

# United States Election Assistance Commission

## Meeting Minutes – September 13, 2004

Minutes of the meeting of the United States Election Assistance Commission (EAC) held on Monday, September 13, 2004 at 10:00 a.m. at the EAC offices located at 1225 New York Avenue, N.W., Washington, DC 20005.

- Call to Order:** Chairman Soaries called the meeting to order at 10:03a.m.
- Pledge of Allegiance:** Chairman Soaries led all present in the Pledge of Allegiance.
- Roll Call:** Chairman Soaries took roll call for the Election Assistance Commission and found present Vice-Chair Gracia Hillman, Commissioner Paul DeGregorio, and Commissioner Raymundo Martinez.
- Adoption of Agenda:** Chairman Soaries recognized Vice-Chair Hillman who moved to adopt the agenda for the meeting of September 13, 2004. The motion was seconded by Commissioner DeGregorio, and the motion carried unanimously.
- Adoption of Minutes:** Chairman Soaries recognized Commissioner Martinez who moved that EAC adopt the Minutes of the Commission Meeting held August 10, 2004. The motion was seconded by Commissioner DeGregorio, and the motion carried unanimously.
- Updates and Reports:** Chairman Soaries first recognized recognized Brian Hancock of the EAC staff to give an update on the Title II Requirements Payments.
- Mr. Hancock stated that as of today, the EAC has asked GSA to disburse requirements payments to forty-two of the fifty-five States and territories eligible to receive the funds. Mr. Hancock noted that all forty-two states (including DC) have received payments for fiscal year 2003 totaling almost \$690 million. In addition, twenty-five of these states also received payments for fiscal year 2004 totaling over \$592 million. In summary, Mr. Hancock noted that almost \$1.3 billion has been disbursed of the more than \$2.3 billion appropriated for requirements payments in fiscal years 2003 and 2004. Over \$1 billion remains available to be paid to the States for fiscal years 2003 and 2004. Mr. Hancock also noted that the EAC continued to exercise its due diligence by continuing to

work with those states that have yet to receive funds for one or both fiscal years.

Chairman Soaries recognized Commissioner DeGregorio who asked Mr. Hancock if he anticipated that the EAC would be receiving any more state certifications for Title II requirements payments.

Mr. Hancock replied that, in fact, there were currently several states pending final review and approval of their certifications, and several additional states that had contacted the EAC with word that they expected to submit a completed certification shortly.

Chairman Soaries next recognized Vice-Chair Hillman who asked Mr. Hancock if there had been any inquiries from any advocacy organizations asking how states were spending the requirements payments.

Mr. Hancock stated that to his knowledge, the EAC had not received any such inquiries to date. Commissioner Martinez also remarked that his office had not received advocacy group inquiries as of the present time.

Chairman Soaries asked Mr. Hancock if he felt that there would be a negative impact on the ability to conduct the November election in those states who had not yet received Title II requirements payments.

Commissioner Martinez took the opportunity to answer the question by stating that the money distributed under Title II of HAVA was directly tied to the individual State Plans describing how states would use the funds to improve the electoral process. For those states that had not yet received funds, Commissioner Martinez noted that this lack of funding could impact the ability of those states to implement anticipated electoral reforms. Commissioner Martinez also noted, however, that all 55 states and territories had already received from GSA Title I funds authorized under the act for the replacement of punch card and lever voting machines and for other activities to improve the election process.

Chairman Soaries next recognized Commissioner DeGregorio to give an update on the Military and Overseas Voters Best Practices Report.

Commissioner DeGregorio stated that he was pleased to announce that, with the Chairman's signature, the EAC will shortly issue a

report on Best Practices for Military and Overseas Voters. Commissioner DeGregorio noted that the EAC had worked closely with the Department of Defense on this report, and that the report had been reviewed by both the EAC Standards Board and Board of Advisors. The Commissioner continued by noting that HAVA made statutory changes to more easily enable Americans serving in the military and other overseas citizens to cast a ballot. Commissioner DeGregorio noted that these changes include requirements that states not refuse to accept or process voter registrations or absentee ballot applications from military and overseas voters on the basis of early submission, that individuals covered by the UOCAVA provisions may now request an absentee ballot for 2 federal elections, and that State election offices and designate a specific individual knowledgeable and responsible in this area. Commissioner DeGregorio concluded by stating that the information contained in the report will be shared with Congress and any other interested party, and that Section 703 of HAVA requires the EAC to collect data and report on the number of UOCAVA ballots transmitted and the number returned after the 2004 election.

Chairman Soaries recognized Commissioner Martinez who noted the importance of assigning a single point of contact in each election office to assist military and overseas voters.

Commissioner DeGregorio agreed and noted that the best practices report highlights practices of local election officials also hiring individuals to work specifically with UOCAVA voters.

Chairman Soaries recognized Vice-Chair Hillman who asked if individuals who resided in a state, but currently lived in a U.S. Territory, were covered under UNOCAVA?

Commissioner DeGregorio replied that, to his knowledge, such citizens would fall under the provisions of UOCAVA and would be treated as absent overseas voters.

Chairman Soaries next asked if voting by military and overseas citizens will be better in 2004 than it was in 2000.

Commissioner DeGregorio replied that, yes, things should be better in 2004 since local election officials and the U.S. Postal Service are now working more closely, more states are now able to FAX ballots to overseas voters, and ballots that may not have been counted in 2000 have a better chance of being counted in 2004.

Chairman Soaries commented that the EAC would need to reassess this issue before November and let American know where we are on the critical issues related to overseas voters. In speaking of “overseas,” the Chairman also asked Commissioner DeGregorio if he had not just gotten back from overseas.

Commissioner DeGregorio replied that yes, he had just returned from a speaking engagement in Albania where he gave a keynote speech to regional election officials.

Chairman Soaries next recognized Mr. Kimball Brace of Election Data Services, Inc. to give an update on some preliminary assessments done for the EAC election day data collection project.

Mr. Brace stated that he had recently made an effort to speak with various states with the assistance of Leslie Reynolds of NASS and Melinda Glazer of NASED, in order to take a closer look at what type of data might be of use to the EAC. Mr. Brace noted that the states showed a great deal of interest in what data sets the EAC might be looking to collect.

Mr. Brace stated that as a result of these contacts, he had identified several data options with relatively low budget impact for the EAC to consider. One option would be to request that the states have local administrators collect and forward the data directly to the EAC. Mr. Brace stated that another, very comprehensive option would be to compile data at the precinct level, although he also noted that this type of data collection would necessarily take place over an extended period of time. Another option suggested by Mr. Brace was the compilation of information for a county level database for more immediate use.

Mr. Brace suggested that the EAC might want to collect the following data items:

- Number of registered voters (although some states currently report this figure as either the number of active voters, or the number of inactive voters.)
- Number of persons who vote on election day.
- Number of absentee ballots requested and the number counted.
- Numbers of votes cast early in states which allow early voting.
- Number of provisional ballots cast and counted.
- Number of spoiled ballots.

Chairman Soaries thanked Mr. Brace for his work and noted that the extent and analysis of the EAC data collection project is largely budget driven, and that NASS, NASED and others have offered to work with the EAC on this project. Chairman Soaries stated that

the EAC hoped to establish the scope of the study by the end of the week and encouraged all states to work with the Commission on this important project.

Chairman Soaries next recognized Ms. Karen Lynn Dyson of the EAC staff to give an update on the HAVA college program.

Ms. Dyson stated that the applications for this program were made available in late August and allowed for a two-week response period. Ms. Dyson noted that she had received over 150 emails and telephone calls regarding this project from colleges and universities, non-profit organizations and faith-based organizations. Ms. Dyson explained that the floor of this grant program was \$10,000 and that the ceiling was \$150,000. Ms. Dyson noted that she was now in the process of establishing review panels to look at over 90 grant applications received from all parts of the United States. Ms. Dyson concluded by stating that although the current program only provides for a one-time grant, the EAC hopes that grant recipients can sustain this effort beyond the grant period.

Chairman Soaries thanked Ms. Dyson and noted that the EAC hoped that this program could prove to be a seed which, over time, could blossom into a new and innovative ways to motivate young people to become involved in the political process.

Chairman Soaries opened the discussion of EAC management updates by recognizing the recent appointment of Juliet Thompson as the permanent General Counsel for the EAC. Chairman Soaries noted that Ms. Thompson had a distinguished career as the former General Counsel for the Louisiana Department of Elections and that the EAC was proud to have her as General Counsel.

Chairman Soaries next recognized Vice-Chair Hillman for an update on the EAC budget process.

Vice-Chair Hillman remarked that the President's initial budget for the 2005 fiscal year recommended \$40 million for EAC, \$10 million in operating funds and \$30 million for requirements payments. The Vice-Chair also noted that today, the House Appropriations Committee would recommend that the EAC receive \$15 million for fiscal year 2005, with \$10 million for operating expenditures and \$5 million for research, of which \$2.5 million would go to NIST for their work on voting systems, and \$0 for requirements payments.

Vice-Chair Hillman also stated that tomorrow the Senate Appropriations Committee would consider a recommendation from the Subcommittee on Transportation, Treasury, and Independent Agencies for EAC, which provides \$10 million for operating expenditures, \$0 for research and \$0 for requirements payments. The Vice-Chair noted that it was unclear if the appropriation process would be completed before the end of the fiscal year on September 30. EAC has been advised that in all likelihood, it would operate under an FY 2005 Continuing Resolution (CR), beginning October 1. EAC has been working closely with OMB and the Senate and House Appropriation Subcommittees with respect to its need for an appropriation under the CR that is higher than its FY 2004 appropriation. The Vice-Chair concluded by saying that during the next 24 hours, EAC expected to have opportunities to answer questions from the Senate and House Appropriations Committees regarding the EAC budget.

Chairman Soaries noted that he would be going to the Senate this afternoon to brief Congressional staff about the significant expectations that the nation has for EAC.

Chairman Soaries recognized Vice-Chair Hillman who also noted that EAC had hit a snag in its attempt to hire an interim Executive Director. The Vice-Chair stated that Federal regulations currently prohibit benefits for employees hired for a period of less than 12 months, although HAVA only allows for an interim Executive Director for 6 months. The Vice-Chair concluded by stating that EAC would continue to work with OPM on this specific issue.

Chairman Soaries next recognized the presence of NASS President Rebecca Vigil-Giron, Secretary of State from New Mexico, as a significant force in the establishment of the NASS National Voter Registration Week Program, running September 13-19, 2004. Chairman Soaries next introduced an EAC resolution in support of the NASS Voter Registration Week Program which read:

**WHEREAS**, registering to vote is a critical element to our electoral and political processes;

**WHEREAS**, in the 2000 Presidential election only 53.1 percent of the voting age population cast a ballot in the election;

**WHEREAS**, the state deadlines for registering to vote prior to the 2004 Presidential election are rapidly approaching;

**WHEREAS**, the United States Election Assistance Commission encourages the eligible citizens of the United States to register and vote in all elections;

**WHEREAS**, the National Association of Secretaries of State (“NASS”) has established September 13-19, 2004 as National Voter Registration Week;

**NOW, THEREFORE, BE IT RESOLVED** that the United States Election Assistance Commission supports the NASS National Voter Registration Week;

**BE IT FURTHER RESOLVED** that the United States Election Assistance Commission encourages all eligible persons to register to vote and to cast their votes in the November 2004 election.

Chairman Soaries next asked for a motion to adopt the resolution. Vice-Chair Hillman moved to adopt the resolution and the motion was seconded by Commissioner Martinez. The motion passed unanimously.

## **Special Presentation**

Chairman Soaries next recognized Commissioner Patricia Morrissey of the Administration on Developmental Disabilities (ADD) of the U.S. Department of Health and Human Services (HHS) to give a special report on the status of polling place accessibility for individuals with disabilities for the 2004 election.

Commissioner Morrissey noted that she considered HAVA to be a last crucial piece of civil rights legislation for individuals with disabilities and that it was the intention of her office to work closely with the EAC to help the disability provisions of HAVA become a reality.

Commissioner Morrissey noted that the disability provisions of HAVA include two grant programs. The first program consists of payments to states to improve accessibility in the voting process known as Election Assistance to Individuals with Disabilities (EAID) funds. These funds totaled \$9,941,000 in fiscal year 2004. The second program consists of grants to state Protection and Advocacy Systems (P&As) to assist individuals with

disabilities in the voting process. These grants totaled \$4,970,500 in fiscal year 2004.

Commissioner Morrissey went on to state that EAID funds were required to be used to make polling places physically accessible, to provide the same opportunity for privacy and independence as for other voters, to provide individuals with disabilities information about accessible polling places, and to train election officials on how best to promote the access and participation of individuals with disabilities. Commissioner Morrissey also noted that grants to state P&A systems were to be used to ensure the full participation in the electoral process for individuals with disabilities.

Commissioner Morrissey next noted several examples of states using these funds to make positive changes. Some of these examples included the Maine Secretary of State working with student interns to accomplish a statewide polling place accessibility survey, the North Carolina State Board of Elections producing award winning training videos for election officials on the rights of voters with disabilities, and the Illinois P&A network training over 4,000 new election judges regarding issues relating to voters with disabilities.

Commissioner Morrissey concluded by suggesting several partnership opportunities between her office, the EAC and the disability community. These opportunities include scheduling brown bag lunches to discuss the EAC Best Practices document, create space on the EAC web site to display product information developed by ADD grantees, and hold regional conference calls to address issues emerging in preparation for the 2004 election.

Chairman Soaries thanked Commissioner Morrissey and her staff for all their dedication and hard work and noted that the EAC considers the relationship between the two organizations as a key partnership, and that the EAC is highly motivated by its role in this movement.

Commissioner Martinez, a former employee of HHS, was recognized, and he thanked Commissioner Morrissey for her critical work in this area.

## **Presentations**

Chairman Soaries next noted that EAC had originally planned to hold this meeting in Atlanta, Georgia and to hold a hearing while there on the critical need for more poll workers. The Chairman stated that a lack of funding prohibited EAC from



holding the meeting in Georgia and used this opportunity to thank the election officials in Georgia, including Kathy Rogers who was in attendance today, for their offer to host EAC in Georgia. The Chairman remarked that, funds permitting, the EAC will meet in Georgia at some future time.

Chairman Soaries next introduced the first panel of speakers to present their thoughts on poll worker recruitment and retention. This panel included Ms. Nancy Tate, Executive Director of the League of Women Voters of the United States; Ms. Terri Thompson, Director of State and Civic Affairs, Citigroup; and Ms. Rebecca Vigil-Giron, Secretary of State of New Mexico and President of NASS.

Ms. Tate stated that the League had been active in this area for many years, with over 900 chapters working with local election officials across the United States. Ms. Tate noted that the League was concerned that a lack of poll workers posed a critical threat to our democracy, and that other reforms were meaningless without enough trained poll workers.

Ms. Tate noted various barriers to recruiting more poll workers including the decentralized and generally under funded nature of local election offices, and the simple fact that many Americans simply do not want to be poll workers. Ms. Tate commented that voters need a more directed message and better information to volunteer for a job that promises long hours and low pay. Ms. Tate also noted that local election officials need a better understanding of the skills needed by modern poll workers, and a better way to get their message out, including access to the public and private sector workforce in the United States.

Ms. Tate explained that over the last three years, the League had begun working with the private sector to recruit poll workers. Ms. Tate noted several lessons learned from this experience, including the fact that it was easier to work with large corporations with a history of giving employees paid time off for community service, although the extent of the cooperation still varies by company.

Ms. Tate concluded by offering suggestions that EAC establish model guidance on polling place management, and conduct research to test what messages resonate with various demographic groups, similar to Red Cross campaigns to recruit blood donors. In addition Ms. Tate suggested that the EAC consider publicity and outreach efforts including the distribution of “How to... Handbooks.”

Ms. Thomson, of Citigroup began her presentation by noting that this Wednesday, September 15, 2004, Citigroup would kick-off a new volunteer campaign among its 280,000 employees. Ms. Thomson stated that Citigroup had provided \$200 million over the last 10 years for financial education in schools and community centers throughout the United States. Other Citigroup initiatives include one formal volunteer day per year for each employee, a volunteer incentive program where Citigroup gives a \$500 grant to an organization when an employee has volunteered 50 hours or more per year, and a volunteer tracking system to connect prospective volunteers and organizations.

Ms. Thomson noted that Citigroup had found that the volunteer program helped in employee retention, moral and productivity, and that communication and structure were the keys to a successful volunteer program. Ms. Thompson concluded her presentation by stating that Citigroup will post a link to EAC on its web site to assist employees who might want to volunteer as poll workers.

Secretary Vigil-Giron began her presentation by stating that she was proud and excited to be a part of the evolution of HAVA, beginning with the formation of the NASS Taskforce on Election Reform after the 2000 election. Secretary Vigil-Giron remarked that she was very pleased that poll worker recruitment and training was receiving more attention, and that EAC should be commended for addressing this issue.

Secretary Vigil-Giron noted that the average age of poll workers in the state of New Mexico was 70, but that many of these workers were still excited about and committed to their job. The Secretary continued by saying that we must be realistic about our aging poll workers and that it was crucial to begin to identify and recruit a pool of new poll workers as soon as possible. The Secretary stated that she felt that college students would make an ideal base for the new pool of poll workers. Secretary Vigil-Giron also noted that on September 15, her office was meeting in Santa Fe to do pre-election training, including poll worker training. In addition, the Secretary remarked that because of the many new legal challenges facing poll workers, her office will be in contact with each poll worker in the state of New Mexico prior to the election to discuss appropriate rules and regulations.

Chairman Soaries recognized Commissioner Martinez, who asked Ms. Tate if she had any specific recommendations to get the youth of America more involved in the political process.

Ms. Tate replied that she felt that participation needed to start at a very young age. She noted that it was more of a challenge to engage college students who are subjected to numerous other messages on college and university campuses. Ms. Tate stated that she felt that more personal contact between local election officials and college students would help motivate these students.

Commissioner DeGregorio was recognized and remarked that the Citigroup volunteer program was a great step in Missouri, and asked Secretary Vigil-Giron how many poll workers were needed in New Mexico and elsewhere.

Secretary Vigil-Giron stated that with every polling place in the United States being staffed by a minimum of 3- 4 poll workers, thousands of poll workers were still needed for the November election. Secretary Vigil-Giron noted that part of the problem might be that young people see no instant gratification in serving as a poll worker, and that a general lack of complete civics education in elementary, middle school and high school contribute to this feeling of being disengaged from the political process.

Chairman Soaries next recognized Vice-Chair Hillman who noted that her experiences in the 1970's and 1980's included many instances of minorities and grassroots advocates being discouraged from volunteering as election day workers. The Vice-Chair asked Ms. Tate if she felt that this attitude had changed.

Ms. Tate replied that she had received no reports which might indicate that any potential poll workers were being discouraged from volunteering. Ms. Tate did note, however, that more could be done, and that many local election officials still don't reach out in a meaningful way to minority groups.

Chairman Soaries next introduced the second panel of speakers, which included Ms Barbara Jackson, Election Director of Baltimore City, Maryland; Ms. Rose MarcAntonio, a poll worker from Savannah, Georgia; and Mr. Johnny Valdez, a college student poll worker from the District of Columbia.

Ms. Jackson began her presentation by stating that election judges (poll workers) are a unique breed, working only 1-2 days per year. Ms. Jackson remarked that for some, the money was the most important reason to continue working at the polls. Ms. Jackson noted that the lack of poll workers in Baltimore City was so bad that her office had been forced to rely on the elderly, the

undereducated and the unemployed for a pool of poll workers to fill the 2,300 to 2,400 poll worker positions in the city. In addition, Ms. Jackson stated that it was even more difficult to get 316 more qualified individuals to supervise these election judges.

Ms. Jackson agreed with the previous speakers that college students represented a very important potential pool of poll workers, and that educators must do more to bring significant civics education back into the classroom for students at an early age. Ms. Jackson suggested that to broaden the pool of poll workers, election officials needed to work on getting out the message that the job was important to the democratic process, that election officials suggest to individuals complaining about the election process that they volunteer as poll workers, and that, local and Federal government employees be encouraged to volunteer as poll workers (Hatch Act provisions permitting). Ms. Jackson also suggested speaking with individuals receiving social services as potential volunteers and including a request for volunteer poll workers in a statement printed on the bottom of tax forms.

Ms. MarcAntonio began her presentation by showing a television newsclip that featured her as a poll worker. She then began discussing the various changes in the roll of poll workers in her over 30 years experience in the job. Ms. MarcAntonio remarked that her early poll worker training consisted of being instructed to post sample ballots, being trained on the operation of lever voting machines and training on how to find an individual on the list of registered voters. Ms. MarcAntonio noted that this training changed very little until the introduction of electronic voting machines. She noted that training now included instructions on running the encoder table and the distribution of voter access cards, and training on how to administer provisional voting. Ms. MarcAntonio noted that both the training program and the instructors were better now than in the past. Ms. MarcAntonio also remarked that technology also now used to aid poll workers who are, in her jurisdiction, now issued cell phones and pagers with which they can call the election headquarters for advice and assistance. Ms. MarcAntonio concluded by stating that it had been her privilege to serve both her community and her country as a poll worker.

Mr. Johnny Valdez began his presentation by remarking that he had found his participation in the youth poll worker program in the District of Columbia very rewarding. Mr. Valdez noted that he also enjoyed working with other high school students in the

program and felt that it was important to share this experience with his peers. Mr. Valdez noted that community service was the focus of his program, with an emphasis on learning outside the classroom by hands-on experience. Mr. Valdez made the point that young people should be engaged in the process before college, at as young an age as possible. When election officials do recruit poll workers from college campuses, Mr. Valdez suggested that election officials use student poll workers to recruit other students, attempt to work with the college in order to obtain college credit for volunteer poll worker activity, and partner with existing campus clubs and organizations to facilitate communication with the student body.

Chairman Soaries thanked the panel and recognized Commissioner DeGregorio who asked Ms. MarcAntonio how she and her colleagues had made the transition from lever to DRE voting machines, and how they assist the public in making the transition.

Ms. MarcAntonio noted that some elderly poll workers were frightened by the transition, but training had helped to ease this apprehension. Ms. MarcAntonio also noted that the poll workers also assisted the public in making the transition as easily as possible, and that local election officials even conduct special training classes to encourage the elderly to use the new system. Ms. MarcAntonio encourages as much poll worker assistance as necessary until the time that the voter is ready to make their selections.

Chairman Soaries recognized Commissioner Martinez who thanked all the panel members and asked Mr. Valdez if his peers were still involved as poll workers.

Mr. Valdez replied that to his knowledge, the majority of his peers were still involved in the poll worker program.

Chairman Soaries next recognized Vice-Chair Hillman who asked Ms. Jackson what her immediate recourse was to address a shortage of poll workers on election day.

Ms. Jackson replied that they try to have a number of substitute election judges ready to fill any vacancies on election morning. Ms. Jackson also noted that they had also used election office staff and Board members to fill vacancies when needed.

Chairman Soaries stated that recruiting the necessary number of poll workers was currently the greatest challenge to voting in the

United States. The Chairman remarked that this topic was still beneath the radar as a issue of election reform, and that the EAC has taken a leadership role in this area by writing to Federal agencies, corporate America and other groups in order to keep the ball rolling for poll worker recruitment. The Chairman noted that whatever the voting device, it still needs people to run the system. Chairman Soaries again thanked the two panels and remarked that they have helped the EAC demonstrate the urgent need for poll worker reform.

## **Adjournment**

Chairman Soaries next asked for a motion to adjourn the meeting. Commissioner Martinez made the motion, Commissioner DeGregorio seconded the motion, and the motion passed unanimously. The meeting adjourned at 12:36pm.