

**Meeting Minutes**  
**United States Election Assistance Commission**  
**PUBLIC MEETING**  
**April 10, 2019**

149 Union Avenue  
Continental Ballroom (Mezzanine Level)  
Memphis, Tennessee 38103

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (EAC) held April 10, 2019. The meeting convened at 1:13 p.m. on Wednesday, April 10, 2019, in Memphis, Tennessee, at The Peabody Memphis and adjourned at 3:31 p.m.

**PUBLIC MEETING**

**Call to Order**

Chairwoman Christy McCormick called the meeting to order at 1:13 p.m.

**Welcoming Remarks and Opening Statements of Commissioners**

Chairwoman Christy McCormick expressed her excitement at having a full complement of Commissioners for the first time in many years and noted that the Voluntary Voting System Guidelines (VVSG) will be out for public comment until May 29, and urged those interested in filing to do so.

Vice Chair Benjamin Hovland was pleased to have a full quorum of Commissioners as well, and explained that, just days after being sworn in, all four Commissioners unanimously voted to start the 90-day comment period on Voluntary Voting System Guidelines 2.0. Vice Chair Hovland acknowledged all the great work done by various organizations to make the comment period possible.

Commissioner Thomas Hicks congratulated Chairwoman McCormick on becoming Chair and welcomed Commissioner Palmer and Commissioner Hovland to their new positions. Commissioner Hicks noted the importance of VVSG 2.0 and that he looks forward to hearing from the witnesses on how the Commission may best move forward with its implementation.

Commissioner Donald Palmer thanked Chairwoman McCormick, staff, and NIST in their work to complete VVSG 2.0

**Panel I – Voluntary Voting System Guidelines Version 2.0 History and Comments**

Chairwoman McCormick introduced and welcomed the following panelists: Brian Newby, Executive Director, EAC; and Ryan Macias, Acting Director of Testing and Certification, EAC.

Executive Director Brian Newby addressed the Commission to provide testimony regarding the history and background of VVSG and explained each witness's role in the day's meeting. Mr. Newby discussed upcoming hearings and further opportunities for public comment.

Acting Director Ryan Macias addressed the Commission to provide testimony regarding the Testing and Certification program at EAC and its role in developing VVSG. Mr. Macias expressed his appreciation to the Commissioners for their work in the development of VVSG 2.0 and provided background and history on its development, including the challenges of the Commission losing its quorum and thus the process halting, as well as detailing the substance of public comments received to date.

**Questions and Answers:**

In response to Vice Chair Hovland's inquiry as to finalizing the requirements, test assertions, and timeline, Mr. Macias explained that he would be giving a full presentation April 11, 2019, at the following day's hearing and gave an estimated timeline of 60 days after finalization of outstanding items of the requirements.

Commissioner Hicks inquired into the public's participation in the process, to which Mr. Macias explained the involvement of working groups and the public's ability to develop these principles and guidelines to where they are today, in conjunction with the requirements and test assertions.

Commissioner Hicks commented on the dearth of public comments and opined that there may be so few because of the length of time the public has had to comment, to which Mr. Macias agreed. Mr. Macias explained that vendors and manufacturers have been involved in the public working groups as well.

In response to Chairwoman McCormick's inquiry as to vendors' input and manufacturers' concerns regarding VVSG 2.0, Mr. Newby explained that manufacturers don't know what to manufacture without better-articulated test assertions and requirements. Mr. Macias added that manufacturers' public comments center around language ambiguity and that designing systems is difficult without the specific requirements currently with the Technical Guidelines Development Committee (TGDC) and test assertions. Chairwoman McCormick inquired as to the length of the

process and that the EAC may not see any new systems until 2020 or 2021.

Commissioner Palmer inquired as to manufacturers' ability and willingness to update to VVSG 2.0, to which Mr. Macias explained that the public working groups and test assertions have cleared up some ambiguity on where the requirements are headed, unlike in VVSG 1.0. Mr. Newby opined that moving manufacturers to VVSG 2.0 would be easier if there were no more enhancements or changes to VVSG 1.0 and by making VVSG 2.0 a good business proposition.

Chairwoman McCormick inquired of Mr. Macias as to why systems are not being brought into VVSG 1.1 since it's been available for over four years, to which Mr. Macias explained that, while he can't speak for the manufacturers, he has heard that it's costly to upgrade and make modifications to current systems, and that if VVSG 2.0 is available, the manufacturers want to bypass VVSG 1.1 directly to VVSG 2.0. Mr. Macias went on to analogize Microsoft XP's obsolescence as a viable option to compel manufacturers to upgrade to VVSG 2.0, and that he believes manufacturers see the need to upgrade due to new security and accessibility requirements.

## **Panel II – Development of Voluntary Voting System Guidelines 2.0**

Chairwoman McCormick introduced and welcomed the second panel of witnesses: Mary Brady, Manager, National Institute of Standards and Technology; Greg Riddlemoser, Chair, EAC Standards Board; Michael Yaki, Vice Chair, EAC Board of Advisors; and Mark Goins, Coordinator of Elections, State of Tennessee, and former Chair, EAC Standards Board.

Ms. Mary Brady addressed the Commission to provide testimony regarding background on VVSG versions, actions that led to a new structure for the VVSG, and steps that were taken to utilize nearly 500 experts from the election community in the development of the VVSG 2.0.

Mr. Greg Riddlemoser addressed the Commission to provide testimony regarding the involvement of the public working groups, the TGDC, the Standards Board, and the Board of Advisors to develop VVSG 2.0, but focused specifically on the role of the Standards Board.

Mr. Michael Yaki addressed the Commission to provide testimony regarding the processes of the Board of Advisors, adoption of resolutions of support, as well as issues of disability access and auditability. Mr. Yaki expressed the importance of every vote counting and that Americans need to have faith in our voting systems.

Mr. Mark Goins addressed the Commission to provide testimony regarding the makeup of the Standards Board and its role in the development of VVSG 2.0, as well as his experience in Tennessee in working with the EAC and encouraged the EAC to continue the same process to develop the best guidelines possible to certify voting equipment.

### **Questions and Answers:**

In response to Vice Chair Hovland's inquiry as to whether the VVSG 2.0 effort is a significant step forward to modernize voting technology and to bring these standards more into line with other industries, Ms. Brady responded that the VVSG 2.0 encapsulates many of the changes that have occurred in the security community over the last 10 years and that new auditing techniques will be possible under this new paradigm. Vice Chair Hovland asked Ms. Brady to clarify NIST's work on the requirements and test assertions, to which Ms. Brady replied that the vast majority of the requirements are done and that NIST is in discussions with the EAC of aspects of VVSG 2.0 that may be better placed in the EAC policy manuals. Ms. Brady went on to explain the role of the test laboratories.

Commissioner Hicks inquired of Ms. Brady whether the quality of the test assertions will be affected by a third laboratory dropping out of the process, to which Ms. Brady responded that NIST has historically had only two laboratories, and so this would not affect the quality of the test assertions moving forward. Commissioner Hicks then inquired about Ms. Brady's impression of the 1,000 individuals working on the new principle and guidelines, to which Ms. Brady shared that, while discussions in the public working groups have been sometimes challenging, overall it has been worthwhile.

Chairwoman McCormick followed up on Commissioner Hicks' inquiry with a question as to whether disagreements in the public working groups were over principles and guidelines or over requirements, to which Ms. Brady responded that the temporary shutdown of the public working groups were necessary to strengthen NIST's ethics rules for participation in the working groups, and that the problems stemmed primarily from discussions during the requirements development process.

Commissioner Palmer inquired of Ms. Brady as to her belief that manufacturers will participate in the implementation of VVSG 2.0, to which Ms. Brady responded that, like Mr. Macias, she cannot speak for the manufacturers, but that manufacturers have been participating in the discussions and she is optimistic that they will be strong partners in VVSG 2.0. Commissioner Palmer then asked about accessibility technologies that may be available in VVSG 2.0, to which Ms. Brady responded that accessibility is important but that security is as well, and one shouldn't be

a tradeoff for another. Commissioner Palmer then expressed his appreciation that the development of requirements is 90 percent complete and inquired as to the laboratories' input in that process. Ms. Brady responded that NIST should reach out to engage the laboratories in smaller group discussions to hash out any particular issues that they see in terms of being able to build voting systems before requirements are finalized.

Chairwoman McCormick followed up on Commissioner Palmer's question with an inquiry about keeping costs under control so that manufacturers are able to meet the requirements in a cost-efficient way so that jurisdictions can afford to buy new voting systems under VVSG 2.0, given election funding issues, to which Mr. Yaki responded about the importance of all stakeholders communicating the need to invest in VVSG 2.0.

Chairwoman McCormick went on to comment about the possibility of dissociating the requirements from the higher-level principles and guidelines may affect the involvement of the Standards Board and the Board of Advisors in the future and asked the panel their perspective. Mr. Goins responded that the Standards Board must not be cut out of the process. Mr. Riddlemoser responded that there has to be a way to leverage innovation and agility and that this paradigm, properly implemented, is one where the principles and guidelines are exactly that and not be changed every several years. Mr. Yaki responded that he believes the Board of Advisors' role is embedded in the charter and statute of the Help America Vote Act (HAVA), and that staff will certainly be involved in the rollout.

Chairwoman McCormick followed up on the comments by the witnesses with an inquiry about the Commission's role if there is no need for another VVSG for many years and if it's just staff updating the requirements and no vote by the Commission, to which Mr. Riddlemoser responded that the EAC will need to continually recommend things to the boards for advice and that the EAC is an integral part of the process as vendors create new products. Mr. Yaki commented that the EAC's policy-debate role is vital to the process. All panelists then agreed that the EAC's vote on requirements constitutes policy.

Commissioner Hicks pointed out that EAC is involved in much more than just VVSG, activities such as cybersecurity, voter registration, and election-night reporting and that VVSG, while important, is just one aspect of EAC's work.

Commissioner Hicks then went on to inquire of Mr. Goins about Tennessee's purchase of new voting equipment, \$7.5 million allocated from Congress, and the need for more funding, to which Mr. Goins replied

that new voting equipment will be purchased with part of the \$7.5 million. Commissioner Hicks then commented that States have said they could use additional funding apart from the \$380 million given out last year by Congress. Mr. Goins expressed concern about sunseting equipment and voter confidence and then went on to detail Tennessee's plans regarding new equipment purchases.

Commissioner Hicks made a further comment concerning security of elections and that he wants to ensure that, as VVSG 2.0 is implemented, that accessibility and security are not mutually exclusive.

Vice Chair Hovland inquired of the panelists whether they agree that the EAC is at its best when it identifies areas of our decentralized system that lend themselves to these economies of scale or where there's an ability to believe from Federal involvement, to which Mr. Goins and Mr. Riddlemoser agreed and expounded on EAC's good work and importance.

Vice Chair Hovland then pointed out that the Voluntary Voting System Guidelines are voluntary, and so the full value of them is only realized if the States and jurisdictions use them and adopt them. Mr. Riddlemoser opined that, once the manufacturers have started making products against VVSG 2.0, that both States and locals will embrace VVSG 2.0. Mr. Goins pointed out that requirements should not be put forward that manufacturers can't meet.

### **Panel III - Voluntary Voting System Guidelines 2.0**

Chairwoman McCormick introduced and welcomed the third panel of witnesses: Edward Perez, Global Director of Technology Development, OSET Institute; Meagan Wolfe, Administrator for the State of Wisconsin Elections Commission, and Chief Election Official for the State of Wisconsin; and Rob Rock, Director of Elections for Rhode Island Secretary of State Nellie Gorbea.

Mr. Edward Perez addressed the Commission to provide testimony regarding three topics that the OSET Institute has determined to be critical to the assurance that VVSG 2.0 is a success in the facilitation of critical innovations for high-confidence elections: ongoing flexibility in the understanding of the term voting system, component-level certification and common data standards to support interoperability, and enhanced agility in the Federal certification process to meet rapidly changing cybersecurity threats. Mr. Perez explained that the OSET Institute believes that the VVSG 2.0 and the EAC Federal certification program must support agile updates and upgrades to our election infrastructure to afford it the verifiability, accuracy, security, and transparency essential to free and fair

elections, elections where ballots are counted as cast, and where confidence in the outcomes is high.

Ms. Meagan Wolfe addressed the Commission to provide testimony regarding the adoption of the VVSG 2.0 principles and guidelines and the deficits of the current EAC standards. Ms. Wolfe urged the Commission to allow the EAC Testing and Certification staff the authority to approve their requirements and test assertions independent of the Commission and to include a mechanism for approval absent a quorum or in the case of a deadlock of the Commission.

Mr. Rob Rock addressed the Commission to provide testimony regarding the importance of the principles and guidelines of the VVSG 2.0 and suggested that the requirements and test assurance of the systems should be a responsibility of the EAC Testing and Certification staff or that there should be a mechanism by which future iterations of the VVSG can move forward in the absence of a quorum or in the case of a deadlock vote by the Commission to ensure that future voting systems receive proper vetting before being released.

#### **Questions and Answers:**

Commissioner Palmer asked Mr. Perez how he would frame component testing within the existing structure of HAVA, to which Mr. Perez responded that security is important and a ballot design software layout tool could be useful and that a component-level certification regime is going to rest heavily on the decisions that the States want to make.

Commissioner Hicks inquired of Mr. Perez about DARPA possibly making a system and then his thoughts on the Prime III system in New Hampshire, to which Mr. Perez opined about the value of DARPA, with the support of the Federal Government, treating this as highest-level critical democracy infrastructure.

Vice Chair Hovland followed up on Commissioner Palmer's inquiry about component testing and whether Mr. Perez makes a distinction between the system allowing for individual component testing or if a jurisdiction brings a full system that has interoperability so that it can be made up of different components, in which Mr. Perez responded he appreciates both of those scenarios.

Vice Chair Hovland inquired of Ms. Wolfe whether she believes the focus should be more on the Commission having a quorum or the Commission having deadlock issues, to which Ms. Wolfe replied both are important and that ideally the Commission would be able to approve changes in a timely manner.

Commissioner Hicks followed up on Vice Chair Hovland's inquiry regarding the quorum with a comment that he believes the process is working better now than in the past. He commented on his appreciation for Ms. Wolfe's testimony and comments and that he and his fellow Commissioners will take them under advisement.

Chairwoman McCormick reiterated a question to a previous panel in asking whether requirements for the voting systems constitute policy, to which Ms. Wolfe demurred and wasn't sure of the importance of making such a definition.

Commissioner Hicks inquired of Mr. Rock to elaborate on the difference between a nonvote by the Commission and a deadlock vote, to which Mr. Rock suggested that there be a way to move forward when VVSGs need to be updated in the event of a deadlock vote by the Commission or a quorum not being established.

Chairwoman McCormick followed up on Commissioner Hicks' inquiry by asking whether Mr. Rock proposes the Commission set aside congressional statute to move forward in the case of a deadlock or non-quorum, to which Mr. Rock suggested to put a mechanism in place to circumvent a deadlock or non-quorum.

Commissioner Palmer then inquired of Mr. Rock that if there was a deadlock of the Commission on certain requirements which may involve accessibility, that a staff member of the EAC should just make that decision, to which Mr. Rock reiterated a request that there be a mechanism in place or an appeal process to circumvent the Commission if such were to happen.

## **Closing Remarks**

Chairwoman McCormick expressed her appreciation to the panelists for their testimony and time, and urged other members of the public to utilize the public comment process to make further comments to the VVSG 2.0 principles and guidelines document that is open for public comment until May 29th.

## **Adjournment**

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

**The Public Meeting of the Election Assistance Commission adjourned at 3:31 p.m.**