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U.S. ELECTION ASSISTANCE COMMISSION

5

PUBLIC MEETING

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Taken at the Offices of the U.S. EAC

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1225 NEW YORK AVENUE, NORTHWEST

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WASHINGTON, D.C.

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Taken on the date of:

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THURSDAY, JUNE 15, 2006

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21 Start time: 10:00 o'clock, a.m.

22 Taken before: Jackie Smith, court reporter

1 U.S. ELECTION ASSISTANCE COMMISSION:

2 Paul DeGregorio, Chairman

3 Ray Martinez, III, Vice-Chairman

4 Gracia Hillman, Commissioner

5 Donetta Davidson, Commissioner

6 Juliet Thompson, General Counsel

7 Thomas Wilkey, Director

8 SPEAKERS:

9 Brit Williams, Kennesaw State University

10 Connie Schmidt, Election Consulting

11 Services

12 Dana DeBeauvoir, Travis County Clerk, Texas

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1 P-R-O-C-E-E-D-I-N-G-S

2 (Meeting Called to Order)

3 (The Pledge of Allegiance)

4 (Roll Call, All Commissioners Present.)

5 MR. WILKEY: Section 102, if you

6 please, could only be used to replace lever

7 machines and punch card systems, so the EAC has

8 sent letters to eight state. Many state have
9 accented this money and which they are now in
10 their first federal election and we'll be
11 notifying them that the deadline has passed
12 seeking certification to verify that all of
13 these systems have been replaced, and we will
14 continue to do that with those states when they
15 meet, and when they pass their deadline, which
16 will be the first primary election this year.
17 More notifications will be distributed in the
18 coming week.

19 Our voting system certification
20 program, we're working rapidly for its
21 completion. As you know, there has been a
22 significant number of primaries across the

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1 country, and most of the primaries have gone
2 well so far. The biggest problem seems to be
3 low turnout, which has been the comment that we
4 have received from state and local election
5 officials as well as the normal realities of
6 using a new voting system by poll workers and
7 voters as well. There have been some issues,
8 but non appear to be systematic issues related
9 to the operation of the voting equipment.

10 We recently completed testimony
11 before our House oversight committee, and have
12 provided written testimony to our

13 Appropriations Committees in both the House and
14 Senate, and all of the testimony is available
15 on our website.

16 As you know, we began distributing a
17 monthly newsletter and our website available.

18 One last announcement, the July
19 public meeting will be held in Santa Fe, New
20 Mexico, in conjunction with the National
21 Association of Secretary of States and State
22 Directors. The July topic will include

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1 testimony from state and local officials on
2 executive designs for public polling place
3 signage as well as general voting materials.

4 And that is my report to the
5 Chairman.

6 CHAIRMAN DEGREGORIO: Thank you,
7 Mr. Wilkey. Do we have any questions?

8 COMMISSIONER HILLMAN: I have a
9 question. It's my recollection that not every
10 state that received Section 102 funds requested
11 a waiver. So, in fact, some state had to
12 replace the equipment by the 2004 election.

13 Are we also sending letters to those
14 states?

15 MR. WILKEY: Yes. Those will be the
16 first ones to get them.

17 CHAIRMAN DEGREGORIO: Mr. Wilkey, if

18 a state certifies to us that they did not meet
19 the requirements of HAVA to replace the funds
20 by, I guess, is it the first federal election,
21 if they don't send the waiver, it would be the
22 first federal election in 2004?

6

1 MR. WILKEY: Correct.

2 CHAIRMAN DEGREGORIO: If they did,
3 then it would be the first federal election in
4 2006?

5 MR. WILKEY: That's correct.

6 CHAIRMAN DEGREGORIO: So if they
7 don't certify to it, that they certify they are
8 not in compliance, have we looked into how
9 we're going to handle that?

10 MR. WILKEY: We're getting a
11 proposal, but we haven't seen any come back so
12 we're not ready to provide that information to
13 you. The law does provide, and I can defer to
14 counsel on this, that they return the money to
15 the Federal Treasury, and we'll have a process
16 in place for you to review at that time.

17 CHAIRMAN DEGREGORIO: Thank you.

18 Questions. Thank you, Mr. Wilkey.

19 Under new business, we have a
20 presentation this morning. We have two
21 excellent panels that are going to be talking
22 about election management guidelines, and as we

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1 know, states throughout the nation have used
2 HAVA funds to upgrade and replace voting
3 equipment. In some cases, jurisdictions have
4 been using equipment for many, many years,
5 certainly, in some cases, since the '30s and
6 '40, and now have gone through the transition.
7 Several states went through transitions in 2004
8 and 2002, but this year, in 2006, we recognize
9 that about a third of the voters in the country
10 will experience the voting equipment for the
11 very first time. And certainly election
12 officials will be responsible for implementing
13 that transition.

14 We also understand that installing
15 new voting equipment, whatever it may be, is
16 only half the equation, that managing that
17 transition is an important element of election
18 administration, and that election officials
19 must have solid management guidelines to cover
20 everything from storage, to set up, to
21 training, to security.

22 To address those issues, the EAC has

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1 contracted with Brit Williams and Connie
2 Schmidt to research and study effective
3 guidelines for election administrators to use
4 when introducing a new voting system within

5 their jurisdiction. To provide assistance in
6 primary general elections, the EAC is
7 publishing and issuing our Quick Start
8 Management Guide for new voting systems. And
9 we have copies, I know, outside, and we have
10 copies of the published before you which was
11 developed by Mr. Williams and Ms. Schmidt. It
12 covers a snapshot of processes and procedures
13 to local election officials to use when
14 implementing a new voting system. The EAC is
15 working on a comprehensive set of management
16 guidelines, which is what Ms. Schmidt and
17 Mr. Williams will discuss this morning. These
18 are equipment storage, set up assistance,
19 setting requirements, using testing procedures,
20 security protocols, and a number of topics.

21 I know that in my visits across the
22 nation this year and my fellow Commissioners

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1 travels throughout the country to visit states
2 that are going through transitions, some of us
3 have gone to poll worker training classes to
4 see how the poll workers are being trained.
5 Some of us have observed the election process.
6 I believe Commissioner Davidson, you just got
7 back from South Carolina. I spoke yesterday
8 morning to the Kentucky election officials that
9 went through a significant transition in their

10 primary on May 16th. Certainly, what we have
11 heard through this year and particularly for
12 many years since the beginning of this
13 Commission is a need for these management
14 guidelines to be issued.

15 So we're very pleased that we have
16 two experts before us who are going to discuss
17 this topic. Brit Williams is a member of our
18 Technical Guidelines Development Committee,
19 having been nominated by the nation's State
20 Election Directors. He is also a consultant to
21 the clearinghouse. He was a consultant to the
22 clearinghouse on electric administration from

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1 1984 to 2003. He is a member of the NASED,
2 voting system board, responsible for the
3 maintenance, implementation of the FEC voting
4 system standard from 1986 to now. He's been a
5 consultant in election administration in
6 certainly many states, the least of which is my
7 own state, the state of Georgia, and worked
8 closely with helping Kennesaw State University
9 on their program for legislative officials in
10 the state of Georgia.

11 He has a bachelors and masters in
12 mathematics. He has a Ph.D in statistics. I
13 remember taking my statistics course, and was
14 thankful that I got through it with a C. This

15 guy's got a Ph.D in statistics. He is well
16 respected throughout the country by people,
17 certainly in the business of conducting
18 elections, and we're very pleased that you are
19 here, Dr. Williams.

20 Connie Schmidt certainly who
21 distinguished herself when she was the
22 commissioner for elections in Johnson County,

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1 Kansas from 1995 to 2004. She is the former
2 chair of the legislators professional education
3 program. She serves as coordinator for the
4 election centers state certification program
5 that helps election officials throughout the
6 country professionalize what they do and learn
7 good management techniques. She received a
8 medallion award in December of 2004, and she
9 certainly right now, she is the co-manager of
10 this project.

11 So we're very pleased to have Connie
12 Schmidt and Dr. Williams before us in this
13 first panel that's going to discuss their work.
14 I don't know which one of you is going to go
15 first in presenting.

16 Dr. Williams, the floor is yours.
17 Thank you.

18 DR. WILLIAMS: Is this on? Can you
19 hear me? My wife's fond of saying that a

20 statistician is someone that wanted to be an
21 auditor but didn't have enough personality for
22 it.

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1 CHAIRMAN DEGREGORIO: Did you all
2 hear that?

3 DR. WILLIAMS: I thank the EAC
4 Commissioners for allowing me this opportunity
5 to participate in the development of Election
6 Management Guidelines. For me, this
7 completes the set. I had the opportunity to
8 participate in the initial development and
9 implementation of Voting System Standards and
10 now you have provided me the opportunity to
11 participate in the development of Election
12 Management Guidelines. Although both of these
13 projects have tremendous significance for
14 elections, I believe that when history looks
15 back on this era of elections the Management
16 Guidelines will be viewed as having the bigger
17 impact on the conduct of elections.

18 The mechanics of conducting an
19 election have not changed since the first cave
20 men elected the leader of their hunting party.
21 An office is defined, candidates are qualified,
22 voters vote, the votes are counted, and the

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1 winners are announced.

2 What has changed over the years is
3 the complexity of conducting an election.
4 Millions of people vote and the candidates and
5 media want the results before the eleven
6 o'clock news comes on. This can only be
7 accomplished by using machines.

8 In the 1930's, lever voting machines
9 were hailed as a great innovation in elections.
10 If there were concerns about the fact that
11 there was no paper ballot and no audit trails
12 these concerns were smothered by the accuracy
13 of the machines and the rapid availability of
14 results. Results were available on the back of
15 the machine as soon as the polls closed.
16 Jurisdiction results were available as soon as
17 the individual results from the voting machines
18 could be added up.

19 In the 1960's, IBM introduced the
20 first computer voting system employed to tally
21 elections and the shift from lever machines to
22 computer voting systems began. These early

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1 systems were only available to jurisdictions
2 that were large enough to have mainframe
3 computers. When desktop computers became
4 available in the 1980's, computer voting
5 systems were available to the smallest

6 jurisdictions

7 and the shift to computer voting systems gained
8 momentum.

9 This shift from lever voting
10 machines to computer-based voting systems had
11 nothing to do with the lack of paper ballots on
12 lever machines or their lack of any kind of
13 audit trail. This shift occurred simply
14 because a lever voting machine weighed about
15 800 pounds and the logistics of storing and
16 moving these machines was a major impediment to
17 their use.

18 From their introduction in 1964
19 until 1990 the development, marketing, sales,
20 and use of computer based voting systems was
21 unregulated. In this era, a computer-based
22 voting system was whatever the vendor said it

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1 was and whatever a jurisdiction could be
2 convinced to purchase and use. The Federal
3 Election Commission began the development of
4 voting system standards in 1986. This effort
5 resulted in the publication of the first ever
6 set of voting system standards in January,
7 1990. This standard was directed primarily
8 toward the hardware associated with voting and
9 did not address the software system that we now
10 call the election management system. In 1994,

11 the National Association of State Election
12 Directors, NASED, formed a Voting Systems Board
13 and undertook to implement the 1990 FEC
14 standards. In the period between 1990 and
15 1994, several states developed their own
16 certification process and used Wyle
17 Laboratories, Inc. in Huntsville, Alabama
18 used Wyle Laboratories, Inc. in Huntsville,
19 Alabama to perform the environmental tests
20 specified in the 1990 standards. As a result
21 of this experience, Wyle became the first NASED
22 certified Independent Test Agency (ITA) and

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1 continues in that role today.

2 Over time, the 1990 standards were
3 interpreted to include the election management
4 software and the 2002 standards specifically
5 included standards for election management
6 software. Since their expertise was primarily
7 in hardware, Wyle requested that NASED identify
8 a software firm to evaluate the election
9 management software. Nichols Research
10 Corporation in Huntsville, Alabama became the
11 first software ITA. This function passed
12 from Nichols to Ciber, Inc. through a series of
13 acquisitions and mergers. SysTest Labs, LLC, a
14 woman-owned corporation, became the first ITA
15 certified by NASED to perform both hardware and

16 software evaluations.

17 Although the NASED voting system
18 certification program is entirely voluntary,
19 over 75% of the states have joined the program
20 and require that the voting systems used in the
21 state are NASED certified. It is worth noting
22 that this entire NASED voting system

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1 certification program was organized and
2 implemented by unpaid volunteers.

3 The period from 1990 to 2000 is
4 characterized by a slow, deliberate movement
5 from older technologies, punch card and lever
6 voting machine voting systems, to newer
7 technologies, optical scan and direct recording
8 electronic (DRE) voting machines. The slow
9 movement was due primarily to funding. Voting
10 systems were purchased by local jurisdictions,
11 counties and cities, where election officials
12 were competing for with police departments,
13 health departments, sanitation departments,
14 schools, etc. for limited funds.

15 The voting system vendor community
16 was sized and staffed to respond to this slow,
17 deliberate shift in voting systems. It was
18 fairly easy for a voting system vendor to
19 identify those jurisdictions that were prime
20 candidates for a new voting system and plan

21 accordingly. In November of 2000 this
22 situation changed dramatically.

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1 The disputed presidential election
2 of 2000 brought election technology into
3 America's living rooms. Millions watched as
4 election officials, lawyers, and politicians
5 discussed whether or not a pregnant or
6 hanging chad should be counted as a vote.
7 Punch card and lever voting systems were
8 portrayed as antiquated systems that presented
9 an unacceptable level of difficulty of use for
10 the voters. The DRE voting system was viewed
11 as the logical successor to the lever machine
12 and two states, Georgia and Maryland, responded
13 by deploying DRE voting machines statewide.
14 Soon, computer scientists began to question the
15 security of these paperless DRE voting
16 machines, and to a lesser extent, the optical
17 scan voting machines. Their contention was
18 that computers control these voting systems
19 and, thus, they are vulnerable to hacking and
20 fraud. Some computer scientists went so far as
21 to claim that it is impossible to build a
22 secure computer-based voting system and that

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1 the only way to avoid election fraud is to hand
2 count paper ballots.

3 Nevada became the first state to
4 require that their DRE voting machines produce
5 a voter verified paper audit trail (VVPAT).
6 Sequoia responded to this requirement by
7 producing a printer module that attached to
8 their Edge DRE voting machine. The other
9 voting system vendors soon followed this
10 action. To date, twenty-five states have
11 adopted a requirement for a VVPAT or a similar
12 paper ballot.

13 This increased attention to
14 elections prompted action in Congress. The
15 Help America Vote Act of 2002 (HAVA)
16 established the Election Assistance Commission
17 (EAC) and directed the EAC to adopt voluntary
18 voting system guidelines, and to provide for
19 the testing, certification, de-certification,
20 and re-certification of voting system hardware
21 and software. The EAC formed the Technical
22 Guidelines Development Committee and this

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1 committee, with technical support from the
2 National Institute for Standards and
3 Technology, developed the 2005 Voluntary
4 Voting Systems Guidelines, and referred to as
5 the 2005 VVSG.

6 The 2005 VVSG is essentially an
7 update to the 2002 standards with new

8 requirements for usability, accessibility,
9 voting system software distribution, validation
10 of software during voting system setup, and the
11 use of wireless communications. Requirements
12 for an optional VVPAT are included for those
13 states that require this feature.

14 The 2005 VVSG received final
15 approval in December 2005 and will take effect
16 in December 2007. After that date, all voting
17 systems submitted for national certification,
18 whether new or modified systems, will be
19 required to conform to the 2005 VVSG. The EAC
20 is presently putting in place the program for
21 testing and certifying voting systems. The
22 transfer of this responsibility from NASED to
21

1 the EAC is planned for July 2006. There is one
2 feature of HAVA that completely changed the
3 dynamics of the election environment: for the
4 first time in the history of elections
5 significant funds were made available for the
6 purchase of voting systems, with the caveat
7 that these funds could not be used to purchase
8 punch card or lever voting systems.

9 Neither the voting system vendors
10 nor the election jurisdictions were prepared
11 for this sudden influx of funds. In the rush
12 to upgrade their voting systems jurisdictions

13 underestimated the effort and time required to
14 convert from punch card or lever voting systems
15 to optical scan or DRE voting systems. Vendors
16 increased production at the expense of quality
17 control and user training and support.

18 The results were predictable.
19 Already in this primary season, we have seen
20 stressed elections in several jurisdictions,
21 notable Chicago and Cook County.

22 Throughout all of this history, from
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1 1990 to the present, the emphasis has been on
2 the voting system. How do we make the voting
3 system more secure? Can we protect the voting
4 system from hackers? How do we produce a VVPAT
5 on a DRE voting machine? Should source code be
6 subject to open review? Are optical scan
7 voting systems better than DRE voting systems?
8 The consensus of opinion seems to be that if we
9 can just cure the problems with the voting
10 systems then everything will be all right.
11 A review of the history of elections does not
12 support this view. It is difficult
13 to find a single incident where an election
14 anomaly was a direct result of the voting
15 system. Thousands of jurisdictions have
16 conducted thousands of good elections using
17 punch card voting systems.

18 The state of New York has
19 successfully voted on lever machines for over
20 forty years. There has never been a single
21 incident of anyone even attempting to defraud
22 an election by altering the voting system

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1 computer program.

2 Should we continue to improve our
3 voting systems? Certainly. Most of the
4 criticism of the existing voting systems is
5 valid and we should constantly strive to
6 correct deficiencies and improve the systems.
7 However, if by some miracle, we could instantly
8 develop the quintessential voting system, it
9 would have minimal impact on the successful
10 conduct of elections. This is because election
11 anomalies are rarely caused by the voting
12 system. They are caused by human mistakes, not
13 by people intent upon malicious mischief or
14 fraud, but by honest, well-meaning people
15 making perfectly normal human mistakes.

16 It follows that the biggest payoff
17 in improving elections is not to be gained by
18 building bigger and better voting systems but
19 by eliminating, or at least minimizing, human
20 mistakes. This brings us to the need for
21 election management guidelines.

22 During the entire history of the

1 NASED voting certification project the members
2 of the NASED Voting System Board, and
3 particularly Tom Wilkey, have discussed the
4 need for election management guidelines.
5 Up until now, there have been simply no
6 resources available to devote to this
7 development effort.

8 This changed in September of 2005
9 when the EAC contracted with Brit Williams and
10 Connie Schmidt to lead an effort to develop a
11 comprehensive set of election management
12 guidelines. These guidelines would be gleaned
13 from the best practices available from state,
14 county, and city election administrators.

15 Again, I thank the EAC Commissioners
16 for providing me an opportunity to participate
17 in this project to develop Election Management
18 Guidelines and for the opportunity to present
19 our progress on this project.

20 MS. SCHMIDT: Thank you for the
21 opportunity to appear before you to discuss the
22 development of the EAC's Election Management

1 Guidelines.

2 My name is Connie Schmidt, and in
3 December 2004, I retired as the Election

4 Commissioner of Johnson County, Kansas,
5 which is located in the Greater Kansas City
6 Metropolitan Area.

7 I must begin my testimony by telling
8 you how honored I am to be working on this
9 important project with Dr. Brit Williams. It
10 is one that is near and dear to my heart and to
11 the hearts of election administrators
12 nationwide.

13 In May 2001, I had the opportunity
14 to testify before the U.S. House Administration
15 Committee regarding the importance of funding
16 for election offices. Fast forward five years
17 later, and many of those words still ring true.
18 If we, as election administrators, could live
19 in a perfect world, the voter registration
20 records would be accurate, complete, and always
21 up to date, but the reality is that the voter
22 registration files are inflated due to

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1 mandatory compliance with the NVRA.

2 In the perfect world, there would be
3 an abundance of accessible voting locations,
4 but the reality is that it is difficult to find
5 voting locations and it is often not possible
6 to find accessible locations in every precinct.
7 In the perfect world, elections would be easy
8 to program and the voting equipment would

9 work, but the reality is that elections are
10 complicated and machines break down.

11 In the perfect world, there would be an
12 abundant pool of trained election workers to
13 choose from for every Election Day, but the
14 reality is that approximately 98% of election
15 workers are senior citizens, and the pool is
16 not being replenished.

17 In the perfect world, budget dollars
18 would be available to educate the voters,
19 purchase new voting equipment and increase
20 salaries, but the reality, again, is that
21 elections are an unfunded mandate.

22 In the perfect world, election

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1 administrators would have access to an election
2 resource library of best practices, but the
3 reality is that it does not exist and will
4 require federal funding.

5 In the perfect world, there would be
6 uniform voluntary voting system standards and
7 operating procedures maintained by election
8 administrators at the state and local level,
9 but reality is that the voting system standards
10 are not up to date, operational standards do
11 not exist, and there is no clearinghouse for
12 reporting problems with voting systems.

13 With federal funding, it is possible to

14 address many of these issues. We must join
15 together collectively - at the local, state,
16 federal level to share resources and to find
17 creative and innovative solutions.

18 During the past 6-8 months, Brit and I
19 have been working with state and local election
20 administrators to collect examples of existing
21 policies and procedures. When completed, the
22 Election Management Guidelines will provide the

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1 first national resource library of election
2 practices for use as operational standards and
3 procedures at the state and local level, a
4 project that is long overdue.

5 I would like to now bring you up to
6 date on the status of this important project.

7 In mid-December 2005, Brit and I took
8 the opportunity to ask county election
9 officials in attendance at the Midwest Election
10 Officials Conference in Kansas City, Missouri
11 to provide input on the priority for the
12 development of specific modules for the
13 guidelines. The majority of these election
14 officials were from small counties in
15 Iowa, Nebraska, Missouri and Kansas, ranging in
16 size from 1,473 to 30,000 registered voters.
17 Listening to their concerns emphasized the

18 needs of the small election jurisdictions
19 nationwide, the offices with 1-2 employees,
20 small budgets, limited computer expertise, and
21 little or no storage space. Security,
22 Pre-election testing, and poll worker

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1 training were among their top-ranked issues.

2 In January 2006, a group of state and
3 local election administrators agreed to serve
4 as members of the Steering Committee for the
5 Election Management Guidelines project. They
6 include officials from small, medium and large
7 jurisdictions; representing users of a variety
8 of different vendor's voting systems.

9 The team developed an overall draft
10 outline of topics/modules for the Election
11 Management Guidelines, and further
12 recommended that the first module to be
13 Developed should be the Voting Systems Module,
14 and specifically the chapters on Certification,
15 Security, and Pre-Election Testing. This
16 recommendation was approved by the EAC.

17 Recognizing that the input of state and
18 local election administrators is critical to
19 the development of the guidelines, the
20 Steering Committee also decided to periodically
21 appoint Focus Groups to serve as
22 advisors, subject matter experts on specific

1 topics.

2 Working with NASED, IACREOT, The
3 Election Center, and the Election
4 Administration Report, we have requested input
5 from state and local election administrators.
6 We are pleased with the response,
7 but are continuing to spread the word about the
8 project.

9 I can assure you that election
10 administrators are anxious to receive the
11 Guidelines. In fact, we know that we are not
12 moving fast enough to meet the current demand
13 as new systems are being deployed nationwide
14 This year.

15 I am pleased to report that we have
16 completed the draft Chapter on security. It
17 Has been reviewed by the Steering Committee
18 and is currently being reviewed by the Focus
19 Group members and a staff representative from
20 NIST. Our goal is to submit the final draft
21 copy to the EAC by the end of June, with a
22 target distribution date of early September

1 2006. The chapter on Federal Certification
2 will be distributed at the same time.

3 In the meantime, we read daily of the
4 challenges experienced by election
5 administrators as they deploy new voting
6 systems in the primary elections this year.
7 It is important to note that many of these
8 challenges are not voting system issues.
9 They can be placed in the "human factors"
10 category and include: Insufficient training of
11 poll workers. This can include quality,
12 length, and type of training.
13 Complicated procedures for opening/closing
14 voting equipment, processing voters, etc.
15 Lack of support when opening/closing the polls.
16 They often arrive at 4:45 a.m. and don't leave
17 until 8:00 p.m. Too many new things all at the
18 same time, new equipment, provisional ballots,
19 new affidavits to complete, new security
20 procedures, voter identification procedures,
21 plus all of the usual issues, voters in the
22 wrong polling place, poll workers that don't

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1 show up on Election Day, etc.

2 And, some new ones, reliance on voting
3 system vendors to program the election, print
4 ballots, support the polling places, and
5 tabulate the results.

6 To address that immediate need, we have
7 prepared a Quick Start Management Guide for New

8 Voting Systems. It is certainly not intended
9 to be a comprehensive management guide, but
10 instead provides a snapshot of priority items
11 essential to managing elections with new voting
12 systems.

13 The Quick Start Guide will be
14 distributed immediately to NASED, IACREOT,
15 Election Center, and NACO members. It will
16 also be posted on the EAC web site, and
17 electionline.org.

18 In the meantime, work continues on the
19 development of the remaining chapters of the
20 Voting Systems module of the Guidelines. Our
21 mission is to have the Guidelines be a desktop
22 reference book for election administrators

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1 nationwide. A place where they can find
2 recommendations on how to develop procedures,
3 manage operations, improve work flow, etc.

4 Ultimately, we see the guidelines as
5 the beginning of a bigger project, one that
6 eventually connects users of the same
7 equipment across the country sharing ideas and
8 innovations, building on each other's expertise
9 in elections, leading all users from the
10 smallest to the largest jurisdictions to a
11 place where they can all excel using policies,

12 procedures and solutions that they have
13 developed together.

14 In closing, I want to again express my
15 appreciation for the opportunity to work on
16 this project and to thank each of you for
17 recognizing the importance of, and most
18 especially, the need for Election Management
19 Guidelines.

20 From the smallest county of less than
21 2,000 voters to the largest jurisdiction of
22 several million voters, the Management

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1 Guidelines will serve as a national resource
2 manual on the administration of elections. An
3 added benefit may be that it will also serve as
4 an educational tool for candidates, elected
5 officials, media, educators, and voters.

6 We would be happy to anticipate any
7 questions that you might have.

8 CHAIRMAN DEGREGORIO: Thank you, Connie
9 and Britt for your excellent presentations. We
10 certainly appreciate the work that you have put
11 into this thus far.

12 Commissioners, we have certainly time
13 for questioning this morning, and we have time
14 for each one of us to take about 7 or 8 minutes
15 each for questions. So I'm going to turn to
16 Commissioner Davidson, who served as a local

17 election official in two counties in Colorado
18 and as Secretary of State.

19 Commissioner Davidson, I'm sure this
20 work would have been helpful to you when you
21 were an election official. We will turn to you
22 for some initial questions.

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1 COMMISSIONER DAVIDSON: Thank you. I
2 agree with both of you. I think this is one
3 step that has been needed for a long time. I
4 so look forward to it. I think the Quick Start
5 was very valuable, and being in Wyoming, I even
6 talked about back-up plans and disaster plans.
7 Many of them haven't thought about it but, you
8 know, we're looking at small entities, as you
9 said. Most of our entities are very small
10 counties up 10,000. And my concern is how do
11 we actually get this material out there to
12 them. And then I guess it's a two-part
13 question, and I will start with you, Connie, or
14 I should say Ms. Schmidt. I'm sorry. How do
15 we get this out to the counties, because the
16 people that go to our conferences usually are
17 the same people. They are very up to date. We
18 can utilize them for their expertise. We can
19 take advantage of them and everything else, but
20 the counties out there in these rural areas

21 that don't have the opportunity to come because
22 they can't afford it, they don't have the money

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1 to be able to do it, how can we get the
2 information out better to them? We have got
3 the website, all the things you mentioned. Are
4 there other things that we can do?

5 MS. SCHMIDT: Well, I can only speak to
6 what happened in Kansas. Apparently during
7 election, we got a monthly mailing from the
8 Secretary of State's Office, and it had a
9 variety of information pertinent to elections.
10 I believe if we send these out to each one of
11 the Secretary of States Offices or the State
12 Election Boards and ask them to distribute it
13 to every election jurisdiction or every agency
14 in their state, that they would probably be
15 more than willing to do this because the states
16 need all of the locals to be successful, and
17 many states are also struggling on how to do
18 this, how to help the locals.

19 COMMISSIONER DAVIDSON: And turnover in
20 offices, is there some way that we can make
21 them realize how important it is to make sure
22 that there is a manual when somebody new steps

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1 in, because sometimes offices are cleaned out.

2 The reality of is when somebody leaves,
3 sometimes it is not under a feeling of well,
4 and a lot of thing are destroyed. So can we
5 constantly -- should we constantly send copies
6 of these, and make sure states have them, is
7 that the best away you think that we really get
8 the information out.

9 MS. SCHMIDT: Well, I think the web
10 is a very good tool. I have always been a firm
11 believer in the website, because it's available
12 to people when they have the time to go. If
13 they start to be directed to the EAC website as
14 a place that they can go to get information,
15 they can get help, there is a tool there, the
16 Best Practices Tool Kit, if we can get that
17 communicated, a lot of people, for example,
18 don't even know that that exists. There is not
19 a connection so we need to find a way to
20 connect to those small counties.

21 Attending the state association
22 meetings, as I know many of you have done, is a

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1 good start because usually every local county
2 person is at those meetings and handing out
3 fliers pointing them.

4 COMMISSIONER DAVIDSON: Dr. Williams,
5 do you think that the vendor will take this and

6 see this as a plus on how to set up their
7 equipment, and all the information that they
8 give them? Do you think this they feel this
9 will be a plus for them.

10 DR. WILLIAMS: Absolutely. Vendor
11 reputations ride on success of elections. If
12 there is a bad election, the vendor takes it on
13 the cheek along with everybody else. So it's
14 very much in a vendor's best interest to raise
15 the probability of successful elections, and I
16 think this will go a long ways towards that.

17 I agree with Connie, I think one of the
18 best mechanisms we have available to us are
19 these local conferences. In Georgia, the
20 election officials are require to attend these
21 conferences once every so often. I think if
22 you went to that conference in Georgia two

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1 years in a row, you would have access to every
2 election official in the state of Georgia. I
3 think these local conferences, but also I think
4 that as the word gets out, that people will
5 begin to seek this information, and that's when
6 we need to have it readily available centrally,
7 so that we can either send it to them directly
8 or point them to a source. Right now, they
9 don't know it exists.

10 And I think this Quick Start Guide,

11 that's a first step toward getting the message
12 out that there is some help available.

13 COMMISSIONER DAVIDSON: You see
14 these as a way too get the information out, so
15 you to go to the computer and refer back, or do
16 you think the book is the best way?

17 DR. WILLIAMS: The problem with
18 high-tech solutions is most small offices are
19 low tech. We want to provide the high-tech
20 solutions, the web, CDs, and things like that,
21 but we have also got to provide plain old paper
22 copies.

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1 COMMISSIONER DAVIDSON: Thank you.

2 CHAIRMAN DEGREGORIO: Commissioner
3 Hillman.

4 COMMISSIONER HILLMAN: Thanks to
5 both of you. Well, you can hear me. I will
6 get it on the record sooner or later. Thanks
7 to both of you. Indeed, you're right, this is
8 a tool that we hope will be very useful and
9 effective for the election officials.

10 But I want to follow up on a point
11 that you made toward the end of your remarks,
12 Connie. And that is, can we envision a
13 companion to this Quick Start that voters and
14 advocates can use? And the point being that
15 the lack of confidence in the administration of

16 elections comes from about bad experiences or
17 from stories that are reported in the press.

18 Administering elections, as you both
19 know, are very complex, and there are a lot of
20 things involved. When you start telling people
21 about the kind of security products that
22 administrators put in place, you know, people

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1 begin to stop and think about, well, there is
2 more to this than I have come to realize.

3 So it seems to me that perhaps the
4 EAC has a responsibility to do the mirror side
5 of this, which is to say to people, this is
6 what this person in your city, town, whatever,
7 does to insure the integrity of your elections.
8 And I just wonder if that had ever come up in
9 any of your conversations as something we
10 should think about?

11 MS. SCHMIDT: I believe it's
12 probably an important element, it means that
13 public relations tool. It's that transparency
14 that communicates because really all of us that
15 manage elections knows about everything that we
16 do is open, and that's the way we operate.
17 And so we should be able to put together some
18 kind of a tool that would serve as an
19 educational tool for the media, the candidates,
20 the advocacy groups.

21 DR. WILLIAMS: I think that's an
22 excellent idea. We haven't thought much about
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1 that because we concentrated on the election
2 officials. One of the things that makes us so
3 vulnerable to criticism by activists and
4 advocates is a general ignorance about how an
5 election is conducted. So putting out a guide
6 for voters and advocates, for example, on
7 security, may go a long way towards calming
8 down some of this criticism we're getting.

9 COMMISSIONER HILLMAN: Thank you.
10 Moving to a slightly different topic and it
11 sort of follows up on the new election
12 administrator who is not a part of any work,
13 may not have worked in elections before,
14 therefore, has not been exposed to this. Is
15 there a welcome wagon for folks in each state?
16 Is there an automatic contact this person, make
17 them aware of the various opportunities that
18 are out there so they can learn the complexity
19 of the new job they have accepted, and
20 secretly, to be able to decide if they have
21 dollars in the budget, what do they do for
22 their own education and growth? Are there

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1 places they can go that may cost them a few

2 hundred dollars but they will get great benefit
3 from?

4 MS. SCHMIDT: The majority of them,
5 at the small, local level is there state
6 association meetings, and they are usually keep
7 very inexpensive so that they can go. The
8 welcome wagon concept is the mentoring thing.
9 From my past life at a City Clerk's Office, it
10 was something that was very much there. I
11 think when I joined the election community, it
12 wasn't as much there. I think it's something
13 that all of us that have been in the business
14 for a while have a responsibility to do. I
15 remember sharing, welcoming a new colleague in
16 Kansas, and handed all of our material.

17 One thing I can say about the
18 elections community, it is an incredibly
19 sharing community. We have no ownership in
20 anything we develop or design, and we hand it
21 out to any colleague in order to empower that
22 person to explain it, make it better, or build

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1 upon it. It's those people in the very, very
2 small jurisdictions, Kansas is a good example.
3 Person in Kansas, they are very isolated out
4 there with not a lot of help, not a lot of
5 resources but we need to do a better job of
6 that. That probably goes more to the election

7 organizations, the IACREOTs, the election
8 centers, to build that network.

9 COMMISSIONER HILLMAN: Any examples
10 in Georgia?

11 DR. WILLIAMS: If I may step over
12 and put on my Georgia hat for a minute, out of
13 the election center at Kennesaw, we conduct a
14 course for newcomers to elections, not just
15 election officials, but also people like new
16 board members or county commissioners that are
17 peripherally associated with elections but
18 don't have much of a concept of how an election
19 comes together. So we have courses like that.

20 Now, I have to say though that we're
21 not real proactive about advertising them.
22 We're reactive. If somebody comes to us and

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1 says, we have a new election person, then we
2 have these courses available to them, but we
3 could do a better job of a advertising.

4 COMMISSIONER HILLMAN: At EAC, we're
5 always thinking of great projects to undertake,
6 but as we know about training resources, to
7 post them on our website for the new election
8 official.

9 DR. WILLIAMS: I would encourage you
10 to take a broader view of what an election
11 official is because we think it is important

12 for election board members to be more engaged
13 than they are, county commissioners, this next
14 layer of people that have to oversee and
15 approve elections.

16 COMMISSIONER HILLMAN: And my final
17 question, and it's a good segue, when you use
18 the term, "next layer," I would imagine that
19 every state could benefit from a Connie and
20 Brit team, some people who have the technical
21 expertise, if you will, in the state to be
22 available to advise and guide on some of the

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1 issues. I just can only imagine that voting
2 systems are going to continue to evolve. They
3 are not going to stay like this for another 80
4 year. So election officials are going to need
5 constant information, but even at a local
6 level, more than what the EAC could possibly
7 provide. Where do the next generation of folks
8 -- where are they coming from so that we have
9 larger pools of people who can be tapped into
10 to provide the kind of technical assistance
11 that you all can provide?

12 DR. WILLIAMS: Well, there again,
13 the program that Tom was talking about where
14 you're putting on out grabs to college people,
15 college and what have you, I think that we need
16 to get the colleges more involved in this.

17 I know, at Kennesaw, we have
18 integrated over the last year or so the
19 possibility of putting together a degree
20 program in election administration that would
21 be a multi-disciplinary type of program that
22 would include some political science, computer
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1 science, public service type courses. We have
2 never come up with the funds it takes.

3 I think we need to encourage the
4 universities to get more involved in offering
5 course work that's related to the support of
6 elections, both directly and indirectly.
7 Indirectly, in things like computer security,
8 and directly, in things like election
9 administration.

10 COMMISSIONER HILLMAN: Thank you.

11 CHAIRMAN DEGREGORIO: Thank you.
12 Vice-Chairman Martinez.

13 VICE-CHAIRMAN MARTINEZ: Thank you,
14 Mr. Chairman.

15 Thank you both for being here and
16 for your excellent presentations, and more
17 importantly, for the very high quality work
18 that you have done, been doing now for a while,
19 not just for the agency, but obviously, in your
20 professional career. I just appreciate that we
21 can draw on your experience and you would be

22 willing to sacrifice your time to help us with

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1 our important mission here at the EAC.

2 I think, as a general comment,

3 looking back over the past two-and-a-half year

4 for me as a Commissioner, one of the first

5 things, even, before quite frankly, before I

6 was confirmed to this position, as I started to

7 prepare throughout 2003 for serving on the EAC

8 and reaching out to voters, and talking to

9 folks around the country, I have been hearing,

10 and particularly as Dr. William notes, your

11 leadership on this issue. You have been

12 hearing that you can't do the technical update

13 to voting system standards, for example,

14 Dr. Williams, without the complimentary and

15 necessary aspect of doing a documentary

16 guideline on policy and procedure. They go

17 hand and glove. In a sense, you can't do one

18 without the other. And I think this is,

19 obviously, the culmination of that sentiment

20 where we took on the priority.

21 I think we all agree, Dr. William,

22 you were on TGDC where we all agreed we had to

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1 deal with the technical aspect of the standard

2 first, and there is a lot of work to do on that

3 still, but we to deal with that. And then

4 immediately thereafter, the focus then became
5 the development and promulgation of these
6 guidelines.

7 I guess, if I remember my question,
8 and I don't have a lot of questions because,
9 again, I am very familiar with the work that
10 you all have been doing. As my colleagues, I
11 remain extremely supportive of the work
12 product. If I remember the question is, in
13 public listing forums, my concern about small
14 jurisdictions that with no choice of their own
15 have an over reliance on the voting machine
16 vendor to do so much of their pre election,
17 Election Day, and post Election Day functions
18 when it comes to dealing with newer DRE
19 machines. Confirm for me, if you will, or if
20 you disagree -- the management guidelines, this
21 is not going to take away the fact that they
22 have no choice, they don't have the resources

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1 like larger jurisdictions do, but this is a
2 small step in the right direction to try to
3 sever the over reliance, if you will, by
4 smaller jurisdictions upon the vendor. Ms.
5 Schmidt, any comments?

6 MS. SCHMIDT: I agree.
7 Right now, they are all struggling. Massive
8 changes, it is not just voting systems. To

9 small jurisdictions, that had 3 by five voter
10 cards, leaving that situation and now here
11 comes these voting machine in the door with a
12 different type of software, and all of other
13 new protocols that as a rule all have to be
14 implemented, so they have no choice at this
15 point but to rely heavily on their vendor to
16 train them. But I think the management
17 guidelines, again, it's that universe where I
18 see we can continue to build that separate
19 little universe for all of our elections people
20 to fill, that safe harbor where there is
21 knowledge, there is information, there is
22 mentoring, there is assistance, and we can

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1 build on the small election person's ability to
2 -- no, empower them to know what questions to
3 ask. We have people who say, I don't even know
4 what questions to ask, and they are
5 administering the elections, because they don't
6 know anything about these new voting systems.
7 And that's the reality of the world right now.

8 I think the guidelines and the
9 ability to communicate it out to all the local
10 people will start to show them that there is an
11 effort being made to help them. And they need
12 that assistance so much right now.

13 VICE-CHAIRMAN MARTINEZ: I happen to

14 agree with that.

15 Dr. Williams, have you had
16 experience in Georgia to have the local
17 jurisdictions to rely on the Secretary of
18 State's Office or having to rely on the vendor?

19 DR. WILLIAMS: That's correct. In
20 fact, we have become the vendor for them, so to
21 speak. And not every state or jurisdiction is
22 going to have the kind of resource that we have

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1 managed to put together. I think it's
2 unrealistic to set as a goal for everybody to
3 become independent of the vendor, but I think
4 what we can set as a goal is to educate all of
5 the election community on who to use contact
6 for support, whether that is our election
7 center or the vendor or an independent
8 contractor, and this, I think, is a reasonable
9 goal. I don't think we will ever get to the
10 point where everybody can be totally
11 independent of their vendor. For one thing,
12 all voting systems are not created equal. Some
13 of them are just more difficult to use than
14 others, and are very difficult to operate
15 without insider knowledge, so to speak. So the
16 vendor is always going to be part of the
17 equation. It's got to be, but what we can do
18 is go a long ways toward educating people about

19 how to use that vendor effectively.

20 This is an area where management
21 guidelines cross over into the voting system
22 standards. Some of the tools that the

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1 jurisdictions need are things like the security
2 program library where they get that chip back,
3 they can go into the security library, and
4 verify what is on the chip and what is on the
5 chip is in the program library.

6 CHAIRMAN DEGREGORIO: Thank you,
7 Mr. Vice-Chairman.

8 Well, my colleagues have asked many
9 good questions which I was going to ask. I
10 appreciate your asking the vendor question,
11 Mr. Vice-Chairman, because it is certainly
12 something I have seen and had come to my
13 attention quite often in the past few months as
14 I visit states for the primaries. I appreciate
15 this document, and I would certainly hope that
16 every election official in the country get a
17 copy and actually use it.

18 VICE-CHAIRMAN MARTINEZ: Mr. Wilkey,
19 I'm going to turn to you to see if you have
20 question to our panelists.

21 MR. WILKEY: Thank you, very much,
22 Mr. Chairman.

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1 I have been accused of pushing this
2 project so that I finally will get off my soap
3 box that I have been on since 1990 about doing
4 something about that. I do have a couple
5 questions that I'd like to ask the panel. One
6 you have already touched on, Dr. William, and I
7 know you read the press every day, you keep up
8 with what's going on there. You touched on the
9 human part of this process which is something
10 that, frankly, not everybody understands out
11 there. I know we learned a lot after election
12 2000 about how elections are conducted in this
13 country, but that was soon forgotten.

14 I'd like to get your comments on, as
15 you see these articles, you see these problems
16 exposed, where it breaks down, in terms of what
17 are voting system anomalies and problems and
18 which are human problems? Because you're
19 difficult can you tell as you know is to try
20 and track though thing. I would like to have
21 your comments on that.

22 DR. WILLIAMS: Well, this is

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1 something we track pretty seriously in our
2 election center, because if there are valid
3 issues with voting systems, we want to know
4 about it and we want to address them. I have

5 to tell you that we have yet to find a problem
6 with the voting system that cannot be
7 ameliorated by proper handling and policies.

8 MR. WILKEY: Ms. Schmidt, I have
9 one question because I know you and I share our
10 passion about something that we feel about
11 deeply, and that is in the area of our small
12 jurisdictions where they don't have the
13 resources. We have spent a lot of time
14 encouraging these folks to rely on resources
15 within their communities, community colleges,
16 other departments in the county. Can you give
17 us the benefit of your open experience in this
18 area.

19 MS. SCHMIDT: It's an incredible
20 community, and I think the more we can reach
21 out to our local community to get them to
22 embrace that exciting day, Election Day -- a

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1 big thing that's happening all over our
2 counties, it involves so many people, we have
3 now been able to reach on you to corporations
4 and counties to release their employees to
5 working as poll workers.

6 We're reaching out to the local
7 cities organizations, government organizations
8 that are already in our communities, our
9 schools, our cities, to help us on Election

10 Day, to support our polling places on Election
11 Day. And what you find out is they are very
12 willing to do that. And so I think it's more
13 getting outside of our single election office,
14 putting the blinders on and know there is a lot
15 of resources out there available to us and make
16 it this big community event. And we have done
17 a lot of things, we have educated a lot of
18 people, brought them into the process, and we
19 have instilled in them the significance of that
20 Election Day, which will hopefully build on to
21 the voter turnout in the future.

22 MR. WILKEY: Thank you, again,

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1 Mr. Chairman, for the opportunity.

2 CHAIRMAN DEGREGORIO: Thank you.

3 Counsel, any questions?

4 MS. HODGKINS: No. Thank you.

5 CHAIRMAN DEGREGORIO: Dr. William,

6 Ms. Schmidt, thank you very much for your

7 presentation this morning. We appreciate the

8 work that you're doing and look forward to your

9 continued progress.

10 Our next panelist, if she would

11 taking her seat, is Dana DeBeauvoir, has been

12 the Travis County Clerk since 1986. She's had

13 twenty years of experience, significant

14 experience in the field of elections. She has

15 a masters degree from LBJ School of Public
16 Affairs, University of Texas at Austin. She's
17 a member of the EAC Standards Board. She's
18 chair of the Election Legislative Committee for
19 the Texas County and District Clerks
20 Association. She's a member of the security
21 sub committee of the Institute for Electrical &
22 Electronic Engineers, EEE. I want to make sure

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1 I get all this in because you deserve
2 recognition.

3 Travis County is known around the
4 country for it's early voting program. And
5 last but not least, I certainly remember
6 reading your report on Bosnia and Bangladesh
7 and South africa when I was at IFES. So you
8 have done significant work to help the world
9 improve it's democratic system of elections.

10 We appreciate you coming here and
11 being a panelist. It's great for us to have
12 one of the best in front of us, so the floor is
13 yours.

14 MS. DEBEAUVOIR: Thank you,
15 Mr. Chairman. Mr. Chairman, it's so nice to
16 see the all the Commissioners. It is always a
17 pleasure to see you, and it's my honor to be
18 here today to share information that is more of
19 a local perspective.

20 With the January 2006 deadline behind
21 us, HAVA is more or less implemented from the
22 perspective of purchasing equipment that is ADA

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1 compliant. But, have we fulfilled the goal of
2 truly helping Americans vote? With equipment
3 in the field, now we must concentrate on
4 helping jurisdictions properly deploy and use
5 the new technology. Across the U.S., there are
6 thousands of elections administrators in
7 counties, cities, schools, and other entities
8 who will be asked to manage in the new HAVA
9 environment. An election is an activity with a
10 thousand moving parts, most of them
11 human beings. How can we best support these
12 good people?
13 Management Guidelines, selecting and accepting
14 a new system, basic risk assessment and
15 mitigation, security, rules of evidence and
16 chain of custody, trouble shooting, programming
17 and testing, parallel monitoring and hash code
18 testing, training, recounts and contests,
19 public relations, future policy questions.

20 Those of us who have gained a few years
21 of experience operating electronic voting
22 systems know about the need to train voters and

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1 develop voter confidence, to document
2 activities and segregate processes, and to face
3 questions from the public without defensiveness
4 and with honesty. The level of competence and
5 poise now required of elections administrators
6 exceeds the norms of the past. HAVA's initial
7 focus was on types of voting equipment and
8 addressing the needs of people with
9 disabilities. Our cadre of experienced
10 election professionals must not be allowed to
11 leave the field because of the new challenges.
12 We must develop the management skills and
13 knowledge base of all
14 elections administrators, and we must do it
15 soon. Those of us who have managed electronic
16 elections feel an urgency to reach out to those
17 new to the electronic voting environment.
18 Hence, the EAC and its working groups,
19 especially Connie Schmidt, have begun the
20 Complex task of developing the first set of
21 Management Guidelines. The EAC also developed
22 manuals and procedures representing best

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1 practices in the conduct of electronic voting
2 systems throughout the U.S. With the press
3 of the upcoming November 2006 elections, the
4 Quick Start Management Guide for New Voting
5 Systems tries to foster a more analytical and

6 technical approach to the conduct of
7 elections in the hope of assisting elections
8 administrators in their duties. More
9 knowledgeable management of the voting process
10 can also help HAVA fulfill its charge to
11 truly help Americans vote.

12 And with that, I take questions from
13 you.

14 CHAIRMAN DEGREGORIO: Thank you,
15 very much. Thank you. We certainly appreciate
16 your comments this morning.

17 With that, I will call for a motion
18 to adjourn. Do I have a motion to adjourn?

19 VICE-CHAIRMAN MARTINEZ: Motion to
20 adjourn.

21 COMMISSIONER HILLMAN: Second.

22 CHAIRMAN DEGREGORIO: Thank you.

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1 The meeting is adjourned.

2 (Whereupon, the above meeting was adjourned
3 at approximately 12:00 o'clock, noon.)

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CERTIFICATE OF COURT REPORTER

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I, Jackie Smith, court reporter in and for

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the District of Columbia, before whom the foregoing

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meeting was taken, do hereby certify that the

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meeting was taken by me at the time and place

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mentioned in the caption hereof and thereafter

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transcribed by me; that said transcript is a true

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record of the meeting.

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Jackie Smith

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