

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

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The following are the Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on Tuesday, February 24, 2015. The meeting convened at 10:02 a.m., EDT. The meeting was adjourned at 11:44 a.m., EDT.

## **PUBLIC MEETING**

### **Call to Order:**

Commissioner Matthew V. Masterson called the meeting to order at 10:02 a.m., EDT.

### **Pledge of Allegiance:**

Commissioner Masterson 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: Commissioner Matthew V. Masterson, Commissioner Christy A. McCormick, and Commissioner Thomas Hicks. Three members were present for a quorum.

#### **Senior Staff:**

Acting Executive Director/Chief Operating Officer Alice Miller

#### **Presenters:**

Brian J. Hancock, Director, Voting System Testing and Certification, Jessica Myers, Certification Program Specialist, Voting System Testing and Certification, Jack Cobb, Pro V&V Laboratory, Susannah Goodman, Director of Election Reform, Common Cause, Maximilian M. Etschmaier, Ph. D., Adjunct Professor, San Diego State University

## **Adoption of the Agenda**

Commissioner Masterson asked for a motion to adopt the agenda. Commissioner Christy McCormick moved to adopt the agenda. Commissioner Thomas Hicks seconded the motion. The motion carried unanimously.

## **New Business – Selection of Chair and Vice Chair**

Commissioner Masterson moved to elect Commissioner Thomas Hicks as Vice-Chair of EAC. Commissioner McCormick seconded the motion. The motion carried unanimously.

Commissioner Masterson moved to elect Commissioner Christy A. McCormick as Chair of EAC. Vice-Chair Hicks seconded the motion. The motion carried unanimously.

## **New Business – Installation of New Officers**

Deanna Smith administered the Oath of Office to Chair McCormick and Vice-Chair Hicks.

## **New Business - Welcoming Remarks**

Vice-Chair Hicks welcomed all in attendance, expressing his sincere appreciation to both EAC staff for keeping the agency running, and to those individuals involved in restoring a quorum of Commissioners; after which he set forth the goals/priorities that the Commission should focus on and provide guidance on in order to ensure elections run smoothly, improve the election process and make EAC a model for both the Federal Government and the nation.

Commissioner Masterson extended a warm welcome to all in attendance, thanking those individuals who supported his nomination/confirmation to the Commission, after which he set forth the goals/priorities which the Commission should focus on including meeting the demands/expectations of election officials in order to maintain both older voting systems while helping to bring about new, modernized systems, updating the standards and testing process, the development/deployment of a common data format, and improving the Election Day Survey.

Chair McCormick also expressed her appreciation for the Commissioners' unanimous confirmation, after which she too set

forth the goals/priorities that the EAC needs to focus on, which includes being responsive to all of its stakeholders, being service oriented and ensuring that it is a reliable resource for the election community.

### **New Business - Report of the Chief Operating Officer and Acting Executive Director**

Acting Executive Director/Chief Operating Officer Alice Miller extended her congratulations to Chair McCormick, Vice-Chair Hicks and Commissioner Masterson for their unanimous confirmation to the Commission, and welcomed all those in attendance to EAC's first public meeting since December 2, 2010.

Ms. Miller reported the following activities that have taken place within EAC:

The FY-2014 Activities Report along with a FY-2016 Interim Congressional Budget Justification with an Annual Performance Report and Grants Expenditure Report were submitted to Congress February 2, 2014.

Requests for names of individuals who will be appointed to the Standards Board have been submitted to each jurisdiction and requests for names of individuals who will be appointed to the Board of Advisors have been submitted to the statutory designated entities.

A two-day symposium hosted by EAC and NIST was held February 9-10, 2014, on Voting Systems and Future Technology which is available for viewing at [nist.gov](http://nist.gov).

The following systems have received Certificates of Conformance for modifications: Dominion Voting Systems Democracy Suite 4.14-A.1 modification; Dominion Democracy Suite 4.14-B modification; Dominion Voting System Democracy Suite 4.14-D modification. Election Systems and Software (ES&S) EVS 5.2.00 modification; ES&S EVS 5.0.1.0 modification; ES&S Unity 3.4.1 modification and Unisyn Voting Solution OpenElect Version 1.3 modification.

11 new QuickStart Guides have been developed following a series of nine Webinars in 2013 which are available on EAC's website.

The Election Administration Voting Survey has been administered to the states as required by HAVA and the information is being compiled for distribution to Congress with a release date of June 30<sup>th</sup>.

EAC hosted three Roundtables during 2014 (March 13, June 12, September 3), all which are available on the Commission's web site.

With respect to grants, Ms. Miller reported there are still 251 fund Requirement Payments to be requested and distributed which includes: 2009 \$200,000, 2010 \$4,188,768 and 2011 \$426,574. States that have not collected all of their Requirements Payments include: Georgia, Guam, New Mexico, Oklahoma and the U.S. Virgin Islands.

EAC completed its annual financial statement audit in addition to its compliance with the Federal Information Security Management Act (FISMA) audit.

### **Questions and Answers:**

In response to questions by the EAC Commissioners:

Ms. Miller was pleased to note that to date it appears the compilation of the Standards Board is more than half and the compilation of the Board of Advisors appears to be close to half. With respect to Requirements Payments, she noted that Massachusetts has 2010 and 2011 funds available.

Ms. Miller announced that EAC would be hosting a roundtable on March 19, 2015, at its offices in Silver Spring, Maryland.

### **New Business - Accreditation Decision for Pro V&V**

Jack Cobb, Director, Pro V&V, thanked the Commission for the invitation to speak, acknowledging and thanking those individuals who supported and worked hard in the formation of Pro V&V as a voting system testing laboratory. Mr. Cobb provided an overview of Pro V&V's work/accomplishments during the past three years while waiting accreditation.

Brian J. Hancock, Director, Voting System Testing and Certification, congratulated the Commissioners on their appointment to EAC, after which he provided testimony which outlined the processes and procedures that were involved in both EAC and NIST's review of Pro V&V becoming an accredited voting system test laboratory,

## **Questions and Answers:**

In response to Chair McCormick's question regarding whether Pro V&V's accreditation differed from the process than the two current VSTL's underwent, Mr. Hancock reported that the accreditation process for Pro V&V was virtually identical that all other test labs undergo, which is part of the rigor provided by both the NVLAP accreditation process as it relates to ISO 17025 and the EAC Program Manual.

In response to Vice-Chair Hicks' request that further explanation be provided regarding the length of time that it took for Pro V&V to receive its accreditation, Mr. Hancock explained that it was due to the fact that the EAC lacked a quorum of Commissioners which the Help America Vote Act specifically requires for accreditation of voting system test labs. Mr. Hancock responded that there are no other labs waiting accreditation at the present time.

In response to Commissioner Masterson's question regarding the what the importance is of having multiple labs in order to maintain an effective program, Mr. Hancock stated that it is crucial to have three laboratories to avoid creating a monopoly and also that it his opinion that while there is enough work for three laboratories, due to the niche nature of the industry it would most likely be difficult for there to be enough work for more than three.

Commissioner Masterson made a motion to fully accredit Pro V&V Laboratories as an EAC accredited voting system test laboratory. Vice-Chair Hicks seconded the motion. The motion carried unanimously.

## **New Business - Briefing and Discussion of Voluntary Voting System Guidelines (VVSG 1.1)**

Jessica Myers, Certification Program Specialist, Voting System and Testing Certification, addressed the Commission to provide testimony with respect to the proposed revisions that have been made to the 2005 Voluntary Voting System Guidelines (VVSG 1.1).

Ms. Myers provided an overview of previous voting system standards/guidelines that have been utilized, pointing out that the reasoning for the current revisions are for the following threefold purpose:

1. To clarify the guidelines to make them more testable.

2. Enable NIST to create test suites for the proposed revisions.
3. To update portions of the guidelines that could be easily updated without dramatically altering the guidelines.

Ms. Myers provided testimony with respect to the combined 250-day public comment period that was involved in reviewing, accepting/rejecting and resolving comments that were received with respect to the proposed revisions.

### **Questions and Answers:**

In response to the Chair McCormick's question regarding when it is anticipated that the final draft of VVSG 1.1 will be ready for presentation to the Commissioners, Ms. Myers reported she anticipates this will occur within the next several weeks following finalization of approximately 15 comments pertaining mostly to definitions, completing a final review to ensure that all revisions are complete and compiling a spreadsheet for the comments. In response to Chair McCormick's inquiry into how states will benefit from the implementation of 1.1 Ms. Myers pointed out that the standards will allow for a faster certification process due to their clarity. In addition, the test assertions that the Certification and Testing Division are working on with NIST will avoid redundant testing and help states determine how to test their systems better. In response to Chair McCormick's question regarding how many states rely on the VVSG, or some portion of it, Ms. Myers reported that there are 35 out of 50 states that are utilizing some portion of the VVSG. California recently adopted 1.1 to use as guidelines in testing their systems.

In response to Vice-Chair Hicks' inquiry into the types of comments that were not accepted during the public comment periods, Ms. Myers explained that the ones that were rejected involved suggested changes to a few words/requirements that, per EAC's discussions with NIST, it was felt would water down the requirements to a point that it would defeat the original intent of the requirement. With regard to Vice-Chair Hicks' inquiry into the anticipated implementation schedule for 1.1, Ms. Myers pointed out that a 12- to 18-month introduction period is being envisioned, with a period of overlap similar to how the 2005 guidelines were introduced, in addition to identifying the period of time that the systems would no longer be tested to the 2005 guidelines.

In response to Commissioner Masterson's question, Ms. Myers provided an overview of the process that was involved in the review, acceptance/rejection of public comments between NIST and EAC. In response to Commissioner Masterson's second question with respect to what the benefit of the state requirements mapping project is, Ms. Myers explained that the goals of the project are to enable states to have more clarity/understanding of what things are actually being tested in EAC's Testing and Certification Program, for states to have a better understanding of the test assertions, and to cut down on redundancy, cost and time of testing by states.

In response to Commissioner Masterson's final inquiry regarding the ultimate goal of the revisions to 1.1, Ms. Myers confirmed it is to clarify the standards, improve the speed and efficiency of testing in order to save both time and money.

Commissioner Masterson noted the receipt of two letters, the first from the Association for Computing Machinery (ACM) dated February 19, 2015, and a second letter from the Bipartisan Policy Center dated December 19, 2014, each regarding the adoption of VVSG 1.1 along with other programmatic issues. Chair McCormick noted that both letters would be accepted without objection.

### **New Business - Briefing and Discussion of Program Manuals**

Brian J. Hancock addressed the Board to provide an overview of the major revisions that have been made to the Voting System Test Laboratory Program Manual, which included a 60-day public comments period resulting in 22 comments which were addressed during EAC staff's revision to the document.

Mr. Hancock next provided an overview of the major changes that have been made to EAC's Testing and Certification Program Manual, which included a 60-day public comment period resulting in 43 comments which were addressed during EAC staff's revision to the document.

Following final formatting adjustments of the manuals and internal briefings on the details of the changes mentioned, Mr. Hancock reported that he will be recommending that the Commission consider both documents for a final vote on adoption at EAC's next scheduled public meeting.

Following ultimate approval of both documents, Mr. Hancock explained there will be a 30-day public comment period for which comments will be invited on the following:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency.
2. The accuracy of the agency's estimate of the burden of the proposed information collection.
3. Ways to enhance the quality, utility and clarity of the information to be collected.
4. Ways to minimize the burden of the information collected on respondents.

Comments will be collected and summarized ONLY on the four criteria noted above during the 30-day public comment period per the Paperwork Reduction Act (PRA) of 1995.

Mr. Hancock noted the receipt of a letter from the National Association of State Election Directors (NASSED) that was sent prior to the Commission's confirmation regarding both Program Manuals and the VVSG 1.1. Chair McCormick noted that the letter would be accepted without objection.

### **Questions and Answers:**

In response to Chair McCormick's inquiry into how he would characterize the general nature of the changes that were made to both manuals Mr. Hancock explained that the vast majority, if not all, were made to improve the efficiency, speed and hopefully reduce costs for the testing/certification of voting systems. In response to Chair McCormick's second question regarding whether the approval of the manuals will assist the states in preparing for the upcoming 2016 Presidential election, Mr. Hancock replied that it will certainly be of assistance to states to the extent that new systems and/or necessary modifications to systems will take place in a much more rapid fashion and thus allow them to do their own certification process, acceptance testing and other necessary things that need to be accomplished.

In response to Vice-Chair Hicks' question regarding whether it will be necessary for the Commission to consider some implementation period for either of the manuals, Mr. Hancock replied it is his belief

that a short period of implementation would be beneficial to ensure that all stakeholders know what the manuals contain.

In response to Commissioner Masterson's inquiry into how long it took for the first system and the last system to receive full certification, Mr. Hancock reported that the first several systems took an extended period of time largely due to the fact that it was a new program. Modifications, depending on their complexity, should take between three to six months. New systems, due to the complexity and amount of testing, should take no longer than nine months to a year. In response to Commissioner Masterson's final question regarding what the test readiness review will do to ensure that systems come in ready and prepared to pass testing, Mr. Hancock explained both that manufacturers have learned much during the ensuing years and the vast majority has become much better in their quality assurance process and their certification staff has become much more knowledgeable of how to get systems through the process quicker which combined will make for a much more efficient process.

### **New Business - Discussion and Consideration of Roles and Responsibilities Document**

Commissioner Masterson made a motion for consideration, possible adoption of the Organizational Management Policy Statement which supersedes several documents that had previously been considered/voted on, including the Roles and Responsibilities document. Vice-Chair Hicks seconded the motion. Discussion was held on the motion by the Commissioners regarding both the intent of the document and items of importance to the Commission. The motion carried unanimously.

### **New Business – Comments by members of the public on proposed changes to VVSG 1.1**

Susannah Goodman, Director of Election Reform, Common Cause extended her sincere congratulations and a heartfelt welcome to the Commissioners, expressed her pleasure to see EAC becoming immediately engaged in the critical work of the Commission and to urge that it swiftly consider and adopt VVSG 1.1. Ms. Goodman provided comments which discussed the need for testing and certification of ancillary systems in order to prevent a rush to bad technology, the need to examine future voting systems guidelines in light of a paradigm shift in elections and to place more emphasis on certifying election outcomes in order to truly reflect voter intent.

Maximilian Etschmaier, Ph.D., Adjunct Professor, San Diego State University, addressed the Commission to speak briefly regarding his work which began in 2006 with respect to suggested revisions to the VVSG, part of which is included in the most current draft of the VVSG. Dr. Etschmaier provided comments which included recommending that the EAC re-examine the role of regulations and consider embracing a principles-based regulation in developing the new version of the VVSG which would meet the demand for regulation that is effective, yet imposes a minimum burden on the regulated and requires a minimal apparatus to administer.

### **Adjournment**

Chair McCormick made a motion to adjourn the meeting. Vice-Chair Hicks seconded the motion. The motion carried unanimously.

**The public meeting of the EAC adjourned at 11:44 a.m. EDT**