

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

**Voting System Pre-Election Logic and Accuracy Testing and
Post-Election Audit Grants**

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The following are the Minutes of the Public Hearing of the United States Election Assistance Commission (“EAC”) held on Monday, June 28, 2010. The hearing convened at 2:32 p.m., CST. The hearing adjourned at 3:32 p.m., CST.

PUBLIC HEARING

Introduction:

Chair Donetta Davidson introduced Dr. Mark Abbott, Director of Grants, EAC, and Christopher Thomas, Elections Director, Michigan Secretary of State, who would be speaking on the issue of voting system pre-election logic and accuracy (L&A) testing and post-election audit grants.

Panelist:

Dr. Abbott provided testimony on the background of how the Grants Division developed the Notice of Funds Availability for the Voting System Pre-Election Logic and Accuracy & Post-Election Audit Initiative, including why the two initiatives were bundled together into one. Dr. Abbott also discussed what is anticipated will be accomplished from both portions of the funding initiative.

Questions and Answers:

In response to Commissioner Bresso’s inquiry into what the Committee on Appropriations’ vision has been regarding the initiative, Executive Director Wilkey commented it was his understanding their message was twofold. First, to provide grant money to ascertain, from States that are currently conducting L&A testing and/or post-election audits, what they are doing in terms of developing best practices, what is or is not working for them and; secondly, to provide grants to those States who have not yet instituted these procedures. In response to Commissioner Bresso’s second inquiry of who was consulted, or provided input on the drafting of the Notice of Funds Availability (NOFA), Dr. Abbott explained that input was gathered

from a variety of sources to include: College professors that specialize in election research, State directors, county executives that engage in L&A testing and post-election audits, consultants in the field, non-profit organizations, special interest groups who are advocating for election reform, statisticians, and the Pew Center on the States. In response to the settings in which this input was gathered, Dr. Abbott explained that it was via conversations either by e-mail, phone or in person. No roundtable or public settings were conducted.

Panelist:

Christopher Thomas, Elections Director, Michigan Secretary of State, addressed the Commissioners to voice his support, both in moving forward with the initiative, in addition to suggesting that consideration be given towards allowing those States that are not able to make application due to limited timelines to be able to do so following the general election. Dr. Abbott pointed out that under the current structure of the funding Notice, Mr. Thomas' suggestion would be very easy to accommodate.

Questions and Answers: (Cont'd)

In response to Commissioner Hillman's question whether canvassing is considered a post-election audit activity, Dr. Abbott explained that while it is considered part of the process, it is his understanding that applicants seeking this type of a grant would most likely not receive funds due to the way that the Notice has been drafted. In response to Commissioner Hillman's second question regarding the value of post-election audits, Mr. Thomas commented that while he does believe there is a valid audit process, hand counting in his opinion is a "window dressing."

In response to Commissioner Bresso's inquiry into the benefit of giving the majority of the funds to States that are interested in conducting L&A testing and post-election audits that do not presently have the resources to do so, as opposed to research, Mr. Thomas commented that while he tends to lean towards the side of research, in order for States to come up with the processes that are more portable and efficient than what they are currently utilizing, he also noted that while it would clearly be beneficial and helpful to those States to receive funds to perform L&A and/or post-election audits, they will eventually have to stand on their own. In response to Commissioner Bresso's final inquiry into how many States need help with L&A testing and how many are currently conducting audits, Mr. Thomas explained he has not seen any product and, therefore, States could be all over the map in terms of what they are doing.

In response to Commissioner Hillman's follow-up question with respect to whether it can be anticipated that either of these projects will shed light on

the costs of performing L&A testing and post-election audits, Dr. Abbott commented it is his belief they most likely will, due to the fact that applicants will be asked to provide the cost benefit for the proposed strategies for which they are seeking funding.

Panelist: (Cont'd)

Dr. Abbott directed the Commission's attention back to several aspects of the Post-Election Audit Initiative portion of the funding Notice pertaining to demonstration grants, emphasizing the fact that the grants will not be focused on research.

Concluding Remarks:

There was a brief discussion concerning the timeline and the procedure that the Commission will be following in making amendments to the funding Notice, and thereafter conducting a tally vote following its return to Washington, D.C.

Chair Davidson extended her appreciation to the representatives of IACREOT who were in attendance for the hearing.

The public hearing of the EAC adjourned at 3:32 p.m.