



U.S. ELECTION ASSISTANCE COMMISSION  
STANDARDS BOARD

**RESOLUTION 2010-03**

**Whereas**, The Bylaws Committee of the United States Election Assistance Standards Board has reviewed a properly submitted proposal to amend Article V, Section 2 of the Bylaws of the Board, and has recommended adoption of the proposed amendment as presented; and

**Whereas**, the proposed amendment would result in sensible stewardship of public resources by eliminating all unnecessary expenses incurred by conducting a meeting of the Standards Board at which the only principal item of business would be the election of Executive Board members (or matters such as the approval of previous Standards Board meeting minutes), which according to information provided by the EAC, can exceed \$100,000; and

**Whereas**, the proposed amendment would give the Executive Board discretion in such cases to authorize an election by mail-in ballot, which would be conducted using substantially the same procedures as the casting of absentee ballots by mail for an in-person election of Executive Board members under the current Bylaws; and

**Whereas**, the proposed amendment would authorize an election by mail-in ballot with the tabulation and certification process (which would ordinarily take place in the presence of the membership), taking place at a time and location specified at the time the election by mail-in ballot is authorized; and

**Whereas**, the proposed amendment would provide for the Executive Board to give notice of the time and location of the tabulation and certification process at the same time that the ballots are sent to members, with any member having the right to be present for the tabulation and certification process conducted as part of a mail-in ballot election; and

**Whereas**, the proposed amendment would appropriately recognize the work undertaken by the DFO's staff in providing administrative support for the process of nominating and electing members of the Executive Board, and would authorize the DFO's "designee" to provide this administrative support;

**Resolved**, that Article V, Section 2 of the Bylaws of the United States Election Assistance Commission Standards Board is amended to read as follows:

"2. Nominations.

a. Expired Terms.

i. The Nominating Committee shall solicit nominations for the Executive Board from Standards Board members. The Nominating Committee shall send to Standards Board members a solicitation no later than December 1st immediately prior to the expiration of any Executive Board member's term. The solicitations shall designate the address and form for submitting nominations.

ii. Standards Board members may nominate themselves or other Standards Board members by responding to the solicitation.

iii. Nominations shall be submitted to the Standards Board's Designated Federal Officer (DFO) (or the DFO's designee) in writing and may be submitted electronically no later than January 15th immediately prior to the expiration of any Executive Board member's term. In the event that January 15th is a federal holiday, nominations are due no later than January 16th.

iv. Upon receipt of nominations, the Nominating Committee shall prepare ballot information to be distributed to the Standards Board at least fifteen (15) days prior to the date of the Standards Board meeting immediately following the submission deadline.

v. Nominations for membership on the Executive Board shall not be accepted from the floor of a Standards Board meeting.

vi. If the Nominating Committee does not receive a sufficient number of nominees for the positions to be filled, taking into account the regional, party, and state/local requirements of each open position, the Nominating Committee shall meet and submit a list of nominees at least twenty (20) days prior to the date of the Standards Board meeting immediately following the submission deadline.

b. Vacancies Before the End of a Term.

i. In the event of a vacancy on the Executive Board prior to the expiration of a member's term on the Executive Board, the Nominating Committee shall send to Standards Board members a solicitation no later than sixty (60) days before the next meeting of the Standards Board. The solicitations shall designate the address and form for submitting nominations.

ii. Standards Board members may nominate themselves or other Standards Board members by responding to the solicitation.

iii. Nominations shall be submitted to the Standards Board's Designated Federal Officer (DFO) (or designee) in writing and may be submitted electronically no later than the date indicated on the solicitation.

iv. Upon receipt of nominations, the Nominating Committee shall prepare ballot information to be distributed to the Standards Board at least fifteen (15) days prior to the date of the Standards Board meeting immediately following the submission deadline.

v. Nominations for membership on the Executive Board shall not be accepted from the floor of a Standards Board meeting.

c. Elections.

i. Elections to the Executive Board shall be by secret ballot. Except as provided in this subdivision, elections to the Executive Board and shall take place at a meeting of the Standards Board. No later than twenty (20) days before the date of a Standards Board meeting immediately following the nominations

submission deadline under subsection (a), the Executive Board may authorize an election to the Executive Board to be conducted by mail-in ballot if the Executive Board determines that the only principal items of business to be voted upon by the Standards Board are the election of members of the Executive Board and matters such as the approval of the minutes of previous Standards Board meetings. If the Executive Board authorizes an election to be conducted by mail-in ballot, the election shall be conducted as follows:

(a) The Nominating Committee shall create forms and envelopes for a mail-in ballot election.

(b) Mail-in ballots shall be received by the DFO (or designee) at the address indicated on the ballot envelope no later than eight (8) days prior to the start date of the Standards Board meeting immediately following the nominations submission deadline.

(c) The DFO (or designee) shall review all ballot envelopes received by the deadline to ensure that they include all identifying information requested on the form(s). Where identifying information is missing, the DFO (or designee) shall contact Standards Board members to complete the identifying information on the envelope.

(d) The DFO (or designee) shall give all sealed official envelopes containing mail-in ballots received by the deadline indicated in these bylaws to the appointed Election Certification Committee chair or the chair's designee at the Standards Board meeting immediately following the nominations submission deadline.

(e) The appointed Election Certification Committee shall record the receipt of each mail-in ballot.

ii. The ballot shall be designed to enable Standards Board members to select candidates based on the following: (1) The Candidate's political party affiliation, (2) whether the candidate is a state or local election official, (3) which state or territory the candidate represents, (4) whether the candidate was elected or appointed, and (5) in the case of state election officials, what position the candidate holds. Concise biographical information for each candidate shall be provided to each Standards Board member in advance of the election.

iii. All election results shall be tabulated and certified by the Election Certification Committee. Except as provided in this subdivision, all ~~At~~ tabulation and certification processes shall take place in the presence of the members at a time and place designated by the Election Certification Committee. If an election is conducted by mail-in ballot, the tabulation and certification process shall take place at a time and location designated by the Executive Board at the time that the election by mail-in ballot is authorized. Notice concerning the time and location of the tabulation and certification process must be included with the mail-in ballot sent to each Standards Board member. Any member may be present for the tabulation and certification process conducted as part of an election by mail-in ballot.

iv. In the case of the election of a candidate(s) which causes an unbalanced ratio of political party representation, the person(s) in the party with the smaller

political party representation receiving the highest number of votes shall be elected until the political party representation ratio is restored.

v. In the case of the selection of a candidate(s) which causes an unbalanced ratio of state and local governmental unit representation, the person(s) in the governmental unit with the smaller representation receiving the highest number of votes shall be elected until the governmental unit representation ratio is restored.

vi. In the case of a tie vote between the candidates at an election, the Election Certification Committee shall automatically recount the votes cast for the tied candidates. If following the recount a tie remains, the Election Certification Committee shall resolve the tie by the toss of a coin.

vii. For elections following the first election (2005), not including any special elections to fill unexpired terms, two (2) of the three (3) positions shall be for local election officials. For elections following the second election (2007), two (2) of the (3) three positions shall be for state election officials. The number of positions for state and local election officials on the Executive Board shall continue to alternate in subsequent elections.

viii. Within thirty (30) days of an Executive Board election, the Executive Board members shall convene to elect a Chair, Vice-Chair, and Secretary.

ix. In the event that the Standards Board is unable to meet for elections before the end of an Executive Board member's term, the sitting members of the Executive Board shall remain in their elected capacity until such time as the Standards Board is able to meet again and a new member is elected.

x. This subdivision does not apply to an election which the Executive Board authorizes to be conducted by mail-in ballot. Votes for Executive Board elections may be made by absentee ballot provided the following:

(a) The Nominating Committee shall create forms and envelopes for absentee voting.

(b) Absentee ballots shall be received by the DFO or designee at the address indicated on the absentee ballot envelope no later than eight (8) days prior to the start date of the Standards Board meeting immediately following the nominations submission deadline.

(c) The DFO or designee shall review all absentee ballot envelopes received by the deadline to ensure that they include all identifying information requested on the form(s). Where identifying information is missing, the DFO or designee shall contact Standards Board members to complete the identifying information on the envelope.

(d) The DFO or designee shall give all absentee sealed official envelopes containing absentee ballots received by the deadline indicated in these bylaws to the appointed Election Certification Committee chair or ~~his/her~~ the chair's designee at the Standards Board meeting immediately following the nominations submission deadline.

(e) The appointed Election Certification Committee shall record and tabulate each absentee ballot and include absentee ballots in election results.

d. Executive Board Members Terms of Service and Vacancies.

i. Generally.

(a) The Chair of the Executive Board shall notify EAC and the Nominating Committee Chair within five (5) business days of any vacancy on the Executive Board.

(b) The Chair, Vice Chair, and Secretary, shall serve for a term of not more than one (1) year. An Executive Board member shall not ~~server~~ serve for two (2) consecutive terms for the same office, except in the case of a member serving the unexpired term of an office, in which case the member may be elected to the same office for the succeeding term.

(c) An Executive Board member may be removed from the Executive Board, for cause, by a vote of two-thirds (2/3) of Standards Board members at a Standards Board meeting.

(d) In the event of a vacancy on the Executive Board, the remaining members of the Executive Board may appoint an interim member of the Executive Board until the next Standards Board meeting.

ii. Initial Term.

Pursuant to Section 213(c)(3) of HAVA, of the members first selected to serve on the Executive Board of the Standards Board:

(a) Three (3) shall serve for one (1) term.

(b) Three (3) shall serve for two (2) consecutive terms.

(c) Three (3) shall serve for three (3) consecutive terms.

iii. Subsequent Terms.

(a) Pursuant to Section 213(c)(2) of HAVA, members of the Executive Board shall serve for a term of two (2) years and may not serve for more than three (3) consecutive terms.

(b) Members of the Standards Board who have previously served on the Executive Board shall be eligible to be nominated to the Executive Board no sooner than two (2) years from the last term in which they served on the Executive Board.

e. Meetings.

i. Any two (2) members of the Executive Board may call an Executive Board meeting by filing the original call of the meeting with and obtaining approval from the DFO, including the stated reason for calling the meeting, and the date and time of the meeting. Such meetings include, but are not limited to meetings by conference call and virtual (electronic media) meetings. These meetings must allow each Executive Board member to include their comments and hear or view others' comments.

ii. A majority of Executive Board Members shall be present for a quorum.

iii. The Executive ~~board~~ Board shall agree to actions by a majority roll call vote of seated members of the Executive Board.

iv. Proxy voting shall not be allowed in Executive Board votes.

v. Any member of the Standards Board may attend and at the discretion of the Chair, may participate in any and all discussion at an Executive Board meeting, but may not vote.”

**MOTION CARRIED**

**A True Record Attest:**



**Leslye Winslow  
Secretary of the Standards Board  
Executive Board**

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**Submitted by:** U.S. EAC Standards Board, Bylaws Committee

**Approved as to Form by Resolution committee** July 20, 2010

**Submitted to the Standards Board for Approval/Denial on** July 27, 2010

**Passed on** July 27, 2010