

Minutes of the Public Meeting

United States Election Assistance Commission

Held at
1225 New York Avenue, NW
Suite 150
Washington, DC 20005

On Wednesday, February 4, 2009

VERBATIM TRANSCRIPT

The following is the verbatim transcript of the Public Meeting of the United States Election Assistance Commission (EAC) held on Wednesday, February 4, 2009. The meeting convened at 10 a.m., EDT. The meeting was adjourned at 10:54 a.m., EDT.

PUBLIC MEETING

CHAIR RODRIGUEZ:

Good morning. Welcome to the February 4, 2009, meeting of the Election Assistance Commission, the public meeting. Please join me in the Pledge of Allegiance.

[Chair Rosemary Rodriguez led all present in the recitation of the Pledge of Allegiance.]

CHAIR RODRIGUEZ:

Thank you. Mr. General Counsel, roll call please.

GENERAL COUNSEL GILMOUR:

Yes. Would each Commissioner please respond, verbally, when I call your name?

Commissioner Gineen Beach.

COMMISSIONER BEACH:

Present.

GENERAL COUNSEL GILMOUR:

Commissioner Gracia Hillman.

COMMISSIONER HILLMAN:

Here.

GENERAL COUNSEL GILMOUR:

Commissioner Donetta Davidson.

COMMISSIONER DAVIDSON:

Here.

GENERAL COUNSEL GILMOUR:

Commissioner Rosemary Rodriguez.

CHAIR RODRIGUEZ:

Here.

GENERAL COUNSEL GILMOUR:

All four members of the Commission are present.

CHAIR RODRIGUEZ:

Okay, very good.

By way of a welcome, I will just say that it's an honor to preside over -- to introduce the meeting where we change our leaders for 2009. It's, obviously, an annual occurrence, and, I think, last month, I talked about what an honor it was to be the Chair of the Election Assistance Commission in 2008. And, I have no regrets about passing on the gavel, because it is a big job, one which I was honored to fulfill, and now, which I am pleased to pass on to Commissioner Beach. I apologize, because I have a cold.

And so, now we go to the installation of our new officers.

COMMISSIONER BEACH:

The Congressman is not here yet.

CHAIR RODRIGUEZ:

Is there a motion to adopt the agenda?

COMMISSIONER DAVIDSON:

So move that we adopt the agenda.

CHAIR RODRIGUEZ:

Is there a second?

COMMISSIONER HILLMAN:

Second.

CHAIR RODRIGUEZ:

All those in favor of adopting today's agenda, indicate by saying aye. Any opposed?

[The motion carried unanimously.]

CHAIR RODRIGUEZ:

All right, then, we are expecting Congressman Vernon Ehlers to install our new Chair, and he's yet to arrive. So, I'll ask Mr. Wilkey to give his report.

MR. WILKEY:

Thank you, Madam Chair. We certainly want to welcome everyone to this meeting on this snowy day in Washington, D.C. It's already been a busy new year for EAC and the election community.

Today, I have news to report for the EAC Testing and Certification Program, as well as updates in HAVA funding, research and other areas.

We recently issued an initial certification for the MicroVote EMS 4.0 voting system. In a few minutes, we'll hear more about what this means from Brian Hancock, the Director of our certification program.

We also, recently held a meeting to discuss the Unified Testing Initiative, an effort to remove duplicative testing on the state and federal level. Mr. Hancock will also discuss this.

In other testing and certification news, Avante International Technology has submitted their first system for testing, under the EAC's program. The system will be tested at Wyle Labs. SysTest submitted version 10.0 of the ES&S Unity 4.0 voting system test plan. We also approved the test report for the MicroVote EMS 4.0, and approved Unisyn's request to terminate their application for the EMS 3.0. We received the ES&S Unity 4.0 voting system test plan, and also posted draft test plans for Sequoia, Premier Assure and Dominion systems. And, lastly, we issued a decision on Ballot Marking Device/Scope of Testing, and posted correspondence between EAC and iBeta test lab on the reuse of prior testing.

In our Lab Accreditation Program, we approved a SysTest remedial action plan, and reported on the expiration of InfoGuard's lab accreditation.

All of these materials are posted in the "Voting System" section of our Web site, at eac.gov.

Under HAVA Funding, we've distributed fiscal year 2008 Requirements Payments to 10 states, so far. Colorado received \$1.7 million, Georgia \$3.2 million, Idaho \$575,000, Iowa \$1.2 million, Minnesota \$575,000, Montana \$575,000, North Dakota \$575,000, Oregon \$1.4 million, Pennsylvania \$4.9 million, and South Dakota \$575,000. There is still \$98.5 million which is left to be disbursed.

Under Commission Tally Votes, we held nine tally votes since our last public meeting. The Commissioners

voted to post a Proposed Working Group Policy for Notice and Public Comment; approve the appointment of a candidate to the post of EAC General Counsel; appoint Gineen Beach as Chair, and Gracia Hillman as Vice-Chair, for 2009; approve updates to the Minnesota State Instructions on the National Voter Registration form; approve and file the FACA Charter for the EAC Board of Advisors; adopt the Executive Order Regarding Across the Board Pay Increase to Government Employees; close the portion of the January 15, 2009, Commission meeting at which the EAC shall discuss the appointment of a General Counsel; and, close the February 2, 2009, meeting at which the EAC will discuss the appointment of a General Counsel.

Under Election Administration Resources and Research, we recently mailed copies of the 11 Election Management Guideline chapters to 5,200 officials. These chapters include, practical and comprehensive information about a variety of key election administration issues, including pre-election testing, absentee voting, vote-by-mail, and contingency planning. If you did not receive a copy, but would like one, please contact Karen Lynn-Dyson at (202)-566-3100, or through our HAVA info box. Members of our research team will also be speaking this month, at meetings hosted by the National Association of State Election Directors, the National Association of Secretary of States, and the Election Center, to discuss the progress of the 2008 Election Day Survey, and other EAC research.

Under EAC Operations, we are still seeking candidates for two positions within the agency; a supervisory grants management specialist, and a chief financial officer. We encourage all interested candidates to apply before the deadline of February 6. Additional information about these positions is available on our Web site or at usajobs.gov. In other news, the Office of the Inspector General recently issued its semi-annual report to Congress; it's posted on our Web site, under "Inspector General."

Under Policies and Procedures, the comment period for Commissioner Davidson's Maintenance of Effort policy has closed, and comments can be viewed in our Web site. We are currently accepting comments on various policies and proposals, including a proposed Working Group Policy submitted by Commissioner Hillman, a Maintenance of Effort Funding Policy, originally submitted by former Commissioner Hunter and resubmitted by Chair Rodriguez, regulations implementing the Common Rule, and regulations concerning nondiscrimination on the basis of age, race, color or national origin.

And, Madam Chair, that is my report.

CHAIR RODRIGUEZ:

Thank you very much, Mr. Wilkey. And now, we'll turn to the installation of our new officers, beginning with our new Chair, now Commissioner Beach.

Commissioner Beach has invited United States Representative Vernon J. Ehlers of Grand Rapids, Michigan,

to give the oath. Mr. Ehlers was first elected to the 103rd Congress in a special election on December 7, 1993. On January 6, 2009, he was sworn in to serve his eighth full term in the House. Representative Ehlers joined Congress following a distinguished tenure of service in teaching scientific research and public service. He has served on numerous boards and commissions, and was first elected to the Kent County Michigan Board of Commissioners, followed by the Michigan House and Senate. He was the first research physicist, so that sort of implies there's another one, serving in Congress. Congressman Ehlers has been recognized for his strong work ethic and proven leadership skills in his duties on Capitol Hill. Congressman Ehlers was, previously, on the House Administration Committee which, as we know, is our oversight committee, from 1995 to 2008, serving as ranking Republican and Chairman. During his tenure on the Committee, he was instrumental in the effort to connect the House of Representatives with the Internet, and the creation of the Library of Congress THOMAS Web site, which, we are in, just about every day, which allows anyone to look up legislation being considered by Congress, laws that have been passed, and other information. He was also instrumental in the drafting and the passage of the Help America Vote Act. Most important, he is married to Johanna Meulink, and is the father of four adult children, and the grandfather of four. He and his wife reside in Grand Rapids.

Please join us, Congressman Ehlers, and
Commissioner Beach.

CONGRESSMAN EHLERS:

Let me, first, say what an honor it is to participate in this ceremony. Gineen worked in an office that I was heading, and she was just absolutely outstanding. I hated to lose her to this position, but I recognized that this is something that she could do very well, and I'm sure she will serve extremely well, both as a member and as a Chair. I also -- she has done a very fine job as a Commissioner in the short time she's been here, and I'm sure you'll do very well, as Chair.

I also wanted everyone to know that I'm very nervous about this, and so, I went and got personal coaching from Chief Justice Roberts, after the experience of the Vice-President -- swearing in the cabinet, yesterday, I thought I should consult with him, too. So, I hope we'll make it through okay.

Gineen, please put your hand on the Bible, and please, repeat after me, I, Gineen Bresso Beach...

COMMISSIONER BEACH:

I, Gineen Bresso Beach...

CONGRESSMAN EHLERS:

...do solemnly affirm...

COMMISSIONER BEACH:

...do solemnly affirm...

CONGRESSMAN EHLERS:

...that I will support, uphold and defend the Constitution...

COMMISSIONER BEACH:

...that I will support, uphold and defend the Constitution...

CONGRESSMAN EHLERS:

...and the laws of the United States against all enemies,
foreign and domestic;..

COMMISSIONER BEACH:

...and the laws of the United States against all enemies,
foreign and domestic;..

CONGRESSMAN EHLERS:

...that I will bear true faith and allegiance to the same;...

COMMISSIONER BEACH:

...that I will bear true faith and allegiance to the same;...

CONGRESSMAN EHLERS:

...that I take this obligation freely, without any mental
reservation...

COMMISSIONER BEACH:

...that I take this obligation freely, without any mental
reservation...

CONGRESSMAN EHLERS:

...or purpose of evasion...

COMMISSIONER BEACH:

...or purpose of evasion...

CONGRESSMAN EHLERS:

...and that I will fully and faithfully discharge the duties...

COMMISSIONER BEACH:

...and that I will fully and faithfully discharge the duties...

CONGRESSMAN EHLERS:

...of Chair of the United States Election Assistance
Commission...

COMMISSIONER BEACH:

...of Chair of the United States Election Assistance
Commission,...

CONGRESSMAN EHLERS:

...so help me God.

COMMISSIONER BEACH:

...so help me God.

CONGRESSMAN EHLERS:

Congratulations.

COMMISSIONER BEACH:

Thank you.

[Applause]

CHAIR BEACH:

I will be giving my remarks, shortly, after Commissioner Hillman takes her oath of office, but I did want to truly thank you, Congressman Ehlers, for not only, you know, supporting my career, but being here, today, and taking time out of your busy schedule to, you know, do this for me. I know I will certainly miss not seeing you on the House Administration Committee, especially, when we have to go before the Committee to testify. But, you have, truly, been a friend, not only to me, but I know to the Commission, as well, and to all election officials, advocacy groups, stakeholders, et cetera. So, I just wanted to thank you, again.

CONGRESSMAN EHLERS:

Well, I'm sure you will do very well. And, in fact, the Committee was so devastated by your departure that I resigned from the Committee...

CHAIR BEACH:

Wow.

CONGRESSMAN EHLERS:

...and I left them to flounder on their own.

[Laughter]

CONGRESSMAN EHLERS:

Congratulations, again.

CHAIR BEACH:

Thank you.

CONGRESSMAN EHLERS:

And God bless.

CHAIR BEACH:

Thank you, Congressman.

[Applause]

COMMISSIONER RODRIGUEZ:

With the Chair's permission, I will continue with the installation of our Vice-Chair Gracia Hillman. She's invited Lorraine Miller. We're so honored to have both of you here today. Lorraine C. Miller was sworn in as the 35th Clerk of the House of Representatives on February 15, 2007. The Clerk manages the day-to-day operations -- I don't know how you keep it all straight, I watch C-SPAN all the time and I just marvel -- of the House and oversees nine departments that employ more than 270 people. She is the first African-

American, and third woman, to serve as an officer of the United States House of Representatives. Ms. Miller, previously, served as a Senior Advisor and Director of Intergovernmental Relations to Speaker Nancy Pelosi, and has nearly two decades of experience working for the House. In addition to working for Speaker Pelosi, Ms. Miller has worked for two other Speakers, Jim Wright and Tom Foley, as well as Congressman John Lewis of Georgia. Ms. Miller's extensive government tenure includes work as the Deputy Assistant to the President for Legislative Affairs House during the Clinton Administration. She served as Bureau Chief for Consumer Information at the Federal Communications Commission, after serving four years as the Director of Government Relations for the Federal Trade Commission. A life-long supporter and Golden Heritage Life Member of the National Association for the Advancement of Colored People, Ms. Miller was elected president of the Washington, D.C. branch NAACP in 2004 and elected to the NAACP National Board of Directors in February of 2008. A native of Ft. Worth, Texas, Ms. Miller graduated from North Texas State University with a bachelor's degree in political science, and later earned an executive master's degree from the Georgetown School of Business. She's a member of the historic Shiloh Baptist Church of Washington, where she sings in its senior choir, and a member of Shiloh's Henry C. Gregory Family Life Center Foundation Board of Directors. Welcome, Ms. Miller.

Commissioner Hillman.

MS. MILLER:

We've come full circle, right?

COMMISSIONER HILLMAN:

Indeed.

MS. MILLER:

Ms. Hillman was one of the first Commissioners on the Election Assistance Commission, so, besides knowing you a long time, I won't say how long.

Ms. Hillman, are you prepared to take the oath?

COMMISSIONER HILLMAN:

Indeed.

MS. MILLER:

Please repeat after me, I, and your name...

COMMISSIONER HILLMAN:

I, Gracia Hillman,...

MS. MILLER:

...do solemnly affirm...

COMMISSIONER HILLMAN:

...do solemnly affirm...

MS. MILLER:

...that I will support, uphold and defend the Constitution...

COMMISSIONER HILLMAN:

...that I will support, uphold and defend the Constitution...

MS. MILLER:

...and laws of the United States...

COMMISSIONER HILLMAN:

...and laws of the United States...

MS. MILLER:

...against all enemies, foreign and domestic;...

COMMISSIONER HILLMAN:

...against all enemies, foreign and domestic;...

MS. MILLER:

...that I will bear true faith...

COMMISSIONER HILLMAN:

...that I will bear true faith...

MS. MILLER:

...and allegiance to the same;...

COMMISSIONER HILLMAN:

...and allegiance to the same;...

MS. MILLER:

...that I take this obligation freely...

COMMISSIONER HILLMAN:

...that I take this obligation freely...

MS. MILLER:

...without any mental reservation...

COMMISSIONER HILLMAN:

...without any mental reservation...

MS. MILLER:

...or purpose of evasion;..

COMMISSIONER HILLMAN:

...or purpose of evasion;...

MS. MILLER:

...and that I will fully...

COMMISSIONER HILLMAN:

...and that I will fully...

MS. MILLER:

...and faithfully discharge...

COMMISSIONER HILLMAN:

...and faithfully discharge...

MS. MILLER:

...the duties of Vice Chairman of the United States Election Assistance Commission,...

COMMISSIONER HILLMAN:

...the duties of Vice Chairman of the United States Election Assistance Commission,...

MS. MILLER:

...so help me God.

COMMISSIONER HILLMAN:

...so help me God.

MS. MILLER:

Congratulations.

COMMISSIONER HILLMAN:

Thank you.

[Applause]

VICE-CHAIR HILLMAN:

I want to thank Lorraine, very much, and Congressman Ehlers, for joining us this morning. Lorraine is absolutely right. It was about six years ago, this time, that the conversation started about the U.S. Election Assistance Commission. As everybody knows, this is my sixth and final

year on the Commission. It's a term-limited appointment, so this will be a year of transition, an orderly transition, I can assure you. But I want to thank my colleagues, former and present, and especially the staff. I should say, colleagues former, Paul DeGregorio, thank you for being here and especially the staff. We've come a long way, and it's a very different place now. And, I think the country is well served by all of this.

So, thank you all very much and I look forward to the year.

[Applause]

CHAIR BEACH:

Before I give my statement, I'd like to just thank Commissioner Rodriguez for her leadership. We had a very exciting election cycle. We had a lot, you know, to do and she did it with grace, and style, and perseverance. So, to commemorate her year as Chair, I would like to present her with this...

COMMISSIONER RODRIGUEZ:

Thank you.

CHAIR BEACH:

...gavel.

COMMISSIONER RODRIGUEZ:

Thank you.

CHAIR BEACH:

As I said earlier, I am certainly honored, and it's a privilege to serve as Chair of the Election Assistance Commission for

calendar year 2009. Our work at the EAC is vital to ensuring that Americans can continue to trust the integrity of our election system, and that their voices will be heard on Election Day.

While we had a very successful 2008 election cycle, EAC still has much to do. I view 2009 as the year to analyze data, identify areas of election administration that were successful, and note those that need improvement or additional guidance. One of our primary goals, here, at the EAC, and I believe my colleagues would agree with me, is that this year we must ensure that voting systems are certified under our program, so they are ready for use by states and localities during the next federal election cycle. Our Testing and Certification Division is working very hard, and you will be hearing an update from our director later this morning.

Our clearinghouse is another area where we must continue to improve our efforts, so we may provide real value to our stakeholders. One area where there's, certainly, momentum to deliver solutions, is to UOCAVA voters. There are pilot programs and projects that are in existence, and EAC should be the lead in collecting this information and sharing them with our stakeholders.

Another area where I see EAC can continue to provide assistance, is, at the polls. We need to be looking at accessibility, contingency planning, and the training of poll workers. We must, also, focus on internal initiatives to

improve efficiencies, so that we continue to serve as good stewards of the federal funds we receive.

Given the state of the economy, we recognize that it will be a challenge to accomplish all that we hope to do, given budgetary constraints. Therefore, I encourage my colleagues to utilize cost-efficient practices, such as, forming working groups to provide comments and information on the various policies, guidance and projects we consider this year, including, such things as, Maintenance of Effort and statewide voter registration databases. In recognizing budgetary issues that states and localities will also face this year, EAC must continue to provide election officials with practical, user friendly, and voter-centric deliverables, such as, management guidelines and training materials, especially ideas that could be implemented with minimal cost.

And I appreciate the confidence my fellow Commissioners have in my leadership ability, and I look forward to working with them, EAC staff, and all of our stakeholders, this coming year. Thank you.

Okay, now we'll move back to old business, and we'll have the correction and approval of minutes from the December 8, 2008, meeting.

COMMISSIONER RODRIGUEZ:

I move approval of the minutes.

CHAIR BEACH:

Is there a second?

COMMISSIONER DAVIDSON:

I'll second it.

CHAIR BEACH:

Okay, we'll take a vote. All in favor say aye. Opposed?

[The motion carried unanimously.]

CHAIR BEACH:

The minutes are approved.

Moving on to new business, I would like to...

VICE-CHAIR HILLMAN:

Can we -- I'm sorry, can we go back to the Executive Director's report? He gave the report, but we didn't get a chance to ask questions.

CHAIR BEACH:

Okay, sure.

VICE-CHAIR HILLMAN:

I just had a couple of questions for him.

CHAIR BEACH:

Sure. I'd like to open the floor for questions.

VICE-CHAIR HILLMAN:

Mr. Wilkey, just for clarification, since there are people observing this meeting who may not know what FACA means, it sounds pretty ominous when you were referring to the Board of Advisors, you are referring to the Federal Advisory Committee Act?

MR. WILKEY:

Yes, Commissioner Hillman.

VICE-CHAIR HILLMAN:

And the Board is organized under that Act and provides...

MR. WILKEY:

I didn't want to trip over it, Commissioner, so I just decided to leave it as it was.

VICE-CHAIR HILLMAN:

Right, I'm sure people out there must be saying, "What did he say? He didn't say what it sounds like."

On the voting and testing certification I know that we're going to be hearing from Mr. Hancock, and if he will answer my question, I can certainly wait for that, but in the scheme of what lies ahead for the next two years, in the overall, continuing to roll out the program, what do we assess will be the impact, with respect to voting systems, that are likely to be in use in 2010? In other words, do we have any indication if any of the systems that we will certify in 2009 will, in fact, be purchased and in place for 2010 elections, do you know?

MR. WILKEY:

Commissioner, I think I will allow Mr. Hancock to elaborate a little bit more on his thoughts about it. Certainly, once we have a sufficient number of systems certified, and hopefully, that will be very soon within the coming months, that we'll start to see some movement of jurisdictions that have older systems that will take advantage of purchasing new systems.

That being said, that's going to depend on what remaining funds they have in their HAVA funding, and what

they can do at the local jurisdiction, because HAVA funding can only do so much. And then certainly, you know, with the economy looking the way it is right now, it's going to be hard to predict. We certainly hope that jurisdictions will look at, perhaps, updating their software, or their present hardware that they have, and taking advantage of the fact that they now have certified software availability for them to use. But, again, this is all going to depend on the resources that they have available to them. Certainly, as you could tell from the report I did earlier, that there are still a number of states who have not availed themselves of the money that was made available to them in last year's appropriation. We hope that they will continue to do that and that they will use some of this money for that purpose.

So, I think the verdict is still out, but I'm hopeful that our program, and the success of our program, and the great care that we have taken, in deliverance, and in the whole testing, will achieve the goal of jurisdictions taking advantage of these new products on the market.

VICE-CHAIR HILLMAN:

And just as a follow-up, there have been some mild and off-handed suggestions that, perhaps, the reason EAC didn't move more quickly, with respect to its testing and certification program, was predicated on the belief that states weren't going to be rushing out to buy new systems, anyhow, so what was the rush? And that is not anything that I've ever known, or a position that EAC has taken. And so, I

just think it would be good to clarify the record that that was not, at all, a factor in EAC's decision about how to proceed with establishing and implementing the program.

MR. WILKEY:

Oh, I totally agree with you Commissioner. You know, buying a new voting system, is, just, not going out and looking at what updates are available in new hardware and software. But, I think jurisdictions, at least, from my experience, particularly the larger jurisdictions, take great care, a lot of thought, a lot of effort, into picking a system that's going to meet the needs of their jurisdictions. I think, for example, that's why you see the City and County of Los Angeles, which has not yet picked a system that they feel, in dealing with, over, I believe, three or four million voters that they have on their rolls, perhaps even more. They have to choose very carefully and they have to choose something that -- because, when you pick a new system, even if you change software, it means a lot of new training that has to be done, not only for your people that manage that system, but for the voters. And so, I don't think our program, at all, has any effect on whether jurisdictions have purchased or not purchased. I think there are a lot of other factors that come in to play, and one of those is picking a system that you feel will fit, well, into your jurisdiction and the demographics of your jurisdiction.

VICE-CHAIR HILLMAN:

Thank you.

CHAIR BEACH:

Are there any other questions or comments for Mr. Wilkey?

Okay, moving on to New Business, then, I'd like to invite the Director of the Testing and Certification Division, Brian Hancock, to come forward and give us an update on our certification program.

MR. HANCOCK:

Thank you, Madam Chair, Commissioners. Good morning. And Madam Chair, and Madam Vice Chair, congratulations, once again.

Before I begin, let me, actually, follow on to the Vice-Chair's questions to the Executive Director. I do agree with what the Executive Director had to say, related to voting systems, although, there certainly are some jurisdictions out there that have made us aware that they are -- they do have systems within their county, that they are waiting on EAC certification for. King County, Washington, greater metropolitan Seattle comes to mind. So, I do think EAC certifications will have some effect, especially, on those states that are waiting, or, as Mr. Wilkey said, have HAVA money left to, potentially, purchase some of these systems in the very near future.

This morning, as the Executive Director noted, I would like to give the Commission an update on some goings-on in the EAC's testing and certification program. First, I'd like to talk to you about the recent meeting that we had in Miami, Florida.

On January 29th and 30th, the EAC held a meeting to introduce a combined testing initiative, to solicit volunteers for a certification communications working group, and to discuss issues related to the cost of testing voting systems. The meeting was attended by approximately 90 participants, including election officials from, roughly, 40 states, and several local jurisdictions, by representatives of all of the EAC's voting system test laboratories, by representatives from all of the major voting systems manufacturers, by advocacy group representatives, and by representatives from the National Institute of Standards and Technology.

I'll first talk to you a little bit about the communications working group. Although the EAC testing and certification program, and the EAC communications division, as well, regularly communicate to EAC constituents via the EAC's Web site, monthly newsletters, direct email communications and public meetings, the EAC has received some feedback that it still does not do enough to communicate news and information related to the testing and certification program. The purpose of the certification communication working group, therefore, will be to brainstorm ideas with EAC staff on additional and more effective ways of communicating information about the program to constituents, and to attempt to find out what information is most critical to communicate in a timely fashion.

We requested volunteers for the working group, at our meeting in Miami, and the following individuals stepped

forward to assist us: State election officials will be represented by Nick Handy from the State of Washington, by Wes Taylor from the State of Georgia, and by Doug Kellner from the State of New York, as an alternate. Our voting system test laboratories will be represented by Mr. Frank Padilla of Wyle Laboratories. The voting system manufacturers will be represented by Mr. James Hoover of Dominion Voting, by David Beirne of The Election Technology Council, and by Bernie Hirsch of MicroVote, as their alternate. The advocacy community will be represented by Ms. Pam Smith of Verified Voting. And local election officials will be represented by Mr. Keith Cunningham of Allen County, Ohio.

The EAC also proposed a pilot program to explore how we might assist states, in order to shorten the timeline for product certification, and to potentially save the cost of redundant federal and state testing, and to assist states with very costly, but, unique state testing. And what we're talking about here, are things such as the volume testing required by the State of California, and by some of the usability testing that's required by the State of New York.

We had six states agree to participate in this pilot program, and those states are: California, Georgia, New York, North Carolina, Ohio and Pennsylvania. In addition, we have been in communication with a seventh state that is, potentially, interested in joining this pilot program. They're having internal discussions at the director's office within that

state, and have told us they will be getting back to us very shortly on that.

The next steps for the pilot program will be to work with our voting system test labs, and with the pilot states, to identify specific redundant testing. And let me just say, one example was given at the meeting that I thought was quite good. One of the manufacturers noted that during their last round of testing, they had completed the federal testing, at that time it was to their 2002 VSS, they went in to a state for state certification testing and were immediately asked to do, essentially, the same source code review that was required at the federal level. And, in fact, that was even conducted by the same laboratory that did the federal testing. So, that's a very good example of redundant testing that I think we can work to mitigate here.

We also want to collect detailed state-specific test requirements from the states that have volunteered for the pilot program. Once this information has been collected and analyzed, the EAC will meet with these states to determine what testing they may have in common, that can quickly be run on a parallel path to the federal testing, and specifically, to define state legal or procedural obstacles to the pilot program, and brainstorm ways that we can defeat or overcome these obstacles.

The meeting also explored factors related to the cost of testing, and ways to potentially reduce those costs, and these included a presentation by Mr. Merle King from

Kennesaw State University, on tips for initiating university or college and state partnerships. We also had three breakout sessions, one exploring potentials for controlling testing cost, one on how states and the EAC can better balance the cost of testing with quality testing, and one on how states and the EAC can better process and evaluate engineering change orders. The engineering change orders are, simply, very common changes that manufacturers have to put into place, when a sub-manufacturer, component manufacturer goes out of business, perhaps, and they have to find an identical replacement part, perhaps, have to change very simple things like the length of a screw on the case of a voting machine, things like that, that would fall under the de minimis change, part of our certification program.

I should say that the EAC staff is, at this moment, working on posting all the handouts and PowerPoint presentations from the meeting on the EAC's Web site. Also, verbatim transcripts of the meeting will be posted on our Web site, when they become available, in, probably, about two weeks, as well as minutes from that meeting. So, we're looking forward to having all that up for the public to take a look at.

In addition to the events surrounding the Miami meeting, we're also very pleased to note that within the next several days the certification division will send a memo to the Executive Director, recommending full EAC certification for the MicroVote EMS 4.0 voting system to, I should say,

the 2005 Voluntary Voting System Guidelines. You may recall that on December 31st of 2008, the Executive Director issued to MicroVote the initial decision on certification, signifying that the voting system had successfully completed testing to the 2005 VVSG. Earlier this week, MicroVote submitted the additional information required by Sections 5.6, 5.7 and 5.8 of our certification program manual. These elements included the voting system test lab performing a final trusted build on the system, submitting software for deposit, and archiving it in a repository, providing voting system identification tools usable by state and local election officials, and by providing a signed letter accepting the EAC certification and all conditions pursuant to that certification.

We're very excited about the first voting system certification by the EAC, and are working with our voting system test labs to move additional voting systems towards a final decision on certification, within, hopefully, the next 120 days or so.

Madam Chair, those are my remarks. And I'd be happy to answer any questions you might have.

CHAIR BEACH:

Okay, thank you. I'd like to open up the floor for any questions for Mr. Hancock.

Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ:

Thank you, Madam Chair. Mr. Hancock, I know we were copied on an email from one of the participants at last

week's meeting, I think it was John Groh who sent us an email, but I just wondered if you had other feedback from participants about the value of the event in Miami, and whether or not it was well received.

MR. HANCOCK:

Yes, Commissioner Rodriguez, we're, actually, still evaluating some of the feedback, but certainly, some of the verbal feedback we got was very positive. I still think that not all participants, necessarily, agree a hundred percent on some of the things we discussed, but I think we made it very clear that the EAC is working very hard towards moving products through the certification process, and that we are looking for ways that we can make our process more efficient and more streamlined, and at the same time look, given this economy, for ways that we can reduce costs, really, to everybody involved in the program. So, again, I'm sure we'll have more feedback over the next several days that we'll look at.

COMMISSIONER RODRIGUEZ:

Thank you, Madam Chair. Well, I just wanted to add my comments at this time. I thought -- and I really appreciated the open tone of the meeting. There were no secret subjects or perspectives that were off-limits. And, I learned a lot at the meeting and it makes me regret that I didn't go to last year's, but, oh well. I'm really glad I went to this last one. Thank you.

MR. HANCOCK:

Thank you, Commissioner.

CHAIR BEACH:

Commissioner Davidson.

COMMISSIONER DAVIDSON:

I, too, would like to say, Brian, that I felt the meeting was conducted very well from your part. And, we received, I think all us, comments from individuals that was at the meeting and they were very glad that you conducted the meeting, they were very pleased for all the different subjects that was open for discussion, and definitely, the feedback that I got was, they were glad to see us there, and that we were supporting the program. And I was very pleased. I sat in on the workshops, as well as the meeting, and I felt that the people really did open up and show concern, show support. And I think, not only, did we learn a lot, but the people in the audience also learned a lot.

MR. HANCOCK:

Thank you, Commissioner. I agree. And I think it's important -- it's not a simple task. It's not a simple program. And I think the more information we can give to state and local election officials, and in fact, all our constituents, about, you know, the real difficulty and the complexities related to the program, I think it's a good thing.

So, thank you.

COMMISSIONER DAVIDSON:

I really liked Brian's comment that he made during one of his presentations that this was about being a team, to make

sure that it worked; it was a three-legged stool, to make sure that, you know, not only from our area, but you've got the certification -- you have the work from the labs and the manufacturers. And, obviously, all of those have to work together, so that team working there is a great aspect.

MR. HANCOCK:

Thank you.

CHAIR BEACH:

Well I just want to commend you, Brian, and also the other members of your team. I was in Miami, as well, and I thought it was a very productive meeting, I thought the dialogue was very good, and I hope that we can continue to do this as we move forward this year.

MR. HANCOCK:

We certainly will do that, Madam Chair.

And, I also want to thank, just publicly, the people that made the meeting possible. First of all, Emily Jones and Robin Sergeant, of our staff, who did, really, the yeoman's work, of helping all the participants get in to town, get out of town, get their travel authorizations done. And, of course, Laiza Otero, our Deputy Director, and Matt Masterson our attorney/advisor. Thanks to all of them, as well.

CHAIR BEACH:

So this was the meeting that was originally scheduled this last summer, correct, and that was rescheduled for January?

MR. HANCOCK:

Correct, correct. We had to change the meeting date, because of the hurricane that came in, in August. And we had to do it within a six-month period, and so, that's why we picked the January date.

CHAIR BEACH:

Commissioner Rodriguez?

COMMISSIONER RODRIGUEZ:

Thank you, Madam Chair. You mentioned the MicroVote preliminary, I think the word was preliminary, certification was signed by the Executive Director earlier -- at the end of 2008 I think.

MR. HANCOCK:

Uh-huh.

COMMISSIONER RODRIGUEZ:

And so,, am I correct in understanding that there was no Commission action required with respect to the final certification?

MR. HANCOCK:

Yes, that's correct, Commissioner. On initial certifications and certifications of voting systems, the Executive Director has that decision-making authority. Under our program, the Commissioners are the appeal body. If for some reason a manufacturer is denied certification, or at some point where it might be necessary to decertify a voting system, that leaves the Commission, itself, as not having made any of the previous decisions, and so, free to look at it with a fresh attitude, so to speak.

COMMISSIONER RODRIGUEZ:

Okay. I'd like to make a request that at some point, when it's appropriate, maybe, when we get two or three systems certified, I'd very much like as a Commissioner to hear about their experience, either in a hearing or some other type of meeting, but I want to know what it was like to go through our program. I think it may be, potentially, of interest to our oversight bodies, as well.

Thank you.

MR. HANCOCK:

I think that's a good idea. As you know, the voting system manufacturers all have products of varying capabilities, varying complexity, and many of them are using different test laboratories, you know. And all of that plays into the timeliness, the cost and other things. So, I think that may be a good idea.

COMMISSIONER RODRIGUEZ:

Thank you.

CHAIR BEACH:

Any other comments or questions? Okay, thank you.

MR. HANCOCK:

Thank you.

CHAIR BEACH:

We're at the end of our agenda here. I'd like to turn to any of my colleagues, if they would like to offer any closing remarks at this time.

VICE-CHAIR HILLMAN:

Let me just say that I certainly want to join in thanking Commissioner Rodriguez, and former Commissioner Hunter, and then Commissioner Davidson, who stepped in a Vice-Chair, for guiding us through 2008.

And I also want to loop back to something for the Executive Director and all the staff, but for us as well. We, rightfully, pride ourselves on cranking out a lot of information, and we load up our Web site and we invite people to peruse the Web site, to request copies and other formats, if they're not able to access the information they need from the Web site. Some of our work is very technical, and I think, redundancy in how we communicate the information to various constituencies is going to be very, very important. I think it's unreasonable to expect that all of our constituencies, from interested voters, to advocacy groups, to advocacy groups that specialize in testing and certification of voting systems, to those who are interested, but that's not their forte, to local election officials, some of whom are very experienced and some of whom are brand new, and even to the Secretaries of State, to fully understand the iterations and the evolvment we're going through. And I think that's been borne out by some of the questions we receive, and comments, and they appear to be repetitive and it's like, "But we made that information available." I think the lesson we have to learn is that the information is not available in formats that everybody can digest. And I think if we really want people to appreciate what EAC is accomplishing, what

we seek to accomplish, how we're doing it, what we are, in fact, accomplishing, but more importantly, how it is serving the voter, how, at the end of the day, the voter will have a better, more secure, confident experience at the polls, I think we really do need to work on, not only redundant information, but parsing it out in ways that all of our constituencies can appreciate.

MR. WILKEY:

Commissioner, I appreciate those comments, because we've been looking at, late -- we're in the process of putting out a contract for a new Web service. One of the benefits of having so much material on our Web site, and we keep adding to it, is, yet, you get to the point where it does become overwhelming. And I think we now have to step back and take a look at where that material resides, how it can be accessed more easily, and even putting together -- and I've talked to our communications director about this -- and we both feel that there needs to be, almost, a piece, right at the beginning, on how to use the Web site, because we do have so much varying material on there. That's a good thing, and we're very proud of that, but I think your comments are very valid, in terms of, you know, we need to take a look at making it even more accessible than it is now, because of the fact that we've added so, so very much material, particularly over the last year. And, during this election cycle, we had all kinds of information from every state in the country on, you know, how you get registered

and where you get registered, and what the timeframe is. And so, you know, we need to step back and take a look, and make sure that the material that we have on there is easily accessible to everyone.

And we do appreciate the comments that we get from state election offices, from local election offices, from the advocacy community. We're always very happy to get those comments, because it helps us in looking at our future plans.

So, I appreciate your comments.

VICE-CHAIR HILLMAN:

And it's not just the accessibility, it's the user-friendly and digestibility, if you will. And that is to say, if we were to compare two documents, our manual on testing and certification, and say, our poll worker manual, they are two very different documents, but they're both aimed for the same community, more or less. And so, obviously, the poll worker manual is much easier to go through, because the information is in a different language and it's presented differently. The testing and certification manual has to have a lot of technical phrases and jargon. And so, this isn't unlike the call from election officials for the VVSG in plain language, so that election officials can appreciate the importance of the information, and know if I'm not digesting this, is it me, or is it because I need a technical person. And, I think we just have to really work at translating the information in a way that people can say, "Oh, I get it." For those who understand the technical, the document is there

for them. For those who need to know what's in there, and don't understand the technical jargon, that there's a version that they can go to, that they can navigate more easily.

Thank you.

CHAIR BEACH:

Well, with that being said, I would just like to say, again, that I am excited to serve as your Chair for 2009, and I look forward to working with each and every one of you, to make sure we have the information out there and the tools available for our election officials, our advocacy groups, and, most importantly, our voters, in preparation for their elections, whether you have a state, or a local, in 2009, or in the federal election for 2010.

With that I would like to have a motion to adjourn.

COMMISSIONER DAVIDSON:

So moved.

VICE-CHAIR HILLMAN:

Second.

CHAIR BEACH:

Okay, we'll adjourn.

[The public meeting of the EAC adjourned at 10:54 a.m. EDT.]

