

Minutes of the Public Meeting
United States Election Assistance Commission

1225 New York Avenue, NW
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Washington, DC 20005

The following are the Minutes of the Public Meeting of the United States Election Assistance Commission ("EAC") held on October 4, 2007. The meeting convened at 10:00 a.m. EDT. The meeting was adjourned at 12:52 p.m. EDT.

PUBLIC MEETING

Call to Order:

Chairwoman Donetta Davidson called the meeting to order at 10:05 a.m.

Pledge of Allegiance:

Chairwoman Davidson led all present in the recitation of the Pledge of Allegiance.

Roll Call

EAC Commissioners

EAC General Counsel Galvin Gilmour called roll of the members of the Commission and found present: Chairwoman Donetta Davidson, Vice Chair Rosemary Rodriguez, Commissioner Caroline Hunter, and Commissioner Gracia Hillman. Four members were present for a quorum.

Senior Staff

Executive Director Thomas Wilkey and General Counsel Galvin Gilmour.

Adoption of the Agenda

Chairwoman Davidson moved to adopt the agenda. Vice Chair Rodriguez seconded the motion. The motion carried unanimously.

Welcoming remarks

Approval of the minutes from the previous meeting

The Chair opened up the floor for any corrections to the minutes. Commissioner Hunter presented the motion to adopt the minutes with Commissioner Hillman's amendments in addition to the text of the advisory pasted to the minutes. A second was offered by Vice Chair Rodriguez. Motion carried unanimously.

Report from the Executive Director

Introduction

Mr. Wilkey offered a welcome to EAC and thanked everyone for being present today.

A discussion of the updates of the voting system certification program, voting system test labs, voluntary voting system guidelines, election management guidelines, research, and general EAC updates followed.

Report on National Voter Laboratory Accreditation Program's (NVLAP) Recommendation regarding Wyle Laboratories

Brian Hancock, Director of Testing and Certification, U.S. Election Assistance Commission addressed staff recommendations:

Wiley was recommended under a scope of accreditation that would allow them to test voting systems of both the 2002 voting system standards and 2005 voluntary system guidelines. Conditions and practices submitted by Wiley and approved by EAC staff and recommended the lab has undergone their technical and management capabilities:

1. Vote to accredit Wiley
2. EAC to forward a certificate of accreditation
3. Post certificate of accreditation on the EAC website.

Chairwoman Davidson opened the floor for questions and discussions about NVLAP accreditation.

Chairwoman Davidson entertained a motion on the recommendation.

Vice Chair Rodriguez made the motion to accredit Wiley laboratories, EAC forward a certificate of accreditation, and post certificate of accreditation on the EAC website.

Commissioner Hunter seconded the motion

Motion carried unanimously that Wiley laboratory is accredited.

Internal Procedure for Handling State requests to Change State-Specific Instructions on the National Voter registration Form

Edgardo Cortes, Election Research Specialist, U.S. Election Assistance Commission:

Staff recommendations at the last meeting were to adopt an interim policy that the Commission administratively transfers FEC's regulations concerning NVRA

to the EAC and then begin the rule-making process once that transfer is complete and that sufficient resources are allocated to carry out these steps. Additionally, the policy would insure that all responses to state requests are timely, uniformly addressed or uniformly and transparent addressed

Mr. Cortes presented an overview of the subject document and a discussion followed.

Staff believes it would be inappropriate to make changes to the form prior to the adoption of any interim policy developments

Chairwoman Davidson then opened the floor for discussion as to the interim policy recommendations:

Commissioner Hillman thanked staff for the work and support in developing the interim policies.

Chair woman Davidson requested 15 minute break

Commissioner Hunter requested an alternated interim Internal Procedure for responding to State Requests to change the Federal Form:

EAC hereby authorizes the Director of Election Administration to amend the state instructions portion of the federal Mail Voter Registration Application form where the state official identifies the EAC other changes in the state's mailing address. For all other requests submitted by a state government official to amend the state Instructions portion of the Federal Mail voter registration Application form, the Director of Election Administration shall immediately notify the executive Director who shall amend the state instructions portion of the Federal Mail Voter Registration Form provided: 1) the request properly reflects the state's law and 2) the request does not require the EAC to alter the Voter registration Application. The Commissioners shall vote on all appeals brought by a state government official of the Executive Director's decision.

Floor was then open for discussion as to Commissioner Hunter's proposals.

Vice Chair Rodriguez stated that she is not prepared to vote and would not support the current proposal. Additionally, she would support and prefer a public comment period.

Mr. Cortes clarified.

Commissioner Hunter stated that she respected her colleague's opinions and moved to adopt the policy with the friendly amendment:

Davidson seconded the motion.

Vice chair Rodriguez requested a roll call of the matter.

Chair woman Davidson stated the question with the friendly amendments.

Roll call vote has been requested:

Chair Davidson- Yes

Rodriguez-No

Hunter-Yes

Hillman-No

The motion failed on a tie vote.

Commissioner Hunter then continued with discussion from the General Counsel as to the noticing procedures of the Administrative Procedure Act.

Vice Chair Rodriguez requested to postpone a vote until the next meeting.

Commissioner Hillman then requested that the matter be tabled until the next meeting and that she put her recommendation in the form of a motion agreeing to immediately table the matter.

Chairwoman Davidson confirmed that the issue would be on next month's agenda on November 13, 2007.

Voluntary Voting System Guidelines (VVSG): The Next Iteration

Mark Skall, Division Chief, Software Diagnostics Conformance and Testing Division, National Institute of Standards and Technology (NIST) addressed the the VVSG, The Next Iteration.

Brian Hancock, Director of Testing and Certification, U.S. Election Assistance Commission:

Presented the staff plan for review, editing, and adoption of the recommendations for the new VVSG.

Top priority as much input from the public and transparency.

Chairwoman Davidson then proceeded to open the discussion for questions.

There was a question and answer period: the Commissioners had a chance to discuss the manual with the panelists.

Commissioner Hunter thanked staff and panelist for their presentation followed by questions and comments from the floor.

**Statement by Honorable Jan Brewer, Secretary of State, Arizona:
Chair woman Davidson requested a 10 minute break**

Chairwoman Davidson introduced Secretary of State, Jan Brewer who stated her mission was not to debate the merits of requiring proof of citizenship when registering to vote in Arizona but to appeal to the Commission to abide by the current court rulings of her jurisdiction.

She then proceeded to discuss the court rulings on this issue to date.

Secretary of State Brewer went over the reasons why EAC should rescind the letter sent to her office on March 6, 2006 and consider the scope of the agencies' authority.

In conclusion, Secretary of State Brewer stated that legal action will be pursued with the Arizona Attorney General to compel the EAC to act in accordance with the law.

Secretary of State Brewer than thanked the Commission for the opportunity to address the commission.

Floor was open for discussion.

The Chair announced the next meeting would be held on November 13th at the EAC.

Chairwoman Davidson thanked the staff for their diligence and hard work.

Chair woman Davidson thanked Secretary of State and her staff for their presence.

Commissioner Rodriguez restated her position that we have made steps toward more transparency ...

Commissioner Hillman proposed that EAC meet more than once a month.

Vice Chair Rodriguez offered motion to adjourn. Commissioner Hillman seconded. The motion passed with a quorum of three.

Meeting was adjourned at 12:52 p.m.