

United States Election Assistance Commission

Organizational Meeting Minutes – March 23, 2004

Minutes of the organizational meeting of the United States Election Assistance Commission held on Tuesday, March 23, 2004 at 10:00am at the Environmental Protection Agency East Building, 1201 Constitution Avenue, N.W., Washington, DC.

- Call to Order:** Commissioner Soaries called the meeting to order at 10:18am.
- Pledge of Allegiance:** Commissioner Soaries led all present in the Pledge of Allegiance.
- Roll Call:** Commissioner Soaries took roll call for the Election Assistance Commission and found present Commissioner Gracia Hillman, Commissioner Paul DeGregorio, and Commissioner Raymundo Martinez.
- Adoption of Agenda:** Commissioner Soaries recognized Commissioner Hillman who moved to adopt the agenda for the meeting of March 23, 2004. The motion was seconded by Commissioner DeGregorio, and the motion carried unanimously.
- Election of Officers:** Commissioner Soaries recognized Commissioner DeGregorio, who moved to nominate Commissioner Soaries as Chairman of the U.S. Election Assistance Commission (EAC). Commissioner Hillman seconded the motion and the motion carried unanimously. Commissioner Martinez next moved to nominate Commissioner Hillman as Vice-Chair of the U.S. Election Assistance Commission. Commissioner DeGregorio seconded the motion and the motion carried unanimously.
- Commissioner Remarks:** Chairman Soaries, Vice-Chair Hillman, Commissioner DeGregorio and Commissioner Martinez next took several minutes each to briefly introduce themselves and discuss their new responsibilities with the Election Assistance Commission.
- Status Reports:** Chairman Soaries recognized each of the other Commissioners who gave a brief update on Election Assistance Commission Activities regarding publication of the individual State Plans as required by the Help America Vote Act (HAVA), the formation of the Standards Board and Board of Advisors, formation of the Technical Guidelines Development Committee, and the movement of the Election Assistance Commission into new office space.

A. Publication of State Plans:

Commissioner Martinez gave the update on the publication of the State HAVA Plans, stating that one of the most pressing challenges for the EAC was the need to publish the State plans for 50 States and 5 territories which would trigger the distribution of a total of \$2.3 billion dollars in federal funds to be used for the election reform mandates of Title III of HAVA. Commissioner Martinez noted the formidable obstacle of the payment for publication of the plans in the *Federal Register*, estimated to cost between \$500,000 and \$800,000. Commissioner Martinez noted that the EAC had partnered with GSA in this effort and that GSA had generously identified the necessary funds for publication. Commissioner Martinez stated that tomorrow, March 24th, all 55 state plans will be published in the *Federal Register*. Commissioner Martinez also noted that the publication of the plans triggers the start of a 45 day period of public comment after which the states can begin to submit to the EAC a statement of “self-certification” of compliance.

Commissioner DeGregorio asked Commissioner Martinez what states might need to be aware of as they develop and submit the self-certification. Commissioner Martinez replied that state must certify that they have filed a state plan containing each of the elements in section 254 of HAVA, develop the plan in accordance with sections 255 and 256 of HAVA, filed with the EAC their administrative complaint procedures, be in compliance with various voting rights and disability laws, explain any proposed use of the funds inconsistent with the Title III requirements of HAVA and appropriate a 5% “state match” of the total amount to be spent for Title III requirements activities.

B. Formation of Standards Board and Board of Advisors:

Commissioner Hillman gave the update for activities regarding the 110 member Standards Board and the 37 member Board of Advisors. Commissioner Hillman stated that the basic duties of both Boards are to review a number of guidelines and reports developed by the EAC, including the Voluntary Voting Systems Guidelines, voluntary guidance to be developed under Title III, and other best practices recommendations. Commissioner Hillman noted that the Standards Board is made up of 55 State election officials and 55 local election officials and that the two officials from each State may not be of the same political party. The Board of Advisors members shall be appointed by Federal government agencies, and associations of election officials. In addition, this Board will have members appointed the majority and minority

leadership of both houses of Congress as well by specific committee chairs and ranking minority members. Chairman Soaries asked Vice-Chair Hillman about other responsibilities of the Boards. Vice-Chair Hillman replied that the Boards have the responsibility to conduct a search for the EAC Executive Director, and that to accomplish this, both Boards were required to appoint a search committee to recommend at least three nominees to the EAC.

C. Formation of Technical Guidelines

Development Committee: Commissioner DeGregorio discussed the formation of the Technical Guidelines Development Committee (TGDC) and their main responsibility to develop voluntary voting systems guidelines for voting systems and equipment used in the United States. Commissioner DeGregorio began with a discussion of the current voting systems standards developed by the National Association of State Election Directors (NASED) and the FEC in 1990, and revised in 2002 and noted that it is estimated that over 80% of the States have adopted these standards. Commissioner DeGregorio noted that the disbursement of over \$3 billion federal dollars for States to purchase new voting equipment will only increase the need and demand for adequate voluntary guidelines. Commissioner DeGregorio noted that the TGDC is a 15 member body to be Chaired by Dr. Arden Bement, Director of the National Institute for Standards and Technology (NIST). The EAC and NIST are to appoint 14 members to the TGDC from various categories spelled out in HAVA. Commissioner DeGregorio also stated that once constituted, the TGDC will consist of some of the best technological experts in the country as well as dedicated election officials and public representatives. Finally, Commissioner DeGregorio noted that NIST and the EAC are working closely to get the committee up and running as soon as possible. Commissioner Martinez asked if sufficient funding was available to accomplish this task in a timely fashion. Commissioner DeGregorio replied that although '04 funding was minimal, the EAC expected to allocate some \$3,000,000 of its expected '05 budget of \$10,000,000 to the voting systems guidelines.

Chairman Soaries next recognized Dr. Arden Bement, Director of NIST, to make few remarks.

Dr. Bement stated that he looked forward to working with the EAC in the development of the voluntary voting systems guidelines. Dr. Bement also discussed the recently completed NIST draft Human

Factors report to Congress which is currently being reviewed by the EAC. Dr. Bement also noted the success of the recent NIST sponsored Symposium on Building Trust and Confidence in Voting Systems and described the secretariat and organizational services NIST will provide to the EAC and the TGDC.

D. EAC Offices:

Vice-Chair Hillman was recognized and described the current and future office accommodations of the EAC. The Vice-Chair first noted that the Commissioners were currently using office space provided by the Federal Election Commission (FEC) at 999 E Street, N.W., Washington, DC, and that some of the Commissioners were also using office space within the FEC's Office of Election Administration division, currently located at 800 North Capitol Street, N.W., Washington, DC. Vice-Chair Hillman was pleased to announce that the EAC would shortly be moving into permanent office accommodations located at 1225 New York Avenue, N.W., Washington, DC. Commissioner DeGregorio asked how the EAC had been able to function so far. Vice-Chair Hillman replied that the EAC had been able to come as far as it had through bipartisan cooperation among the Commissioners and significant help from GSA, the FEC and many others.

Recognition of Support:

Chairman Soaries recognized Commissioner Martinez who led the EAC in formal thanks to all the Federal agencies who have assisted the EAC in its activities. These agencies included the General Services Administration (GSA), the Environmental Protection Agency (EPA), the Federal Election Commission (FEC), the General Accounting Office (GAO), Health and Human Service (HHS), the Federal Voting Assistance Program (FVAP), and the Department of Justice (DOJ).

Future Meetings:

Chairman Soaries stated that the EAC would like to hold a public hearing on voting systems within the next 45 days, and invited a motion to that effect. Vice-Chair Hillman made the motion, Commissioner Martinez seconded the motion and it carried unanimously.

Adjournment:

Chairman Soaries asked for a motion to adjourn the meeting. Vice-Chair Hillman made the motion to adjourn, Commissioner DeGregorio seconded the motion and the meeting was adjourned.