



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

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

December 13, 2005

The following are Minutes of the Public Meeting of the United States Election Assistance Commission (“EAC”) held on December 13, 2005 at 1225 New York Avenue, NW, in Suite 1100, Washington, D.C. 20005. The public meeting convened at 10:00 a.m. and ended at 12:45 p.m.

PUBLIC MEETING

Call to Order:

Chair Gracia Hillman called the meeting to order at 10:00 a.m.

Pledge of Allegiance:

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

Roll Call:

EAC Commissioners:

EAC General Counsel Juliet Thompson called roll of the members of the Commission and found present: Chair Gracia Hillman, Vice-Chairman Paul DeGregorio, Commissioner Ray Martinez, III, Commissioner Donetta Davidson.

Others Present:

Executive Director Tom Wilkey and General Counsel Juliet Thompson.

Presenters:

Peg Sims, EAC Election Research Specialist, Merle King, Executive Director, Kennesaw State University, Center for Election Systems, John Wack, National Institute of Standards and Technology (NIST), Brian Hancock, EAC Election Research Specialist, Carol Paquette, EAC Senior Manager for Special Projects, Adam Ambrogi, Special Assistant to Commissioner Ray Martinez, III.

Opening Remarks:

Chair Hillman greeted all parties present and recognized EAC Board Members in attendance at the meeting. Chair Hillman remarked that the EAC was prepared to adopt the VVSG.

Adoption of Agenda:

Chair Hillman asked for a motion to adopt the agenda as written if there were no additions. Commissioner Martinez moved to approve the agenda as written. The motion was seconded. The motion carried unanimously.

Adoption of Minutes:

Chair Hillman asked for a motion concerning the minutes of the previous meeting. Commissioner Davidson moved that the minutes of the October 25, 2005 meeting be approved as written. The motion was seconded. The motion carried unanimously.

Reports:Title II Requirements Payments Update (Peg Sims, EAC Election Research Specialist)

The EAC has processed more than \$25 million in HAVA Requirements Payments to two (2) states since the last report. These payments went to Delaware (\$7,446, 803) and Michigan (Partial Payment of \$17,615,000) from funds appropriated in Fiscal Year 2004. The total requirements payments processed by the EAC was more than \$2.3 billion.

Approximately \$18.3 million in FY04 funds remains available to be paid to Michigan. These funds will be disbursed promptly after Michigan's amended state plan has been published in the Federal Register for 30 days and the state certifies, in accordance with HAVA, Section 253, that it meets all eligibility requirements to receive the payment.

Update on EAC FY 2006 Appropriation (Tom Wilkey, EAC Executive Director)

Mr. Wilkey was pleased to report that after a period of time on Continuing Resolution and some discussion in the U.S. House of Representatives and Senate \$14.2 million dollars was appropriated to the EAC for FY06 with \$2.8 million of this amount going to NIST for their work on TGDC. This amounts to an overall operating budget of \$11.4 million and a \$312,000 increase into FY06 over the previous FY05 budget.

The Executive Director reported that he is working with staff for requests for project budgets. These will be presented to the Commission within the next week to ten days.

Administrative Business:Election of Chair and Vice Chair for 2006

Chair Hillman welcomed nominations for the 2006 Chair and Vice Chair. Commissioner Donetta Davidson nominated Paul DeGregorio as Chair and Ray Martinez as Vice Chair. The nomination was seconded and carried unanimously.

Presentations:Voluntary Voting System Guidelines:

Tom Wilkey acknowledged those individuals who have been an integral part of the completion of this iteration of the VVSG, including all members of the Technical Guidelines Development Committee (TGDC), EAC Standards Board, EAC Board of Advisors, the Center for Election Systems at Kennesaw State University (KSU), and EAC staff.

During the comment period, the EAC received 5670 comments. All comments have been read and reviewed. Many comments were carried forward for future work on the VVSG or directed to NASED to be included in the election management guidelines. To review and assess the comments, EAC established three comment review groups: Core Requirements, Human Factors and Security. These review groups were staffed by EAC, NIST and KSU. These groups prepared issue papers and policy guidance for the Commissioners.

Mr. Wilkey introduced EAC, NIST and KSU staff who made presentations regarding the process and the proposed 2005 Voluntary Voting System Guidelines.

Merle King, Executive Director, Kennesaw State Univ.(KSU) Center for Election Systems

Mr. King introduced the KSU team who worked on managing the comments. He then reviewed the process for receiving and managing comments over the past six months. He explained that comments were received via an on-line application, via email to the EAC, and in some cases via fax or mail to the EAC. Mr. King explained that comments were labeled either extensive or non-extensive. After an initial posting, KSU reviewed the comments and referred them to the appropriate review groups. Mr. King explained the disposition of the comments, stressing that all comments received at least two levels of review and that no disposition was assigned without explicit EAC sign-off. All steps of the process were tracked on the website.

Mr. King noted that there was a large influx of comments between September 23 and 30 and commented on the email campaign regarding voter verifiable paper audited trails (VVPAT). Mr. King provided a breakdown of the nature of comments received.

In response to questions posed by the Commissioners, Mr. King clarified that comments were, in many cases, separated into subordinate or component comments and that each of these subordinate comments could be mapped back to their original genesis.

John Wack, National Institutes of Standards and Technology

Mr. Wack discussed the technical assistance given to EAC during the comment review process. He highlighted the participation and work of NIST staff on each of the review groups, including the identification of policy issues for resolution by the Commission, providing research and technical data regarding various voting system components and software, and what work will be done with carry-over comments in developing future iterations of the VVSG.

In response to questions asked by the Commission, Mr. Wack clarified that in future iterations of the VVSG that the definition of VVPAT will be broadened, results of usability performance benchmarking work will be included, more independent verification technologies will be included, and security chapters will be improved. He also stated that NIST's participation in the

review process allowed them to gain positive feedback that will contribute to the standard development process by helping NIST develop more specific and useful requirements.

Brian Hancock, EAC, Elections Research Specialist

Mr. Hancock provided a brief history of standards for voting systems and discussed the relationship of VVSG to the EAC Systems Certification Process. Mr. Hancock then detailed the proposed changes to the Core Requirements section of the document. He explained that there were 2250 comments to the Core Requirements section, many of which related to functional capabilities, security, glossary, national certification testing, software testing and the appendixes to the VVSG. While technical changes were made, many of the comments will be carried forward to be considered and implemented as a part of future work on the VVSG.

In response to questions from the Commissioners, Mr. Hancock stated that the most extensive proposed changes to the VVSG in comparison to previous voting system standard were the additional usability, human factors, and security standards. He further commented that the next iteration will make more changes to these sections.

Mr. Hancock stated that testing laboratories believe that they will be ready to test to the new VVSG within three to six months after adoption. Following adoption of the VVSG, the EAC will evaluate the labs for interim accreditation to perform testing of voting systems against the VVSG. As soon as test labs accredited and have developed testing methods, vendors can submit systems for testing.

Carol Paquette, EAC Sr. Manager, Special Projects

Ms. Paquette provided testimony regarding proposed changes to the Security section of the VVSG. There were 550 comments to the security section of the VVSG. There were three principal areas of comment: software, wireless, and voter verifiable paper audit trails (VVPAT). Ms. Paquette recommended the following changes to the proposed version of the VVSG:

- Requiring a voting system with wireless capabilities to perform the same functions if wireless capabilities are not available due to an error or no service;
- Requiring the indication of whether wireless capability is active to be visual;
- Revising the sections on approving or voiding a paper record to be consistent with the actual function and process involve in approving or voiding an electronic ballot;
- Delete provisions that reference the ability of a voter to handle paper generated by a VVPAT;
- Require all cryptographic software to be approved by the U.S. Government's Cryptographic Module Validation Program;
- Require paper records to contain error correcting codes;
- When a bar code is used, require the voting system to also print a record that contains the same data in human readable form;
- Delete guidelines that were designated as non-testable;
- Require tamper evident seals or other physical security measures to protect the connection between the printer and the voting station; and

- Require the voting station to detect errors and malfunctions such as paper jams or low supplies of consumables.

In response to questions from the Commissioners, Ms. Paquette clarified that comments regarding the National Software Reference Library would be referred to the next iteration. She also stated that the vendor community has been fully cooperative in embracing the concept of using the NSRL as a tool.

Adam Ambrogi, Special Assistant to Commissioner Martinez

Mr. Ambrogi provided a summary of changes and procedures used to process the comments concerning the Human Factors section of the VVSG. He stated that there were 346 comments on the Human Factors section. The vast majority of those comments related to provisions on accessibility. Other comments focused on provisions concerning limited English proficiency, usability, and privacy.

Mr. Ambrogi highlighted the following recommended changes to the proposed VVSG:

- Limit the definition of personal assistive device and require that voting systems allow usage by disabled persons without their personal assistive devices;
- Require usability testing for functions and systems that support accessibility for persons with different kinds of disabilities;
- Require buttons on accessible voting systems to be distinguishable by color and shape;
- Require audio presentations to be readily comprehensible by voters with normal hearing and who are proficient in the language, focusing on the quality of the speech used, not the manner of speech used;
- Require the voting system to allow the voter to control the rate and volume of speech;
- Require a voting system to be accessible to a person with a dexterity disability for all stages of the voting process;
- Require the voting system to reset to default settings after use;
- Prohibit a control from having a repetitive effect when held in the active position; and
- Require (for those states that require paper records) VVPAT used in a state that would allow the paper record to be used as the official ballot or as the determinative record on a recount to be accessible to individuals with visual disabilities.

In response to questions posed by the Commissioners, Mr. Ambrogi confirmed that the proposed changes to VVPAT accessibility would require an accessible voting system in a state where the VVPAT record is used as the official ballot or the official record on a recount to be accessible to persons with disabilities, including visual disabilities or voters with an unwritten language.

Mr. Ambrogi further stated that requirements under 2005 VVSG should provide reassurance that systems tested to these new requirements will meet and surpass HAVA requirements for accessible voting systems.

Following Mr. Ambrogi's presentation, Chair Hillman asked what the next steps are after the Commission takes actions to adopt the VVSG.

Executive Director Wilkey and General Counsel Juliet Thompson noted that final editing of the document will be completed in a week to 10 days and then published on the EAC website. Electronic and hardcopies will also be available to the public. Both the final VVSG and the version proposed by the TGDC in May 2005 will be published in Federal Register.

The Commission asked whether all voting systems currently on the market and previously certified to voting system standards will be required to be recertified to the VVSG.

Juliet Thompson stated that EAC will develop a comprehensive implementation plan for the VVSG and that consideration should be given to a phased-in approach. She suggested that the Commission conduct a public meeting to gather information on the benefits and detriments of a phased-in approach.

Chair Hillman called for motions to adopt the 2005 VVSG. Commissioner Martinez moved to adopt the 2005 VVSG with the proposed changes. The motion was seconded and the motion carried unanimously. Commissioner DeGregorio moved to publish the 2005 VVSG along with the May 9, 2005 TGDC version of the VVSG in the Federal Register. The motion was seconded and carried unanimously.

Closing remarks were given by Chair Hillman reviewing her year as Chair. She thanked her fellow Commissioners for their work and offered her encouragement to the incoming officers. Chair Hillman thanked the EAC staff for an incredible year.

Adjournment:

Commissioner Martinez moved to adjourn the meeting. The motion was seconded and carried unanimously. The meeting was adjourned at 12:45 p.m.