



U.S. ELECTION ASSISTANCE COMMISSION
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EAC Testing and Certification: VVSG 2.0 Testimony

April 10, 2019, Public Hearing, Memphis, Tennessee

Chairwoman McCormick, Vice Chair Hovland, Commissioner Palmer, and Commissioner Hicks:

First, I want to thank you for scheduling this hearing on this important topic. Vice Chair Hovland and Commissioner Palmer, I know when Ranking Member Klobuchar asked each of you what your top priority would be if you were confirmed, both of your responses pertained to a new set of voluntary voting system guidelines (VVSG). Thank you for making this a priority. In addition, thank you Chairwoman McCormick and Commissioner Hicks for your involvement in the development process of the VVSG 2.0 over the past three plus years.

As you are aware, the VVSG 2.0 is currently out for a 90 Day public comment that began on February 28, 2019 and closes on Monday, May 29, 2019. In accordance with the Federal Register notice, the EAC is asking for comments on two items:

1. All sections of the Principles and Guidelines, and
2. Proposed Structure of VVSG 2.0.

The intent of my testimony today is not to review the Principles and Guidelines, nor to comment on them. I will leave that to the public and any of our other panelists who would like to speak to those items. First, my intent is to lay the foundation for this afternoon's discussion by providing background on the development of the VVSG 2.0, and secondly, I will provide you with the status of the comments we have received from the public to date.

Technically, the development of VVSG 2.0 began in 2005, immediately following the adoption of VVSG 1.0. The Help America Vote Act (HAVA) set a deadline for the Technical Guidelines Development Committee (TGDC) to provide the first set of recommendation for the voluntary voting system guidelines within 9 months after appointing all of its members. Due to the short timeline for getting out the first recommendation, the TGDC understood that it needed to immediately begin revisiting and drafting a new set of guidelines. Therefore, in 2005 it embarked on the development of what was known at the time as VVSG 2.0. That initial version of VVSG 2.0 was later renamed the 2007 TGDC Recommendation since it was never formally adopted by the Commission; and therefore, never became the voluntary voting system guidelines. However, in the meantime, it was clear that some modifications needed to be made to the VVSG 1.0, so version 1.1 was developed and ultimately adopted in 2015. I want to draw

specific attention to the difference in naming conventions. Industry standards for configuration management and naming conventions define the significance of a change. The original name of the 2007 TGDC Recommendation was VVSG 2.0 because the TGDC saw the need for a completely new approach and structure for the VVSG, whereas the version that was later drafted and ultimately adopted was VVSG 1.1 or an update to VVSG 1.0 (e.g. a “patch”).

During the time that the VVSG was being updated from version 1.0 to version 1.1, the EAC lost its quorum of commissioners and the work of the TGDC was halted. However, neither the EAC nor members of the election community, including NIST, state and local election officials, voting system manufacturers, test labs, accessibility experts, and PCEA members, wanted to lose the momentum of fulfilling the need for new guidelines. Therefore, the EAC and NASED each created working groups, the EAC Future of VVSG Working Group and NASED VVSG Working Group, respectively. Two main takeaways from the working groups are:

1. The scope of the VVSG must be defined; and
2. The purpose of the VVSG is to determine policy objectives the guidelines are trying to achieve.

In 2015, immediately upon the reconstitution of a quorum of EAC Commissioners, the recommendations from the EAC Future of VVSG Working Group and NASED VVSG Working Group were provided to the new Commissioners. Additionally, the TGDC was being reassembled. Those directly involved with the development of VVSG 1.1 understood that it was a good thing to have it adopted, but it was only a short-term solution while developing the VVSG 2.0.

By the September 2016 TGDC Meeting, there was already a draft of the VVSG 2.0 Charter that defined the Structure of the document, laying out the fact that it would be developed in a hierarchical fashion, with Principles, Guidelines, Requirements, and Test Assertions, aligning it with the second takeaway from the working groups as previously defined. The Structure was defined and formally adopted within the VVSG 2.0 Charter at the February 2017 TGDC Meeting after the Scope of the document was finalized as well fulfilling the other main work group takeaway.

Following the adoption of the Charter in February 2017, the Principles and Guidelines were finalized and the TGDC unanimously recommended that VVSG 2.0 be provided to the EAC Executive Director to be presented to the Standards Board and Board of Advisors. Each Board received a copy of VVSG 2.0 and deliberated on it at their April 2018 Meetings. Both Boards, at their respective meetings, voted on resolutions that “recommends to the United States Election Assistance Commission that the proposed modifications to the Voluntary Voting System Guidelines recommended by the Technical Guidelines Development Committee on September 12, 2017, be adopted by the Commission.” Unfortunately, however, at that time, the EAC had yet again lost its quorum of commissioners and needed to pause the HAVA mandated process, including a public hearing, until a quorum of commissioners was reconstituted.

In February 2019, not only was a quorum of EAC Commissioners reestablished, but also, for the first time in a decade, the EAC now has four Commissioners seated. Therefore, today we provide public testimony and comments on the VVSG 2.0 in hopes of fulfilling the recommendations of the EAC's Board of Advisors to "consider the draft VVSG 2.0 Principles and Guidelines for full adoption considering the comments offered by the board."

I look forward to hearing the comments from the public this afternoon, at the public hearing in Salt Lake City on April 23rd, and through any written public comments submitted to the EAC prior to the May 29, 2019, deadline. To reiterate, the EAC is accepting comments on all principles and guidelines of the VVSG 2.0, as well as on the structure of VVSG 2.0. As it currently stands, the EAC has received public comments from 19 entities:

- 10 comments are informational and do not pertain to either the content or structure;
- None of the comments relate to the structure of the VVSG 2.0; and
- 9 comments are associated with the content

The 10 comments that are informational and do not pertain to either the content or structure were requests for copies of the VVSG 2.0, suggested updates to the website containing the VVSG 2.0, and requests for additional information on the VVSG 2.0 or the process for adoption. Eight of the nine comments associated with the content are not specific to a principle or guideline; rather they each supported the concept of "Principle 9: Auditable – The voting system is auditable and enables evidence-based voting." Most of the eight comments in support of Principle 9, specifically described support for processes of fulfilling Guidelines 9.1, 9.2, and 9.4; such as paper ballots and risk-limiting audits. The other commenter addressed specific Principles and Guidelines. There were 14 individual comments submitted within the commenter's response. Most of those comments are requesting clarification or substantiation to ambiguous language (i.e. define easily, real world, best practice, etc.).

In closing, I want to thank each of you again for making the VVSG 2.0 a priority and making your first course of action a unanimous vote to open the public comment period and begin holding public hearings. Moving towards a new set of guidelines has been a lengthy process that many members of the election community, as previously notated, have strived for since 2005. As we approach the final stages, I have high expectation that we will work together to push VVSG 2.0 across the finish line and have it ultimately voted on and adopted. Thank you and I look forward to any questions you may have for me.