

United States Election Assistance Commission
Standards Board Meeting

Held at

9:05 a.m.

April 11-12, 2019

The Peabody Memphis

149 Union Avenue

Continental Ballroom (Mezzanine Level)

Memphis, Tennessee 38103

VERBATIM TRANSCRIPT

DRAFT

The following is the verbatim transcript of the United States Election Assistance Commission (EAC) Standards Board Meeting that was held on Thursday, April 11, 2019, and April 12, 2019. The meeting convened at 9:05 a.m. on April 11, 2019, and adjourned on April 12, 2019, at 1:15 p.m.

CHAIRMAN RIDDLEMOSER:

Ladies and gentlemen, welcome to the 2019 Election Assistance Commission's Standards Board. I'm Greg Riddlemoser, a local election official from Virginia, Chairman of the Standards Board. I want to thank everybody for coming this morning and understand Commissioner Palmer has some things he'd like to say.

COMMISSIONER PALMER:

Can you hear me? Welcome to Memphis. Good morning, Standards Board.

BOARD MEMBERS:

Good morning.

COMMISSIONER PALMER:

Memphis is a city best known as the birthplace of rock 'n roll, the home of some great Southern cuisine, and some of the best barbecue in the country. Memphis is also a city with a solemn history in which the life of civil rights leader Martin Luther King was prematurely ended by violence. King, who coined the phrase "Give us the ballot," provides a presence that looms large in our dedication to free access to the voting booth.

This week, Memphis takes on a new distinction as a temporary home of the leaders of the election administration from across the country, both local and State election officials, as we work to improve the security and accuracy of voting.

I am pleased to have you here for this important meeting. I'm even more delighted to be this board's new Designated Federal Officer, bringing State and local election officials from across the country, each State and territory, together with a dedicated purpose. As a former election official in Virginia and Florida, it's a privilege to serve. It gives me a chance to work once again with you side-by-side with my fellow election administrators.

Thank you again for your service to the Standards Board. The Congress felt that your input was so important and necessary to development of new standards and guidelines for our voting systems that the Standards Board was actually created under HAVA as a statutory board to the EAC to advise the EAC. I want to thank the Standards Board Executive Committee for its work to help shape our agenda, and I offer my sincere thanks to the EAC staff who have worked hard to ensure that we accomplish our goals here today.

I also want to thank EAC Executive Director Brian Newby for his leadership in directing the momentum that the EAC has witnessed with the establishment of a new quorum and our first full

complement of Commissioners in over a decade. Likewise, I would like to thank Cliff Tatum for his leadership in legal counsel to the EAC and frankly personal advice during the confirmation process as we were -- myself and Ben Hovland were eventually approved by the Senate, and his work today to ensure that we follow all the FACA rules to make our work possible.

With a budget that is half of what it was in 2010, even in this environment, our agency leadership and staff have held it together, and we hope to reverse the downward trend in funding and engage on a whole new level. Together, we look forward to increasing our assistance to State and local election officials as we approach the 2020 elections.

We have a lot of important topics to address during the meeting today and tomorrow, including an intelligence briefing on the potential threat to elections, an update on the EAC and our voting system certification program, information on election data improvements with the EAVS survey. You will also hear from the Assistant Attorney General for Civil Rights on voting rights issues and security issues and the United States Attorney in the Western District of Tennessee to discuss election offenses and the ways that you can work with local Federal authorities to protect the vote. We will also have a much-needed discussion on disaster management and recovery when elections are disrupted. More

importantly, the Standards Board will receive a brief on the ongoing and continuing process to develop VVSG 2.0.

With your assistance, the EAC has received recommended high-level principles to consider for the next generation of voting systems, including security, accessibility, and usability. These principles have been placed out for comment in hearings, and, starting yesterday, the EAC is starting hearings across the country on these high-level guidelines of VVSG 2.0 and anticipate receiving comments over the next month from the public, stakeholders, and other interested parties.

However, our work is not done. We can't stop before we get to the finish line. And as this comment period continues, EAC and NIST are and will continue to develop requirements and test assertions to parallel and provide meat on the bones on the high proposed guidelines and provide actual testing requirements to the voting systems, manufacturers as they design and build to the next generation of voting systems. Without these requirements, the high-level guidelines are simply aspirational and will not bring the technologies and security or accuracy or accessibility to the market or to voters.

Working together, we hope that we will have a complete product by the end of the year or early 2020 -- some believe that's ambitious, but I think we can do it -- and provide a clear glide path

to the manufacturing community on the design and building of new systems. So, today, you will receive a briefing on NIST and the EAC development of these technical requirements, and we will respectfully solicit your input on the outstanding issues that remain with the VVSG 2.0 package.

We will also break into our various committees tomorrow morning to tackle even broader spectrum of election issues, and I'm really looking forward to tomorrow afternoon where we'll have a chance to wrap up our meeting at the incredible National Civil Rights Museum at the Lorraine Hotel where Dr. King was assassinated 51 years ago this month. In fact, it was about a week. It was April 4th. Dr. King's legacy, as well as this historic city, are a humbling backdrop for our meeting and serve as a poignant reminder the important role that we play in protecting and defending Americans' elections.

I thank you for the work that you do, each one of you, to provide voters access to accurate, secure, and efficient elections. I look forward to learning from you this week and engaging you in the important work that will shape the EAC's future.

And now, we have a couple of video message greetings to share with you. Tennessee Secretary of State Tre Hargett sends his regrets that he could not greet us in person, but he did send this message for the board.

SECRETARY HARGETT:

(Via video message) Good morning. I'm Tennessee Secretary of State Tre Hargett, and I want to welcome you to the home of the blues, the birthplace of rock 'n roll, and a city known for its grit and grind, Memphis, Tennessee. I apologize for not being able to join you in person, but I am grateful to U.S. Election Assistance Commission for holding the Standards Board meeting in a city that is near and dear to my heart.

I grew up in West Tennessee and graduated from the University of Memphis. I served as a State Representative in Bartlett just on the outskirts of the city. I know how special this part of Tennessee is to the citizens and millions of visitors to Memphis each year. There is much to experience in the city, whether it's award-winning barbecue, spectacular Mississippi River views, or the marching of the world-famous ducks right there at The Peabody Hotel.

But what I hope you do not miss is the opportunity to visit the National Civil Rights Museum at the historic Lorraine Motel. Your visit is timely as just last week the museum marked the 51st anniversary of the assassination of Reverend Martin Luther King Jr., a very dark moment in our nation's history. As members of the EAC Standards Board, I know you'll be especially interested in the exhibits that focus on the Voting Rights Act of 1965. It's a

wonderful museum, and I promise, it will have an impact on you and how you serve the citizens of your State.

Over the next two days, I encourage all of you, the State and local election officials on the Standards Board, to learn all you can, take it back to your States, and gather input to advise and guide the Commission as it continues to improve the Voluntary Voting System Guidelines. I cannot stress the importance of your appointments to the Standards Board to help ensure our nation's elections are safe and secure, especially as we head into the 2020 election cycle.

Again, I'm sorry I can't be with you this week, but I thank you for your service and hope you enjoy your time at one of my favorite cities anywhere, Memphis. Have a great meeting.

Good morning. I'm Tennessee --

[Laughter]

COMMISSIONER PALMER:

It was worth a repeat.

In addition, Tennessee Senator Marsha Blackburn wanted to welcome us to Tennessee and to send the following video to share with you.

SENATOR BLACKBURN:

(Via video message) One of the most precious rights that we have as citizens is the right to vote, the right to go to the polls,

to select our candidate, to cast that vote. I want to say thank you to each of you for what you do to make certain that everyone knows they can go to the polls and vote and cast that ballot.

And I also want to say welcome to Tennessee. We are so delighted that you have chosen to come to Tennessee. You're going to meet great people, you're going to have a tremendous meeting, so welcome to Tennessee. Come back soon.

COMMISSIONER PALMER:

Thank you. Please rise and join me in the Pledge of Allegiance.

[Commissioner Donald Palmer led all present in the recitation of the Pledge of Allegiance.]

COMMISSIONER PALMER:

Would the members of the Proxy Committee please come forth, Marci Andino and Elaine Manlove? Have you reviewed the proxies presented by the members for the 2019 Standards Board meeting?

MS. MANLOVE:

Yes, we did.

COMMISSIONER PALMER:

Have you found them in order?

MS. MANLOVE:

Yes, we have.

COMMISSIONER PALMER:

Then we shall accept them. Thank you.

Rey Valenzuela is the Secretary of the Standards Board.

Would you come call the roll?

MR. VALENZUELA:

Welcome, everybody, and I want to, as normal, apologize for
all the names I'm about to butcher --

[Laughter]

MR. VALENZUELA:

-- including my own as we get to that point.

[Laughter]

MR. VALENZUELA:

And I would start off as a tribute calling Elvis Presley first in
case he is here, but I'm sure he's not.

[Laughter]

MR. VALENZUELA:

Just homage to Memphis here. But we'll start off in State
order, and I'll read out also those that are a proxy that we've been
given, so I'll read the member's name and the proxy, and the proxy
will respond present.

[Reynaldo Valenzuela, Jr., Secretary of the Standards Board, called roll.]

MR. VALENZUELA:

That completes the roll call as best as possible.

CHAIRMAN RIDDLEMOSER:

I declare there is a quorum. Counselor, do you agree?

MR. TATUM:

Yes.

CHAIRMAN RIDDLEMOSER:

All right. Thank you. Mr. Palmer?

COMMISSIONER PALMER:

Would you please rise for your oath of office?

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

COMMISSIONER PALMER:

You may sit.

CHAIRWOMAN MCCORMICK:

Good morning. My name is Christy McCormick. I'm the new Chairwoman of the Election Assistance Commission.

I want to first send greetings from Ben Hovland, the Vice Chair of the Commission, who couldn't be with us here today. He

had a family situation he has to take care of, so he wanted me to tell you hello and he was sorry he couldn't be here.

It's great to see so many familiar faces, and I look forward to meeting those of you who are new and I haven't yet met. Thank you for taking the time out of your incredibly busy schedules to be here for this important meeting.

Thank you to Secretary Tre Hargett and Director Mark Goins and to the great State of Tennessee for hosting us this year.

Memphis is an exciting city and of course was a momentous place in the battle for civil rights in our country.

I want to thank Director Newby and the EAC staff for putting together this meeting and for making it happen. These meetings are hard enough to arrange, but this year, it was even more difficult because of a little annoyance we affectionately call the government shutdown. The EAC staff has truly been working overtime to make this happen, and I can't express in words how much I appreciate what they all have done and are doing to allow us to be here.

Thank you to each of you from the bottom of my heart.

[Applause]

CHAIRWOMAN MCCORMICK:

I also want to thank Commissioner Palmer for taking over for me as the Designated Federal Officer for this board. It's been a sincere pleasure to work with you and especially the Executive

Board for the past four years, but don't worry, I'll be keeping an eye on Palmer to make sure he keeps you all on track.

So, over the next couple of days we are going to hear about and discuss the Voluntary Voting System Guidelines and other important EAC matters, as Commissioner Palmer outlined, the what, when, and how we should do things and maybe even who should do them.

This morning, I want to take a minute to remind us all about the why we do this. I would venture to say that most of us in this room did not set out to have a career in elections. Elections found us. And, as I've often said, we all know that working in elections is a little bit like checking into Hotel California. Once you check in, you can never really check out.

[Laughter]

CHAIRWOMAN MCCORMICK:

But really, why do we do this job? It's certainly not for the glory or for the riches. Is not for the sleepless nights where we can't stop thinking about all the minute details, every which one that -- every one of which matters and could lead to failure, embarrassing news stories, litigation, and worst of all, disenfranchisement. It's not for the long hours of testing and retesting machines or entering voter information into computers, worrying about accessibility at our polling locations, or endlessly

repeating the same information over and over as we train our election workers.

We do this because we care. We care about this little document here and the ideals that it proclaims, along with the other founding documents of our -- this almost 243-year-old experiment called the United States of America. And don't worry, this is not the real Declaration.

[Laughter]

CHAIRWOMAN MCCORMICK:

Nicholas Cage isn't going to becoming through that door grabbing it from me. The real one is kept in an air-conditioned steel-lined and heavily armed vault that is lowered underground at the National Archives in Washington, D.C. I just happen to live in Williamsburg, Virginia, where they sell these replicas all over the place to verklempt tourists learning about our history and want to take a piece of it home suitable for framing.

But, as I was saying, we do this because we care about this and what it stands for, the value of the many voices over those of a few, consent of the governed. We care about representative democracy, for the rights of our fellow citizens to have a voice in our governance. I don't mean that to sound cheesy because it really isn't. It's important, and it's an important job to preserve the

right to vote and to do everything we can to protect our election system.

And, by the way, the people who signed this document, the bunch of guys and many supporting women who got together to form this nation and to promote and establish the idea of the people having a say in their government, were mostly very young. Some were just teenagers. James Monroe was just 18. Alexander Hamilton was 21. Betsy Ross was 24. James Madison was 25. Some were older -- Benjamin Franklin, who was 70 -- but most were young idealists who put their livelihoods and indeed their very lives at risk to even sign such a document.

Thomas Jefferson of Virginia was 33 when he wrote the Declaration, which is pretty amazing. You have to wonder, if he were alive today, if he'd be prouder of the Declaration or the basketball team of his university he founded, which just won the national championship for the first time ever. I'm just saying. Sorry, I had to slip that in.

What I want to say to each of you is thank you. Thank you for being up nights thinking over all the little details, thank you for stretching the too-few dollars and resources you need to carry off what you do. Thank you for your endless hours of unappreciated devotion to striving for perfect procedures and outcomes. Thank you for putting up with endless questions, ill-informed reporters,

candidates who don't know what they're doing but think they do, for putting up with all lawyers -- and I'm one, so I can say that -- for the long days and often low paychecks, and for running the machinery of our democracy, for creating hope in our future, for caring as much as you do. It is because of you that we get to vote and that we can have confidence in our elections. I look forward to the next couple of days and hearing your advice to us so we can continue to improve our elections nationwide and so we personally can do our jobs better at the EAC. Thank you all for being here.

[Applause]

COMMISSIONER HICKS:

Good morning, everyone. I'll try again. Good morning, everyone.

[Laughter]

COMMISSIONER HICKS:

You guys have two long days. You've got to get ready now.

Tom Hicks, I am Commissioner at the Election Assistance Commission, and I want to thank my fellow Commissioners, Commissioner McCormick for the Chairmanship, and Don Palmer for coming along and establishing a new quorum and for the first time in almost 10 years having four Commissioners here at the EAC.

And, as Commissioner McCormick said, Ben Hovland was unable to be here today because of a family issue that he has.

Unfortunately, I will have to leave a little bit -- in a while, but I wanted to just make sure that I talked to you a little bit about your importance when serving on the Standards Board.

As election officials either appointed or elected, you are the front-line to what Americans see when they go to the polls. The job that you did in 2018, 2016, 2014 as Federal elections -- because I know that you have more than just Federal elections each year -- was amazing because we did not hear about issues -- we heard small issues at the polls and so forth, but we didn't hear how election officials are doing a terrible job. We heard how you are doing as hard as you can to ensure that Americans have the right to vote and they can exercise that vote and have that vote counted accurately. So, your role on the Standards Board is to help us at the EAC redefine and define the way the elections are conducted.

So, you will hear from our staff about the VVSG. You'll hear from government officials about issues that occurred in 2018 and 2016. But I want you to take a moment to just thank yourselves and know that you are loved and that we appreciate everything that you do.

So, as one thing that I wanted to also say is we talked a little bit about UVA winning the national championship. What happened to UVA last year? Does anyone remember?

[Laughter]

COMMISSIONER HICKS:

They were the first team to lose in the round of 64. But everyone forgets that because they think of today and what's going on right now.

So, as you look towards the future and what we need to do and continue on with the election as we go on, think about what we need to do and what we need to carry on so that we are not the punchline of the media or whatever moving forward.

So, lastly, I want to thank our staff for putting this together as we had our 35 days of unpaid vacation back in December and January. They worked tirelessly to make sure that this meeting happened, and so tomorrow, when you get an opportunity to go to the Lorraine Hotel to see the Civil Rights Museum, take a moment and think about what some of those things occurred there 51 years ago and what we want to make sure does not ever happen again as we move forward.

And lastly, I just want to say I'm sorry that I won't be here because I went to 23 States last year talking to many of you and

seeing how you conduct elections and have never been so proud of my life of the job that I do.

So, again, I want you to give yourselves a hand, enjoyment Memphis, enjoy barbecue, enjoy the ducks. Some of you saw the world-champion Golden State Warriors last night going through the hotel. They won't be champions this year.

[Laughter]

COMMISSIONER HICKS:

But again, enjoy your time here. I'm sorry that I won't be here, but you all know my email and you know my phone number, and I'm sure that most of you have called me to say you need to do a little bit better, which is fine because that's what I'm here for, to take advice and move forward so that we can continually have the best elections in the world.

So, again, I want to thank you all for coming, and have a great Standards Board meeting, and I look forward to hearing from all of you. Bye now.

[Applause]

COMMISSIONER PALMER:

Standards Board Members, if I could bring your attention to the materials that you picked up when you registered, there are several things that I would like to point out, one of which is the bios of the speakers. So, when you decided not to listen to the person

who's currently talking to you, you can read about the other folks that you get to see today or tomorrow.

Additionally, there's page after page after page of the minutes from the meeting at the Hyatt Regency in Coral Gables, and I would entertain a motion to approve those minutes, hoping that you've read them, as I have.

MS. GOECKNER:

Motion.

COMMISSIONER PALMER:

There is a motion from Barbara Goeckner to approve the minutes as presented.

Is there a second?

MS. ANDINO:

Second.

COMMISSIONER PALMER:

Marci Andino in the back row from the great State of South Carolina.

Is there any debate? I thought not.

Those in favor of approving the motion, say aye.

[Chorus of ayes]

COMMISSIONER PALMER:

Those opposed?

[The motion carried unanimously.]

COMMISSIONER PALMER:

And now that they've been approved, I'll point you to pages 10 and 11. Those are the committees you signed up for last year, so if you forgot which committee you were on, that's last year's slate. And we will tonight at the Executive Committee meeting come up with the slate for the 2019 subcommittees of the Standards Board.

So, having said that, I'd like to call up the Nominating Committee, which is DeAnn Buckhouse, Rob Rock, and Steve Harsman. And while they're coming up, if the following people would come and stand right in front of the head table on the lower level: Rey Valenzuela, Brad King, Debby Erickson, Joe Gloria, Barbara Goeckner, Rob Rock, Stephen Trout. You can be in both places, Rob.

To the members of the Nominating Committee, have you received the applications of the folks who wish to serve on the Executive Committee?

MALE SPEAKER:

Yes.

COMMISSIONER PALMER:

Have you found them in order?

MALE SPEAKER:

Yes.

COMMISSIONER PALMER:

So, you're recommending that I would certify the slate?

MALE SPEAKER:

We will.

COMMISSIONER PALMER:

Thank you.

These are the folks that you will get a chance to vote on.

Cliff Tatum will tell you in a minute how you do that, but these are the ladies and gentlemen who have volunteered to serve on the Executive Committee for the next calendar year.

Have you reviewed the subcommittee preferences of the entire membership?

MALE SPEAKER:

Yes.

COMMISSIONER PALMER:

Have you found them in order?

MALE SPEAKER:

Yes.

COMMISSIONER PALMER:

And so you're recommending that the Executive Committee assign those -- the members to the various subcommittees?

MALE SPEAKER:

We are.

COMMISSIONER PALMER:

Thank you, sir.

Cliff Tatum -- well, I'll do that. The Chair would entertain a motion to approve the agenda, as presented. Dwight from Colorado, moved? Is there a second? Paul Lux from Florida is the second. All those in favor, say aye.

[Chorus of ayes]

COMMISSIONER PALMER:

Those opposed?

[The motion carried unanimously]

COMMISSIONER PALMER:

The agenda stands approved, as presented.

Cliff's going to tell you how the balloting works.

MR. TATUM:

Good morning, everyone. In the back of your palate -- packet is a two-page ballot, and we members of the Executive Committee struggled and pushed and pulled to create the ballot and design it as perfectly as possible. And you all know as election officials how difficult that is. So, truth be told, they kicked out my first draft, and this is all their work, so -- but what you'll see is there's -- the first page there's one term -- one term actually serves for two years. The individuals on the first page can only serve one

term, so if you would cast a ballot for each of the -- vote for each of those individuals.

The second page is a combination of a two-term seat which serves for a period of four years and a continuation of a three-term seat that serves for a period of six years. This is to fill the vacancy of a six-year seat vacancy. So, in this -- on this particular page, you will vote for two members to serve one term, and you will vote for three members to serve two terms. There will be a ballot box at the front of the -- as you walked into the room to -- into the -- into this training room. There's a ballot -- white ballot box, marked ballot box.

At some point throughout the day, preferably before lunch, drop your ballot into that ballot box. The committee and I will get together and we'll count those ballots and we will make an announcement as to who the winners are -- as to who the elected officials are at the end of the day.

Obviously, there's eight vacancies and there's eight candidates. I think we all know the answer to that. But thank you very much, Mr. Chairman.

COMMISSIONER PALMER:

You may take your seats. Thank you.

The Executive Committee will meet tonight to do two things. One is to pick their own officers for the next year, Chair, Vice Chair,

and Secretary, and they will also meet to assign all of you based on your volunteerism to the various subcommittees of the 2019 Standards Board.

Each member of the Executive Committee will chair at least one subcommittee, and those results, if you will, will be given out to you tomorrow.

So, now, with no further ado, I'd like to have Cliff come back up and explain his role as the attorney for the Standards Board and the EAC and explain to us again what our responsibilities are.

Cliff?

MR. TATUM:

Thank you, sir. As the general counsel for the agency, I serve as the committee management officer for the Federal Advisory Committee Act committees. You know yourselves as the Standards Board. You are actually an advisory committee that's created by statute. We refer to this body as a FACA or as a FACA board. There are rules and regulations that govern the operations of a Federal Advisory Committee Act.

As Don indicated earlier, Commissioner Palmer indicated earlier, he is the Designated Federal Official -- Officer. This body cannot operate without the DFO's approval, so as the DFO and the Executive Committee get together and determine what type of actions the body will participate in, there's an agreement between

the DFO and the Executive Committee as to what actions should take place.

The slide there shows three -- the three committees that are created by the Help America Vote Act are the Standards Board, the Advisory Board and the Technical Guidelines Development Committee. There's a typo there. It should be Technical Guidelines Development Committee, not Technical Development Committee. But those are our three committees. Those are created by Section 211 of the Help America Vote Act.

You know who you are. You are charged with reviewing the Voluntary Voting System Guidelines. They have been proposed as the VVSG 2.0 Principles and Guidelines. You will hear today about requirements. We ask that you provide comments and feedback to the development of those requirements so that we can fully adopt the next level of voting system testing requirements.

The Technical Guidelines Development Committee is the group that has produced those guidelines and principles, and you may hear more about them from the -- during the presentation of the VVSG itself.

This is a couple sections of the Federal Advisory Committee Act that indicates what it does. It regulates the operations of the committees, the regulations -- the duration of the committees. The committee is -- while it's named in statute as a permanent

committee, we still have to renew the Advisory Board every two years, which is how we set your membership to the Advisory Board in that two-year period. Some of your jurisdictions may actually appoint you for a two-, three-, four-, or five-year period. That doesn't impact the two-year period that we work under, so we renew the advisory committee charters every two years, and you serve until replaced by your election association or by the State election official that you serve under.

The duties and responsibilities of the members of the board are to participate on committees. There are a number of committees that will be called out at some point throughout the course of the day. We ask that you participate on those committees. The committees are only as active as you can be, and there's a number of assignments that will be made of membership to those committees, and they carry out very important activities of the body as a whole.

As the subcommittees do their work, they report back to the full body. The subcommittee does not work directly with the agency in terms of making recommendations. You, the subcommittee, makes its recommendations to the full body. The full body then makes those recommendations to the DFO, to the agency, and then we act accordingly to those -- to those recommendations.

As members of the body, you are -- you cannot be a registered lobbyist. If you are a registered lobbyist for your State, let's talk about what that means if you are a registered lobbyist for your State for the Federal Government. Let's talk about what that means. You're not registered as a lobbyist for this particular department, but I need to know -- for this particular agency, but I need to know whether you are so we can determine whether there's any conflicts of interest and the like.

You of course as a personal individual can talk with your -- your Congressmembers or Senators and your U.S. Representative about any particular issues that you'd like. We ask that you not have those conversations suggesting that you're representing the Standards Board in making your recommendations to your Senator or to your Representative.

We talked about the Designated Federal Official. We filed our charters with the Senate, our oversight committees and our House committees. We renew that charter every two years. There are some guidelines that typically govern how we conduct our meetings. All of our meetings are open except for our subcommittee meetings. We typically don't make a formal announcement about subcommittee meetings. But as you're serving on a subcommittee, when you're communicating with one of your subcommittee members, we ask that you copy the Designated

Federal Officer on those emails so that we have a record of that communication so that if there's ever any question about how you all got to a decision that you -- that was presented back to the body, we can show that as a record, and we can demonstrate that we were transparent about the way this body arrived at certain decisions and conclusions.

We keep minutes of the meetings so, as you're in a subcommittee meeting, we'd ask that someone take notes so that, as you present back to the full body that there's accuracy in what's being presented back to the full body. And those notes will be kept as part of the record as well.

With that, for every meeting, we do a Federal Register notice, which indicates the time, place, and the manner of the meeting, the agenda of the meeting, and that the meeting will be open.

Here are the list of our Designated Federal Officers: Mr. Palmer is a designated officer for the Standards Board, Commissioner Hicks is the designated officer for the Board of Advisors, and Commissioner Benjamin Hovland is the Designated Federal Officer for the Technical Guidelines Development Committee.

Here are the applicable Federal statutes that govern the Federal Advisory Committee Act, as well as some of the

regulations. We are -- we are subject to the Freedom of Information Act in certain ways. All of our meetings are required to be open. If someone wanted information from this committee, they would not have to file a FOIA request. They would simply make a request to us for the information, and we would provide that information to them. Everything we do here is public, so you should keep that in mind as it relates to your communications that you -- that you submit to and from amongst yourselves and to the Designated Federal Officer.

Any questions?

In your packet, there is a copy of the bylaws of the organization, and there is a particular section that I want you all to pull out and take a look at. It's a single sheet of paper that says Section 213, membership of the Standards Board. This document is an excerpt from the Help America Vote Act itself. And why I'm bringing attention to this document is because each of you serve for your particular State, and you are appointed by your State election official, your chief State election official.

Your local positions, for those of you who are local representatives, you come from your local association, and the chief State election official supervises that process. This chief State election official supervises that process. So, what that means is the State election official can't simply appoint or remove a local

election official. There is a process. So, if you all -- as you go back to your jurisdictions, take a look at how you were appointed and ensure that your local association is involved in helping the chief State election officials select the local representative to serve on this board.

At the end of the day, the Election Assistance Commission, as the manager of the Federal advisory committees, has the authority to appoint each of you to the board. So, a simple recommendation from your State election official does not necessarily mean that you will serve on this board. There is an appointment process. And at the end of the day the designated Federal election official -- excuse me, the Designated Federal Officer, the agency itself determines who will serve. And in some instances we go through a conflict-of-interest analysis, so we don't necessarily have to do that for everyone in this room, but there is a process that has to be followed. So, I just wanted to echo that, to repeat that, emphasize that so that we can make sure we're all on the same page.

Any questions from anyone?

COMMISSIONER PALMER:

Thank you, Cliff, for that presentation and all you do for the EAC.

We now turn our attention to an issue that is a key priority for every election official in this room and for every American who participates in an election, and that is security.

As the 2020 presidential election approaches, we are devoting time during the Standards Board to receive an unclassified intelligence briefing from the Office of the Director of National Intelligence, better known as ODNI, and we are also joined by the Department of Homeland Security, a vital Federal partner in the effort to help State election officials secure elections.

Thank you, gentlemen. On today's panel are Jim Morosco, Assistant Director of the Office of National Intelligence, Manager for Counterintelligence at the National Counterintelligence and Security Center, NCSC. In this capacity, Mr. Morosco leads the development of strategies, plans, and integration initiatives to advance the intelligence community's counterintelligence mission and address the needs of the U.S. Government decision-makers. His office also directs and coordinates the activities of the National Counterintelligence Office, who serves as the intelligence community's focal point -- points for regional and functional counterintelligence mission areas.

Joining him from ODNI is Associate General Counsel at the ODNI's Office of General Counsel. Since August of 2017, Mr. Fisher has been assigned as Chief Counsel for the National

Counterintelligence and Security Center where he provides legal advice and analysis on key counterintelligence and security issues. Mr. Fisher has worked in the intelligence community since September of 2015, initially serving as Legislative Counsel where he was responsible for coordinating the development of the intelligence community's legislative program.

We have one change to the agenda. Representing Department of Homeland Security is Christopher Wright. Mr. Wright is the Mission Manager and Director of the DHS Cyber Mission Center. He manages the cyber intelligence portfolio across the DHS intelligence enterprise and leading the production and delivery of all source cyber intelligence to DHS leaders and operators. In this position he supervises and guides a staff of intelligence professionals and intelligence analysis to cyber threats to Federal, State, and local and private-sector networks and systems. The Mission Center provides direct enabling intelligence to the Cybersecurity and Infrastructure Security Agency, CISA, National Cybersecurity Communications Integration Center, NCCIC, an operational Federal cyber center.

Thank you, gentlemen.

MR. MOROSCO:

Can everybody hear me? Make sure I got the technology right. Good morning. My name is Joe Morosco. I'm here from the

Office of Director of National Intelligence, and I want to start with a word of thanks. On behalf of Director Dan Coats, Director of National Intelligence, his Principal Deputy Sue Gordon, and Director of the National Counterintelligence and Security Center, Bill Evanina, we thank you for your time here this morning and for allowing us to join your very important meeting to talk about what we see are some very serious threats to our democracy going forward, to include our elections.

The importance of election security to the U.S. intelligence community cannot be overstated, and I'll tell you my colleagues and I are very honored and humbled to be here in Memphis in such a place of significance for our nation's civil rights history to talk about what we see as a very complex and harmful threat landscape that we are all called to protect here this morning. This is a matter of top priority for the U.S. Government and the U.S. intelligence community, and as we work together to find ways to strengthen our posture against an adversary who is very determined and capable to undermine the very integrity of our democracy and -- by targeting our elections.

Many of you I recognize from your engagements with us in Washington over the past couple of years, and thank you for the opportunity to speak to you again. I know we've had several classified discussions on these issues with many of you in the D.C.

area, so I want to present to you today a set of strategic insights about where we see the threat landscape not only now but as we look out to 2020 and beyond and some of the challenges that we are going to face collectively in securing our election infrastructure and our democratic processes going forward.

So, I'd like to focus my remarks this morning with a strategic view of that threat landscape, provide a counterintelligence perspective on the challenges we see, and then also talk a little bit about some ways that we are looking at in the government to work with you better to strengthen our overall posture going forward as we help the States in this very important mission.

Ladies and gentlemen, we find ourselves at a point in our nation's history where the foreign intelligence threat to the United States is more complex, dynamic, and damaging to our national and economic security than at any other point. The institutions that underpin our democracy and in particular our election systems are in the geopolitical battle space and are in the crosshairs of an expanding array of adversaries that are equipped with a wide range of tools and tactics that are aimed at a large set of targets in the United States, to include election infrastructure, political parties and campaigns, and U.S. public opinion.

Threat actors are operating in the seams of our democratic system, exploiting the gaps, using the tools of traditional espionage,

nontraditional espionage with cyber operations and influence campaigns often in combination to target our very underpinnings of our election system to achieve their aims. We have to continue to think about this threat holistically.

The IC's judgments on this issue are clear. As Director Coats testified to Congress earlier this year, the IC expects that foreign actors will view the 2020 elections as an opportunity to advance their interest. We expect them to refine their capabilities and add new tactics as they learn from each other's experiences and efforts in previous elections.

So, what will this look like in 2020 and beyond? I think it's safe to say it probably will not look like what we saw in 2018 and in 2016. For Russia's part, Russia very likely seeks to exploit social media as a means of influencing the public and almost certainly will continue, as it did in recent elections, to attempt to aggravate social and racial tensions, undermine public trust in our democracy, and criticize candidates with perceived anti-Russian agendas. In what forms might this take? Spreading disinformation online, conducting hack-and-leak operations, manipulating data in a targeted fashion to influence the elections.

China will continue to use its legal, political, and economic levers to influence the United States. China is very -- a very capable cyber actor and is capable of conducting cyber attacks

against systems to sensor viewpoints it deems as politically sensitive and that run counter to China's overall objectives.

Second-tier threats like Iran have used social media campaigns to target audiences in the U.S. and probably will continue to do so in 2020 and beyond.

But it's not just state actors that we're concerned about. Foreign nonstate actors, ideologically motivated entities, cyber criminals, hacktivists, leaktivists now possess sophisticated cyber and surveillance capabilities that previously were only available to countries.

As the range of actors in this battle space expands, so, too, does the potential risk -- risks to our elections. Let me be clear: As we work to make our elections more secure, foreign actors are intent on raising their game to counter all of the initiatives that you are working so hard to put in place to secure the elections. This presents an ever-evolving challenge as we look forward to 2020 and beyond.

Our adversaries are learning and adapting to our security measures. There are more tools today that are available to -- than in previous election cycles that magnify the impact that our adversaries can have on our elections and further obfuscate their activities and the origin of those activities. Nontraditional espionage is one of those means. It's hard to detect and very hard

to counter the use of insiders to gain access to key information or systems.

New sensors and surveillance technology present additional challenges, supply chain operations that are vulnerable to foreign targeting, and indirectly, foreign direct investments, joint ventures, and mergers and acquisitions that enable a foreign adversary to gain access to companies and industries that support the election -- the conduct of elections.

Looking ahead, as machine-learning tools continue to advance, we are very concerned about the use of DeepFace in -- as another tool of influence in the United States to be able -- where a foreign adversary can create false but convincing audio, video, and image files in ways that further their influence aims and obfuscate the origins of those activities.

One of the things that we can bet upon as we look to 2020 and beyond is that the potential for discontinuity is high. Again, 2020 and elections in the future will not look like -- probably will not look like what we saw in 2018 and 2016.

So, if this assessment of the long game is correct and the trends that I've just described are on a path to bearing out over the future, where do we go from here? Partnership is key. No one knows better than the folks in this room what are -- what we're facing in terms of threat activity that is occurring at the State and

local levels but also where the vulnerabilities are the greatest and where the weak points are the greatest. Partnership with government, with the DHS, with the intelligence community is very important to make sure that we are not only addressing and identifying those vulnerabilities together but we're matching it with the full understanding that we have as the government in terms of what we see on the intent and capability of our adversaries to target those vulnerabilities.

Rest assured that our adversaries will find those weak points, and as we shore up one of them, they will find others to achieve their aims. We need to think holistically about the threat and defend holistically against the threat. So, if we just shore up our cybersecurity vulnerabilities without safeguarding against the potential for insider threats or understanding the supply-chain risks, then we are leaving ourselves open to attack by a foreign adversary.

Know who has access to key systems and networks and information in your States. Know who your vendors are and sub-vendors. Know the indicators of potential threat activity. And this is one area where we can work together in greater partnership going forward.

I don't know how many in this room have seen the -- what we call election security information needs that the government has

published shortly before the 2018 midterms. I hope that most of you have seen them and had the opportunity to contribute substantively to those information meetings. If not, we'll take that as a follow-up action because we're trying to do the same for the 2020 elections to make sure that we are articulating what our nation's top priorities are in terms of understanding threat activity not only in terms of what we need to know from you all in terms of this activity or what we can provide insight from threat perspective.

But also, these serve as general indicators of threat activity that we collectively have decided are important from a warning perspective. These are things like attempts to access, alter, or destroy systems used to qualify candidates; produce and deliver ballots; procure, manage, and prepare voting equipment process requests for absentee ballots; and store and manage election administration process and procedure documentation; any unauthorized entry of centralized vote counting, tallying, locations, or electronic systems or networks used by States and localities to count absentee, military, and Election Day voting ballots; disinformation efforts to alter or shut down government websites to foment social unrest or reduce voter turnout to include on social media or other electronic means; any attempts to hack, spearfish, or compromise personal or professional email accounts and social media accounts of election officials, staff, and volunteers. This

gives you a sense of the types -- the range of potential indicators that we are looking at of malicious foreign activity directed against our elections.

It's very important that we agree and come together on what those top indicators are based on the insights we can provide from the intelligence community and the insights you all have in this room about the conduct of elections.

One of the things that we use these forms to do -- and I will tell you the engagements we have had with you all over the past couple of years have helped the intelligence community better understand how elections are actually conducted so that we can refine on our end how we -- the kinds of information we are collecting and disseminating to you so that it's more relevant and more timely going forward. But this is the -- underscores the importance of this continuing dialogue, which we hope to see continue and grow into the future.

So, with that, I'm going to stop there and turn it over to my colleague Spencer to talk a little bit about the legal issues.

MR. FISHER:

Okay. Good morning.

BOARD MEMBERS:

Good morning.

MR. FISHER:

I wanted to start and just say my initial observation of the group. So, you know, we tend in D.C. to go to a lot of panel discussions and forums, and I think what's refreshing here is you guys are actually accomplishing things, so that's, from my perspective, refreshing.

Christy mentioned earlier the Hotel California analogy, and Don didn't get to this part of my biography, but I worked in the voting rights section in the Civil Rights Division for seven years as a trial attorney. For those States I interacted with -- and I recognize some of the names here. I apologize if I've sued you or threatened to sue you.

[Laughter]

MR. FISHER:

It's still my job. But since 2015, I've been in the intelligence community working with folks like Joe and for Director Evanina for the past about year and a half.

But elections is kind of like the Hotel California. I mean, you -- if you gain some experience in this, it can be very useful, and it has been for me. So, I wanted to just mention a few things. I don't have as detailed of comments as Joe does about the threats, but I did want to mention that absolutely the government, the IC, and the counterintelligence community takes this threat extremely seriously

and views national security and election security as deeply intertwined.

And I've been able fortunately to use the experience I've gained working at DOJ and working in the Civil Rights Division and leverage some of that experience. And, as Joe mentioned, we have been, you know, trying to create some education at the Federal level of what happens at the State and local level with regard to elections.

I hope that you -- and Joe has mentioned the engagement over the past couple years -- noticed the uptick in outreach to State, local, tribal, and territorial entities. And, as Joe mentioned, we're increasing our levels of collection and analysis on foreign threats to our elections, and you all play an important role in that.

So, just -- I wanted to I guess maybe -- Joe mentioned the collection emphasis that we put out, so like a show of hands when Joe mentioned that a few minutes ago who has seen that? So, there's your answer. So, I'd say roughly -- I'd say less than half of you raised your hands with regard to that, so that's -- and Joe mentioned that's an action we can take back. I think that is something we would want to take back as we move towards 2020 and come up with new collection emphasis for this community.

So, in the run-up to the 2018 election, the DNI, along with FBI and Justice and DHS, issued warnings on attempts to influence

voter perceptions about the election. And under Executive Order 13848, the DNI was responsible -- well, first, I should mention the President in that Executive Order has declared a national emergency due to the ability of persons located outside the U.S. to interfere and undermine public confidence in our elections. And I think that that's maybe something that in that framework gets overlooked, but I wanted to mention that. I think that's very important that the President has made that determination.

So, the DNI, under the executive order, is responsible for working in consultation with other agencies to provide a report to the president concerning foreign interference in elections, and I worked with that process in the leadup to 2018 and worked on the reporting that took place after the election. So, the DNI provides that information to the President, and that's a mechanism to potentially interpose discretionary sanctions on bad actors, a decision made by the Treasury Department under the EO.

And, as the DNI mentioned, when that report was provided, we have 180 days to provide that report. So, in December 2018 the DNI mentioned that Russia, China, and Iran sought to conduct influence activities during the 2018 election to serve their interests, and I think that that's an important statement from the Director of National Intelligence, and an important point that he made to the President.

So, I just wanted to make a point that the Federal Government is working together. The agency, as I mentioned, in addition to others, in consultation with DHS that plays a very large role here, are working together at the Federal level. And, as lawyers, you know, we are working together as well to represent each one of those agencies. And, as was mentioned earlier, the lawyers are always important in these contexts to get together, and we are working together and I hope reaching out to you all. And I look at this as part of that outreach. So, please, if we do have time for questions, I'm happy to answer any questions you have. Thank you.

MR. WRIGHT:

So, I'll try and be brief so there is time for questions. My name is Chris Wright. I appreciate the intro. You might recognize me from more the intelligence side, so I'm supposed to scare you all and say things are bad. This time I actually get to represent the Department and tell you all the things that we're doing about it and helping in partnership with you, so I'm actually -- it's an honor for me to be able to do that, represent Director Chris Krebs, Matt Masterson, and Geoff Hale, who I think you guys obviously know very well.

So, a few things from that perspective, so the Cybersecurity and Infrastructure Security Agency, previously NPPD but now a full

agency within DHS, is the lead Federal agency responsible for securing our elections. And that's obviously a more -- a growing and maturing group of folks that are working down at the Federal agency level. And having our partners here promoting is great obviously.

Securing election infrastructure and election security more broadly is obviously a national security priority for this administration and for the Department. Similar to the security of any system, it is continually evolving. It's a process that requires constant vigilance even outside of what people think of the traditional election cycle. It requires innovation and adaptation. The systems that compromise our nation's election infrastructure, they're diverse, they're complex, you all know that, as are the measures that are taken to defend them. And we've tried to make those more and more diverse, and you all know that as well.

I can say CISA continues to prioritize elections on a daily basis, again, still outside of, you know, what traditionally is an election cycle. We continue to engage partners, share information on threats and mitigation tactics as we head towards the 2020 election cycle. Our priority first and foremost is to continue to broaden the reach and depth of information-sharing and assistance. You all know that there's been great growth in that -- in that manner since 2016 in particular.

Our primary election security focus in 2018 was at the State and local level, but we are looking to expand how various political campaigns at the national level as they start to pop up throughout the coming months into the 2020 election cycle.

We are currently working with all 50 States and more than 1,500 local jurisdictions, obviously the ones in this room, but others as well, and we are proud of that level of partnership and the partnership that Joe described earlier. But we recognize there's more to do, and so we're certainly not resting on our laurels.

All of the services that the Department provides -- and this is important -- are free, they're voluntary, they're protected, and they're confidential. The free part I think is obviously good. It's a good sales pitch I think. We're going to continue to work with States to ensure information and services are reaching local election officials. That's another priority, particularly in midsized and small localities.

On that front, too, as you know, we've put a priority on trying to expand the number of security clearances to State and local election officials. At the State level, again, we're not resting on our laurels if we can do better, but we're trying to make sure -- we're going to offer more and more at the local level as well to allow more local folks to receive secret clearances and receive classified information, more contacts to what we're talking about today.

In August of 2018 the Department hosted a Tabletop the Vote exercise. It was a first-of-its-kind event. It was designed to assist stakeholders in identifying best practices, improving preparedness response and recovery. Forty-four States, the District of Columbia participated in this virtual event, and we're going to hold a second tabletop exercise with the States on June 18th, 19th, and 20th of this year. You might recall there were certain engagements like ones like the Last Mile poster project, which described infrastructure in States, as well as outreach from the election infrastructure, ISAC. We are hopeful that, through those engagements, that the election sector will remain our fastest-growing sector among all critical infrastructure. It's certainly a point of pride for the Department and your willingness to engage in that. And we'd obviously ask that folks that aren't engaged in the election infrastructure do sign up.

Additionally, we are going to work -- or build on the work that we've done already within the Government Coordinating Council and the Sector Coordinating Council, the GCC and the SCC, to understand the scale and scope and the nature of risk to elections, have more in-depth conversations about some of the harder issues in the sector. So, goals for 2020 include achieving 100 percent auditability by 2020, improving the efficiency and effectiveness of those audits, incentivizing the patching of election systems, as

diverse as they are, and networking with States to develop current and target cybersecurity profiles using the NIST framework, which I think you all are familiar with.

Election officials that we've worked with and talked to recognize the risks. It's obvious that this -- actually, this community's obviously talked about risk far before 2016, right, and planning for that, and that's been I think a really helpful part of growing the relationship with the community. Recognize that the election system risk is not going away, and we're going to adapt and increase our support to that. We're going to continue to work to support State and local officials by regularly sharing threat information, educating funders, State and local appropriators on the election risk environment, and the real need for regular and consistent funding and resource allocation for election offices.

We will continue to focus our increasing -- on increasing the resources available to State and local election officials by engaging at the State, local, and Federal level to advocate on their behalf. We -- like we said before, are continuing to have those conversations about the full nature of risk threats, vulnerabilities facing election infrastructure and would be not only just learning that individually with you but also trying to share that with the broader community.

So, just in closing, I would say our projected 2020 efforts, there's sort of three -- three lines of effort there, preach, plan, and participate. On the preach side, we are talking to a number of folks. It's, you know, get out to your communities, raise awareness on security practices, advocate for broader participation in the election and security communities, planning, know what you are going to do in the run-up to election -- again, I think this is something that this community's already thought about for a long time -- where you're voting, what the registration laws are in your State, how provisional ballots work, and what you need to do and have in place before, on, and after Election Day. And then lastly, participate. And this is not just to this community but just to the American people more broadly, whatever you do, participate in the process, whether it's voting, volunteering, or contributing additional resources. If you're part of that security community, what we are doing is we are trying to push again -- push back against the bad guys. Thanks.

COMMISSIONER PALMER:

So, I think we have time for some questions. If you have a question, just raise your hand, and we'll bring the microphone over to you or you can hit it in front of you.

MR. SHELLMAN:

Hi, Dwight Shellman from Colorado. My question concerns development of election security event response plans. I think

most States and localities have contingency plans for what either State or local officials do if particular things happen, but obviously, in recent years this has taken on a much more national perspective. And I'm wondering about your efforts on the Federal level like if the weirdest thing happens that none of us know about and the State responds, it seems to me that the Federal agencies and partners would want to know about that and be included in that response, although it needs to happen very quickly probably. And we're just beginning to think our way through this, and I'm wondering if you all can provide any guidance on that and if there are specific people in specific agencies that we should try to move in as we develop those type of probably mostly cybersecurity contingency plans.

Thank you.

MR. WRIGHT:

Yes, so I don't want to get too specific because I'll probably say something wrong, so I don't want to do that, but we've I know have made a ton of progress in terms of sort of identifying information flows, whether it's, you know, sort of on Election Day where temporally that's, you know, more important or whether it's five months before. So -- so in terms of the ISAC, the use of them to report any incidents is a way in which it sort of gets into the team environment, right? So, one thing that we generally try to propagate is that a call to one is a call to all.

And so with the election infrastructure, ISAC, that type of reporting can get to the -- to the Department, it would get to the FBI, it would get to -- if it's -- if it really is -- does rise to the level of a national issue, it would get to my partners within the intel community. So, I think what I would say is that reporting structure is probably your most sort of time-sensitive one if you attempt to get something to us.

On Election Day, I would say we still have some progress, but this last Election Day we had representatives across the board, whether it was social media companies, NASS, NASED, others, and I don't want to be exhaustive because I'll miss some, but within sort of this election center on election night, right? And that was located at the NCCIC, the National Cybersecurity and Communications Integration Center within the Department, and that -- that actually allowed for us -- the information to flow and to pass to the right people at the right time. And so that is something that we're definitely going to repeat in 2020 to allow for that information flow to happen quicker.

On specifics, though, I will take that back to my brethren and make sure that they engage with you, and to the extent that information flows need to be updated, they absolutely will do that make those things more efficient and effective.

MR. MOROSCO:

You know, and I would just add to that I think the -- we are getting much better as a community at the national level in terms of being able to coordinate across all of the different agencies that might have information that could have some bearing on the incident. And I'll tell you the communication flows, as Chris mentioned, are better. We're defining what those channels are. But it's also the coordination of the message at the Federal level, too, that has to be done in a way that takes into account this partnership with States. Being able to very quickly scan our holdings in the intelligence community to look for potential indicators of foreign activity that could be -- that might need to be communicated in any response, you know, plan going forward. But to be able to do that, shrink the timelines as much as we can.

Some of this, especially on the cyber side, is very difficult based on some of the trends, the ability for these actors to obfuscate their activities and the origins of their activities. But making sure that, again, we all know what the top information needs are so that, in the event of an incident, we are shrinking those timelines as much as we can but then also making sure we're working together to ensure consistency of the message and make sure that those on the ground at the Federal level, FBI, DHS, are getting that information as you would see it occurring in your States and localities.

In some ways, we're just building these pipes to make sure that on these sets of issues we have that information flow and back into the Federal level and then back out to the States. So, I think we're in a far better spot than we were in 2016.

MR. FISHER:

And I'll just make a point about just building off of what Joe just said about the -- kind of the legal structure that the intelligence community is in is that you mentioned an incident but you didn't distinguish between a domestic incident versus an incident that's based on the activities of a foreign actor. The IC would be concerned about -- and, as Joe has talked about today about the threat, the activities of foreign actors, whereas the FBI, domestic law enforcement would be addressing any other kind of an incident that takes place. So, that's up to -- that's up to the lawyers, again, and at the Federal level to work on those issues and determine the authorities and the mission space where a certain activity might fall in. But just so that -- just for the situational awareness, the intelligence community would be focused on activities of a foreign actor versus any kind of a domestic incident that might take place at a point and place or otherwise.

MR. WRIGHT:

And not to beat the question but I -- just one last thing I wanted to add maybe on the classified side. So, this is something

that we increasingly used in the run to 2018 was the use of network of fusion centers, and I think many folks found those to be valuable. They're places in which the pipes are already laid for some secret-level conversations, have the video teleconferences. That's definitely something we want to continue to do, continue to use on a periodic basis but also in the event of, you know, a specific incident, we can also use those. So, I would recommend not only sort of, hey, get this to the national level, but you do have a presence out in your State and local areas that you have a face you can place that says, hey, I'm representing the Department out here. We can -- we can help.

MR. LUX:

Hi. Paul Lux from Okaloosa County, Florida. And I'm, number one, glad to hear that this stuff we're reporting to MS-ISAC is getting bubbled up if you will to the right agencies because I think that's important. I did have a -- more of a comment I guess particularly about your answer to the last question as it relates to the FBI versus domestic. So, I was in a conversation with an FBI agent at one of our conferences that talked about some of our systems that were compromised, just, you know, standard of employees doing things they shouldn't be kind of compromised. Luckily for us, they were boxes that were in the process of being replaced. Anyway, so we literally were able to just simply pull the

systems offline and stick them on a shelf, sent the hard drives off to the FBI for them to analyze and, you know, eventually got them back, but I'm not sure -- you know, it sort of makes me wonder if they're only looking at it from a domestic perspective if any of that information would have made it up to you guys.

And then just another comment, the online war room this last time, although I couldn't spend Election Day in there, the pre-Election Day during early voting when I had a little time to sit and follow what was going on in other States was absolutely -- was absolutely fabulous, and I hope we keep -- get -- get to keep doing that as well. Thanks.

MR. FISHER:

Yes, I guess since I broached the subject, yes, I think your question is well-founded given my sentiment. I think it's -- the communication is -- takes place with the FBI and obviously a piece that the FBI serves with the -- in the IC. So, we -- the communication does take place at the Federal level, and that's kind up to us to determine the domestic versus traditional foreign actor divide, and that's where the lawyers get together and talk about the authorities and the mission of different pieces of the Federal Government. But yes, I can tell you that the FBI's information in that case, if there's a concern with foreign activity, it would get to the intelligence community and the reporting would be provided.

MR. MOROSCO:

I would just add regarding the information needs, it's why they're so critical so that we're never in a position of not ever having articulated what's important for our community. And I include all of you in that -- in that description of our community because I think there are -- you know, as many instances where the threat is targeting the United States, there are vast amounts of data that have to be sifted through. And being very clear and very specific about what our national requirements are helps the process and especially if we at the ODNI level can shine a national-level spotlight on it, it allows the FBI and other intel organizations to prioritize certain activities to make sure that that information is getting to the top of the queue as quickly as possible, and so, again, another reason why we need to be working together to make sure that we're crafting these requirements as clearly as we -- and specifically as we can.

MR. WRIGHT:

And I'll just add one thing, and I won't get to bureaucratic insight about -- it's -- they're -- the intel community is a pretty vast array of agencies with different authorities, different things they work on, so Joe and Spencer, what they're talking about is mostly the traditional IC is focused on foreign actors, and that's because their authorities are there.

The Department, FBI, we are also concerned with domestic actors that are conducting criminal activity or threats to the election structure. So, the gist, though, is the information does get to the proper folks. We do do a check to see if any of that activity can be attributed to Russia, China. But if it's -- if it's an activity that represents a threat to the elections, we still care about it regardless, agnostic of the actor.

COMMISSIONER PALMER:

Do you have another question? Go ahead.

MR. CHAPIN:

Yes, Doug Chapin from the Fors Marsh Group and the University of Minnesota. Two quick questions. One, could we get some more details on the June tabletop exercise? And second, do you have any updated stats on the reach of the various mailing lists that the ISACs are using to reach different communities in the field?

MR. WRIGHT:

Can you ask that second question one last time?

MR. CHAPIN:

My understanding is that there are several mailing lists that are in use to connect different parts of the community, and I know that one of the goals for this year is to up those numbers. Any sense on how well you all are doing in reaching folks and getting them signed up for those lists?

MR. WRIGHT:

Yes, I think I'm going to give you a sort of not good answer, especially because I don't think I have the details on me right now, but particularly for the second one. And then for the tabletop exercise, I -- beyond the dates, I'm not sure any more details that I can provide, but we'll make sure that that gets passed. I mean, the -- the thought process is to try to be as expansive as possible and inclusive with as many election officials as possible, in particular because it's a virtual event. That allows us to be scalable for State and local election officials.

COMMISSIONER PALMER:

Well, I'd like to thank you for your presentation. It was very insightful. And just a reminder that when we had a briefing in D.C., there was a briefing earlier this year, and it was expressed to us that literally there's hundreds of thousands of people that are dedicated to protecting elections in this country, and that's where a lot of this intelligence analysis is coming. So, they are working for you, and we're really happy that you were able to come today to provide a briefing on this, and we really appreciate it.

And with that, I'd like to -- the Standards Board members, we're now scheduled for a 15-minute break just in time for the ducks I think, but there are some refreshments and beverages available in the ballroom. Please return to your seats in 15 minutes

-- how does that sound -- for our next presentation, which will be an update on EAC's work. Thank you very much. Thank you.

[Applause]

[The Board recessed at 10:36 a.m. and reconvened at 11:06 a.m.]

CHAIRMAN RIDDLEMOSER:

If the Standards Board members would take their seats, please. Just when you think you have everything worked out, you realize that you forgot to make some very important announcements, one of which is when you're speaking into the microphones, do not move that little satellite thing. Just push the right-hand button. It'll light up. They're very sensitive microphones, but speak towards it and loudly, and when you're done asking your question, if you would deselect the microphone so that we don't get into a ringing of having several microphones hot at the same time.

It gives me great pleasure to announce lunch, although you have to wait an hour to do it. It is buffet style, and we ask several things of you. One is that you don't skip lunch to do work because there is a guest speaker. There's also a panel and a lot of preparation has gone on amongst the EAC staff and of course those folks in the kitchen, so please don't skip lunch. Please be on time.

And anything that you really, really, really need to remember is your chance of infamy of being a member of the 2019 Standards Board is the group photo. So, immediately after lunch the group photo wranglers will wrangle, much like the marching of the ducks, and we will assemble 110 of us into close proximity and some very talented photographers -- there's only one -- will take some world-class photos, which will, as soon as Brenda can get it together, will be up on the website. So, it's fun to send in your Christmas letter. Make sure your mom knows that you're on the Standards Board, you know some of those kind of things.

So, with no further ado, DFO Palmer.

COMMISSIONER PALMER:

Welcome back. Our next speaker probably doesn't need an introduction but I'll give one anyway because it gives me a chance to thank him for his leadership and contributions to the EAC.

Brian Newby is the EAC's Executive Director, a post he's held since 2015, and I think we can all agree that the election landscape has changed dramatically since then, including the environment. Brian leads the EAC's team in navigating those changes and in the day-to-day work of making sure that election officials have the tools and information they need to help America vote. Brian is here today to give an update on the EAC's activities since our last meeting and preview a bit of what lies ahead for the

Commission as we enter into a vital phase of the development of the VVSG 2.0 and enter into the 2020 election.

Folks, I don't need to tell you that the presidential preference primaries start in February, so thank you.

With that, Brian, go ahead.

MR. NEWBY:

Thank you. I didn't want to compete with the ducks. I think rule number one in show business is never follow live animals.

[Laughter]

MR. NEWBY:

Then I end up following a standup comedian in Greg Riddlemoser, so now I've done -- I've followed two things.

What I want to do today is go over many of the items that are in your annual report. So, the annual report is a document that was part of the packet you have. We're very proud of what we've accomplished in the last year and also proud of that annual report. That document is very nice. Thanks to the government shutdown, we were able to add a little bit of things that happened in January. Typically, that report is due to Congress at the end of January. We were not open technically for the month of January, proving that we can do 12 months of work in 11 months. That's what we're going to do this year. And so I want to get to a few things on that.

First of all, though, this is kind of the outline of the -- if you really want to pore through the annual report, these are a lot of the things it covers. I'm not going to follow this the whole way. I'm going to kind of bounce around a little bit, hit some of the highlights. But it does cover a lot of what we've accomplished and worked on in the past year.

One of the things the Commissioners did when we had a quorum last, right before we didn't have a quorum actually, was they agreed upon a mission statement. And this is the very first thing in the annual report, and I think it's important to play up here a little bit because it talks about -- I mean, and it's a very short mission statement, but it really ties to the Help America Vote Act, it ties to HAVA, and ties to the two things that we do. So, we focus a lot on helping election administrators, and that tends to be obviously the discussion we have in this room, but we really are responsible for doing what we can to help voters vote.

And yesterday, during the public hearing on VVSG if you watched it, Mark Goins from Tennessee said something that was really refreshing because I think the farther you get away from voters basically -- I was a local election official for 11 years. You get farther and farther away, and by the time you get to D.C., voters are really just a concept it seems like. And Mark yesterday said everything we're doing is -- we're doing for the voter. And it's just --

obviously all of you know that, all of you think that every day, but it's just -- that's a phrase I haven't heard in D.C. very much, and so it's just very nice I heard it yesterday. And it reminds us at the EAC that's what we do.

One of the -- actually, the most visited page, a section on our website is the voter registration page, so the links to your voter registration form either through online registration to your State itself or to the Federal form. And this past year we updated I think State-specific instructions to about 10 States. David Kuennen in our office does a really good job with that. I'd ask you, as we look and we had -- focus into 2019 -- I mean, into 2020, take a look at those State-specific instructions, compare them to your State laws and your State forms. And what we'd like to do is get into a process where we provide those updates, kind of cluster them together because we put them in so many different languages. We actually just added a few more. So, if you would look at it just to make sure that it's correct, and then if not, let us know changes. And we'd like to kind of bundle them and get them in play and everything ready to go by January 1, 2020, in theory. So, just look at it. If you can't -- if you notice something or something came up in your legislature that required you to do it after then, that's fine, too, but this is just a good check to look at that is what I'd like to bring up.

Number one thing I think that we were in the news for in the last couple months -- and I was really happy the four Commissioners were able to first take the stage together at the Election Center JEOLC conference in January. We technically were shut down as a government, but -- and so none of -- the two new ones had not been sworn in yet, the two existing weren't getting paid to be there, but they were able to be there altogether, and that was our very first time we were there. And you'll see in the annual report the four Commissioners was the big news of the day. We wouldn't have been able to put that in had we not had the government shutdown.

And I want to just point out two things. Look at the smiling faces on the right-hand side --

[Laughter]

MR. NEWBY:

-- compared to the left-hand side, so, you know, just -- you can see, they don't know yet what they don't know.

[Laughter]

MR. NEWBY:

On the left-hand side, those are the only two two-time Chairpersons for the EAC right there. And I think -- yes, I think that would be a very big applause.

[Applause]

MR. NEWBY:

We talk about -- you've heard this phrase of a reconstituted EAC, and think about what that means because the Standards Board took a hiatus. The Board of Advisors took a hiatus. TGDC, same thing. And so when Christy McCormick became Chair, that inertia to get that all started again, that was a very heavy lift. And then for Tom Hicks to be Chair in 2016 at that time and being our primary spokesperson during a presidential election and then all of a sudden to have all the foreign interference stuff come up, that -- that was a huge thing. That was a big moment and a very hard year, and he -- I think you did a great job. Both Commissioners I think we've really benefited from their leadership and the very fact that they've both been Chair twice is just amazing, so just wanted to start with that.

One of the things lately we've been hearing is it's very -- been very nice. We know that in the past there have been people who are not fans of the EAC. In fact, we've had a particular Member of Congress who actually invited over members of our -- all of our Commissioners to say, hey, nothing personal, but I'm going to try and eliminate your agency. So, to hear now people who might have had that same view and now talking about how good the agency is, it's very gratifying.

Personally, when I came to the EAC, it was three years ago, and if I -- I used to write a blog and I -- I even talked back in 2012 I felt that I -- I didn't really feel the EAC spoke to me as an election official. And one of the things I really wanted to do was come to the EAC and make it real. And I'm very proud; I think we have done that. And it's very, as I said, gratifying to hear individuals like Senator Roy Blunt who said at a hearing that I now believe the EAC has found its mission, and I really wasn't a strong believer in the EAC but now I am. And we heard that a lot from Members of Congress. Also, we heard the same thing from the Ranking Member of the Senate Rules Committee, Amy Klobuchar, who said -- and I think we saw her actions produce that. She said we need a fully functioning Commission to be successful.

One of the things, though, to get back to what -- I'm sorry. I went a little too crazy here. One of the things that's Senator Blunt also said is I've come to this feeling over the last year or so. And over the last year or so is -- it was a very touchy thing because we didn't have a quorum over the last year or so. So, if he is now a believer in the EAC, I'm going to choose to take that, as you might as well if you were in my shoes. I think that is a validation of the good work our staff is done. Many of them are in this room.

And, you know, I want to first point out that Commissioner Hicks earlier today said he was in 23 States last year. Well, our

staff has been in 23 States or more just this week. They've been in a state of chaos, state of denial, state of confusion --

[Laughter]

MR. NEWBY:

-- state of accomplishment. And I wanted to read off the people who are here because I just want you to see who's here. So, Mark Abbott, Bert Benavides, Henry Botchway, Mona Harrington, Shirley Hines, David Kuennen, Natalie Longwell, Jerome Lovato, Ryan Macias, Robin Sargent, Bob Sweeney, Brenda Soder, Steve Euwick, and Nichelle Williams. And just thank you for -- if you want to stand for me.

[Applause]

MR. NEWBY:

I wanted to stop for a minute, though, and say something about Shirley Hines. I -- first time I ever went to the EAC, I was part of a social media roundtable in 2011, June 17, 2011, actually, and I did what many of you might do when you go to the EAC. You take a photo. I was excited, here's the EAC. I actually -- I forgot that I had this picture. I didn't remember Shirley being in that photo. I just -- you know, I was looking at it one day and I went, oh, there's Shirley. Shirley Hines was the very first person who greeted me the very first time I went to the EAC. And then a few years later when I started as Executive Director, I came in the very first day

and you have to call down, and I would -- argued with Commissioner McCormick this -- you've seen the security at our building. I have to believe that perhaps the original Declaration of Independence is actually in our building because the security that they used it to protect it. And Shirley Hines was the person who came to greet me then.

And I tell you that story and tell you another story. I was with my wife and my daughter at the Apple Store in Bethesda one day and they said, oh, wait, can we have your attention, and they stopped. And they said we have a tradition here at this store. Every time we have a new employee, we clap them in and we have a person who's going to be leaving to go do something else, and we clap them out. And that was kind of a cool thing.

We've kind of try to do that at the EAC since then. I've stolen that idea. We don't quite know the day but we know that Shirley is going to retire. Probably this is her last Standards Board meeting. She works tirelessly. She -- if you have been here for a while, you know how hard she works, and I would appreciate it if you would join me and clapping her out of EAC.

[Applause]

MR. NEWBY:

Thank you. Thank you, Shirley.

I wanted to go over a couple things related to something that was mentioned with the Commissioners earlier, and that was really related to the State with having four Commissioners and what that might mean to our budget in general. We had a very good meeting, we thought, with some appropriation staffers a few days ago. And I'm not in any way -- I think, as Cliff Tatum pointed out, there's certain rules related to just how we would discuss funding and that sort of thing. And I wouldn't really want you in any way to do anything necessarily on our behalf, but I think it's just good for you as Standards Board members to know kind of the state of things.

And if you look at this graph here, you'll see the way our budget has gone quite a bit from 2010, which was the last time we had four members of the Commission, to now, so really from about that number, 79 to 92. And that's been pretty rough related to our agency in general, and just our staffing numbers as well. So, this is how many people we had. I think it was 49 back in 2010, and we're now down to 22 this year. So, it just gives you a sense of what we've trying to do with some numbers that are lower. And I think it's just good for you to see that -- even how it breaks down to different things related to HAVA.

We have one member of our General Counsel, so we have one attorney who, you know, I don't know, maybe six was kind of crazy back then, but that's D.C. I guess. But anyway, one is also

equally crazy. But you see how some of the numbers have changed, and this is some of the story we were trying to present to the members of the Appropriations Committees because we really think there's a lot of expectations that have happened since 2010. I mean, the world is much different 2010 to 2020, and we are -- if anything, there's more expectations on the EAC. We're kind of at half the resources that we had there.

And one last slide to give you a sense just of where we are and where some of that money goes because some of you -- even the -- the budget that exists there may sound like it's pretty big, but actually much of it I would refer to as needed to keep the lights on.

So, we have a relationship with NIST, and so, of that, immediately \$1.25 million comes off that to go to NIST and fund their activities. And that's actually dropped. They've seen a \$250,000 drop this fiscal year. The Inspector General has about \$1 million, so there will be an Inspector General and a deputy and then the audits, all the grants that have just gone out, the \$380 million, the expectation by the auditor -- I mean, by the Inspectors General, there will be audits in all States related to how that money was spent. And so they're going to be more expensive because cyber is a big piece of that now, and that -- it's going to -- that's going to cause a greater piece of expertise.

Then what I did is I listed out Commissioners, and that's really their -- you know, these are loaded labor rates, as well as travel and some of their expenses, and then statutory positions of Executive Director, General Counsel, and CIO. And then the cost -- really, the meetings for the -- all these Advisory Board meetings, the travel costs, we have to outsource a lot of things to basically our financial services. We have -- I put in our baseline of costs related to testing and certification, but I didn't put in hardly anything else. I put in EAVS, what we have to spend as we outsource some of that, but I didn't put any of our staff. I put one number that looks kind of small there, GSA IT, but that's because we rely on GSA for IT, and we're going to find that that number is going to go up quite a bit as well.

So, this \$2.8 million, that is everything else. That's half the people I just introduced a little while ago, that's any program we do, that's any event we try and take on, the language -- some -- some of the programs that I'm going to show you, that's all out of that. And so all what we're trying to do is there's a baseline cost just to be an agency, and then we have to use our resources very wisely because that number is becoming smaller and smaller.

One of the things that you'll hear about the EAC, which I think is a compliment, is that we are nimble. And I do think we have fewer layers of decision-making, and I think we can be fast in

decisions, but we aren't nimble in terms of resources because if we make a false move in -- with our resources, you know, we don't -- we -- we can't make up for a mistake, let's put it that way. So, we're just very careful about our dollars. So, I just wanted to give you that overview a little bit just so you know a little bit what our world was I guess. That was all.

But it leads to the things that we want to do as an agency and this wheel. We've not really reinvent the wheel; we've tried to just capture it. And what we try to do is identify all the things around and put them in some order actually. We first did an earlier version you may have seen where we just kind of put some out there. We try to put a color coding into particular order of this wheel.

But the idea -- and I would say from my previous job, I -- if I -- if a peer of mine in a county had a bad day, there was a pothole, director of, you know, public works had a pothole. If I had a bad day, I was on CNN. In fact, there was a year in '14 where CNN was at our office the entire day, as they were in some of yours. They were kind of doing an in-the-field moment. There were going to spend the whole day with election officials and just -- we had a tight Senate race that year. And the reporter was like, well, what I really like is when you bring back those results, we're hoping like there'll be a car that'll like to be in a wreck or something and we can just --

we can -- that'll be great. You know, and that's -- that was their mindset, and I was -- that was very frightening because that's of course not what we want.

But behind each of these slivers is usually some other resource so, for instance, security behind that sliver -- a partial piece behind that sliver would be DHS to help us. Behind postal issues we've been working a lot with the Postal Service, and there's other resources. And so some of these have Federal agencies that might help us behind the slivers. Other areas I think from an agency standpoint we could do better because I think they're just -- you know, there's just things we need to do.

As an example, one thing we have listed here is file maintenance, and the reason I have that is because I know firsthand what it's like to deal with the census. And we're not that far away from that, and I know that really your 2022 is going to be a really tough election because of that. And so for us trying to identify how we can start doing programs in all these areas of the wheel is very important to us. And that got us into a need for discussion about greater resources.

So, as I kind of joked about 12 months in 11 months' work, but one thing now with four Commissioners is we're really not having a shortage of ideas. We've got a lot of creative things that people want to do. It's really trying to make sure we can get

through our board meetings here this month and go out and execute against those ideas, so that's really our big focus right now.

We did have a focus in '18 called Countdown '18. That was our hashtag. But the coolest thing about this slide is just to point out Mr. HAVA himself, the Dean of HAVA Steny Hoyer came. He came to our office. He also came with Jamie Raskin, who is a Member of Congress, and he's the Member of Congress representing the area where the EAC is right now in Silver Spring. And I don't think -- I don't know when the last time is we had Members of Congress come and visit the EAC, but I don't think it had ever happened in the Silver Spring location. It might have happened when we were at the New York Avenue area.

So, that's really cool, and for another reason, because it speaks to what I think should be our focus at the EAC. Chris Thomas, who was Director of Elections in many -- in Michigan sent me an email right after I was appointed and said, you know, the biggest advice I can give you is stay within the constraints of HAVA. A Federal agency often tries to veer outside that and you get scope creep. And his advice was don't do that basically. Don't allow -- don't -- you know, stick to HAVA.

And if you remember -- some of you may -- this was my more primitive slide I had back in 2016 where I spoke to that and I said use HAVA as our guide and we wanted to go deeper not

wider. And the wheel is really trying to show that we want to go deeper. We want to go deeper into the things that HAVA tells us we should do. There's a lot of pressure to have us expand and do other things, and that -- there are agencies that can help us provide support in those areas of that wheel, but we want to make sure that we're focused on what HAVA says and we're doing the things that HAVA expected the EAC to do.

It made me think, though, how many of you, for the Standards Board, this is either your first or second Standards Board meeting?

So, it's a little -- about half. I would have expected maybe two-thirds, but I know from -- I use to work at Sprint, and back in the -- back in the old days, kids, they used to have a thing that they delivered to your home once a year and it had the names of everybody in it. It was called a phonebook.

[Laughter]

MR. NEWBY:

And we used to say that the ads moves and changes were about one-third a year, so the phonebook turned over every three years. And of course on your list maintenance activities, you see that's kind of almost true as well. And so I figured there'd be about that same with the Standards Board.

So, I thought it'd be good to point out the rules in HAVA at a very high level of the different advisory committees, so the ones I have listed here, Technical Guidelines Development Committee, the big thing there is the development committee shall assist the Executive Director of the Commission on the development of the Voluntary Voting System Guidelines. That's the primary purpose of TGDC. And we'll hear more about VVSG this afternoon.

And then the two other boards, Standards Board, Board of Advisors, this is something that's related to both. In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Board of Advisors on the Standards Board.

Last year, I was in Las Vegas on the first day of summer, and I can only imagine what the last day of summer was because I think my eyeballs were popping. It was like 120 degrees. And Joe Gloria mentioned, the Standards Board member, that it'd be great if the committees and the Standards Board committees could get more involved in things in general. And I think that is what HAVA envisions as a way for the Standards Board to have a more active role in advising the Executive Director and staff on activities.

Some of those committees have been a little more active maybe. We've tried to really use the EAVS Committee to talk about

the survey because we -- basically just because of Joe's comment, we kind of made a special point of thinking about it in that way. But we're going to talk about the committees. You'll break out into your committees tomorrow. I think the more we can work with those committees and use -- use you in ways that can assist us develop programs that are effective, getting back to the make-it-real would be very good. So, I just wanted to give you that background.

One of the other things is that a little bit within HAVA but really started to stretch out HAVA -- we wanted to get it done but we wanted to be careful not to overreach -- was the -- the Government Coordinating Council with the whole critical infrastructure process with DHS. So, when this became evident that this was happening, so critical infrastructure happened in January of 2017 and we know that we all have elections all the time, so it's not like we knew that the next election was '18, but we were realizing that's the Federal election, we had a staff -- you know, just different discussions in my office, and we wrote on a whiteboard, "showtime, January 1, 2018." And we really felt that if the GCC was going to be, formed it was going to be because the EAC pushed it. And we started talking about a working group, and we wanted it defined very much in a structure.

So, while this was the culmination of that, that was great, and this is -- just gives you a sense of different people on it. I

wanted to show you even further the different pieces of what the GCC looks like. And this is the Executive Committee, and there is a member of the EAC on the Executive Committee, as well as NASED, an election official from NASED, as well as Secretary of State, the Chair -- or President of NASS, someone from the -- basically representing locals, and then obviously DHS.

But more importantly I guess looking at it was how we went about trying to identify the members, and we worked with the Chairs, the Standards Board, the Board of Advisors, TGDC. We wanted to structure so that, as this -- if the working group we created would become the GCC, that -- that there would be some permanent representation from EAC committees on that board. And we were very happy that that's how it worked out.

So, I will be posting the slides just to give you a sense of the different structure and how it was done, and this was a very big accomplishment for the EAC, technically, the first month of the fiscal year of '18, so when we're talking about the '18, that's why we were -- we included this.

In calendar year '18 we started -- we kicked off the year with a big election gathering I guess is the best way to say it. We had a big summit. Many of you were involved, and it was very successful. We bookended it with something at the end of October getting -- actually, beginning of October -- it was beginning of October,

getting ready for the President -- or getting ready for the congressional election in 2018. And I mentioned earlier Senators Blunt and Klobuchar, but they were both at that -- both at that gathering, which was just amazing. Again, it was great to have Members of Congress come and visit us at our office, and it's definitely fantastic to have and see Senators come to an event we're having. It just shows how much the EAC has gone from where we were in 2010 back up to much more prominence, so that's really great.

So, one of the things we also did -- and we started the meeting here yesterday with a hearing. Last year, we couldn't do a hearing because we didn't have a quorum. We started with a public forum, and it was right after we had been notified we would have the \$380 million to distribute. And so we've got a lot of good coverage on that. When I say we've gotten a lot, we try to push for coverage, but the only reason the media cares, of course, is because of all the great work you're doing. So, this is a big headline, and we just had another push in the last week. You may have seen some more articles about it.

And so I wanted to give you an update on some of where that is, so, first of all, here's kind of the map that broke out. You know, as I've said before, the more green you see, the more green you got. And how it's all distributed, something I know you've seen

many times, but then we also have the slide that showed previously how the States were planning to use the funds. And then when we gave our update. We showed that, you know, not a lot really had been used yet, but that was understandable because it was heading into 2018, but about \$30 million. And actually some of the money even earned some interest, so about \$800,000 in interest. And then this is how the funds had been distributed since.

And I started looking at that, and I think we missed a big point, so I want to go back to it. So, you see that the plan was to spend about 36 percent and 27 percent, cybersecurity and voting equipment. And yet with the early money you spent 58 to 33. So, previously, the plan was to spend about 36 on cybersecurity. The question might be, well, not much money has been spent, but the real answer is, well, 58 percent of it has been -- that we have spent, has been on cybersecurity. And you are planning to spend 24 percent on voting equipment, but then what's been spent, 33 percent has been spent on voting equipment. So, you've actually -- in the two categories that a lot of people are talking about, you've spent more so far than you were intending to spend. Now, I get that there might be an average. I understand, you know, this is a long game, five years and all that, but that is -- that is something that I don't think we brought out as much in the media in the last couple weeks that we could have. And so I wanted to let you know

that, too, that you actually have been investing in the things that they're asking about.

We have a couple case studies in the annual report, Iowa, Rhode Island, just two States, examples of what has been done with this money. In fact, Rhode Island is purchasing a system that provides real-time analysis of security threats, sending these alerts. There's a lot of creative things if you look at all -- what all the States are doing.

In that forum that we had, we wanted to have exposure for all -- basically for locals. I have my bias, of course, related to being a local election official, and I do think that that is where a lot of the cybersecurity discussion needs to occur is with local election officials. And so we had four here who were just awesome and great representatives of local election community who spoke at that hearing.

One other thing we did is we created a video that was really a simplistic video and intended to be that way. But I was surprised when the whole foreign interference thing came about in '16 that the EAC hadn't produced materials to explain how elections work. I mean, we all know that they're not -- it's not one system, that there's a series of little systems and it's kind of a patchwork, and I was just really surprised that that didn't -- there was nothing that showed that.

And so this was intended to be a video, and it came with a leaders guide that if you are going to speak at a Kiwanis club, if you were going to speak at a Rotary club, you could kick off and say, hey, I know there's a lot of discussion about what we're doing related to security. I'm going to show you a video. Some of it doesn't apply to us; some of it does. I'll explain what doesn't, and then we'll talk about the specific things that you really there to talk about like advanced voting and registration deadlines and all that kind of stuff.

And I believe -- let's see. So, Rhode Island, Florida, Iowa, California, I think those are the four States that actually customized the video for themselves afterwards. So, it's something that we wanted to have that you could just show and use to these kind of community groups. And it just demonstrates all the security things you do that we thought that basically the public didn't know.

Getting into other things related to '18, many of us at the EAC went to -- around the country on Election Day, election night, or during the election process, so I believe that of the 23 States that Commissioner Hicks went to, probably half were just in the early voting or even at the postelection audit process afterwards. So, this just gives you a view of where we were for election week in the annual report.

And then I wanted to spin to that, just testing and certification, give you just the sense of the numbers. We had a meeting with manufacturers and with labs last week, and they said, hey, we're expecting to be -- the labs said we're expecting to be -- putting five systems per manufacturer through certification process this coming year, which, you know, is about 30 or so, which is still quite a bit. But we did certify 55 systems or modifications to a voting system from seven different vendors last year. We tested -- actually, overall, we tested and certified 13 last year. So, if they're thinking that we might go to 30 in the next year, that's quite a bit. But 13 last year, we've already done two this year and we have four that are in process and waiting.

We did have our longtime Testing and Certification Director Brian Hancock retire, and it was very nice. I called -- I was aware of something called a NASS Medallion, which is about the greatest thing you can get, award in the election industry. I called and checked with Leslie Reynolds at the National Association of Secretaries of State. She couldn't say -- she couldn't get it to us fast enough I guess, and it was very nice. And by "couldn't get it to us fast enough," I also mean that literally because we're going to have to mail it to Brian. So, we actually read to him what it said, and it was very touching at his retirement party.

But anyway, we have this medallion. And I think it's just -- it's -- you know, that in and of itself shows the great work that he was doing and the EAC is doing for NASS to have given us -- given an employee that medallion, which is just a great, great, great honor.

The other thing that the Testing and Certification group has done has been delivering training -- what's called election official as IT manager. And in 2018 they delivered that training 11 places, about 600 election officials. And here are the States. There's our own Ryan Macias featured in NPR giving the presentation, and we have a couple States that I know Ryan is working with right now to deliver that in the next month or two, so that's still continuing.

And then one last thing related to testing and certification, only because -- well, let me -- I'm sorry. I skipped a slide. Not to be outdone, let's stick with this theme first, Jerome Lovato has gone to many States and worked with States on post-election audits. Jerome came from Colorado. Jerome understands risk-limiting audits frontwards and backwards, and he's been a great resource to help explain that to other States, and I anticipate that he will be doing that a lot more in 2019.

The slide that I thought I was going to go to is related to VVSG 2.0, and we're going to have the entire afternoon talking about the requirements for 2.0, but, as I've looked back, I just

wanted to make sure people understood kind of -- one of the things I -- when I heard a 2.0 is why is it 2.0 because we have two other versions?

So, when the VVSG was going to be moved from the FEC to the EAC and there was going to be a version, there was a fast deadline that needed to be met in order to get those requirements out. And so that became VVSG 1.0 with the idea that the process needed to change kind of in a revolutionary way. And that would have been 2.0. And then there was a process at that point to begin getting comments, developing requirements, and then kind of the scratch on the record player where we didn't have a quorum stopped that process. So, the -- when the Commissioners came back in 2015, they voted on those requirements as 1.1 just to -- just have updates, and now we're on track now for the more revolutionary 2.0 process. And this is what Ryan and Jerome and Mary Brady from NIST and others will go through in detail this afternoon, will go through all the requirements.

This is kind of where we are right now, and one last slide on this that shows that we presented this last year to the Standards Board, Board of Advisors. Both recommended that the VVSG be adopted. Both raised the concern about what to do if there was no quorum. That was part of the resolution. In the Board of Advisors they also had a couple other resolutions related to accessibility and

auditability, and so those were all at this point considered to be comments that will be considered by the Commissioners.

And now we've -- first -- the first order of business by the Commissioners was to put out the VVSG for public comment, unanimously putting it out in mid-February once we had the quorum and we were back open for business when the government shutdown had not been shut down anymore. And we're now -- we had our first hearing yesterday, public hearing, and we anticipate having two more within the next seven weeks.

One thing that I know that some of you talk a lot about but others may not, I know the State Election Directors, you're very familiar with the Election Administration Voting Survey, and that's because you've just been working on it quite a bit. And we had a working group yesterday to discuss kind of what to do with changes going forward. I wanted to point out two things related to -- related to EAVS basically. One is, last year, we spent a lot of time on things called EAVS deep dives, and they were little -- little publications that would kind of go into a particular issue on what some of the data meant.

And we -- I met with John Sarbanes from the House, and I kind of fan-girled on him. I went, hey, you know, I live in your district, I'd like to come meet you and maybe you might want to talk about, you know, election stuff. I can tell you what's going on in the

EAC. And I really kind of expected to meet with the staff, and instead, he actually came in, and that was cool, and we met with him. And he -- I've never seen a Member of Congress actually open up the EAVS and start going through it. He'd obviously looked at it before. He'd read through it a little bit. He was very intrigued with the EAVS deep dives. So, that was -- that was just a very cool moment to see that the work is being read by somebody, unbeknownst to me, who then introduced some major legislation about eight months later.

The other thing is EAVS in general has a lot of graphical capabilities, a lot of comparison tools online, and even more so ability for you to print off kind of data sheets related to your particular State and even your jurisdiction. There are a couple way-over-there's on what they look like using semi-secret 2018 data, unreleased 2018 data, so I embargo 2018 data. Please don't take the 2018 data away. I know that Nichelle Williams and David Kuennen will talk about this tomorrow, but that just gives you a sense of some of the graphic capabilities and the -- to me, the best thing that came out of all this with EAVS is I can look at a -- I had a -- I was in a jurisdiction that had about 400,000 voters, and I could identify 10 other jurisdictions that had the same number, let's say, and I could look and see how many polling places, I can look at what the rate of return might have been associated with mailed

ballots. I could do some comparisons. And I think the more that tool is used, the more robust it can be, the better it will help States and locals use it for their budgets, so that was a big piece of that.

It also fed something called -- we did an election data summit in conjunction with the NASED conference at the same time in Philadelphia last year, and we worked with the State of Pennsylvania, which was terrific because one thing we would really like to do is share more stories from everybody, so the more we can introduce new people and new cool things to the election world overall is great, and this -- we had a lot of new panelists there that we hope to invite and have do other things in the future.

One other final aspect related to kind of research and accessibility is the aspect of accessibility. And so you hear that a lot. We've got some materials associated with accessibility. We've had forums. We've gone and conducted outreach efforts across the country actually with Commissioners in the last year. We have a member of our staff who is blind and also was a member that the -- he was a part of the original team that created HAVA. I guess he was a staffer on the Hill at the time, so he has a deep understanding of HAVA. He has a deep understanding of the user needs of the accessibility community, and it's something that will be a big focus for us again coming up this year.

Then beyond overall accessibility would be language accessibility. We had a language summit, as we've done in the past, partnering with Democracy Fund. This past year, I was able to go to the Carter Center, and they had an event on Native American issues. It really wasn't a language event, but it became a -- it became that because part of the issue, as those of you might know who are dealing with Native American communities, especially if you're mail ballot and you don't know sometimes their address, you -- you have -- if you're not mail ballot, you have -- might have polling place issues because of where they're located, and so what we would like to do in general with the EAC in 2019 -- and although it may happen a bit in 2020 -- is get more -- instead of having the conferences that we've done in the past in D.C. is maybe start to create some regional conferences and do those in certain areas so the -- kind of -- basically -- for those individuals who can't travel as much, they might be able to travel to a regional area and then take speakers to them.

And one area that we'd like to revisit a bit is the language summit. There's been a proposal from Democracy Fund to have it in the Southwest. We may do that. And we'd like to propose maybe even having it in the Northwest -- maybe they're two different ones -- but focused on Native American issues in general so that might be a little different than a language summit. But we

want to kind of tweak that a bit. But this was something we did last year. And again, many of you were related -- probably participated in it as well.

We don't have in our -- here today, we don't have anybody speaking to us from Federal Voting Assistance Program, but we wanted to have some of the officers actually on base who might provide services to those who are on the base and in the military. It just didn't work out. I know David Byrne was here earlier in the week, but we do continue to work with them. We were part of the working group efforts for EAVS with them. And I think you'll see some continued interesting data, tees it up in the 2018 EAVS related to the number of UOCAVA ballots issued and returns. I don't want to get into that. Nichelle and David might tomorrow. But this will be a focus, again, for us in 2019.

So, a couple last things, I know we're getting close to the end here, but in the Newby home one of the most watched movies is *Zoolander*, and there's a guy in there who talks about, you know, I invented the piano necktie, and I am proud to say that I invented the phrase Cleary. And it's the same thing. Also from that movie they have these pretend awards, model and actor, they call them the Slashies. And so when I told Commissioner Hicks, hey, you know, I've thought about different names, but I think just we'll call it the Clearinghouse Award. And he was looking at me and I said,

you know, the Clearies. And so often now that is what it's referred to as as opposed to the Clearinghouse Awards, which is cool. It's great that it has an identity. The whole purpose of the awards, though, is really to share best practices and be the clearinghouse that we were intended to be under HAVA.

So, it's great when we recognize people who won and, you know, many of you actually here in this room and also our Board of Advisors have been the judges. Thank you for the time that's involved in that, and it comes at a very busy time. I know every time is busy, but usually it kind of comes right when there's elections. There's just lots of work, and I really appreciate the work that you put into doing it. This year was also over the holidays, and then we were shut down and it made it even more of a lift, and I appreciate that.

But also, the point is that those who entered we still want to share that word throughout our clearinghouse efforts, so we're hoping to expand the categories kind of on a measured basis, maybe add a category every year, and then just get more recognition for the work that everybody's doing. So, there are a lot of very good awards, a lot of good programs this year.

If you haven't looked at them, I would encourage you to. The State of New Mexico really had a great one that almost fit two different categories: accessibility and innovation. It was a really

nice one, and as were all. And so if you didn't submit a Cleary in the past or for a Cleary, I would ask that you really consider that in 2019. We're not trying to compete with any other awards. We're trying to recognize everything that is being done.

One last thing related to that is what we're doing with our website. We're trying to -- well, I'll stop here. One -- I'm sorry, I went past the slide again. This was a -- this was an initiative we kicked off yesterday, and it's -- it's basically -- I'm trying to think about the best way to sum it up. There have been a lot of discussions related to continuity planning. That's kind of not what this is. The focus has been on identifying election officials who have dealt with disasters or voter-impacting issues, so it's not just saying, oh, we have -- we saw a lot of moving video and testimony yesterday. It's not simply just saying we had a fire, we had a flood. It's about how did you deal with the voters because the voter impact was different in different situations. So, a natural disaster is not a national disaster is not a natural disaster. Sometimes you have to move voters to a new polling place. Sometimes you have to move voters -- to identify voters who have moved to different State to make sure they get their ballot. One of the items discussed yesterday was during the D.C. sniper situation, so it wasn't really a natural disaster, but it was a situation that caused people to have concern about going out to vote.

And so this is an initiative that is just starting, and in fact, when you go to lunch in just a few minutes, after your guest speaker, there's going to be a panel of some people who were part of this yesterday, and they'll talk about it more. And what we want to do really I'd say are a couple things. We want to create a community of election officials who have gone through this so that they can provide guidance to others who do go through it. And second is to utilize the fact that we can convene as EAC -- as we demonstrated with different meetings throughout the year, we can convene others in the Federal Government to come in and try and help this, so we're going to try and use our name, our brand if you will to encourage FEMA and others to get involved so that they can provide resources and maybe we can create this overall community. So, it's really in its infancy, but it launched yesterday, and you'll hear more about it in just a few minutes.

So, back to what I thought was going to be the slide I'm sorry to say was related to our website. We're modifying our website and kind of giving it a different look as we're heading into 2020. There'll be a mobile -- a little more pure mobile search function, mobile option there. These are just teaser slides so you can get an idea of what it looks like, but more to come.

I want to close because I know where bumping right against noon is back to the wheel. And I think back to even Mark Goins'

comment about there's a voter. And we thought about at one point having the voter in the middle of this wheel. We use to -- we had an election administrator. We thought about having the voter and the election administrator around it; we thought it was starting to get kind of complicated. But truly in the middle of all this is a voter. Everything we're doing is for voters. And so I would ask that, when you go to your committees tomorrow, you think about how you might be able to guide us and advise us on the aspects of the wheel. And that would help us define our plans that we can then take to Commissioners and say these are things that we would like to do, and we'll also have a better sense of the resources available to us.

So, with that, I think looking at the time, I think my next thing is to perhaps say hi to Greg. Hello, Greg.

[Laughter]

MR. NEWBY:

Are you going to give the lunch details? Is that -- oh, so what I -- my job now is easier because I just hand it off to Greg, so thank you.

CHAIRMAN RIDDLEMOSER:

Thank you.

[Applause]

CHAIRMAN RIDDLEMOSER:

I'm here because my good friend Rachel from New York reminded me that I have the attention span of a toddler, and I forgot to tell you some things when I was up here before the Director spoke. Don't forget to vote. Remember, overvoting will cause your vote not to count, and there -- the ballot box is just outside the door over there.

Now, I did tell you about the photo, but I neglected to tell you it's in the lobby, so after lunch, round yourselves up in the lobby.

The other thing I forgot to tell you is that lunch is on the roof. Now, they have elevators and there's no R for roof, but it's the last button on the top right for those of you that are elevator-challenged, but that's where we'll go with that.

Now, we approved the agenda earlier, and much to my personal dismay, as I pored over it while I listened to the guest speaker speak, they did not leave a place in there for the outgoing Chairman's farewell address, and so at some point I'm going to try to squeeze that in. But just to give you a preview, it's a little bit about Juilliard, it's a little bit about the United States Air Force, and it's a little bit about Buffalo, New York.

And with that, go to lunch.

[The Board recessed for lunch at 11:57 a.m.]

COMMISSIONER PALMER:

-- to say a few words while you're enjoying your lunch.

Before arriving at the Department, Eric was a partner in the Washington, D.C., office of the law firm of Jones Day, where he primarily focused on labor and employment issues. Previously, Eric served as the General Counsel of the U.S. Equal Employment Opportunity Commission where he directed the Federal Government's litigation of Title VII of the Civil Rights Act of 1964 and several other Federal employment antidiscrimination laws. He now leads the division that includes the Criminal Section, Disability Rights, and Voting Section, among others, at the Civil Rights Division.

Following Eric's remarks, we'll have about 10 minutes for questions.

Natalie, please stand up. Natalie? Natalie will be walking around after Eric's comments, and please raise your hand and she'll bring the microphone over. Thank you, Natalie.

With that, it is my pleasure to introduce Assistant Attorney General Eric Dreiband.

[Applause]

MR. DREIBAND:

Well, thank you, Don, and thank you, everyone, for inviting me to join you here. It's a real pleasure to be with you today.

And as State and local election officials, you play a critical role in our democracy, as you know. Your jobs involve many challenging tasks such as managing the voter registration process and the conduct of voting. All of this takes place during a time when elections are one of the most scrutinized activities that occur in our country, especially after the recent elections.

We greatly appreciate your commitment to make our elections work and all of your hard work particularly on behalf of people at the Justice Department in your work with us, and I'm going to talk a little bit about that in a few minutes. We also appreciate your service on the Standards Board and the work that you do with the Election Assistance Commission and it's important mission.

Today, I want to talk a little bit about the Department of Justice and some of the different areas of our work around elections and a bit about how we hope to work together with you and your other colleagues in the elections community.

As Don said, I am the head of the Civil Rights Division, which is one of the litigating divisions of the Department of Justice. And by litigating division, what I mean by that is that we investigate alleged violations of the Federal civil rights law, both civil and criminal, and we also litigate them both civilly by bringing lawsuits in Federal court and criminally by prosecuting lawbreakers and

particularly the people who break the laws, the Federal civil rights laws that we enforce, and oftentimes work with United States Attorney offices around the country.

Our civil rights enforcement work is divided amongst subject matters. We have 11 sections, and each of the section has a certain subject matter assigned to it, and those range from, you know, employment discrimination to housing discrimination and public accommodations, conditions in prisons, and other places of public accommodations, institutions. This was voting, disability rights, and others.

The work we do is based on a series of landmark Federal civil rights laws enacted by Congress mostly beginning in 1957 when Congress created the Civil Rights Division at the Justice Department and enacted the Civil Rights Act of 1957, of which I'll say more about in a minute. And we've remained committed to the full and vigorous enforcement of the laws within our jurisdiction, and our goal is -- obviously is to protect the civil rights, both statutory civil rights, as well as constitutional rights of all Americans.

In the voting realm, our Voting Section enforces the civil provisions of the Federal voting rights laws such as the Voting Rights Act, the various civil rights laws, principally the Civil Rights Acts of 1957, 1960, and 1964, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act,

and the Help America Vote Act, among others. In general, certain of these Federal statutes regulate particular aspects of the conduct of Federal elections throughout the United States, and I'm going to talk about each one of them briefly.

The Uniformed and Overseas Absentee Voting Act, as its name suggests, protects the right of absent servicemembers and overseas Americans to register and vote absentee in Federal elections.

The National Voter Registration Act contains requirements regarding voter registration in Federal elections, and this includes voter registration opportunities in connection with applications for drivers licenses, public assistance, disability services, and through the mail. The National Voter Registration Act also has rules for maintaining voter registration lists to ensure that they are accurate and current, and this includes adding eligible applicants to the list of each State and those who have submitted timely applications. It also includes rules for conducting a general program that removes ineligible voters who have moved out of the jurisdiction or who have died. The National Voter Registration Act also provides protection so that eligible voters who remain in their jurisdiction can continue to vote.

The Help America Vote Act contains certain minimum standards for conducting Federal elections on subjects such as

voting systems, statewide voter registration databases, identification requirements for first-time registrants by mail, provisional ballot -- balloting, and voter information postings at the polls.

Other of our statutes such as the Voting Rights Act of 1965 and the various Civil Rights Acts protect the rights of all citizens to vote in our elections. This includes the Voting Rights Act's historic protections against race discrimination in voting, its requirements to provide materials and assistance in minority languages in many jurisdictions, and its right for voters who need assistance in voting due to disability or illiteracy to receive that assistance from someone they trust.

Our Disability Rights Section in the Civil Rights Division enforces various Federal statutes that protect persons with disabilities, and these include the Americans with Disabilities Act and the Rehabilitation Act, and they protect against discrimination because an individual has a disability, and that extends to voting. And our Disability Rights Section has detailed guide on our website about how to make polling places accessible for persons with disabilities and other guidance on accessibility, and I encourage you to look at that if you have issues in your districts or your jurisdictions about access to the polls by individuals with disabilities.

Our Disability Rights Section also has a website that you can get through through the Justice Department's website, www.justice.gov, and the section runs an information line to take questions about accessibility issues, including issues about accessibility of the polls. They seek to work with communities across the country regarding, in particular, in addition to accessibility, other areas as well, employment discrimination, for example, with -- against disabled individuals. But also with respect to voting, the focus of our Disability Rights Section is to make sure that everyone has access to polling places for elections.

And in recent years the Civil Rights Division's Disability Rights Section, along with the U.S. Attorney offices throughout the country, have done increasingly more work aimed specifically at improving accessibility for polling places. And recently, and in fact only a few weeks ago, we settled a very large case with Harris County, Texas, which is the third-largest voting system in the country, in which we entered into an agreement where Harris County, which is -- includes Houston, Texas, will agree to make changes to its voting places, the polls in order make sure people with vision impairments and mobility impairments in particular have access to their right to vote in their polling places.

Our Criminal Section in the Civil Rights Division investigates and, when appropriate, prosecutes certain crimes that usually

involve race, color, national origin, or religion, and there are other protected categories as well, including sexual orientation discrimination and gender identity discrimination. If we see that and the matter is a criminal matter, we will prosecute those crimes. These are crimes that typically involve hate crimes or threats of or use of violence or intimidation based on factors such as race or other protected categories.

Outside the Civil Rights Division, the Justice Department's Criminal Division is a separate litigating division in the Department. The Criminal Division investigates and, when appropriate, prosecutes election crimes across a wide spectrum of the Federal criminal laws such as election fraud, double voting, vote buying, noncitizen voting, and campaign-finance violations, among others. For crimes such as voter intimidation, when an element such as race or color is not involved, the investigation and prosecution is within the jurisdiction of the Criminal Division of the Justice Department, not the Civil Rights Division. Our criminal cases, like our civil cases, deal with civil rights violations such as alleged, you know, discrimination because of race, color, sex, or other protected traits.

But within the Criminal Division, though, the work that the Criminal Division does about voting is done primarily what's called the Public Integrity Section of that -- of the Criminal Division, and

that section works in conjunction with the United States Attorney offices around the country, as well as with the FBI. The Public Integrity Section has literally written the book on this area of the law, and it's a manual called *Federal Prosecution of Election Offenses*. I encourage you to look at it and read it if you're interested. It's available on the website of the Criminal Division of the Justice Department. And everything you always wanted to know about Federal prosecution of election offenses is in that book or at least most of it is.

Typically, the Public Integrity Section's work deals with criminal offenses related to elections that include a Federal office. And I understand you will be hearing from the United States Attorney here in Memphis about some of that work, and I believe that will be tomorrow. That criminal work is critically important for us to safeguard the integrity of our elections.

Also, I want to talk, though, back to the Civil Rights Division where I work, talk about our voting rights and disability rights work in particular, and those are the two areas that I think affect elections primarily, as I already mentioned.

The Uniformed and Overseas Citizens Absentee Voting Act requires States to allow covered voters to register and vote absentee in Federal elections. That law, known as UOCAVA, or I call it the Absentee Voting Act for short, protects the right to vote for

uniformed service voters wherever they are deployed, whether stateside or overseas, their family members deployed with them, and Americans who reside overseas such as Americans who work for the State Department or the Peace Corps or who are otherwise outside the United States. These are American citizens who are living and in many cases often serving our country and in some of the farthest reaches of the world. And the -- this law ensures that they are able to continue voting in our elections.

The Uniformed and Overseas Absentee Voting Act applies to every State and territory that conducts Federal elections. It also applies to every type of election for Federal office, including primaries, runoffs, general and special elections, and, among other requirements, it requires States to transmit absentee ballots to the voters 45 days in advance of these Federal elections.

Enforcing the Uniformed and Overseas Absentee Voting Act to protect the right to vote for military and overseas voters is one of our highest priorities. We monitor absentee voting and the rights protected by that law in compliance for every Federal election, including special vacancy elections for the Congress.

We also -- our Voting Section in particular reaches out to States in advance of the 45-day deadline before Federal elections to ascertain whether in State or local jurisdictions they foresee any challenges with getting the ballots out on time such as there might

be, for example, pre-election litigation that could complicate things, and our Voting Section tries to work with local jurisdictions to make sure that the rights of our uniformed service members and absentee voters are protected.

We will also reach out to States after the 45-day deadline to make sure the ballots go out on time. Where there are issues with ballots not going out on time, we will try to work with you or the local jurisdictions to make sure appropriate steps are taken to provide a full opportunity for our absentee voters and servicemembers to receive their ballots, cast their ballots, and have them counted.

In particular, when there is difficulty under State law with complying with providing -- I'm sorry, with -- under State law with providing a remedy, we often seek to negotiate a resolution through a Federal court order to ensure that absentee voters have a remedy where their votes are counted.

During off years like this year, we at the Civil Rights Division try to identify and work with States on structural issues that may impede absentee voters and their right to vote either in special elections or regular primary and general elections. We identify these issues in a variety of ways, including through our own enforcement and monitoring, as well as through work done by the Federal Voting Assistance Program at the Pentagon. Oftentimes,

these types of issues have to do with compressed deadlines under State law for allowing candidates to qualify for office, resolving ballot challenges and getting the ballots finalized far enough in advance to allow for absentee ballots to go out to the voters 45 days before the Federal elections.

We've reached out to a number of States this year and will be reaching out to others about ways, either legislatively, administratively, or otherwise, to resolve structural issues that may now prevent compliance and the need to seek in some cases even emergency relief if necessary as we get close to Federal elections. We hope to avoid that and try not -- try to avoid that. But we hope to continue to work with all of you and especially working with you in a positive way to avoid problems. Our goal is not simply to bring the hammer of enforcement down upon local jurisdictions but rather to work in a cooperative fashion to protect the right to vote.

Another area of our work that intersects I think with a significant number of States is the language minority provisions of the Voting Rights Act. The main provision that deals with this issue, Section 203 of the Voting Rights Act, which requires covered jurisdictions to provide election materials like ballots, as well as assistance to voters in covered minority languages in addition to English. The languages designated by Congress as covered by Section 203 include Native American languages, native Alaskan

languages, Asian languages, and Spanish. Section 203 helps ensure that elections -- that the election process is open and accessible to all Americans, including those who have difficulty with English.

The Census Bureau makes determinations every five years based on something called the American Community Survey Data of jurisdictions where there are significant concentrations of American citizens who speak a covered language at home and also speak English less than very well. The most recent determination and most recent round of determinations by the Census Bureau occurred in December of 2016 and, as a result of that, there are some 263 jurisdictions throughout the United States that are covered by Section 203 scattered through 29 States. And when new determinations are made about this language access issue, again, every five years, the Voting Section of the Civil Rights Division will reach out and provide guidance and come up with ways to assist compliance with these provisions as well.

In case any of you want to look, we have guidance currently available about this issue, Section 203 that's published in Title 8 -- 28, part 55 of the Code of Federal Regulations that's available on the Civil Rights Division website, which, again, you can get to through www.justice.gov. Our regulations provide guidance and also on our website we have information about prior settlements of

cases both with respect to language access issues and other voting issues as well. We also include suggestions about how to work with affected communities to put together an effective language program and to gauge what polling places may have the greatest number of language minority voters, as well as the greatest need for bilingual pole officials that speak covered languages.

We also monitor elections literally by sending out our lawyers and others to places where people vote on Election Day. And we may reach out to any of you or your jurisdictions during elections to make sure we -- that we are becoming aware of any potential violations the best we can, monitor the civil provisions of the Federal voting rights laws.

You most often hear about this during Federal general elections when we do nationwide press releases about them. For example, the 2018 midterm elections is one example. Most recently in that election we monitored under the Federal voting rights laws jurisdictions in 19 States. In fact, our lawyers do visit jurisdictions to monitor all types of elections throughout every year and all over the country.

This kind of work tends to focus on things we may be able to see and learn about on Election Day such as whether jurisdictions are complying with the language minority provisions of the Voting Rights Act, whether voters are subject to different voting

qualifications or procedures on the basis of race, color, or membership in a language minority group, whether jurisdictions permit a voter to receive assistance by a person of his or her choice, if the voter has a disability or is unable to read or write, whether jurisdictions comply with various requirements of the Help America Vote Act such as the provisional ballot requirements and voting system requirements and whether jurisdictions are complying with certain voter registration and list maintenance requirements of the National Voter Registration Act.

We do not tend to issue press releases for local monitoring efforts between Federal general elections, but we will reach out to local election officials in advance to let either you or your colleagues in various jurisdictions know that we are planning and we may be planning to visit a jurisdiction on Election Day. We don't just show up on Election Day.

With respect to disability access, this is something that is critically important to us in the Civil Rights Division and to -- I think to the right to vote itself, and it's something I think that many people may not be aware of, I mean, how difficult it can be for a person who is in a wheelchair or has a vision impairment to vote, and oftentimes, people become discouraged and decline even to exercise their right to vote if they don't believe they have access to the polls because of obstacles that may stand in their way.

This kind of work, the kind of work we do for disability access, involves taking a detailed look at places of polling. As part of these reviews, our staff looks carefully at all aspects of access to polling facilities, including elements such as parking lots, doors, ramps, access to rooms where voting will be taking place, and this can involve observing as well on the Election Day the overall voting process while voting is happening, including the availability of accessible voting equipment that can provide the opportunity for a person with a disability to cast a private and independent ballot.

We also monitor and look at and seek to obtain a data about elections, and so during periods leading up to elections or during periods between elections, we may also reach out to you or your colleagues in your jurisdiction for various kinds of elections data. This can be data about voter registration, list maintenance, election returns, poll issues, and other kinds of data. Sometimes we'll reach out to discuss a complaint we received or if we see a news article that raises a concern, for example, that might implicate one of our Federal civil rights voting laws. We might reach out to a local jurisdiction.

Oftentimes, we are considering whether there might be structural aspects of elections that may lead to potential issues across a number of elections, and we often look at a lot of data in

analyzing these types of questions, and our inquiries are fact-intensive, and we use the data to try to understand what's happening in your jurisdictions or whatever jurisdictions we may be looking at and try to understand whether or not the data reveal any possibility of violations of the Federal civil rights laws related to voting.

Our goal, of course, as I said earlier, is to encourage compliance, not merely to litigate cases or bring prosecutions otherwise. Of course we do that, though. The Civil Rights Division continues every day to do critical work protecting the right to vote around the country by litigating cases when necessary. Working with a number of you or your colleagues, we've entered into settlements under several of our statutes, including the National Voter Registration Act, and settlements that involve things like driver's license offices, public assistance, disability services offers, the list maintenance, things of that sort.

We continue to litigate cases under the Voting Rights Act. Only a few weeks ago we argued before the U.S. Court of Appeals in the Ninth Circuit seeking to defend the -- what's called the effects test under the Voting Rights Act, that is whether or not, when there is no intent to discriminate because of race or other protected categories, what standards will govern whether or not a particular procedure or voting practice complies with the Voting Rights Act.

And we've also entered into settlements to protect the rights of military and overseas citizens under the Uniformed and Overseas Absentee Voting Act, as well as informal resolutions through the passage at times of State legislation that fix compliance issues. And oftentimes, State legislatures and Governors can simply make changes through their legislative process to bring their practices into compliance with Federal law.

We've entered into a number of agreements designed to include accessibility like the one I mentioned with Harris County, Texas, and the availability of access to the polls through those mechanisms.

We also work with the Solicitor General of the United States. He is the government's lawyer in the Supreme Court. He works down the hall from me at the Justice Department. We work with him and his staff on Supreme Court cases and are -- we have an appellate section in the Civil Rights Division that focuses on appellate matters and voting issues and other issues within the jurisdiction of the Civil Rights Division.

And finally, I want to talk about something a little less detailed about the Civil Rights Division but more generally about why in my view, at least, the work that all of you do is so important here, and it's a broader point about our country. In this country, as you all know, we do not answer to kings or queens or dictators, and

we reject all forms of aristocracy in this country. Our country was founded on the rejection of the British monarch and the system of aristocracy that exists -- that existed in the 18th century in Europe, and we cherish our status as Americans.

And I think -- when we think about we're busy people, we have a lot to do with our lives, we -- many -- we all have families or come from families, we may forget at times how important the work that we do is, especially the work that all of you do, to ensure the right to vote. In this country, all Americans are equal before the law, and all Americans have an equal right to elect our officials and choose our government.

And I think -- I just want to spend a very brief minute -- a few minutes on some of the history that has led us to where we are as a country, and I'll be very brief. As I'm sure many of you know, in 1870 just after the Civil War, we as Americans, our predecessors as Americans, enacted the 15th Amendment to the Constitution, and that for the first time ensured that States and the government generally cannot deprive people of their right to vote because their race, color, or previous condition of servitude, that is of slavery.

In 1920 we amended the Constitution to extend the right to women in this country, and yet for much of our history, including much of our history in the 20th century, the right to vote was

something that was denied to many Americans even after these amendments primarily on the basis of color and race.

In 1957 Congress enacted the Civil Rights Act that created the Civil Rights Division, and one of the main functions that Congress assigned to the Civil Rights Division with the Civil Rights Act of that law, was seeking and authorizing the Attorney General to bring litigation just to protect the right to vote. Congress then did enact another law in 1960, and then the Civil Rights Act of 1964 sought to do the same thing.

However -- and I should add we also amended the Constitution in 1964 by enacting the 24th Amendment to the Constitution, which again dealt with prohibiting poll taxes, among other things.

Nevertheless, even after all that and after all of our difficult history, the right to vote still remained in jeopardy for many, many people in our country. And so I want to talk briefly, particularly given that I understand tomorrow we are going to be marching to the Lorraine Motel. And we can all appreciate some of the history that happened there, the tragic history that happened there. But nevertheless, there is a happy story here, too, in 1965 that I want to touch on briefly that grew out of the tragedy then.

In March of 1965 Martin Luther King Jr. led a series of marchers in Selma, Alabama. He tried -- he and various peaceful

nonviolent protesters planned to march from Selma to Montgomery, Alabama, the State capital of Alabama. And as they were crossing the Alabama River at the Edmund Pettis Bridge, State troopers attacked them, beat them, and sent approximately 50 of them to the hospital with very severe wounds, injuries. Representative John Lewis, now in Congress, was beaten over the head himself.

And later, though, Dr. King and the marchers were in fact, with protection of law enforcement, other law enforcement, were able in fact to march on Montgomery, Alabama, and express their concerns about the right to vote there to then-Governor George Wallace, a segregationist at the time.

Nevertheless, the march inspired Lyndon Johnson, then-President, to send the Voting Rights Act to the Congress with very stern messages. And I just want to read what President Johnson said both about our country and the right to vote and why he thought our country was unique and why it was important that we have the right to vote, among other things. And this is what he told our country at a primetime televised broadcast a few days after the march in Selma en route to -- he said -- among other things, he said, quote, "This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart North and South. All men are

created equal, government by the consent of the governed" -- one of my favorites -- "give me liberty or give me death."

And then President Johnson said, "Well, those are not just clever words or those are not just empty theories. In their name, Americans have fought and died for two centuries, and tonight, around the world, they stand there as guardians of our liberty, risking their lives. The most basic right of all was the right to choose your own leaders. The history of this country in large measure is the history of the expansion of the right to vote to all of our people," and that's what he told the Americans in 1965 just after Martin Luther King and Representative Lewis and others were beaten up at the Edmund Pettis Bridge.

A few months later in August 1965, Congress enacted the Voting Rights Act and extended by statute the protections that our ancestors thought they were doing when they enacted the 15th Amendment in 1870. And they outlawed, among other things, the right -- literacy tests, poll taxes. They authorized the Attorney General to file lawsuits, and they also authorized Federal examiners and created all kinds of monitoring of elections throughout our country. And, as a result I think, dramatically increased voter registration.

And I think the Voting Rights Act in particular, among all the laws that relate to voting, that law more than any I think has helped

to ensure that we finally -- as we continue to struggle as a nation, that we attain the goals set forth in the 15th Amendment to the Constitution, the 19th Amendment to the Constitution as well, and all the struggles we've had in our country.

And I wanted to just mention that briefly because I think sometimes we may take for granted the rights that we have in this country, but the rights that we have and the work that you do to ensure that those rights, particularly the right to vote, remain protected, are critically important to our country and have come after great sacrifice by many, many people in our country over a very long time.

So, with that, I think you for listening to me and look forward to joining you at the rest of your meetings, so thank you.

[Applause]

MR. DREIBAND:

So, I think we have time for a few questions, although I may have run too long so -- okay.

MR. GILES:

Hi, Bob Giles from New Jersey. This concerns automatic voter registration. We're starting to see that more and more in States, so in New Jersey at our motor vehicle offices we offer automatic voter registration. And there's talk of expanding that to social service agencies. The question is if we expand that, how

does that impact the voter information form or the declination form?
So, that -- the concern is if you automatically register somebody but then you have to hand them a form because of NVRA to say would you like to register to vote today, it kind of makes it very difficult.
So, have you guys been addressing that or talking about how to deal with AVR?

MR. DREIBAND:

Yes, I -- it's not something that I personally have looked at or considered, so I don't have an answer for you as I'm standing here unfortunately.

MR. TATUM:

Given that Section 5 has been muted down a bit if you will, what -- how are you all arranging -- making arrangements to go into certain jurisdictions to observe their elections? Is that an invitation? Is that -- how does that happen now with the changes to the law?

MR. DREIBAND:

Okay. So, let me give a little background on that just because I don't know -- everybody may know this. So, the Supreme Court has declared Section 5 of the Voting Rights Act to violate the Constitution, so, effectively, that part of the Voting Rights Act is null and void unless and until Congress responds by enacting a new version of Section 5, which Congress has not done.

So, the question then is well, what do we do? Well, we have authority -- as I said, we have authority to monitor elections, we have authority to investigate allegations, violations of the Voting Rights Act, and to monitor and bring enforcement actions and in addition file friend-of-the-court briefs and otherwise, otherwise participate in litigation about alleged violations of the Voting Rights Act.

Section 5 created a -- what was called a preclearance process whereby certain covered jurisdictions had to essentially clear with the Justice Department or a Federal court in Washington changes to their voting procedures and so forth. So, that's done. So, we don't have that process anymore unless and until Congress amends the law.

So, what we do is we -- though -- but we have offensive enforcement authority, and we work as best we can collaboratively with various State and local jurisdictions to monitor as best we can through data and otherwise whether we think there is a concern about, you know, potential violation of the Voting Rights Act.

We also carefully follow State law changes. I mean, there are times when States will enact changes to their voting. That's a public matter. Our Voting Section follows that and pays attention to that. And if we -- if we think there is a concern, we can then initiate an investigation. You know, oftentimes, State officials are not

thrilled to see us show up, but we do the best we can with that. And our lawyers in the Voting Section are very devoted in their work and work diligently to try to ferret out any potential violations of the Voting Rights Act. So, thank you.

MR. DREIBAND:

Is that it? All set? Well, thank you again, everyone. I think I'm glad to be here, and I'm thrilled at all the work that you're doing, so --

[Applause]

COMMISSIONER PALMER:

Thank you, Eric. The city of Memphis is a significant landmark in the history of the civil rights movement in the ongoing work to ensure voting rights for all eligible citizens, so it only seemed fitting to have the Assistant Attorney General here to address the body.

For the second half of the lunch, I wanted the Standards Board to hear from representatives of the EAC Disaster Preparedness and Recovery Working Group. I personally remember the rumbling of the magnitude 5.8 earthquake that hit the Piedmont region of the Commonwealth of Virginia -- it's about 38 miles northwest of Richmond -- during the 2011 Virginia primary, and the impact of Superstorm Sandy on the 2012 elections, the presidential elections, as our Virginia first responders deployed to

different parts of the East Coast and our election officials scrambled to make sure they understood their rights to vote prior to the election and actually cast their vote. It became very difficult to reach out to them once they deployed into another State.

Catastrophic natural and manmade disasters such as September 11th, the D.C. sniper attacks, the 2017 and '18 California wildfires, Hurricanes Maria, Michael, Katrina, and many others have all had a profound impact on the American electoral process. Voters were displaced, equipment was damaged or destroyed, structures typically used as polling places were either leveled or repossessed as distribution centers. Communication was often delayed, and continuity of operation plans were put to the test by the severity of unprecedented disasters.

So, even as jurisdictions grappled with the disaster, election officials are still tasked with administering elections. Yes, the show must go on. Now, these election officials understand that when a community experiences a disaster, successfully administering the election goes a long way toward restoring life in that devastated community. Doing so reinforces the bedrock of our society, which is based fair elections -- fair, accurate, secure elections. An increasing number of jurisdictions do grapple with these challenges, so the EAC is turning its attention to best serve election officials

and voters as they work to recover their election process after such events.

The election officials we'll hear from today are just a few of the members of the Disaster Preparedness and Recovery Working Group. First, we'll hear from Candace Grubbs. Candace has served as a County Clerk Recorder of Butte County for over 32 years. Butte County was deeply impacted by 2017 and 2018 wildfires or the wildfire season. Camp Fire in particular was the deadliest and most destructive wildfire in the State history and started just two days before -- after -- I'm sorry, after the November 6th general election.

During the fire, Candace's staff had to get all the votes counted and certified and then certify the elections count. Her staff was also pulled to assist in the emergency center set up by the county. Welcome, Candace.

MS. GRUBBS:

Thank you. Is this on?

COMMISSIONER PALMER:

To her left is Roberto Benitez, Chief Information Officer of the Puerto Rico State Elections Commission or the CEE. Roberto has been instrumental to the recovery of the island's election system following Hurricane Maria. Immediately following Hurricane Maria, Benitez was part of the team which converted 15 of the 88

CEE satellite offices into an oasis where citizens displaced by the category-five storm could receive food, aid, and communication services.

Today, Roberto is working with the CEE staff to not only recover the island's election system but also implement a comprehensive IT infrastructure upgrade and integration of security capabilities. Roberto, thank you for being here today.

MR. BENITEZ:

Thank you, sir.

[Applause]

COMMISSIONER PALMER:

Finally, we'll hear from my former colleague Maria Matthews. Maria has served as the Statewide Director for the Division of Elections of the Department of State in Florida since January of 2013. She joined the Florida Department of State General Counsel's Office as an Assistant General Counsel in April of 2004, serving eventually as one of the primary attorneys for the Division of Elections.

She has received a number of awards and recognition of leadership of performance, including the 2007 Davis Productivity Certificate of Commendation for the Florida Voter Registration Team and most recently the Department of State's Sunshine Leadership Award in 2016.

Florida is no stranger to hurricanes, and the State's disaster mitigation response can serve as an exemplary model for other jurisdictions grappling with similar challenges.

Following the presentations, we'll have about 10 minutes for questions before the VVSG requirements panel back in the Continental Ballroom.

With that, I'm going to turn it over to Candace Grubbs.

MS. GRUBBS:

Well, I hope everybody enjoyed their lunch, and I think we should give the EAC a round of applause for having this meeting.

[Applause]

MS. GRUBBS:

Yes, I have been elected for 30 -- this is 33 years and will finish off this session. I started when I was 12, so --

[Laughter]

MS. GRUBBS:

You know, disaster preparedness, nothing could have prepared us for this disaster. We have in-office procedures, we have procedures for security, equipment failure, polling place issues such as no electricity or fire in the polling place. We use Google to contact our precinct officers by text pending issues. We partner with our law enforcement, our sheriff, and our DA is there

every election night in case we have any issues at the office, which we never have had.

But this disaster was one -- and I'm going to show you three short videos because I want you to get a feel of the aftermath because we still have people that can't -- after this amount of time, one, they can't get back to their property, some who had their homes survive but the cleanup is still going on. So, most of Paradise, the majority of it is not there. The businesses were burned down and demolished. And FEMA has been slow to react

So, the issue is the population right now, because they were allowed to move with a trailer onto their property even though it wasn't cleared off and then later told you have to get off, that created a situation where now they're trying to recall two off the town council. So, you can see it kind of vibrates down.

So, anyway, with that, this is how it looked from down the hill down towards where my office is, and this is the first video. It happened so fast I let two of my members that live in Paradise travel home to get their kids out, and they made it out with just their car and the clothes on their back. The streets coming out of Paradise -- people lived in Paradise. It's a beautiful area, pines, small roads, so it's going to be up to the town council working with the county to improve the access and getting out of the -- out of town.

This -- maybe it doesn't want to go. This video is -- I believe these are nurses. It is the Sheriff's body cam. He turned it on because he was afraid he wasn't going to make it out. Those very shadowy figures that you see there running down the street were running for their lives. And I believe these were nurses from the hospital. The local hospital sat right on the ridge so when the fire burned up the ridge, they did manage to get everybody out of the hospital, but the roads became clogged.

Needless to say, we had -- 85 people lost their lives once they could not get -- get someone to pick them up, some in their homes, some outside of their homes, and some in cars. These people here were eventually picked up, thank goodness. It was a Caterpillar tractor that came up the road, and some of them climbed into that. Can you imagine going through that, trying to even breathe, of having the flames on all sides of you and the sparks?

The wind was so fierce that it's never been like this in that area, that those flames were -- came in so fast that it just roared from treetop -- ridge to ridge.

This one is a few pictures of before and after, and as you can see, look at the amount of cars -- and this was a major road that were just left in place. This is before, this is the area afterwards. These pictures don't even show the worst of it. I never realized how many burned-out cars, how many metal carports, all

these things that are behind and all of the concrete has to be removed, of course all the cars, the trees have to be removed. The cleanup is horrendous. And there has been some slowdown in the cleanup, and so that has made some people angry.

On November 8th at approximately 6:15 in the morning -- and that was the problem -- fire was ignited in a remote area of Butte County near Camp Creek Road in a small community of Pulga. The fire, which became known as the Camp Fire, was driven northwest by intense winds and high fuel loads. Moving rapidly from ridge to ridge, the fire burned through the communities of Concow, Paradise and Magalia, Butte Creek Canyon in less than 12 hours. By the end of the day the Camp Fire was threatening the southern part of Chico and the northern part -- eastern part of Oroville. And we could see it coming down towards my office.

I am lucky in the fact that two years ago I had a brand-new building built with a large parking lot around it. I knew we were perfectly safe, but you could see it coming that direction. Some 46,000 people had to be evacuated from their homes. Before it was ultimately contained on November 25th, the Camp Fire consumed 153,336 acres, destroyed 18,793 structures, damaged another 664 structures, and resulted in the deaths of 85 people. Many of those multifamily structures were senior citizen places. We have a lot of retirees in this area.

To date, the Camp Fire is the deadliest and most destructive Camp Fire in the history of the State of California, the sixth-deadliest wildfire in the history of the United States, and the world's costliest national disaster in 2018. It has left a tremendous scar on people. You can imagine the people that were told they could move back to their lots, but then they were given the money to buy a trailer and then had to move off again. That is causing some real problems because they want to start a recall now, and I was hoping things would settle down.

Here's our FEMA data that shows you how the evacuees spread across the United States. They hit every county and every State except for a couple. I don't see anybody going up to Maine or North Dakota, so -- but they are -- have spread far and wide. In Butte County 16,000 people relocated within the county. Fifteen hundred were surrounding counties; northern California then took in another 1,148; central California, 2,123; southern California is 369; and other States 980. Now, those are just, you know, preliminary numbers. We don't even really know the true numbers.

I put down the impact on our elections. Immediately, we had no elections scheduled. Now I'm afraid we're looking at a possible recall. We're also -- may have a special election for an assembly district this fall. My questions into my office came from mostly elected officials that were on school boards, the town council,

district boards. We have a lot of special districts. Who gets to vote? We don't live in the area anymore. How long can elected officials reside outside of the district, those kind of things.

So -- and we went back and we cited the California code to them regarding residence and domicile and tried to get across to them is their intention on remaining, then they can remain in office. We did have some that resigned because their spouse just could not live in the area any longer. So, if he or she was absent, the person has an intention of returning, then, one, they have the right to vote on those issues of Paradise, and they also have the right to stay on the governing board.

So, again, Election Code 2021 says persons away for temporary purposes all the way through the code cites with the intention of returning. And moving to another State it is the same thing. And so what I tried to get out to everyone was the reliance on intention. The voter or the officeholder had to tell us what their intention was. So, my staff worked on the -- in the Disaster Recovery Center. I'm also the County Recorder, so we passed out a lot of free documents, deeds to their property, birth certificates, marriage licenses -- or, not licenses but certificates, all of the important papers that were recorded in our county that they need to carry on their life and to get benefits.

Republished press releases in local newspapers numerous times and will continue to do that because I noticed with -- as many times as the county was contacting people via these different means to try to get them to sign up for FEMA benefits, for benefits to get their property cleaned up, that -- and I'm getting the done sound that they hadn't done it, but anyway, it's a continual -- there's my press release, our website information, and we sent out 19,000 postcards. I think, though, that we had some address information that was wrong, and so we do have a bit of a glitch now with our postcards, which we will be cleaning up when I get back, so it'll be a continual issue. Thank you.

[Applause]

MR. BENITEZ:

Well, good afternoon. Buen provecho. It means I hope you had a good meal. I say it constantly. As a military guy, I was -- I swore to protect and defend the Constitution, freedom, and democracy, and now I'm honored to be here with you all. We're in charge of administering that democracy. So, I thank you and thank you for the time for this.

I will cover some of the points that we did for disaster preparedness and recovery in Puerto Rico. I'm the CIO, so most of the point of view that I take in this process is in a technical area. We all realize that without it, most of our daily operations cannot

function, so we kicked off our preparedness and recovery from the IT point of view.

Just to give you a quick sample of the Elections Commission in Puerto Rico, we have roughly 88 satellite offices distributed around 78 municipalities, direct contact with 110 precincts. Some facilities have more than one precinct. That's why there's only 88 of them. During Hurricane Maria, roughly 68 of them went down either because of flooding, wind damage, or lack of utilities after the fact. Our headquarters building is a 10-story building. Roughly eight floors of it were damaged. Up to this point, roughly almost two years after, we have only -- three floors are not operational still for one reason or another. Some of the damages were extensive, and we were using the allocated funds to get the functions operating.

In those satellite offices, one thing that Maria brought that is good was the fact that we were able to stand up roughly 15 of them about a week and a half after the event. We established communications with them. We created a relationship with other government agencies like Health and Human Services, registry so we can provide birth certificate, marriage certificates, some of the IRS forms that were required, and Puerto Rico provides an electoral ID with a picture that is highly controlled that was authorized by DHS just to be used as a travel document.

There are a lot of people that lost a lot of their properties, including their documentation, so we were the only agency open that was able to provide some type of ID form to them and they migrated to the U.S. And, you know, right now, I don't have the numbers exactly. We estimated roughly 150,000 electors from the island are living in the States now after Maria. I'll be interested to follow up once I -- once we run the next elections to see the participation, see absentee voting stats and all that. So, it was -- we played an integral role helping them be able to facilitate their mobility to better conditions. The island was pretty damaged.

As we start thinking about that disaster recovery and planning, I -- we were able to look at the agency and determine that we have three distinct IT infrastructures that we use for operations, the administrative component, the voter registry, which is what I call the crown jewels. That is the one that I spent most of my time protecting and segregating, and the elections management, which is one that I just turned on when the elections come and I prepare about a year before to configure, to run tests against it, pin testing, you know, all the details of how this system is going to be operating during the elections.

During Hurricane Maria, basically I shut off the voter registry. I took the elections management, I shut it off as well, backed up everything. And the administrative component, I didn't have a lot of

time to prepare for Maria because we had like -- we had an election event -- electoral event in August, and then we had Irma in September 13th and then we had Maria in September 20.

So, what I was able to do is migrate a lot of the components for that administrative work into the cloud, so I free up a lot of the server space and the actual hardware requirements in the island and just shift it to the cloud, and that cloud no hurricane can touch, so we did pretty good at that.

Just to give you a quick timeline of how things fluctuated, we had elections November 16. I was hired during that time. They had an integration problem with the new tabulating system, so we -- they hire me, we started working on it.

The election started, was in January 2017. In June we get the notice that we're going to run the side in August to determine the Puerto Rico status, which statehood thankfully will have 96 percent. Then we were doing the auditing at the end of August, and then suddenly we get the alarm for Irma. And this scenario I'm sure a lot of you have seen. When I requested since I haven't been there yet a year, they gave me a document. When I looked at it, it was like 12 years old and with different buildings in their names and everything, and I was like, okay. I guess we're going to have to think of another way to do this.

So, we had Hurricane Irma, Hurricane Maria, and the impacts of it started getting some normalcy in February, March time frame of 2018. So, the OODA loop, something I learned in the military, that was my best friend throughout this time, constantly orienting myself of serving and adapting and acting into what the scenario is bringing forward. When we were ready and prepared, we only had roughly about a week or so to prepare for this, we basically -- I just focused on the technical component, making sure that I can run an election, making sure I can protect the registry and provide services to whoever I could in that process.

We identified those assets for the command-and-control purposes. We protect them as we could. When we activated, we make sure that we had contacts with all our people. All major components were all backed up multiple times and distributed throughout cloud services and hardware. There was no relocation time because the hurricane basically consumed the entire island, and a lot of the equipment was sheltered in place. Like computers and stuff with satellite locations we're basically told, you know, high ground, cover with plastic, and pray for the best. And, luckily enough, you know, roughly about 20 percent of the facilities that were severely damaged, the infrastructure was severely damaged, the technology equipment survived, and we just pulled those out and opened a new facility for operations.

In the continuity of operation, about one week after Hurricane Maria, we had our headquarters building 20 percent operational. The new normal was condensed. We had a 10-floor building consolidated into one. Basically, we opened a lot of data communications so they can access all the components and start kind of like a normal operations for them. In that same time we were going throughout the satellite locations and found out that some of the ISPs, internet service providers, had put some fiber underground instead of over-ground because pretty much everything that was over-ground was gone.

And then when we realized that, without the power in both facilities because one week after the hurricane, all power went out for even the redundant systems. Cell phone antennas, three days after, unusable. There were only pockets of antennas. The supply lines for gas were complex. There was a lot of instability, and I think it was a lot of emotional drive into that that creates that added layer of problems, so we had to figure out ways to become more creative in how to create a new normalcy for -- or create some level of normalcy for people.

So, we took some satellite offices that had the actual connectivity. When we powered up from 7:30 to 4:30 during the day, so in both the headquarters and the satellite locations, we opened Wi-Fi connectivity for all people. We collaborated with the

First Lady office to get a lot of the donations that were coming to the island like water, food, baby food, formula and diapers and all that type of stuff. We started distributing with the help of DHS, the fire departments, New Jersey police, Chicago fire departments that went to the island, and we hosted them in our location so they can stay there for a longer period of time. And we distribute all that stuff for the community. And it became kind of an oasis for the population around the islands in collaboration with all those. And we were able to do that, you know, just making sure that we had our IT infrastructure survive.

So, even now, like I said, you know, it took roughly four or five months for some level of normalcy and power to come in. We were rationing gas and diesel for generators so we can operate server farms. The -- most of the impact happened after the hurricane. I burned a couple of servers in that process, a lot of hard drives due to the fact that I could not cool effectively some of the facilities. And some of the systems were antiquated, so I guess that opportunity will serve me for upgrades.

So, at this point in time I want to say that we roughly 75 to 80 percent of the entire control of what happened to be up and running and -- sorry -- and we're still working on it. But this incident which, you know, normal -- nobody can really, really prepare for it, gave us an opportunity to just basically take stock of where we were and

create a new idea for a new benchmark. And with the collaboration with the EAC, HAVA funds and all, the Federal Government, we have been able to put this plan forward and really create a highly effective electoral component. We -- right now, we're operating at 64 percent in savings yearly for our systems, so it was a significant effort forward.

Just to give you a quick sample of how Maria really affected, so that was the path of Maria. The photo on the bottom left -- yes, bottom left, you see the size of it, the sheer size of the hurricane. And it just basically just cut us right through. You know, that line, if you zoom in to the island, you'll find a lot of the power suppliers are in that line. We had hydroelectric plants busting, we had coal powered plants breaking, the petroleum-based ones were antiquated, so they received a lot of damage. And there was a lot of stuff in the news, so we're bringing that stuff forward from the States. And we got new generators from the State. The problem was that they -- all the wires were on the floor, so it was a massive effort to try to like rebuild that infrastructure.

Like I said, some of the challenges that we saw in Maria was infrastructure. There was no way to prepare for it really. Our generator, gas, if we lighted up was lasting three, four days. Getting new gas was complicated. It was protected by DHS and the National Guard, so we had to stand in line from other agencies.

But, because we're the first one up and running and providing some level of services to the community, we are getting bumped up into the top of the list and make us -- make our way a little bit more effective.

The damages, like I said, most of the damages occurred post-Maria. We could not cool some areas. I could not dehumidify some of the storage capabilities that we had for the voting machines, so they got rust, some of them got mold. We could not run power testing into them that we needed to do everything once, so there were some damages. At this point in time we've finished an evaluation of it, and we found out roughly about 10 percent of them are damaged that we need to do some type of maintenance work.

The mitigation measures -- well, quick retailizations, that's pretty much how, in the IT sector, we solved all of that. I -- we retailized almost every essential component that it doesn't matter if the infrastructure goes down, I have the backups of this, I lift them back up in any cloud environment or in a new hardware datacenter and back up and running in less than a day. I run that test twice already after Hurricane Maria to see if we were getting better at it, and now we are pretty good.

The partnerships, the manufacturers and suppliers play a big role in ensuring that we can bring the systems back up.

Emergency management offices, we cooperated with them so we can use the satellite offices for the deployment of resources to the community. State and Federal offices were essential as well, and that level of interaction served us well. The utilities and the telco's allowed us to bring those communications wherever they had.

They would tell me -- I gave them a whole bunch of coordinates and they gave me, oh, we got communications here, here, here, and here. Oh, these are my facilities, let's bring those up and get them running.

No plan survived the first encounter with us. We learned that in the military so that OODA loop really helped us. So, you know, similar accommodations that we got of the EAC, some standardization processes, ISO, DHS, all of them help. The -- I was thinking that maybe we can work some type of roadmap that can help other States follow the guidances that are being pulled strategically like the cybersecurity framework, for example, getting some level of assistance to sort of build that roadmap where States can implement it because I'm sure if you read it in your State, you'd be like, okay, so how do I apply this?

So, a centralized level of work for this might help, more training, biannual reviews for documentation of processes so that that can be managed. Centralized can help us as well. And I'm a fan of operational readiness, inspections, maybe some biannual

type of stuff. That is none -- how do I say? That there will be no punishment, you know, for your -- for the findings. It's just some measure for you to be able to improve what you have and continue to grow.

That's basically all I have. I thank you for being here again and I look forward to your questions.

[Applause]

MS. MATTHEWS:

Oh, am I on? Okay. Thank you for the opportunity to speak today about Florida's experience this past 2018 elections. As you can tell from Roberto and Candace, geography plays the -- plays a very important role in how you get ready or not be able to get ready. Florida has its own unique challenge. We have incredible coastline that everybody seems to want to live on. We have a population of 21-plus million. Our active registered voters are 13.3 million compared to less than half in 1992 when Hurricane Andrew struck. Our active season for hurricane is June through November. About 60 percent strike between August and September.

Florida elections, no surprise, tends to garner a lot of interest. Major party membership is about even with a very growing no-party affiliation group and of course always unpredictable hurricane seasons.

Two thousand eighteen general election was no different. We had -- but we weren't getting ready for a hurricane disaster. We were trying to avert the recount disaster. We had a governor's race that was getting a lot of interest. We had a U.S. Senate race that was getting a lot of interest of course, and involved our current -- at that time our current Governor, and we had 11 constitutional amendments on the ballot due in part to a Constitution Revision Commission that only -- that meets every 20 years, and it was just that lucky year that they were meeting.

We were gearing up for the following. We had -- our Supervisors of Elections had just sent out their 45-day UOCAVA ballots. We have a seven-day window to get out the domestic vote-by-mail ballots, and that was from October 2nd to the 9th. We had registration deadline October 9th. We had October 12th through the 22nd was our logic and accuracy testing, and then we had the start of elections, early voting period. We have an eight-day period in which they can also start a little bit early. Elections is not one day, as you know, with vote-by-mail ballots and early voting. It really is a multi-day and multi-week, multi-month affair. And of course we were gearing for the possibility of two to three statewide recounts, either that U.S. Senate race and/or the Governor's race or one of those constitutional amendments.

We start hearing about the hurricane, which would become Hurricane Michael, the midweek of October 2nd. And of course it becomes clear that it's going to strike somewhere in Florida, and so the first executive order gets out. It names 26 counties at that time. As the day goes by -- or another day goes by, we have -- we add in nine more counties for -- to be covered in this zone. And then we start hearing about county offices closing in the panhandle, as well as State offices closing in the panhandle.

That of course prompts concern about potentially cutting off opportunity for people to submit their paper applications at the registration deadline, so the Secretary of State issues a directive stating that paper applications can be submitted past the deadline for the days or hours that those offices were closed in those counties.

We also had to staff the voter assistance hotline for the online voter registration system, which we were really happy about because we had implemented it the year before, but now that meant the voter registration applications could be submitted until midnight. Meanwhile, I've got staff who want to get ready for the hurricane, which might hit also Leon County where the -- we are located, and we're having to staff that until midnight. We leave the office at 6:00. We're answering calls from our home in English and

in Spanish because we also are required to provide Spanish assistance on the hotline.

This is where eventually the hurricane hits. Those little icons are not the real size of the hurricane. It's like really big, and I don't have the picture because Supervisor Anderson, who was in Bay County who really was ground zero for it, has a monumental picture. It's just -- it's just unbelievable. Not quite the end.

So, on October 10th that hits. I listen for three things when I'm in a hurricane: the wind, the sound of trees cracking, and the sound of power going out. It's a really long wait, and you wait -- once it's done, you kind of walk outside, you check on your neighbors, you assess the damage, and you start to move forward. I knew that I was going to be pretty much on call nonstop. I picked up the few branches and things that were in my yard knowing that it would be probably another couple of months before I'd be able to take care of my own household things.

The following days we started reaching out to the supervisors, questioning them about, you know, obviously people, safety first, their staff, their poll workers, their community, and then you kind of delicately start asking them questions about, you know, can you hold an early voting? Because it's that little balance. You know, do you have polling locations? What's your voting equipment like, your supplies, your power, your communications, internet,

email, text, gathering all that information because the next thing I'm going to get is the Governor's Office asking, hey, can we -- we need to do an executive order for any special needs for those eight counties which we ended up calling HM-8s.

And, of course on October 18th, eight days later, the Governor issues that executive order. That same day, we're holding a telephone conference with all 67 counties to -- in preparation for the election as -- with a focus on recounts because that's still there. The hurricane doesn't change any of that.

So, the challenges that we faced were communication of course. There would be two to three days when I couldn't even reach any supervisor, and I do -- you know, there are partnerships with them. They're colleagues. They're also friends. You get concerned about not hearing about it. When your -- when you can't reach somebody by phone or text or email, you use the old-fashioned way. You start talking to somebody that you can reach by that method and you ask them to reach somebody else and that person reaches somebody else and they try to go and find. And sometimes they just have to go there.

You identified the needs of course in the compiling the information to get to the Governor's Office, who's also running the Division of Emergency Management. You also are facing the challenge of media who want to spin the stories, national versus the

local. Then you've got litigation that's going on. Every election has that of course. We were facing a Spanish ballot challenge for the Voter Rights Act, the ballot order for a statute that's been in place since 1951, a signature cure extension, and then valid image. That was just a few.

And then of course this election, like -- had -- one of the major issues was a security that has -- you know, that's becoming a very major part of running an election. So -- and then of course the very major thing, trying to -- access to the ballot. There's displaced voters, there's people coming in to help these communities set -- get set back up. There are people that are like first responders, law enforcement, construction, utility providers, all these people who may not have expected to be away from home and who may not have voted yet. And they come from within the State as well as outside the State. Then you're competing for resources, needing what -- you need some -- the stuff for the same things like power generator and stuff like that to run the election and of course the hospitals need these things and basic shelters.

And then of course you have laws that may not be up-to-date with what your disaster may be, things -- the scope of disasters seem to be more monumental, more intense, and of course you have more people than you had before. There's a yin and a yang to elections I like to think, and that is there's -- you have

to be flexible to meet the needs of the community, but you also have to be -- ensure uniformity so that you've got -- you can ensure that you've got fair elections, accessible elections, secure elections, and accurate elections. I mean, people want to be able to exercise that opportunity to cast their vote and their ballot and to know that it's counted.

Partnerships, we talked about that before. Of course those are very important. They range from the local up to the Federal, and it's always important to maintain that relationship ongoing throughout the year because the time to try to look and find out who's that person I need to call for this, what's that number, is not when a disaster is in place. Mitigation for the future is always -- you know, after something you want to evaluate and then reevaluate, identify what went well, what went not so well, use checklists, keep your -- look at your COOP plans. Admittedly, as we say, at some point that COOP plan just goes out the window. You may not be able to -- you can't anticipate. And this must be really frustrating for election officials. It is for me -- and that is because you want to plan, you want to be able to have a plan. It's good to still have it even if you don't end up using it or you can't use it.

Understand better what these respective State, local, and Federal emergency management units do. There's jurisdictional boundaries. There's not one place to go for everything, but there is

a process, and sometimes we get impatient. If we want to bypass that, you have to submit, you know, requests. You have to follow that. It takes time. And you've got competing interests. Appreciate the geography of wherever you live because that will be the challenges that you have to meet. As you can see with Hurricane Michael, these people -- I mean, at some point, it's like where do you go? Do you go to the East, do you go to the West, do you go North? You're not going to go into the gulf, but it's like where do you go and what are the roads to access to get there and to get out?

So, no matter what the disaster is, whether it's natural or manmade, the emotional -- you have to take into state -- into account the emotional state of the people, the land, the roads, the buildings, the resources, and the economy.

The impact of Hurricane Michael is still ongoing. Five of those eight counties that were most severely impacted are now holding special elections, and they've pulled it off. It was remarkable in terms of the general election. We had 62.6 percent turnout for our election, and in those small counties that were most hit by the hurricane, their turnout ranged from 57 to 71 percent, and that's really impressive when you think about what those particular counties had to go through.

So, just recognize that elections is ongoing, geography can change, but we still have to be flexible and ensure some uniformity with it, and that's the biggest challenge that we all face. Thank you again.

[Applause]

COMMISSIONER PALMER:

Thank you. This concludes the panel. Unfortunately, we don't have time for questions because we have to -- we have a picture to take and then get back down to the ballroom. If you'd like to learn more about the Disaster Preparedness and Recovery Working Group, please go to our website. There's plenty of new information on there. We'd also like -- we'd like to get a picture of the entire Standards Board. Brenda, you want to give the instructions or -- okay. It will only take a few minutes and then we'll reconvene in the ballroom to discuss VVSG 2.0.

[The Board recessed at 1:45 p.m. and reconvened at 2:04 p.m.]

CHAIRMAN RIDDLEMOSER:

Good afternoon, Standards Board members. Welcome back to the afternoon session of the 2019 Standards Board. By way of announcement, the polls will close at 2:22 this afternoon, so please, if you haven't already cast your ballot for the Executive Committee,

you have until 2:22 to do that. The ballot box is just outside the door back here.

This afternoon's agenda is almost exclusively limited to the VVSG and the requirements. And we'll hear from several subject matter experts on where we are. And we'll open it up to questions from the floor when the time comes.

As the TGDC member from the Standards Board and the VVSG Subcommittee Chair of the Standards Board, I just make the following by way of opening comments. We want to get to a point today where we do a couple things. My preference is that we commend to the EAC, the four Commissioners, the VVSG 2.0 Principles and Guidelines as they are, which we've already done. But my point is, as I believe when we're done with this afternoon's discussion, we ought to have a formal motion to encourage the Commission, as it's now constituted, to continue down the road that both the Board of Advisors and the Standards Board has already laid out in front of them because, as you will recall over the last few hours, we talked about how the Commission didn't exist and then now it does exist, and the motions that we've made in this body over the last couple years were presented to half of the Commission as it's currently constituted. So, we have a couple new Commissioners.

Just by way of civics lesson -- and I'm -- I want Brian to add this the next time he gives his state-of-the-EAC address because I think it's very important. If you know how the Congress of the United States works and that they adjourn every two years and a new Congress is constituted, right, after the congressional elections with one-third of the Senate and the entire Congress or entire House of Representatives, that various appointments to the departments and the agencies that were waiting for Senate approval languish and then expire, so hundreds of political appointees expired in January right after the November elections. And that's a fascinating thing that happens. It happens to every President. It happens in every Senate where they leave nominations to languish.

But I got to tell you, one of the coolest things that I've ever seen in all of my watching of Washington was, no kidding, minutes before those hundreds of presidential nominations were to expire, the Senate of the United States voted to accept the nominations for Mr. Hovland and Mr. Palmer. You have no idea how cool that is, and it's just something that I've never seen where the Senate, right before it's going to gavel in the next session of the Senate, made the motion to accept those two nominations and let hundreds of other ones languish.

So, when the Commissioners themselves and when Director Newby speaks to how the United States Congress, the House of Representatives and the U.S. Senate, are interested in the work of the EAC going forward, it's true. And that was one of the neatest things that I've ever seen. And if you didn't know that, I'm glad you do now.

So, with no further do, let me reiterate what I think our task this afternoon is, is to re-recommend what we've already done to the EAC as it's currently constituted; and second would be to commend to the EAC the things that you're going to hear this afternoon. So, please, if you will -- are we doing Ryan first? Okay. Ryan Macias.

MR. MACIAS:

All right. Well, before I start with the presentation, I want to say that having the opportunity to present to you, the Standards Board, is one of my greatest honors and something I look forward to each year.

As many of you are aware, four years ago in Carlsbad, California, I sat there with you as a Standards Board member of the great State of California. On that day, the EAC announced that I would be switching sides to carry forward the great work that we, the Standards Board, have been working on tirelessly for many years from -- I'll be moving to work on it from within the EAC.

Today, I'll be presenting on this work by presenting the history of the VVSG 2.0, as you can see on the slide in front of you. Some of you had the opportunity to hear me present yesterday on VVSG 2.0, the process for getting the VVSG 2.0 to where we are today inside of the public comment period and explain the next steps for getting it adopted. Part of this will be reiterated in the presentation of the history of the VVSG 2.0. However, the second items that I'll be addressing are potential time frames for implementing the voting system certification requirements and test assertions so that we can begin testing voting systems to the certification requirements.

We continuously hear from elections officials, when will we begin to see voting systems that are certified VVSG 2.0? And so we want to provide you some examples and time frames that may lay -- will lay this out, but there are some decisions that have to be made, and so that's why we're going to show two different presentations. And my third and fourth slide will go over those potential dates.

Before I get started, I want to highlight something that was mentioned in the presentation by ODNI, which they said, looking at 2020 and beyond, elections will not look like 2018 and 2016. Some examples provided by the -- their presentation given this morning are bad actors are learning and adapting to our security measures,

they're using insiders, they have new surveillance and technologies that create risks, and they're building new machine-learning tools. This shows that there's a need to building a testing certification process that provides the flexibility and nimbleness to implement requirements for these new and ever-evolving threats.

There are two major factors to this process, the requirements for a voting system to be tested and certified against, as well as the policies that govern the testing and certification program, previously known as the testing and certification manuals. Last year, we presented on a portion of the draft policies, and this year, we're going to dive into the requirements specifically.

So, the first thing I wanted to talk about is the history of the VVSG. As you can see on the slide in front of you, the formal adoption of VVSG 2.0 was constituted on September 2016, September 16th. The VVSG 2.0 structure was approved by the Technical Guidelines Development Committee. Fast-forward to their next meeting in February 14, 2017, the VVSG charter, which included both the scope and structure, was approved.

We moved all the way to September of '17 and the adoption of 2.0 TGDC recommendation, which is what is out for public comment right now. October 13th, 2017, so one month later, VVSG 2.0 was recommended to the Executive Director by the TGDC via the Director of NIST.

Fast-forward to 2018, Standards Board and Board of Advisors adopted resolutions to pass the VVSG 2.0, which is what Greg was just talking about. That happened in the week of April 20th by the Standards Board and April 24th by the Board of Advisors. February 28th, 2019, the public comment period began. As I spoke yesterday, the first action of the new Commission, as they were constituted and given a quorum, was to put out for public comment the VVSG 2.0. And so we opened that public comment period on February 28th, and that will conclude on May 29th, 2019. So, we are inside that time frame right now.

Yesterday, we held the first of what will be three public hearings, and we intend to have another one in Salt Lake City at the Board of Advisors meeting or prior to the Board of Advisors meeting on April 23rd. And so that is the history of the VVSG 2.0 and looking forward to the VVSG 2.0, concluding with the comment period in May 29, 2019. And then after that, we will have to determine what is going to happen with a vote, which is the next set of slides.

So, a lot of this is reiteration, but just in a different form showing the timelines that it took for the TGDC recommendation to be approved. As stated, September 12th, 2017, that process started, and on April 11, 2019, the TGDC recommendation -- excuse me, today, we're at -- it's showing up to today, so today is

April 11, 2019, and we have the TGDC recommendation has been approved and is out for public comment.

We have the Standards Board resolutions and adoptions, which have been opened or were passed a year ago showing it up-to-date. We are currently in the VVSG public comment period. After the public comment period there's three separate steps that are listed out here. The staff is going to have to incorporate the comments into the VVSG 2.0.

As presented yesterday, we have 19 comments to date. Ten of them are informational, really had nothing to do or pertain to the VVSG itself. It was can we have copies of it, where is it located, what's the process, so on and so forth. Eight of them, eight of the other nine, did not pertain to specific principles or guidelines. Rather, they were general comments in support of principle 9, which is auditability. And then we have one commenter that provided 14 substantive comments directly related to specific principles and guidelines, but a majority of those were asking clarification questions, you know, what do you mean by real-world, you know, what is the intent of -- or what is a best practice, whether there be multiple best practices, and so on and so forth.

But after the public comment period concludes, what we're going to have to do is take all of those comments and decide what to do with them, which ones to incorporate. And the interim

discussion at this point is to hold a TGDC meeting. There's been a few dates that are thrown around for that meeting, so it has yet to be scheduled, but one of the dates was the 11th and 12th. I actually have 12th and 13th on here, but it is the 11th and 12th of July, so we just kind of put that as an anticipated hold time frame on here for the TGDC meeting to discuss any modifications that were made to the original recommendation.

So, as you can see, the last step there would be following that meeting would be the earliest that the Commissioners could vote on a VVSG 2.0. So, what we are looking at is the potential for a mid-July adoption of the VVSG 2.0.

So, what happens after VVSG 2.0 is passed? As discussed, the question that all of you guys have been asking is when do we get systems that are certified? So, we have two -- the next two slides are speaking to two specific critical deadlines that have to be hit in order for any of this to happen, so these are I don't want to say best-case scenarios, but these are scenarios that are built out. As you can see, this one has the quotes around requirements driven, so this would be dependent upon if the requirements are looked at, voted on, adopted, whatever the process is for the requirements as a standalone.

The next slide that we're going to get to would be if they are incorporated as requirements and test assertions together. And so,

again, going to what is the earliest the EAC can start testing a voting system, under this scenario, as you can see, would be late 2020. And that would be for a system to be able to be submitted for certification. Obviously, it would have to go through the entire testing process. I'm not going to go through each one of the identifying items within the slide, but, as you can see, there's long timelines and things that have to be implemented such as accrediting the voting system testing laboratories. The manufacturers have to build to the new requirements.

And the Commissioners have to vote on a testing and certification program policy, which we have previously called the testing and certification manual, which is what is going to happen with the requirements, what's going to happen with the test assertions, what is going happen with the registration of manufacturers and how manufacturers get registered, as well as accrediting the voting system testing laboratories.

So, again, a lot of this is built on a sliding scale. I was actually going to put in the sliding scale and show you what would happen if some of the critical deadlines were not hit and -- you know, and how that affects the timeline, but I think the real thing to highlight to each one of you guys is we're hearing from elections officials, from the elections community, from the vendor community that there may be some misconceptions or at least we haven't done

a good job of clarifying the entire process and what has to happen after the VVSG 2.0 is adopted in order for us to begin testing.

I've got a few calls and basically said, you know, we're going out for RFP to buy a system in July of 2019 and we have a requirement that has to be certified to VVSG 2.0. What? And so, you know, what we wanted to do was lay out there are some critical items that still have to happen, some of which are policies that have to be adopted by the Commission, some of which are just process and procedures that have to be implemented by staff in implementing those policies and procedures, as we have always done with the testing and certification manuals. So, this would be as if we dealt with the requirements as a standalone document.

We have heard from some of the community that the requirements and test assertions should come together. The test assertions are further away from being done than the requirements, which you will hear from NIST in a little while is how close we are to being done with the requirements. But if we had to wait till all of the test assertions were done -- and this is based, again, on an assumption of when the test assertions would be done -- this timeline pushes out to mid-2021 would be the earliest that a voting system would be able to be submitted for testing and certification, putting some of you guys in mind, even for the 2022 midterm elections.

And so we just wanted to make sure that we presented to you and gave you a realistic viewpoint on two different items that are still under consideration and have to be looked at and adopted through the policies of the Commission on how we are going to handle the requirements and test assertions and what that does for the timelines for you guys to be getting systems to the VVSG 2.0.

But I do want to jump back to one last point, which is the criticality of VVSG 2.0 itself being adopted in its current form so that we can finalize and start beginning moving this process forward and getting policies written and finalized and adopted in order to continue moving forward the requirements and test assertions and everything that needs to be done to test and certify voting systems because, you know, the requirements and test -- there's the VVSG 2.0 and then there's the requirements and test assertions, and we have to remember that the requirements and test assertions are requirements for certifying a voting system, and they are test assertions for testing the voting system. So, in order to move those things forward, we need to make sure the policies are in place for the testing and certification program to be able to implement the requirements and test assertions as necessary.

And with that, I'm actually going to hand it over to NIST to -- we're going to do a deep dive into a lot of the requirements, what the status is, and I'll hand it over to them for that.

MS. BRADY:

Thank you, Ryan. Hopefully, there'll be some slides coming up here in just a minute. In the meantime, for those of you who don't know me, my name is Mary Brady. I am the Manager of the NIST voting program. And today, I have with me two of our experts Sharon Laskowski, who is our Human Factors Expert, so that's usability and accessibility; and Gema Howell, who is our Security Officer. Now I just have to figure out how to use them.

So, this afternoon, for those of you who have been around a while, bear with me. There's some cool slides you keep seeing a few times, but I wanted to include them for those who are new just to give you a bit of an overview on how we got here and what it is we're trying to do.

So, back before we embarked on this effort to develop a VVSG 2.0, there were a number of activities that were going on throughout the community. NIST was involved in quite a number of them. NASED had their future -- their VVSG futures brief, the EAC had a VVSG futures group. The Federal Voting Assistance Program was working on technologies that were put into their -- to military voters, and IEEE had an ongoing effort called P 1622 that NIST led that was aimed at developing common data formats. So, there was a lot going on in the community, and we embarked on this effort to develop the VVSG 2.0.

One of the things that we wanted to try to make happen was to bring all that expertise together and to work together up front to develop the necessary artifacts for VVSG 2.0. So, in order to do that, we formed these public working groups. It's kind of interesting looking back to this slide. It was created so long ago because, you know, I had a very small election groups and smaller -- you know, and small constituency groups, but over time what's happened is the boxes at the top have -- you know, those efforts have dwindled to some degree although the effort is still going on. And the ones at the bottom have gotten bigger, you know, over time.

But -- so we formed these public working groups, and the -- the idea was that we'd have three election groups that would detail what's going on in pre-election, election, and post-election, and that we would have these -- what we called constituency groups that are focused on usability and accessibility, cybersecurity, interoperability. And at the time we did the testing group as well. And the idea was that these were core technologies that underpinned the standards and the requirements necessary for voting systems. But the focus should be driven by election officials because, after all, the VVSG is for you and it's for your use. So, we wanted to focus -- you know, we wanted to bring the election officials into the process in a very big way.

So, as we started down this path of the VVSG 2.0 development, it -- I want to contrast a little bit to the way past VVSGs have been developed. In the past, NIST has some direction given to us by the Help America Vote Act where the NIST Director chairs the Technical Guidelines Development Committee, and NIST provides technical support. So, what had happened in the past was NIST would work with the TGDC and go back-and-forth on the various technical components of the VVSG and over a number of cycles would get to a point where the TGDC would -- was comfortable and would adopt a draft version.

At that point, it would be forwarded to the EAC, and the EAC would distribute it to you all and then the Standards Board and the Board of Advisors for comment. Upon receiving comment back from you, they would put it out for public comment. So, a lot of that process has played out, but what we added this time around was the inclusion of these public working groups. And the reason for that was we wanted to tap into as many experts as possible and to -- and we want us to get continual feedback along the way. And I think we've done that. We've tapped into those experts as we've gone along the way. We've presented to you all. We have provided updates to you, gotten comments back from you that have, you know, fed into the overall effort. So, that was the hope going in.

The public working groups themselves have had quite a number of folks help us along the way. The election groups initially developed these election process models, and those of you who've been here a while probably remember the big models that we had stretched out on the wall and had you come and provide some additional input on it. They were very key because they allowed us to develop some use cases and eventually Ryan presented the core functions that define the voting systems, and that all came from that initial effort in the process models. So, it helped us define the scope of the effort.

You can see the numbers of folks who've participated in each of the efforts and among the election groups and the constituency groups. The constituency groups put those process models, conducted gap analysis from prior versions of the VVSG, taking into account all the research that had been done to date and encapsulated all that together to come up with new guidelines and new requirements -- or new principles and guidelines and new requirements.

Together, we have over 1,000 folks -- I will say over 1,000 folks. We've had over 1,000 members in each of the groups. Now, when you -- when you do some analysis on the -- that membership, there's a lot of overlapping. In fact, there's some people, believe it or not, that signed up using multiple email addresses. So, when

some of you think, oh, my goodness, look at all this email that's coming from these public working groups, there are some people who were getting two and three copies, so it turns out that there were, you know, really 500 unique people, so that's, you know, quite a number of, you know, people participating in the process.

Early on, we worked to reach consensus on the VVSG scope, and, as I mentioned, it started in the election working group with the process models. That was vetted through the TGDC with EAC and NIST, with the working group chairs. We went about -- we developed some use case scenarios that I talked about previously and eventually adapted to the core functions, which we shared with the Standards Board, Board of Advisors, and NASED. And happily, we all agreed on the scope.

We also talked about a little structure, and this came out of some of those early meetings held particularly with NASED where initially we took a look at the gaming industry. You know, they have this very thin, just a few pages worth of requirements. Couldn't we do something like that? Wouldn't that suffice our needs? Like when you really sort of drill down, you realize that, okay, underneath they have other folks who put effort into developing what we would call requirements and they have a large testing effort as well.

But in the end, you know, there was no way around this, that, you know, it'd be nice to have this small, you know, set of guidelines that they're, you know, very high-level, but you really had to do the work at the low level, requirements level so manufacturers know what to build and test -- the testing labs know how to test.

So, we embarked on this effort to try to take them all on, and we thought it was very important to have those high-level principles and guidelines, and in fact it was because I think prior to having those principles and guidelines, what would happen is there -- you have a lot of stakeholders in elections from, you know, election officials to election integrity advocates, usability and accessibility advocates, academics and, you know, government folks, and everybody has this laser focus in their area of interest and they're very happy to jump there quickly, so it was really hard to talk about the really hard topics or it was difficult to talk on those really hard topics until we got to the point that we could bring it up a level.

And that's what the principles and guidelines really sort of accomplish for us. We all bring it up to a level, talk about it as a community and decide where we wanted to put our emphasis and what was most important, and I think that's what's encapsulated in the principles and guidelines that we are now calling VVSG 2.0.

In addition -- you know, so we spent a lot of time in that process up front to try to get that right. We -- we had a number of

go rounds of, you know, various principles and guidelines with the -- that got whittled down a little bit further, and in the end, we ended up with 15 principles and 52 guidelines and a greatly reduced size. You all -- you know, many of you probably remember Bob Giles giving me a hard time about the size. We had lots of fun videos and we had great fun with it, but it was, you know, 200 and some pages. We got it -- you know, so I took that as a personal challenge to get it down to just this -- you know, the smallest amount that I possibly could. A number -- I know a number of you have probably -- that, you know, you could actually get everything you need about voting systems on a particular index card. Well, I didn't get it all the way down to an index card, but we did -- you know --

FEMALE SPEAKER:

Smaller font.

[Laughter]

MS. BRADY:

Yes. But, you know -- but it turns out that in the end we also have requirements that are 200 and some pages and will be test methods as well. But the idea is that we have these high-level design goals with some details for election officials that are written in plain English. We have low-level requirements, and then we have test methods so the low-level guidance is really from

manufacturers so they know how to build the system, laboratories so they know how to test, and then we have the test methods to ensure that we are giving the necessary guidance to the laboratories so they know that the breadth that they have to cover when their testing and what depth that they need to go to.

And this -- this grew out of some feedback that we received in the early part of the decade on how laboratories were testing.

There were some -- there was some stories that, you know, some manufacturers were taking systems to one lab, and when it seemed hard, they'd pull it out and take it to another lab. We don't want that, you know? We want equivalent testing across laboratories, so that's the effort and the test methods -- or test assertions is to achieve that consistency. So, we know that we're testing deep enough for, you know, security and, you know, what -- and all the areas that are of great importance but we're also testing equivalently across them.

So, that's brought us to where we are today. Here are the principles and guidelines. I'm not going to go through them in detail because there's good news and bad news. We've gotten into where we are today, but there's 55 slides to go, so I'm going to sort of run through some of these pretty quickly. But as we go through it -- you know, the principles and guidelines are -- the requirements

that go along with the principles and guidelines, I want you to be able to look out for some open issues.

We -- we have large agreement on many of the requirements, but there are a handful of open issues. There's a number in cybersecurity that have -- and some have to do with network connectivity, an issue of whether or not we should include ED cryptographic systems, barcoding coding schemes, and direct IDs.

And in the human factors area, there is a couple of additional open issues on ballot submission with little or no use of hands and vote-selection-only ballots, and one issue that came out of the interoperability area on whether or not we should require common data formats.

So, as we go through, keep your eyes out for some of these open issues because I really -- you know, we really would like to have your feedback and, you know, the -- when you get down into the working groups, there's all kinds of stakeholders and, you know, although there's a number of election officials that are represented in those working groups, I think, you know, since these standards are really for your use, we need more feedback on how important these issues are to you and where you stand.

Okay. So, here we are at the requirements. Let me just say, as we work through the requirements, what we did is we used prior

versions of the VVSG, you know, obviously, VVSG 1.0 but also 1.1 in 2007, as well as the updated research as baselines. The updates were based on feedback from the public working groups and interactions with manufacturers and labs, and on top of that you'll see and particularly in some of the earlier principles and guidelines that there's been some recent discussions on where requirements belong.

So, there's a suite of requirements that go along with the first two principles, which are general principles that really sort of apply to -- they're there for the testing and certification program, so it's either requirements that are based, you know -- or imposed on manufacturers because they need to do testing or requirements that are based on labs while they do the testing, so we're in discussions with the EAC on, you know, do they really belong in the VVSG or in a requirements section or should they be moved to the testing and certification manuals at the EAC?

So, let's get started. It's -- the first are principles 1 and 2, and these are -- or they really sort of speak to design and implementation. I think I kind of went over this already. These are some additional considerations that came up here. When you look at what's in this area for design and implementation, there's a number of existing requirements that tend to overlap with other standards or may better be located elsewhere, so I already

addressed sort of the ones that are aimed at testing and certification, but there are some others, so there's requirements with respect to software quality and workmanship, programming languages and coding standards, hardware and electrical testing, temperature, humidity, various testing techniques, and so forth.

So, we -- we are looking at them. We've developed initial draft requirements for them, but I think in some cases what will end up happening is there'll be -- you know, rather than bloating the VVSG -- or the requirements associated with the VVSG, to take what's standard practice in industry and incorporate it into those requirements that we may be better served with a pointer to an external document that says, okay, here's the current state of the art because that's going to change over time.

And then in some cases what we're talking about is the things like coding standards. I think when we embarked on this effort back in 2005, there wasn't a lot out there in terms of coding standards, programming standards, so this is advice to the labs on how to put together your code base.

Today, that's -- I mean, there's standard practice, there's a lot of coding practices out there. There's a lot of good ones, so essentially, you know, the -- it would be okay for the manufacturers to just pick one and follow it or tell us what it is you're using and follow that one. So, I think the idea here is that we -- we would

have an external document that has -- you know, points to a number of these coding standards and what's important in them. So, that's -- that's what we're talking about.

And this allows us to have a smaller, better-focused VVSG, and the external standards, you know, normally offer more flexibility. So, rather than -- you know, particularly in the case of coding standards, there's multiple ones that are used, you know, to create voting systems and to put them in for every specific language would really sort of bloat it.

So, the first one is high-quality design, and this really sort of covers the specification of coding processes, functions, and logic, and their accuracy, reliability, and limits, the logical and volume limits, as well as their testability. So, the current status is that the draft requirements covering activities by voting activity are done. We recently just updated them to synchronize them with core functions and with some work that we're doing on benchmarks. The way in prior versions of the VVSG they were -- they -- there was more exception that mapped them to devices, and now the devices are changing so much sometimes you see a device that has multiple functions in it, so what we want is -- to do is map it back to the core functions and -- which represents the definition of a voting system.

The 1.2 draft requirements were accuracy, speed rate, volume, stress, and reliability testing, and the logical limits are done. Again, here's an area where we're going to refer to an outside document. We're currently working with our statisticians at NIST who are doing formal design of experiments for us. So, all of these tests will be backed with statistical significance essentially rather than, you know, sort of doing the back-of-the-envelope, you know, calculations on how many ballots we should use or what is it we should use for all of these tests. We're adding some statistical rigor to it.

The 1.3 requirements -- I'm trying to do two at the same time because I can't see that one over there. The draft requirements for the implementation referring to the core functions instead of classes, they are finished as well, and this part has some areas that we think eventually will be moved to the EAC magnums, but we're still working out the details there.

The second is on high-quality implementation, and this principle is about implementing systems using best practices, and this is one of the words I guess that we've been challenged on is what is a best practice and hardware, software, telecom, data, quality assurance, configuration management, human factors, security, and interoperability. So, the status here is that 2.1, 2.3 through 2.6 all have requirements, and 2.7 have draft benchmarks

for the variety of tests, so where -- I had mentioned we're working with the statisticians. So, they're nearly complete. We just need to complete the benchmarks.

So, let me talk a little bit about benchmark requirements. The benchmarks are for performance measures, reliability, accuracy, speed rate volume, stress, and environmental. The previous versions included benchmarks requirements and tests in a single document. They'll be breaking out -- broken out to some extent. And let me just add on and go through each of these in details, but overall what we're looking at is in most of these benchmarks we're somewhat narrowly focused, and what we're trying to do is to make them more broad and have them apply to an end-to-end voting system as opposed to just a component of a voting system or a part of the voting system. And, as I mentioned previously, they'll be based on statistics. And that's -- you know, they -- they're all sort of of the same flavor, so that's -- that's what we're working on there in, you know, one and two.

The next couple are transparency. We'll just sort of flow through these. If you have questions on these, I'll certainly be happy to answer them, but the next few principles are transparency, interoperability, so let me go with interoperability first. The interoperability requirements, so what's happening here, hardware interfaces must be industry-standard.

COTS are permitted as long as other requirements are met, and it requires that imports and exports must include the common data format. And today, there are four common data formats: election definition and results reporting, event logging, cast vote records, and voter record interchanges. So, the aim of the common data formats is to improve the usability of data for election officials and interoperability between devices, and it has tie-ins to usability, security, and transparency.

As far as the functional requirements, they deal with the behavior of voting systems during phases of running an election, so this is election ballot definition, the pre-election set up and logic and accuracy testing, opening polls, casting ballots, closing polls, results reporting, tabulation audit, and storage. All of these requirements are finished.

Some of what we had to do was to coordinate with cybersecurity in the areas that were related to pre-election set up is there's audits of barcodes versus readable content for ballot-marking devices, audits of scanned valid images versus paper ballots and audits of cast vote record creation. So, this -- this is the transparency, you know, piece. There's contents of various reports, and finally there's the audit to ensure the capability match ballot with its corresponding cast vote record.

And finally in this section there is user documentation, so, as I mentioned, some will be able to move to the EAC, but there are -- there is some user documentation that will remain at the VVSG. The user documentation requirements from the technical data package will remain and any documentation that deals with aspects of operation maintenance and storage with emphasis on security remains. And finally, it's -- any requirements for training documentation remain in the VVSG.

So, we had our first open issue. It's the -- four common data formats. And some of the main -- what we've heard from some of the major manufacturers, they're generally supportive of CDFs, but there's ongoing discussions regarding how they're implemented. So, the basic question is should -- should the common data formats apply to every device, you know, for import and export, or should it, you know, potentially just apply to the EMS? So, there's ongoing discussions there. What we've heard from election officials is they're largely in favor of it. We'd like to hear more from you. And others in the public working groups support the CDFs being required in the next VVSG.

So, finally, we're -- or, not finally, but now we're up to human factors. Finally, I get to give away -- pass the baton, and Sharon is going to go over what's new in human factors.

DR. LASKOWSKI:

Good afternoon. So, this first slide is basically an overview of what I'm going to be presenting on the next few slides. I'm going to talk -- so we generally use the word human factors. It's the usability and -- for both voters and poll workers and accessibility for people -- for voters with disabilities. I like the word human factors because this set of requirements is about humans interacting with the voting system. So, I'm going to go over what's new in detail, and I'm going to go over some details of the status, but basically we have a draft that we're very happy with, and we've also been working on some guidance documents and they're in draft form now to explain some of the -- to explain some of the reasoning behind the requirements.

So, we started out with the following assumption for this new set of requirements for 2.0, and that is all electronic voter interfaces meet all the applicable accessibility and usability requirements, so for those of you that remember VVSG 1.0, because of the technology of the voting systems that were out there at the time, there was a distinction between electronic systems that were accessible, some DREs, and there were DREs that were not for people with disabilities. They were not accessible, and that was based on the products that were out there and the state-of-the-art at the time in 2005. Remember, 2005 was before smartphones. So, what we -- so we said, you know, all -- any electronic voter has

to be completely accessible. It has to be designed in a universal way for all voters.

So, we've updated the requirements and made them less prescriptive. They're based on really 15 years of research both in the -- for voting systems and as well as just in general for user interfaces. As I said, you know, now we've seen smartphones for 10 years now. Expectations and designs for any kind of user interface -- soft user interface has changed, so we've updated.

We harmonized with current Federal accessibility standards such as Section -- the updated Section 508, the Web Content Accessibility Guidelines, et cetera, and we organized according to what are called the core principles. This is coming out of the accessibility community and the updated 508, perceivable, operable, understandable, and robust systems. And we made sure we addressed all modes of interaction, right? If you're looking at something for all voters, is not just physical -- visual. You have to have enhanced visual, different kinds of options for size of text, et cetera, good audio, good tactile buttons for people who are blind and ways to operate nonmanually or with limited dexterity, so kind of a holistic redo of the requirements.

So, what's the status? As I said, we completed the draft requirements. This -- and I have to thank the Human Factors Public Working Group because we had extensive discussions with

every single update and change that we were pursuing and really had a very hardworking team of volunteers with a lot of technical expertise. And our scope is principles 5 through 8 and also principle to guideline 2, which is in the quality of implementation section, which says that the developers need to use a user-centered design process and report on it. I'll talk about that in a later slide.

We've also completed draft of what we call explanatory guidance documents. They're short, one or two pages long. They are geared at developers and designers, testers, and election officials. So, for example, in the ballot we've got requirements on text size, color, contrast, select/deselect when you're changing your mind about your choices, scrolling pages. We've looked at the review screens, and we've -- and we've got explanations of -- behind that at some point for developers to know why does this exist, so when they're designed, they have some insight into the requirements.

We've looked at assistive technology in the polling place and user-centered design and usability testing. Now, user-centered design is a process of when you're developing any kind of user interface, you bring in -- so in the voting context, when you have a design question, as you iterate your development process, you bring in different kinds of voters with different kinds of needs, voters

with and without disabilities, if you've got a specific question about how to arrange the screen or shape of a button and you're not sure, you bring in a few -- a small set of users and you iterate your design. There are textbooks written about this. When we say best practice, we mean what are people using today based on the textbooks, and we -- we're also writing guidance documents and a template for reporting on it so we say exactly what this means.

And in the human factors sense, usability testing here means at the end you test with a good selection of your differences of voters, also poll workers for set up, running, and shutdown of the voting system, and we've got templates and guidance for reporting on those results of the end product. That's submitted with TDP for the certification.

And back to report templates, so we've worked on templates and guidance for the developers to support those best-practice processes of user-centered design and usability testing with voters and poll workers. We've got scripts, we've got templates, and explanatory information.

So, here's kind of the quick overview of what's -- what's new. It's the high-level 20,000-foot explanation. So, all modes of interactive presentation are applied throughout the voting sessions, so we were very careful that -- to say we fully support accessibility from the time the voter goes up to the voting station to casting.

That's principle 5. We've distinguished carefully voter privacy from ballot secrecy to ensure that the voter has privacy and can vote independently when they mark, verify, and cast their ballot. That's principle 6. We've updated voter interface requirements, not just font, text size. We've looked at audio, interaction control, navigation, scrolling, and also the review of the ballot selections. That's principle 7. And all of these are voted specific. A number are derived from the Federal accessibility law, but specifically for voting systems, so not just generic principles -- requirements.

We now reference Federal accessibility standards as principle 8, so that actually shortened our requirements quite a bit. We've updated the requirements for reporting of developer usability tests with voters and election workers. I described some of that already. That's principle 8. And we've got this new requirement to document and report on the user-centered design process, principle 2, guideline 2. So, this ensures that the system that was designed for a wide range of represented voters, including those with and without disabilities and election workers. So, when a system goes into testing, you know that is going to work for the voters because they've already gone through a good development cycle to ensure that that's the case.

So, we don't have many issues, but aside from the two primary ones that have kind of come up is this issue of casting a

paper ballot privately and independently without manually handling the ballot. This is basic to HAVA, but it's kind of been -- it's been difficult to implement because you have to be able to verify the ballot selections and cast easily if you're a voter that doesn't have super hands.

However, there is at least one solution, so the L.A. County's VSAP ballot marker, right, so the way they've implemented, the ballot rolls out after marking for verification and then it rolls back into the ballot. And you can actually do central count there because there's no over-voting. It's an electronic ballot not to let you over-vote. So, we do have one example, and there is some challenge to designing this well and to make sure.

So, the other issue is that you've got to design these electronic ballot markers so voters will and can easily verify the paper ballot or their vote record. And if you look at older approaches, they just weren't usable. Some small font under glass is difficult to really see, hard to read, but we're now seeing a lot of attention to information design and how to develop these to increase the ease with which a voter can verify.

So, what are our next steps here? So, of course now you've seen a draft. We've put all of the requirements together, so the next pass is to look across other parts of the VVSG 2.0 to make sure that accessibility and usability is supported and that all the

requirements work together well. We are working on finalizing of course the requirements and our guidance. We're working on updating test methods. We had a lot of test methods we developed for 1.1, as well as 2007, so we're updating that.

We're going to do two webinars I think in August -- we haven't picked a date yet -- to explain the updated and new requirements for human factors, and we've got a little -- a research project underway looking at verification of ballot selections by voters, so we want to explore how to design the voting process for ballot-marking systems to encourage voters to verify and to support accurate verification through good information design. We've done a thorough literature search on all the research that's been done in related areas to verification, and we're going to be collecting some qualitative data to inform that, and hopefully, that will be useful to the developers.

And there may be other guidance as needed. Things that come to mind is maybe some guidance on switch navigation for limited dexterity or audio voicing and instructions. That's kind of open-ended right now. We'll see where it goes.

And for human factors test methods, we completed drafts of our report, templates, and guidance for the testing, the usability testing, user-centered design the developers will report on, and we

do expect a completion of the test methods materials by January 2020.

To security.

MR. NEWBY:

But first, EAC Standards Board public service announcement. We are not taking a formal break, but there is a little spread over there, so feel free to at any time walk over and get some loot and bring it back.

DR. LASKOWSKI:

There were a lot of cookies over there. I'll have to get a cookie. Okay. Over to Gema.

MS. HOWELL:

Thanks, Ryan. That was actually a part of my introduction. I was going to ask how everyone's doing out there hanging with us.

[Laughter]

MS. HOWELL:

I saw they brought the coffee over and then we had to put up the station afterwards.

But I wanted to take a few seconds to introduce myself. This is my first time at a Standards Board meeting. My name is Gema Howell. I work at NIST as an IT Security Engineer. Also just a side note, outside of NIST, I volunteer as a poll worker in Baltimore City. I've been at NIST for --

[Applause]

MS. HOWELL:

Thank you. I've been at NIST for about five years, and I've been working in the election space for about three, so this is very exciting to finally get to come join you all and meet many of you. I lead the cybersecurity working elections, and I also lead the Cybersecurity Working Group. And, as Mary mentioned, you know, we have so many folks involved from the vendors, the academics, the election integrity advocates, and election officials, you, are also joining us and are definitely welcome if you're not already involved, welcome to join those working groups and provide input. It's all very valuable for us in understanding and developing these requirements.

So, just to get right into it and talk about the security requirements, I'm very excited because this is kind of -- it feels like it's my baby and I get to tell you the story of how we grew it to be what it is today. But that -- in actuality, I know I said it was mine, but, you know, I wouldn't be able to do it again without all of the input from the working groups.

So, where we started as a baseline was looking at the 2007 VVSG recommendations, as well as past VVSGs, you know, kind of understanding what's in there, doing the -- that gap analysis of what do we have, what's missing, how can we make certain things

better. And from that, we brought those to the Cybersecurity Working Group and got additional feedback of maybe some other things that were missing or some other ways that things can be improved.

Also, a lot has changed since the first voting systems were put out or since the previous VVSGs, so we wanted to incorporate some of the security innovations and in technology in general, as well as in relation to voting systems. You'll see things here like software independence and risk-limiting audits.

And so where are we now with our security requirements? Most of the security requirements fall under principles 9 through 15, so seven of the principles, and right now what we have is just a draft -- a draft set of requirements for all of those principles, and we've discussed and reviewed those with the working groups. I don't want to necessarily call it a final draft. We still have working group meetings. We still have people providing input, and we're making changes to those as we go, so, again, feel free to get involved.

And then the second main bullet there talks about a list out the open areas, which I'll get into a little more later.

Right. So, now what I want to do is kind of step through each principle, and then I'll give like a high-level overview of what

you'll find as far as requirements, some of the major things and major changes in these areas.

So, the very first principle 9 is audibility, and that area focuses on machine support for post-election audits. It also covers the software independence principle and it talks about support for paper-based and cryptographic end-to-end systems, as well as support for risk-limiting audits.

Then we have the ballot secrecy requirements, so initially, there wasn't a specific section for ballot secrecy. It was kind of mixed in with voter privacy, which we kind of separated and, you know, Sharon's team handled the voter privacy. And what we cover is the prevention of the association of a voter's identity to their actual ballot selections.

And then the access control section, so some of the major things that we included there were preventing the disabling of logging. This is big for access control, as well as detection and monitoring. You know, you want to be able to see what's happening, what changes are being made, and you don't want that turned off in case you missed something malicious that may be happening.

We also have access control based on voting stage, so who has access during pre-voting or during an activated state or maybe post-voting.

Role-based access control, RBAC, is not required. We recognize it as an option for access control but we also recognize that there are other methods, and so you'll see that we don't specifically call that out but we do have requirements if you decide to use RBAC.

And that very last one there, I know many of you are very familiar with and you've heard multifactor authentication, two-factor authentication, and its importance, so what we include there is the need for that for critical operations such as software updates and updating the -- I'm sorry, removing audit trails, making modifications to authentication mechanisms for different users and things like that.

The physical security section was mostly unchanged. It's a pretty strong area. Some of the things that came up were the exposure of physical ports, so different things like USB ports, from headphone jacks, and things like that, and that if they're exposed, they must be essential to the voting operations. Physical ports must also be able to be logically disabled so within the system remove the ability to use those ports, and then all new connections and disconnections are logged so you're aware of what's been plugged in, when, and things like that.

And then data protection requirements, so in the 2007 VVSG recommendations, I think there -- yes, there were some specific

hardware security requirements, and we realized that there are alternative ways to do that, so we didn't specify hardware requirements. We also require FIPS 140-2 cryptographic -- validation for cryptographic modules but not specifically for the E-to-E cryptographic functions. Those will be handled -- have to be handled through a different validation or certification process.

We also require cryptographic protection, various selection artifacts in the digital signing to protect the integrity of those tabulation reports. Also, transmitted data is encrypted with end-to-end authentication.

Two more here, so the system integrity section was actually a new area that you may not specifically find in the previous VVSGs, and so here is where we start talking about things that we can do to protect the integrity of the system. And the very first thing that you'll find in there are the risk assessment and the supply chain risk management strategy. We definitely recognize the importance of a risk assessment and the current conversations around supply chain, and so we definitely wanted to find the area where that fell, and that's -- that'll be in our system integrity section.

Also removing nonessential services, including some of those new security innovations that you'll see here, exploitation mitigation with addressed space layout resolution, cryptographic boot validation, and authenticated updates.

And then finally, my last section, my last principle is detection and monitoring requirements. So, here what we have is that's where we kind of call out the things that should be logged within these voting systems, requiring firewalls, intrusion detection systems, things that kind of identify attacks -- potential attacks on the system. Making digital signatures and white listing for voting system, making sure what's running is only what should be running on the voting system, and then malware detection focusing on back-end PCs. This wouldn't include DREs, up-scans, and BMDs.

Okay. I said that was the last requirement, but I have open areas, so let's get into those. I have five sections. So, the first one is indirect voter associations, and so what this would be, would be an identifier on -- used within the system that would be used in the case of conditional ballots, so provisionals, absentee voting, and/or a change of eligibility, so they need to go back in the system and remove a ballot.

The concern here is that this would violate the ballot secrecy principles, so if -- if there was a way for these indirect voter associations to be used to link a voter to their ballot, then that would potentially violate ballot secrecy. If we didn't have this -- this last column, if we didn't have indirect voter associations, then it may cause issues for certain systems to be able to remove ineligible voters.

And so the reason why it's open is because we're trying to understand whether this can be accomplished without violating ballot secrecy and if there's a way to maybe remove this association from the actual voting system.

Next up, internet connectivity or public -- use of public telecoms, cellular modems, and things like that, so the use cases are here, and so we -- you know, we have online voting, remote access software, as well as the transmission of election results.

The primary concerns with internet connectivity are nation-state attacks, someone -- an attacker getting remote access to the system, maybe making modifications to vote totals, just a compromised infrastructure altogether, maybe applying malware or a denial of service altogether.

And so the residual risk that kind of falls under that or what happens if we remove internet -- or if we could explicitly say that internet is not allowed is that may -- we may cause for some changes in your voting infrastructure and needing to purchase new voting systems and also concerns around your current process, so will it cause slower election result transmission, especially for folks in areas like rural or mountainous areas where they need to send results a very far distance.

Cryptographic end-to-end systems, so E-to-E systems are a software-independent option that has an added security measure.

These systems can be paper or paperless systems, and what they do is they allow a voter to verify their ballot selections are correctly reported, and they also additionally can confirm that they were tabulated correctly, haven't been removed without actually revealing their ballot selections. And at the bottom there I'll -- I list just a few if you wanted to look some of that information up.

So, the concerns around E-to-E systems is that there are very few examples existing today or being used today, and it's -- with that, it's a little unclear of how to develop sufficient requirements for these systems. And additionally, it's a very complex system, and so it could be a little confusing to understand. And some of the thoughts on if we remove E-to-E from the requirements, this could potentially limit some areas of innovation where we provide these additional security-capable software-independent options, as well as that additional option that allows a voter to verify after they have cast their ballot that their vote was included.

Then wireless technology, I think this -- I got two more, two more. Wireless technology, so some of these cases for wireless technology, and what I mean is like Wi-Fi, Bluetooth, NFCs, cellular, so printing of a ballot, using an activation card or a token for authentication, transmission of those election results as we were kind of talking about with cellular earlier or assistive technology with

peripheral -- I'm sorry, assistive technology and peripheral devices like a Bluetooth, mouse, or keyboard.

So, the current -- concern here is an attacker being able to use that wireless connection to maybe modify voters' choices or modify election results; eavesdropping, just maybe going in and gathering some of the data and the potential for the injection of malware into the system. And the -- if wireless were to be banned within the requirements, again, like I mentioned earlier, this may cause changes in the -- in your voting system infrastructure as far as looking for a new system. Some of the concerns that were mentioned were slower transmission of election data, longer lines due to your current process. Removing it may slow the process and it also may cause limitations for accessibility.

All right. And this is my last one here, barcode and encoding schemes, so these are typically used for ballot activation, usability -- applying usability configurations to voting systems, storing your ballot selections, maybe transferring your ballot selections, maybe pre-voting and then bringing that barcode in to prepopulate -- I'm sorry, populate your votes or just storing identifiers on the ballot or storing digital signatures.

The list here of the concerns are -- have been discussed a lot, so these barcodes aren't -- they're human readable, and so the transparency -- lack of transparency could cause concerns for voter

confidence of what information is stored in those actual barcodes. And with that, not knowing what's in them, if it contains any voter information, that could potentially link a voter to their ballot selections and then violate ballot secrecy. And then interoperability, so the -- using proprietary barcodes, a tester may not be able to actually verify what's in it or replicate it or, from the auditability standpoint, using barcodes for auditability, that causes concerns of if it's capturing the correct information as far as the ballots -- I'm sorry, the tabulation results.

And then finally, for the -- if barcodes were banned, same thing, kind of it could cause changes in the -- in your voting system infrastructure. The voting systems may be less accessible to voters. If they can't repopulate their usability configurations, there may be increased wait times at precincts and there may be increased time spent tabulating, auditing, or recounting.

All right. Next step, so what we're doing right now is walking through these open areas on our call, and what we hope to do is get through these -- get through these areas, you know, have meat in these sections to understand your full use cases for these and any additional concerns that folks have in these areas, and then kind of present that to the TGDC, along with the requirements. And then after that, we would add, remove, or modify requirements based on the feedback that we receive from the TGDC.

Additionally, we have some software security requirements under principle 2, so we're reviewing and updating those. And then finally, developing a list of test strategies that can be used for the testing and certification of these security requirements.

Thank you.

MS. BRADY:

Thank you, Gema. So, there's just a couple more slides.

That's it for the requirements, but we are very much interested in your feedback, particularly in -- you know, obviously for all the requirements but particularly on the open issues.

So, I just wanted to quickly give you an update on where we are with test assertions. Essentially, what we did was back for VVSG 1.0 and 1.1 we developed a set of test assertions. There were about 1,200 of them that were developed, and the way we went about this -- and this has actually been a couple -- this work is a couple years old, so it's not new work on test assertions, but -- and we drafted them from the VVSG from prior versions of the VVSG, the NIST team did. We got together with the EAC to go over them and, you know, harmonize them. When they were harmonized, the EAC and the NIST team, we put it out to manufacturers for comment and for feedback and ultimately ended up with a set of harmonized test assertions.

So, remember, these test assertions -- and I'll show you an example in a minute -- give low-level details to the labs to give them insight into how best to test the voting system. They also provide the manufacturer with the questions that are going to be on the test if you will, so it's -- it doesn't give them the answers, but it tells them how they're going to be judged. So, it's important that -- it's an important effort.

So, what we've done since then is -- so this is work as of about six months ago. We conducted a gap analysis between what we had previously developed and what we thought was necessary for 2.0 based on where the 2.0 requirements were at that point in time. So, we've got a big spreadsheet for all 1,200 of them to -- and organized by various sections of requirements penciling what can be pulled over and what still needs to be developed.

We explored various test scenarios. And you heard some examples just, you know, if you guys were thinking, well, what the heck is it -- is a test assertion? So, here's an example from usability and accessibility, and the principle is that there should be no interference. And the -- you know, because these are both from a 1.0, the 1.0 requirement is that no voting equipment will cause electromagnetic interference with assistive hearing devices that would substantially degrade the performance of those devices, so

very low-level, right? And then there is, you know, for each -- there's three assertions here that were developed.

So, just think about it. If you're a test lab and you're reading through 12,000 of these, you know, my eyes glaze over just reading one, you know, so it's a -- so it's a -- in fact, I didn't even get through all of one. I only get through part of it, you know.

So, what -- what we're thinking is -- and it turns out that we had some interactions with labs, that we had some feedback from the labs, and a little bit of feedback from the manufacturers but not a lot. So, what -- what the current thinking is is there a better way, you know? And so we have all these, you know, test assertions that we could potentially use, but perhaps let's start talking about testing strategies, almost akin to what we did with the VVSG. Let's talk at a higher level and then go deeper to, you know, bring the manufacturers and labs along with us and let's see if we can capitalize on work that the labs have already done and perhaps QA activities that involve the assurance activities that are inside the manufacturers.

So, I expect that in the near future -- I'm not exactly sure when it's going to be scheduled, but it shouldn't be too far -- too far away, that we'll get a group of folks together to discuss how we can move forward on this effort, should we continue to develop the test assertions and say yes, it's drudgery to read through all these, but it

just has to be done or, you know, can we find a way through that -- that's -- you know, potentially puts us all in a better place at the end.

So, I think with that, you know, we're happy to take any questions. I'm sure Ryan is happy to take, you know, questions as well. He -- and we're here.

Let me just say, you know, that -- to all those who participated, the members of the public working groups, the -- you know, the feedback that we've gone from you all over the last couple of years, we couldn't be where we are today, you know, without all of your help, and we certainly appreciate it.

CHAIRMAN RIDDLEMOSER:

Questions? Please remember when asking your questions to push the right-hand mic button. You'll see the red light come on. When you finish speaking, deselect the mic button. Proceed.

MR. KELLNER:

So --

CHAIRMAN RIDDLEMOSER:

And introduce yourself.

MR. KELLNER:

-- my question is really to the Chair is that I have a number of comments rather than questions, and when would be the appropriate time to do that?

CHAIRMAN RIDDLEMOSER:

Let's take a round of questions first, Doug, and then if we've got some time this afternoon, I think your comments are probably appropriate as well. Questions --

MR. KELLNER:

Keep me in mind. Thank you.

CHAIRMAN RIDDLEMOSER:

Questions for the panel? Robert?

MR. DEZMELYK:

I'm Robert Dezmelyk from New Hampshire. I'm going to try to phrase it as a question because I think there's -- I think the question would be where in the process in a more formal sense will there be opportunity from input from the Standards Board on to the next step down, what amounts to the requirements? Because we've had a discussion previously and today on the guidelines, the VVSG guidelines, and they have a kind of hierarchical structure where we had guidelines, requirements, and then test assertions at the sort of test lab level, but what I -- the timeline, what I saw is, okay, we vote on the VVSG, in essence, the top level there, but we heard today that there's a view from at least one of the Commissioners that those are just aspirational and that it doesn't really have any sort of meat on the bones until we get to the requirements. And I think there's a lot of questions about that

interaction. And if the requirements are really crucial to make the guidelines, then this Board should be voting on both, not just the guidelines. In other words, it's not -- if those two are really that closely integrated, and they may be, then the question is should we as a board be really looking at a process where we're also looking at the requirements, not just, you know, passing the guidelines.

CHAIRMAN RIDDLEMOSER:

Yes, Robert, if you would deselect your microphone so we don't get a feedback loop. Robert's question is -- was well-stated, and it's -- looks at the charter if you will from HAVA to the EAC to the Standards Board and how we inform the process. And we decided a couple years ago by vote and have since reaffirmed that twice that the VVSG itself is principles and guidelines. Now, some of you may or may not have been here yesterday for the public hearing when the Commission asked this panel and myself and a representative from the Board of Advisors is not the requirements document policy? And the policy works if you will is the EAC proper, the four Commissioners.

So, to answer your question, they may or may not commend or re-commend the requirements documents and test assertions back to the two boards, the Board of Advisors and the Standards Board, for us to take a formal vote on it. My sense is that they will. My opinion is that they don't have to because of the things that we

set in motion a couple years ago, that the VVSG 2.0 is the principles and guidelines. We have put those forth, and the Commission even voted on them and has actually put them out now for public comment.

So, there will be an opportunity for us all, as election experts, subject matter experts, to weigh in on the various phases of the program as it comes together, so we will regardless have that. Whether we will sit and vote as a fully assembled Standards Board, my sense is probably, but I can't commit to that yet.

Brian or Ryan?

MR. MACIAS:

Yes, so I'm going to go back to part of the presentation that we gave last year, so for those of you that were new, we gave a presentation on draft policies. It has always been the intent for us to share with you guys and have an open public comment period as well for the requirements. I think Greg did a great job of explaining where that stands right now from a policy standpoint, but where we are right now is actually what NIST just presented on was provided to TGDC in a document form earlier this week.

So, there are still a few outstanding issues, but there is approximately 90 percent done. Again, I'm putting a number to it, but Greg is showing it right now. It's in his hand. It is ready. We can actually send it out to you guys. It is a public document. They

have been on the TWiki, the NIST webpage, and available, but it is actually in a document form now and could be shared with you guys to begin public comment as soon as possible.

But the anticipation is that we will have a TGDC meeting to go over in detail the requirements as-is right now and then the conversation going all the way back to last year when we presented the draft policies was to incorporate you guys' feedback as the two boards prior to going to public comment period as well.

CHAIRMAN RIDDLEMOSER:

Does that answer your question?

MR. DEZMELYK:

Yes, but if I could ask a kind of follow-up on to that, my understanding of that discussion, of which I was obviously a part of, the purpose of the guidelines was to give us an agile means of setting a set of guidelines which, if one could make a showing that you met those guidelines, then that was the objective of the certification, that those were the key components, that was the goal.

And to the extent that -- and I've read this draft by the way. To the extent that that -- these kind of procedural aspects or portions of that draft are going to end up being part of the requirements, that seems to cut against the structure and intent of the guidelines. In some places, the tests and the methodologies

that appear are right in line with the guidelines. In other words, if you can make a showing of usability, you've met the usability guideline. In some other cases, you know, if you made a showing of voltage or temperature, whatever, you're in. In other cases we seem to have fallen back to the kind of prescriptive almost design architecture, you know, do it this way.

And I think that's probably -- and I'm not asking a question, but that's the problem. I'm getting to the comment phase, but that is something we should work on or, you know, attempt to be careful of.

CHAIRMAN RIDDLEMOSER:

Yes. Right. Dwight?

MR. BRADY:

Let me just add that, you know, in leading up to the TGDC meeting, you all have representatives on the TGDC that will be asked to -- or will present the requirements to them at the upcoming meeting, which we hope will be but it's not yet scheduled. And my hope is that there'll be some conversation between now and then, so your TGDC members are representing this board, you know, at that meeting. So, I -- you know, my perspective, you should be commenting on the requirements because that's what they'll be asked to do at the TGDC meeting.

CHAIRMAN RIDDLEMOSER:

Yes. And to piggyback on what Mary just said, the Standards Board is indeed represented on the TGDC, but the VVSG Subcommittee of this group always gets to see things first. Even though it's all public at the same time, people that have signed up if you will to get elbow-deep in it are going to get elbow-deep in it. We all have the ability to peruse and comment, but there are two different bodies, the TGDC proper and then the VVSG working group of this, you know, subcommittee of this group.

So, Dwight?

MR. SHELLMAN:

Thank you, Greg. I'm Dwight Shellman from Colorado, and this question I guess is both for -- primarily for Gema. I'm -- first of all, thank all three of you from NIST for all that you've done on the public working groups. I think I signed up for most of them, but I confess, boy, it is a lot of meetings and sometimes I can't make all of them, and so it's just an enormous amount of work and you've done a great job.

I do have a question about the communication protocols, the open issues that you identified, Gema, with respect to Bluetooth, Wi-Fi, and the phrase that made my heart sink, internet connectivity is -- and I guess I -- I'm not understanding at least conceptually or structurally in terms of HAVA why we are toying with the idea of specifying requirements in those areas rather than

a requirement that an absolute air gap be maintained. And I was wondering if you could educate me on that. Thank you.

MS. HOWELL:

So, I think -- so it's an open area because we're not sure whether to specify requirements in those areas, and so I think the internet connectivity one is -- it has kind of an additional concern as far as, you know, does it fall within the scope of the voting system specific to HAVA? Because we kind of talk about transferring election results, and there's also some talk about how that may not fall specifically under the requirements in the VVSG. And so it's just -- I think mostly it's questions about how do we address these areas, not necessarily allow or deny but do we include requirements that say air gap and things like that and/or -- or how can we apply clarification around these areas.

So, they're open because I think in some ways we're just trying to figure out how to address these concerns properly within the requirements and how to word them correctly in these areas.

MS. BRADY:

Let me just add to that. In one of those popular uses I think here of Wi-Fi is using a ballot-marking device and having a wireless printer inside a polling place, that I think in past discussions or discussions over the years some of the security folks on the TGDC thought, well, that might be okay as long as you have auditing on

the backend, right? And so -- you know, so, I think the new requirements requiring software independence in the form of an audit on the backend, you know, in the form of, you know, potentially, you know, well, one solution is bring in an audit on the backend, it puts you in a position that -- you know, that you think, okay, is this okay inside a polling place? And they -- I think the current discussion is what are the risks, you know? So -- you know, so we're trying to outline some of the risks. We want to hear back from you all about how does it -- how do you use it? I mean, is this an important technology to you if -- given that you're weighing the risks that we've presented. Is it important to you or is it just as easy to run that cable and just, you know, have your printer connected, you know, via that cable? And I think we just need, you know, additional input there in some of these areas.

CHAIRMAN RIDDLEMOSER:

Other questions? Robert.

MR. GILES:

Hi, Bob Giles from New Jersey. So, last year at the Standards Board meeting we passed resolution 2000 1801, and I'll just read one small section of it. It's section 3, and it says, "The United States Election Assistance Commission Standards Board further recommends that the United States Election Assistance Commission, in its consideration of the recommendation --

recommended modifications take into account the following," and number three is "adopt within the Testing and Certification program a quality and program manual a provision providing for the ability of VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of EAC Commissioners." And now we're a year later from that, and I'm just curious where we are with that recommendation.

MR. MACIAS:

As was shown on the slides, those policy documents have been in draft. When we lost the quorum, those needed to be re-presented to the new quorum of Commissioners, and those have yet been -- to be provided to the Commissioners, but they are still in draft at this point.

MR. GILES:

So, will they be shared with us for comment?

MR. MACIAS:

My understanding -- and I would point to general counsel -- but if there are policies that need to be adopted by the Commission, I believe they're open for public. But they were shared with you in last year's meeting in the draft form that they were at at that time, and they have been untouched since then.

MR. GILES:

So, a year later there's a -- has there been any discussion? I -- I just don't think we should leave here a year later and still not have a discussion on this. This is a big issue for all of us, and it's not a matter of whether the Commissioners vote on the requirements or the test assertions. It's in the absence of a quorum that is very concerning to us. You -- you know, you lost your quorum last year, and you just said it, you couldn't do anything for a while. If you lose your quorum again and requirements need to be modified or updated, we're going to be in the same boat if, when you're creating these policies, you don't put a policy with a failsafe in there to allow changes to the requirements and test assertions. So, can -- and, I don't know, Brian, can you comment on this?

MR. NEWBY:

Well, I think that the time that the Commissioners will be looking to have a vote on VVSG or requirements is when that they would have to have that discussion and have a vote to include that comment as well because I think it's been teed up. It's not a -- it -- I don't think it can be passed in a vacuum until they review and decide how they're tasking VVSG and the requirements -- and/or the requirements. So, I don't know -- I still think it's up to -- I don't even know how to describe it other than to say it's not a staff thing at this point. When it comes a time for the Commissioners to vote on the entire thing, then that's when they would have to make that

decision. I haven't heard anything that would suggest that they won't want to have a provision to address that -- what to do when there's not a quorum, but I don't -- I think that that's a little bit still farther out than where they have to first review and decide how they're going to vote on the VVSG itself.

MR. GILES:

So, you have to put those policies in place before you vote on the VVSG and the requirements and test assertions? I'm not sure what order you're putting all these in. Can you go over that for me?

MR. NEWBY:

Well, are you asking that they should -- we should tee up -- this is a simple policy that says whenever VVSG and the new VVSG 2.0 is put up for vote, whenever that's passed, there should already be a provision that allows for lack of quorum? And if that -- that we haven't teed that up, the Commissioners haven't had a public meeting of any type except the public hearing yesterday, so, I mean, that could be -- if that's what you're asking, we would be glad to take that back and make that a -- see if that should be a decision point with the Commissioners before the entire VVSG is discussed and put up for vote.

MR. GILES:

I mean, I think it should be in that if you're going to vote on all this -- and, again, we're not giving you push back on whether you should vote on it or not as Commissioners. It's -- I just -- I'm concerned if you move forward without that, it's going to fall through the cracks and never get done. The same way you guys pushed Congress to get a full membership so you could get the VVSG done, we as the Standards Board should be pushing you guys to make sure the States are protected in the absence of a quorum again. So, I think -- I absolutely think me personally that that should be part of the process before you adopt a new standard. And I don't see how your adopting standards without policies to adopt standards. That's I guess my question.

MR. NEWBY:

Well, and I agree with that. I guess I'm suggesting that it sounds like -- I mean, if that's the approach -- I thought that's the approach we were going off was that when they were to vote on VVSG and/or requirements, that's when the recommendation from Standards Board will be something they will also have to vote on. And that has to be part of the provision. That's where I thought we were going. If it makes sense to take it to Commissioners first and say while we're doing public comments and all this with guidelines, VVSG, and what we put out for comment on the requirements, let's tackle this other item, I think we could tee that up to them. I don't

see why we couldn't. You know -- It would be up to them to vote on it, but I don't see why we wouldn't want to do that if that's what you and others wanted.

MR. GILES:

Yes, I mean, I think they should run parallel, absolutely.

There's no reason why they couldn't.

CHAIRMAN RIDDLEMOSER:

Bob, I believe that the Commissioners are aware of the votes that the Boards have taken. There's a certain to-do list if you will at the EAC sitting with the Director and staff and the Commission as it's now constituted, but remembering that the new quorum has only existed since January. And I think they're well aware of that. And one of the things that was mentioned yesterday in the public hearing is the two things that are at play here is the broad rulemaking authority of the Commission itself and the sense of the Congress when they set up the whole EAC. So, it's -- the way it was described to me is that we can't out rule-make the United States Congress, so there's going to have to be some legal research and efforts put into figuring out just how the EAC can structure itself so that it can function when it doesn't have a quorum.

So, they're well aware of that, Bob. I know that's specifically from the testimonies that were given and the comments by the

Commissioners themselves yesterday at the public hearing, so I think they know they have some homework, and I believe that the staff is more than capable of carrying the ball.

Other questions? Jess?

MS. MYERS:

Jess Myers from Pennsylvania. I just wanted to take a second to echo what Bob had stated. Currently in Pennsylvania and formally of the EAC, it is definitely a concern of mine making sure that that is addressed.

I was also wanting to ask where are the policies that were presented last year to Standards Board members for those of us that were not part of it? Are those -- are those available on the EAC website or could they be provided again to those of us that were not members last year?

MR. MACIAS:

Yes, so they're currently in draft form, and so the actual policies themselves were not provided to the Standards Board and have not. There was a presentation that was summarizing where the policies have -- or how the policies have been drafted and some of the content of it. That is up on the Standards Board website -- or on the EAC website under the Standards Board link specifically for the 2018 meeting. There is the presentation with diagrams and photos of how that has been drafted in its current state.

CHAIRMAN RIDDLEMOSER:

Jess, is that sufficient? Okay.

Along the same line, I was asked on several occasions if all the presentations that have been PowerPointed over today and tomorrow, if they will also be tabbed on the EAC website? They already are? Awesome, they already are, so there you go.

Doug?

MR. KELLNER:

So, thank you.

CHAIRMAN RIDDLEMOSER:

Introduce yourself, please.

MR. KELLNER:

I'm Doug Kellner, Co-Chair of the New York State Board of Elections, and I wanted to sort of follow up on the comments that my colleagues from New Hampshire and New Jersey have raised, which is that precisely the single purpose of the Standards Board set forth in the statute -- is says, "shall review the Voluntary Voting System Guidelines in accordance with the procedures for adopting those guidelines." So, while all of the other activities that we've scheduled for our two days of meeting are interesting and useful, the panel that we are -- we've had this afternoon is really our principal purpose and function.

And I guess our Executive Board has sort of made a decision that, well, we already adopted our recommendations last year and that nothing has changed since last year, and therefore, it wasn't really necessary to put in the packets what the Voluntary Voting System Guidelines are. And I think that that's a little disappointing. Instead, I think that the thrust of our meeting today should have been to focus on these five open issues that our panel members have identified.

And I have a lot of confidence in our panel members. I think they presented the issues well, and I have views on many of those issues, and I think the Standards Board could have a role in helping to guide the resolution of those issues, or maybe people feel that we don't have enough qualifications as a board to do that and we should sit back and let the TGDC go ahead and that we would privately submit comments.

So, at least for next year's meeting I think that I would urge the members of the Executive Board to really focus on that function of actually soliciting the advice of the Standards Board as opposed to simply passively receiving information and informing our national membership of other items that are of interest and value but our real function is to address the Voluntary Voting System Guidelines.

CHAIRMAN RIDDLEMOSER:

Doug, can I comment on that before you continue?

MR. KELLNER:

Yes, of course, Greg.

CHAIRMAN RIDDLEMOSER:

I will take that as a legit criticism. Absolutely we should have put in the packet that which was adopted because that's what we're working off of is the principles and guidelines as -- certainly as by way of reminder, but the system was designed if you will -- and not to go down the bureaucrats' alley but -- because bureaucrats love bureaucracy, that the TGDC does the hard work and makes recommendation to the Standards Board, and I think that was in an acknowledgement years ago, perhaps even with the sense of the Congress when they wrote it the way they wrote it the way they wrote it, that there were going to be two people from every State is that one of the most difficult things we do on the planet is have 10 people sit around a table and build a PowerPoint. So, having 110 people sit around the table and get into NIST's chili would be difficult at best.

So, you said something that I got to say a lot has been done over the last year. Have we weighed in on it? No, because we have elections to run. And I appreciate your point. The public working group still exists. The TWiki stuff still exists, and there are opportunities for us to engage. But I know for me anyway it's kind

of out of sight, out of mind other than the fact that I'm on, you know, the TGDC.

But this is what's happened in the last year. This is the stuff that NIST has been doing, and it is some good stuff, it is some weighty stuff. And by their own estimation it's at the 85-90 percent completion. And I'm pretty pleased about that because those are some folks that are working really hard to the hardest part of what you described, Doug. And I agree with you 100 percent. That is our only job. But it usually comes to us by way of the TGDC and then the staff if you will because the Commissioners asked them to present it to the Standards Board for a gut check. And I agree that I think that's probably what's next.

And you had something else?

MR. MACIAS:

Actually, can I add to that, too, Doug, is we would love to hear the feedback of the Standards Board, which is why we're presenting the items at issue. If the Standards Board could come together and determine on any of those outstanding issues of concern, that they could come to agreement and pass a resolution or provide us input on any of those outstanding items and -- which way that you as a board feel we should be moving towards in any one of those items, that would be a best-case scenario.

So, I completely hear what you're saying, and I agree with you, and that was the whole purpose for providing this input and doing it on day one as well is because tomorrow we will have some of the breakouts but also why we have an hour right now to deliberate on it, but then we will have the VVSG Subcommittee where it could be a topic tomorrow where the output of that could be put forth in front of the whole board on potentially the subcommittee's recommendations and see if that would be passable by the entire board. So, I completely hear you, and I think that was the intent of us doing this presentation at this point.

CHAIRMAN RIDDLEMOSER:

And I would go one step further, Ryan, that that's a great idea and I will jump on Doug's grenade by if NIST will give us the boiled-down version of the things that you consider open items, I will commit to the VVSG Subcommittee tomorrow looking at those things specifically.

MR. KELLNER:

Well, I appreciate that. And Greg, I do agree with you that the statutory scheme does give the TGDC the initial review and the duty to make the proposal that then comes to the Standards Board. So, I think you're certainly right on that point. And of course you make the point that it's totally unrealistic for this body today and

tomorrow to resolve any of these issues -- these five outstanding issues.

But if people will bear with me, I just want to throw out my little comments on some of these issues, that as one of the points on the internet connectivity issue, certainly post-election results can be isolated from the voting system so that there's no need to have a wireless connection from the voting system itself directly in order to report results. And I thought the comment of, well, if we -- if we adopted that as a standard, States would have to get new equipment is really specious because the whole point is that these are voluntary standards. We should not be reducing the standards because old equipment is substandard.

And certainly States have delayed for a long time in replacing equipment that they've known was substandard or that didn't even meet their own statutory requirements because they didn't have the funds to do so. And because these are voluntary guidelines, that shouldn't be a consideration at all, that we should set what the standards are, and then it's up to the State and election officials to decide whether they're going to spend the money to replace substandard equipment. And then -- so --

MS. HOWELL:

Doug, can I make a quick comment on the internet section? So, just additionally, just some other additional information in that

area is that it's not just internet set wirelessly. Some folks would use like the public telecom or telephone lines or cellular modems, but it's wired. But those also touch the internet, and that's -- that's also something that kind of came up that some folks just may not be aware. I'm sorry, I just wanted to make that additional point.

MR. KELLNER:

I get it, but, you know, I had to fight with the New York City Board of Elections five years ago where they wanted to do wireless, and they simply said just take a tablet at the polls site and pull the disc out of the machine and stick it into your tablet and then have the tablet do the wireless communication so there's no direct connection to the voting system. And they finally did that and it worked out fine even though they have lots of poll sites that don't have adequate communication facilities. We'll see as it -- as we go to electronic poll books whether it works as well, but -- then I wanted to -- just to show that I'm not just a security maximalist to weigh in on the barcode encoding debate and to say that I have yet to find an election integrity activist who has convinced me that a barcode on the ballot that is used for counting the ballot violates election integrity principles as long as there is still a voter-verified ballot and a post-election audit of those voter-verified ballots. And why -- the scanner that counts a ballot off a barcode is using the

same black-box internal computer code to count that ballot as it would use if it were counting the marks of a voter directly.

And so the -- the actual counting that goes on in the machine that tabulates the votes is not disclosed and transparent to the voter. The only way to disclose and make that transparent and verifiable is that the voter has seen the ballot before it is counted and has said that's how my ballot should be, that those are the marks on my ballot that I want counted, and that at the end after you've come out of that process you're able to audit it to -- through whatever technology, whether it's hand counting or using another system to verify that the machine actually counted it accurately. But the counting process, whether it's a barcode or a hand mark, is the same.

All right. Well those are my comments, and I appreciate your tolerance, and I hope that next year we'll be able to focus more on the actual guidelines and issues to try to come to a consensus with the Standards Board.

MR. NEWBY:

I think one thing we heard yesterday from one of the witnesses during the hearing I think everybody overall has a general feeling that faster is better to move this process along, and so I do think that it is very important, as you said, that the Standards Board have input into the requirements. And the phrase

-- and I know what you're saying. The phrase next year seems incongruous with faster is better. So, I would think that it might be good if -- whether it's the VVSG Subcommittee, Standards Board overall, but either propose, you know, or work with us to come up with a process to feed those requirements and in an iterative way so that we're not -- you know, throughout the whole year. So, I mean, I think that -- I would think that that's very vital to this.

CHAIRMAN RIDDLEMOSER:

And, Doug, I appreciate your comments, I really do, and I thank you for that. And several things I think happened, and that's a reminder that perhaps we can re-energize the avenues where the work was being done and can be done again just to fire them up because they still exist. Like I said, the public working groups and the TWiki pages and all that stuff still exists. The staff is still working on this. We still have subject matter experts like yourself out there that are very interested in this.

But whether you felt you were belaboring something that didn't need to be belabored currently, I would disabuse you of that. It needed to be said, and thank you for saying it.

And I'll -- I'm going to tap dance for a few minutes here because we're not quite ready for what's next, but the other thing, Doug, about what you said that I thought was poignant was there's at least 30 people in here that are new members of the Standards

Board, and you said in very few words what our job is. And although we've been given presentations if you will, those are given from the folks that are on the staff and the folks at NIST that are doing the really hard work. But we, as election officials, local and State, that are members of this board have a job to do. And you said it very well, so thank you for saying that.

Who else has got a question or comment? Because I'm going to keep you here for another 10 or 15 minutes no matter what.

[Laughter]

MR. DEZMELYK:

Okay. I want to preface this by saying I'm not trying to admit what's obviously an early document -- technical document, but I'm going to make a recommendation procedurally that the TGDC subject matter experts, many of whom are focused on particular technical aspects, perhaps open up channels to hear more from the broader scope of people who are in this room. And just by way of example, I'm going to encourage the people that are working on this to look at 1.3-C.1, reporting device consolidation, which has an absolute requirement that a precinct reporting device needs to be able to consolidate in no more than five minutes per scanner. Now, I don't know why it's not 10 minutes, six minutes, four minutes, or 20 minutes, but someone's doing in essence a design-level

requirement, and it requires -- I'm going to save discussion for people who haven't read the document -- this requirement essentially requires precinct-based vote-capture devices to be able to consolidate voting data for the purpose of issuing one consolidated report.

So, someone has now made a design decision that some -- that a person say in our State who has 30 precinct scanners operating in one room because it's a large facility, has to be able to get them to share data into one electronic computing device to make a report where they have no more than five minutes per scanner to execute them. That means they need a network between those devices. So, they're not going to be able to run around with thumb drives in five minutes per scanner, so that means you've now forced them into a network. And now you're discussing at the same time should I be on electronic networks? But remember, you just required them right here.

So, that's why I think it's very important process-wise to look at the overall process with the fine granularity requirements and also to think more about what you're trying to achieve, not how you're designing it. It's very easy writing these requirements documents as an engineer to say, well, how would I do that? It should happen in less than five minutes. It should happen a certain way. But you want to take that hat off and put the testing hat on.

The question is does it allow that to happen, right? Because really how it happens it seems to be an issue for election people, right? Everybody in this room has an idea of how they consolidate results within the precinct, and I bet there is a law in half the States in here about how to do that. I know there is in our State, okay, so we're crossing the process into the technology, and that's probably a place we want to try to push those apart or make sure the technology is bound to the process that the election officials actually use.

CHAIRMAN RIDDLEMOSER:

Yes, Robert, I agree, that's a good point, too, and I know that's one that the staff at NIST struggles with all the time. As Mary says, when you're looking at, you know, a 300-page document, trying to find little things like that so that you can reword them to do exactly what you said is one of the hardest things that they do. And so when we do put this out -- and it's out there now in its 85 percent fashion -- go in there and find those places and circle them and send them back because that's the kind of eyes-on editing that I know that the professional staff desires, you know, above anything else.

Dwight, you had another comment?

MR. BRADY:

Let me just say, you know, thanks for the comment. I mean, the -- that's the -- exactly the type of comments we're looking for is to try and understand what your real-world concerns are and what some of these requirements might mean to you in terms of, yes, how you run elections.

MR. SHELLMAN:

Yes. This is Dwight Shellman from Colorado again. I did have one other question for Sharon. In -- and it kind of follows on Doug's thought about barcodes and EMD devices. To me at least in discussion forums about ballot-marking devices and the artifacts which in Colorado must serve as the basis for a risk-limiting audit, a new dimension (inaudible). Unless the voter is presented with something that more or less resembles a form showing all available choices and describing in some meaningful way what the ballot measures concern, that even though it's giving you a cue to read the text portion, a summary ballot does not provide meaningful cues to a voter to enable them to truly say, yes, those are the choices I want or at some point now the ballot's saying (inaudible).

But, Sharon, you mentioned I think your (inaudible) if you could speak about that a little more.

DR. LASKOWSKI:

Yes, we're certainly aware of this question. That's why we're doing this little bit of research in the next few months to really try to

wrap our heads around that because you're asking (inaudible) some of the things we know already is that it's -- a lot of their (inaudible). If the presidential race is important to me and I see a selections-only ballot, I'm going to remember --

MR. SHELLMAN:

Right.

DR. LASKOWSKI:

-- whether that's correct or not. But to expect -- but it's -- so the question is can -- can a voter ever truly verify everything? But even -- even if they're hand-marking a ballot, it's not -- they make mistakes, so what are the trade-offs there? So, we want to write a paper that explores these issue, also, we're actually gathering some data on -- to the three different voting approaches, systems that we think do a fairly good job and really try to explore qualitatively whether we can encourage as much of the verification as possible and also outline what all those issues are. So, yes, exactly, that's why we're doing this research study, yes.

CHAIRMAN RIDDLEMOSER:

And one of the things I brought up in my testimony to the EAC Commissioners -- and I would encourage you to think about the same things, that there's at least 50 States in here that have sway over their localities, and I don't know, but maybe some of the largest localities in America actually tell their States what to do. I

don't know. But my point is -- and when I brought it up to the Commissioners was words matter, and I'll use the specific one of -- I'm a big fan of post-election audits, but let's call it that. Let's not put a label on it. When I got a box of tissues, it's a box of tissues, but if you've been on the planet long enough, it doesn't matter what brand they are, you call them Kleenex. And if we say risk-limit audit, risk-limit audit, risk-limit audit, risk-limit audit often enough, we're going to box out the States that don't want to do that because that's a post-election audit. It's an example.

So, when we're thinking about stuff -- and Colorado is the first one to go down that road and they went down that road hard, don't -- feel free to recharacterize your thoughts on it. It's okay to say Colorado does risk-limit audits, and, on the other hand, I'm just a fan of post-election audits in general, right? So, because we shouldn't box ourselves in, we are the Standards Board and there can be a lot of standards and in the standard per se that's going to be in the VVSG, I'm sure somewhere in there it says post-election audit. And I will fight to my dying breath to keep those exact words in there because that's the kind of flexibility that the large localities and the States need.

And the way we think about these things certainly we ought to bring them to the -- whether it's the TWiki world, our conversations with NIST or whatever, let's not push down certain

roads. Let's look at features and benefits if you will and not specificity.

Cliff, are you sort of ready? I'm not ready for you, but are you sort of ready?

MR. TATUM:

Mr. Chairman --

CHAIRMAN RIDDLEMOSER:

Are there any other questions, comments, about the panel's presentation today? Paul? Paul from Okaloosa.

MR. LUX:

I just wanted to add on the barcode thing because we've been fighting -- I say fighting this battle -- having this discussion with legislators as we are working toward certifying certain things and approving things for use in Florida. And the point that I keep driving home to the legislators is, look, you know, I use auto marks in my jurisdiction. I don't have anything that produces a barcode. But how does a truly blind voter verify that that piece of paper my auto mark spits out has their votes correctly recorded on? And the answer is you put it back in the machine and it reads it back to you again. Ditto for the express vote with the barcodes. Yes, there's a human readable sub-selection of your -- or choices of your selections under the barcodes. How do you know that the barcodes are read properly and are identified as your choices?

And the answer is you stick it back in the machine and it reads it for you.

And so, I mean, it's -- it's -- I mean, to have to present the entire ballot would completely invalidate certain technologies that are out there, and that's the -- if you want to stifle innovation, that's probably the best way to do it is to -- you know, because, I mean, come on, in Miami-Dade, not to pick on my friends in Miami, but, I mean, their ballot routinely, without the dual or triple language requirements, would be three or four pages long anyway. And so it would completely negate for them the ability to use technology like this if that summary that comes out of it has to present the entire ballot. And we're actually fighting that fight in Florida right now because our law says all voting shall be by mark-sense ballot, and a mark-sense ballot is defined as a selection of all of your choices and the summaries of all of your ballot questions, which of course the output from this one particular piece of equipment doesn't meet. And so still very much in favor of where this is going as far as it relates to the barcodes.

CHAIRMAN RIDDLEMOSER:

Right. And, Paul, I agree with that personally, and I know the manufacturers are keen on legislation, both city, county, State, and Federal, four things that may box them into the corner for currently certified equipment and equipment that they intend to

build and deploy in the future. I am hopeful that the VVSG 2.0, with the requirements and test assertions, don't get into that kind of specificity because I don't believe that they need to.

This is a paid political commentary. I would ask that the captioner and the recorder cease recording at this point so that I can make this comment --

[Laughter]

CHAIRMAN RIDDLEMOSER:

-- which probably isn't going to happen but --

[Laughter]

CHAIRMAN RIDDLEMOSER:

-- one of the things that's troubled me in my eight years in the election world is that lobbyists, think tanks, endowments, nonprofits, you name it, have things that they are doing. They have agendas, they have constituencies, and there are things that they will push if you will. And so we need to be ever mindful at the city, county, State, and Federal level of the fact that these advocacy groups -- and I'll put them all in a -- whether it's an endowment or a think tank or a -- even a major university that are pushing certain things, they're getting to the 20-something staff directors of our General Assemblies and of our Senators and our Congressmen back in D.C., and legislation is getting written based on the opinion of a few folks from a think tank and a 20-something staffer that's put

in front of a U.S. Senator who happens to be powerful enough to throw some weight around. And if that Senator had a chance to spend 25 minutes with any of you in here, they wouldn't have gone down that road.

So, we need to be just as active if you will as the manufacturers are in trying to keep up with what Paul's described as the undercurrents of the various advocacy groups and the directions that they're going because they will move our industry whether we are participatory in their movement or not. So, we ought to be very conscious of all of the stuff that's going on in the battle space so that we can continue to be the subject matter experts and not let the other folks drive the fight.

So, we have got to be able to speak to the things that Paul's talking about. We have to know how it works at the simplest level and explain that to our General Assemblies and our delegations in Washington. And when those pieces of legislation hit the calendar, we either have to personally or, through our lobbyists or our associations, try to get in there and make sure that it doesn't get out of subcommittee or however your local State assembly works.

So, please don't put that in the transcript.

[Laughter]

CHAIRMAN RIDDLEMOSER:

Any other questions about the panel? If you guys want to go sit elsewhere, you may.

[Applause]

CHAIRMAN RIDDLEMOSER:

There are still snacks.

And a couple housekeeping things, one of the things I want to encourage you about tomorrow is, A) you'll be told which subcommittee you'll serve on next year, and then we'll break up into some working groups and come back and make recommendations to the entire body of the direction that the subgroups want to go next year. But in order for that to happen, you actually have to show up tomorrow. And I don't know how many of you have ever been to a day-and-a-half-long conference and blew off the second day, but I'm going to ask you not to do that because we have to have a quorum because we're a Federal Advisory Commission and we're not allowed to operate with just 10 of us in the room. So, please be here tomorrow. Please be on time because we have a lot of stuff that will happen tomorrow, and we're looking forward to your participation in that.

It is on the agenda that there's breakfast and other things happening tomorrow. And tonight you are on your own except for the folks that are about to be officially elected to the Executive

Board. And having said that, I will yield the floor to the legal counsel for the Election Assistance Commission Cliff Tatum.

MR. TATUM:

Mr. Chairman, the results of the election are in --

[Laughter]

MR. TATUM:

-- and are presented on the screen for you all to see. The names of the lucky election winners are on this document that I'm walking to your position.

CHAIRMAN RIDDLEMOSER:

Okay. So, if you can't read that slide -- and I certainly can't -- what I can tell by looking at that since it was one person, one vote, I got fewer votes than anyone else did, so --

[Laughter]

CHAIRMAN RIDDLEMOSER:

-- I'm not sure what that means.

So, elected to a single-year term on the Executive Committee, myself, Rey Valenzuela, and Brad King. We'll keep the suspense going while I put on my cheaters. It's a two-year appointment into a six-year term, Debby Erickson and Joe Gloria, and the winners of a two-year appointment to a two-term seat is Barbara Goeckner, Rob Rock, and my good friend from the State of Oregon Steve Trout.

The people whose names are up here on the screen, yes, if you would stay behind for a few minutes, we have to administer the secret handshake.

[Laughter]

CHAIRMAN RIDDLEMOSER:

If there are no other for-the-good-of-the-order comments, we will stand recessed until we reconvene tomorrow morning at 8:00 a.m. Thank you.

FEMALE SPEAKER:

Can we leave our stuff here or do we have to take it?

CHAIRMAN RIDDLEMOSER:

So, the question is if you can leave your stuff here. Please leave iPhones, iPads, and tablets of any kind here.

[Laughter]

CHAIRMAN RIDDLEMOSER:

Yes, you can leave your name tents and your agendas and other stuff like that, certainly.

[The Standards Board meeting of the United States Election Assistance Commission recessed at 4:17 p.m. on April 11, 2019, to reconvene at 8:09 a.m. on April 12, 2019.]

CHAIRMAN RIDDLEMOSER:

CHAIRMAN RIDDLEMOSER:

Would the Standards Board please come to order? Using the chairman's prerogative, I will declare that we have a quorum.

Some housekeeping announcements, we'll try to get into the agenda as quickly as possible, but there's a lot of things that happened last night that we need to ratify. So, if you would, hopefully you have a copy of the agenda in front of you, make a couple of easy announcements, and then we'll get into the hard ones.

All of the conference rooms are on the third floor for the breakouts. There will be a breakout in this room, and I'll tell you about that in a minute, but the conference rooms for the breakouts are on the third deck. There are stairwells on either end of the lobby where you can go up one flight of stairs and right into the Conference Center. The door is labeled the PCC for the Peabody Convention Center or something like that, so it's not a stairwell to nowhere.

[Laughter]

CHAIRMAN RIDDLEMOSER:

It actually goes to the third floor, and you can of course use the elevators.

The slight change, this -- we only do this to make sure that you are paying attention and can follow directions. The Bylaws

Committee will meet in the Exeter Room. The Cybersecurity meeting will not meet at all. So, the breakouts that we're going to do today, the VVSG, Clearinghouse, EAVS, USPS, and Bylaws in the rooms as scheduled, except Bylaws will be in Exeter.

Everything is on the third floor.

You have been given a gift by the staff if you will. Your official certificates of appointment are available to be picked up at the customer courtesy counter just outside the door, so make sure you take that home. You can frame it right next to your group photo as soon as Brenda posts the group photo to the internet.

The Executive Committee met last night, and the -- their two official duties were to select officers from among themselves. Brad King was selected Chair for next year, Rey Valenzuela for Vice Chair, and Steve Trout for Secretary, so if you would give those fine gentlemen a round of applause.

[Applause]

CHAIRMAN RIDDLEMOSER:

Now, given the fact that the bylaws affords the Executive Committee certain latitudes and that we live in a dynamic environment in the elections business, the Executive Board wants to form a Disaster Preparedness and Recovery Working Group. We can do that through the bylaws with your help, so I would entertain a motion to that effect.

MR. ROCK:

Mr. Chairman, I'll make that motion. Rob Rock from Rhode Island.

CHAIRMAN RIDDLEMOSER:

Rob Rock made the motion. Is there a second?

MR. TROUT:

Steve Trout of Oregon, second.

CHAIRMAN RIDDLEMOSER:

Thank you, sir. It's been moved and seconded that we create a Disaster Preparedness and Recovery Working Group. Rob, would you give us a little background on that?

MR. ROCK:

Sure. So, natural disasters have the potential to throw elections into chaos, destroying infrastructure, displacing voters, and potentially rendering the impacted system more vulnerable to security threats. Election stabilization and recovery in the aftermath of such events has unfortunately become a timely topic for election officials across the country. The EAC does not know how many election systems are impacted by natural or manmade disasters or how many voters feel the effects.

However, in 2017, a FEMA report estimated that, in that year alone, 25 million Americans or nearly 8 percent of the U.S. population were impacted by a natural disaster. That number does

not account for terrorist threats or attacks. Repairing election systems is really a top priority in the immediate aftermath of such events even if a disaster occurs mere weeks before an election or on Election Day itself. Still, election officials must ensure an election is carried out on schedule without any margin for error or additional budget. For example, Hurricane Michael made landfall 15 days before early voting began in Dade County, Florida, destroying many buildings in the area and displacing thousands of residents. Still, Supervisor of Elections Mark Andersen reported the county experienced a 53 percent turnout, 2 percentage points higher than the previous midterm election.

The impact of disasters such as Hurricane Maria in Puerto Rico, Hurricane Katrina in Louisiana, the 2017 and 2018 wildfire season in California, and the D.C. sniper attacks in the D.C. Metro area have laid bare the need for the EAC to focus additional resources on helping State and local election officials recover from disaster and prepare for future events.

Election officials are some of the most innovative and adaptable leaders our nation has to offer. Since its inception, the EAC has worked with election officials to tackle some of the greatest challenges facing American elections. We are proposing the Standards Board establish an ad hoc committee to ensure the

issue of disaster preparedness and recovery continues to be part of the discussion around successful election administration.

The issue of disaster preparedness and recovery is about more than what to do if a jurisdiction experiences a hurricane or terrorist attack. It is about restoring a way of life for devastated communities. In the United States, that has always included fair, accurate, secure, and accessible elections. Election officials who have had to administer elections in the aftermath of such events understand the importance of elections to their communities as they seek to rebuild.

The central question at the heart of their effort is also the defining mission of the EAC. How does an election official administer an election no matter what and do so in a way that best serves voters? The EAC is able to advise on election administration best practices in jurisdictions that have not survived such events. We should also be able to do that for jurisdictions that have and, with the guidance of the Standards Board, we hope were able to do that.

CHAIRMAN RIDDLEMOSER:

Thanks, Rob.

Is there any further discussion on the motion to create a Disaster Preparedness and Recovery Committee -- Subcommittee of the Standards Board?

Seeing none, that's the matter before us.

All those in favor, say aye.

[Chorus of Ayes]

CHAIRMAN RIDDLEMOSER:

Opposed?

[The motion carried unanimously.]

CHAIRMAN RIDDLEMOSER:

The committee shall be added.

Now, you didn't get a chance to sign up for that committee, so you will be given a chance to sign up for that today. So, we're going to talk about the other committees here in just a minute.

If you end up going to USPS or EAVS or the VVSG or one of those other committees, we're going to pass a pad around and you can sign up for the Disaster Preparedness and Recovery Subcommittee.

I want to talk about committees briefly. The Commission and the Executive Director is really interested in energizing the subcommittee system and getting feedback from the folks that are in this room on various matters. And I'm sure that they will do that, but a half a dozen of the other committees that are statutory if you will are as needed, so there's the Bylaws, the Nominating, the Executive Director Search Committee, things that we have to put members on that may or may not be called into service over the

next year. So, there's committees that are more working group in nature, and there are committees that are more pro forma if you will in nature.

So, the Executive Committee met last night, looked at your dream sheets, and assign folks to committees. It doesn't mean that you can't attend, can't participate because we're certainly interested in leveraging the entire knowledge of the Standards Board.

The Committee Chairs of the various committees will read the members, so you just kind of have to listen for your name to be called. Remembering by looking at the agenda that there's only five committees that are going to -- six committees that are going to meet upstairs on the third floor, the Disaster Preparedness and Recovery will meet in this room, and you'll get a little feel for that. And if you are interested in signing up for that committee long-term, that opportunity will be given to you, and the Executive Committee will meet later today to assign folks to that committee, and we'll notify you of that.

So, the Nominating Committee, the Chairman of the committees will read the names of the members whilst in place, and we'll go through this as quickly as we can so that we can get on with the agenda.

Rey, Nominating Committee.

MR. VALENZUELA:

For the Nominating Committee, we have DeAnn Buckhouse, Amanda Grandjean, Christopher Piper, Brad Raffensperger. That's a total of five for that particular Nomination Committee, and we will not be meeting because -- obviously. Thank you.

CHAIRMAN RIDDLEMOSER:

The Proxy Committee also has five seats. Rey?

MR. VALENZUELA:

For the Proxy Committee, we have Marci Andino, John Arnold, Amanda Grandjean and James Tatum, and also the Proxy Committee is not meeting at this point.

CHAIRMAN RIDDLEMOSER:

Okay. The first one we're going to read that is actually meeting today is the Bylaws Committee chaired by Brad King. And Brad King, as the Chairman next year, is an ex officio member of all subcommittees of the Standards Board. Brad?

MR. KING:

Thank you, Mr. Chairman.

The Bylaws Committee members consist of Maria Pangelinan, Dennis Parrott, Lisa Moorhead, Hawley Robertson, Howard Sholl, and Barbara Goeckner.

CHAIRMAN RIDDLEMOSER:

And they will meet in the Exeter Room on the third floor.

The TGDC reps for this next cycle, Bob Giles as the State rep from New Jersey, Paul Lux as the local rep from Florida.

Resolutions, Brad?

MR. KING:

Mr. Chairman, the members of the Resolution Committee include Lisa Moorhead, Douglas Kellner, Jerry Pettit, and Louise Phaneuf.

CHAIRMAN RIDDLEMOSER:

EAVS, which will meet today in the International Room, Debby?

MS. ERICKSON:

Mr. Chair, members of the EAVS Committee are Nikki Charlson, Mark Goins, Lance Gough, Keith Ingram, Howard Sholl, Michelle Tassinari, Carol Thompson, Justin Lee, Bryan Caskey, Veronica Degraffenreid, Neal Kelley, Maria Matthews, Sandra Pinsonault, and Brittany Westfall.

CHAIRMAN RIDDLEMOSER:

The VVSG Subcommittee will meet today up in the Galaxy Room.

Steve?

MR. TROUT:

Thank you, Mr. Chairman. The VVSG Committee: Veronica Degraffenreid, Robert Dezmelyk, Heather Doxon, Bob Giles, Lance

Gough, Tim Hurst, Keith Ingram, Dwight Shellman, Brian Wood, Nancy Boren, Dana Corson, Dana Debeauvoir, Batina Dodge, Gail Fenumiai, Susan Lapsley, Rene Loy, David Maeda, Guy Mickley, Barretta Mosley, Jessica Myers, Justin Roebuck, Kai Schon, Kristen Uyeda, Mandy Vigil, Justus Wendland, Randall Wenger, Brittany Westfall, and Meagan Wolfe.

CHAIRMAN RIDDLEMOSER:

The USPS Committee will meet today in the Devonshire Room.

Barbara?

MS. GOECKNER:

There are 13 members: Jackie Gonzales, Maria Pangelinan, Derrin Robinson, Justus Wendland, Gail Fenumiai, David Kunko, Justin Lee, Jana Maddux, Jerry Pettit, Chris Piper, Will Senning, and David Shively.

CHAIRMAN RIDDLEMOSER:

The Clearinghouse Committee will meet today in the Fortuna Room on the third floor.

Joe?

MR. GLORIA:

Mr. Chairman, there are 10 members of the Clearinghouse Committee starting with Dave Kunko, Bernadette Matthews, Patty

Weeks, Brittany Westfall, John Arnold, Nancy Boren, Michael Dickerson, Katherine Jones, David Maeda, and Guy Mickley.

CHAIRMAN RIDDLEMOSER:

The Executive Director Search Committee, Rob?

MR. ROCK:

Carri Crum, Mark Goins, Michelle Tassinari, Justin Roebuck, Dana Corson, Joe Gloria, and Brad King as ex officio.

CHAIRMAN RIDDLEMOSER:

The Cyber Committee is made up of the Executive Committee chaired by Mark Goins. They will not meet today.

Mark, the members?

MR. GOINS:

Thank you, Mr. Chairman. Marci Andino, Robert Giles, Neal Kelley, Brad King, Reynaldo Valenzuela, Rob Rock, Joe Gloria, Barbara Goeckner, Debby Erickson, Greg Riddlemoser, Stephen Trout, and Justus Wendland.

CHAIRMAN RIDDLEMOSER:

Thank you. The GCC representatives, Mark Goins as the State representative and Neal Kelley as the local rep.

The final committee is yet to be formed. It's the one we just created today. And again, there'll be an opportunity for you to sign up for that.

Now, the purpose of the committee breakouts today is organizational in fashion. It's basically to create a work plan for next year, get to know each other a little bit, see who's going to be on that committee with you, and come up with a plan for how you can inform the Executive Director daily business at the EAC, as well as the Commissioners, that avenue to work with them.

You may attend any meeting that you'd like. You may stay behind here if you're interested in the Disaster Recovery and Preparedness thing because we fully expect that several of you will continue to want to be involved in several different avenues, and that's to be expected.

So, the way the rest of the agenda will go, we have a couple presentations and guest speakers this morning. We'll have the breakouts. You'll be given that opportunity to sign up for the Disaster Preparedness and Recovery Working Group if that's your pleasure. And at some time right after we adjourn the Standards Board proper, the Executive Committee will assign members to that committee and inform you later that that is the committee that indeed you will serve on over the next calendar year.

With no further ado, I did everything I was supposed to do.

DFO Palmer?

COMMISSIONER PALMER:

Thank you, Greg. I know many of you are fresh off completing the 2018 EAVS survey, the Election Administration and Voting Survey. We are grateful to each of you for providing your responses, data that informs our nation's most comprehensive survey of election data. We hope some of the changes we made in 2018 made completing the survey a bit easier and user-friendly, and we look forward to even more improvements in 2020.

We look forward to -- joining us today to talk a little bit more about that work and the important role election data plays in helping administrators serve voters are three top-notch researchers and self-proclaimed election geeks, truly election geeks.

First is Dr. Nichelle Williams, the EAC's very own Director of Research. She joined our team in November of 2018 after serving with Virginia's Joint Legislative Audit and Review Commission, JLARC, where her research in elections and higher education led to new legislation in Virginia, agency-level policy changes, and a certificate from the National Legislative Program Evaluation Society. Nichelle is also a commissioned officer in the United States Army Corps of Engineers and with Virginia's Army National Guard. Next is David Kuennen, the EAC Senior Research Program Specialist and our team lead with EAVS. David is an election specialist with 16 years of experience working on elections in the United States and internationally. Prior to joining the EAC in 2017,

he was an independent consultant focused on election-related research and analysis, as well as election observation, technical assistance, and program design and management.

Last but not certainly least is Michelle Shafer. Michelle is the CEO of Magenta Sage Strategies, LLC, where her expertise is focused on election policy and technology research, plus the development of strategic and integrated communication programs in support of election and government technology sectors. She has two decades of experience with private corporations, local and State election administrators, U.S.-based nonprofits, and international nongovernmental organizations.

Nichelle -- I'm sorry, Michelle serves as Senior Research Advisor on Election Technologies to the Overseas Voting Initiative, a collaborative effort between the Council, State Governments, and the U.S. Federal Voting Assistance Program as part of her work with Magenta Sage. Michelle collaborates with others in the election community, including the Turnout LLC, who produced a report on mitigating risks for UOCAVA voting, funded by the Democracy Fund. Michelle is speaking about that today on behalf of the project team that includes Jared Marcotte and Dr. Michael Alvarez. Thank you.

DR. WILLIAMS:

Well, good morning, and happy Friday. I am Nichelle Williams, as Commissioner Palmer mentioned, the Director of Research with the EAC. And during today's presentation on EAVS, I, along with the panel, will discuss the survey's 2018 rollout and highlight a research study where EAVS was the starting point spurring further exploration.

And I think we have the wrong presentation queued up, but I'll continue.

So, I would like to express -- I would like to express my appreciation to those that worked to complete the 2018 EAVS. Thank you for participating in this important nationwide effort and for all you do to serve America's voters. As for where we are in the timeline, we are currently certifying data submissions and finalizing the report outline, as well as beginning analysis for the report due date, which is the end of June 2019.

So, what is EAVS? EAVS is a comprehensive survey of all 50 States, D.C., and four U.S. territories that ask about elections, which is a key function of our democracy. EAVS data provides a detailed snapshot of how general elections are administered in the United States every two years. And it targets more than 6,400 jurisdictions, making it the foremost source for State and local jurisdiction-level election administration data. And here is a snapshot of today's presentation. We'll briefly discuss the

history and importance of EAVS, we'll look at what's new for the 2018 EAVS, we'll discuss the release plan, and we'll also cover some things to look forward to. And again, we'll be talking about a research project that was EAVS-related.

Just briefly, EAVS was born of the Help America Vote Act of 2002 and serves as the EAC's flagship research project. As stated previously, EAVS is comprehensive as it looks into six different election-specific topics and collects publicly available data, which can be used to improve processes, impact change, and initiate further research, as will be covered later during this panel. Each section listed provides insight into voter experiences and procedural outcomes.

Here is a quick timeline. Here we go. Here is a quick timeline of the EAVS history. The first EAVS was administered approximately 15 years ago, and 2018 marked the eighth time the EAC administer the survey. In 2014, which is about three EAVS surveys ago, the MVRA and UOCAVA surveys were consolidated into EAVS. Over the last 15 years, we've also worked to -- through the Section B Working Group to further tailor survey questions related to voting by military and overseas citizens, which are similar efforts are -- or similar to our current efforts with the Section A Working Group to explore any tailoring needs for -- or to questions related to voter registration and list maintenance.

And now David will walk us through some more exciting information about EAVS.

MR. KUENNEN:

Thank you, Nichelle. I just want to say we're going to go over a little bit of the importance of the EAVS, some findings over time, but mostly we're going to talk about the changes that we've made to the survey this year and some of the efforts that we have going forward. And this is a Federal advisory committee. We want -- we are here for your feedback. So, hopefully, there will be time for some questions in this section and certainly in the EAVS Committee later today. We really want to hear whether these changes are working or not.

So, quickly just a little bit about the importance of EAVS, so obviously, EAVS is an incredibly detailed snapshot of elections, various aspects of election administration in the country. We use it at the EAC ourselves when we're testifying before Congress, when we're talking to the public trying to explain the changing landscape of American elections, and it's used by an incredibly diverse range of stakeholders. We know academics use it quite regularly. This is a primary example from the election performance index at MIT on the slide. They have 15 indicators that they measure election performance with. Nine of those 15 indicators come from the EAVS. We know advocacy groups also use EAVS, also legal

advocates or litigants. This commonly happens around MVRA compliance, whether it's like the motor voter side or the list maintenance side. Journalists also use EAVS quite regularly, which is a nice point for us to remember how it is important to get -- have high-quality data going into the survey.

We also have election officials using the data as well.

There's a couple examples here on the slide. This is a social media post from St. Louis County, Missouri, comparing their age of poll workers to the national average, retired Election Director from Minnesota Gary Poser was nice enough to share a slide from their recent Clerks Association meeting where they discussed some EAVS data to talk about a variation of election administration in the State.

It can be used for analytical purposes, strategic planning, training, public information, also just -- I had a call and it warmed my heart. I got a call from a local administrator in Florida the other day and told me she was going to a Kiwanis Club to talk about poll worker recruitment, getting local businesses to help in that effort, and she wanted national data on it. And it was -- it was very nice.

So, what do we know as a result of EAVS data? (inaudible). We -- this demonstrates the rapid increase in usage of online voter registration. We -- honestly, we know that there are many -- that this, as a policy option, has expanded dramatically in recent years,

but are people using it? We found that from 2012 to 2016 more than a triple -- tripling of folks using online voter registration to get on the rolls.

We also have been able to document the rapid expansion of electronic poll book adoption. We had a finding from 2016 that nearly 47 percent of voters who voted in person were checked in by electronic poll books. That is quite a large number when you consider that very few people were using the poll books a decade ago.

We also told the story of HAVA a little bit, the phaseout of lever machines and punch-card ballots. You'd be surprised to know that the last jurisdiction reporting the use of punch-card ballots was in 2014, but nobody reported using it in 2016, so success for HAVA.

We also -- this is an interesting story nationally, and EAVS data helps tell it. We can talk about this kind of a steady growth of alternatives to traditional and versatile Election Day voting over time. In 2004, this was only 20 percent of voters voting in person on Election Day, and by 2016, this was nearly 40 percent of voters nationally. And I also want to make a point that the explanatory power of EAVS is getting a lot -- is more powerful as we collect more year-on-year data and the data quality improves over time.

So, when we talk about improving the EAVS at the EAC, we have three interrelated goals in mind. The first is the most important probably to the folks in this room. We're trying to make it easier to complete. We know it's a lot to go through, and so most of our efforts are focused on improving the user experience and making it easier for you all to get through. We are also -- we think that's really -- it's the second goal was -- will lead to better data quality and completeness. Not only do we want the data to be better, but we want you to be able to answer as many of the questions as possible. And then, importantly, we want to make the data more accessible on the backend. We want it to be easier to use and more useful to you, particularly for election officials. You know, academics and advocates are going to use this data no matter what, but we want to find ways that we can -- that this data can be valuable to you, right? You spend so much time filling this survey out every two years, so we want to help you figure out how it can be useful to you in your jurisdiction.

So, I'm going to talk a little bit about some changes from 2016 because they flow into some of the things we did in 2018. You heard a little bit earlier about the Section B Working Group. This was an initiative led by FVAP and the Council of State Governments to look at questions in Section B, the UOCAVA section of the survey. This led to some -- in 2018 it led to some

removal of duplicative questions and some streamlining of instructions. We also had a new focus on technical assistance in 2016. We started -- we had initiated a call center, we put in some improved data quality checks.

And one of the -- one of the first -- for the first time ever after the 2016 EAVS we released a data interactive, so we put the -- not only do we put the data in our comprehensive report that we sent to Congress, but we put it online for the public to see. This allows you to search by any question in the EAVS, and it will be quickly visualized for you online.

Probably the most interesting tab on that site for -- or functionality on that site for you all is the -- is the kind of jurisdiction comparison function. This allows you to select different EAVS responses for your jurisdiction and find jurisdictions across the country who have similar -- similar responses. So, if you want to compare by jurisdiction size factored as the total number of registered voters or you want to find folks -- this is -- this is an example of a Florida county, a midsize jurisdiction that does a lot of UOCAVA work and you're able to find similarly sized jurisdictions that also support a lot of UOCAVA voters. So, Okaloosa County, Florida, probably knows who else in Florida works on -- works on UOCAVA, but you might not know who in other counties or other

parts of the country, who you might be able to reach out to to think about how to improve service to that subset of voters.

We also released some data visualizations once they checked the fact sheets for each State using 2016 date. There's an example of one over here. This is something we'll do again in 2018, so please take a look at that State fact sheet, because we'll be doing that some more.

And we -- it's in support of making the data more accessible. We issued a series of five white papers that we called EAVS deep dives, so most of the analysis in the EAVS report is using one or two questions. It's this percentage of jurisdictions have this characteristic in 2016, a little bit of change over time. This -- these white papers tried to take that one level further, looked at a little bit of multi-question analysis, individual States.

Yes, so Sean Greene, the former Director of Research, was the author of some of these. I was the author of others. The ones that you like, I wrote. The ones you don't like, Sean wrote.

[Laughter]

MR. KUENNEN:

The Election Technology White Paper is particularly interesting because it speaks about an issue that's very topical in the post-2016 era. We have a lot of new consumers of EAVS data, folks who are focused on the cybersecurity problem set and, you

know, it's not that it's a -- yes, it's a new consumer of this data, and so we're looking at ways that this data can be used to address research questions in that area as well. And this election technology paper was the first -- our first attempt to try to see -- try to see what might be relevant to that conversation. So, I recommend you read them.

For 2018, we had some changes. The -- the EAVS has implemented using an implementing partner. This is Fors Marsh Group. Doug Chapin in the back is the head of the elections research team at Fors Marsh Group. If you stand up and just let folks see who you are.

If you have positive things to say about the EAVS 2018, I want to hear them. If you have constructively critical things to say --

[Laughter]

MR. KUENNEN:

-- please send those to Doug. But he's here today because this is -- this is a unique gathering of election officials. It's not too often that we have everybody in the room at the same time. So, if you have things to tell us about what we're doing well and poorly on the EAVS, we want to hear about it, and Doug is here to help me receive that and help us receive that feedback.

Another big change this year is we switched from something called the Statutory Overview Survey to the Policy Survey, and I'm going to talk about that a little bit right now. So, in -- we want to be good stewards of your data. If you are going to spend all this time collecting it and giving it to us and journalists and advocates and litigants are going to use it to sue you or threaten to sue you or cajole you to making policy administrative changes, we want to give as much context as possible for your data. Obviously, American elections are hyper decentralized, and we don't have uniform technology, so this is a bit of a challenge for us, but we're doing as much as we can to do that.

This year, the findings from the Policy Survey will be integrated into the report itself, so before we start talking about provisional ballots and provisional ballot projection rates, we're going to talk a little bit about State variation and policy on provisional ballots leading into that section, for example.

So, this used to be -- this started in 2008. It used to be called the statutory overview. We would ask you to -- this -- this is a survey that goes to the State level, not to the local jurisdictions. But we would ask them to tell us what their statute was related to various questions in EAVS to provide that context. It was super valuable for legal researchers and others but not all that valuable to legislative staff and other folks who are reading this report. So, we

shifted it over to a -- to a -- more of a survey. We're asking folks to select from various options instead of cutting and pasting their statute. This allows us to do much more analysis of policy variation among the States.

Okay. Also in 2018 we've made some improvements to the data collection process. The technical assistance that we did in 2016 was deepened as well. There were various webinars and newsletters. We have a needs assessment. We essentially called all of the States and asked them for feedback before we -- before we designed our technical assistance plan. In the past, this used to be simply to -- what version of Excel do you have? Are you going to be able to handle this template? And now it's much more tailored towards how do you complete this survey? What can we do to make it easier for you?

Two other things I wanted to share in the voting equipment section, obviously, election technology is very, very important in the world -- voting in the post-2016 world, and we wanted to make sure our data in the voting equipment section is better. And I'm -- I'm going to talk about that in a moment. And we also for the very first time issued the survey as an option for respondents to fill it out online as opposed to using an Excel template, so it's our first step at a little bit of modernization of the survey.

So, who completes the EAVS? Most States respond to this at the State level, so some of you locals might be saying what in the world is the EAVS? That's because your State office handles it for you. But in many -- especially in bottom-up States this huge percentage of the questions is sent down to the locals. This shows you like by section of the survey whether it's the State or the local who does the work, and many -- a number of States do it both ways. The online survey has particularly -- has been particularly useful for bottom-up States or States where the locals fill it out themselves.

So, we found that 817 jurisdictions from 15 States used the online survey this year. I think that's pretty good -- a pretty good use rate for the very first time we've rolled it out, but it also shows us that the State -- that a lot of the States are -- have gotten used to the Excel version and are choosing to stick with that for a little bit of time.

In the voting equipment section, the changes that I mentioned -- ago -- so this year, we forced you to make a choice among known voting equipment systems and use, as opposed to just giving an open-ended question. This dramatically reduced the number of responses that we got. It was a very big step in improved data quality. We obviously -- we know a lot about voting equipment through our Testing and Certification team, and they

helped us design this question and make it a lot better. So, now we can say to Congress this number of jurisdictions will use this machine versus others. It's much -- it's a great -- greatly improved for 2018, and we're excited to see what -- when we release this data, what we've learned from it.

But just as an example, there were 223 responses in 2016 related to scanners that they used, and that's been down to 22 in 2018, so we dramatically improved the data quality in this section.

So, the timeline for 2018, we're pretty far along right now. For those of us who are election geeks, this is the exciting moment. We finally have the data back and we get to play with it and visualize it and understand what we learned. We have a memorandum of understanding with FVAP we shared with you (inaudible) and we had to share that data with them on April 1st, so the data has been locked and it's shared with them, and now we are working on the analysis and getting ready for our report to Congress. And the report will go to Congress June 27th. That's our plan at the moment. And then we will release the next version of our data interactive in August.

Our plan -- tentative plan is to hold an election data summit on the 27th as a part of our EAVS launch, and hopefully, we can do this in the halls of Congress itself since this is a -- it's technically a report to Congress. We will make the EAVS the -- our EAVS

finding kind of will be the showpiece of this event, but we'll also, as we've done in past election data summits, also use it as an opportunity to lift up good data-driven practices from the States. And thank you to Rey and others in this room who were part of our recent election data summit activity.

Okay. Our last slide is about kind of what we're doing longer term, so you heard earlier about a Section A Working Group for -- when the EAVS was -- when the EAC was reconstituted in 2015, we held a data summit, we held the Standards Board meetings for the very first time in many years, and one of -- and one of the big concerns of election officials at those events was what can we do to improve the EAVS? The Section B Working Group led by FVAP spun out of those conversations, and there was another desire stated at that time to focus on Section A. That section focused on voter registration. That has finally taken shape, and we have the first convening of the working group just -- or just two days ago.

It's -- it is a diverse -- geographically diverse and diverse in terms of State and local top-down, bottom-up group of folks. A number of you in this room are a part of that effort. This is Lori Augino from Washington State; Lynn Bailey from Georgia; Nikki Carlson from Maryland; David Byrne from FVAP; Andrew Bullard from Nebraska; Judd Hill, Colorado; Joe Gloria, Nevada; Mark Goins, Tennessee; Neal Kelley from California; Justin Lee from

Utah; Lindsay Nielson from Fors Marsh Group; Chrissy Peters from Missouri; Kevin Rayburn from Georgia; and Michelle Tassinari from Massachusetts.

So, if you have thoughts on how this working group can improve Section A, the questions related to voter registration, please serve on the EAVS Committee of this board, as well as work through these members of the Section A Working Group, and hopefully we can -- we can incorporate your feedback into this process.

The -- another thing we're thinking quite a lot about these days is election security. As I mentioned earlier, there are new consumers of EAVS data that probably were never expected when these questions were designed to begin with, so we're thinking about whether -- and if so, how -- we could add questions or modify questions that could better serve the research topics related to the post-2016 focus on cybersecurity. This is something we'll talk -- I hope we can talk about in the EAVS Committee meeting later today.

We take -- we know that EAVS is a big burden, and we take it very seriously when we think about adding any questions.

Obviously, cybersecurity is a tricky topic to ask questions about, especially in a public-facing -- public data set that goes out to the

world, but it's something worth thinking about as we -- as we design questions for the 2020 EAVS and the policy survey itself.

The 2020 EAVS and policy survey will -- as a Federal agency, we need to put these questions out for public comment. That will start in the third quarter of this year, so it's something we're thinking about quite a lot. And so if you have thoughts on questions that we could ask in our State-level survey or jurisdictional-level survey or changes to instructions, et cetera, the time to let that -- those -- that feedback be known is now because we will be trying to get the first -- the survey instruments ready for public comment by around August this summer.

And this leads nicely into our additional panelist here, Michelle Shafer, so we are thinking about doing more research on election security topics through the EAVS and in other -- in other aspects of the research team, and the EAVS kind of barely scratches the surface of it. It's very important, great baseline information that's relevant to the topic, but it -- it tells us a bit about the scope and scale of issues that we're looking at, but it doesn't do the deep dive that -- that a more focused study can do.

So, we're happy to have Michelle here today to talk about some EAVS-adjacent research where -- that we think is important, and it demonstrates the type of things that can be done. EAVS can

set a baseline of data, and then you can dive a little bit further knowing what we know from our national studies. Thank you.

MS. SHAFER:

There we go. Okay. Good morning, and thank you, David and Dr. Williams, for having me here to speak with you. I'm very honored. And, Commissioner Palmer, thank you so much for inviting me to be here. I know Commissioner Palmer saw a similar presentation by Dr. Mike Alvarez from Caltech at the CSG Overseas Voting Initiative Working Group meeting, so that's where he -- he saw this and we talked about coming here, so thank you very much for that.

Also, along with that, it's sort of confusing because Jared Marcotte and I both work on the CSG Overseas Voting Initiative, and we both participated in this project for the Turnout with Dr. Alvarez, and so this is a Democracy Fund-funded project that we did, so just to have that clarification, it's not a CSG project, and it's not an FVAP project.

Yes, I do have to use this, not my computer.

[Laughter]

MS. SHAFER:

Anyway, so we're going to talk a little bit about what our research project was, how it relates to the EAVS, securing the voter, fax security, email security, election portal security, and then

some -- you know, some conclusion on that. The intent is to go through this material quickly. These slides really could be a 30- to 45-minute presentation, and we're not doing that, but I put all the slides here so that they'll be available on the EAC website. You can go through them in detail. And there's links to the report there for you as well.

Okay. So, we are tasked by the Democracy Fund to look at what States and territories were doing with regard to electronic ballot return. We started out with a landscape analysis, and we communicated with over 30 States and territories by surveying election officials last summer. This evolved into a series of broad-based security recommendations focused on electronic return and voting ballots, so that's what you'll see there in our report.

Jurisdictions typically allow multiple methods for returning a ballot, as you certainly know, and this makes the situation more complicated from a security perspective as it increases the overall threat environment. So, many folks have been studying this topic for years, including NIST and the Caltech MIT Voting Technology Project, just to name a couple. And there -- there is no doubt this research will continue and it must continue.

It's very important to note that we're not endorsing any specific type of electronic return or encouraging it per se in this report. In fact, NIST concluded that unresolved computer security

and voting technology issues exist for electronic ballot return, for example, end-point security, voter authentication, and ballot auditability. So, currently, there are no clear-cut solutions. However, multiple forms of electronic ballot return are prevalent across the States and territories. This stuff is in use. So, if you're going to use it, we need to talk about how to best secure it and mitigate any types of issues with remote ballot return. So, we wanted to provide these recommendations in an effort to be helpful to them.

So, how does this relate to the EAVS? So, Jared, Mike, and I separately and together have worked on EAVS-related efforts and specifically EAVS Section B efforts for many years, and we have complementary expertise, so it was a good combination of folks. I'm the security expert on the team, you know, in case you're not familiar with that.

[Laughter]

MS. SHAFER:

That is a joke. And so -- but we've been very involved with and supportive of both the EAC's and FVAP's work over the years, and so that made us a good team to get together on this. And, because of our experience, the first place we looked for information was the EAVS to try to determine what States were doing in this area with regard to electronic ballot return and specifically the

security surrounding it. And, as you know, and as David mentioned, the EAVS currently doesn't capture this type of information, so we needed to look with other sources -- look at other sources and talk to States ourselves during the initial landscape analysis with our project. So, this is why David refers to this type of research as EAVS-adjacent, and I think this is an excellent descriptor and I think there's a lot of different EAVS-adjacent research out there, so it's great to be here talking about this one.

Securing the voter, so with regard to any type of remote voting, the biggest challenge is securing the voter because it's something you as election officials can't control. Being the control freak that I am, I feel your pain on this totally, so -- for remote voting, we can't control the voter's physical environment, their mobile phone, their tablet, laptop, their hardware, software can be compromised, as could their networking devices, so this is a problem when we're dealing with remote voters.

So, election officials suggested that should be as proactive as possible in getting information to voters, warning them about the kind of issues in this area, so warning them about shoulder surfing, using monitored systems in libraries, schools, hotels, airports, and of course Starbucks. And you'll also have to keep in mind that

cameras are everywhere, so providing this type of advice to your voters, to your remote voters.

Election officials could look to example from the Minnesota AG's Office. We have a link to that in -- on the slides and in our report, and it's very interesting. They put out -- put out some information on how to protect yourself against hackers, so that's for people using their website and systems. So, something like that would be helpful. Additionally, we advised having a mechanism in place for voters to check the status of their return ballot.

So, that brings us to fax security. So, I know election officials don't necessarily have the option to totally discontinue their use, so we need to find ways to secure fax transmissions as best we can because, as we know, fax senders can't be verified in a way that email senders can. So, we suggest not to use all-in-one fax machines because if they're connected to the network, all-in-one fax machines can provide access to larger -- to the larger network, which could be extremely problematic, as you know, so it makes it much more difficult to secure in a way that, you know -- so, this, you know, would have to be very careful of the loss of fax secrecy due to lax physical security or networks -- or network eavesdropping as well.

I remember back in the '90s I was working at a company and I worked for their CEO, and he had a private fax line, and it was

right in a little cube next to mine where also there was other materials that I had to go to all the time. So, I'd see faxes and I'd go and bring them to him. Some very interesting things on the fax machine sometimes --

[Laughter]

MS. SHAFER:

-- so it's not really a good example of fax security. We really need to have these in locked rooms. There are certain people with access and, you know, have your chain of custody. They have ballots and things like that. Don't have that out in the -- out there for Michelle to take a look at.

[Laughter]

MS. SHAFER:

Okay. So, again, so -- yes. If you -- if you can avoid it, don't use fax machines, especially don't use all-in-one fax machines. But if you do have to use fax machines, make sure they're dedicated, dedicated to that specific election activity that you're doing. Don't have -- you know, don't let it be the election office fax number. Have it be specific if you're going to be dealing with ballots. Just like your election tally survey -- I'm sorry, your election tally server is dedicated and you don't have other applications and things running on it.

So, do the same for your fax machine. Make sure all firmware updates and security patches are applied to your fax machine, monitor this, be sure they're up-to-date. Avoid internet faxing, cloud faxing, or any of those processes that are not actually faxing because then you have to secure them in the way those are meant to be secured. But for faxes, you know, either use them or don't, but avoid using the cloud faxing.

Authenticate the transmissions whenever you can, and if you can avoid it, you should -- you need to avoid connecting them to the network, so no network connectivity for fax machines.

Okay. That brings us to email security. So, email, like faxing, as you know, was designed for ease of communication and interoperability, not necessarily security when it came about. So, there are many risk scenarios with email, including fake emails delivered to voters, return ballots to election office with malware attached either accidentally or on purpose by bad actors. There's also potential for voter coercion and intimidation. So, encryption and authentication are not necessarily the default settings that your email drivers offer, so check with your team back at the office and make sure your organization's email system is configured properly for encryption and then all security features that are available are taken advantage of.

Okay. So -- now, this slide, there are a lot of acronyms on this -- on this page, DMARC, STARTTLS, PGP, GPG, and I'm not going to attempt to even explain all of those, but email security gets pretty weedy, so it's important to get some professional assistance in there to help you make sure your IT team is up to speed and really work with the IT folks to make sure your system is as secure as possible by employing these methods that are in the report.

Consider -- you might want to also consider alternatives to email that use encryption such as Signal for sending and receiving encrypted ballot images, so that's something you may want to explore.

Next, we're going to talk about election portal security. So, election portals or any other portals are online applications that use the internet. These internet-facing systems must withstand a variety of threats, as you know. There are many risk scenarios such as incorrect ballots provided to voters, but this is just the same as what can happen in a polling place, so that can happen online. Voter impersonation or coercion is possible, denial of service attacks, and attacks on the voting system itself are also risks.

So, what do we do about all these risks? We believe these systems should undergo a rigorous cybersecurity development process. Additionally, two-factor authentication should be used if possible, as should digital certificates. Most importantly, bring in

additional expertise. Most election offices don't have the luxury of having an in-house cybersecurity team, so unless those outside experts can cultivate external relationships with folks at the -- at the DHS, CIS, your State CISO, State IT resources, and work with reputable groups and individuals to perform security assessments and manage responsible vulnerability disclosure. Auditing of anything that you do and everything you do is also key, so definitely perform audits.

So, in summary, we definitely want you to read the report, share it with your technical teams back home, and there's a lot in there. And we also cite many other sources of information and guidance, you know, from other organizations who have done research, so take a look at all the links in the report. And remember, if -- all of these and other risk mitigations only reduce the risk of compromise; they don't eliminate it. So, this is -- if you do all these things, it doesn't mean everything is going to be perfect. It just reduces the risk, not eliminate it.

Okay. So -- additionally, so there's still much more work to be done, and David alluded to that here. Our team shared this report online and promoted it through Twitter, and I'll be doing some more tweets later. So, we've also made some presentations. I mentioned the one at the CSG, Overseas Voting Initiative Working Group, and Jared also made a presentation to -- at the NASED

closed-door meeting, and so we really appreciated that, and we hope to do some further presentations this summer to try and get the word out and, more importantly, to get some of your feedback.

Along the way, we -- we've expressed interest -- many have expressed interest in engaging election officials in working groups to discuss this and broadening the work beyond the initial UOCAVA focus that we were tasked with for Democracy Fund, so we'd like to discuss all types of remote voting, voter registration systems, election-night reporting, and beyond, and to get into more security surrounding those. So, we'd love to hear your thoughts on this.

So, to that end, if you have questions about this or would like to provide feedback, our contact information is here on the slide. I'll be here in Memphis for -- till I think my two o'clock flight, so come and find me.

And last but not least with some thank yous, while Jared, Mike, and I navigated this project together for the Turnout, we certainly didn't do this alone, so we want to recognize election administration process and cybersecurity experts respectively, John and Josh Franklin, for their invaluable contributions to the series of recommendations in the report and, most significantly, we'd like to thank the team at Democracy Fund for their support of this work, specifically Tammy Patrick and Lindsay Daniels. Thank you.

CHAIRMAN RIDDLEMOSER:

Great. I think we have a couple minutes for questions or feedback from you all and also we have the opportunity for feedback at the EAVS Committee meeting later this morning.

MR. INGRAM:

David? Keith Ingram. I have a question. On your early voting slide, you had a distinction between absentee ballots and voting by mail. I was wondering how you make that distinction, and is that just self-reported by the States?

MR. KUENNEN:

Right, that's a good question, and someone asked me the same exact question at the NASED meeting the summer, so I have the answer for you. It's -- I think the vote-by-mail category there is for jurisdictions that do all vote-by-mail, so the absentee -- I think we use the term by-mail voting today in the 2018 survey, but -- so we basically have a question related to by-mail voting but not an all vote-by-mail environment, and then we have the same question in an all vote-by-mail environment.

But speaking of vote-by-mail, I meant to mention in the presentation we have a few data visualizations over here for you guys to check out. These are sneak peaks of the 2018 data. Please do not take pictures of them and put them on Twitter because we'd like to release our report all at once in June, but we wanted you to get a flavor for some of the things we know as a

result of your hard work. One of the slides over there is related to voting by mail, and, I mean, I think most election officials are aware of Washington and Oregon and Colorado. They're all vote-by-mail environments, but there's a lot of variation going on at the jurisdiction level that this visualization likes to show. Certainly, out West there's a lot of -- a lot of individual jurisdictions voting predominantly by mail, and it's an interesting visualization. There's also a demonstration of change in turnout from 2014 to 2018, so I encourage you to take a look at those visualizations.

Any other questions? If not, I will have panelist prerogative and I will ask a question of Michelle, okay?

So, Michelle, you mentioned in your presentation that you started this research with a survey of State election offices to try to get a landscape of the -- of this electronic return ballot environment. How did your election offices react to this? You're asking them sensitive questions about their election security practices. I'm assuming they were a little hesitant to share information. They wanted to know what you're going to use it for. If I'm correct with that, how did you overcome those obstacles? Tell us a little bit about that.

MS. SHAFER:

Well, it definitely -- we were sensitive to that -- thanks. Definitely we were sensitive to that when we were doing the survey,

and we worked with a few folks, a few election officials actually -- I don't know if some of them are here in the room -- but to try and go through the questions and what they thought of them to get their feedback. Democracy Fund was very, you know, concerned that we didn't ask too specific questions. They didn't want us to ask too specific questions, and we didn't want to either, that would -- that would put -- we didn't want to have anything that would lead to a roadmap for how to, you know, hack into your jurisdiction.

Obviously, that wasn't our goal in doing that. The goal was to try and find out where the gaps were and to see if then recommendations could be provided to help overcome that.

We had -- we had very specific answers, so we had answers, so it wasn't, you know, just other and fill in the blank, so we had things and we had "prefer not to answer" and that type of thing. You could put -- skip those, so we had a lot of "prefer not to answer" on those types of things. But what did help was saying that we were going to anonymize the data, and eventually, you know, it was -- we also framed it that it was never our intent to go do a survey and then do a ranking, release it. That -- that material is also not -- not released. That was just done by us to sort of see what was going on, and now it's in a desk drawer at the Democracy Fund. So, it's also -- I think that helped, saying we weren't going to necessarily publish that, but also that's problematic because you do

want to produce something like this where the information is out there and available so that other people can do work with it.

MR. KUENNEN:

Great, thank you very much. I just wanted to make an appeal to you all. So, the report will be finished in June, and we will finally have -- we finally have something to share. And as it -- if you wanted to invite us to your State association meetings or your different convenings of election officials, we would love to come and tell the community what we learned as a result of their hard work, so please -- please talk to us if that's something you're interested in.

COMMISSIONER PALMER:

I'd like to thank the panelists. This is an important issue I believe because when we visited in San Diego and we visited the USS America and the military individuals out there, what we heard really and it's why -- it's sort of -- it tweaked my interest because we have a changing environment where our armed services are constantly under cyber attack, and their ability to communicate via email, just being stateside or, you know, much less on a deployed vessel, is becoming very difficult, so they're being more hamstrung in what they can and can't do. And so it becomes very important for us on ballot delivery, communication, ballot return, that we are

at the top of our game and we are understanding how we have to interact with remote citizens who want to participate.

This is becoming a much more difficult environment because the bad actors are really trying to -- there really trying to screw with us. And if they can screw with the United States Navy and Coast Guard, then, you know, they can screw with us.

So, that being said, thank you to the panelists. And with that, I'm going to turn it over to our next guest. I'm not going to introduce that guest. I'm going to leave that to Mark Goins, who's the Election Director of the State of Tennessee to introduce our guest, who's had a great relationship with the U.S. Attorney from the Western District of Tennessee.

With that, I'm going to hand it over to Mark Goins.

MR. GOINS:

It's certainly my privilege to introduce Michael Dunavant. We call him General Dunavant because in Tennessee, if you're a District Attorney, you are a general. And he has served two years -- I mean, two terms as Attorney General for the -- for five counties in the western area. And I got to know General Dunavant through a professional relationship, and we referred some voter fraud cases to General Dunavant. And through 11 years of service, he's prosecuted over 50 voter fraud cases, and at that time it was just five counties that he represented. Now, he is the chief Federal

law enforcement officer for 22 counties, including the area that you're in right now.

In regards to the 50 prosecutions, let me tell you what that means for us in Tennessee. We had a congressional race, 80,000 individuals voted in a primary. It was decided by 37 votes. And the winner went on to be a U.S. Congressman. In the western area we had a State Representative race decided by four votes. We had a judicial race decided by zero votes; it was a tie, and they had to break the tie. So, 50 votes, if they are ineligible, can make a difference.

And I will tell you, in the beginning when we started reporting cases of voter fraud, we started getting communication back from some of his colleagues saying we're prosecuting murders, rapes, and realistically, this is a very difficult thing for us to spend time on. And the thing about General Dunavant and why now I call him my friend -- and when I say I call him my friend, when he became the U.S. Attorney, he sent me his cell phone and said you call me anytime. He had me invited to the District Attorney General's conference when he was President over them, and I got to give a presentation about how serious voter fraud can be.

You see, some folks will say there's no voter fraud. Well, frankly, why would we be immune? I mean, you see -- you see fraud in churches, you see it in schools, you see it everywhere. So,

when you have close elections, it matters. And at this time I would like to invite General Dunavant to come speak to you. He's someone who takes voter fraud seriously. And at the end of his remarks, he will take questions from you.

General Dunavant?

[Applause]

MR. DUNAVANT:

Well, good morning.

BOARD MEMBERS:

Good morning.

MR. DUNAVANT:

I know that you have been here now for at least a day, maybe a couple of days, and I know you've heard from Senator Blackburn and Secretary of State Tre Hargett and other people, but let me give you my welcome to Memphis Chamber of Commerce speech. So, welcome to Memphis and the Western District of Tennessee.

We are the home of the blues, we're the birthplace of rock 'n roll, we have world-famous barbecue, we play pretty good basketball, we have perfected the business of express package delivery, and we cure childhood cancer every day here in Memphis.

[Applause]

MR. DUNAVANT:

We're also the home to the National Civil Rights Museum, which I understand some of you may be visiting later today, and we're particularly sensitive to that and -- because it reminds us daily of the importance of upholding and protecting the civil rights of all Americans.

I was confirmed and appointed as the 50th person to serve as the United States Attorney for the Western District of Tennessee in September of 2017. The very first person who served in that capacity was our seventh President Andrew Jackson. So, I'm highly honored to be in this position as the chief Federal criminal prosecutor here in Memphis and west Tennessee and also the representative of the United States in all matters in Federal courts here, so I'm literally America's lawyer when it comes to Federal law in this district.

As Mark indicated, I represent 22 counties here in West Tennessee, 1.6 million people, and we certainly work hard to make sure that we are aggressively and completely enforcing the laws of Congress and representing the best interests of the United States.

I know that you heard from my colleague Assistant Attorney General Eric Dreiband yesterday about the important work of the Department of Justice and the Civil Rights Division in the area of elections, and I know he talked comprehensively and broadly about a lot of different issues, but today, I wanted to focus a little bit more

specifically on the Federal criminal prosecution of election offenses and -- here in west Tennessee, and then I thought I might spend a little bit of time describing to some of the work that I did with Mark when I was an elected District Attorney for 11 years.

You know, all I ever wanted to be was a prosecutor. I had to become a politician to do it. And as someone who has had their name on a public ballot twice now and now someone who is appointed and serves at the will and pleasure of the President, you better believe that I understand the value and the importance of every vote. I understand how sacred that is, and I understand how effective enforcement of the law, whether it's at the local, State, or Federal level, is so important to our ideals, our democracy, our constitutional republic, and so I take that very seriously.

General Dreiband talked to you yesterday about the fact that the Department of Justice has literally published the book on the prosecution of election offenses, and here it is. I brought it with me today. You, too, can get a copy of this. There it is, published by the Department of Justice. It is in fact a wonderful resource for you with regard to Federal election violations, and so I would commend it to your reading and reference. Let me read to you an excerpt from the very beginning of that manual that instructs all Federal prosecutors. It says this: It's says, "Our constitutional system of

representative government only works when the worth of honest ballots is not diluted by invalid ballots procured by corruption."

As the Supreme Court stated in a case upholding Federal convictions for ballot box stuffing, "Every voter in a Federal election, whether he votes for a candidate with little chance of winning or for one with" -- excuse me -- "with little chance of winning or for one with little chance of losing has a right under the Constitution to have his vote fairly counted without it being distorted by fraudulently cast votes." When the election process is corrupted, democracy is jeopardized. Accordingly, the effective prosecution of corruption in the election process is a significant Federal law enforcement priority, and I agree.

So, although I am a presidential appointee, my job as U.S. Attorney is strictly apolitical, and my allegiance is only to the U.S. Constitution and my one and only client, the United States of America. I take that job very seriously, and our office here in the Western District, we are what we like to call a full-service U.S. Attorney's Office. So, while we spend most of our time and resources focused on the priorities of violent crime reduction, firearms offenses, drug trafficking, and opioids, immigration offenses, child exploitation, and white-collared fraud, public corruption, election fraud, and civil rights violations are also still a very high priority for our office in the Department of Justice.

Every citizen must be able to vote without interference or discrimination and to have their vote counted without it being stolen because of fraud. Our office works very promptly and aggressively to protect the integrity of the election process through investigation and criminal prosecution of those offenses. So, we work very closely with and we consult with the Public Integrity Section of the Department of Justice and the Election Crimes Unit at Main Justice, and so I know you heard a little bit about that yesterday.

So, in any case, where we receive a complaint regarding an election offense, the first thing you need to understand is that we're going to be coordinating and consulting with Main Justice. There's a whole Public Integrity Section and Election Crimes Unit dedicated to handling those complaints and helping us make the right charging decisions. We also obviously call upon our primary law enforcement component, the FBI, to investigate those matters as well.

But the principal responsibility of overseeing and regulating the election process rests with you. It rests with the States and more particularly with the local election officials. The Federal Government plays a secondary role to that of the State and local officials in election matters. Our Federal prosecution role focuses on matters involving corruption of the election process and prosecuting individuals who commit Federal crimes in connection

with an election. But other than the deterrence value of those prior prosecutions, our role is not necessarily preventative. Rather, we are focused on the investigation and prosecution after an election cycle. We want to make sure that we do not improperly intervene or interfere with any ongoing election or that where an investigation or a case might have an impact on the election results themselves.

Therefore, while we certainly do monitor elections and we handle complaints of election fraud and voting right abuses during an election cycle, we will not send FBI agents or U.S. Marshals to polling locations, we will not seize election records or do any other active investigation that's overt during the pendency of an ongoing election. I think that's important for everyone to understand. And I know we dealt with that a little bit when I was on the State level as well.

So, it's important for you to understand our role in this. Our investigation can usually rely upon the historical evidence and records related to elections, election financing, communications, and other things like that, and so we can usually come behind an election cycle and piece together or put together a case based upon the historical record.

You know, some things the Federal Government does well, and some things only the Federal Government can do. In other words, when it comes to some election fraud and public corruption

cases, if we don't investigate and prosecute it, nobody will. And we understand that dynamic, and we understand that the public many times looks to the Federal Government to solve these problems and handle these complaints in election cases. However, it's very important for you to understand that our Federal jurisdiction in election crimes is generally only established when a Federal candidate is on the ballot such as election for President, Vice President, United States Senate, or United States House of Representatives. So, depending on the nature of the alleged violation, we may or may not be able to handle complaints regarding State or local election matters.

And I would refer you then to your local prosecutors. As Mark indicated, I developed a very good relationship with the Secretary of State's Office, with his division of that office in elections. I developed -- I was elected DA in five counties here in west Tennessee, and I developed personal and ongoing relationships with my election commissioners, election administrators, and all those people working within that system to make sure that I was available to call upon State and local law enforcement to investigate those matters.

And so I encourage you to do that if you've not already done it. Reach out to your local State's Attorney, District Attorney, County Attorney, develop that relationship whether it's mandated by

statute or not and make sure that they will take a look at these cases, take them seriously, and devote the investigative and prosecutorial resources to these cases. I feel very strongly that they are worth what we do as a -- as law enforcement agencies.

I'll run through a few of the typical types of Federal election crimes that we encounter and that we can enforce under Federal law and then maybe I'll talk a little bit about some of the anecdotal stories of my prosecutions at the State level.

So, when we talk about Federal election crimes, we generally talk about four different general areas. Number one is election fraud. Now, election fraud is a big category, and fraud can be any type of scheme that corrupts the process, but, more particularly, what I've been interested in over my career and what I'm still interested in primarily when I say election fraud, I'm talking about illegal registration or voting by ineligible persons such as convicted felons who've not yet had their citizenship rights restored or illegal aliens or non-U.S. citizens. We're also talking about people who procure illegal registrations or voters by submitting intentionally false or fictitious information on election documents. We're talking about misrepresentation typically of residence addresses for the purpose of illegally voting out of the proper district or precinct, voting more than once in the same electoral cycle, and these fraud cases can also include bribing voters, buying

and selling votes, impersonating voters, altering vote tallies, stuffing ballot boxes, and marking ballots for voters against their wishes or without their input. So, that's typically kind of the giant umbrella of election fraud, but we know that it can take different forms, and we want to be prepared and sensitive to discerning what's going on when we receive a complaint.

The second general category is what we call patronage crimes. It generally deals with the Hatch Act or, in Tennessee, called the Little Hatch Act. Many of you, I assume, have various versions of the Hatch Act in your State code, but generally speaking, it is the -- using the resources of a Federal office or Federal Government or State Government to conduct campaign activities, threatening or bribing employees in connection with an election, or other public corruption crimes committed by elected or appointed officials. And that's a broad category as well.

The third category includes campaign-finance crimes, and the Federal law is quite robust in this area, so we have that tool at our disposal, which includes willful misrepresentations regarding campaign contributions or expenditures, illegal conduit or laundered contributions -- we see some of that from time to time -- conversion or embezzlement of campaign contributions for personal use and benefit. Again, all of these are under general categories that can

more specifically be defined upon an investigation that involves typically bank records and campaign-finance disclosure records.

So, just so you know, the -- we do have threshold amounts, dollar amounts related to campaign-finance prosecutions and investigations. In order for us to begin a Federal investigation of a finance issue, there must -- the amounts involved must have involved over \$2,000 within one calendar year, and that makes it a Federal misdemeanor, and for offenses where there's an aggregate of \$25,000 or more, those are Federal felonies, and so we do have thresholds that we have to work within.

The final category generally that we see or that we talk about is called civil rights crimes. Obviously, again, the Department of Justice is very focused on any civil rights violations but particularly civil rights crimes that occur in the context of elections or campaigns. And so those can include voter intimidation or harassment, actions of persons designed to interrupt or intimidate voters at polling locations by questioning or challenging them or by photographing or videotaping them, and really any discriminatory practice based upon a potential voter's race or ethnicity or protected class. All of these fall within the Voting Rights Act of 1965, and all of these are felonies, so we take those very seriously.

Of course, at the U.S. Attorney's Office, we can use more conventional Federal statutes many times to simplify the

investigative and charging decisions related to election offenses such as conspiracy, racketeering and corrupt practices, wire fraud, bank fraud, mail fraud statutes, false statement statutes, and identity theft. Many times we see that as well. And so there's more than one way to skin a cat, and we recognize that sometimes the better course of action is to charge under a more conventional criminal code, and so we do that as well.

In my 11 years as a State-elected D.A., I did take the position again that where there was a violation of State law and now Federal law and I had evidence to prove it, that I would not shrink back from doing so just because some people thought it was unpopular or not as significant as murder, rape, robbery, or drugs or child abuse. In my opinion, I took an oath to uphold all the laws, and that's what I intend to do.

And so when I was District Attorney, we had an opportunity to work with the Secretary of State's Office and my local election Commissions to -- it came to our attention that we believed that we had some fairly widespread voting by -- illegal voting by convicted felons. And so obviously I had at my disposal copies of records of prior felony convictions as a prosecutor, and we were able to cross-reference those Department of Corrections and felony conviction records with voting records. It was quite simple really. We just lay them over the top of each other and cross-reference them and, lo

and behold, we got a list of convicted felons who voted during the 2008 and 2010 electoral cycles.

And, as a result of those efforts, in coordination with the Secretary of State's Office, I contacted the Tennessee Bureau of Investigation and we began investigations. And ultimately, I indicted 51 people in five counties for illegal voting or illegal voter registration intentionally by convicted felons. And we were quite successful in those prosecutions.

Number one, obviously, you had someone who was already ineligible to vote as a result of a prior felony conviction. Many of those people were still on probation or parole at the time and intentionally falsified the voter registration or -- at the polling place when they identify themselves for a vote. We believe that it sent a good deterrent message. We believe that it -- we were able to incapacitate some people who were up to no good.

And, as a result of that, we also were able to send a message to those people in campaigns and other groups who were actively recruiting knowingly convicted felons who were ineligible to vote, to vote. And so we believe that it had a long-lasting effect not only on the voter, the convicted felon, but the people who were trying to recruit them. And so we felt like that was a very successful investigation and round of prosecutions that we had. I can still do

that today as U.S. Attorney if it -- during a Federal electoral cycle, and so we're continuing to work in that area.

But I would be on the lookout for those, so when I say election fraud or when people talk about voting fraud and whether there's a question of whether it exists, I'm convinced that if you go home to your jurisdictions and you cross-reference your felony conviction records with your voting records, you'll find those. You'll find those. Those exist. Those are ineligible voters who are supplanting legitimate voters at the ballot box. So, we did have some success in that over my period of time.

We also -- we did not shrink back from prosecuting public officials. I think during my term as D.A. I prosecuted every named local official in my counties except for the high Sheriff. I didn't have that opportunity, but I indicted and convicted Deputy Sheriffs, Police Chiefs, Mayors, Clerks, Election Commissioners, Road Commissioners, all types of people who not only were engaged typically in some type of theft or graft but other public corruption. And some of those did involve in fact election offenses as well.

And so it does exist. I'm convinced of it. And I think we have to be sensitive, we have to be vigilant, and we have to have a good relationship with -- between election officials and law enforcement. And I would highly encourage that, again, for you to

reach out and have a relationship with your prosecuting attorney either at the county, State, or Federal level. I hope you'll do that.

Let me end my time -- my remarks here with this, and then I'll sit down and take any questions if you have any. John F. Kennedy once said that "The ignorance of one voter in a democracy impairs the security of all." I would slightly change that. I would also say that the ineligibility of one voter impairs the security of all. The franchise is the cornerstone of American democracy, and we must all ensure that those who are entitled to the franchise exercise it if they choose, and that those who seek to corrupt it are brought to justice.

I look forward to working with you, all of you in this room and this Commission and all of my partners here in Tennessee as -- in the future as we safeguard the integrity of our elections at the local, State, and national levels. Thank you very much.

[Applause]

COMMISSIONER PALMER:

Are there any questions? No questions?

MR. SHELLMAN:

Hi, my name is Dwight Shellman from Colorado. I was wondering if you have any advice or guidance where either State or local election officials refer suspicious incidents for investigation to -- it's typically a District Attorney -- and you just get crickets?

They're just not interested in devoting resources, again, understanding they have limited resources, too, but any ideas on how we can work with them?

MR. DUNAVANT:

Yes, I can. And I guess I -- every jurisdiction is different obviously, and every jurisdiction has limited -- their own limitations of law enforcement investigative resources. I would say the first -- if that person is in fact an elected official themselves, they should be sensitive to the fact that perhaps an election in which they were on the ballot was in fact corrupted or tainted by some misconduct or illegal behavior. And so I think I would bring that to their attention if that is the case.

If it's not the case, though, I mean, obviously, people who've been elected and who are elected should be sensitive to the will and the voice of their constituents, and that includes the general public that -- I think the general public wants us to get this right. I think they want to see people held accountable for misconduct. And so I think you would -- my advice to you was -- is that the squeaky wheel gets the grease, is that you continue to voice those concerns to that elected prosecutor, you continue to talk about it to your Sheriff, your Police Chief, perhaps the Mayor, who is in charge of the police department.

And, you know, in our State we have the Tennessee Bureau of Investigation that typically is called upon. They're an independent investigative agency because we want to make sure we avoid conflicts of interest during those things, and so you can also reach out to your -- in Colorado I don't know what the equivalent is, but that State police agency, and sometimes they have the ability to more objectively look at a case that's in a local jurisdiction, so those are kind of my two ideas about that.

MR. SHELLMAN:

Yes, sir.

MR. TROUT:

Thank you. Steve Trout from Oregon. So, I will state that there are some voters that cast a ballot at the same election in more than one State. I will also state that's a very small number, but it does happen. It's -- what's your advice -- do you think it's more appropriate for the U.S. Attorney to be the prosecutor in these multistate voting or is it more appropriate for State and local prosecutors to pursue that?

MR. DUNAVANT:

I think it could be either, but I would tell you that it's my intention as U.S. Attorney -- because everything that we do in the Department of Justice and typically most Federal criminal law is triggered and hinges upon interstate commerce. Most of you know

that, right? So, that's why, you know, typically, we don't see Federal prosecutions of DUI, right? It's not an interstate crime. But a lot of other crimes are interstate in nature or affect interstate commerce, and so I would tell you that I would be very interested in that.

And typically, the information and the resources to investigate that are going to be at -- are going to be needed at a higher level such as the FBI because you're coordinating with two different State agencies such as the Secretary of State's Office or an Election Commission in each State. And so the FBI is quite good in their district field offices of coordinating those investigations, and because of that interstate nexus, I think that it's probably more suitable for Federal prosecution.

But I would also tell you this. Whether it's State or Federal, we still have to -- in a case like that where there is voting in more than one location during the same electoral cycle, it's not just a per se violation. We still have to prove criminal intent. We have to prove knowledge and intention. And so sometimes you may not be hearing anything because we don't make a big deal about cases that we investigate that we don't charge quite frankly, and so sometimes we run these things down and it turns out that we cannot prove or there really was no criminal intent but there was a mistake, there was confusion, there was some paperwork snafu,

there was something else that negates culpability. And so while we may be able to prove the illegal vote, I may not be able to prove the criminal intent. So, I need everybody to understand that.

And so that -- of course, we can get that from a lot of different places. We're very good at subpoenaing documents and getting bank records and these things, cell phone dumps, right, wonderful evidence of intent and knowledge, so thank you.

COMMISSIONER PALMER:

Any questions on this side? Any questions?

MS. GRANDJEAN:

Hi, thanks for your time. I guess mine's sort of more of a comment and then a question. I'm also an attorney, so I understand the mens rea aspect that you're getting to with your point. But I think something -- I'm from Ohio, and something that, you know, our Secretary and myself personally are very passionate about is tapping down on the rhetoric on both sides to say that, you know, voters -- voter fraud is widespread and voter suppression in the -- on the other side of the coin is widespread. And so I think we have to be really mindful about how we talk about these things and the vocabulary that we use. So, in your speech you -- you started out with voter fraud generally but then, you know, broke it down into the actual offenses.

And I'm just wondering if you have any advice to us who are communicating with the public because, as we know, our good friends in the press, you know, often want the conflict and the sensationalization of stating that voter fraud is rampant. Granted, I understand that it exists, but breaking it down into the actual criminal offense I think is very helpful to ensure that, you know, voter confidence and the public confidence in what we're doing in our system isn't being eroded.

MR. DUNAVANT:

Yes, number one, let me put a plug in for the book. Get the book, okay?

[Laughter]

MR. DUNAVANT:

It breaks it down very nicely as to each separate statutory regulation and prohibition on different types of conduct, so you can cite right to it.

I would tell you that, obviously, the Department of Justice is pretty good at recordkeeping, and so if you want to seek out some type of statistical data about prosecutions and convictions in a certain area, whether it be illegal voting by convicted felons or aliens or misrepresentations on documents, that data is available, and so we can truthfully and objectively say how widespread is it because it -- of course, what we're trying to do -- everybody in this

room is trying to just uphold the integrity of an electoral system that allows for rhetoric, so let's not forget that there's still First Amendment speech rights that we also enforce. And so the narrative becomes part of the electoral process.

And so, you're right, I mean, I -- we want to be as accurate as we can at the Department of Justice. We don't want to stoke the fire of fake news, but otherwise, this is something that is healthy for debate. This is something that I believe is import for people to talk about and think about and opine about, and so I think if you can work with your State and local agencies and maybe with the Department of Justice to really get the data and break it down into different categories and say, okay, this is prevalent, this is not, I think that would be helpful. That'd be helpful to everybody.

And I'm just telling you my -- from my experience as a State and Federal prosecutor what I've been focused on in those -- particularly those areas of ineligible voters who are intentionally deceptive in order to get access to the ballot, that's what I call fraud.

COMMISSIONER PALMER:

Yes, sir?

MR. MERRILL:

John Merrill from Alabama. Can you tell me if you've got a better suggestion about trying to identify illegals that may be on the

voter rolls other than using the jury call list from Federal courts when someone would indicate, well, I can't participate because I'm not a citizen? Because that's a required statement whenever they're pursued to serve on a Federal grand jury. That's one of the methods that we've used. Do you have any other suggestions?

MR. DUNAVANT:

That's a bit more sticky. Obviously, Federal -- State and Federal records of prior conviction are public, and so those are easily attainable in the public record. Information regarding citizenship status and residency and things like that are a bit more closely guarded by the Department of Homeland Security and Immigration and Customs.

And again, a lot of what we see and do in the electoral process with regard to voter registration relies upon the honesty of the voter, right, to fill out the form correctly and honestly. And so I think you can take those forms and I think you can probably compare those to publicly available information, which might include some information about aliens who have been already prosecuted and convicted for illegal reentry or other things like that, again, from ICE or the U.S. Attorney's Office, but no, I -- unfortunately, I don't -- I can't tell you other than on a case-by-case basis a specific voter who -- who we have reason to believe is not in this country legally, and we do an investigation just like we would

on illegal reentry or a document fraud or something else like that.
And there's no master list of that. So, that's hard, I agree.

But, you know, it seems like you're onto something with the jury list for those jurors who identify in that way. Maybe there are some other ways with driver services maybe. I don't know.

All right. Well, thank you for your time, and welcome again to Memphis. Be safe.

[Applause]

CHAIRMAN RIDDLEMOSER:

Well, we've come to the point of the program where you get to go to your breakouts. Remember that this room is where the Disaster Preparedness and Recovery Group is. We have the other breakouts going on the third floor, the two latter wells on either side, stairwells. Go up one floor. And we have sign-up sheets for folks who decide that they want to serve on the Disaster Preparedness and Recovery Subcommittee.

Please go to your committee rooms and be ready to go before 10:00, and then please return to this room and be ready to go before 11:00. Thank you.

[The Board recessed at 9:46 a.m. and reconvened at 11:08 a.m.]

CHAIRMAN RIDDLEMOSER:

If the Standards Board members would come to order, continue to do snacks and things like that, but let's just bring down the overall noise level ever so slightly if we could, please.

It is time, ladies and gentlemen, for the much-awaited subcommittee reports. And we'd like the Chairmen of the various subcommittees to give the reports from the seat that they may be in at the moment. Brad, would you do the Bylaws report, please?

MR. KING:

Thank you, Mr. Chairman. The Bylaws Committee conducted a review of the bylaws as they currently exist and gained an understanding of their structure within the broader framework of the Help America Vote Act and the role that EAC staff, particularly legal counsel plays, in the amendment process to the bylaws.

We also discussed items of particular interest and concern that would be the focus for amendments at a future meeting of this body. They generally centered around issues that the Executive Board has experienced under the heading of continuity of operation. We noted, for example, that the Proxy Committee had no Chair when it reported its work earlier in this meeting, and we're looking for ways to ensure that working groups have a way to continue to function if there are unexpected changes in the leadership that the Executive Board has designated.

We also talked generally about updating the bylaws in a couple of areas, one with the structure of the ad hoc and standing committees and whether that might not be simplified and also add an existing requirement for 70 days' notice post-amendments, which, with modern communications, might not be necessary but still could permit the membership to be fully informed before any proposed amendment was considered. That's the report of the Bylaws Committee.

CHAIRMAN RIDDLEMOSER:

Thank you, sir.

Barbara, would you do the Postal Service Subcommittee report, please?

MS. GOECKNER:

USPS met this morning. A lot of our members were on other committees so they were not able to be there, but we discussed our -- one of the key things that we've done in the past is there's been a site created called electionmail.org where anybody can go, an election official can go and file a complaint or issues with the USPS regarding any election mail issues. Our committee mainly works on election mail issues and getting the word out.

One of the other things that's been created in the past and that what we will do going forward is go through that information and update it and add additional if necessary but it's a one-sheet

information page. It is out on the EAC website. It's Election Preparedness for 2018 I believe is the title if you're searching for it, but it is a concise sheet with a lot of information on mailing barcodes, mailing information, who to contact, what to do along with that electionmail.org website.

Communication is the key for us in working with the USPS and getting the messages to them of problems that people are encountering. One of the biggest things across the Nation has been no-mail Tuesdays because they don't sort on Sundays. Main mail is not delivered on Tuesday, which is Election Day, so many of us miss our absentees. We've had great success with this communication through this committee to -- and with Tammy Patrick through Democracy Fund and working with the USPS and it's to the point where we're getting regional and district directors from USPS to show up in the post office.

Everybody discussed a little bit of various experience that they've had in their own States and communities, and we've got a couple members who do election mail -- or vote-by-mail only in their States and have great resources and information for us with that as well and discussing the fact that no matter your size, we're all election officials, small or large. We deal with many of the same issues, and it's even more important with lack of resources and smaller communities to deal with things.

So, going forward, we're going to plans to meet quarterly. I'll get an email out right away to all members and discuss when we want to try to meet, of course taking into consideration time zones for the times.

And we talked more, too, about the fact that it's important for all of us to get the word out further down the line to all of our State and local election officials and continue to get that word out for the fact that there's turnover and you may have new people who haven't seen this website or finding the information in the past.

CHAIRMAN RIDDLEMOSER:

Thank you.

Debby, EAVS, please.

MS. ERICKSON:

Mr. Chair, the EAVS Committee met this morning, and we received some updates from the working groups that have been working on the Section A and Section B enhancements. We also had some feedback on the survey changes in -- from 2018 with regard to these successes and challenges of the online potential, as well as the Excel sheet changes.

Additionally, the committee had some discussion on potentially changing some of the timelines for reporting voting system information as part of the policy survey as most of that data

can be captured earlier in the process and does not change prior to Election Day.

Some of the conversation surrounded what the statutory data is required in the EAVS survey versus what is good information to have in help shaping conversation. The discussions, they fell around more information is not always better where it can also cause some concern where it relates to cybersecurity, as well as some potential legal challenges that might face as well. So, we want to make sure that we are considering those items also.

But we did talk about the possibility of capturing some jurisdictional responsibility for election activities. If a particular jurisdiction has responsibility for voter registration but a different area has responsibility for other election activities, the information would be very important to the EAC staff in helping shape some of those conversations.

The working groups from Section A and B gave some updates on the actions that have occurred there, and we are continuing to look at some additional enhancements that could be made in the future.

CHAIRMAN RIDDLEMOSER:

Thank you.

Clearinghouse, Joe?

MR. GLORIA:

Thank you, Mr. Chairman.

The Clearinghouse Committee met. Some of our members were obligated to other groups, and so it wasn't a full meeting. However, we will reach out to all members here shortly next week to communicate what happened in the meeting.

Nichelle Williams fortunately was there and she was able to provide some clarity on the expectations of the Clearinghouse Committee, and she also requested some assistance in reviewing some white papers that she's going to ask for us to help review and give feedback on, also on best practice review, and she's also looking for some volunteers to assist with the Clearies, some middle review as well.

The committee hopes also to assist in providing some informal feedback from the Standards Board colleagues and just members of the general election community on what they would like to see as far as information on the website, although they already do an excellent job of providing information, just to provide some input or access for our colleagues in the election industry to suggest what they might want to see.

Separating possibly the general public and the election officials' information to make it easier for them to find information on the website, perhaps assign some members of the clearinghouse to regularly review pieces of the website and provide feedback to staff

on what some suggestions might be on information to provide or creating more ease in searching for information.

Also what's suggested was the possibility of setting something up on the website for hot topics, in other words, those subjects that are being searched more frequently to provide those somewhere on the page for people to review and find information easier.

And finally, suggestions were made on focusing on items that are -- we might consider current events such as cybersecurity, which is never going away, presidential prep for next year. And that pretty much sums up what we discussed.

CHAIRMAN RIDDLEMOSER:

Thank you. Before I forget, several people asked me about how come I wasn't assigned to a committee and what do I do about that. The first thing is they put out the survey -- I call it the dream sheet for, you know, what you wanted to serve on and what have you, and we have a fiduciary responsibility -- and I know that's the wrong word but -- to have an equal number of states and locals, R's and D's, as we put the committees together. Some of the committees by code are limited to five or seven members or what have you, and there's other committees that obviously you don't want to assign 55 people to.

So, if we failed to assign you to a committee, I am sure the staff -- and I'm going to leverage the staff hammer here. I'm sure the staff will publish the list of the committees and how to get a hold of the Chairman because just because you weren't assigned to the committee doesn't mean you can't participate in the process.

So, it's important to do that. It's important to find a place to volunteer to serve, and I would recommend that if you weren't assigned to a committee and there is something that you have a certain love of, go to the website here in a couple weeks, find who the Committee Chair is of that committee that you want to be involved in, and have them add you to the distro list for whatever their workplan may be for the next year.

Now, the VVSG met. There were a lot of folks in the room, as there always is. We came up with our work plan for the next year, which is essentially to dive into the documents as they exist, and the staff both at NIST and at EAC have committed to making sure those documents are readily available so those VVSG-interested folks can dive in and assist in the five areas specifically that NIST is looking for some help and then to look over the -- so that's portion one.

Portion two is to look over the 220- or 230-page requirements document as it currently exists and look for things that

need to be tweaked one way or another and make recommendations through the process to do that.

And the third thing that we discussed was that the TGDC will meet twice before we meet again next spring, and the TGDC will have some kind of an output that the VVSG Subcommittee, which will be chaired next year by Steve Trout of Oregon, will dive into.

So, the VVSG specifically has two things they can do now and two more things that they will do once the TGDC meets in July and the TGDC meets again next February, so they actually have four things that they will be doing between now and the time that we all get together again next year.

So, that concludes the committee reports per se. We will have a time of -- for you guys to close whatever loops you need to close. Commissioner Palmer has a few announcements to make. I have a couple announcements to make myself and -- before we can adjourn.

Reminder to the Executive Committee that we are not adjourned, and we will meet here right in front of the stage when the Standards Board proper is adjourned for this year.

The people that are going to the museum ought to store their luggage here. They have a very large luggage storage area and then walk to the museum unencumbered. I don't think the museum

is prepared for you to take your roller boards down the sidewalk to the museum.

And I don't know exactly how the lunch thing works. Maybe Commissioner Palmer does, but I know there's box lunches for those of you that are going to be involved in that process.

I had joked yesterday that my farewell address wasn't on the agenda, and I have several versions of it. There's the dinner version, the lunch version, and the cocktail party version, but you're going to get no version whatsoever because I'm just not going to do it, you know?

[Laughter]

CHAIRMAN RIDDLEMOSER:

I'd like to --

[Applause]

CHAIRMAN RIDDLEMOSER:

Thank you, thank you. I was only joking, my dear.

So, the floor is open. We only have a few minutes before we have to turn the podium over to Commissioner Palmer for his closing remarks and the actual adjourning of the board before you guys can grab and go to the museum, those of you that are going. The floor is open.

Bob Giles, New Jersey.

MR. GILES:

Thank you. In the VVSG subcommittee, we -- as you said, we discussed one of the issues that has been discussed earlier, and that is how the requirements and test assertions can move forward in the absence of a quorum. So, out of our committee we would like to make a motion that -- and I'll make the motion that the Standards Board recommend that the EAC Commissioners adopt a policy that acknowledges the VVSG as a standalone document required by HAVA and that the requirements and test assertions are documents that are established by policy.

The Standards Board further recommends that the EAC Commissioners adopt the policy within the Testing and Certification program, quality and program manual that provides for the VVSG 2.0 requirements and test assertions to be updated in the absence of a quorum of EAC Commissioners.

CHAIRMAN RIDDLEMOSER:

Is there a second?

MR. INGRAM:

Second.

CHAIRMAN RIDDLEMOSER:

Seconded by the delegate from Texas, Keith Ingram.

Is there any further discussion?

There's a motion on the floor that -- what Bob said --

[Laughter]

CHAIRMAN RIDDLEMOSER:

-- and I can boil it down to you very quickly, but that we -- we commend to the Commission as it's currently constituted that they adopt the VVSG 2.0 -- which they already have and we've already committed that to them -- as the HAVA requirement and that the subsequent pieces that are required that actually end up in test plans for the various election equipment that's brought forth by the vendors, that all of those pieces be adopted as policy. That's part one.

Part two is that the Standards Board is asking the U.S. Election Assistance Commission to draft and live by a policy that makes it possible for amendments to those three pieces, which would be the requirements, the test assertions, and the test plans to be agile in the absence of a quorum.

Is that a fair restatement, Robert?

MR. GILES:

Yes, it is.

CHAIRMAN RIDDLEMOSER:

Seeing no further debate, all those in favor of that motion, say aye.

[Chorus of Ayes]

CHAIRMAN RIDDLEMOSER:

Opposed?

[The motion carried unanimously.]

CHAIRMAN RIDDLEMOSER:

Thank you. Is there any other business that needs to come for the Standards Board? Michelle from Massachusetts.

MS. TASSINARI:

I am part of the Executive Director Search Committee, and I know that that committee is not something that had a meeting. And I know that the term of office is up in November I believe, and I was just curious as to the -- if there is any plan for either convening the Search Committee or what the process would be for the EAC moving forward to either take a vote to reappoint the Executive Director or if the vacancy does exist, what the plan would be moving forward?

CHAIRMAN RIDDLEMOSER:

For those of you that didn't hear the question, Michelle's basically asking what is the mechanism whereby the Executive Director will be reappointed, and will the Executive Committee's Search Subcommittee of the Standards Board be engaged in that process?

Commissioner Palmer?

COMMISSIONER PALMER:

So, I may not be the -- I may not be the appropriate person to talk about this. I am the DFO of the Standards Board. HAVA --

and I'm speaking as a Commissioner. HAVA does delineate a process by which, if there is a vacancy, the Commission would put out for either the Executive Director or the General Counsel the -- that the agency would put out an announcement for that position. And the Standards Board and the Board of Advisors would direct its committees to start a search. So, we would work obviously as the DFO and work with the committee -- with the committee and with the Chair to effectuate that process.

At the current time we don't have a vacancy. If there's anything that I've missed sort of out of that process, obviously the Commissioners will be discussing those issues, those personnel issues. But if there's anything to address from a legal perspective, Cliff, would you -- is there anything that I need to add to that?

So, I hope that addresses your question, but HAVA is pretty specific about how that process works, and so obviously we've got a lot of work to do with the VVSG 2.0 plus requirements with the presidential election cycle fast approaching, with the new momentum that we have, with four Commissioners, the full complement, so I'm hopeful that we can find a way forward and that we won't have to address that issue from a perspective of a Search Committee in a presidential year.

But those are the extent of my comments. I can talk offline.

Are there any questions about that?

MR. INGRAM:

I have a question. Keith Ingram from Texas.

The way that I read the Help America Vote Act, it says that the Executive Director and General Counsel are appointed for a four-year term and that they cannot serve longer than a four-year term without a vote of the Commission. And so I just -- I think Michelle's question was do you all plan on having a vote?

MS. TASSINARI:

Correct.

COMMISSIONER PALMER:

I'm sorry, what --

MR. INGRAM:

Are you planning on having a vote?

COMMISSIONER PALMER:

Well, technically, the Chair of the Commission brings things to a vote. Sometimes that's at the advice of staff and other Commissioners. I'm sure that -- I'm sure that we're -- I mean, I would anticipate that we would have a vote and discussions between the Commissioners on that process. In fact, I do anticipate that. So, I'll leave it at that.

Otherwise, you know, past Commissions -- you know, past Commissions of the EAC have had to deal with this issue, and

there are various opinions on what the law allows for and requires, so we'll address that as we get closer to it.

CHAIRMAN RIDDLEMOSER:

Are there any other questions or comments from the floor?

Last reminder, again, for my Committee Chairs, please make sure that a member of the staff has the roster of the folks who showed up at your meeting today, and then we'll find a way obviously to capture that so that we can involve people further in the promised -- as I've already promised that we would do.

So, seeing no more comments from the floor, Bradley?

MR. KING:

Mr. Chairman, members of the Commission and the Standards Board, I'd like to make a motion to express the Standards Board's gratitude for the extraordinary work that the Election Assistance Commission staff has done in preparing and carrying off this meeting under very trying circumstances earlier this year, and I'm sure that we can adopt that by a standing vote.

Thank you.

CHAIRMAN RIDDLEMOSER:

So, what Bradley wants to do is clap their way out, which we can't do, but if you would, by unanimous acclamation --

MR. GOINS:

Mr. Chairman? Mr. Chairman? Mark Goins. I'd like to second that, but I'd like to add that you did an excellent job chairing the Standards Board.

MALE SPEAKER:

Objection.

[Laughter]

[Applause]

CHAIRMAN RIDDLEMOSER:

The motion on the floor is that I continue in this post indefinitely. Is there a second?

MR. KING:

Mr. Chairman, I'll accept that as a friendly amendment and add that we will certainly miss your decades of experience in the election administration and related fields and wish you all the best.

CHAIRMAN RIDDLEMOSER:

For those of you that can't read between the lines -- and please don't tell my local electoral board because I haven't told them yet -- but I'm retiring July 1st. Now, when I say retire, that's after 41 years in city, county, State, and Federal Government, and that's neither here nor there. But I'm not done yet. So, if you are a person who wants to hire a subject matter expert and pay me to come to your town --

[Laughter]

CHAIRMAN RIDDLEMOSER:

-- to go to the Texas Election Officials Association annual meeting or something like that, Keith, I'm your guy. A couple hundred bucks an hour and a first-class airplane ticket and I will do almost anything.

[Laughter]

CHAIRMAN RIDDLEMOSER:

So, the motion on the floor -- and thank you for that, Brad. And please, do not send an email to anybody in Virginia because they don't know yet.

[Laughter]

CHAIRMAN RIDDLEMOSER:

Chris Piper does, who's the State Election Commissioner, but my local board does not know. And I hope they don't read it in the paper. I would like the opportunity to bow out gracefully.

The motion on the floor by Brad King and seconded by Mark Goins is that we thank the staff for an extraordinary job, and I agree.

[Applause]

CHAIRMAN RIDDLEMOSER:

And with no further ado, I would entertain a motion to adjourn the Standards Board with full knowledge that the Executive Committee has not adjourned.

SECRETARY ASHCROFT:

So moved.

CHAIRMAN RIDDLEMOSER:

From? Secretary Ashcroft from Missouri.

Second?

MR. HURST:

Second.

CHAIRMAN RIDDLEMOSER:

We are adjourned.

Yes, please make sure you're checking your agenda for what time you're picking up lunch and what time you're supposed to be at the museum to start that portion of the day.

[The Board recessed at 11:31 a.m. and reconvened at 12:58 p.m.]

MS. SODER:

We're going to have the program in just a moment. Here's just a couple of housekeeping items, so everyone please make sure you have your red wristband on. If you did not get one, raise your hand and we will get you one. That is your admission into the museum. The museum starts -- it's 400 years of history. The first 200 years are in this building, and it concludes with being able to see Dr. King's hotel room from the inside untouched. It's kind of

very moving. And then you'll go across the street. They'll direct you if you have any questions to finish the tour.

You'll have, we anticipate, up to three hours. It closes at five, so pace yourself accordingly depending on when your flights are and how long you have here. And if you need restrooms, they're right outside the door to your right, and there's an elevator for those of you who would like that as well. But the tour actually begins downstairs right past where you purchased tickets. And we're going to get started in a minute.

MR. DREIBAND:

Eric Dreiband from the United States Department of Justice Civil Rights Division.

The Lorraine Motel, which we're here, is the site, as you all know, of one of the great tragedies in our history, the assassination of Dr. Martin Luther King, Jr., and we are here at the motel and the National Civil Rights Museum for an important purpose, training about disability rights. And I think it is altogether appropriate that we have gathered at this civil rights landmark for this reason.

Disability rights are civil rights, and it is critically important that individuals with disabilities enjoy the privileges and freedoms available to all Americans. And today's training I hope will enable such individuals to enjoy and exercise their right to vote. And the work you have in this is critically important to that.

As you may know, Congress enacted the Americans with Disabilities Act in 1990, and just before he signed that law into law, President George H.W. Bush explained its importance. And I think what he said is important to remember as you're going through your training today because sometimes we don't think of disability rights the way we might think of other kinds of civil rights.

But here's what President Bush said: "Our success with this act proves that we are keeping faith with the spirit of our courageous Forefathers who wrote in the Declaration of Independence, 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.' These words have been our guide for more than two centuries as we've labored to form a more perfect union."

President Bush went on, "But, tragically, for too many Americans, the blessings of liberty have been limited or even denied. The Civil Rights Act of 1964 took a bold step toward righting that wrong, but the stark fact remained that people with disabilities were still victims of segregation and discrimination, and this was intolerable. Today's legislation brings us closer to that day where no Americans will ever again be deprived of their basic guarantee of life, liberty, and the pursuit of justice." And I thought that was very well said by President Bush.

The Civil Rights Division at the Justice Department where I work remains committed to these basic guarantees of life, liberty, and the pursuit of happiness, and we do so in various ways but including and especially through our enforcement efforts in enforcing the Americans with Disabilities Act. And, among other things, the Americans with Disabilities Act requires equal access to polling places in the election process for people with disabilities.

The Civil Rights Division at the Justice Department, in partnership with United States Attorneys across the country, seeks to protect the right to vote through our ADA Voting Initiative. By this initiative, we seek to ensure that people with disabilities have an equal opportunity to participate in the voting process, including in next year's presidential and other elections. The ADA Voting Initiative covers all aspects of voting from voter registration to casting ballots at neighborhood polling places. And through this initiative, we have surveyed more than 1,300 polling places to identify barriers to access. And I just want to talk about two cases briefly.

About a month ago the Justice Department entered into a settlement agreement under our initiative. The settlement agreement resolved a complaint by a Concord, New Hampshire, voter, who alleged that the city failed to provide an accessible ballot

to that voter, who is blind, and we're very proud of that settlement and we're grateful that Concord, New Hampshire, agreed with us.

A few weeks ago in another case, as I mentioned briefly yesterday, the Department of Justice in Harris County, Texas, agreed to make over 750 polling places accessible to voters with disabilities. In particular, the county agreed to create an effective system for selecting accessible facilities for polling places, surveyed polling places to identify accessibility barriers, procure and implement temporary accessibility remedies such as mats or ramps during elections, and provide effective curbside voting. Harris County will do many other things as part of that, but I wanted to mention those as you think about the Americans with Disabilities Act and your work in helping disabled individuals have access to the ballot.

The Civil Rights Division of course remains committed to continuing this important work to guarantee the right to vote on behalf of all Americans, and we look forward to continuing to work with all of you. And I'm personally grateful for your work on behalf of the voters, and good luck with your training today. So, thank you.

[Applause]

COMMISSIONER PALMER:

Thank you, Assistant Attorney General Dreiband.

So, I am all that stands between you and a tour of this magnificent museum. Our theme today for this training is disability rights, and I'll just add some meat to the bones before we go on and take this tour.

So, part of the discussion today is voting rights and disability rights, and, you know, some of this is from my experience at the Department of Justice. And, you know, we have special responsibilities as election administrators, but my time at the Department of Justice I learned a whole lot about the history of voting in this country, the history of how the laws were developed, as Assistant Attorney General Dreiband went into, and how we enforce those laws.

And so the major focus at the Department of Justice in the polling place when I was there was focused on the Voting Rights and Disability Rights Section. And their primary mission was the collection of evidence and monitoring the polls. If this happens to you, if there's a request or if there's -- there's some reason why the Department of Justice is calling, I -- my best advice is to call the State. I was a State Director. I had some advice for them on both programmatic and how to deal with the Department of Justice or your county attorney because you may not know all the legal ramifications of discussions.

But the major thing that I sort of tried to convey after the fact is the local election officials and State election officials, you need to understand the requirements of the ADA, HAVA, and the Voting Rights Act because if you understand the requirements and establish a program -- that is so key -- there must be -- if you have a program in place, you're about 85 percent there in my opinion. And then you need to assign personnel to monitor the compliance for you because you cannot do it all. You should get a subject matter expert or have someone assigned to you to monitor your program to -- so that the requirements are met. And it's really the best approach to avoid -- serving the voters.

So, Section 301 of HAVA is really sort of -- it was a major part of disability rights. And, as you can see, it's -- the system is required to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters. And so this has become a powerful section of the law.

To the disability community, this section of HAVA is more than just an election reform statute. It is a civil rights law. It really gave individuals with disabilities certain rights that they never had in the past to cast a private and independent ballot. And for many, this is a reason why they don't participate or they feel discouraged

in the process. So, this is -- this is a law, it's not just aspirational. This is -- this right has been given to individuals with disabilities.

HAVA impacts more than machines. It involves the voting systems, involves a wide range of disabilities, and also, as you know, involves the polling place. And this is where our job as election administrators become difficult because you may have different parties and interests that want a particular polling place or are not giving you the resources and you have limited resources for polling places. This is where your -- your talents and your negotiating skills are going to -- you're going to have to exercise them because this is where individuals, for example, City Council, may not want to give up a polling place for political reasons or other reasons, but it's not -- it doesn't meet accessibility requirements. There has to be a conversation that you may be not only impacting voters but you may be bringing the jurisdiction under scrutiny of the Department of Justice. So, there's -- it's your job to sort of be a fair arbiter of the facts and say, look, this is where our polling places are. They're not accessible for -- we need to find another place.

But there's other things that you can do I believe to mitigate your vulnerability and meet the -- meet the requirements for voters is where is the machine? Is it actually operational and accessible, and is it in a place where it can be -- that allows for voters to vote in private? Do you have a training program for your poll workers? Do

you have an inspection or checklist sort of review of your poll workers? Because -- and that's going to be different for different jurisdictions, but what I've found is most effective is the election office itself has some resources to do this, but somewhat limited. Your county, though, may have many -- or city may have many more resources to meet ADA requirements, and they can actually supplement your inspection of your polling places. They have a little bit more expertise in this, and so that is a way to sort of make sure your polling places are meeting the standards that is expected by the Federal Government and the Department of Justice.

Poll workers, this is another area which is vitally important, and the interaction with the voters is key. And you are responsible for the actions of your poll workers, and so you must take action because poll workers who simply can't perform their duties in the proper manner.

And I would just say -- and it's in the bottom very small but it's actually the most important thing. Everything you do you should document because I've seen a lot of election officials do a lot, a lot of, you know, blood and sweat to get the job done, but they don't document anything, so after it's all said and done, you have nothing to provide maybe the media or the Department of Justice. Document everything you do and get credit for what you do because if you don't, you didn't do anything. You don't want to wait

till a courtroom to bring a witness. You want to document what you do. Excuse me.

So, I thought I'd point out in Palm Beach County there was a case settled with DOJ 301(a). There was a lack of an accessible machine in Palm Beach County. And basically what happened is the voter came in and the machine wasn't able to operate and they weren't able to vote. An individual with a disability wasn't able to vote, and they had to use a paper ballot with an assistant. And that was a simple -- there was an upgrade to a voting machine, an accessible machine. Somehow, it did not get into place in Palm Beach County before the primary, and the next thing you know, there's a lawsuit and now there's a settlement because of the lack of an operational accessible machine.

Under Title II of the Americans with Disabilities Act -- Assistant Attorney General Dreiband mentioned one of -- both of these over the last couple days -- is you see the two cases in 2019, Harris County entered into an agreement on ensuring polling place accessibility, and in this case it's a larger jurisdiction, but they had a number of polling places that were simply not accessible and the county and the city had not taken -- or the county had not taken appropriate action to get those polling places into some sort of compliance. And in February of '19 DOJ did reach an agreement

with Concord, New Hampshire, to ensure accessible machines in their city elections.

So, again, you know, we're over a decade past HAVA and we still have jurisdictions that aren't getting the machines into the -- into the polling place.

And, again, Assistant Attorney General Dreiband mentioned this is the initiative, and I thought that was the most -- the big takeaway that I've heard over the last couple years is this is the -- this is the Department's ADA voting initiative, and, as you can see, they've been through over 1,600 polling places and 35 jurisdictions. The series of laws, the disability laws, they have -- they have the ability to go into a lot of polling places across the country, and if they come, they're looking to ensure that the polling places are in compliance.

Another law that can be used, which is -- is the Voting Accessibility for the Elderly and Handicapped Act of 1984, which requires accessible polling places in Federal elections for elderly individuals and peoples with disabilities. And when no accessible location is available to serve, the voter must be provided an alternative means of voting.

Another area that you need to be aware of is Section 208 of the Voting Rights Act, and that really is an assistance provision that allows voters to have assistance under Section 208. The original

sort of intent of 208 was for individuals who are illiterate or could not read, and so they had the right to an assistance and so one could help them or read the ballot so they could exercise their participation. Similar to today, if someone has any sort of issues that requires assistance, be it language or other, they have the right to have an assistant.

Now, where counties and localities and States get problems is you are allowed to add sort of additional conditions or factors to that process. For example, you may have to sign an affidavit or the assistant may have to sign an affidavit or they may have to do -- be a couple witnesses for party, so different States handle this differently. But most lawsuits come about when there's either a lack of assistance or nobody's there to help a voter, which they have a right to vote or assistance, or there is some sort of interference that isn't legal, that's outside certain guidelines. And so that is the quickest way to get a lawsuit. And, as you can see, there have been 12 DOJ cases since 1999 in this area.

Good practices, establish a program, seek help from your county because they're going to have resources that you don't have on the ADA side of this. Seek help from your State. State usually is going to have resources to help. They're seeing what's happening in other parts of the State.

Poll worker training is always important with role-playing, voter training workshops before elections, be inclusive with the disability community. They're always helpful in determining -- helpful with some sort of decisions or machine setup or polling place locations or even election materials. It develops a relationship where there's no surprises on either side.

And seek post-election feedback from those groups. I know some jurisdictions even do -- for both language minority but also individuals with disabilities, they do surveys to say how is your service, is there anything we can do to help or do better in the future?

And, again, document everything you do. It's a program, and it needs to be documented. So, you just pull the file up and you have it all documented in front of you if there's ever any questions about what you're doing and how you're doing it.

So, one way that's helpful is where can I get this information? DOJ has these websites, this link. DOJ provides five polling place solutions, five common problems that they've seen, and what their recommended solution is, great -- that's a great -- great material. The ADA has a checklist. Again, that's always good, having a checklist so you go through it, so that is a used -- a checklist that's been used over and over.

The last thing is really great. So, the GAO does some of their own -- if -- you probably know this. They do their own observation of polling places particularly in presidential years. I didn't know much about it, but I did remember that they come around every four years. They do their own observations, and then they produce a product. And what they do is they -- they're not there to sue you necessarily. They're there to review the problems, and they'll actually -- if you look at these products and reports, it will tell you these are the problems we saw generally and -- you know, and this will give you indicators of, oh, wow, we need to fix this. This is a problem. If they were in my polling places, they would see this same problem. You're just a lawsuit ready to happen. So -- but these products are really good, the review of polling places.

That is the end of my training. Any questions? Cliff?

MR. TATUM:

Commissioner, you might point out that a number of you may have your own checklists. You need to ensure that you're checking to see if it matches the DOJ checklist.

[Laughter]

COMMISSIONER PALMER:

Yes.

MR. TATUM:

That's very important, and we got called on some things that we thought we had in our jurisdiction, but the checklist that the DOJ uses had a few different specifications, and it's important to know what they are for your polling places.

COMMISSIONER PALMER:

Any other questions? We have a microphone right here.

MS. SODER:

I think they want to see the museum.

COMMISSIONER PALMER:

We are ready to go. Thank you. Thank you.

[Applause]

MS. SODER:

Thank you again for coming over this afternoon. I know we caravanned over together, some of us who took cars and some walked. We're not going to have sort of a formal organized way going back because we want people to have the ability to tour the museum at their leisure, so if you want to rideshare going back and meet up with someone at the end or however you prefer to get back, but just know that you're not waiting for the whole group to leave, that you're free after you are finished at the museum to go back to the hotel. And thanks again for coming to Memphis.

[Applause]

[The Standards Board meeting of the United States Election Assistance

Commission adjourned at 1:15 p.m. on April 12, 2019.]

bw/cms

DRAFT