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U.S ELECTION ASSISTANCE COMMISSION

PUBLIC MEETING

The Westin Crown Center

1 Pershing Road

Kansas City, Missouri 64108

Wednesday, April 18th, 2007

ATKINSON-BAKER, INC.  
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1 DONETTA DAVIDSON: I'm going to start because  
2 of time crunches today, so I want to make sure that  
3 we're ready to go.

4 Could I ask everybody to please put their cell  
5 phones on silence, please, and then we'll stand for  
6 the pledge of allegiance.

7 I pledge allegiance to the flag of the United  
8 States of America, and to the republic for which it  
9 stands, one nation, under God, indivisible, with  
10 liberty and justice for all.

11 Thank you.

12 I'd like to turn to Julie Thompson-Hodgkins,  
13 our chief counsel, for the roll call, and I would  
14 like to make one statement before she does that.  
15 You'll notice Commissioner Hillman is not present  
16 with us today. I want you to know this is the very  
17 first meeting that she has missed, and it's because  
18 she's testifying on our behalf on the Hill, so  
19 sometimes we can't control all of our calendars and  
20 the events, but that's why she's not here, and it's  
21 the first one she's ever missed.

22 I turn it to you, Julie.

23 JULIE THOMPSON-HODGKINS: Thank you, Madam

24 Members.

25 Please respond by saying "here" or "present"

2

1 when I call your name.

2 Donetta Davidson, chair.

3 DONETTA DAVIDSON: Here.

4 JULIE THOMPSON-HODGKINS: Rosemary Rodriguez,

5 chair.

6 ROSEMARY RODRIGUEZ: Here.

7 JULIE THOMPSON-HODGKINS: Madam Chair, there

8 are three members present as a quorum.

9 DONETTA DAVIDSON: Turning to Tab 1, you will

10 find an agenda, and do I have a motion on the

11 agenda?

12 ROSEMARY RODRIGUEZ: I move the adoption of the

13 agenda.

14 DONETTA DAVIDSON: Thank you. Second?

15 CAROLINE HUNTER: Second.

16 DONETTA DAVIDSON: All those in favor say

17 "aye."

18 ROSEMARY RODRIGUEZ: Aye.

19 JULIE THOMPSON-HODGKINS: Aye.

20 DONETTA DAVIDSON: Opposed?

21 The motion is carried. Thank you.

22 I would like to welcome everybody here. Each

23 and every one of you are very important to us at the  
24 EAC, and definitely it's an honor to be in Kansas  
25 City and having -- to have you as part of our public

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1 meeting today.

2 We have a full agenda, but I wanted to say a  
3 few words about our voter fraud and voter  
4 intimidation study and also the voter  
5 identification. As I know you're all aware, we have  
6 been criticized about our activities lately, and I'm  
7 going to take the opportunity at our public meeting  
8 just to speak briefly about the process and the  
9 projects.

10 Regarding the voter fraud and intimidation, EAC  
11 adopted an election crime study, and they -- or not  
12 a study but Election Crime, an Initial Review and  
13 Recommendations for Further Study. A public meeting  
14 was held in December of 2006. This report included  
15 information provided by the consultants and by  
16 staff. It also includes all the information of more  
17 than 300 pages. What the consultants reviewed, as  
18 well as their recommendations, is on our web. We  
19 have been criticized for editing the consultants'  
20 information as well as not releasing all of the  
21 conclusions they reached.

22 As for the Voter Identification Project last  
23 month, the EAC declined to adopt the information we  
24 received from the consultants due to concerns that  
25 we had on the methodology. We voted to release

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1 everything they provided to the public. We have  
2 been criticized for not adopting it and for the way  
3 we managed our contractors.

4 I understand these topics are very partisan and  
5 hotly debated. I understand that the media,  
6 politicians and the bloggers have very strong  
7 opinions and are very passionate when it comes to  
8 these issues. The EAC has been accused of being  
9 biased on politics, and there was only one response  
10 that we could take from that action. That is why I  
11 and all the other commissioners agreed that our  
12 inspector general review the circumstances  
13 concerning the issuance, the management and the  
14 editing process surrounding these comments. I  
15 stated in my request to the inspector general that  
16 it's my hope that the findings will instruct us how  
17 to move forward in a more transparent manner. We  
18 will cooperate, obviously, with him. And if he tell  
19 us changes need to be made, we will be making them,  
20 but I want to make a statement in public about our

21 staff.

22 Our staff works very hard, and they have very  
23 little -- they do not have enough staff to be able  
24 to handle the issues. They are doing the work for  
25 probably three people, and I want it noted for the

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1 public record that we appreciate what they do and  
2 the challenges they have faced ever since the day  
3 the doors were opened at the EAC. So with that,  
4 keep in mind that we will update you on the progress  
5 of the inspector general's review, and we want to  
6 get this done as quickly as possible so we can  
7 concentrate solely on working to improve the  
8 election administration.

9 You can always go to our website at [www.eac.gov](http://www.eac.gov)  
10 to view my request of the inspector general, the  
11 Election Crimes Report, and our statement regarding  
12 voter intimidation. Thank you for listening, and  
13 now we'll continue on.

14 We'll go right into old business and the  
15 minutes of our meeting on February the 8th, which is  
16 in Tab 2, which was held in Washington, D.C. I'd  
17 like to open the floor to a motion.

18 ROSEMARY RODRIGUEZ: I move adoption of the  
19 minutes of the public meeting of February 8th, 2007.

20 DONETTA DAVIDSON: Do I have a second to the

21 motion?

22 CAROLINE HUNTER: I second the motion.

23 DONETTA DAVIDSON: All those in favor say

24 "aye."

25 CAROLINE HUNTER: Aye.

6

1 ROSEMARY RODRIGUEZ: Aye.

2 DONETTA DAVIDSON: Opposed?

3 Now I also have the meeting that was held under

4 Tab No. 3, which was the meeting at the Ritz Carlton

5 that was held right before the standard board

6 meeting in Atlanta, Georgia, February 21st. I open

7 the floor for a motion.

8 CAROLINE HUNTER: I move for the adoption of

9 the minutes from the February 21st, 2007, EAC

10 meeting.

11 ROSEMARY RODRIGUEZ: I second.

12 DONETTA DAVIDSON: All those in favor say

13 "aye."

14 CAROLINE HUNTER: Aye.

15 ROSEMARY RODRIGUEZ: Aye.

16 DONETTA DAVIDSON: The motion carries.

17 ROSEMARY RODRIGUEZ: Madam Chair, may I ask

18 that those both be binding by unanimous consent,

19 both of those previous two motions?

20 DONETTA DAVIDSON: Absolutely. I don't see any  
21 problem. That'd be fine.

22 I turn now to Thomas Wilkey, which is our  
23 executive director, for our report.

24 THOMAS WILKEY: Thank you, Madam Chair.

25 I'm pleased to report that there have been a

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1 number of activities ongoing since our last report  
2 at the February meeting. Our office of inspector  
3 general currently has a number of audits underway in  
4 the following states: Maryland, Indiana, Virginia,  
5 Ohio, Wyoming, Kentucky, New Mexico, and Missouri,  
6 and you can follow the progress of those reports as  
7 they become available and any other reports that  
8 have been so far issued by going to our website at  
9 [www.eac.gov](http://www.eac.gov) and clicking on the area of inspector  
10 general, and all of those audits are available.  
11 They also contain information about our inspector  
12 general operation within the agency if anyone has  
13 questions or information.

14 Once we get those reports, we are required to  
15 do a resolution to make sure that the findings in  
16 those reports are carried out, and it is my  
17 obligation under our regulations to make that

18 resolution on working with the staff, and then  
19 if after the state reviews those, they have an  
20 opportunity to appeal to the commission if they so  
21 desire.

22 Last month EAC completed audit resolutions in  
23 the following states. These also are available on  
24 our website, eac.gov. The following were completed  
25 last month: California, Florida, Illinois,

8

1 Minnesota, New Jersey, South Carolina, Texas, and --  
2 I think I already said New Jersey. Five other  
3 resolutions are in response to findings resulting  
4 from state single audits, and those are audits that  
5 are carried on by the states. Each state that  
6 receives federal funding is required to have an  
7 audit of those funds, and our office of inspector  
8 general also monitors who does those audits and  
9 makes recommendations to us as well as the audits  
10 that we do.

11 The states who have audit resolutions have 30  
12 days to appeal to the chair or the commission for  
13 action by the full commission. Under our voting  
14 system certification program, nine voting system  
15 manufacturers have registered for EAC's testing and  
16 certification program. Registration is the first

17 step in a certification process. It simply means  
18 that these companies are eligible to submit systems  
19 for certification, and I urge those, particularly  
20 those in the audience who will see this report on  
21 our website, that if they have questions about our  
22 certification program, that all of that information,  
23 including the accreditation of our labs, are up  
24 there for you to look through.

25 We are still awaiting the final report from our  
9

1 consultant as to the accreditation of the last  
2 application for interim accreditation, that is  
3 cyber. We have not heard back. We should hear very  
4 shortly upon that application, and it will be  
5 brought forth to the commissioners for whatever  
6 action they may take.

7 Under HAVA funds management, EAC is responding  
8 to the agency's request to provide clarifications  
9 and corrections for reports filed from 2004 to 2006  
10 on the use of Title 1 funds and Title 2 requirements  
11 and payments. Staff has also conducted a cursory  
12 initial review of reports filed this year regarding  
13 these HAVA funds.

14 Reports on HAVA Title 1 reports, 101 and 102  
15 funds, were due February 28th, 2007, and cover

16 activity during the last calendar year, January 1st  
17 of '06 through December 31st of '06. Reports on the  
18 HAVA Title 2, Section 251 requirement payments were  
19 due March 30th, 2007, and cover activity during the  
20 last fiscal year from October of '05 to September of  
21 '06.

22 EAC recently sent a letter to all chief state  
23 election officials reminding them of the HAVA Title  
24 1 reports due February 28th, 2007, and the HAVA  
25 Title 2 requirement payments due March 30th, 2007.

10

1 EAC continues to work with state election offices to  
2 obtain needy clarifications or corrections to past  
3 reports filed, and we did do a very comprehensive  
4 audit-taking during the fall and early winter to do  
5 a number of clarifications that need to be done on  
6 past reports and had a very successful training  
7 program for states at the National Association of  
8 Secretaries of State's meeting, and we will continue  
9 to do that.

10 We continue to provide updates and some very  
11 excellent training materials that are on our  
12 website, and what we're finding is that the reports  
13 that we're now seeing coming through are in much  
14 better shape than they were previously.

15 EAC has posted model financial reporting forms  
16 and sample supportive narratives on our website to  
17 help states prepare their reports correctly. Also  
18 available on our website is the HAVA Funding FAQs,  
19 and it's a very comprehensive list of FAQs, which we  
20 update on a regular basis as states who have issues  
21 come up.

22 Certainly and happily, on behalf of the staff,  
23 we welcome our two new commissioners, Rosemary  
24 Rodriguez and Carolyn Hunter. This is their first  
25 public meeting as commissioners, and we welcome them

11

1 to the EAC. And let me say on a personal note that  
2 I've had over the past several weeks an opportunity  
3 to get to know them, and I'm grateful to have their  
4 presence among us, and I'll have a little bit more  
5 to say about that later on, but welcome. On behalf  
6 of the staff, it's good to have you with us.

7 I also want to point out, even though it's not  
8 in the report, that our chair has been missing in  
9 action for the last three weeks. She had a little  
10 surgery and has been back at home in Colorado.  
11 Since she spent many years on the ranch in the  
12 mountains of Colorado, I can say honestly that it's  
13 good to have her back in the saddle again. We

14 welcome you back, Madam Chair. It's good to have  
15 you back with us and seeing you in good health.

16 DONETTA DAVIDSON: Thank you.

17 THOMAS WILKEY: That is my report.

18 All the activities and information we update on  
19 our website. We put out a monthly news bulletin to  
20 all of those listed. If there are people here in  
21 the audience that are not on our mailing list to get  
22 all of these reports, please let me know, and we'll  
23 make sure you get on that list, but this is updated.  
24 Our website is continually updated, and our  
25 newsletter goes out on a regular basis.

12

1 That is my report, Madam Chair.

2 DONETTA DAVIDSON: Thank you.

3 Is there any questions for Mr. Wilkey?

4 Seeing no questions, we'll move into new  
5 business, which I have to say I agree with  
6 Mr. Wilkey. This is our first time that we get to  
7 introduce our two new commissioners, and we're very  
8 pleased to have them aboard. Obviously, having a  
9 full commission is very helpful, and they both come  
10 with excellent backgrounds, and we're fortunate to  
11 have them with the experience that they have. So  
12 I'm going to give you a little bit of a background

13 on each one of them, and Commissioner Rodriguez and  
14 Commissioner Hunter is the two that we have. I  
15 think you can see by Commissioner Rodriguez's title  
16 that Commissioner Hunter is on my left.

17 I'll first start with Commissioner Rodriguez,  
18 which I want you to know comes from also -- she  
19 knows about those mountain areas. She's from  
20 Denver, Colorado, and we've worked together, and  
21 I'll go into that more a little bit later.

22 Immediately prior to coming to the EAC,  
23 Commissioner Rodriguez served three years in the  
24 Denver city council where she served as president  
25 from 2005 to 2006. She was the director of the

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1 Board of Commissions for the mayor's office from  
2 2002 to 2003, and a clerk and recorder of the City  
3 and County of Denver where she was supervisor of  
4 city elections -- I mean, in 1997, and she served in  
5 that area from 1997 to 2002.

6 If I'm wrong here, Rosemary, correct me.  
7 Commissioner Rodriguez, I should say. I know her  
8 personally so this is a little hard.

9 She has been active in numerous grassroots civic  
10 activities and voter advocacy organizations,  
11 including the Colorado Voter Initiative where she

12 co-chaired a statewide initiative to allow election  
13 day voter registration. She also was a cofounder  
14 and the chair of the Latinos Vote, a voter  
15 registration project to register Latino voters and  
16 provide nonpartisan election information to the  
17 Latino community.

18 Commissioner Hunter, she comes to us from  
19 the -- to the EAC recently serving as the deputy  
20 director of the White House Office of Public Liaison  
21 from January to October of 2006. From 2005 to 2006,  
22 she served as executive officer, let's see if I get  
23 this right, of the United States Homeland Security  
24 Office of Citizenship and Immigration Services.  
25 Prior to that, from 2001 to 2005, she was associate

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1 counsel and then the deputy counsel at the  
2 Republican National Committee where she provided  
3 guidance on election law and the implementation of  
4 the Help America Vote Act.

5 You can see they both come with very wide  
6 expertise, and we are fortunate to have them.

7 Welcome to both of you.

8 First, I'd like to turn it over to Commissioner  
9 Rodriguez to make a statement, and then I'll follow  
10 up with Mrs. Hunter.

11 ROSEMARY RODRIGUEZ: Thank you, Madam Chair.

12 I'm very honored to be here today. I never expected  
13 to be in this place, so I ask your indulgence.

14 I wrote down my comments just so I wouldn't lose my  
15 thoughts because this is a very important position.

16 Over the past month, as I've gotten to know my  
17 new colleagues, the commission staff, and have  
18 learned about their diverse backgrounds and  
19 experiences, I have grown to respect their abilities  
20 and appreciate their efforts in establishing a  
21 commission from scratch, and I would like to take  
22 this opportunity to thank them personally for  
23 welcoming me as a new member of the EAC.

24 For most of you, except Mr. Mendoza back there,  
25 I am a stranger. And so with your permission, I

15

1 will give a very brief summary of my qualifications.

2 I'm a native of Denver. I previously served as  
3 the clerk and recorder for the City and County of  
4 Denver. I ran for elective office. As the chair  
5 mentioned, was elected to the Denver city council.  
6 But long before I myself served in government, and  
7 for a span of more than three decades, I have  
8 performed volunteer work, much of which was for the  
9 purpose of increasing voter registration and voter

10 empowerment. As a volunteer, I came to learn that  
11 most of the people with whom I worked desperately  
12 wanted to participate in our democracy, but they did  
13 not have access to information, information that all  
14 of us here enjoy that allowed them to enter through  
15 the gateway of civic participation. And among the  
16 most gratifying experiences of my life is helping  
17 people grasp the knowledge and tools that allow them  
18 to become fully participating citizens.

19 I am one of four commissioners. Like my  
20 colleagues, I hope to make a mark on the election  
21 process in this country, and the mark I hope to make  
22 is a simple one: I want to continue to increase  
23 voter registration and voter empowerment. Like many  
24 people, I have strong convictions about some things,  
25 and I will be honest with you. When it comes to

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1 elections, my foremost conviction is for the voter.  
2 I want eligible voters to have unfettered,  
3 uncomplicated, and unimpeded access to the voting  
4 booth. That is not to say I am naive about the  
5 voting process.

6 My experience as an election official has  
7 tempered my conviction with a real understanding of  
8 the challenges that election officials experience in

9 day-to-day election operations, so I will not be  
10 looking to impose new and burdensome expectations on  
11 election officials. I will, however, be looking for  
12 realistic, manageable ways to provide voters with  
13 the access that I hold so dear.

14 A second conviction that I hold fiercely is  
15 that in general, decisions made by the government  
16 and in particular decisions made by the EAC should  
17 be done in the full light of day in as open and as  
18 transparent a process as possible. For the most  
19 part, the processes of the EAC are done in sunshine,  
20 and I applaud their openness.

21 The EAC does, however, have one process that is  
22 not open. It is the practice of the tally vote.

23 The tally vote is one that is circulated, generally  
24 agreed upon by consensus, and then made public.

25 This is fine for routine decisions, but with respect

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1 to policy decisions, I believe the EAC staff  
2 briefings and deliberations can be done on the  
3 record, and I hope there's interest among  
4 commissioners to discuss this issue.

5 My final conviction, perhaps in fairness it  
6 should be called a "bias," has to do with the value  
7 of being an open-minded learner. I appreciate those

8 who are willing to discuss and to consider different  
9 points of view. I appreciate those who when  
10 presented with a better option are able to recognize  
11 its value, and I appreciate those who when presented  
12 with an opportunity to improve the way in which  
13 things are done, take the opportunity. I will work  
14 hard to be such a person.

15 Thank you, Madam Chair, for the opportunity to  
16 share some of my thoughts with you and with my  
17 colleagues and with the audience here today.

18 DONETTA DAVIDSON: Ms. Hunter?

19 CAROLINE HUNTER: Thank you, Madam Chair, and  
20 thank you to my fellow commissioners, members of the  
21 staff and the public who have been so welcoming to  
22 me in my first few weeks as a new commissioner. I  
23 really appreciate it, and to the outgoing  
24 commissioner, Paul DeGregorio, who was very gracious  
25 in helping me with the transition, providing a lot

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1 of good guidance, and I thank him very much, and  
2 we're here in his home state today.

3 It's an honor to serve on this commission.

4 Election administrators are, obviously, a key part  
5 of our democracy, and I've had the privilege of  
6 working with many state and local election officials

7 throughout my time as an elective.

8 As somebody who spent a lot of time working in  
9 different election processes -- for example, I think  
10 it's important to note that a lot of different  
11 people rely on what the election administrators are  
12 doing, the laws and the rules that are set out in  
13 the states, and it affects everything from whether  
14 or not -- on how to place a candidate's name on a  
15 vote or how to conduct a voter registration drive.

16 I think all of us bow down to thank all of you  
17 for the work you have done in this arena, and I look  
18 forward to working with you to increased civic  
19 activity and to ensure that every eligible voter has  
20 an opportunity to cast a ballot.

21 The true work of an election administrator is  
22 nonpartisan in nature, and I look forward to working  
23 with our commissioners, my fellow commissioners, to  
24 improve the conduct of elections for all Americans.

25 Thank you.

19

1 DONETTA DAVIDSON: Very nice.

2 It looks like we have a little bit of  
3 competition next door, so I'll make sure I have my  
4 mike on.

5 Next on the agenda -- as all of you have noted,

6 we have been missing at the EAC a vice chair. And  
7 since I took the chairmanship in January, we usually  
8 do it at the very same time. So with that in mind,  
9 I would like to open the floor for nomination for  
10 vice chair.

11 CAROLINE HUNTER: Madam Chair, I would like to  
12 nominate Commissioner Rosemary Rodriguez as vice  
13 chairman of the U.S. Election Commission. I know  
14 from personal experience, from having sat in on a  
15 media interview with Rosemary, that she will serve  
16 very well as a backup to you, Madam Chair, to  
17 provide opinions and advice from the commission to  
18 the press and to others, and she will be a capable  
19 chairman who may serve in your absence, Madam Chair.  
20 Thank you.

21 DONETTA DAVIDSON: I'd like to take this  
22 opportunity to second that nomination.

23 As stated, Rosemary Rodriguez is from Colorado.  
24 She's a commissioner now, and I think it goes back I  
25 don't know how many years that Rosemary and I have

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1 worked together, and we've known each other it seems  
2 like almost forever and working with her has been  
3 always an honor. We served together as clerks in an  
4 association in Colorado, and then we also -- as I

5 was secretary of state, working with her as a  
6 commissioner of elections, and she was also the city  
7 clerk at the same time. That was a great honor.  
8 She was always very supportive to the organization  
9 in Colorado, of the Colorado Association of County  
10 Clerks and Recorders, and very, very active in that  
11 process. So her input and everything has been very  
12 valuable from the very beginning, so it's an honor  
13 to have her at the commission, and I look forward to  
14 working with her in the future, and it also would be  
15 a great honor, and I second the nomination as vice  
16 chair of the Election Assistance Commission.

17 Having a motion that is seconded, can I call to  
18 vote on the question? All in favor?

19 ROSEMARY RODRIGUEZ: Aye.

20 CAROLINE HUNTER: Aye.

21 DONETTA DAVIDSON: Those opposed? The motion  
22 carries.

23 At this time I'd like to go back to Mr. Wilkey  
24 because Commissioner Hillman has a statement that  
25 I'd like to have read into the record that she made

21

1 for the meeting, and I think it's very valuable to  
2 put it in this place.

3 THOMAS WILKEY: Thank you, Madam Chair, I am

4 pleased to read to you some remarks that have been  
5 written by Commissioner Gracia Hillman, who has  
6 asked that they be placed in today's meeting.

7 It is with great regret that I am not able to  
8 be present at today's meeting of the U.S. Election  
9 Assistance Commission. On one hand, I'm pleased to  
10 represent the commencement of today's congressional  
11 hearing on issues relating to accuracy and fairness  
12 in elections involving electronic voting systems.  
13 On the other hand, this is the first time, since the  
14 commission was appointed in December of 2003, that I  
15 will not be present at a meeting and not voting, and  
16 I regret that deeply.

17 It is ironic that the conflict that prevents me  
18 from being present at EAC's meeting in Kansas City  
19 is an invitation from Missouri's own Congressman  
20 William Lacy Clay, who chairs the subcommittee that  
21 is holding today's hearings. Nonetheless, I am  
22 there in commitment and spirit. If I were there, I  
23 would reiterate my appreciation to Rosemary  
24 Rodriguez and Carolyn Hunter for their willingness  
25 to serve on the commission and offer them a warm

22

1 public welcome.

2 I would have enthusiastically insisted that I

3 be able to place Commission Rodriguez's name in  
4 nomination to serve as EAC vice chair for 2007, and,  
5 of course, I would have voted a resounding yes on  
6 the motion to elect.

7 I would also express my profound thanks to  
8 Edgardo Cortes, Laiza Otero, the members of the EAC  
9 Spanish language working group, and all the EAC  
10 staff who have helped produce the 2007 Glossary of  
11 Key Election Terminology in Spanish with appropriate  
12 English to Spanish and Spanish to English  
13 translations. Their commitment to accuracy and  
14 detail has produced a very fine product. Assuming  
15 that no one -- no unexpected developments on this  
16 glossary were to occur at today's meeting, I would  
17 have voted to adopt the glossary as a key reference  
18 for election officials throughout the country.

19 Additionally, I would express continued  
20 appreciation to Connie Schmidt, Brit Williams and  
21 the EAC staff for their tireless work to produce the  
22 first-ever comprehensive management guidelines to  
23 bring the people's side of election administration  
24 in line with the proper and accurate functioning of  
25 voting systems.

23

1 And in closing, I would like to offer my views

2 on the criticism that EAC is currently receiving for  
3 its handling of research data that has been  
4 developed by consultants. Congress, the public, and  
5 the EAC commissioners have a right to know the  
6 facts. Therefore, I support the request for EAC's  
7 inspector general to investigate the issues of this  
8 matter and the processes used by EAC to procure,  
9 review, and report contracted research.

10 I ask the inspector general to please report  
11 his findings at the earliest possible date. I also  
12 urge EAC to help end the criticisms of us by  
13 releasing all of the information we receive from  
14 consultants on our Election Crimes Research Project.

15 My further thoughts and views on this matter  
16 are contained in statements that I issued this week  
17 and in December, 2006, and are posted on my web page  
18 at eac.gov. To all of my colleagues attending the  
19 election centers meeting, I extend profound  
20 appreciation and respect for the work you continue  
21 to do day in and day out.

22 I also appreciate the invitation to appear at  
23 your meeting and regret that I am not able to be  
24 there. My very best wishes to all, Commissioner  
25 Gracia Hillman.

1 Thank you, Madam Chair.

2 DONETTA DAVIDSON: Thank you.

3 Are you able to go a little bit longer? Or we

4 could rest and take a break.

5 THE COURT REPORTER: I'm fine.

6 DONETTA DAVIDSON: All right. We were going to

7 take a break. It's always important -- we need to

8 keep this in mind for our translators.

9 I am going to move forward then, and I'm going

10 to ask Edgardo Cortes and Laiza Otero to come

11 forward to be the presenters. As they are moving

12 forward, I would like to introduce my colleagues for

13 their presentation. I'd like to commend them on

14 their hard work that they have done on this process.

15 The EAC staff that was led by Edgardo Cortes and

16 Ms. Otero has worked really hard in getting the

17 product out, and I would just like to thank them for

18 their hard work this year. As you will see as I

19 introduce them, they have many duties at the EAC.

20 This is not the only one.

21 Edgardo Cortes joined the EAC about a month

22 before I did in July of 2005 as election research

23 specialist. He's responsible for ensuring the EAC

24 oversight of the \$3 million budget that the federal

25 government is funding to provide states under the

1 Help America Vote Act. This includes analyzing  
2 state spending of the HAVA funds, resolutions of  
3 financial audits and assisting in developing agency  
4 interpretation and guidance on complying with the  
5 mandates of HAVA. Mr. Cortes has been a vital part  
6 of the team and has worked on the election  
7 terminology glossary and is a member of the Hispanic  
8 language working group.

9 Ms. Laiza Otero has served on the staff at the  
10 EAC since April of 2005, just a little bit before.

11 Ms. Otero currently assists the EAC in coordinating  
12 of the agency's programs relating to development of  
13 Election Management Guidelines -- that's a big one,  
14 folks -- and the language working groups and the  
15 establishment of the EAC program for the testing and  
16 certification of voting systems and accrediting the  
17 test laboratories as required by HAVA.

18 Welcome to both of you. We look forward to  
19 your presentation.

20 I'll first turn it to you, Edgardo Cortes.

21 EDGARDO CORTES: Thank you, Madam Chair, and  
22 thank you, Commissioners. It's my pleasure to be  
23 here today to present what we believe will quickly  
24 become an invaluable tool to election officials  
25 around the country.

1 I'm sorry you have to turn around.

2 DONETTA DAVIDSON: Am I in the way?

3 EDGARDO CORTES: No.

4 Let me start with some background here.

5 Essentially, there's two sections of HAVA, Sections  
6 241(b)(5) and 241(b)(14), that charge the EAC with  
7 studying and promoting methods of ensuring  
8 accessibility to voting -- I'm sorry, of voting,  
9 registration, polling places and voting equipment to  
10 all voters, and that includes Native American and  
11 Alaskan Native citizens and voters with limited  
12 proficiency in the English language. We're also  
13 charged with studying the technical feasibility of  
14 providing voting materials in eight or more  
15 languages for voters who speak those languages and  
16 who have limited English proficiency.

17 Aside from those mandates under HAVA, there's  
18 also an Executive Order 13166 that basically charges  
19 all federal agencies that provide financial  
20 assistance to issue guidance on how recipients of  
21 that assistance can take reasonable steps to provide  
22 meaningful access to people with limited English  
23 proficiency.

24 Now, in order to meet these mandates, the EAC  
25 has established what we're now calling the "Language

1 Assistance Program." The Language Assistance  
2 Program consists of working groups that are  
3 comprised of local election officials, congressional  
4 staff members, national advocacy groups, research  
5 and public policy organizations, and those working  
6 groups are designed to give the EAC feedback and  
7 ideas to help us meet our language accessibility  
8 mandates.

9 In addition, the Language Accessibility Program  
10 will provide resources in multiple languages to  
11 election officials, voters and advocacy  
12 organizations, including the glossary that we're  
13 presenting today.

14 Now, I want to -- we have here some charts from  
15 the U.S. Census Bureau that kind of give you an idea  
16 of the impact -- or the potential impact that this  
17 has. This maps shows the percent of people five  
18 years or older who speak English less than very well  
19 as of 2005. That's the most recent data that we  
20 have. You can see here there's -- just about every  
21 state has some to a certain degree, but there are a  
22 number of states, particularly in the southwest and  
23 the northeast, where those numbers are extremely  
24 high.



24 is to provide resources to election officials to

25 meet the needs of voters who have limited

29

1 proficiency in the English language and who also are  
2 hoping to create some products designed to help make  
3 the process of elections open to all citizens  
4 regardless of their native language. These are some  
5 of the projects that we have been working on: The  
6 glossary, which we are presenting today; the  
7 National Mail-In Voter Registration Form is also  
8 what we're dealing with through our Language  
9 Assistance Program, the EAC website, and the  
10 language working groups, which I just mentioned.

11 In terms of the Language Accessibility Program  
12 working groups, we have -- so far we have two  
13 working groups. We are looking towards a third  
14 working group later this year, but the EAC convened  
15 the first meeting of the Spanish language working  
16 group in August of 2005 to discuss a variety of  
17 issues impacting Spanish-speaking voters in the  
18 country. The agenda for that meeting included a  
19 wide range of issues from the impact of provisional  
20 voting on Spanish-speaking voters to the readability  
21 and usability of the National Voter Mail-In  
22 Registration.

23 The group had wide representation, including  
24 representatives from the National Council of La  
25 Casa, the Institute for Puerto Rican Policy, the  
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1 Mexican American Legal Defense and Education Fund,  
2 the National Association of Latino Elected  
3 Officials, IFES, the William C. Velazquez Institute,  
4 the Congressional Hispanic Caucus Institute, the  
5 Congressional Hispanic Leadership Institute,  
6 representatives from the Los Angeles County Clerks  
7 and Records office, staff from the offices of  
8 Senator Mel Martinez and Representative Charlie  
9 Gonzalez.

10 Our reason for beginning with the Spanish  
11 language was a very practical one. No. 1, it's the  
12 second-most spoken language in the U.S., and also  
13 the other very practical reason was that myself and  
14 Laiza Otero are native Spanish speakers and have had  
15 experience dealing with providing election materials  
16 in the Spanish language prior to coming to the EAC,  
17 and so we thought having the expertise in-house to  
18 work on this subject was the best way to start.

19 Our second language working group was brought  
20 together in May of 2006 and focused on the five  
21 Asian languages covered under the Voting Rights Act:

22 Chinese, Japanese, Korean, Vietnamese, and Tagalog,  
23 which is spoken in the Philippines. This working  
24 group focused on shared concerns of the Asian and  
25 Pacific Islander American communities as well as the

31

1 different concerns impacting specific ethnic  
2 communities under that umbrella. The group  
3 consisted again of local election officials and  
4 national advocacy groups. Again, we had the Los  
5 Angeles County Clerk and Records Office. They, I  
6 believe, provide assistance in -- I think they are  
7 up to 12 or 13 languages now.

8 We also had someone from the King County  
9 Washington Elections Office, National Organization  
10 of the APIA Vote, as well as a variety of local  
11 advocacy groups focused on these specific languages.  
12 The meeting again included extensive discussion on  
13 the national Voter Registration Act and the  
14 availability of voter registration forms in the  
15 covered Asian languages.

16 The other issue that was touched on was the  
17 issue of implementation of state-wide voter  
18 registration databases and how that impacted members  
19 of the Asian and Pacific Islander American  
20 communities in terms of potentially reversing names

21 when putting -- you know, when entering into a  
22 statewide database and the problems that that caused  
23 for matching protocols. That essentially is my  
24 piece of it.

25 My coworker, Laiza Otero, is going to now

32

1 present you the actual finished product -- her  
2 almost finished product that we have and talk to you  
3 a little bit about the process that we went through  
4 in coming up with it.

5 LAIZA OTERO: Thank you very much, Edgardo, and  
6 thank you very much for being here and presenting on  
7 this project which is very near and dear to my  
8 heart, and I'm just -- I want to give you a little  
9 bit of background information.

10 As you can see from the screen, in 1979, the  
11 Federal Election Commission published a series of  
12 reports under the National Clearinghouse on Election  
13 Administration to assist election officials in their  
14 efforts to provide election services to groups  
15 identified by Section 203 of the Voting Rights Act  
16 as language minorities.

17 The purpose of the reports was to provide  
18 guidance to state and local officials for, one,  
19 identifying their language minority populations;

20 two, providing bilingual registration services, and,  
21 three, providing bilingual balloting services. The  
22 public education consists of a three-volume series.  
23 Aside from the glossary that we have updated here  
24 today, there was a handbook of ideas for local  
25 election officials and a state-of-the-art report.

33

1 When it was first produced, the ideas and  
2 accommodations contained in them, in these reports,  
3 were not designed as legal guidelines for complying,  
4 for instance, with the Voting Rights Act, nor were  
5 election officials required to consider or adopt  
6 them, and the update of this glossary, we still  
7 abide by that, and these are just guidelines and  
8 accommodations and hopefully to standardize some of  
9 the Spanish language translations that we have  
10 across the nation.

11 As you can see, twenty-eight years has passed  
12 since the first publication of this glossary. Since  
13 then, significant changes have occurred in the  
14 administration of elections, including its  
15 terminology.

16 When we held the first two language working  
17 groups, we put the idea of updating the glossary to  
18 the groups, and they both thought that this was a

19 much-needed resource in all languages, and Spanish  
20 is the first one for the reasons that Mr. Cortes  
21 explained that we would work on because it will  
22 facilitate working -- doing the translation into the  
23 other five Asian languages and perhaps maybe someday  
24 working with nonwritten languages and how we go  
25 about accomplishing that.

34

1 Once we got the approval from the working  
2 groups, we proceeded, the staff at the EAC -- we  
3 took the glossaries provided by L.A. County and also  
4 the Department of Justice and incorporated those and  
5 updated the list. We awarded a contract for  
6 translation services and had the language  
7 translators go out and research each of the fifty  
8 states and the District of Columbia and the four  
9 U.S. territories to see what informational materials  
10 they had on their websites, what common words -- key  
11 words were found that were not currently in the  
12 glossary and other phrases as well.

13 Once they reviewed those, they provided us with  
14 a list. We looked at them and reviewed them and  
15 approved them and inserted it and came out with a  
16 final list, which then they proceeded to translate.

17 I want to point out, and for the benefit of the

18 public as well, is that we do have a copy here of  
19 what the final material we're hoping to publish  
20 looks like. As you can see also from the prototype  
21 that I have given to you of what it'll look like,  
22 the guide goes from English to Spanish as well as  
23 from Spanish to English, which is a new feature  
24 because the original publication went from English  
25 into Spanish, and we considered that going from

35

1 Spanish into English would be a great resource for  
2 voters as well in learning the complicated  
3 terminology of elections, which as we're all aware,  
4 just gets more complicated and more technical. I  
5 always have the habit of keeping a dictionary, a  
6 thesaurus and a Spanish dictionary and a  
7 Spanish-English dictionary just to make sure that  
8 information we provided is accurate and culturally  
9 and linguistically appropriate.

10 I want to go into just a little bit about the  
11 contractors to ensure that the translations were  
12 culturally and linguistically appropriate. Terms  
13 were translated by and reviewed by multi-dialects  
14 from the translators representing four of the major  
15 regions of origin of the Hispanic population living  
16 in the United States, that being Mexico, Puerto

17 Rico, Cuba and Central America. The translations  
18 were carefully reviewed by the translation team and  
19 the EAC staff to make sure they were appropriate in  
20 the context of elections, which is key. At times  
21 more than one translation was considered to be  
22 appropriate and widely accepted.

23 In such cases, all of the possible translations  
24 were included in the glossary and are left to the  
25 user and the election officials and their

36

1 translators to decide which translation suits his or  
2 her needs and the target population; however, the  
3 translation most commonly accepted and appropriate  
4 in the context of election is listed first, and we  
5 do mention this in the introduction to the glossary  
6 that we have drafted so far.

7 For each entry, we provided the part of speech  
8 in italics immediately after the English term and  
9 gender. For adjectives, we have listed them in  
10 their masculine form except when part of a phrase  
11 requires feminine or singular forms. We established  
12 relationships between the terms, so, for example, if  
13 you go into the word "ballot," you see the  
14 translation, but it also says "see also," and it'll  
15 mention, for example, e-ballot, provisional ballot

16 so that you can jump to the next one in case  
17 ballot -- or say it was not the item you were  
18 looking for.

19 We have also in addition included terms from  
20 the EAC's 2005 Voluntary Voting System Guidelines,  
21 and these have been included along with their  
22 definitions. Since they are very exact definitions  
23 that we have provided, we wanted to carry those into  
24 the glossary so when translators and election  
25 officials were incorporating them into translated

37

1 election materials, they knew exactly what it was  
2 that we intended as a way of providing quality  
3 assurance.

4 Once the glossary is adopted, if adopted by the  
5 commission, we would like to proceed with printing  
6 and distribution of the glossary through several  
7 means. First of all, for those in attendance, who  
8 are at the meeting, we brought CDs, just in case,  
9 containing a copy of the material. We have a  
10 sign-up sheet if people would like to receive a hard  
11 copy or a mailed copy. We would go ahead with  
12 printing 4,000 copies of the glossary, and we would  
13 provide those to members of the EAC's language  
14 working groups along with all members of -- the EAC

15 standards and advisory board members.

16 We would collaborate with the Department of  
17 Justice under Section 203 and Section 4 covered  
18 jurisdictions, and those that have Spanish as the  
19 required language. We would work with the U.S.  
20 Postal Service, election organizations such as The  
21 Election Center, NASS, NASED, IACREOT, NCSL, and  
22 NACO. We would also work closely with election  
23 advocacy and registration groups that were not  
24 originally members of the language working groups  
25 because we want to make this as widely available as

38

1 possible.

2 Aside from these recipients we would work  
3 with -- and I want to have their -- I'll try to do  
4 this. Whoops, a technical difficulty. We would  
5 work along with -- it's the federal Interagency  
6 Working Group on Limited English Proficiency, which  
7 includes members representing more than 35 federal  
8 agencies, and this is for -- to make the glossary  
9 available on their websites and to each of these  
10 agencies, and you have a slide up here of their home  
11 page. It's a fantastic resource.

12 I had an opportunity to participate in their  
13 annual conference this year, and they provided a lot

14 of very useful information for helping again all  
15 limited English proficient -- not only voters but  
16 just for all sorts of public health services,  
17 whether it's medical, social services and legal, so  
18 it's an excellent resource.

19 We also would work similarly with the Web  
20 Managers Advisory Council. They have developed  
21 webcontent.gov, which we have a screen shot of it up  
22 here in the PowerPoint, which is an interagency  
23 group of about forty web managers from every cabinet  
24 level agency and many independent agencies. They  
25 have developed an online guide that contains

39

1 information on grammar and style issues as well as  
2 glossaries to standardize the use of Spanish across  
3 government.

4 In addition, EAC staff is also exploring the  
5 feasibility of having an online interactive version  
6 of the glossary, and that's, you know, something  
7 that we would definitely -- we would want the  
8 commission to consider, where anybody who comes into  
9 our website would be able to type in a word, let's  
10 say again "ballot," and it would give you the  
11 appropriate translation. And if there's not a  
12 direct translation, at least bring up related or

13 similar terms, and we think -- and we want to do  
14 this from either typing a word in English and also  
15 in Spanish since we are providing the glossary in  
16 this manner.

17 This document is a living document. It does  
18 not contain the entire world of elections, but I  
19 think we need to challenge Webster for that purpose.  
20 The field of elections is very dynamic. And as time  
21 passes, it becomes more technical. And we look  
22 forward, if adopted, again, to provide further  
23 iterations of this glossary. In the meantime, what  
24 we would like to do, if possible, updates to the  
25 glossary through the interactive online glossary or

40

1 being able to put at least notices up on our website  
2 under a corresponding heading.

3 We would also like to invite the public to  
4 provide comments, feedback, and useful information  
5 that they would like to provide us in how to make  
6 these glossaries more accessible, more useful, and  
7 how to continue improving them.

8 There are probably plenty of words we have left  
9 out. There are probably plenty of words that we  
10 will develop and come up with, and we would like to  
11 make sure that we have the appropriate language for

12 that.

13 As mentioned before, we would like to go ahead  
14 and translate these into Chinese, Japanese, Korean,  
15 Vietnamese and Tagalog. As someone who was in  
16 charge of Section 203 in Berks County, Pennsylvania,  
17 I cannot tell you how useful these will be.

18 I have had to sit down, actually, previously to  
19 do press releases in Spanish. And for having a lack  
20 of my own dictionaries that I had at work, I turned  
21 to the glossary because -- I don't know about  
22 Edgardo, but I usually don't have words like  
23 "Voluntary Voting System Guidelines" in Spanish.  
24 How do you say that again? So it's good to have a  
25 resource there readily available, so I can see this

41

1 just greatly helping serve state and local election  
2 officials in developing accurate, culturally  
3 linguistically appropriate material for anybody  
4 because I do find effective communication is a  
5 critical component for elections.

6 Just briefly, up next in the EAC accessibility  
7 program, we are looking, as Mr. Cortes mentioned, to  
8 develop working groups to address the election needs  
9 of American Indians and Alaskan Natives, and we  
10 envision these groups being integral parts of

11 developing materials for nonwritten languages. We  
12 would collaborate with the Election Management  
13 Guidelines staff, who will be presenting briefly  
14 following our presentation, to dedicate a chapter in  
15 their guidelines and a Quick Start Management Guide,  
16 which I find very useful resources.

17 At least when I started elections, I was just  
18 kind of thrown into the water. You start and here  
19 you go, so it's going to be a benefit to have those  
20 materials again available on our website to  
21 everybody.

22 Another upcoming task is the translation of the  
23 National Mail-In Voter Registration Form into the  
24 five Asian languages. We have conducted most of the  
25 translation for that along with a contractor, but,

42

1 however, some changes have been done to the form for  
2 some instructions and updates, and we need to  
3 reflect those in the form before we put them out on  
4 our website, and the same with the Spanish.

5 We expect to work closely with the members of  
6 the Asian languages when we do this to make sure  
7 that they are properly and accurately translated,  
8 especially, since we don't have in-house, as far as  
9 I know, anybody proficient in Tagalog or Japanese or

10 Korean or any of the other two languages. In the  
11 next several months, we will be offering our website  
12 in Spanish. Much of the content has already been  
13 translated into the HAVA Funding Frequently Asked  
14 Questions, which was definitely quite interesting to  
15 translate. I worked along with the contractor for  
16 that part.

17 We also have had the pleasure of working with  
18 the Commonwealth of Puerto Rico. They have  
19 translated HAVA, which made our life much easier,  
20 and we would make that available on our website and  
21 hopefully at some point we would sit down and make  
22 sure that their translation reflects ours and how  
23 they compare with the glossary.

24 I sincerely thank you for your time and  
25 dedication to providing resources to state and local

43

1 election officials. This, I feel, is completely  
2 invaluable, and Edgardo and I and the EAC staff have  
3 worked on this. We recommend that the commission  
4 both adopt the EAC election glossary as presented  
5 today and cause the glossary to be printed and  
6 distributed.

7 We will gladly answer any questions you have  
8 about the glossary or the Language Accessibility

9 Program and thank you.

10 DONETTA DAVIDSON: Thank you to both of you.

11 I think the audience can understand how much  
12 work has gone into this process, and I would like to  
13 say to the audience, as soon as our budget allows,  
14 we do look forward to moving forward into our Asian  
15 languages and making sure that we have that done.  
16 Obviously, having the terminologies already laid  
17 out, the ones that had been identified, over 1,800  
18 of them, I think is what you said -- as we move  
19 forward, it makes it easier, that it's just  
20 translating of the same terms, so we do look forward  
21 and -- moving forward as fast as we can in those  
22 areas.

23 First of all, I'd like to -- the staff has  
24 given us a recommendation, and I'd like to open up  
25 the floor for a motion on that recommendation.

44

1 ROSEMARY RODRIGUEZ: Madam Chair?

2 DONETTA DAVIDSON: Yes.

3 ROSEMARY RODRIGUEZ: I move we adopt the 2007  
4 Glossary of Key Election Terminology in English to  
5 Spanish and Spanish to English.

6 DONETTA DAVIDSON: Thank you very much.

7 Is there a second?

8 CAROLINE HUNTER: I second the motion.

9 DONETTA DAVIDSON: Thank you.

10 I'd like to open it up for questions now before  
11 we take a vote so we can see if any of you have  
12 questions for the staff.

13 The first thing that I would like to ask is in  
14 the Asian -- in your statement in the Asian  
15 community, there was concern about a voter  
16 registration database and how, you know, in terms of  
17 the last names, first names being so confused and  
18 maybe, you know, the possibility of disenfranchising  
19 voters is what we're always concerned with our  
20 database and not being able to find them because of  
21 the way they were put into the system. Can you tell  
22 me more about what you've done and what we're going  
23 to do in that process or have you made any  
24 decisions?

25 EDGARDO CORTES: We actually took those

45

1 concerns under advisement when we put out -- the EAC  
2 has contracted with the National Academies of  
3 Science to do some further research into the  
4 state-wide voter registration databases as a  
5 follow-up to the guidance that the agency did early  
6 on for implementing those lists. That's one of the

7 issues that the National Academies is currently  
8 studying so that we can hopefully provide some  
9 guidance to the states on how to deal with that  
10 particular issue.

11 DONETTA DAVIDSON: Very good.

12 I'll turn to my fellow commissioners, if they  
13 have questions.

14 Commissioner Hunter?

15 CAROLINE HUNTER: I think Rosemary --

16 DONETTA DAVIDSON: Commissioner Rodriguez?

17 ROSEMARY RODRIGUEZ: Thank you, Madam Chair.

18 There's a famous story about the Nova car. It  
19 was a Chevrolet, and so Nova made this car, and then  
20 they went to sell it in Mexico, and Nova in Spanish  
21 means "no va," which means it doesn't go, so they  
22 couldn't sell this car, but can you just briefly  
23 address the difficulty in assuring that we are using  
24 the correct words in Spanish and then in Spanish  
25 within different countries of origin that you

46

1 referenced?

2 LAIZA OTERO: Okay, sure, gladly.

3 As briefly mentioned, we looked at and we  
4 received technical proposals. The approach of the  
5 contractor, the translation contractor, was taken

6 into account because we wanted it to be reflective  
7 of all the different Latino populations living in  
8 the United States because they don't necessarily  
9 just fall under one umbrella.

10 There are several Spanish-speaking countries as  
11 mentioned before, and looking at the four leading  
12 ones, the linguistics between people who live in  
13 Mexico, or originally from Mexico, and Cuba and  
14 Central America, they do all speak Spanish, but  
15 there are variations somewhat akin to, let's say,  
16 somebody from the northeast would have with somebody  
17 from Missouri, or if you go out to Washington,  
18 there's slight variations which at times lead to  
19 slight misunderstandings, if not big  
20 misunderstandings, so we made sure that the  
21 contractor understood that, so they provided that  
22 team approach to the translations, and then Edgardo  
23 and I made sure that they fit then into the context  
24 with the other voter registration groups and myself,  
25 working with a local entity that had to comply with

47

1 Section 203 guidelines, so we then ensured that.

2 To somewhat preempt the question how we're  
3 going to do that with the Asian language working  
4 groups, we again will work closely with the members

5 that we have currently on the language working  
6 groups, the Asian ones, to work with them to  
7 identify people who can provide assistance to us in  
8 that manner, but we will also work with contractors  
9 to make sure they have that team approach to this,  
10 so there was a lot of vetting, a lot of reviewing  
11 and analysis looking through all the 1800 terms,  
12 just from the English to the Spanish and then back  
13 on the Spanish to the English; it was quite tedious  
14 but very rewarding, so...

15 ROSEMARY RODRIGUEZ: Thank you.

16 DONETTA DAVIDSON: Okay.

17 Ms. Hunter?

18 CAROLINE HUNTER: I just want to make a comment  
19 and thank you very much for your work on this. I  
20 think it's a much-needed resource, and particularly  
21 for persons who are being naturalized, you know, in  
22 record numbers from the Hispanic community, so I  
23 appreciate your work in this regard.

24 DONETTA DAVIDSON: I think that we're very  
25 proud of it. I mean, we even saved paper because

48

1 when you look at it on one side, it's Spanish, it's  
2 all in Spanish, and you turn it over to the other  
3 side, everything is in English, so you have one book

4 that includes both, so when you get it, I think  
5 it'll be very helpful that you'll find you don't  
6 have to pull, you know, two different books. I  
7 commend the staff for coming up with the idea of  
8 doing it in that manner. I think it definitely will  
9 save us a few trees, obviously.

10 The other statement I'd like to make before we  
11 take a vote is definitely it will have to be updated  
12 quite often, and I think that the public needs to be  
13 aware of that because even with the Voluntary Voting  
14 System Guidelines that we're doing, a new iteration  
15 on the VVSG, there's new terminology that's coming  
16 out now and definitions. So I see that this will be  
17 something that's going to be an ongoing project as  
18 we move forward, so it's nice to be able to have one  
19 step of it done, though.

20 So having a motion that has been made and a  
21 second, I would like to open it up for the vote.

22 All those in favor say "aye."

23 ROSEMARY RODRIGUEZ: Aye.

24 CAROLINE HUNTER: Aye.

25 DONETTA DAVIDSON: Opposed?

49

1 The ayes have it, and we now have a new  
2 document that we can get out on our web and get it

3 to anybody who wants it. This is a major step  
4 forward, and, obviously, anything that we can do to  
5 assist the election officials and the public, I  
6 think is a worthwhile cause. Thank you very much  
7 for your presentation, and we'll now take a  
8 ten-minute break.

9 ROSEMARY RODRIGUEZ: Madam Chair, before we  
10 break -- if I may, before we break, I wrote a  
11 statement about it. I won't read it. I'll simply  
12 say -- can you tell I'm excited to have this job?  
13 But this is one of the, again, things that I hold  
14 very dear to my heart, so I will put it on the EAC  
15 website but won't read it at this time. This is a  
16 very important function, and I too thank the staff.

17 DONETTA DAVIDSON: Mr. Edgardo?

18 EDGARDO CORTES: Madam Chair --

19 DONETTA DAVIDSON: I'm sorry, Cortes.

20 EDGARDO CORTES: I just want to reiterate what  
21 Laiza said earlier. If there's anybody here that  
22 would like to request a hard copy, we do have a  
23 sign-up sheet. Since we're going to send these out  
24 to print as soon as those are ready, people can sign  
25 up or email us at the EAC, and we'll make sure to

1 get those copies out to them as soon as they are

2 printed.

3 DONETTA DAVIDSON: Thank you. I think my  
4 antibiotics is having an effect on my mind, so I  
5 apologize.

6 Mr. Wilkey, comment?

7 THOMAS WILKEY: Yes, thank you, Madam Chair.

8 I can't let these two individuals sit at the  
9 table without making at least a personal comment and  
10 then making an observation.

11 I don't consider myself a particularly bright  
12 guy most of the time, but two days after I arrived  
13 at the EAC in June of 2005, a young man by the name  
14 of Edgardo Cortes showed up in my office for an  
15 interview, and the Holy Spirit must have been with  
16 me that day because I think you can see the quality  
17 of the individual that has been working on this  
18 together with Laiza.

19 You know, we have talked -- we've made  
20 reference today about some of the issues that have  
21 come up lately at the EAC. We seem to be in the  
22 news often as of late. You know, having friends  
23 around this nation after being around for as long as  
24 I have, I get a lot of calls saying, How are you  
25 managing to hold up under all of this? And my

1 response is very quick. I have four outstanding  
2 commissioners who support me every day, and I have  
3 an awesome, absolutely awesome group of people that  
4 I am fortunate enough to work with. They are around  
5 this room. They are at this table. They are at  
6 this table. You're going to hear from another one.  
7 They are back in Washington. That is what makes you  
8 come in and do the kind of work you're going to do  
9 even in the face of some of the issues that we're  
10 going through.

11 One of the comments that I would like to make,  
12 and I need your feedback on, is that, you know, I  
13 have a great deal of interest in literacy. If I get  
14 to retire again, it's probably an area I may have  
15 some time to work in. Was this a consideration as  
16 you worked with these groups because I know -- I  
17 didn't get a chance to sit through all of the  
18 meetings -- or is this something that you both feel  
19 we need to work on across-the-board, not just with  
20 the Latino community but with the Asian community,  
21 others? And we know we have within the  
22 English-speaking community a very, very dismal  
23 literacy problem in our country, and I'm looking  
24 forward to having your recommendations in that area  
25 as we move forward. But was that part of the

1 conversation?

2 EDGARDO CORTES: I will admit it was not a big  
3 part of the conversation. Well, there's two things:  
4 No. 1, we did try to make the language and the  
5 translations that we picked the most accessible and  
6 widely-used translations. The other thing that  
7 we're hoping to do with it, as Laiza mentioned  
8 during her presentation, is really standardize some  
9 of the language because we have right now,  
10 particularly with even a term like "ballot," wide  
11 disagreement and different usage across the country,  
12 and so you have the issue of people that, you know,  
13 are living in the northeast, and they pick up and  
14 they move, and they go to California, and they get  
15 this election material that's been translated, and  
16 they don't know what's being presented to them  
17 because the terms are so widely different.

18 So in terms of making it more accessible, we  
19 are hoping to standardize some of those things, some  
20 of the terminology. I think it is something that's  
21 important, and it is something we need to address in  
22 the future, but I don't think it's specific to just  
23 Spanish language. I think you're right. It's  
24 something that's going to be across-the-board in  
25 terms of the materials that we present.

1 Laiza mentioned one of the things with our  
2 American Indian, Alaskan Native working group -- one  
3 of the things that we'll touch on, aside from the  
4 different written languages, are how do you deal  
5 with populations that don't have a written language?

6 And I think that can also be extended into, Well,  
7 how do you deal with populations that can't read  
8 even if there is a written language? How do you  
9 deal with that? So those are issues that we're  
10 looking at. We haven't gotten too far into that  
11 process, but it is something that we're cognizant  
12 of.

13 LAIZA OTERO: And just to enhance, I think  
14 that's why also it's important that we're going to  
15 make it available through the federal Interagency  
16 Working Group on Limited English Proficiency on  
17 webcontent.gov because we'll make it available to  
18 all federal agencies, especially for those in  
19 particular working with social services who deal  
20 with -- and also who deal with populations that have  
21 a low literacy. As soon as we start distributing  
22 and making this available and teaching the language  
23 of elections to people, it will help address some of  
24 those issues.

25 THOMAS WILKEY: Thank you. Thanks, Madam

1 Chair.

2 DONETTA DAVIDSON: It is a normal process to  
3 look to our executive director and our counsel for  
4 comments, and I apologize for not doing that before  
5 I took the vote. But before I go to Commissioner  
6 Rodriguez: Our counsel, Julie Hodgkins, do you have  
7 any comments or questions?

8 JULIE THOMPSON-HODGKINS: Madam Chair, thank  
9 you.

10 I just have a brief comment. You know, I want  
11 to echo the comments of the commissioners and thank  
12 you for your hard work and just to point out that  
13 this is a great example of how EAC can help election  
14 officials. This is a legal requirement for many  
15 election jurisdictions and looking forward to the  
16 2010 census is likely going to be a requirement for  
17 many more, and I think this is a wonderful tool that  
18 those folks can use to get themselves in compliance  
19 with the Voting Rights Act. Thank you.

20 DONETTA DAVIDSON: Commissioner Rodriguez?

21 ROSEMARY RODRIGUEZ: Thank you, Madam Chair.

22 Mr. Wilkey jogged my memory. In my previous  
23 life, I was a member of the National Association of  
24 Latino Elected Officials board, and we were part of

25 the working group for this glossary.

55

1 During the reauthorization of the Voting Rights  
2 Act and amendments in 2006, we learned that those  
3 native Spanish speakers who want to learn to speak  
4 English sometimes have to wait up to six years to  
5 get into a course, an English-language course,  
6 because of waiting lists in the various states. The  
7 range went from six months to six years, and so even  
8 if you want to learn -- if English is not your first  
9 language and you want to learn English, sometimes  
10 you have to wait years and years to do this, so I  
11 really again -- that underscores again the need for  
12 this glossary. Thank you.

13 DONETTA DAVIDSON: Thank you very much.

14 At this time, we're going to take a ten-minute  
15 break, and we'll come back, and we'll have our next  
16 presentation. So we'll set up for that while we're  
17 on break. Thank you very much.

18 (A break was taken.)

19 DONETTA DAVIDSON: I'd like to bring the  
20 meeting back to order. We're going to start our  
21 briefing on the U.S. Election Assistance Commission  
22 Management Guidelines that we have this afternoon.  
23 First, I'd like to introduce everybody at the table

24 and give you a brief synopsis of their ability and  
25 what they've done for the EAC.

56

1 First of all, Brian Hancock. Brian, as you've  
2 heard me say in the past, has over 20 years of  
3 experience with elections in the field of  
4 administration and -- voting system administration  
5 and certification. He has the responsibility for  
6 the EAC's voting system certification program, and  
7 he serves as the lead contact in the Election  
8 Management Guidelines. And some of you may ask why,  
9 but the reason is is the Election Management  
10 Guidelines really is a companion document that  
11 complements the technical nature of the VVSG. This  
12 is a tool that our executive director has always  
13 wanted to be able to do, and now we're moving  
14 forward at the EAC. This tool will help election  
15 officials put procedures into place in their  
16 respective jurisdictions.

17 So the next one I'd like to introduce is,  
18 obviously, Laiza Otero, and you heard the background  
19 information on her. You can see how we use our  
20 staff in so many different areas in the office and  
21 how much responsibility that they have.

22 Next I'd like to introduce Connie Schmidt.

23 Connie served as election commissioner for Johnson  
24 County, Kansas, from 1995 to 2004, retiring in  
25 December of 2004, with 31 years of service to her  
57

1 local government in Kansas.

2 We're close to Johnson County, aren't we,  
3 Connie?

4 CONNIE SCHMIDT: We are.

5 DONETTA DAVIDSON: She also served at The  
6 Election Center professional education program, and  
7 she's a past member of NASED Voting Systems  
8 Standards Board. At the state level, she served as  
9 a member of the Kansas HAVA Implementation  
10 Committee, and also in December of 2004, she  
11 received the honor from the National Association of  
12 Secretaries of State -- the Medallion Award for  
13 outstanding service to American democracy. She's a  
14 current co-manager in the development of the  
15 Election Management Guidelines for the U.S. Election  
16 Assistance Commission.

17 Next is Brit Williams. Brit is professor of  
18 Computer Science/Information Systems at Kennesaw  
19 University, and he has worked in this field, in  
20 computing, since 19-, should I say, -57. He's a  
21 director -- he has been a director of large

22 communication centers and computer networks in  
23 industry, government, and the academic world.

24 One of his primary recent interests since 1986  
25 has been the computer-based voting systems. He was

58

1 a consultant to the FEC during the development of  
2 the 1990 Voting Systems Standards and the 2002  
3 Voting Systems Standards. He's a member of the  
4 NASED Voting Systems Board and chairs the NASED  
5 Voting Systems Board Technical Committee, from their  
6 inception until 2007. He represents NASED on the  
7 Technical Guideline Development Committee, which  
8 works with NIST in developing the next generation,  
9 obviously, of the VVSG.

10 Dr. Williams' certification involvement of  
11 computer-based voting systems for the state of  
12 Georgia has been since 1986. So he's been involved  
13 with the computerization side of elections for a  
14 great number of years.

15 So I'm going to start with opening it up for  
16 comment from Mr. Hancock, and we will proceed.

17 Thank you.

18 BRIAN HANCOCK: Thank you, Madam Chair, and  
19 thank you and welcome to our board of commissioners.

20 I appreciate the opportunity to update you all

21 on our management guidelines program today. I'm  
22 going to give you a little background on our  
23 program, where we've come from. Next, you'll hear  
24 from Dr. Williams and Ms. Schmidt on some of the  
25 details of the current chapters of the volume, and  
59

1 Laiza will complete our presentation by trying to  
2 look forward a little bit and discuss where we might  
3 be going for the remainder of this project.

4 As you noted, Madam Chair, with the adoption  
5 and publication of the Voluntary Voting Systems  
6 Guidelines in 2005, the EAC considered and approved  
7 the development of a set of election management  
8 guidelines to complement the VVSG technical  
9 standards for voting equipment.

10 Prior to this effort, election officials had to  
11 depend on materials developed and shared almost  
12 exclusively at the state and local levels. The need  
13 for national guidelines had long been recognized by  
14 election officials across the country, but it's only  
15 now that a federal agency is able to devote the time  
16 and resources needed for the development and  
17 distribution of such a document.

18 The creation of the Election Management  
19 Guidelines, or EMG for short, is a priority activity

20 under the EAC's national clearinghouse role to  
21 promote the effective administration of elections.  
22 A long-term goal of the EMG is to provide a  
23 compendium of Election Management Guidelines into  
24 one document to assist state and local election  
25 officials to more effectively manage and administer

60

1 elections. The EAC expects the full set of  
2 guidelines to be completed by the end of 2008.

3 Because of the urgency for resources to assist  
4 election officials, the Election Management  
5 Guidelines has been divided into subject matter  
6 modules so that chapters on particular topics to be  
7 completed on a priority basis and be distributed to  
8 the election community as soon as they are  
9 completed.

10 In addition, the project team has developed  
11 what have come to be known as "Quick Start Guides"  
12 for each of the major chapters of this document.  
13 These guidelines are pamphlets that distill the  
14 crucial information and concepts from the full  
15 document into an easy-to-use format. Copies of  
16 these, in fact, are on the table outside this room  
17 for anybody that has not received a copy, but they  
18 are sent to our mailing list of over 6,000 state and

19 local election officials throughout the United  
20 States.

21 In addition, the guidelines themselves will be  
22 discussed in great detail over the next several days  
23 at The Election Center meeting to be held right here  
24 in Kansas City at this hotel. In fact, just today,  
25 I received copies of the Election Management

61

1 Guidelines document from our printer. It is ready  
2 to go. Here it is. We will also be mailing this  
3 out to our list of 6,000 election officials  
4 throughout the country. Obviously, anybody else who  
5 wants it, we will put it on our website as well as  
6 all of our other material that EAC produces.

7 Let me finish by saying over the last 18 months  
8 or so, the EAC has had the privilege of working with  
9 our project co-leaders, Connie Schmidt and Brit  
10 Williams, to make this document a reality. In  
11 addition, we would not have gotten where we are now  
12 without the excellent day-to-day assistance of Laiza  
13 Otero on our staff here.

14 The real authors of this document, however, are  
15 the election officials who have educated and  
16 assisted us by providing information about  
17 innovative and successful election management

18 practices. This group includes at least eleven  
19 state-level election officials, over thirty-five  
20 local election officials from nineteen different  
21 states, representatives from NASS, NASED, IACREOT,  
22 The Election Center, and the EAC Standards Board and  
23 Board of Advisors. Without the contributions of  
24 these individuals, the management guidelines could  
25 not have been produced.

62

1 Madam Chair?

2 DONETTA DAVIDSON: Next, who would like to go,  
3 Connie or Brit?

4 CONNIE SCHMIDT: Brit.

5 DONETTA DAVIDSON: To be honest with you, it  
6 was organized that way.

7 Dr. Williams?

8 BRIT WILLIAMS: Thank you.

9 Thank you for the opportunity to participate in  
10 this Election Management Guidelines project. As  
11 Madam Chairman has said, I've been involved with  
12 elections since 1986. During that time, we  
13 participated in the development of every single copy  
14 of the Voting System Standards that has been  
15 produced, but this Election Management Guidelines  
16 project is by far the most exciting and far-reaching

17 project that I've been involved with.

18 For the first time, we're developing a  
19 comprehensive assistance tool for grassroots  
20 election officials, and to date we've developed  
21 three chapters of those guidelines, and I'm going to  
22 be talking about Chapter 2, which is titled "Systems  
23 Security." Overall security of a computer-based  
24 voting system is achieved by the combination of four  
25 factors that have to work in concert with each

63

1 other.

2 The first is the software itself. The software  
3 has got to be adequate to do the job at hand, and  
4 that is to be able to define an election, to format  
5 ballots, to gather votes and tally votes and to  
6 maintain audit trails.

7 The second is the use of well-defined and  
8 strictly enforced policies and procedures to control  
9 access to the voting systems to circumstances under  
10 which users can access the systems and the functions  
11 that they are permitted to perform.

12 The third is the use of physical security and  
13 access laws, and that's primarily the subject of  
14 Chapter 3 that Connie will be talking about.

15 The fourth is the using of what we call

16 "two-person accountability and control," and that  
17 simply means that you try to avoid any situation  
18 where one person is in the room alone doing  
19 something by themselves just for reasons of  
20 accountability and audit.

21 For these four factors, there's no one size  
22 fits all. What might be appropriate for a large  
23 elections office with a large staff might be  
24 entirely inappropriate for a small office with two  
25 or three staff, so one of the challenges we face is

64

1 to try to develop these guidelines in such a way  
2 that you can cut and fit and make them appropriate,  
3 just extract material that is appropriate to your  
4 specific operation.

5 Chapter 2 on system security contains  
6 recommendations for software security policies and  
7 procedures and password maintenance. The first step  
8 in voting system security is to ensure that you've  
9 installed the correct version of software. That is  
10 that what you've installed is, in fact, a system  
11 that was certified by the EAC, and then, thereafter,  
12 you have to have a mechanism that allows you to  
13 constantly monitor the software for evidence of  
14 accidental or fraudulent modification.

15 In the software security section, there's  
16 guidelines for installing a voting system in a  
17 manner that will ensure that the system installed is  
18 identical to the EAC certified system, and there's  
19 also a method for using the NIST, the National  
20 Secure Reference Library, to periodically and  
21 randomly verify the system has not been altered.  
22 This system provides guidelines for the transmission  
23 of unofficial results over telephone circuits in the  
24 use of voting systems audits.

25 I might say about the requirement to constantly

65

1 monitor your system, that there's a lot of publicity  
2 and media attention to election fraud, but the truth  
3 of the matter is that election fraud is usually not  
4 what modifies the voting system. It's usually an  
5 act of nature or an accident, but still, you need to  
6 constantly check. If lightning strikes a tree  
7 outside and your system goes down and you bring it  
8 back up, is it okay? You need a quick, easy method  
9 of confirming that your system hadn't been altered.

10 Over time, especially during the preparation  
11 and execution of an election, there are many people  
12 who have access to a voting system. These include  
13 your office staff, vendor personnel, voters. The

14 policy and procedures section stresses the  
15 importance of having well-defined and strictly  
16 enforced policies and procedures for every person  
17 that has access to the voting system. It also gives  
18 some cautions about who should never have access to  
19 the voting system.

20 Effective use of passwords is essential to the  
21 overall security of the voting system. Passwords  
22 are the primary tool that you can use to restrict a  
23 person's access to the voting system to only those  
24 portions that they are required to have access to in  
25 order for them to meet their job responsibilities.

66

1 Passwords are also used to restrict  
2 unauthorized access to a voting system. The  
3 password maintenance section recommends that either  
4 the chief election officer or a senior member of the  
5 staff be designated as the password administrator,  
6 and the duties and responsibilities for the password  
7 administrators are defined. Guidelines are  
8 presented for issuing passwords, maintaining a  
9 master list of passwords, re-issuing passwords on a  
10 continuing basis and monitoring password usage.

11 Madam Chairman, in closing I would like to go  
12 back to your welcoming remarks when you complimented

13 your staff on their dedication and hard work. I'd  
14 like to add my amen to that. Over the course of  
15 this project, we have worked with Tom Wilkey, Brian  
16 Hancock and Laiza Otero, and these individuals are  
17 truly outstanding. Thank you.

18 DONETTA DAVIDSON: Thank you very much.

19 Ms. Schmidt?

20 CONNIE SCHMIDT: Thank you very much for the  
21 opportunity to be here today and sharing what I  
22 think -- the official unveiling of this marvelous  
23 document, the beginning of the nation's first  
24 Election Management Guidelines. Again, it's a  
25 project very near and dear to my heart as an

67

1 election administrator who began work without a tool  
2 such as this, so it's very needed. It's been my  
3 privilege to have the opportunity to work as a  
4 member of this dynamic team of people charged with  
5 creating these guidelines, and that, of course,  
6 includes Brit Williams, Brian Hancock, and Laiza  
7 Otero and Dr. Williams.

8 It's also been so exciting to work with this  
9 team of people, election administrators, from all  
10 across the country at the local and the state level  
11 to join together to build something that works for

12 all of us, which is a first for all of them as well,  
13 and I think it's a project that's going to be shared  
14 by one and all of those individuals, and it's been  
15 developed with their input and their feedback, and  
16 it ranges from the smallest jurisdictions to the  
17 largest jurisdictions, which is also a key element  
18 to how we went about developing the guidelines.

19 The overall content is written in a generic  
20 fashion because we truly realized over and over and  
21 over again when we work side by side with other  
22 election officials from different states, one size  
23 does not fit all, and it just -- it keeps coming  
24 back to us constantly. The intent is to provide  
25 recommendations to them as they evaluate their

68

1 existing procedures and maybe again to develop brand  
2 new procedures at the state and at the local level.

3 Chapter 3 is the one I'm going to talk about,  
4 and it addresses the topic called "physical  
5 security," and that includes a lot of things. It's  
6 procedures, policies, everything relating to  
7 equipment and all of the peripheral pieces and parts  
8 that can prevent tampering, vandalism and theft. It  
9 covers steps to follow when beginning -- how do you  
10 do an overall security review of your operations?

11 We tried to provide some guidelines there, including  
12 reviewing how the equipment is stored and how you're  
13 doing inventory control and how you manage the  
14 people that are accessing all of these pieces and  
15 parts of equipment. We provided some  
16 recommendations on how to handle the human access to  
17 the voting system, including separation of duties;  
18 two-person integrity, as Dr. Williams noted,  
19 background checks, all those kinds of things that  
20 can help assure us of security of our systems. It  
21 covers protection and security of paper ballots, all  
22 the voting equipment, and again, all of those  
23 peripheral devices that go with managing the voting  
24 system.

25 The topics are covered from the very beginning,

69

1 from the point the equipment is first delivered at  
2 an election office to managing the storage of it  
3 through transporting and delivering it out to  
4 polling places and early voting facilities, to  
5 managing security within each of the polling places  
6 on election day, and it also includes some things to  
7 remember when we're training poll workers on how to  
8 manage security, to closing up the polls and  
9 actually tabulating and transmitting the votes and

10 then getting everything back into the storage  
11 warehouses and securing it during the post-election  
12 lockdown phase.

13 Each section within that Chapter 3 -- the part  
14 I tend to like the best is we have a set of review  
15 questions that election officials can kind of start  
16 asking themselves regarding their own security  
17 procedures, so it's kind of like, do you have a  
18 procedure to do this? These questions are posed  
19 again in an effort to get people thinking, to  
20 trigger a thought process so they can start thinking  
21 about how they are doing it individually within  
22 their own jurisdiction or within their state.

23 Again, throughout the chapter, we urged the  
24 reader to think about their own procedures and  
25 policies, to begin to analyze them, to think about

70

1 adding to them, to think about updating them, and we  
2 hope that the readers are encouraged to use that  
3 chapter as a guidebook to go to, kind of a reference  
4 tool that they know is there to help them.

5 In closing on my remarks, I think the release  
6 of these chapters truly is a first step of something  
7 that's going to evolve into a dynamic reference tool  
8 to be used by election officials across the country.

9 We hope voters can begin to understand the election  
10 process better. Candidates, the media can  
11 understand our business of elections better by  
12 having access to a reference guidebook about  
13 elections written by election administrators, and we  
14 know it will be a continuing, evolving book, so it  
15 will always be there, and something that we will  
16 always be actively, I hope, seeking input from  
17 election administrators across the country to  
18 continue to improve the process.

19 Thank you.

20 DONETTA DAVIDSON: Thank you very much.

21 Ms. Otero, we've heard about chapters being  
22 done right now. I think your presentation is to  
23 tell us the future.

24 LAIZA OTERO: Yes.

25 Madam Chair and commissioners, thank you again

71

1 for allowing me to present today, especially with  
2 this project. It's truly an enjoyment and in  
3 particular working with these three amazing  
4 individuals to my left, who I consider just  
5 invaluable election resources, living, breathing  
6 resources. Each one of them has truly -- brings so  
7 much to the table, especially seeing them in the

8 focus groups and how they bring out the best in  
9 election officials with the lessons learned and best  
10 practices. I'm truly privileged to work with each  
11 one of them.

12 In 2007, the Election Management Guidelines  
13 staff will be working on developing the next  
14 chapters of the EMG, and there will be seven, and  
15 also the next five Quick Start Management Guides.  
16 Topics for this year's chapters include  
17 military/overseas voting, vote by mail/absentee  
18 voting as part of one chapter, contingency/disaster  
19 planning, ballot designs, developing an audit trail  
20 and acceptance, pre-election and parallel testing,  
21 and lastly polling place/vote center management.  
22 The next series of Quick Starts will cover  
23 certification, developing an audit trail, public  
24 relations, contingency/disaster planning and change  
25 of management.

72

1 The EMG staff expects Quick Starts to have been  
2 developed and distributed by September 1st, 2007.  
3 The EMG chapters will have been drafted by early  
4 December, and the EAC staff will work hard to  
5 distribute those chapters to election officials in  
6 time for the 2008 election. That is our goal.

7 In addition to these topics, EAC staff will  
8 work with the EAC's language accessibility program,  
9 as I mentioned in the previous presentation, to  
10 develop a chapter and a Quick Start on language  
11 accessibility, including a section to nonwritten  
12 languages. This chapter and Quick Start are in  
13 queue for early next year.

14 EMG staff will work with state and local  
15 election officials in small, informal working groups  
16 to develop this year's chapters in Quick Starts.  
17 This format has greatly facilitated the development  
18 of EMG materials by allowing the exchange of  
19 election practices across jurisdictions to  
20 incorporate the best practices and lessons learned  
21 into the final EMG products.

22 We have already conducted meetings on polling  
23 place/vote center management, vote by mail/absentee  
24 voting and contingency/disaster planning. The next  
25 round of meetings will be conducted in July, and in

73

1 addition to state and local election officials, the  
2 program staff will closely work with the EAC  
3 research department to incorporate information  
4 gathered through its current collections of  
5 information regarding uniformed and overseas voters,

6 absentee/vote by mail practices, alternative voting  
7 methods and the ballot design. This collaboration  
8 will supplement and enhance the information gathered  
9 directly from election officials through the focus  
10 groups and provide a method for highlighting  
11 research information in an easy to use format.

12 During the next few days, as was mentioned  
13 before, the EMG staff will be presenting here at The  
14 Election Center. They will be providing a more  
15 in-depth look into the early chapters of the  
16 management guidelines that Mr. Hancock has  
17 illustrated, and we will be presenting on ballot  
18 design testing and pre-election testing, developing  
19 an audit trail and the certification chapters,  
20 systems security and physical security. We're  
21 particularly excited about this meeting as it marks  
22 the initial phase of distribution of the EMG binder  
23 to election officials. We can't wait for everybody  
24 to have a copy of this as it continues to grow and  
25 expand throughout the years.

74

1 In the next couple of weeks, copies of this  
2 binder will be mailed to all state and local  
3 election officials, and we'll make this available  
4 upon request by calling our office or also by

5 submitting information through our website, and the  
6 electronic version of the document will be posted,  
7 again, just to make sure, the website is at  
8 [www.eac.gov](http://www.eac.gov).

9 So thank you once again, and we'll gladly  
10 answer any questions that you have about this  
11 project.

12 DONETTA DAVIDSON: Mr. Hancock?

13 BRIAN HANCOCK: Madam Chair, before we take  
14 questions, I wanted to add a little bit more  
15 information on the material especially for the  
16 public here.

17 As far as the background of the commission's  
18 review of this, I think that's very important  
19 given -- in light of some of the things that have  
20 happened recently. This full document the  
21 commission did approve by tally vote at the very end  
22 of last year. We just had the resources to print it  
23 this year. That's why it's coming out at this  
24 point. At the beginning of every year, the staff  
25 does brief the commissioners and ask for their input

75

1 on the course of this project, the suggested  
2 chapters that we will be working on during the  
3 course of that year and ask commissioners for

4 approval or other suggestions. Also this document,  
5 the full document, is reviewed by the EAC's  
6 standards board and board of advisors before it goes  
7 to the commission for approval so just by way of  
8 background, Madam Chair.

9 DONETTA DAVIDSON: Thank you.

10 To clarify, the reason why it was done in  
11 December and not being printed until now, we were  
12 under a continuing resolution underneath our agency  
13 and the whole budget through Congress; so,  
14 obviously, once we get money, then we're able to  
15 move, but you never know what it's going to be until  
16 it's actually done and run through the whole process  
17 and signed.

18 So I do want to thank each and every one of you  
19 for your presentation, and I do want to thank you  
20 for being willing to be here tomorrow to do  
21 presentations; and at The Election Center, I think  
22 people will find it very beneficial as we move  
23 forward in taking the best of what is being done in  
24 my view throughout the country and sharing it with  
25 everybody. That, I think, is one of the purposes in

76

1 how we feel that -- we want to work together in  
2 trying to bring our election community together.

3 Obviously, we all understand that one size  
4 doesn't fit all, and we need the input of our  
5 election officials, and I do want to thank those  
6 that have been a part of that process in the past,  
7 and that will be part of the process in the future.

8 So now I'd like to open it up to questions.  
9 And since I started out on this side, we'll start  
10 with this side this time.

11 Commissioner Hunter?

12 CAROLINE HUNTER: A question about physical  
13 security. Do you anticipate in most jurisdictions  
14 that regular existing poll workers will be able to  
15 do a lot of the things that you talked about,  
16 Ms. Schmidt, or do you think jurisdictions will have  
17 to hire additional staff to help with the physical  
18 security of moving machines from one place to  
19 another and securing them at the end of election  
20 day?

21 CONNIE SCHMIDT: Again, the chapter does not  
22 give specific procedures on how each jurisdiction  
23 should manage that. We speak in generic terms in  
24 which the equipment needs to be sealed during  
25 transport, and there needs to be procedures in place

1 to assure that the seals are intact and poll

2 workers -- the existing poll workers are quite  
3 capable of doing that through proper training and  
4 proper tools and checklists available to them.

5 CAROLINE HUNTER: Thank you.

6 DONETTA DAVIDSON: Any other questions?

7 Commissioner Rodriguez?

8 ROSEMARY RODRIGUEZ: Thank you, Madam Chair.

9 Just a reflection, if I may.

10 The election community, in one of the most  
11 wonderful things about it, has always learned  
12 from -- we always had to learn from each other. In  
13 1997, Commissioner Davidson, as head chairman,  
14 loaned the City of Denver machinery because we were  
15 thinking about buying it.

16 In '98, we bought it, and I sent the staff of  
17 the election commission to Johnson County, Kansas,  
18 to see you run through an election and learn how to  
19 operate the equipment from an operational  
20 perspective, so this is a formal continuation of  
21 that kind of learning, and to me it's very exciting  
22 because the real experts in the world are the people  
23 you're working with, are the election officials, and  
24 to the extent we can share from their -- benefit  
25 from their experiences is going to be very

1 important. Thank you.

2 DONETTA DAVIDSON: And now I turn it to our  
3 executive director, Mr. Wilkey.

4 THOMAS WILKEY: Thank you, Madam Chair.

5 First of all, Dr. Williams, I wouldn't worry  
6 about any reference to the time that you started  
7 working in this business because as you know, I'm  
8 often asked whether I certified F.D.R.'s election as  
9 the governor of New York, so we've all been around a  
10 long time.

11 BRIT WILLIAMS: I was happy to hear that you're  
12 going to include the age in there.

13 THOMAS WILKEY: Absolutely.

14 You know, first a fast comment. We have a  
15 number of contractors that work with us. You know,  
16 it's been the subject of some of our discussion  
17 today. We will continue to have more in the future,  
18 but it is rare when you have individuals who go  
19 above and beyond what you have contractually asked  
20 them to do, and I need to tell you that these two  
21 individuals are a prime example of that. They have  
22 gone above and beyond what we've asked them to do.

23 The development of those Quick Start Guides,  
24 which have been so well received in the election  
25 community, are really a labor of love on behalf of

1 these people. They were not asked to do it. It was  
2 not part of their contract. But yet, they took the  
3 time to spend and help us develop those, and we're  
4 very grateful for that. We can't have a finer team  
5 working on that in terms of background and  
6 experience in this area.

7 I do, however, want to pick your brain just a  
8 bit. If you could -- what I worry most, and as the  
9 chair indicated -- you know, I started screaming  
10 about this in 1990. 17 years is, you know, a long  
11 time to wait for something like this, so this is  
12 very special to me, so I want it to be utilized, and  
13 I want it to be accepted out there.

14 One of the things I worry most is that while we  
15 will have a lot of people that will take it and  
16 absorb it, whatever we put out the door, we will  
17 have a certain segment who will kind of look at it  
18 and say, Well, this is the federal government. Do  
19 we really care what the federal government is doing?  
20 And maybe, you know, for somebody who's been around  
21 so long, it is hurtful because after every election,  
22 we see all these problems that happen. And when you  
23 scratch the surface of all the headlines, they are  
24 things that are going to be addressed in this very  
25 document.

1 How do we sell this? How do we get this  
2 message out there? How do we make them understand  
3 that just a quick look and -- how up-to-date this  
4 stuff is going to be so it's helpful in the work  
5 that they are doing?

6 DONETTA DAVIDSON: Mr. Hancock?

7 BRIAN HANCOCK: I'll start.

8 I'm sure the rest of the panelists can chime  
9 in, but I agree with you, and certainly that was a  
10 concern of all of us when we started this project,  
11 and I must admit probably during the first maybe six  
12 or eight months that we were working on this  
13 project, we were concerned because we did have, you  
14 know -- there was a lot of silence out there about  
15 the project, but I think over the past six months,  
16 we've been heartened considerably by the acceptance  
17 of the Quick Start Guides.

18 Every election official that I've talked to has  
19 appreciated those products and many have actually  
20 used those products, so I think we are now starting  
21 to have a lot of local and state election officials  
22 see that this is, in fact -- even though we are the  
23 federal government, it is a useful product, and, in  
24 fact, the product comes from them essentially. It  
25 is essentially, although we use this term loosely, a

1 "best practices compilation," looking at what their  
2 own fellow election officials have done, so I think  
3 that goes a long way to making this a useful and  
4 acceptable product for those folks.

5 THOMAS WILKEY: Thank you.

6 DONETTA DAVIDSON: Anybody else who would like  
7 to add to that?

8 Ms. Schmidt?

9 CONNIE SCHMIDT: I think a lot is gained by  
10 being able to be face-to-face and discuss it. I'm  
11 excited about the sessions this week to be able to  
12 talk to people about the guidelines, to bring it  
13 down to their level, to encourage people to join  
14 with us as we continue to develop them.

15 The focus group meetings that we've had, the  
16 elections people who have joined with us, as Laiza  
17 has said, the synergy that happens when we're all  
18 together talking about a mutual need or a mutual  
19 concern or a mutual issue is incredible, and I think  
20 those who have participated would agree with me that  
21 when they walked away, they went with a whole bunch  
22 of ideas that they took home to start implementing.  
23 So we need to find a way to connect, to get down  
24 there where people really understand the intent of

25 that book and how they should be using it.

82

1 I'd also like to say that I hope election  
2 officials, when they get the book, that they begin  
3 immediately to go to the copy machine and make  
4 copies of it and put a set on each employee's desk  
5 because if we can empower the people that work for  
6 us to help us review procedures that they all do, we  
7 can begin from the bottom up to bring people  
8 together and to get everybody on the same page. I  
9 feel very strongly about finding a way to make it a  
10 live document for everyone.

11 DONETTA DAVIDSON: Dr. Williams?

12 BRIT WILLIAMS: A famous southern politician is  
13 quoted as saying that you have to get the milk down  
14 where the cats can get to it, and that's the biggest  
15 problem we face, and we talk about it constantly.  
16 How are we sure that we're getting this to the  
17 people that need it the most? As Brian indicated,  
18 we're seeing some real positive signs.

19 When we started out the first few focus groups,  
20 we kind of had a party and nobody came. The last  
21 two or three, the participation has been  
22 outstanding, so I think the election officials now  
23 are beginning to realize that this is not an EAC

24 show. This is not a Brit and Connie show. What  
25 we're doing is we're acting as a facilitator to put  
83

1 together information about what they are doing, what  
2 their neighbors are doing, and what they can be  
3 doing, so we're real pleased with the progress we're  
4 beginning to see right now. We just have to not  
5 relax.

6 DONETTA DAVIDSON: In my words, I would say,  
7 you know, the most power that we have is word of  
8 mouth and, obviously, having this meeting with The  
9 Election Center and the people that are attending  
10 it, they go home and communicate this information to  
11 the other election officials that cannot attend  
12 these meetings, obviously, because of either  
13 staffing problems or financial problems that are not  
14 able to attend. I think the more we can get out and  
15 talk about the positiveness also in what you're  
16 doing tomorrow, I think, will go a long ways.

17 Back to Mr. Wilkey.

18 THOMAS WILKEY: Just one further thing. Again,  
19 I can't thank you enough. This has been a dream of  
20 mine for so long that I can't tell you how much it  
21 means to me personally and professionally, and if  
22 it's one thing that I realize in being around this

23 commission, I feel that it'll be well -- it'll be  
24 something I'm very, very proud of.

25 Madam Chair, I know we don't usually introduce

84

1 people from the audience, but there is someone who  
2 has just joined us a little bit ago that I think  
3 it's most appropriate to introduce, one of the  
4 premier election administrators in this country who  
5 happens to be the election administrator here in  
6 Kansas City, our good friend Sharon Turner-Buie.

7 Sharon, if you would just stand up, and I thank  
8 you for being here, and it's always good to be with  
9 you. I wanted the commissioners to note that you  
10 were here.

11 She's also a member of the Technical Guidelines  
12 Development Committee and does a great deal of work  
13 for us on that committee.

14 Thank you, Madam Chair.

15 DONETTA DAVIDSON: In closing, I do appreciate  
16 your, you know, presentations. Each and everybody  
17 that -- oh, I'm sorry. Julie, I left you out.

18 JULIE THOMPSON-HODGKINS: That's all right.

19 DONETTA DAVIDSON: Would you like to make any  
20 comments before I do my closing remarks?

21 JULIE THOMPSON-HODGKINS: Actually, Madam

22 Chair, I usually don't ask that many questions, but  
23 I did have one.  
24 You know, just listening to your presentation,  
25 it seems like this is one of the areas in which many

85

1 of the pieces of work that EAC is doing is going to  
2 come together.

3 Mr. Hancock, I was going to ask to you to  
4 comment on how some of this work will build upon the  
5 research projects that we have ongoing right now on  
6 ballot design and on military/overseas voting.

7 BRIAN HANCOCK: Yes, thank you.

8 You are correct. We do have a number of  
9 projects going on that do sort of mesh together with  
10 this very carefully, and we have -- and we are in  
11 constant contact with our director of research who  
12 manages those projects to make sure that we  
13 coordinate the efforts of both projects to make sure  
14 that we are, in fact, speaking with one voice and  
15 telling election officials across the country the  
16 same thing, so those projects will be meshed  
17 together certainly to the greatest degree possible.

18 DONETTA DAVIDSON: Okay. Now I apologize.

19 In closing, again, I want to thank you for your  
20 presentation. I want to thank you for being here

21 tomorrow and giving a light, you know, that I really  
22 think is shining very bright in what we're doing for  
23 the election community, and I also want to say  
24 congratulations to our new commissioners, that this  
25 is your first meeting, and definitely I've enjoyed

86

1 working with you in the last few weeks, and I look  
2 forward to the future in serving with you on this  
3 commission.

4 The other thing is I'd like to say  
5 congratulations to Commissioner Rodriguez as the  
6 vice chair, so we're moving forward at the EAC, and  
7 I appreciate everybody that has been here in our  
8 audience, and I would like to ask for a motion to  
9 adjourn.

10 CAROLINE HUNTER: So moved.

11 ROSEMARY RODRIGUEZ: Second.

12 DONETTA DAVIDSON: All those in favor say  
13 "aye."

14 ROSEMARY RODRIGUEZ: Aye.

15 CAROLINE HUNTER: Aye.

16 DONETTA DAVIDSON: So the will is done. Thank  
17 you so much, everybody.

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1           REPORTER'S CERTIFICATE

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3       I, KRISTIN LISKA, CSR 1354, CCR NO. 1158, a  
4 Certified Shorthand Reporter/Certified Court  
5 Reporter, certify;

6       That the foregoing proceedings were taken  
7 before me at the time and place therein set forth,  
8 at which time the witness was put under oath by me;

9       That the testimony of the witness, the  
10 questions propounded, and all objections and  
11 statements made at the time of the examination were  
12 recorded stenographically by me and were thereafter  
13 transcribed;

14       That the foregoing is a true and correct  
15 transcript of my shorthand notes so taken.

16       I further certify that I am not a relative or  
17 employee of any attorney of the parties, nor  
18 financially interested in the action.

19 I declare under penalty of perjury under the  
20 laws of Kansas and Missouri that the foregoing is  
21 true and correct.

22 Dated this 3rd day of May, 2007.

23

24

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KRISTIN LISKA, CSR/CCR

25