<div align="center">

Minutes of the Public Meeting
of the United States Election Assistance Commission
June 15, 2006

</div>

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission ("EAC") held on June 15, 2006, at 1225 New York Avenue, Northwest, Washington, DC 20005. The public meeting convened at 10:00 a.m. and ended at 12:06 p.m.

PUBLIC MEETING

Call to Order:

Chairman Paul DeGregorio called the meeting to order at 10:00 a.m.

Pledge of Allegiance:

Chairman DeGregorio led all present in a recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners

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

Senior Staff

Executive Director Tom Wilkey and General Counsel Juliet Hodgkins.

Presenters

Britain Williams, Professor Emeritus, Kennesaw State University; Connie Schmidt, President, Election Consulting Services; and Dana DeBeauvoir, Travis County Clerk, Texas

Adoption of the Agenda:

Chairman DeGregorio asked for a motion to adopt the agenda. Commissioner Davidson moved to approve the agenda. The motion was seconded. The motion carried unanimously.

Adoption of Minutes:

Chairman DeGregorio asked for a motion to adopt the minutes of the previous meeting. Commissioner Hillman moved to adopt the minutes with the understanding that the staff would add the questions and answers

section for the report of the Executive Director, the Ex Parte Communication and the panelist testimony. The motion was seconded by Vice Chairman Martinez. The motion to adopt the minutes passed.

Reports:

<u>**Executive Director**</u>

Mr. Thomas Wilkey reported the EAC activity update as of June 2006. The Help America Vote College Program application deadline is June 15, 2006. There is $250,000 available; $20,000 limit per applicant. The working group meeting for the public access portals research project will be on June 27, 2006. The deadline for state election official to indicate their willingness to participate is June 22, 2006.

Section 102 funds could only be used to replace lever machines and punch card voting systems. States that accepted Section 102 funds were obligated to replace those systems by their first federal elections. EAC has sent letters to eight states, notifying them of the passed deadline and seeking certification indicating the number of replaced systems.

Mr. Wilkey gave an update on the 2006 primaries. There has been a low turnout, and the normal realities of using new voting systems by poll workers and voters. None of the issues are systemic issues related to the operation of voting equipment.

The EAC recently provided testimony to the Transportation, Treasury, Housing and Urban Development, The Judiciary, The District of Columbia and Independent Agencies subcommittees of the Appropriations Committees of both the House and Senate. EAC also recently testified before the House Administration Committee. Testimony to these Committees is available on our website, www.eac.gov.

The EAC is distributing a monthly newsletter to keep the public updated on activities, upcoming meetings and other HAVA-related updates. The July public meeting will be held in Santa Fe, New Mexico in conjunction with the National Association of Secretaries of States (NASS) and the National Association of State Election Directors (NASED).

Questions and Answers:

In response to questions by EAC Commissioners, Mr. Wilkey reported:

There will be a process for states to repay voting systems funds if they cannot certify that they met HAVA requirements. The law provides that the non-complying states return funds for non-complying precincts to the

2

EAC. The law further provides that those funds be redistributed as requirements payments.

Presentations:

<u>**Developing the Management Guidelines**</u>

Presenter: Britain J. Williams, Professor Emeritus, Kennesaw State University

Mr. Williams discussed the history of elections. In the 1930's lever voting machines were hailed as a great innovation in elections. Lever voting machines were known for accuracy and rapid results. In the 1960's, IBM introduced the first computer voting system employed to tally elections. These early systems were only available to jurisdictions that were large enough to have mainframe computers. Desktop computers became available in the 1980's, computer voting systems were available to the smallest jurisdictions and the shift to computer voting systems gained momentum.

The shift from lever voting machines to computer based voting systems occurred because a lever voting machine weighed about 800 pounds and the logistics of storing and moving these machines were a major impediment to their use.

The Federal Election Commission (FEC) began developing voting system standards in 1986. This effort resulted in the publication of the first ever voting system standards in January 1990. The standards were directed primarily toward the hardware associated with voting and did not address the software system that we now call the election management system.

In 1994 the National Association of State Election Directors (NASED) formed a Voting Systems Board and undertook to implement the 1990 FEC standards. In the period between 1990 and 1994 several states developed their own certification processes and used Wyle Laboratories, Inc. in Huntsville, Alabama to perform the environmental tests specified in the 1990 standards. As a result of this experience, Wyle became the first NASED certified Independent Test Agency (ITA) and continues in that role today.

Over time, the 1990 standards were interpreted to include the election management software and the 2002 voting system standards specifically included standards for election management software. Since their expertise was primarily in hardware, Wyle requested that NASED identify a software firm to evaluate the election management software. Nichols Research Corporation in Huntsville, Alabama became the first software

ITA. SysTest Labs, LLC, a woman-owned corporation, became the first ITA certified by NASED to perform both hardware and software evaluations.

The period from 1990 to 2000 is characterized by a slow, deliberate movement from older technologies (punch card and lever machine voting systems) to newer technologies (optical scan and direct recording electronic (DRE) voting machines). Voting systems were purchased by local jurisdictions, counties and cities, where election officials were competing with police departments, health departments, sanitation departments, schools, etc. for limited funds.

The disputed presidential election of 2000 brought election technology into America's living rooms. The DRE voting system was viewed as the logical successor to the lever machine and two states, Georgia and Maryland, responded by deploying DRE voting machines statewide. Computer scientists began to question the security of these paperless DRE voting machines, and to a lesser extent, the optical scan voting machines.

Mr. Williams continued by stating that Nevada became the first state to require that their DRE voting machines produce a voter verified paper audit trail (VVPAT). Sequoia responded to this requirement by producing a printer module that attached to their Edge DRE voting machine.

The Help America Vote Act of 2002 (HAVA) established the Election Assistance Commission (EAC) and directed the EAC to adopt voluntary voting system guidelines, and to provide for the testing, certification, de-certification, and re-certification of voting system hardware and software. The EAC formed the Technical Guidelines Development Committee and this committee, with technical support from the National Institute for Standards and Technology, developed the 2005 Voluntary Voting Systems Guidelines (2005 VVSG).

The 2005 VVSG received final approval in December 2005 and will take effect in December 2007. After that date, all voting systems submitted for national certification, whether new or modified systems, will be required to conform to the 2005 VVSG. The EAC is presently putting in place the program for testing and certifying voting systems.

HAVA provided significant funds to states to purchase voting systems, with the caveat that these funds be used to purchase voting systems that met minimum standards and, in some cases, to replace punch card and lever voting systems. Neither the voting system vendors nor the election jurisdictions were prepared for this sudden influx of funds. In the rush to upgrade their voting systems, jurisdictions underestimated the effort and time required to convert from punch card or lever voting systems to optical scan or DRE voting systems. Vendors increased production at the

expense of quality control and user training and support. As a result, there have been stressed elections in several jurisdictions.

Mr. Williams concluded that it is difficult to find a single incident where an election anomaly was a direct result of the voting system. Thousands of jurisdictions have conducted thousands of good elections using punch card voting systems. Most of the criticism of the existing voting systems is valid and we should constantly strive to correct deficiencies and improve the systems. Election anomalies are rarely caused by the voting system. They are caused by human mistakes. Election management guidelines are needed to help minimize human mistakes.

Presenter: Connie Schmidt, President, Election Consulting Services

Ms. Schmidt discussed an overview and the status of the Election Management Guidelines Project. The Election Management Guidelines will provide the first national "resource library of election practices" for use as operational standards and procedures at the state and local level.

In December of 2005, county election officials in attendance at the Midwest Election Officials Conference in Kansas City, Missouri were asked to provide input on the priority for the development of specific modules for the Guidelines. Their concerns emphasized the need for guidance in the areas of security, pre-election testing, and poll worker training.

In January 2006, a group of state and local election administrators agreed to serve as members of the Steering Committee for the Election Management Guidelines project. The team developed an overall draft outline of topics/modules for the Election Management Guidelines, and further recommended that the first module should be the Voting Systems Module; specifically the chapters on Certification, Security, and Pre-Election Testing. Recognizing that input from state and local election administrators is critical to the development of the guidelines, the Steering Committee also decided to periodically appoint Focus Groups to serve as advisors/subject matter experts on specific topics.

The draft chapter on Security is now complete. It has been reviewed by the Steering Committee and is currently being reviewed by the Focus Group members and a staff representative from NIST. The target distribution date of the chapter on Federal Certification is September 2006.

Many voting system challenges are not voting system issues. Instead they can be placed in the "human factors" category and include:

- Insufficient pollworkers training – including quality, length, and type of training.

- Complicated procedures – for opening/closing voting equipment, processing voters, etc
- Lack of support when opening/closing the polls – pollworkers often arrives at 4:45 a.m. and don't leave until 8:00 p.m.
- Too many new things at the same time – new equipment, provisional ballots, new affidavits to complete, new security procedures, voter identification procedures, reliance on voting system vendors to program the election, print ballots, support the polling places, and tabulate the results.

To address that immediate need, we have prepared a Quick Start Management Guide for New Voting Systems. It is not intended to be a comprehensive management guide, but instead provides a snapshot of priority items essential to managing elections with new voting systems. The Quick Start Guide will be distributed immediately to NASED, IACREOT, Election Center, and NACO members. It will also be posted on the EAC web site, and electionline.org.

The mission is to have the Guidelines be a desktop reference book for election administrators nationwide. The Guidelines will serve as a national resource manual on the election administration. In addition, the Guidelines will serve as an educational tool for candidates, election officials, media, educators, and voters.

Questions and Answers:
In response to questions by EAC Commissioners:

Mr. Williams reported that a vendor's reputation is based on election success. It is in the vendor's best interest to raise the probability of successful elections. Thus, he felt that the vendors would embrace the management guidelines.

Local conferences of election officials are the best mechanisms available to distribute election information. The Quick Start Guide is the first step toward getting the message out that there is election administration help available.

Colleges should be more involved in election administration information. The universities should get more involved with offering course work that is related to election support, both directly and indirectly. The election community should be educated about whom to contact for support, whether it is the election center, the vendor, or an independent contractor.

Ms. Schmidt reported that it would be ideal to have a monthly mailing to the Secretary of State offices and State Election boards regarding updated election information. The Secretary of State offices and State Election

boards should distribute the monthly mailing to every local jurisdiction or agency in their state. The Internet and attendance at state association meetings are good ways to get updated election information out to local jurisdictions.

Presentation:

<u>Implementing HAVA (Voting Systems)</u>

Presenter: Dana DeBeauvoir, Travis County Clerk, TX

Ms. DeBeauvoir discussed HAVA implementation concerning states' purchasing voting equipment. When purchasing and installing a new voting system, the state election official should concentrate on helping jurisdictions properly deploy and use the new technology. The best guidance and assistance to election administrators is management guidelines which include:

- Selecting and accepting a new system
- Basic risk assessment and mitigation
- Security – rules of evidence and chain of custody
- Troubleshooting
- Programming and testing
- Parallel monitoring and hash code testing
- Training
- Recounts and contests
- Public relations

There is a need to train voters, to develop voter confidence, to document activities and segregate processes, and to face questions from the public without defensiveness and with honesty. The level of competence and poise now required of election administrators exceeds the norms of the past.

HAVA's initial focus was on types of voting equipment and addressing the needs of people with disabilities. There is an urgency to reach out to those jurisdictions that are new to the electronic voting environment. The EAC and its working groups have begun the complex task of developing the first set of Management Guidelines. The EAC also developed a clearinghouse of papers, manuals, and procedures representing "best practices" in the conduct of electronic voting systems throughout the U.S.

Ms. DeBeauvoir concluded with the upcoming November 2006 elections and the Quick Start Management Guide for New Voting Systems. The

Guide fosters a more analytical and technical approach to the conduct of elections in the hope of assisting elections administrators in the duties.

Questions and Answers:

In response to questions by EAC Commissioners:

Ms. DeBeauvoir reported on the importance of election learning. It is important that election administrators stay current on election information. The Management Guidelines urge election administrators to conduct logic and accuracy testing and other procedures that will improve the accuracy of the election.

The number one priority is voting systems testing. It is important to bring in election knowledge and segregation of duties must be communicated. There must be a chain of custody and a report card that describe what was done and how.

Adjournment:

Chairman DeGregorio adjourned the meeting at 12:06p.m.