

**Minutes of the Public Meeting  
United States Election Assistance Commission**

1225 New York Avenue, NW  
Suite 150  
Washington, DC 20005

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on Thursday, March 11, 2010. The meeting convened at 10:00 a.m., EDT. The meeting was adjourned at 11:14 a.m., EDT.

**PUBLIC MEETING**

**Call to Order:**

Chair Donetta Davidson called the meeting to order at 10:00 a.m.

**Pledge of Allegiance:**

Chair Davidson led all present in the recitation of the Pledge of Allegiance.

**Roll Call:**

EAC Commissioners:

Associate General Counsel Tamar Nedzar called roll of the members of the Commission and found present: Chair Davidson, Commissioner Gracia Hillman and Commissioner Gineen Bresso Beach. Three members were present for a quorum.

Senior Staff:

Thomas Wilkey, Executive Director; Associate General Counsel Tamar Nedzar

Panelists:

Brian J. Hancock, Director, Voting System Testing and Certification; Matt Masterson, Deputy Director, Voting System Testing and Certification; Professor Alec Yasinsac, School of Computer and Information Sciences, University of South Alabama

**Adoption of the Agenda**

Commissioner Hillman moved to amend the meeting agenda to include review and approval of the minutes from the last public meeting, which was seconded by Commissioner Beach. The motion carried unanimously.

### **Old Business:**

#### **Approval of the minutes from the previous meeting**

Commissioner Hillman moved to adopt the minutes from the February 19, 2010, public meeting, which was seconded by Commissioner Beach. The motion carried unanimously.

#### **Report from the Executive Director**

Mr. Wilkey extended a welcome to all in attendance, providing the following update on activities that have taken place since the February 19, 2010, public meeting, in the areas of Grants, Requirements Payments, Testing and Certification, Research Policy and Programs, Tally Votes, and other news.

With regard to Requirements Payments, Mr. Wilkey noted the following: The deadline for submitting comments on the proposed draft Maintenance of Expenditure (MOE) policy is March 24, 2010; \$1.05 million in FY 2008 payments were disbursed to Kansas; and, to date \$79.3 million in FY '08 and \$51 million in FY '09 payments have been disbursed.

Concerning Grants, the deadline for accepting applications for the Mock Election grant closed the previous day, and the deadline for accepting applications for the College Poll Worker grant is March 31, 2010.

With respect to Testing and Certification, Mr. Wilkey reported that the following items have been posted to EAC's Web site: The Board of Advisors and the Standards Board comments on Phase II of the Election Operations Assessment, a list of FAQs about the Assessment, and the ES&S Unity 3.2.1.0 Draft Test Plan version 3.0.

Pertaining to Research, Policy and Programs, Mr. Wilkey announced that the final designed versions of the Election Management Guideline chapters on Building Community Partnerships, Canvassing and Certifying an Election, Communicating with the Public, Conducting a Recount and Provisional Ballots have been issued. He also announced the availability of the National Mail Voter Registration Form in the following five Asian languages: Chinese, Japanese, Korean, Tagalog and Vietnamese.

The following four tally votes were certified since the February 19<sup>th</sup> meeting: Approval of EAC's FY 2010 Operating Budget; Resolution of

Wyoming's Audit Appeal; Advisory opinion for the Virgin Island's request to use HAVA Section 251 payments to outfit space for the office of the supervisor of elections; and, the submission of proposed information quality guidelines for public comment.

With respect to other news, Mr. Wilkey pointed out that EAC's Inspector General has posted a HAVA funding audit report for Arkansas, and the deadline for submitting applications for the position of General Counsel of the EAC is March 26. Mr. Wilkey concluded by extending his congratulations to Chair Davidson for being selected this year's recipient of the NASS Freedom Award.

### **Questions and Answers:**

In response to Commissioner Hillman's suggestion, Mr. Wilkey noted that EAC will endeavor to advertise the fact that the National Mail Voter Registration Form can be filled out online before it is printed, which will eliminate errors and the need for provisional ballots due to confusion with handwriting styles. In response to questioning by Commissioner Beach, it was found that the Maintenance of Expenditure (MOE) policy was not posted in the *Federal Register* and Commissioners Beach and Hillman recommended that it be available in there, per the Notice and Public Comment Policy. Mr. Wilkey responded that it would be placed in the *Federal Register* per the Commissioners' desire.

### **New Business:**

#### **Update on Wyle Lab Reaccreditation**

Presenter: Brian J. Hancock, Director, Testing and Certification Program, provided testimony regarding the recent reaccreditation of Wyle Laboratories based upon the submission of its renewal application package for EAC consideration on October 14, 2009, in addition to the policy and procedure review that EAC conducted January 25-26, 2010.

Mr. Hancock pointed out that EAC's audit assessment of Wyle found no nonconformities in its lab policies or procedures, and that no items were found that would require the laboratory to initiate corrective action or to formally resolve a noncritical noncompliance. Mr. Hancock outlined the five recommendations that EAC made to Wyle, which were thereafter addressed in a submission to EAC on March 5, 2010.

Mr. Hancock explained that he will forward a letter of recommendation to renew EAC's accreditation of Wyle to Chair Davidson, and upon an affirmative Commission vote, he will inform the lab of the decision, issue

an updated Certificate of Accreditation, update EAC's Website and inform stakeholders of the Commission's decision.

### **Questions and Answers:**

In response to Commissioner Hillman's question regarding whether Wyle is a full-service lab, Mr. Hancock pointed out they are accredited for both hardware and software, and they are the only lab that does their own testing in-house. He also explained that Wyle has put into place the five recommendations that EAC made following its onsite review of their facilities, and they forwarded to EAC a CD containing all of the revised language and documentation that they have since put into place at their lab. In response to Commissioner Hillman's final question whether EAC has an indicator to determine where labs are with respect to meeting their requirements/expectations, Mr. Hancock stated that the recommendations from the Testing and Certification Division serves as an indicator with regard to where they are on a scale of things, in addition to the feedback they receive on a regular basis through the test campaigns.

In response to Commissioner Beach's inquiry regarding what Mr. Hancock's general impression of Wyle was following its onsite audit, he commented that they are consummate professionals and there has been nothing but good things resulting from EAC's work with this lab. In response to Commissioner Beach's next inquiry with respect to both the timing and cost associated with Wyle's testing of the Unisyn system to the 2005 VVSG, he explained the process was very smooth, which led to a quick turnaround and the costs were approximately \$800,000 to the vendor.

In response to Chair Davidson's question regarding Mr. Hancock's overall impression of Wyle's test plans, he stated that they have done a good job with their test plans and incorporated all suggested improvements immediately with results in saving both time and money.

### **Election Operations Assessment**

Presenter: Brian J. Hancock, Director, Testing and Certification Program, addressed the Commission to provide a brief review regarding the background of Phase II of the Election Operations Assessment.

Presenter: Matt Masterson, Deputy Director, Testing and Certification Program, addressed the Commission to provide an overview of both the Assessment and the project's development process.

Presenter: Dr. Alec Yasinsac, Professor and Dean, School of Computer and Information Sciences, University of South Alabama, addressed the

Commission to provide testimony with respect to what the project deliverables are designed to do and, in addition, what the project deliverables are not intended to be. Dr. Yasinsac also described details about the project process.

### **Questions and Answers:**

In response to Commissioner Hillman's inquiry with regard to what constitutes a non-trivial voting technology, Dr. Yasinsac provided an example of a simple "yea" or "nay" voice vote or a raise of the hand as a trivial voting technology, pointing out that it becomes impossible to enumerate the list of threats to voting systems, because they are so complex. In response to Commissioner Hillman's next question pertaining to the type of feedback that was received from the Standards Board and Board of Advisors to the Assessment during their virtual meeting room exercise, Mr. Masterson explained that their perspective both geographically and specifically to the way they run elections was invaluable. Dr. Yasinsac added that their feedback was broadly applicable and their input with respect to terminology was also invaluable. In response to Commissioner Hillman's inquiry regarding usability of the Assessment tool, Mr. Masterson explained how this could be utilized to analyze the requirement for a hardware cryptographic module that is contained in the next iteration of the VVSG. In response to Commissioner Hillman's final question with respect to whether there could be misuse of this tool, Mr. Hancock pointed out that there were concerns raised over possible misuse/misrepresentation by other entities, other than EAC and NIST, due to the fact that this will be a public document. Dr. Yasinsac explained that due to the fact this tool is quite clear in the way it works, along with its capabilities and strengths, it is his belief that this concern of misuse will be not well founded.

In response to Commissioner Beach's question with respect to what types of changes were made to the Assessment following the Standards Board and Board of Advisors review during Phase I and Phase II, Dr. Yasinsac explained that there were changes in terminology, i.e., "recommended controls" in addition to producing more detailed descriptions of what the various controls entailed. Commissioner Beach followed up by asking if different regions' terminology was consistent across the country, and Dr. Yasinsac explained that due to different regions using different phrases or terminology, it required his team to adjust the terminology to a higher level of definition, so that it would go beyond the specific term. Mr. Masterson pointed out that both the Standards Board and Board of Advisors stressed the need for consistency in terminology. Commissioner Beach asked how the tool's subjective nature captured the user's assumptions. Dr. Yasinsac responded that due to the subjective nature, feedback was incorporated by allowing the analyst to document the reasoning behind the

individual settings. In response to Commissioner Beach's inquiry regarding how Dr. Yasinsac would compare the security of voting systems in the United States to other countries, he stated that while he has not studied this enough to render an opinion, he has learned that election officials at different levels and different locations do elections differently. There is a variety of approaches and interpretations of federal instructions and recommendations, as well as differences in how states handle it.

In response to Chair Davidson's question, Dr. Yasinsac confirmed that the project did not focus on any one particular type of voting system or manufacturer. The project team's effort was directed at identifying generic voting system threats. In response to whether this tool could be utilized in connection with the UOCAVA test pilot program, both Mr. Masterson and Mr. Hancock concurred that this tool will have great general applicability and will be a great asset in identifying risks associated not only with the current UOCAVA process, but also risks associated with new and innovative UOCAVA technologies. In response to Chair Davidson's final inquiry regarding final delivery of the Assessment tool to EAC, Dr. Yasinsac and Mr. Hancock concurred that the Commission can anticipate receipt of this tool by the end of March.

Dr. Yasinsac provided an overview with respect to the depth and breadth of advisory board members that volunteered their time and energy working on the project.

### **Commissioners' Closing Remarks**

Chair Davidson extended her appreciation to those that joined the meeting, both in person and via Webcast, and also to convey her thoughts and prayers to the earthquake victims in Haiti and Chile as they rebuild their lives and communities.

Commissioner Hillman expressed her appreciation that the United States through the State Department has offered to assist Haiti in conducting its elections. She also encouraged those in attendance both in person and via Webcast to remind their communities regarding the importance of fully participating in the upcoming 2010 Census.

Commissioner Beach extended her congratulations to Chair Davidson for being selected for the NASS Freedom Award.

Chair Davidson announced that EAC's next public meeting will be held on April 8, 2010, pointing out that it will most likely encompass a full day.

### **Adjournment**

Commissioner Beach moved to adjourn the meeting, which was seconded by Commissioner Hillman. The motion carried unanimously.

**Meeting was adjourned at 11:14 a.m.**