.

>> CHERYL KAGAN: Thank you. Barbara, I totally agree with you about the insecurity of the Internet delivered ballots. It's a conversation we have in Maryland all the time.

One thing is about the transparency. You referenced it earlier. And when it comes to technology, most people are not techy. They just want to get that they can trust the concept. And that leads me to the second part, which is I'm proud to be the senator for NIST, the even less known federal agency than

EAC. No? Hey. Among average people. So I always say the National Institutes of standards and technology is the coolest federal agency that no one's ever heard of.

So if there were some NIST good housekeeping seal of approval, I don't think we would have to go through the details. I don't think we would have to explain and get in the nuts and bolts. Just this is the latest and greatest, this has been approved by NIST. No, your idea, your system doesn't work as well, not blessed, not as safe, quick, accurate, whatever the problems are. But if NIST blesses it, that should be something to brag about. And amplify.

>> RICKY HATCH: Thank you.

Ms. Gold, please? And then Mr. Moore and Mr. Warner.

>> ROSALIND GOLD: Thank you. Rosalind Gold.

So I wanted to go back to Commissioner Palmer. You started off with a question about how do we talk to the public about the changes. And one of the things that we use, political parties and candidates use this when we want to try to figure out how to talk about the public about something that's new and emerging is they get polling and surveys and focus groups of the public.

And I have looked at a lot of the academic polling, a lot of the candidate polling and nonprofit group polling, and it doesn't get much farther than do you trust your vote will be counted or not. Right?

It doesn't necessarily get into what kind of messages



would reassure you that your vote or inspire confidence. And it may be time, again, if there are resources and if this might be a role of the EAC, to work with academics on updated polling and research on messages regarding this change in technology.

Because like I said, things are changing. We don't necessarily have -- we can speculate what are the best messages. But I think hearing directly from voters might be something to consider.

>> RICKY HATCH: Mr. Moore?

>> GREGORY MOORE: Greg Moore. I want to go back to Mr. Proctor and Barbara's point. I was under the assumption that 2.0 was required for the next iteration of machines and it was a time period that we had to work through. Unless I missed it. I thought that was why we were rushing over the last several years to get 2.0 approved.

Tell me if I'm misreading that.

>> Maybe a little bit. But so we had 2.0 standards. Manufacturers needed a time to build systems to test to those. We needed to credit the labs, which was all done. We also had a life cycle policy for the 1.0 systems where they can continue to make changes up until at this point November '23 maybe. So that life cycle policy ended. So right now, 1.0 systems can only be changed for there's a category of ways that one of the systems can be updated with security patches and other small changes like that that are necessary. Not significant or not

modifications to the voting system. Yep.

So we are in a state where the manufacturers, three have brought in systems for testing. They are still in testing. We hope to have a few approved this year, at least one. So that's where we stand on the transition.

But this was a big deal because we needed to communicate that for 2024. And the run up to 2024. Because we were going through this process. And we still are.

>>

>> And that's the question he was getting to about how to communicate and when do we communicate it? That does come up every now and then from people who you wouldn't think would care about it. They heard this is a system not updated.

>> We can current materials that we can provide you. We work with election officials to have this so we could communicate to the public. And we're working on the process under the EEO is going to be another challenge as we enter 2026 on the voting systems. We want to make sure we're communicating that, trust in the systems.

>> RICKY HATCH: Thank you. Mr. Warner, please?

>> ANDREW WARNER: This may be a little bit of a preview for tomorrow's discussion. As we're talking about improving the election system, I will go to either the car analogy or today's TVs. It's not as simple as three channels and you turn it on and off. There's different zappers to use and go through Netflix and

Hulu and all this. With the car analogy, something breaks down, you used to open the hood and figure it out. You can't do that. You have a diagnostic machine. You try to hook up a diagnostic to a voting machine and watch the public go ballistic.

And again, a significant portion of America wants to go back to 0.0. They want paper ballots, hand marked paper ballots and hand counted ballots.

Now, those of us that are election officials know how unrealistic that is when you try to say we want the results on election night. And the audits done quickly and so on.

So my suggestion is that we just not always look to the next 2.0 or 3.0 or whatever. It's finding a way to blend the technology with what half of America wants, and that's let's get the paper ballots and use a machine to mark it and count it and back it up with human auditing. And we explain to everybody, including the person at 1600 Pennsylvania Avenue, there's a time involved. It takes a certain amount of time and personnel. You can't have a hand marked and hand counted people are over 1500 people in the precinct. So you won't get a hand count on election night. You can't it all. You either pay with your time or with your money. So we have to educate the public, especially this faction of America that I'm talking about, that you can't have it all and hand counting on paper ballots on election night. So we have to use technology to get us there. But we have to have the confidence by the hand marking and the hand counting

or the electronic marking but have it backed up with a voter verified paper trail.

So we're a large way there, but we're not combining the two. I hear we're headed to a electronic solution to shove down the people's throat and convince them it's secure and they're not going to buy it. To have a secure election, I think we have to get melting of the two. And that sets us up for tomorrow how to enforce the election.

>> The one thing I want to remind folks as they go out is the EAC is not mandating any of this. It's voluntary. So when the states agree to do this, it's more of a -- and I think that the four of us did a pretty decent job in February of '21 of voting for 2.0 to say states, if you are going to do this, these are some of the new standards that you should do. And we did say that there should be some form of paper for auditing to be around for that. But also to ensure that those who have disabilities can still be able to cast their votes independently and privately.

So I do think that we walked that careful balance of when we did 2.0. But I think that there can be improvements to it. But also to make sure that the America people know that the machines they use are accurate and they are secure. So how do we get to that point? So I think there is a careful balance. I think that you and Barbara are saying the same thing of we need to make sure that these machines are accurate and secure. And I

harp back to this. As we go toward moving toward new machines, no one has talked about the funding for that. So we have to ensure if we're going to talk about getting new machines, we have to talk about how they are paid for and scanning for the matching portion of it. And I'm not -- before Ben takes the microphone away. But to ensure that we make sure that those things are out there. Because I know that folks want a Cadillac, but they want to give you Pinto money. So we want to ensure -- I know I'm dating myself.

But as we go down this path, we do this accurately and securely.

>> So I would just -- it is a messaging challenge. We're talking a lot about technology. But the reality of it is we do not -- for software independence and audit requirements, it requires paper. We are much more paper-based than five, ten years ago. So the debate about whether or not we have to go to paper or exactly, we're ahead of you.

So it's really about messaging and clarifying that that's just a misimpression. We may have features that involve the technology to assist voters. But the reality of it is there are no ending solutions that are even on the technology board here really. There are no standards that have been developed for that. It is paper based. That is software independence. It's the paper.

And maybe we need to reiterate we have considered that,

reiterate that fact. But that's not seems to be the message that's getting out there.

>> Ballot marking devices sometimes people don't check their ballots. That's an issue.

>> I have seen the literature.

>> RICKY HATCH: Thank you.

>> One more thing, please.

So under the move act, it is required that voters have the opportunity to have a ballot sent to them via some sort of electronics. And there are 50 states and 50 ways of doing it. That's one reason we have an ESTEP program that we could set some standards for that and testing. And that pilot that we'll be doing.

And again, I feel that if you're going to use the Internet in some way, that the policy makers in Congress determine we should put our best minds with it. Which includes a NIST review, by the way. And so that's one reason we're looking at these technologies. So we at least have the assurance that folks that are a lot smarter than we are technically are looking at this and giving us recommendations on standards.

>> RICKY HATCH: Thank you. Thank you, Commissioner Tom Pinto Hicks.

We will do a super rapid fire question now. And then we'll get into our business portion of the meeting.

So not everybody has to answer this, of course. But just

real quickly, so election offices continue to face increased demands with limited resources. We know that. If you could pick one thing where the EAC would focus their efforts to help you as an election official and to help your voters if you're not an election official, what would you pick to ask them to help you and your voters before the next major election cycle? How can they help?

>> ELVER ARIZA-SILVA: This is Elver, if I may. I would suggest highly community gatherings where everyone -- it could be a small gathering. And that everyone can see the official and also what they are offering. And they can just get together how they are going to work to together.

But initially, I would suggest a small community gatherings.

>> RICKY HATCH: Excellent. Thank you.

Any other thoughts? Please, Dean?

>> DEAN LOGAN: Dean Logan, Los Angeles. I think we have talked a lot about standards and we have had a lot of conversation about voting systems. I think I would hope that most of the people around this table would agree that changes to voting systems, modifying voting systems, or purchasing and implementing a new voting system is a multiyear process that requires significant third party testing, public engagement, which was just talked about, and internal change management that is significant.

So being a voice for what's involved in that process and recognizing that that's not something that you just do with the flip of a switch for the next federal election I think is an important element. And I think that's a both a process and a policy position that it would be great to have the EAC's voice behind.

>> RICKY HATCH: Thank you, Mr. Logan.

Oh, please. Sorry. Stephanie?

>> I would suggest continual and I guess routine accessibility auditing, as well as a refresh of the training given to poll workers. There's obviously a lot of transience in terms of poll working. It isn't always the same people in the same place. And we do have an aging demographic that doesn't actually identify themselves as people with disabilities. They may not walk into your polling place and you see that they have a white cane. They could be an older adult that doesn't see the same as the last time they voted and they don't know how to expect their needs. So the disability population is not Monolithic in needs or how it identifies itself. It's a divergent community and present in all 50 states and all the territories. So it's definitely worth paying attention to.

>> RICKY HATCH: Thank you. Appreciate that.

Mr. Warner, please.

>> ANDREW WARNER: I think one of the biggest issues in elections that needs to be addressed, and I don't have a



solution for it, but I will raise the issue. And that is votes outside the law. And so I'm talking about when a legislature says ballots must be in by the close of polls, but the process occurs where we allow to let them come in three days after. And drop boxes not approved. Or signatures or curing. One county allows the cures of ballots and the rest of the states doesn't. Those are votes outside. And the first issue is what to do with the ballot, count it or don't count it? And the second order of magnitude that we haven't addressed is what is the remedy of that? Do you punish the voter like in criminal law with the Miranda rights? So we don't count the ballot? Or hold the county clerk or the precinct that accepted the ballot improperly or the county clerk? And is it a civil remedy or a criminal remedy? We haven't gotten to that level. But the issue of votes outside the law needs to be addressed in the election community for us to have a consistent approach for there to be integrity in the election system. Thanks.

>> RICKY HATCH: Thank you, Mr. Warner. Any final thoughts.

Mr. Fey.

>> ERIC FEY: I will offer one real quick. The one consistency since the founding of our country is that there's never been consistency in election administration. And we perhaps should strive for it to some extent. But I don't know that that's necessarily the EAC's role. I think in HAVA, Congress laid out

several things for the EAC to focus on. And so my comment would be one, is the VVSG and from 1.0 to 2.0, that was a long journey. And I think for the EAC to focus on continual 2.1, those kinds of things would be a great thing to focus on and to really do well with the ESTEP program. I think also it's in the spirit of the law in trying to lay out the minimum standards in terms of other types of voting technologies. So yes, I think we would all strive for some kind of consistency. But to be realistic, I think the EAC should focus on what is in HAVA and what its mandate is. And those things about election technology and the standards are probably key amongst those, in my opinion.

>> RICKY HATCH: Thank you, Mr. Fey.

All right. I will turn the time over to Mr. Thomas for either a solo musical number or he can talk about two documents.

>> Definitely the latter. Nobody wants to hear me play an instrument.

So first, earlier today there was a reference to a one pager on the grants. This is a copy of it. It has not been updated since last summer. We have now data in move. But this is the most updated version in response to the request. I will send that around.

And then the other thing I wanted to plug is earlier, there was a reference to a document produced. This is the guide. We have copies for everyone here if you would like one. They're sitting outside. They are either in the break room or on the

snack table. They are here. Please grab a copy. We are really proud of putting together this book. They're referring to it as the white book. This is the white book on election administration. So it's also a celebration of Wendy Underhill before she retires.

And back to Ricky.

>> RICKY HATCH: Thank you, Mr. Thomas.

Okay. Now we have other business and adjournment. This is the area where we can discuss if any member wishes to discuss or introduce any resolutions or discuss bylaws amendments. Let me clarify that under the current bylaws, the committee must submit proposed bylaws amendments to the board no later than 30 days prior to a meeting. And no proposed bylaws were submitted as such any discussion on the bylaws amendments would be for future consideration. I want to thank the three individuals who were appointed to the bylaws committee. You may have avoided, dodged a bullet on this one. But Howard Knapp, senator Cheryl Kagan, and Victoria Nourse, appreciate them.

So is there any discussion on bylaws? Mr. Von Spakovsky?

>> HANS VON SPAKOVSKY: This can't be considered until the next meeting. I have an amendment that I want to submit to the bylaws committee for consideration. I'm happy to save discussion until the next meeting. So who should I give this to?

>> RICKY HATCH: Mr. Knapp, I think he left. Provide it to Howard Knapp who is the chair of the bylaws committee. And

please provide it to EAC staff and myself before you go today.

>> HANS VON SPAKOVSKY: I will do that. And I have a resolution on a separate issue.

>> RICKY HATCH: Thank you. We will put a pin. Is there any other discussion or action -- not action, any other discussion related to bylaws amendments? Fantastic. Let's move to resolutions.

>> HANS VON SPAKOVSKY: I was totaling up the number of years I have known the four commissioners and I kind of lost count on that. But for the newer members of the commission, I don't know if you realize that they have been operating under a real handicap. That handicap also applies to the federal election commission, where I was a commissioner. And the handicap is that in 2012, President Obama put a freeze on their salaries. That was renewed by President Biden in 2024. And it's been put into the annual congressional appropriations, the latest one is section 164 division A of the continuing appropriations and extensions act of 2025. What that means is unlike all other senior officials in the Federal Government, they have gotten no salary increases, no cost of living adjustments. And I know how hard you all work. I was never a commissioner on the EAC. I was one at the FAC. I know the amount of work you all put in. While I'm a big believer in the Federal budget being too big and are debts going way up and there are significant cuts that need to be made in a lot of agencies, I don't want to embarrass you, but

the salary of the commissioners right now is \$158,500. If they had gotten all of the increases that they should have gotten, that all these other senior officials in the government got, their salaries would be \$195,200.

There are now senior career officials at the FEC, I don't know about the EAC, the FEC who make much larger salaries than the commissioners who run the agency. And I do not think that you can retain good people in these slots, and I don't care whether they're democratic commissioners or Republican commissioners. You cannot retain good people in good slots with this kind of a situation.

As I understand it, the Board of Advisors last year approved a resolution asks that this freeze be lifted on the EAC commissioners. And I would like to ask the new board to renew that resolution. So I'm going to make a motion that we vote in favor of and put forward that resolution once again asking that Congress lift the cap so that you all get the same salary adjustments, cost of living adjustments that other senior officials at the Federal Government do.

>> RICKY HATCH: Thank you. Mr. Chair?

>> I just want to make sure that the resolution as drafted meets the requirements as it did last year. There was just some legal things that had to be tweaked.

>> RICKY HATCH: Yeah. Excellent point. And our resolutions committee is chaired by Secretary Schwab and other members of

the resolutions committee are Mr. Logan, Mr. Moore, and Ms. Simons.

So what we'll do is the committee has to approve resolutions as to form. So if Mr. Von Spakovsky, if you can provide that.

>> HANS VON SPAKOVSKY: I will be happy to do that. Could I suggest that they take last year's resolution? And if someone will email it to me tonight, I will take a quick edit on it when I get home and I will resend it back.

>> RICKY HATCH: Perfect. Yeah. That is excellent.

>> HANS VON SPAKOVSKY: Thank you.

>> RICKY HATCH: Thank you.

Mr. Moore?

>> GREGORY MOORE: Would this be a discussion for tomorrow? Or does the old resolution hold until we make a change to it? Are we voting on this tomorrow?

>> RICKY HATCH: The intention is yes. And do prior resolutions expire? I don't see any problem with us re-addressing resolution even if it doesn't expire.

>> GREGORY MOORE: Okay.

>> RICKY HATCH: Okay. Other thoughts on resolutions? Okay.

Seeing none, I will now entertain a motion to recess this meeting as scheduled until 8:30 a.m. tomorrow, May 6th. Please try -- let's do it at 9:00. We'll start at 9:00 tomorrow. There we go. It's been a good day.

So please try to be on time as we have a member of Congress scheduled to join us as well. We had a Congress member that was scheduled to join us so we're moving it to 9:00 tomorrow.

So now I'm looking for a motion to recess.

Mr. Von Spakovsky, thank you. I keep wanting to say Mr. Spicoli. So I apologize. Okay. Fantastic. We have a motion and we have a second by Mr. Ferrarese.

Did I say your last name right? Okay. Perfect. Thank you.

Any objection to the motion to recess? If you want to have serious peer pressure problems, please raise your hand.

Yes, and a reminder to the executive board, please stay after. It's your punishment for being elected.

Great. All in favor of recessing until 9:00 a.m. tomorrow, please say aye. Any opposed? Thank you. We're in recess. Thanks.

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US Election Assistance Board Meeting

May 6, 2025

Testing captions.

Check, check. One, two. Good morning.

Testing, testing. Karen, testing. Testing.

>> Good morning. We'll get started in one minute.



>> RICKY HATCH: Good morning, everybody. Thank you for coming in. Apologize for the slightly late start.

Okay. So yesterday, we did old election officials never die. We have round two today. This is you might be an election official if. We're not going to go around to everybody. But I threw the prompt into ChatGPT last night and came up with a couple.

You might be an election official if you flinch every time someone says the word Sharpie.

You might be an EAC Board of Advisors member if you know that VVSG isn't a new streaming service, but you wish it had that kind of budget.

Okay.

>> Can we also say that your kids have to get married in odd years or you tell them you won't be at their weddings?

>> And one that I thought of last night, you might be an election official if you spend two hours talking passionately about elections and still don't know the political persuasions of the person you're talking to.

I will turn the time over now to Brianna.

>> BRIANNA SCHLETZ: Thank you. We're starting this morning with a discussion on the implementation of the executive order to protect the integrity of American elections. This session, we're wanting to collect feedback from the Board of Advisors on

the EO. Just to start, I think we'll go through each section starting with section 2A. So section 2A required that the EAC add documentary proof of citizenship to the federal form. This is enjoined by the court, but the court ruled that the EAC may still independently take action. We were considering simplifying the form and we were going to send consultation letters on that. And the EAC can accept feedback in the Board of Advisors on the topic. So we wanted to open up the floor on section 2A first. And then we'll move on to the other sections.

>> Can I ask a question?

>> BRIANNA SCHLETZ: Yes.

>> This is the next item on the agenda. But remember, we ended with other business yesterday, which was the resolution. Are we going to do that later in the agenda?

>> RICKY HATCH: Yes. Yeah. We are going to -- we're waiting for Camden because there's some legal questions that we want to discuss as a resolutions committee. And then as a board. So yeah, we haven't ignored you. He's just running a little bit late. Held be here. Thank you.

Could we post the section and have it be visible? We'll get that up.

So we're talking about section 2A. And looking for comments from board members. Secretary Simon?

>> STEVE SIMON: So I want to be very clear here. I don't see Leslie Reynolds here this morning from NAS, but what I'm about

to say is not an expression of NAS's opinion.

I would suggest, I have a strong suspicion we have multiple points of view in this room about the merits. Is it good or not good to require the documentary proof of citizenship? I would suggest that the most proper way to implement that policy goal is through an act of Congress. There is currently a vehicle for that in the SAFE Act going through Congress. I would argue regardless of what one feels about the merits of the issue, that, and not the EAC on its own without legislative authorization, is the best way to proceed. Let's put on the shelf our disagreements about that particular policy goal. I think the President should not be said that the EAC of an issue of this magnitude and importance should go on its own and implement that absent either an executive order that the courts upheld or an act of Congress. That's my personal view. Not speaking for NAS, the organization that designated me here today.

>> RICKY HATCH: Thank you, Secretary Simon.

>> Okay. I have a point of information. Literally, what role do we have in this? The President has issued an executive order. What is the role of EAC in discussing this? What clout do we or don't we have? What does our opinion or thoughts matter in this matter? Using matter twice in two different ways.

>> I'm not the general counsel. But first of all, we can take feedback from our boards and public and consult with the chief

election officers of the states on anything to do with the form on the NVRA. So that is the process that we're working under right now.

The Court did put an injunction on Section 2A. Legally, we can't talk about the legal aspects of this. Camden can address that. But we can still take feedback from the board and updating the form and your thoughts about the documentary proof of citizenship. You're welcome to make whatever comments you want regarding 2A.

>> Thank you, Mr. Chairman. So in Kansas, we were trail blazers in trying to do this many years ago. And were told by a court we couldn't require documentary proof of citizenship because we -- because of the NVRA. They didn't require it.

And in an ideal world, I would love if there was a way for the EAC to expand the policy so that it was up to the states whether they did or did not do this. But if the courts are saying that it's an all or nothing decision of the EAC, what should be required with the registration form, then yes, absolutely, 100% we should be requiring documentary proof of citizenship. I think the idea that only U.S. citizens should be voting in our elections is a core principle of our democracy. And if we're not discerning between citizens and noncitizens when we register to vote, it creates a huge burden on states on the back end to try to scrub their voter rolls after the fact because the NVRA also imposed the voters on us. Thank you.

>> ROSALIND GOLD: First of all, I want to say I very much agree with Secretary Simons' point, particularly in light of the fact that there are serious questions about whether the NVRA, which basically says for citizenship on the form, attestation is the appropriate way to go. It would seem to me that indeed, we would need to have a legislative change to go against what's in the NVRA.

I do know Secretary Simon, you were saying you didn't necessarily want us to get into a discussion of the merits, but I do feel it is go to note there have been many studies, I know we have a friend in the Brennan Center here, that really show having documentary proof of citizenship is not something that is necessarily accessible to different population groups. There are people -- I'm going to give an example. People who are born in rural areas where hospital records and vital statistic records are quite old and the ability of those people to get access to a birth certificate or some other proof of citizenship is very, very difficult.

And this will have a disproportionate negative impact on people who just for a lot of different reasons do not have access to those documents. Thank you.

>> RICKY HATCH: Thank you, Ms. Gold. Mr. Silva and then Mr. Adams.

>> ELVER ARIZA-SILVA: Good morning, everyone. This is Elver Ariza-Silva, Washington DC. I have a question in regards of the

citizenship. I don't know or I have no idea what kind of document the EAC or any other institution is going to require to prove that you all are citizens of the United States. Unless everyone has the blue passport. Because other than that, I don't see any other document. When you go to different organizations, agencies, or even election, they don't ask you that kind of documentation. Your real ID, that isn't proof you are a citizen of the United States. People who are permanent residents have real ID. And other folks with political asylum, they have real ID. If you go with different types of birth certificate, the question is which kind of document you are going to require to prove that I am a citizen of the United States. And if I am going to vote, I just vote last year, I did vote last year for my duty and for my first Presidential candidate and I did it proudly because I am a citizen of the United States. But I didn't recall not even once that they do ask -- I mean, when you complete the ballot, yes. But any other document, they didn't ask me.

So my question is what kind of document do we need to ask to prove citizenship? Is there any document that proves? It's just an open question. I just wanted to bring it up. Thank you.

>> RICKY HATCH: Good question. Thank you. Any thoughts on that? Okay.

Yeah, I think that's a to be determined.

We'll go to Mr. Adams and Mr. Moore and Mr. Spakovsky.

>> J. CHRISTIAN ADAMS: Thank you. Christian Adams. I will resist saying things people have heard over and over. My organization a number of years ago was tasked with defending the EAC in the legal women voters case versus Newby because the Justice Department wouldn't do it. That involved a submission by Kansas and other states in the approval to the change for the state form for their state. My question is what steps have been taken in the last ten years in order to absorb the next request so it doesn't meet the problems that the court of appeals articulated in that decision relating to the administrative procedures act?

So my question is you're about to get a bunch of requests from states to approve a change in federal form. What's different from ten years ago as far as procedures go?

>> First of all, that case is still live, believe it or not.

>> J. CHRISTIAN ADAMS: I forgot. You're right. I still get the ECF notices.

>> So we're still bound by not speaking about litigation, which unfortunately, that's the case.

But I will say not a lot has changed. We haven't really taken any action. We have discussed how we might move forward. And we did start taking some steps to simplify the form. And that may include instructions. But we haven't taken any real definitive steps at this point.

>> RICKY HATCH: Thank you. Mr. Moore?

>> GREGORY MOORE: Good morning. Greg Moore. I wanted to just raise a concern about the impact of the executive order on third party voter registration groups and their ability to continue to do the work they have been doing with this type of order that would basically make it next to impossible for them to conduct on site voter registration.

One of the promises of the NVRA is they would allow groups to go in the community and do the registration. That's what we do. When it comes to these type of orders, it's already having a chilling effect on people's willingness to try and go about getting ready for another voter registration campaign. I want to bring that up. It was one of the promises of the NVRA and also the states who are making attempts to try to cod identify some of the provisions of the executive order could also be on the path to putting some of this in law, like they are in Ohio. And that bothers me as well that there might be efforts while litigation is going on for states to try to cod identify some of the impact of this. So those are my two greatest concerns about this section.

>> RICKY HATCH: Thank you, Mr. Moore.

Many Spakovsky, please.

>> HANS VON SPAKOVSKY: I'm sure Secretary Simon will be very surprised that I agree with him. Look, there is no point in us discussing the legitimacy, the need for proof of citizenship because if we do, we'll be here for the next week and we won't



resolve the issue. The issue is what actions should or should not the EAC take in this? Okay?

Now, I actually did an analysis and published an article about what Judge Cotelli did with regard to the executive order. Who by the way, was the judge assigned to FEC cases when I was on the FEC.

There were five provisions in the executive order challenged. She issued a preliminary injunction on two of them. One of them has no concern for us whatsoever. And that was a provision that told federal government agencies that are involved in public assistance programs to -- and that also act as voter registration agencies to not provide -- to make sure that someone who is applying for public assistance is a citizen before they provide them with voter registration form.

The provision that affects the EAC is the one that in the executive order tells the EAC that it must issue new regulations that require proof of citizenship when using the federal form. For folks who don't realize it, when the EAC was set up under the Help America Vote Act, it was given no regulatory authority whatsoever with one exception. And the one exception is the federal voter registration form.

The courts are going to resolve this. The SAVE Act may resolve this. And my suggestion to the EAC is that -- oh, and I should point out because you were talking about Representative Proctor talking about the cases. Just so people understand, the

case law on this is that the Supreme Court said well, you can't require proof of citizenship if you're using the federal voter registration form. That does not apply when people are using the state voter registration form. Okay?

So what that means is that I think what the EAC should do, if anyone hasn't looked at the form online, there's a page for each state. And for each state, whatever the instructions are that the state has said for the use of the form. And I think the EAC, frankly, should stay out of this and just should say for whatever the instructions are for that the state promulgates different rules on this because they have different views on it, send them to the link for that state. Because in states like Arizona where they have now said that if you use the state form, you have to provide proof of citizenship, which you're able to do and you can vote in all elections. If you use the federal form, they tell you you don't have to require proof of citizenship. But if you don't, you will only be able to vote in the federal election. That's all perfectly legal. And I think what the EAC ought to do is simply on your web page where you have the form is you just put in a link and say your state may have specific instructions for the use of this form, go there and let the state deal with it and let the state deal with the legal consequences of it.

That's my suggestion. And I don't think there's any point in us today having a long debate about the issue of whether

proof of citizenship should or shouldn't be required, how it will be conducted, what the procedures will be.

Anyway, that's my two cents.

>> RICKY HATCH: Thank you, Mr. Spakovsky.

Any other final comments on this section? Representative Proctor?

>> PAT PROCTOR: Let me associate myself with Mr. Spakovsky's comments. But I just as we leave the topic, I will say the situation as it is now creates unfunded mandates for the states. We talked a lot yesterday about the expense of elections and the inability of the federal government to really help with that because most states don't want help from federal government on this.

If you decide to go the Arizona approach right now, you have to spend all the money required to basically have a bifurcated registration system to have some people who only vote in the federal elections and some who vote in all of the elections in the state. Like Kansas, decide to go through the back end and try to scrub your voter rolls after the fact to remove noncitizens, which noncitizens are getting on the voter rolls. We found 80 last time and 20 may have voted. Then you have to go through the expense of that. So the approach of just sending it back to the states and letting the states do what the states deem through their legislatures I feel is the best approach.

>> RICKY HATCH: Okay. Camden Kelliher, the general counsel, is here. So I will turn it over to him.

>> CAMDEN KELLIHER: Good morning, everyone. I would like to first sincerely apologize for my tardiness. I have a love hate relationship with Amtrak in that they love to be late and I hate it.

I am here. I don't want to recap or duplicate prior conversations. My understanding is we're through 2A. And then 4A and 4B. So we're left with section 7 generally -- I'm sorry.

So to go to then 4A, which in the executive order requested that the EAC condition the receipt of grant funds. Primarily on compliance with section 2A which we have covered. With section 4, I point out the fact that the targeted section from the executive order was on 251 requirements payments. Which the EAC hasn't received in the appropriations since 2018.

And then moving on to section 4B. Let me pause on the grants section. If there's any questions on that. Because 4B brings up I think what is a larger topic of conversation.

>> Congratulations to you.

>> CAMDEN KELLIHER: Thank you.

>> GREGORY MOORE: Just a quick question. Before we leave this section, are you saying that because the dollars are not -- because it's not a lot of large dollars from the 2018 appropriations, we don't have to worry about it?

>> CAMDEN KELLIHER: No, I'm sorry. It says the condition

represent of grant funds. The sections that it instructs the EAC to implement that of HAVA are 251 requirements payments. Don't quote me on the exact, but I believe the last year of requirements payments was 2011. Recent what we call election security grants are through appropriations. And that appropriations language and that kind of congressional creation of a grant started in 2018. Which brings us to the most recent allocation of grant funds, which is the 2025 CR that continued the 24 general funding. And that was inclusive -- I'm sorry, the foundation of those grants is sections 101, 103, 104 HAVA, not 251, which is the language of the executive order that says the condition the receipt of funds.

We often talk about with EAC grant funds too, state plans and certification requirements. That's laid out for section 251 and not a reason on the receipt of funds for what we call election security grants under recent appropriations.

So it's the EAC's assessment that the language of the executive order didn't supersede the congressional mandate to fund under 101, 103, and 104.

Thank you, Greg.

Okay. Then moving on to section 4B of the executive order, which asks the EAC to revisit the Voluntary Voting Systems Guidelines. Asks that to be done within 180 days with kind of a close eye on bar codes and QR codes.

I believe that yesterday you all got the process for the

VVSG, the role the boards play in the VVSG process. The executive order says also consistent with applicable law. So the EAC views that as applicable law in updating the VVSG 2.0.

It does ask that at that EAC consider and move on the desert if I indication of equipment not up to standards and we're balancing the options as to how to, one, comply with the VVSG update, and two, move that general process forward.

Commissioners, I don't know if you have anything to immediately add, if we want to open it to question and comment first. But that is section 4B generally.

>> RICKY HATCH: I guess -- my question you mentioned the concept of de-certification, which I don't know if I see that. Is that implied in there? How do you come to that mandate or suggestion or order to de-certify?

>> CAMDEN KELLIHER: The executive order says to rescind previous certifications, which with the mechanisms under the VVSG, that would be theoretically de-certification, though that is not conclusive, it's just the term used. And I think that's the sort of feedback that we are looking for. We'll go left to right. My left. Your right, my left.

>> As I read rescind the certifications, to me, that's if you had certified somebody under VVSG2, you would rescind that and have the new requirement for not using bar codes whatever. I don't read that to say that every piece of voting equipment in the United States has to be de-certified. Open to

interpretation, I guess. But that's how I read it.

>> CAMDEN KELLIHER: We appreciate that.

>> Do we want to make sure everybody who is a member understands what the point of this is? Does everybody understand the point of this? I think it's worth a quick explanation.

I was on the Fulton County election board in Atlanta after the 2000 election. The state, because of what happened and because of the reforms, switched to all electronic voting machines. Okay? So yet the only paper ballots were for people voting absentee. In every polling place, all you had was DREs.

Just before the I think the 2020 election, Georgia switched out all of its machines and got new ones. Why? Well, because the public and members of the legislature were extremely suspicious of and feared that with an electronic voting machine, because there's no audit trail, you have no idea whether the machine is actually recorded your vote the way you have touched it on the screen.

So Georgia switched to the new equipment, which so many people are building, in which you cast your votes on the electronic DRE, and it prints out a paper ballot, which is a list of the names that you chose. And the whole point of it was that by looking at that paper list, you can then see, yeah, it correctly listed the names of the candidates that you selected. And then you take that paper and you run it through a computer scanner, just like you would an Opti scan ballot. Therefore, you

have an audit trail.

But the concern that has arisen, again, from the public and legislators, is that some of these machines not only print out with a list of the candidates you have chosen, but there's a bar code on it. And the concern was well, when you're running it through the computer scanner, is it actually reading the printed out names that you as the voter checked? Or is it reading the bar code, which is a summary of those? Well, if it's reading the bar code, once again, you have no idea whether the machine has actually recorded the votes, the names that you have.

And the point of this redoing the standards is to make sure that when that piece of paper goes through the computer scanner, it's recording the printed names that the voter was able to check and not reading the summary bar code.

So that's the point of this. And I have to say, whether or not that's an issue, whether or not malware and Trojan software can get in and make the changes is not the issue. We don't want the public to distrust that equipment. The only way to do that is to have voting equipment that everyone can say look, it's reading the actual names printed out, not the bar code on the paper ballot.

So I actually think this is a good part of this executive order and I think the guidelines ought to be redone, the standards ought to be redone so that the equipment that is being sold and used for voting meetings this standard.



>> Thanks. Lucas and I were joking they took ours away. Eric Fey from Missouri. First, a question for Camden or the commissioners. Has this provision been challenged in court yet? Or what's the status of this provision?

>> CAMDEN KELLIHER: Yeah. It's part of the overarching challenge. So it is subject to active litigation. But it wasn't subject to the preliminary injunction questioned then.

So currently active, but subject to litigation.

>> ERIC FEY: I appreciate that clarification. And just a comment that I don't know after that explanation, I'm not sure if everybody in the room is aware of how wide ranging the implications of rescinding the certification for this type of voting equipment would be. I think almost every manufacturer of ballot marking devices uses a QR code, except for maybe Hart, to my understanding. I'm looking around the room here, Hennepin County, South Carolina, Jefferson County, Los Angeles county, all these places I'm thinking of using ballot marking devices with a QR code in the voter verified paper trail that Hans just mentioned.

So that's, again, a huge implication and ramification just to mention the scope.

And I think on the executive board call we had not too long ago, somebody from EAC mentioned you might have statistics as to how many states or jurisdictions currently have this type of equipment and use. Maybe you do, maybe you don't. If so, this

might be a good time to share it. I want to mention this is a big deal for almost the entire country. And I don't see any money coming to replace any of this stuff.

>> Thank you, Steve Simon from Minnesota. And here I am speaking pretty confidently on behalf of the organization, the National Association of Secretaries of State. And it's a question understanding that you can't give us legal advice, so we will have to navigate that.

But I think many states, probably most states, I'm guessing, are like Minnesota in that by under state statute, certification is a two-step process. It is, first, a federal certification. And then and only then is it eligible for a state certification. And then state. First, it has to be certified federally. Second, we have to do our own thing in public view, et cetera.

And my question is, and I know you can't give legal analysis or legal advice. To the best of your ability, would you advise states that are worried that most or all of its equipment could be rendered effectively illegal, would the states then be put in the position of having to amend their state statute? In Minnesota's case or other states, maybe one way around null identifying elections equipment would be for us to go to our legislature and say look, change the standard so that you either grandfather in previously certified equipment or somehow cut out the first step.

I'm riffing here because I'm trying to understand the downstream effect. I understand I'm putting you a little bit in a awkward position because you're not our lawyer. But do you have a sense of how that would play out? Or maybe the commissioners do. I would invite them to advise states about how they would deal with that legal landscape.

>> This is Commissioner Palmer. I can't give you legal advice. But we are going through the procedures and what are the procedures as we discussed on amending the VVSG, what would that mean.

I guess the first thing I would do is point out that the language of the EEO really lays out that you shouldn't use the bar code for systems other than for voters with disabilities as an accessibility tool.

But this is a standard tool that we test to. So there's a couple of options. One is to slightly revise 2.0 as an RFI, an interpretation that if a manufacturer wants to bring in a system with a bar code for voters with disabilities, they can do so.

If they want to bring in a system without the bar code, they can do so. And we'll test them for the purpose of which they're serving.

The states are generally the chief election officials, sometimes it's in the hands of the locals, on how many accessible machines or what sort of features they're going to purchase. For example, in Florida, when one system came in, it

was really relegated for voters with disabilities. And that was more of a certification decision versus a policy decision.

But again, those decisions on how many accessible machines or what features to put on your systems when you purchase them, that's a decision of the states.

So we have the option of slightly revising 2.0. We have an option of going through the VVSG process because there were a number of RFIs, requests for information, through the test campaign for the 2.0 systems that that would just -- months ago, we brought that to the technical guidelines committee and said look, we want to have regular order on the VVSG. We never want to get behind again. And here are some of the errata and other RFIs.

So here we are today. So going through the VVSG process is a possibility to sort of make that part of a 2.1. And that would include this board because we would need to bring that to EAC with consultation with NIST, which that is ongoing now. It would come to the TGDC and then to the standards board and the Board of Advisors.

And there are ways to make that process very efficient. We do things at the same time, parallel, not necessarily in order. And so -- which the law permits. And then we could go through the VVSG process where this board would then have additional say on those requirements.

So those are the options. And it was good discussion I

heard earlier on the rescinding the previous certifications. How do we move from 1.0 to 2.0? That's one reason we had the discussion yesterday. And how do we get those systems to come in for testing to different aspects of 2.0 so we feel comfortable we're meeting the requirements of the executive order.

>> Follow up. So to use your excellent analogy yesterday, which I told you yesterday I love the F-16s versus the F-22s and F-35s. Yesterday, it was look, it was sure, we have F-35s. But we're not moth balling the F-16s. We're still using them. They don't have all the bells and whistles, but they're part of the force. As I understand this executive order, at -- there's the possibility that we would be moth balling the F-16s or the F-22s. In other words, we would say if it's not an F-35, it's grounded. And that's just a concern. I just want to say for the record, that's a concern for states in terms of how we would navigate that.

So I just want that to be clear for the record. But Commissioner, I appreciate your explanation.

>> I did want to add to the process, which I maybe should begin with, and it was covered briefly. But both the language of the executive order and the general VVSG process, the executive order asks that we update the standards first. And then comes the VVSG process required by law.

So reading everything strictly as it is or interpreting it as move on it now and then de-certify all of the systems, that

is still preceded by another review by this board for a minimum of 90 days. That starts with the TGDC and comes to the EAC. You talked about the downstream or downwind, it depends on what you're going for, I guess. When we go through them, the EAC understands that is a voluntary process and it is ultimately the state's decision to write that into state law. So this is the opportunity to consider that type of implementation as would be the general VVSG process. So when we go through the VVSG, this is a voluntary federal standard. And the inclusion to state law is not wholly separate, but separate from our VVSG process.

>> Yes. We'll go to Commissioner Hovland. And then senator Padilla arrived. We will put a pin. I have Ms. Simons, Ms. Gold, representative, Proctor, and Mr. Vebber. I have your names. We will pick this up after. Commissioner Hovland?

>> BEN HOVLAND: I don't know if this is a quick comment. I will try.

To Mr. Fey's point earlier, I want to flag that as I understand it, the executive order is very specifically about bar codes or QR codes that contain votes. And so I did want to flag that there are other bar codes or QR codes on or that are used by manufacturers sometimes for ballot style, sometimes for lining up timing marks, et cetera. There are security measures included in those. That is sort of a separate portion.

I also think that it's useful to sort of baseline we

haven't seen a certified 2.0 system yet. And the 2.0 standard is different than the 1.0 standard in this regard. With the 2.0 standard envisioned or as it was adopted, it said that if a QR code or a bar code was used that contained votes, that there also had to be a human readable component. And that that bar code or QR code had to be open source so that somebody would be able to scan that on their phone. Again, as highlighted yesterday, there is literature and conversation about whether or not people check it. But nonetheless, the standard was at least to make sure that there was transparency in that.

And finally, to Camden's point earlier, because of the nature of the Help America Vote Act and the role of the Federal Government in elections, the nature of the Voluntary Voting Systems Guidelines is that the first word is voluntary. And so we have seen most states use the Voluntary Voting Systems Guidelines in one way or another. There are real economies of scale and efficiency. Certainly, since we have had the quorum restored and we have seen our budget finally get back to 2010ish numbers, we have invested heavily in technology in testing and certification. We know that that process, both the VVSG and our testing certification program are a product that the states need to utilize in order to get the maximum efficiency out of the whole thing.

So those have been guiding principles for us. But again, we see states that use the VVSG entirely. We see states that use

it as a baseline and then do testing above that. We see states that have their own program. But you realize -- utilize our accredited laboratories. And we see states that don't participate at all.

So there really is an array of options there. But again, that was how HAVA envisioned it. And again, for our part, it's critical to have a solid testing and certification program that people can depend on and people want to utilize. So we have been working hard to continue to bolster that.

>> RICKY HATCH: Thank you, Commissioner.

Okay. We will do a slight alteration. I have the list of folks who will continue this discussion after Senator Padilla. If you're like me, you will to write down your thoughts.

Before the break, we will do an you might be an EAC board member if you have corrected someone's use of the term mandatory when refers to the VVSG.

Okay. Let's take a ten-minute break. So we will be back and start at 10:00 a.m. with Senator Padilla. Thank you.

Members of the resolution committee, would you come meet over in the corner, please.

>> Could members return to the table, please?

>> RICKY HATCH: Okay. Welcome back from our break. Thanks for



being so prompt. We really appreciate it.

I would like to recognize Commissioner McCormick to introduce a special guest, Senator Padilla, the ranking member for the U.S. senate committee on rules and administration.

>> CHRISTY MCCORMICK: Thank you, Ricky. And welcome, Senator. Senator Padilla is the first Latino elected to represent California in the U.S. senate. He serves as ranking member of the senate committee on rules and administration and ranking member of the subcommittee on border security and immigration. He serves on the energy and natural resources, environment and public works, and budget committees, as well as the joint committees on printing and on the library.

Before coming to the U.S. Senate, he was elected California secretary of state, which is when we got to know him. The first Latino in state history to serve the office. And he served on the Los Angeles city council and on the California state senate. Thank you for joining us. I will turn it over to you.

>> SENATOR PADILLA: Thank you very much. And good morning, everybody. Are we awake there? Need extra coffee? Looking around the room, I'm getting flashbacks to NAS conferences. I know Leslie is here, Steve Simon is here. The joint NAS conferences. But I'm thrilled to be here not just with my senate head on, but as a ranking member of the senate rules committee. As you all know, I'm sure my predecessors have come to pay their respects

as well. The senate rules committee has the jurisdiction over the federal election administration side of things. For my friends back home wondering about the fight for voting rights and protecting our right to vote, that's the jurisdiction of the judiciary committee, which I also serve on. And I'm so impressed that the light goes out. There we go. Just for emphasis. That was just for emphasis.

So I say that just to underscore that I have both pieces covered, which means a lot to me. Voting rights and the security accessibility of our elections is a top priority for me since I joined the Senate in January of 2021.

Of the many things I wanted to share this morning, my biggest message is actually just thank you. Thank you to all of you. To the commissioners, to the staff, to the advisory committee, to all the stakeholders that are here because nothing can be more fundamentally important to our country, not just our past or present, but our future than free and fair elections that includes access to the ballot, that includes security, that also includes public confidence and trust in the process.

So as you heard through the introduction, this is not my first foray into the subject matter. I'm proud to have served as California secretary of state for six years prior to coming to the Senate. I have nice things to say about Florida, but California now has more voters on the rolls than there are people in Florida. Just to give you a sense for the scale.

People know California is the most populous state in the nation. People know California is probably the most diverse state in the nation. So imagine the complexities that presents to election administrators and elections officials. Not just at the state level, especially at the local level when it comes to administering elections, keeping our elections free and fair, whether it's the big populous counties like Los Angeles County. I see Dean Logan here. I have to make sure to give him a shout out so I don't get moved to the inactive voter column. I still have election jokes after all these years.

Or the small rule counties. And I will talk about the unique challenges for small rule counties.

And I also want to give my background. Yes, I too am like a lot of us around the table, old enough to remember pre-HAVA days. Right? It was -- and even before the HAVA days, the Florida election in 2000. No joke, I literally woke up the next morning from having had a dream that I was called to Florida to help oversee the recount. Because I had managed a few legislative political campaigns before that. So I knew the intricacies of voter registration to the canvassing and everything in between.

So after HAVA, think about the political times we were in then. HAVA was passed in an overwhelmingly bipartisan basis. Can any of us imagine an election proposal going through Congress right now on an overwhelming bipartisan basis? Hard to fathom.

That's what we still have to strive for. This isn't partisan. Knowing the challenges of the political climate we're in, all the more reason to come and say thank you for your service and thank you for staying focused on the mission of the EAC.

Going back to the 2000 experience, back then, Dean, we were still doing punch card ballots before those were retired before the new swanky system that we have today. I vote by mail. I make it easy for you.

From that experience, serving in the legislature, pushing a couple of proposals and getting elected to California secretary of state, I had a deeper appreciation for the things that enabled online voter registration. The model we have in California that makes it easy for people to register and actually cast their ballot and improve election security while we're at it.

I have tangible experiences that underscore for me the work of the EAC, the importance of HAVA, and staying focused on that in a nonpartisan or bipartisan manner.

I mentioned earlier some of the smaller counties, frankly, across the country, there's smaller and under resourced, not sufficiently resourced counties and states when it comes to administration. I bring that with me to the rules committee. And with even more passion, say we need to support elections with funding.

So going to bat for funding for the EAC, the election

security grants will continue to be a priority for me. Because I get the evolving --

[Applause]

I get the evolving threats. I was secretary of state in the 2016 cycle when we first started getting phone calls from the secretary of Homeland Security about this foreign interference of elections and the crash course that secretaries and others got on scanning, pinging, just general cyber security.

Do you know what Albert sensors are? Let me tell about Albert sensors. And yes, we have them in place in California.

2016 was the beginning of a new era of challenges in elections. And flash forward to 2020 and 2024, you know how many elections workers and volunteers that we rely on in every election cycle are choosing to move on, to retire, or to not sign up any more because of the harassment, because of the threats that they're receiving. It's a sad state of affairs. But all the more reason we need to dig in and weather the political climate that we're in, but stay focused on the mission. Our democracy depends on it.

And by the way, the foreign interference in our elections is not just foreign threats anymore. You have a lot of domestic sources of misinformation and disinformation. And we will continue to rise to the task.

Not to put more pressure on you, but you have heard there's cuts at CISA. Which I'm against. It's the opposite of what we should be doing. I acknowledge it, as you do. It means there's going to be more pressure and more need for the EAC to step up in your support role for state and roll officials across the country. Preserving not just the free and fair elections, but the public trust and public confidence in the elections and the outcomes is paramount. So count on me to be a partner in the effort. Count on me to do what I can to help support the cause, whether it's to grant the funding for the EAC itself and do what we can to preserve the independence of the commission. I know the commission is at times a target of folks who say not only do I want you to do this instead, but I want you to do it my way instead. And deserve and need to be seen as truly independent in doing the good work of the public.

The last thing I will say is I know we're not in the verge of an election, we're not doing E minus anything right now. But from my experience, and I think it still holds true, while the rest of the world forgets about elections and election administration when we're not in election season and the political ads are not on television, as soon as one election is over, literally the very next day, the preparation begins for the next cycle. And as we sit here today, primary season less than 12 months away for the midterms. So I know the work never ends. The mission is as important as ever. And look forward to

working with all of you and supporting you in any way that I can. Thank you very much.

>> Thank you. Are you willing to take some questions if people have them?

>> SENATOR PADILLA: Sure.

>> Okay. Questions for Senator Padilla? Do we have questions anyone? That was from the previous discussion.

>> If no one is going to ask a question, I want to make a comment. I want to thank you for 2016. In 2016, I had asked the Obama Administration for an airplane and they promptly said no. But took commercial flights from Eric Fey's jurisdiction in St. Louis down to Phoenix and up to California to watch the returns all in one day. And you and your staff were very gracious and hosted me really and I want to thank you for that. I want to do look back on the last eight years and say thank you for that.

>> SENATOR PADILLA: I remember that vividly. One of the adjust -- as a political figure. All of the other offices that held on election night, what party am I in? Am I on the ballot? Am I with friends? And then I quickly learned that secretary of state, no, when the polls close, we go to work. So I'm in the office. And actually throughout the day, you came in time to see me work the voter hot line, fielding calls from voters and troubleshooting throughout the course of the day before the polls closed. The reports from LA County started to come in

quickly that night.

It was a fun experience.

>> Senator, thank you for joining us. I have one question for you. So you were secretary of state. Now you're in the Senate. You have gone through the budget process. What's your advice to not just EAC, but the election officials in how to navigate that and requesting moneys for election and election administration and what should we be focusing on?

>> SENATOR PADILLA: I think a couple of things. First of all, don't be shy. And the two bits of advice that I would give on effective advocacy is, number one, bring real world examples. Because I know we used to get them in California. Some of the counties are better resourced than others. So the smaller rural counties tend to be a lesser resource. But the threats are the same. So how do we keep up with the threats? Maybe it's an outdated voting system that we're trying to modernize. We don't get into VVSG. We'll save that for the next time. Or maybe it's staff and technical training. Whatever the need is, bring the specific examples to members of the House and members of the Senate to explain the need.

To the extent that we can do it on a bipartisan basis, not that you're all partisan, but red states and blue states or perceived red counties and blue counties say on this, as administrators, we agree here's what we need. The majorities are going to shift from time to time. But the need remains constant.



So trying to underscore that this isn't about helping one party or the other or putting our thumb on the scale, this is about proper election administration.

>> Thank you.

>> Ms. Simons?

>> BARBARA SIMONS: Senator, thank you for coming here and for your comments.

In my personal capacity, I thought I would mention the topic that we are going to be discussing after you leave, which is the fact that the commissioner's pay here has been frozen for many years because of Presidential directive. And again, in my very personal capacity, I would appreciate it if there was something you could do to help deal with this issue. Because they really are being significantly underpaid.

>> SENATOR PADILLA: Okay. Appreciate hearing that.

Ms. Walker?

>> CHRISTY McCORMICK: Thank you. Chris Walker, Jackson County clerk, Oregon.

And not really a question. Just a respectful reminder that I know we all concentrate on Federal elections. We have got the cycle of the presidential and then the gubernatorial two years later. But let's not forget our state and local elections are equally as important at these elections. And that, of course, others, we have a different cycle in Oregon than what maybe St. Louis does or Missouri or anyone else. But let's not forget the

importance of those. Our job doesn't end and start every two years. It's we have ballots out right now for our May special districts elections. So just wanted to give a shout out and show of support on that. It's nonstop. You know that.

>> SENATOR PADILLA: I do. I do. Do we still have municipalities in California with odd year elections?

>> We have a handful.

>> And actually Virginia and New Jersey have gubernatorials this year as well in the off year.

>> SENATOR PADILLA: Work never ends.

>> Other questions? Comments? Ms. Gold?

>> ROSALIND GOLD: Rosalind Gold, educational Fund. Senator, thank you so much for joining us. And for your leadership not only on election issues, but a variety of issues. I'm a Californian going all the way back from city council to secretary of state and Senate. So you talked about concerns about interference in elections. And yesterday, we had a really good robust discussion here about the best way that many election officials feel they can combat misinformation and disinformation is actually to be proactive and preventative and not to do this on a hey, we have to respond, put yourself in a position where you're responding to things in real time.

Do you think policy makers are aware of the fact that this is a process to combat misinformation and disinformation? And how persuasive do you think that is in terms of highlighting the

need for funding?

>> SENATOR PADILLA: Reminders could be very powerful. Having been secretary of state and living, breathing elections on a daily basis is one thing. In this capacity, I deal with all kinds of issues day in and day out. So I'm not always the one that will see it in a social media feed or whatever is happening back home. Especially since we're physically here in Washington four or five days a week and you're getting home on the weekend and catching up.

If and when you identify some of the stuff, bringing the tangible examples is an important reminder.

And yes, going back to the secretary of state days, one of the things that I thought was more effective was being proactive, which was putting the information out there, reaching out to voters of who the reliable sources of information are. So that when they do get hit by the maybe not so accurate information, intentional or otherwise, they can wait a minute, who is this coming from? And let me double check. They know to call the county, go to the secretary of state website for the reliable, official information. Being proactive and flooding it that way can help with the disinformation, misinformation activity kicks up closer to election day.

>> Ms. Kagan and Mr. Simon. And that will have to be our last question.

>> CHERYL KAGAN: Thank you. Cheryl Kagan, state senator from

Maryland and a representative from NCSL, national conference of state legislatures.

This body spent a lot of time yesterday talking about the accuracy of our voter rolls. There was a discussion about using credit reporting agencies which a lot of us have deep concerns about, and the decline of ERIC, the electronic registration information center, which offers a great interstate information sharing has become partisan, shockingly partisan in a way that perplexes many of us.

I want to mention, A, we had a lot of conversations. And B, we need a solution. Everybody wants voter rolls to be accurate and updated. It is impossible to keep them updated as people move, die, and become of voting age every moment.

I don't know if you think there's a will in Congress to step up on this. I do think it's an important and pressing issue for not just the accuracy, but also for voter confidence.

>> SENATOR PADILLA: Again, sad state of the climate that we're living in. It wasn't that long ago where a new secretary of state, one of the first questions is are you going to join ERIC? And it was raised with excitement and became a goal and objective of Democrats and Republicans. So to see the state that ERIC is in now is sad.

I will use this as an opportunity to also go to bat for automatic voter registration. It would single handedly increased the folks on the voter rolls in California, but the process of

people applying for or renewing their driver's license or state ID increased in accuracy. The voter rolls in the states are automatic registration are more up to date because of the interaction with eligible voters. That's been one of the best tools.

And another argument for automatic registration, not just making it easier to register or increasing the number of people on the rolls.

To really get into the weeds here, we may need to look at metrics. As turnout has gone up because registration has gone up, and if you do the numbers, a numerator and denominator debate. And reporters will ask sometimes it looks like turnout was down in California for this election cycle. Why do you say that? The percentage. But look at the numbers. The total number of ballots cast continues to go up.

So we have to figure out a different metric on turnout to be more accurate in terms of what's really happening.

>> STEVE SIMON: Thank you. Good to see you. We miss you as a colleague as secretaries of state. But we're really, really proud of you.

Question. Can you say anything, do you have an assessment of the Senate's appetite when it comes to HAVA funding? We saw a graphic or a slide yesterday, it's obviously tapered off considerably in recent years. There are a lot of reasons for that. Do you have an assessment of what that appetite is? Is it

on hold? Do you think there's the prospect that we might see a spike as 2026 approaches or another round of HAVA funding?

>> SENATOR PADILLA: I'm one of the eternal optimists in the Senate. It's encouraging. I think there's a good chance. And actually I generally think there is. It's been a while since there was a meaningful investment. In my ideal world, from my secretary days, a good amount and more consistent federal funding for elections, not a spike one year and then it goes away for five, ten years, and then a spike and it goes away. Something more reliable that you can plan around would be more helpful over time, number one.

When I came in to the ranking member position, the chairman of the committee is Mitch McConnell. So we met. When it comes to how to modernize and reform elections, we probably have different views. When it comes to funding, we have agreement on that, as much as I may want to make it easier for people to register and cast ballot, more options, et cetera. He may have a little bit different thinking. When it comes to funding, I think we're kind of on the same page.

The last thing I will mention, I know you have the rest of the agenda to get on to. The contrast. And we can respectfully disagree, he and I. For the prior several years, Democrats in the majority and there was the freedom to vote act and the other election modernization proposals that Republicans didn't support for various reasons. But what I heard the most was the federal

government shouldn't be telling the states how to run elections. States run elections. We shouldn't federalize elections. This isn't a nose under the tent.

Now you have between the SAVE Act in Congress or the President's executive order, people at the federal level saying this is what states should and shouldn't do.

To his credit, Mitch McConnell, for all the same reasons the concerns about federalizing elections, he's against those efforts. So again, that's maybe not the most encouraging things to hear this morning. But another area where we're aligned. So that and funding.

>> Thank you so much, Senator Padilla. Thank you for joining us.

>> SENATOR PADILLA: Keep up the great work, everybody.

>> RICKY HATCH: Okay. Thank you. Let's go back to our prior discussion. And we'll just spend probably just about ten more minutes on this topic before we get into our discussion on priorities for the EAC.

So the commenter line that I have is Ms. Simons -- okay, we'll put her on hold. We'll go with Ms. Gold and Representative Proctor. Ms. Gold, please.

>> ROSALIND GOLD: I cannot resist the temptation to respond to the you really know you're an election official if. So I will do this quickly. You really know you're an election official if you understand that hash validation has nothing to do with your

state's debate over cannabis regulation.

The only comment I wanted to make, and this is following up on what Eric had mentioned regarding the implications of this part of the executive order for localities and their equipment and voting systems. Which is I just had a question about in terms of current audit procedures, we have talked about all the different things that are audited, are part of the audit procedures do any checking of the bar codes correctly providing the information? Comparing the bar codes with the way the person actually casts their ballot so that there is a sense of feeling that those bar codes are reliable? And that's a question I have about that.

>> RICKY HATCH: Thank you. Yes, the audits, both the logic and accuracy audits, as well as the post-election audits, which virtually every county in every state conducts, they do provide that service to validate that the ballot as it was marked was actually tabulated in that manner.

Any other thoughts from the commission or others on Ms. Gold's question?

>> Yes. I'm sorry, but it's not possible to do that. And the reason being that most audits, they don't look at all of the ballots. If you're in a large jurisdiction where a million ballots have been cast, they can't look at every single ballot to ensure that the bar code that summarized the votes the person cast matches what's printed out. And in fact, if a bad actor



wanted to introduce some malware into the computer that changed that, they're not going to do it to affect every single vote. In a close election, they can, for example, there was a race recently in Texas, I think Harris County, a million votes cast. It was decided by 1,000 votes. If you put in a piece of malware that is only going to affect one of every 1,000 votes, depending on how big the jurisdiction is, you could potentially get away with it without it being detected. An audit that does a random sampling, maybe it will detect it, maybe it won't. But the 100% detection rate in an audit is not the case.

>> RICKY HATCH: Okay. Thank you.

Ms. Simons?

>> BARBARA SIMONS: Okay. Barbara Simons. I wanted to agree with the comment that Hans made about the bar codes. I think it's a mistake. I mean, the problem with the bar codes on ballots is that voters can't verify them. I think even open source. It's very unlikely that voters are going to verify them.

I'm also concerned about making changes so quickly that there will be chaos in '26. So on the one hand, I would like to see this change made, speaking personally again, I would like to see the change made. On the other hand, we have to take into consideration what election officials have to deal with and a change like that would be disruptive.

It would be nice if the government if they're going to make the changes would provide funding so that people have the

money to upgrade the systems to meet the new standards.

>> RICKY HATCH: Thank you. Representative Proctor? And then Mr. Vebber.

>> PAT PROCTOR: Thank you. I would like to respond to the most draconian interpretation of what an executive order says. I think somebody used the analogy of the F-16 versus the F-35 to say that the requires that we moth ball all F-16s. I don't read it that way. Section bravo 2 is clearly referring to the new standards in bravo 1. As I understand it, all this requires is that you rescind the previous certification of VVSG 2.0 systems, when we have heard there are zero systems certified under 2.0.

So this idea that we have to go back to clay jars and colored rocks because of this executive order is not my interpretation of this order or the intent of this order.

The other thing I would say is have been said, first V is very voluntary. If a state feels like this is a draconian requirement, they're free to go their own way and use systems that don't apply to the standard.

And the final thing that I would say, and in the interim, I was looking at the EAC best practices that we talked about yesterday. It talks extensively about the best practice being a paper audit of the ballots to verify that the count of the machines reflects the will of the voters as expressed in their ballots, whether done with the ink pen and the coloring in the dot scantron style or a ballot marking device marking the

ballot.

So what we do in Kansas now, I know somebody invoked Johnson County. They love the ballot marking device. It produces both a machine readable bar code and a human readable tally of what the voter intent was so that the voter can look at it before they put it in the vote count machine. And when we go back and do the paper audit of the ballots, we can look at the human readable form, not the bar code, to see what -- to see that the voter intent matches what the machine recorded in the vote count.

And so I think that it's not a huge change that instead of the ballot having the bar code and the human readable form, it would just have the human readable form and that's what the machine would scan. It's my understanding that ES and S is already developing a ballot marking device to comply with VVSG 2.0 that meets the standard. So I would caution everybody in this room not to kind of revert to the most Draconian reading of this executive order that we have to discard all ballot machines in order to comply with this when we go to the new standard.

>> Thank you, representative. I needed to respond directly to that. I'm looking at the language of little Roman numeral 2 and the very last phrase, which says and to rescind all previous certifications of voting equipment based on prior standards.

>> That is a full sentence. That is the last clause in a full sentence that talks about within 180 days of the date of this

order, the EAC shall take appropriate action to review and if appropriate recertify voting systems under the new standards established in section B1. So the rescinding all previous certifications under the prior standards refers to the prior VVSG 2.0 standard referenced in B1. In my reading, that does not apply to VVSG1.0 or any of the subsequent 1 point something standards. That's talking about the standard 2.0.

>> RICKY HATCH: Thank you. Mr. Vebber and Spakovsky and Wilcox.

>> LUCAS VEBBER: Thank you. To build on what Hans said, much of the focus has been on clerks and the vital role that they play in conducting these elections, and rightfully so, of course. But our elections need widespread acceptance in the public. Public confidence is key to making the whole system work. It simply won't work without that confidence.

Here, as Hans articulated, the executive order identified a problem, which impacts trust in election results. I think at the very least where the President of the United States identified a potential problem and vulnerability in our election system, the commission should take that seriously and take action to resolve that issue. And I hope that they will. And appreciate the opportunity to comment.

>> I'm not going to add to what Pat said. He's right. I think we're overcomplicating all of this. No equipment has been certified to the 2.0 standards. You guys can revise them if you

want to issue a 2.5 that adds in this provision, you can do it.

And as commissioner Hovland said, these are voluntary. No state or local is going to have to change their equipment. They can accept them or not. And they will have the -- if you have changed the standards and companies are started certifying, for example, to meet 2.5, which has this provision in it, then locals can make their own decision. Do they want to buy equipment only certified to 1.0? Or buy equipment that's certified to 2.5 which now has this provision in it on the bar codes and leave it up to them. To me, I think we're overcomplicating all this. And I think the only thing that you all need to do is try to come up with a standard that people with test their equipment to that meets this.

And since all the testing labs are in my hometown of Huntsville, Alabama, I will be happy to go there.

>> WESLEY WILCOX: From a technology perspective, if you believe that the accuracy of OCR is better than bar code scanning, I think you're incorrect.

Second, the current ballots optical scan ballots, the scanners are not reading the human readable portion of that ballot. They're actually reading the oval, which is not the human readable part of it.

And finally, from an ADA perspective, if bar codes are okay for ADA compliance and not for everyone else, are we saying that our ADA votes are less valuable to us?

>> RICKY HATCH: Thank you.

Okay. We are ready -- oh, please. Mr. Logan, go ahead.

>> DEAN LOGAN: Just for informational purposes, I don't know if this information is available now. But it would be helpful for all of the board to know the average time frame for taking a system through certification and the average cost of doing that.

>> RICKY HATCH: Thank you. Did you want to respond to Dean's question?

>> Yeah. It's very significant.

Well, I appreciate -- are there any other comments on that interpretation of B2? Because if this doesn't impact 1.0 systems, that standard, this process could be a lot smoother. So we're obviously going to consider that.

>> CATHY DARLING ALLEN: Camden, are you able to weigh in on that at all? I always love to ask lawyers.

>> CAMDEN KELLIHER: I'm not going to weigh in at this time. But I think that's helpful and we're talking about the way a sentence is written. So I want to say that is part of the EAC internal process and the fact that there was even a back and forth and a wonderful conversation about it is the advice that we need from the Board of Advisors, but not something that I am going to conclude on at this time.

>> RICKY HATCH: Mr. Knapp, please?

>> HOWARD KNAPP: This is really, really quick. Number one, really a question about the entire concept itself. Will any

policy changes or new policies the EAC considers be put out for public comment before implemented?

>> CAMDEN KELLIHER: Yes. Specifically the VVSG follows the additional board consultation and that process always requires that there be a public hearing and an opportunity for public comment. And that was one of Commissioner Palmer mentioned earlier being able to do things simultaneously. There's a 90-day requirements and some of the public meetings and requirements can be woven into that process at certain times. But yes, there would be public comment and a hearing.

>> HOWARD KNAPP: And from the election administrator standpoint, South Carolina will follow the law, whatever the law ends up being, for the record. So make sure that's in the transcript.

But from an election administration standpoint, the only two things that matter the most to us, not the only two, but the two biggest things is of course money, which has been talked about a lot. And time. South Carolina has 300 elections a year every single year. We have three elections today. That's something basically this needs to be implemented now. Or you need to give us time to -- with whatever wiggle room you have, and I realize y'all have constraints, but time is a huge factor for us. And for our vendor that we use.

So just take that into consideration. But I'm not going to opine on the interpretation. That's way above my pay grade.

>> RICKY HATCH: Thank you. A visit to South Carolina, I heard the comment is today an election in South Carolina and the answer was is it Tuesday? Yeah.

Okay. We'll go to Mr. Moore.

>> Or sometimes Saturday.

>> RICKY HATCH: That's right.

Mr. Moore and Representative Proctor, okay. Mr. Moore. And then we'll end this section.

>> GREGORY MOORE: Greg Moore. I was going to mention this at the discussion board advisors priorities. Getting back to Camden's point. If it's okay, I would like to turn to Eric Fey. Last year, he was appointed the chair of the VVSG committee. There was a process we went through that was pain staking. And those of you on there, maybe for the people who don't know, that process does take a good chunk of time. And there is a possibility that if it's possible that this 90-day window does start and we don't meet again for another year, it's important for the VVSG committee to meet and convene and discuss this in the kind of detail I think is required by the statute.

And because I think we are here because of this conversation for the most part. If Eric wants to say anything about that. I think it's worth mentioning as part of the priorities and mission of board of advises.

>> ERIC FEY: Camden laid this out already in his brief explanation. Maybe a more lengthy explanation, Camden, if you



don't mind about the Board of Advisors subcommittee on VVSG. Maybe because you were in a lot of the meetings, the process we went through last year to provide comment on 2.0 and how that would work moving forward.

>> CAMDEN KELLIHER: Yeah. And so the main focus of the VVSG subcommittee then was forward looking with take the whole of VVSG 2.0 and think about it. So we have some of those things incorporated. The commission started to think about some of those things.

Actual defined we're looking for a change to the VVSG, that will be the entire Board of Advisors. So whether or not a meeting or a subcommittee, it's up to the Board of Advisors as to we have 90 days with this. We fully received it. Feel free to establish a VVSG subcommittee to target what that would be under that process as it looks that way.

The VVSG subcommittee could be a creation of the Board of Advisors if they deem it necessary in that review process as defined by the executive board.

So a little bit different in that it's a little -- that was kind of free flowing think about it. If we're looking at this process, it's a targeted review that we're trying to find advice and counsel to move forward with.

>> And let me add too, I know Brianna yesterday presented on the VVSG review process, the slides. The slides are in the members folders. If you want to look at that in writing and

review that, that might be helpful in engaging in that conversation.

>> RICKY HATCH: Thank you.

Excellent discussion. Very helpful.

We will now move to the section where we talk about the Board of Advisors priorities discussion. We're a little bit behind, a little bit late in time. So only one joke on you might be an election official if you get emotional over a perfectly signed affidavit.

Okay. Next, we will have discussion about priorities for the EAC. And we'll start out talking about the clearinghouse function. How can we best leverage the expertise of the Board of Advisors to enhance the clearinghouse function of sharing best practices and information among election officials? And this is one of the core missions.

Any suggestions on how the EAC can better get the word out and share best practices information through the clearinghouse function? Mr. Spakovsky, please.

>> HANS VON SPAKOVSKY: I'm sorry I keep talking. This is somewhat related to this, but not quite. One of the things we did not discuss, but I think this is important to our function in the EAC, is something we didn't discuss in the executive order is the order that the President has, this is in I think 2B, directing the Department of Homeland Security and the State Department to make their data bases available to election

officials.

Department of Homeland Security issued a press release I think about a month ago saying that they were going to revamp is SAVE system, which in the past was problematic for states. They said we can't search it without the alien number. If you have the alien number as the secretary of state, you know the person is not a U.S. citizen, which is just stupid. In fact, I'm sure most of you know, DHS put up such red tape trying to prevent election officials from using the SAVE system, that both Florida and I think Texas sued them prior to the election.

My point of bringing this up is right now, DHS is trying to revamp that data base to make it easier for state election officials to use. And in fact, one of the most important points of it is without the requirement of the payment of a fee, which is a very big deal. I think it's essential that the EAC be over talking to DHS with election officials, the folks in this room, who are the ones that have to figure out how to get that information and use it to make sure that -- we talked about interoperability yesterday. We don't want DHS trying to reshape this data base without the cooperation and input of state and local elected officials.

And my question is is the EAC involved in this right now? That's DHS. But for the first time ever, the President told the State Department to also provide access to its data base, which of course has information on individuals who have applied for

visas and therefore are not U.S. citizens, U.S. citizens who have received passports. State officials have never had access to State Department data bases. Who at the EAC is talking to the State Department about the ability of election officials to access those data bases in a way that they can easily do?

So my question is what's going on with this?

>> RICKY HATCH: Secretary Simon. And then Ms. Howard.

>> STEVE SIMON: Thank you. I will return the observation we're agreeing with each other a lot today.

I think --

>> HANS VON SPAKOVSKY: The world is coming to an end I think.

>> STEVE SIMON: It doesn't. I think Hans is right on at least two counts. One is that the data can be useful. Two is that it's dissemination or the structure it's made available to secretaries of state and other election administrators should involve those election administrators.

Leslie Reynolds whispered in my ear there are discussions and they are making that data available. And it's even available -- is it already available for -- okay. It's available free and it's available for bulk upload.

So we are, at least secretaries of state are, I can't speak for others, working with federal agencies on making that data more widely available.

>> RICKY HATCH: Thank you.

>> Liz Howard. You have referenced earlier today the paperwork reduction act. In thinking about your clearinghouse function, can you talk about how that absence of an exemption for this agency impacts your ability to serve that clearinghouse function? And can you talk about the history of the absence of the exemption?

>> CAMDEN KELLIHER: Yeah. This is something that the EAC discussed for a long time. We're a carve out from the FEC with particular functions and were granted an overall PRA exemption. The EAC does not have that PRA exemption. And for those not familiar with the paperwork reduction act, good for you. At the same time, just a brief explainer is that is the collection of data that reduces the burden on the collection of data from individuals. It makes a lot of sense for things like tax forms that everybody has to fill out. And it's on the uniform collection of information asking the questions from ten or more members of the public in a given year. If you ask us how much it cost the state election officials to do this, unless we do it through the board, we have to go through the state election officials as members of the public. Even to survey all 50 states elections officials and produce a report that's usable without a violation, it's 60 day notice and comment for approval for the form originally. And another 30 days. It's a 90-day process to get the general approval on the use of a survey that we would likely send out as voluntary anyway.

So that's the general overview of the PRA and how it makes things more difficult.

Like board members are not defined as members of the public. So when you ask you questions and follow-up questions, the standards board for instance, is not inclusive of the information that we would like to collect. So the PRA generally for the EAC is like a -- it slows it down, as best I can say. It's a speed bump along the way. Especially on information that we would otherwise like to collect fairly quickly.

>> And I would say that affects the Eve. So ill use an example. If we want to do find out how many jurisdictions are using drop boxes, we would have to go through the whole notice and comment period and take almost two years to get that on the Eves. So it's not like we can react quickly to changes in election policy and procedure.

>> And the FEC has an exemption, but the EAC does not?

>> Correct.

>> And I think that it comes into focus really when you're focused on an emergency like back during COVID or post-COVID when we had paper shortages and White House and other stakeholders wanted that information very quickly. We were really ham strung on how we were able to collect it. We had to be very innovative. So it does slow down the process, particularly when we need the information quickly for the benefit of the election officials. And policy makers. Yeah.

>> RICKY HATCH: Thank you. Ms. Gold, please.

>> ROSALIND GOLD: Rosalind Gold. Two comments. First of all, this has been a really interesting discussion about states and localities using data from USCIS or DHS. I would urge election officials when having discussions about data with the DHS, with the USCIS to ensure that there is up to date data about people who became naturalized citizens. Having an A number does not mean you are inherently not eligible if you naturalized and the saved data base did not reflect that or update that. I would say when you're talking to the agencies and using their data, ask questions about how they reflect naturalized citizens.

With respect to the clearinghouse, one of the questions I had is before we talk about how are we going to get more information about them, get people to use it more, what kind of evaluation and assessment has the EAC done on how materials are being used now? Has there been any tracking of metrics about downloads? Any kind of discussions with election officials? Any kind of choosing people who have gotten the data and asking them, hey, is this useful to you? How did you find out about it?

So I think I would be interested to learn about how much assessment has been done before designing an outreach and education about the materials program.

>> RICKY HATCH: Thank you, Ms. Gold.

Okay. We'll move on to another question. But next a ChatGPT, you might be an election official if you once corrected

a stranger's registration form in line at the grocery store.

Okay. Next question. What do you think -- this is kind of the big overarching question. What do you think should be the focused priorities for the Board of Advisors in the coming year? What should we focus on as a Board of Advisors over the coming year?

Mr. Adams, please.

>> J. CHRISTIAN ADAMS: Thank you. I was surprised to learn that nothing has been done since voters versus Newby was filed. That was about ten years ago when the executive director made a determination, I believe if I have the facts corrected, that something should be approved and I think the reason that the court of appeals decided that it should not have been approved was because of violations in the APA. And I think that has to be given some thought as to what the internal procedures are going to be at the EAC when you all face this inevitable flood of state applications that is right around the corner. Okay? There is going to be requests to modify the form as it relates to noncitizen issues and citizenship verification. And I'm a little surprised it hasn't been given -- I understand there's ongoing litigation. That doesn't mean you can't work toward a process being put in place that differs from the legal women voters versus Newby process. Because it's coming. I would suggest that people get cracking on figuring out what you're going to do with state applications to revise the federal form with state



specific instructions.

>> RICKY HATCH: Thank you Mr. Adams. Mr. Moore?

>> GREGORY MOORE: Greg Moore. I have to agree with Mr. Adams on this point. Because this is the point I was trying to make earlier. We have a subcommittee that was appointed last year that can start that process at least on the VVSG, interpretation of the executive order.

But the second part of it is if that's our responsibility, maybe we should put some extra time into the 90-day window to 180-day window to see if that makes sense for us to have advice going to the full board. I know we don't meet between years, but it seems like we're in a moment that the executive order could have a life of its own and we don't have the capacity to catch up with it. We're now in front of it. Make I'm misreading it. I don't want to oversimplify it. But it seems like the process would help us stay in front of the order and the interpretation of states. My certain is from what I understand, some states have statute that requires them to only certify machines and equipment that has federal certification and state. So if this is a two-step process, some states are going to be stuck and this flood of applications are going to come and we may be stuck in a place we don't want to be. Unless I'm reading it wrong, it seems like this is the inevitable result of the process.

>> So I do want to clarify. I think the VVSG process and NVRA process are two separate processes.

>> GREGORY MOORE: Speaking of the registrations.

>> The form which was subject to 2A currently enjoined --

>> GREGORY MOORE: I'm sorry.

>> I wanted to clarify that piece. So the consultation for the NVRA form, if we were to update that form, the contents of the form, change the regulations, or do something differently with the form is an initial consultation to state election officials, followed by notice and comment. That's for rule making, general rule making.

The one point that I did want to make to the original comment is we have at least at a minimum implemented the case law from the Newby decision into the EAC's general processes. The biggest take away from that is there wasn't a consideration on necessity prior to the issue of the decision, which even states specific instructions that come in from the states that just changed their address. Go through a close analysis with a determination on whether or not it is considered necessary and those non substantive changes are pretty easy. But we have built that in at the forefront.

>> GREGORY MOORE: The flood of applications are from states trying to change the forms. The forms are voluntary. We use them, but states don't have to cod identify.

>> It's not voluntary. Yeah.

>> GREGORY MOORE: I saw your card come back.

>> That would seem to tee up the need to discuss what

necessary means. Let's suppose the state submits evidence that they registered without proof of citizenship 20 noncitizens. I can promise you every state represented in this room has done that. What if it's 100? 1,000? What does the EAC consider to be necessary before they will approve a change in federal form? You all have to think about this. You will start getting the applications and they will be accompanied by the evidence that I know some people think are like goblins and fairy, but the evidence that does exist on states registering noncitizens. So you have to take the Newby case law and ponder what will be a sufficient showing. And tell the states what you think. If you can show us the stack of noncitizens registered, and every state has it, what's the amount that you need to do it?

>> RICKY HATCH: Thank you.

Okay. Let's move on to another question looking at election administration in general. What are your top concerns for the field and are there any resources you think the EAC already has or could develop to help address those concerns? Mr. Fey?

>> ERIC FEY: I had a thought on the clearinghouse really quickly. To piggyback on the conversation about the federal registration form and so forth. A lot of local election officials I have talked to, when this comes up or this SAVE Act is concerned about people having to come and provide documentation in person at their offices and the administrative

burden that would come with that. To the extent that states are allowed to share information with their local election officials and do data base matching and not have to require people to come into the office, if that is the case, a clearinghouse function I think of the EAC would be to show best practices across the country that states that have been able to establish good data base sharing and information sharing amongst other state and federal agencies, so local election officials can match vital records and citizenship or whatever.

So if that's even possible under whatever laws or regulations may pass, if the EAC could provide information on some states that are doing it well, that would be very helpful.

>> RICKY HATCH: Thanks, Mr. Fey.

We will move to Representative Proctor and then we'll move forward with the association business.

>> PAT PROCTOR: So to that question that you just asked about helping election officers, the discussion that we had yesterday about auditing standards, best practices for audits could be hugely helpful. Because as the discussion revealed yesterday, audit means something different to almost everybody in this room. So I would just like to one more time say how critically valuable I think it would be for the EAC to publish best practices on audits and kind of standardize the definitions. Because I know as somebody who works in election law that we look to the EAC for the definition of what we're talking about

when we're writing the laws and if we don't have that kind of one standard that we're all looking at or we're all going to be talking about different things.

>> RICKY HATCH: Thank you, Representative.

Okay. We will move now to the continued business. First off, we have to have another you might be an election official if your idea of relaxation is color coded precinct batch control sheets.

Okay. Before we address the resolution that was submitted yesterday, we will update -- give you an update to the proxy situation. We have had a couple of members who have had to leave. So I will turn it over to Adam for that.

>> Sure. So just a reminder for everyone. Yesterday, we had five proxy designations. Jonathan Brater named Howard Knapp as proxy. Isaac Cramer named Ricky Hatch. Lauren named Barbara Simons. Lisa Morrow named Howard Knapp. Michael named Greg Moore. And Karen sellers stepped away and named DeAnna Brangers as her proxy. So we have six.

>> RICKY HATCH: Thank you, Mr. Thomas.

Okay. We're going to turn to a report from our resolutions committee to discuss their drafting and submission of the resolution proposed last evening.

The chair of the resolution committee is secretary Scott Schwab, the chair elect. He is not present. Based off of feedback from the legal counsel, that falls on our new chair

elect, which is Ms. Chris Walker. So I'm going to turn it over to Chris who will discuss the resolution that was presented.

>> CHRIS WALKER: All right. Chris Walker, Jackson County clerk, Oregon.

We did receive a resolution from Mr. Von Spakovsky. At that point, it looks that we were going to reject to form the resolutions committee is submitting an alternate. And were we able to get that up on the screen? They're doing that right now.

We asked for a legal counsel review by Camden. And I'm going to ask now for Camden to go ahead and address the legal concerns based on looks like federal code and the by laws.

>> CAMDEN KELLIHER: Yeah. Pretty straight forward that the recommendation and resolutions must be to the EAC. So the FACA boards are governed by the charter. The charter says resolutions and recommendations be made to the EAC. The recommendation as drafted was recommended to the Congress. And we can circulate this recommendation to the Congress, but the recommendation resolution should be to the EAC to be in accordance with the FACA and the charter. So that was my comment on this. And I think it's been redrafted to meet that advice.

>> CHRIS WALKER: Okay.

>> Madame chairman, can I address that?

>> CHRIS WALKER: Yes.

>> HANS VON SPAKOVSKY: Look, the resolution that the committee put forward is pretty much the same as mine. Except

that you changed the ending so it now says it's therefore resolved by the Board of Advisors that the Board recommends that the EAC explore all avenues to ensure the commissioner compensation is fair and competitive. Well, they have already done that. Okay? And you're putting them in the position of going and begging Congress to finally lift that freeze.

What I had in my final paragraph, ladies and gentlemen, was it is therefore resolved by the Board of Advisors that the Board recommends that Congress remove this exception and ensure at that the commissioners of the Election Assistance Commission receive all the same salary increases and cost of living adjustments applied to other senior officials throughout the executive branch. Such removal of the exception should be retroactive. The Board requests that a copy of the resolution be sent to the leadership of both houses of Congress, the relevant committees with jurisdiction over the commission, and the White House.

That does not violate the charter provision that you are talking about. We're simply requesting that the EAC, which could be your general counsel, send a copy of this to those different parties. That doesn't -- how does that violate the charter? We're not doing it by ourselves. The board is not doing it. We're simply asking, requesting that the EAC and the most appropriate would be the general counsel, send a copy of this resolution to all of these parties so that Congress, the

bipartisan leadership of all the committees gets notice from this Board that we believe this should be lifted.

As I said, that doesn't violate the charter as I read it because we're not ordering the EAC to do it. We're not going to Congress ourselves. We're simply requesting that the EAC send this. You guys get the request. You can always say no. But if the general counsel could explain to me how that violates the charter. Because frankly, I don't understand how it violates the charter.

>> CAMDEN KELLIHER: So it's the first sentence that recommends that Congress take action that I took issue with. We would send the resolution and make the resolution public and available. The charter dictates that resolutions and recommendations be made to the EAC. The adoption of resolution that begins whereas the board recommend that Congress take an action --

>> HANS VON SPAKOVSKY: But that's easily fixed. All you do is change the language to say that the Board recommends that the EAC requests that Congress does all the things I have said. And the Board requests that the EAC send a copy of its resolution. That fixes the problem.

>> CAMDEN KELLIHER: Yeah. I don't disagree that would be proper.

>> HANS VON SPAKOVSKY: Okay. Then I would like to ask the resolutions committee to restore my last two original paragraphs



with that change. If it's acceptable to the general counsel.

>> CHRIS WALKER: So do we go to a motion? Is that your motion? Okay. That's his motion.

>> I will second that, Tina Barton.

>> CHRIS WALKER: Okay. Any conversation? Other conversation?

>> Just for clarification, I think you said this. You're accepting the other modifications from the committee? It's just that last part?

>> CHRIS WALKER: Any concerns? Other conversation?

>> RICKY HATCH: Could we -- I'm guessing, Adam, you're working on this. We should probably have a text available so we can all read it in its full form.

>> CHRIS WALKER: Will that be on the screen as soon as they can get there? Okay.

>> While we're waiting, in this very awkward position of the four of us sitting here while you're talking about our pay, I do want to be serious and say thank you for the consideration of the hard work that the four of us do each and every day. Christy and I have been here ten years. Ben and Don for over six. And I think that it's a testament to where we have changed in terms of the folks talking about our elimination through various sources to folks here in this room asking us for more information and saying how much you use our resources. And I think that's a testament to the four of us directing our staff. But I think

that the staff does an excellent job of getting this information out to you and providing that information to you.

The subject matter experts have done fantastic job of producing products. Clearinghouse team. And I think that we have grown in a very meticulous way that shows our value.

So and I want to thank everyone who has been in here over the last two days because the -- Hans said this earlier of he wants everyone to participate. And I believe that everyone in this room has participated in this meeting this week. And I think that giving that advice to us and letting us know how you feel on various subjects is very valuable. I will take most of us to heart.

And then to see how there is consensus on a lot of issues here when there has been a lot of contention across the country over the last few years I think is very good in terms of what Mr. Adams said earlier about having all voices in the room. I think that all voices are in this room to say where we stand either on the left or the right or down the middle.

So I want to thank you all for participating. I want to thank you all for showing up. This is the most I believe that we have ever had attendance wise for the Board of Advisors. And I do want to thank you for taking it seriously as opposed to just showing up and being here. And hopefully, that gave Adam enough time.

>> CHRIS WALKER: Thank you, Commissioner Hicks.

Looks like we have the language back up on the screen. If everybody would like to review, we have a motion on the floor. We have had a second. And now we're still in conversation.

I do see in the very last paragraph looks like the second line under read, there might be verbiage that doesn't exactly fit.

Do we want to read aloud? Or is everybody good reviewing on their own? And if you do have concerns, please don't hesitate.

Okay. We will start from the top.

In 2012, the pay of the Presidential nominated Senate confirmed commissioners of the Election Assistance Commission was frozen through a presidential directive. Congress has maintained that freeze continuously since then, including in the latest appropriations bill. Section 164 -- or 154? 164 of division A of the continuing appropriations and extensions act of 2025. As a result, the commissioners who under the Help America vote act are statutory officers with the legal authority to govern the Election Assistance Commission have received none of the salary increases and cost of living adjustments provided to other senior officials throughout the Federal Government. Including senior members of the career civil service. It is therefore resolved by the Board of Advisors that the Board recommends that the EAC request that Congress remove this exception and ensure that the commissioners of the Election

Assistance Commission receive all of the same salary increases and cost of living adjustments applied to other senior officials throughout the executive branch.

Such removal of the exception should be retroactive. The Board requests that the EAC general counsel send a copy of this resolution to the leadership of both houses of Congress, the relevant committees with jurisdiction over the commission, and to the White House.

Adopted May 6, 2025, if it is.

Well, except for the six and the five gets to me. Even on ballots.

Any other comments?

Should we go for a vote? A full vote? Let's go for a full vote.

Those say aye?

Do we need to do a hand count?

Nay?

Looks like the motion passes. Thank you. And I will send it back to Chair Hatch.

>> Madame chairman, can I suggest to the general counsel when you send the letter, you say it was unanimously adopted by the Board?

>> RICKY HATCH: Thank you, Ms. Walker.

Now we are getting close to the end of the meeting. I know everyone is excited to hear the next you might be an election

official if. You might be an election official if you can't hear the word chain without immediately thinking of custody. And then you might be an EAC Board of Advisors or commissioner if you have a favorite section of the Help America Vote Act.

Okay. Now I would like to turn the time over to Commissioner McCormick to provide brief closing remarks.

>> CHRISTY MCCORMICK: Thank you, Chairman Hatch. Tom kind of already spoke on behalf of the commissioners. I want to thank you all for sharing your time with us over the past two days. We realize that you're very, very busy. And you made it a priority to be here. And the EAC is stronger because of your participation.

I also want to thank those of us panelists and speakers who imparted their knowledge to us. Having spoken at events across the country, I appreciate the prep work that you did to help make our sessions more fruitful.

And I want to thank the fellow commissioners and EAC staff who work tirelessly each day to improve the agency by increasing the level of assistance to stakeholders. Thank you to the board opening statement ADFO, Adam Podowitz-Thomas, who helped ensure the members were taken care of. And thank you for all that you have done to facilitate this meeting.

And we were able to have some very productive conversations and I really appreciate that. And we will take all of your comments and advice to heart.

Safe travels to return to your homes across the District or across the country. And I will now turn it over to Ricky to close out this meeting. Thank you so much for being here.

>> RICKY HATCH: Thank you, Commissioner McCormick.

Thank you also I want to echo her thanks to all the board members for the robust discussion that we have had over the past two days. We really appreciate it. Hopefully, it has been obvious in this meeting and as proven over the years that the commissioners do listen to what we have to say. We really are advisors. And I appreciate the board members' willingness to make your comments heard and to provide counsel and advice to the commissioners. And I do believe that we have a listening ear and that they do take these into considerations.

The Board of Advisors is the unique FACA of the boards for the EAC in that we have diverse voices. The others are comprised of election officials. And election officials know that we are a special breed. And it is refreshing and helpful to have a Board of Advisors comprised of multiple voices representing multiple different philosophies and policy positions in relation to elections. It's helpful to have that as part of an advisory board to the commission.

And we really appreciate it. And like an earlier election official, we can have passionate discussions about policy issues, about elections. And we have the fundamental understanding -- sorry, we have the shared understanding that we

all share a fundamental goal, which is free, fair, secure, accessible, accurate elections. And I don't think there's a single person in this room that would disagree with any aspect of our desire there.

So thank you again for everything that you have shared and done over the past couple of days, as well as in the interim sessions.

And we would like to open the floor for any member who would like to give additional comments. Mr. Moore?

>> GREGORY MOORE: Greg Moore. Thank you for your year as chair. I have been in that chair, it's a difficult job. It looks easy, but it's not. So thank you to the DFO. And also welcome our new chair -- I'm sorry, vice chair elect and wish Scott good luck in his upcoming chairmanship. Thank you for your service, Mr. Chair.

>> RICKY HATCH: Thank you, Mr. Moore.

Other comments?

Fantastic. Given that silence, I will now entertain a motion to adjourn the meeting. Moved by Mr. Reimer. Fantastic. Second by Ms. Walker. All in favor, please say aye. Any opposed may stay here forever. Thank you. I rule this meeting is adjourned.