



U.S. ELECTION ASSISTANCE COMMISSION
1335 East West Highway, Suite 4300
Silver Spring, Maryland 20910

EAC Testing and Certification: VVSG 2.0 Testimony

April 23, 2019, Public Hearing, Salt Lake City, Utah

Chairwoman McCormick, Vice Chair Hovland, Commissioners Palmer and Hicks:

Again, I want to thank you for scheduling a second hearing on this important topic. Staff has received positive feedback for the opportunity the Commission has provided for members of the public to testify across different regions of the country.

To begin, I would like to provide background on the voluntary voting system guidelines (VVSG). To fully understand the VVSG we must begin by looking at the Help America Vote Act of 2002 (HAVA). HAVA Section 301(a) created mandates specific requirement for voting systems used in Federal elections. However, in its infinite wisdom, the U.S. Congress also set forth a process for the Election Assistance Commission (EAC), the agency created within such legislation, to develop, adopt, and modify voluntary voting system guidelines, or a set of best practices that jurisdictions may implement. In order to adopt the VVSG, the Congress defined a process that involves collaborative effort between the Technical Guidelines Development Committee (TGDC), with assistance by the National Institute of Standards and Technology (NIST), the Standards Board, and the Board of Advisors.

The EAC, through the process set forth by HAVA, has received the TGDC Recommended VVSG 2.0, which was unanimously adopted. Further, the Standards Board and Board of Advisors each put forth a resolution to the Commission to adopt the VVSG 2.0; the Standards Board even voted on a motion to reaffirm its support at its April 12, 2019 Meeting. The Commission, after reestablishing a quorum, made its first action to embark upon the final step by receiving public input through the 90-day public comment period and holding these public hearings. The 90-day public comment period began on February 28, 2019 and concludes on May 29, 2019. The EAC is holding this public hearing today, but it also held a public hearing in Memphis, Tennessee on April 10, 2019.

I am not going to summarize the testimony from the April 10, 2019 Public Hearing in Memphis, but there is one item I want to highlight regarding this collaborative effort. Mark Goins, Coordinator of Elections for the State of Tennessee and the former Chair of the EAC's Standards Board testified that the Standards Board is unique and unlike any other Board he has ever served on. He stated the Standards Board is made up of local election commissioners, State election officials, Republicans, Democrats, and Independents; it was a

true bi-partisan Board representing all sectors of the election community. Yet, the Board was able to unanimously vote on a resolution for the Commission to adopt the VVSG 2.0; emphasizing that “no one descended, no yelling, no partisan bickering, it was not state vs locals; it literally was collaborative effort.” This was no small feat and it truly speaks to the cooperation that has taken place over the past three plus years to develop the VVSG 2.0.

Further, I want to focus on one portion of that statement. Mr. Goins mentioned that the Standards Board represents all sectors of the election community. Although this is accurate as it pertains to the community that conducts elections, the Standards Board is not representative of the entire election community, including voters and the manufacturers that develop the voting equipment for which these guidelines pertain. With that stated, following my testimony, you will hear from two additional panels that represent this wider election community, including election officials, advocates, academics, and voting system manufacturers. However, I do not highlight this to correct Mr. Goins; rather I want to underscore that the development process has included all sectors of the election community. Additionally, I want to emphasize the underlying sentiment that these entities have all worked together to put forth a VVSG 2.0 that they have all agreed upon.

As mentioned in my previous testimony, the EAC embarked upon a rewrite of the VVSG in 2007, which the TGDC recommended, but was never successfully adopted by the Commission. This was due in part because those entities did not believe that the recommendation provided a set of guidelines that met the needs of their respective community. Many felt that those recommendations were seeking compromise where compromise should not be sought, such as in the realm of accessibility and security. Therefore, from the outset, the EAC set an expectation that compromise is not an option for VVSG 2.0; the guidelines must meet the needs of both. Therefore, in September 2017, during the development of the VVSG 2.0, the TGDC unanimously adopted a resolution entitled *Ensuring Accessibility and Security*, which states:

[I]f a voting system utilizes a paper record to satisfy auditability principles, and associated guidelines, the voting system must also provide mechanism(s) that enable voters with disabilities to mark their ballot and to verify and cast their printed vote selections privately and independently.

Further, in 2018, the Board of Advisors adopted *Resolution 2018-02*, which mirrored that language, but also included the following sentence:

This language shall not preclude the use of hand-marked paper ballots as a component of a voting system.

If we had not set this expectation, I am certain we would not have had the success we have had nor would all three EAC advisory boards provided the support they have for the VVSG 2.0. Yet, although representative of the wider election community, the advisory boards are

only a piece of the process the Congress set forth in HAVA prior to adopting the voluntary voting system guidelines. It also required that the EAC accept public input. Therefore, I will summarize the comments we have received from public.

As mentioned at the April 10, 2019 VVSG 2.0 Public Hearing in Memphis, Tennessee, at that point, 19 entities commented, but ten commenters were requesting information and did not provide input on either the content or structure. Since the April 10, 2019 VVSG 2.0 Public Hearing, we have received input from an additional four commenters, each providing multiple comments. Although each individual provided multiple comments, each commenter opened with their support for the VVSG 2.0. With that stated, to date we have received 23 comments. Ten of those are non-substantive and the remaining 13 commenters provided general support for the VVSG 2.0, substantiating specific principles and guidelines they favor.

In closing, I want thank each of you again for prioritizing the VVSG 2.0 and for providing multiple opportunities for the public to provide input on recommendations. Further, I want reiterate the concerted efforts that have taken place in the development of the Voluntary Voting System Guidelines version 2.0. It is not often, if ever, that State and local election officials; Republicans and Democrats, accessibility and security advocates; and voting system vendors and academics collaborate to develop a set of guidelines they can all agree upon. However, the VVSG 2.0 has done that. I do not want to get ahead of myself, but as we head down the homestretch, we should begin to focus on the finish line and the final steps needed to get the Voluntary Voting System Guidelines version 2.0 voted on and adopted. Thank you and I look forward to any questions you may have for me.