

**Minutes of the Public Meeting
United States Election Assistance Commission
July 28, 2015**

The Grand Hyatt Hotel
Farragut Square/Lafayette Park Rooms
1000 H Street, NW
Washington, DC

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on Tuesday, July 28, 2015. The meeting convened at 1:01 p.m., EDT. The meeting was adjourned at 5:09 p.m., EDT.

PUBLIC MEETING

Call to Order:

Chairwoman Christy A. McCormick called the meeting to order at 1:01 p.m., EDT.

Pledge of Allegiance:

Chairwoman McCormick led all present in the recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners:

Acting Executive Director Alice Miller called roll of the members of the Commission and found present: Chairwoman Christy A. McCormick, Vice-Chair Thomas Hicks and Commissioner Matthew V. Masterson. Three members were present for a quorum.

Senior Staff:

Chief Operating Officer and Acting Executive Director Alice Miller

Presenters:

Doug Lewis - Former Executive Director, The Election Center; Nikki Baines Charlson - Board of Elections, State of Maryland; Patrick Leahy - EAC & Shanee Dawkins - National Institute of Standards and Technology (NIST); Susan Mizner - Disability Council, American Civil Liberties Union; Michelle Bishop - Voting Rights Specialist, National Disability Rights Network; Diane Cordy

Golden, PhD - Project Coordinator, Association of Assistive Technology Act Programs; Kathy Hoell, MPA - Executive Director, Nebraska Statewide Independent Living Council; Karen Lynn-Dyson – EAC; Ron Szoc - Senior Research Director, ICF International; John Fortier - Director, Bipartisan Policy Center; Monica Holman Evans - EAC; Brian Hancock - EAC

Adoption of the Agenda

Commissioner Masterson made a motion to adopt the Agenda for the Board's public meeting. Vice-Chair Hicks seconded the motion. The motion carried unanimously.

Welcoming remarks

Chairwoman McCormick expressed her thanks to Former EAC Chairman Paul DeGregorio for being instrumental in setting the foundation for moving forward on accessibility issues. Chairwoman McCormick also noted her appreciation to Jim Dickson for his work in the disability community and helping to set up this meeting.

Chairwoman McCormick read a Resolution by the U.S. Election Assistance Commission celebrating the 25th anniversary of the ADA and reaffirming its mandate and commitment under HAVA to equal participation in elections.

Vice-Chair Hicks made a motion to adopt the Resolution. Commissioner Masterson seconded the motion. The motion carried unanimously.

Vice-Chair Thomas Hicks expressed his thanks to Chairwoman McCormick for her leadership on the Resolution and reaffirmed EAC's commitment to the Americans with Disabilities Act (ADA) and Help America Vote Act (HAVA). Commissioner Masterson seconded Commissioner Hicks' comments and thanked the Chair for her work in organizing the meeting and the celebration of the 25th anniversary of the ADA. Commissioner Masterson also noted his first state conference where the keynote speaker was Jim Dickson who shared with the local election officials in Ohio the story of the first time that he was able to vote freely and independently.

Old Business - Approval of the minutes from the previous meeting

Commissioner Masterson made a motion to accept the minutes from the April 29, 2015 public meeting. Vice-Chair Hicks seconded the motion. The motion carried unanimously.

Report from the Executive Director

Acting Executive Director/Chief Operating Officer Alice Miller extended a welcome to everyone in attendance and said she would like to join with the Commissioners on recognizing the 25th anniversary of the ADA. Director Miller reported that the following activities have taken place since the Commission's last public meeting that was held on April 29, 2015:

1. On May 28, the Commissioners adopted a new policy to allow the Office of Grants Management to quickly respond to inquiries or waive the right to approve requests that have been previously approved. Provide a means for persons and entities to have legal or factual questions related to the implementation of HAVA considered by Commissioners outside of EAC's audit resolution process. The policy replaced the advisory opinion process originally adopted by the EAC on April 16, 2008.
2. The EAC, in collaboration with the Department of Defense's Federal Voting Assistance Program, FVAP, completed and released to Congress one comprehensive, all-inclusive report detailing the findings from the 2014 Election Administration Voting Survey, EAVS, on June 30. The results are of data provided by all states and territories and included information pertaining to the National Voter Registration Act, the NVRA, the Uniformed and Overseas Citizens Absentee Voting Act, UOCAVA, and other election administration issues such as poll worker recruitment and the use of absentee and provisional ballots.
3. The Technical Guidelines Development Committee, TGDC, held a pre-meeting on July 21 and 22 at NIST in Gaithersburg to discuss upcoming work on the next iteration of standards used to test voting systems. Commissioner Masterson performed as the Designated Federal Officer for the Committee and all Commissioners were in attendance at the Committee's meeting. An archive webcast for both days of the meeting is available at www.eac.gov under the Events Calendar. The next meeting is scheduled to be held in December.
4. The Future VVSG Working Group has submitted a white paper to the Commissioners to begin discussions and explore how future VVSG efforts could support innovation and allow for

flexible product solutions, while at the same time maintaining testable requirements that satisfy the standards and are clear.

5. The EAC will host an Election Data Summit on August 12 and 13 at American University in Washington, D.C. to discuss how good data can help elections run better. The Agenda and List of Participants is available on EAC's website at www.eac.gov under the Events Calendar.
6. The Congressional budget markup for the House of Representatives includes financial support in the amount of \$4.8 million for the EAC for the 2016 fiscal year and the EAC also received a recommended budget of \$9.6 million from the Senate appropriations markup last week. They will begin their negotiations and the EAC will have a final decision on the appropriation at the end of their process.
7. The EAC is currently undergoing the annual financial statement audit. During the audit process, which will continue through November, independent auditors will review the financial statements and records of the EAC to ensure that the Agency is operating in compliance with Generally Accepted Federal Accounting Procedures according to the Office of Management and Budget Circulars.
8. The Federal Information Security Management Act (FISMA) audit, also being conducted through the Office of the Inspector General, will determine whether EAC implemented security controls for selected information systems in support of FISMA.
9. The EAC added a feature to its website allowing anyone interested to share recommendations on improvement to the website, as EAC is undergoing a complete website review and overhaul. The feature is available on the Home Page and provides a form to submit to us for the website feedback.
10. The EAC Commissioners are soliciting observations, suggestions, and questions and how they can be of assistance with election administration issues. The link is listen@eac.gov.

Questions and Answers/Comments

Commissioner Masterson commented that the feedback received has led to tangible work product and outreach to the states, including the work on the Top 10 Things You Should Know When Purchasing New Voting Equipment. Vice Chairman Hicks read a

statement saying that it is an honor to vote for the Resolution celebrating the 25th anniversary of the Americans with Disability Act and reaffirming EAC's mandate and commitment under HAVA to equal protection in elections.

New Business – Accessibility Recommendations from the Transition Report

Presenter: Doug Lewis - Former Executive Director, The Election Center

Mr. Lewis stated that the first foray into accessible voting actually came in 1984 with the Elderly and Handicap Act. The ADA came along afterwards to reinforce that the voting process has to be available to any and all voters and the Help America Vote Act followed with that it's not just accessibility, but also, privacy and independence, equally. Mr. Lewis expounded on the discussions of accessibility and security, the costs of the right to vote, the overwhelming numbers of aging voters, new processes that the voting systems vendors developed with EAC funding, and the challenges for the Commission and elections administrators on how to make the promise of an equally accessible voting experience come true.

Questions and Answers

In response to Vice-Chair Hicks question: Are there any things that you would have put in there concerning disability access or disabled voters, in general, that you weren't able to put in there then that you would think about putting in there now?

Mr. Lewis stated no, not in this short time. Public policy is evolving slowly it's going to take time and patience.

Vice-Chair Hicks also asked: How can we get the private industry to join with the other three stakeholders and basically move forward with aiding disabled voters?

Mr. Lewis replied that what the EAC funding did in terms of partnering election administrators with accessible voting groups to study this and look at this over a period of three years was a good process. EAC has fostered a process by which those with disabilities and particularly representative groups, such as Tennessee Disability Coalition, Paragard, Assistive Technology. , Hopefully accessibility issues are not partisan issues. There is a need to make this pitch to both parties that the job is just beginning, it has not yet ended.

In response to Commissioner Masterson's question: What can the EAC do, in order to push and meet the urgency that accessible voting remains an unfulfilled promise and continue to push this forward? Mr. Lewis said to continue to do the round table concept with the elections community, we can probably do some of the same sorts of things in terms of accessibility issues. And maybe some of the accessible groups can find some money that maybe you can't. But if they've got your stamp of approval to do that, there may be some foundations who are willing to help us set up a way to do this, so that it is NGOs and government working together to make this go.

New Business – EAC Sponsored Research And Recommendations to Improve Accessibility

Presenter: Nikki Baines Charlson - Board of Elections, State of Maryland

Ms. Charlson addressed the Commission to provide an overview of how Maryland voters have benefitted from the grants that the EAC has funded such as online services, voter lookup website, polling place locator, online voter registration, and online ballot delivery. The Board of Elections partnered with University of Baltimore and Dr. Kathryn Summers with her Anywhere Ballot, which she designed as an open source online ballot template that voters can use their own assistive devices and use the principles of plain language and plain interaction to build this ballot. Also, Carnegie Mellon in California and the National Federation of the Blind were on the team in developing the online ballot delivery system that benefitted voters in 2014 from the grants that EAC made. Ms. Charlson said that there were two different public comment periods before it went live. The Overseas Vote Foundation did a post-election survey for voters overseas on their feedback on the system on the blank ballot delivery and it was all very positive. The Maryland Board of Elections built the online ballot delivery system with a grant from the Federal Voting Assistance Program, one of the EAVS recipients. And as part of the grant proposal is that we are offering to share our software with other election jurisdictions.

Presenter: Patrick Leahy - EAC & Shanee Dawkins - National Institute of Standards and Technology (NIST) – Joint Presentation

Mr. Leahy spoke about the AVTI or Accessible Voting Technology Initiative that Congress appropriated \$8 million to the Commission for work on accessibility.

Two grants were given out, one to Information Technology and Innovation Foundation, ITIF and the second one to Clemson University, RAAV, or Research Alliance for Accessible Voting. Shanee Dawkins reported that the Military Heroes Project is to research the voting technology and processes for military service members who sustained disabling injuries in combat, such as PTSD, traumatic brain injury, visual and hearing impairments. ES&S is trying to incorporate accessibility features into their one system that everyone can use, that's part of the Roadmap. Prime III was piloted in New Hampshire, in Florida, and Oregon and some other states. So there is one kind of universally usable machine that you could have a number of Prime IIIs and be able to vote privately, independently, securely. There are many reports out through the EAC website, through NIST's Accessible Voting Technology Portal, there's ITIF white papers and much information that can influence the standard and also influence voting system design.

New Business – Independent Research of Online Voter Registration Accessibility

Presenter: Susan Mizner - Disability Council, American Civil Liberties Union

Ms. Mizner presented on under-representation among people with disabilities in registering to vote and online voter registration. The Disability Council, American Civil Liberties Union did a report titled Access Denied. Online voter registration is more accurate, because paper registration is trying to translate someone's handwriting. You bypass that when the person is actually entering their own data online.

The ACLU asked the Center for Accessible Technology to review the 20 states that had online accessibility. And they did a more in-depth review of five of those states. Of the 20 states, they found barriers with every single one, except for California.

Most states require an electronic signature to be matched in the file with someone going to the polls. And citizens who register to vote through the DMV usually have that electronic signature on file automatically. But for people who don't have that type of ID, getting an electronic signature online can be a challenge.

We have a few different approaches that have been used and I'm hoping to get feedback at some point from people in the audience, from the Commission, and from fellow experts.

New Business – EAC Research - Poll Worker Training For Voters with Disabilities

Presenter: Michelle Bishop - Voting Rights Specialist, National Disability Rights Network

Ms. Bishop stated that NDRN is the membership association for the P&A Network. There is a P&A in every state, territory, and the District of Columbia. They're the largest provider of legally based advocacy services for people with disabilities in the U.S. In your state, it might be called the P&A, Protection Advocacy, Disability Rights, or the Disability Law Center. Of the 57 P&As, 55 of them have a PAVA program, Protection and Advocacy for Voter Access. It's a federal mandate to the P&As established under the Help America Vote Act to ensure the full participation in the electoral process for individuals with disabilities. That includes registering to vote, casting a vote, and accessing polling places. Voter accessibility is ultimately determined by effective implementation on election day. We rely on our nation's poll workers to be our first line of defense in ensuring that polling places are set up accessibly, the voting equipment is set up, that it's use is encouraged. We have to accept responsibility for adequately training our poll workers before we can fully understand the scope of the problem and have an accurate discussion about the needs of our poll worker force. I think we have to innovate with the understanding that we have limited time and resources. And that was the basis of this project.

New Business – EAC Research - Voting and the Visually Impaired

Presenter: Diane Cordy Golden, PhD - Project Coordinator, Association of Assistive Technology Act Programs

Ms. Golden explained that connections between elections officials, accessibility people, security people, assistive technology community; manufacturers must get on the same page. ATIA, the Assistive Technology Industries Association, that is made up of companies like Freedom Scientific, which is one of the major manufacturers of screen-readers, and AI Squared, that does screen enlargement, and Dragon, that does voice recognition systems, and

all of these companies, they know access, but getting them connected with ES&S and Dominion and the election companies has been completely elusive for ten years now.

ATAP, Association of Assistive Technology Act Programs proposed, as part of the EAC funded research, to do basically voting system demonstration and training. If everyone could vote electronically, and if most access features were available on every machine so that all people could use them, that takes you a certain way toward fixing the problem. Maybe we need to take a step back and rethink how we deliver accessibility and if we could ever solve the conflict between security and accessibility and allow people to use their own assistive technology, their own computer systems to vote fully. The accessible ATM is one of the areas where those companies, they reached out to the assistive technology community and quickly figured out how to do some of those things.

The reaction to technology ranged from the technology users just being dumbfounded at the antiquity of the thing to the older folks who many of them, the first we showed them screen enlargement or the CCTV, it was like an aha moment, I can read my prescription bottles now.

New Business – Increased Participation For Voters With Disabilities and Next Steps

Presenter: Kathy Hoell, MPA - Executive Director, Nebraska Statewide Independent Living Council

Ms. Hoell reported that the voter participation rate for people with disabilities has gone up since the passage of HAVA and people in the disability community know that with rights does come responsibility. NACL, the National Council on Independent Living has conducted non-partisan voter education, voter registration for people with disabilities. The degree of success of the implementation of HAVA varied from state to state. The variables in this success depended on what equipment was purchased, how it was positioned in the polling place, and how well the poll workers were trained. The most common problems were reading or seeing the ballot or understanding how to vote, or even how to use the polling equipment, the voting equipment, because the poll workers didn't know, most of the time, either. Putting the voting machine right in front of the front door, so anybody who walks in can see it defeats the purpose of the private, independent ballot.

Unfortunately, voting has become a very partisan issue and there have been changes to registration, voter ID requirements, and inaccessible websites. People with disabilities often face other barriers in their lives, such as transportation and financial

limitations. Dr. Juan Gilbert is working on a newer generation of accessible voting equipment, and he has utilized the annual meetings of organizations like NCIL or Self Advocates Becoming Empowered to do their elections at their annual meetings. People with disabilities are the experts on being people with disabilities. Recently, there has been a push in some states to make all people with disabilities vote by mail. This is not accessible and it eliminates the private, independent ballot.

For a lot of people with disabilities, if we could use our own equipment, that would be so good.

Nebraska actually hires people with disabilities and people below the age of 30 to work in the polls.

New Business – 2014 Election Administration and Voting Survey (EAVS)

Presenter: John Fortier - Director, Bipartisan Policy Center

Mr. Fortier presented an overview of the Survey, stressing that while it may change some, has stability, has the ability of the providers, the jurisdictions, to understand the questions, to understand how to get it back to you, of the survey takers to really explain and work well with them to get the types of answers back. Mr. Fortier spoke on the influence the Survey has had on policy makers, providers, the jurisdictions, election officials, scholars. But there still are some places if you went and looked and found the places with lots of blanks in the survey, that you know that there's some more work to be done integrating what the survey takers and what the survey givers, the jurisdictions are looking to get at. Building in a process where you feel very good that it's had a look from the election community as well as some of the scholarly and data community would be helpful. It's important not to change too much too quickly because that process is really important for the people who rely on the data and the people who provide the data understanding what they do. It is an important core function of the EAC to keep this up, to continue to improve it, and work on the survey. A priority would be to have a group that represents the different types of producers and users of the data to be able to review and give you comments and find the errors and give you some sense of context. Highlights in simpler language before you get to the tables on more subjects would be useful to election officials. There's a lot to be learned from election officials and partnerships with academics on specific subjects and trying to see that there are some practices going on in other places, and then, the various mechanisms by which election officials might talk to their counterparts in other states to follow up on that in the data.

Presenters: Karen Lynn-Dyson - EAC
Ron Szoc - Senior Research Director, ICF International

Ms. Lynn-Dyson provided some points of clarification for John Fortier's comments, that this is not a document that is missing a lot of data, a lot of states choose not to provide that data and they certify as much. This is all work that was not done in the early years, but is done now, and moving forward, will certainly continue to fine tune the instrument.

Mr. Szoc did a walk-through of the overall time frame, from the Statutory Overview Report to posting on the EAC website.

Ms. Lynn-Dyson described the eight data visualizations that are on the EAC website that show a snapshot of the 2014 midterm elections. She also reported that there will be more discussion on this at the Election Data Summit at the American University School of Public Affairs on August 12 and 13, in Washington, D.C.

New Business – Advisory Opinions

Presenter: Monica Evans - EAC

Ms. Evans reported that the EAC received a request for an advisory opinion from the South Dakota Secretary of State: Would the use of HAVA funds for an in-person absentee voting location be an approved expense from the South Dakota Help America Vote Act funds? And, if so, would South Dakota be required to amend its current state plan to reflect those uses?

The Grants Office has determined that this expenditure would be in the furtherance of federal elections and we have determined that the expenses are allowable, allocable, and reasonable.

Chairwoman McCormick asked if there was motion to approve the use of the HAVA funds for in-person absentee voting locations in South Dakota without an amendment to its current state plan.

Vice-Chair Hicks made the motion to approve the use of the HAVA funds in South Dakota. Commissioner Masterson seconded the motion. The motion carried unanimously.

New Business – EAC Future VVSG Working Group White Paper: The Goals For Future Federal Voting System Standards Development Efforts

Presenter: Brian Hancock - EAC

Mr. Hancock explained that the origin of the Working Group came from the round tables that the EAC had, as a way of getting information and sharing information with the public. The round table on June 12, 2014 was entitled Reforming the Testing and Certification Process. Ann McGeehan, one of the panelists, and a former Director of Elections for the State of Texas suggested that the EAC begin discussions with members of the election community regarding ways that future Voluntary Voting System Guidelines could be developed, designed, and structured. Mr. Hancock described the thought process that the group went through during the meetings. The Working Group felt that one of the fundamental purposes of the VVSG was determining the policy objectives that the guidelines were trying to achieve, and really, to define and to describe what a voting system is. The group thought and the EAC agreed that in working with the voting system test labs, an important aspect of Future VVSG would be to develop a cost estimate in conjunction with the document being put out for public comments, so that the voting system manufacturers actually have some general idea, and it will be a general idea of the potential cost for any future VVSG. Mr. Hancock reported on the TGDC pre-meeting update on July 20 and 21 at NIST. Mary Brady of NIST presented the concept for the working group structure. And anyone that's interested, currently, in participating in one of the public working groups can send an email to voting@nist.gov, and they'll be responded to and included on one of the working groups.

Commissioner's Closing Remarks

Chairwoman McCormick concluded that there is a lot of work to do on accessibility, on the EAVS survey, on the Voting System Standards, and testing and certification. She said she appreciates everyone's support and input.

Adjournment

Commissioner Masterson moved to adjourn. Vice Chairman Hicks seconded. The motion carried unanimously.

The public meeting of the EAC adjourned at 5:09 p.m. EDT

