

STANDARDS BOARD
Proposed Bylaws Amendment Form

This form is to be used for proposing amendments to the EAC Standards Board Bylaws amended July 31, 2020. Amendments must be submitted to the DFO, Commissioner Thomas Hicks. In addition to conforming with Article X, Section 2 of the Bylaws, the EAC General Counsel will review the proposed amendments to determine that they are in compliance with federal law, regulations and procedures. All submissions must be typed. It may be returned via mail, e-mail or fax.

An article is not subject to amendment by change, addition or repeal, until it has been approved by a two-thirds (2/3) vote of the members present and voting at the next Standards Board meeting.

J. Bradley King _____
Member's Name

317-233-0929 _____ bking@iec.in.gov _____
Member's Telephone Number Member's Email Address

Date Submitted: August 7, 2023 _____

If amending an existing clause, please provide Article, Section [i.e. Article VI, Section 2(h)] Article VI.
Executive Board Duties

If proposing a new provision, cite where it should be placed in the current Bylaws, and please provide Article, Section [i.e. Article VI, Section 2(h)].

THE FOLLOWING AMENDMENT OR ADDITION IS SUBMITTED:

SECTION 1. Amend Article I. Authority to read as follows:

Article I. Authority

Pursuant to the Federal Advisory Committee Act and the Help America Vote Act of 2002 (HAVA) [Public Law 107-252], as such statutes may be amended from time to time, the Standards Board has been granted its authority through its charter with the United States Election Assistance Commission (EAC) (as filed with Congress on April 13, ~~2005~~ **2023** and to be renewed every two (2) years). The Standards Board, Executive Board and the committees of the Standards Board will comply fully with the provisions of the Federal Advisory Committee Act (FACA); and all other applicable Federal laws. ¹

REASON FOR AMENDMENT: The charter submitted in 2005 has expired and was not renewed. The current charter was filed April 13, 2023.

DESCRIBE SUPPORTING DOCUMENTATION SUBMITTED (if any):

The April 13, 2023 Standards Board charter, as published on the U.S. Election Assistance Commission website, is attached.

IMPACT OF THE PROPOSED AMENDMENT: This amendment recognizes the current authority for the functioning of the Standards Board under FACA. This removes any question regarding the validity of the charter that the Board operates under.

SECTION 2. Amend Article II. Objectives to read as follows:

Article II. Objectives

The Standards Board will:

1. ~~Advise~~ **Advise** EAC through review of the voluntary voting system guidelines described in Title II Part 3 of HAVA; through review of the voluntary guidance described under Title III of HAVA; and through the review of the best practices recommendations described in Section 241 of Title II of HAVA, as required by HAVA or as may be developed by EAC.
2. Provide guidance and advice to EAC on a variety of topics related to the administration of elections for Federal office.
3. Make recommendations to EAC. Neither the Executive Board nor any subcommittees of the Standards Board may make recommendations to EAC without the consideration and approval of the Standards Board.
4. Function solely as an advisory body.

REASON FOR AMENDMENT: Corrects typographical error.

DESCRIBE SUPPORTING DOCUMENTATION SUBMITTED (if any):
None.

IMPACT OF THE PROPOSED AMENDMENT: Purely technical.

SECTION 3. Amend Article V to read as follows:

Article V. Executive Board of the Standards Board

Pursuant to Section 213(c) of HAVA, the Standards Board shall select nine (9) of its members to serve as the Executive Board of the Standards Board as follows:

1. Membership.
 - a. Not more than five (5) members of the Executive Board may be state election officials.
 - b. Not more than five (5) members of the Executive Board may be local election officials.
 - c. Not more than five (5) members of the Executive Board may be of the same political

party.

- d. All members who are unaffiliated with a political party shall be counted as the same political party for the purpose of calculating the party affiliation balance of the Executive Board pursuant to HAVA Section 213(c).
- e. An Executive Board member shall immediately notify the Executive Board and the DFO of any change made in the member's party affiliation while serving as a member of the Executive Board. If such change in the member's party affiliation results in more than five (5) members of the Executive Board being of the same political party, a vacancy shall be present in the seat of the member who changed party affiliation.

2. Nominations.

a. Expired Terms.

- i. The Nominating Committee shall solicit nominations for the Executive Board from Standards Board members. The Nominating Committee shall send to Standards Board members a solicitation no later than December 1st immediately prior to the expiration of any Executive Board member's term. The solicitations shall designate the address and form for submitting nominations.
- ii. Standards Board members may nominate themselves or other Standards Board members by responding to the solicitation.
- iii. Nominations shall be submitted to the Standards Board's Designated Federal Officer (DFO) (or the DFO's designee) in writing and may be submitted electronically no later than January 15th immediately prior to the expiration of any Executive Board member's term. ~~In the event that~~ If January 15th is a federal holiday, nominations are due no later than January 16th.
- iv. Upon receipt of nominations, the Nominating Committee shall prepare ballot information to be distributed to the Standards Board at least fifteen (15) days prior to the date of the Standards Board meeting immediately following the submission deadline.
- v. Nominations for membership on the Executive Board shall not be accepted from the floor of a Standards Board meeting.
- vi. If the Nominating Committee does not receive a sufficient number of nominees for the positions to be filled, taking into account the regional, party, and state/local requirements of each open position, the Nominating Committee shall meet and submit a list of nominees at least twenty (20) days prior to the date of the Standards Board meeting immediately following the submission deadline.

b. Vacancies Before the End of a Term.

- i. This subsection applies if a vacancy on the Executive Board occurs more than ninety (90) days before the expiration of a member's term on the Executive Board. The Nominating Committee shall send to Standards Board members a solicitation no later than sixty (60) days before the next meeting of the Standards Board. The solicitations shall designate the address and form for submitting nominations.
 - ii. Standards Board members may nominate themselves or other Standards Board members by responding to the solicitation.
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- iii. Nominations shall be submitted to the Standards Board's Designated Federal Officer (DFO) (or designee) in writing and may be submitted electronically no later than the date indicated on the solicitation.
 - iv. Upon receipt of nominations, the Nominating Committee shall prepare ballot information to be distributed to the Standards Board at least fifteen (15) days prior to the date of the Standards Board meeting immediately following the submission deadline.
 - v. Nominations for membership on the Executive Board shall not be accepted from the floor of a Standards Board meeting.
- c. Elections.
- i. Except as provided in this subdivision, elections to the Executive Board shall be by secret ballot. If the number of candidates is equal to the number of seats to be elected, and a secret ballot is not necessary to determine the length of the term in which a member is to be elected, the Standards Board may instead elect the candidates by acclamation. Except as provided in this subdivision, elections to the Executive Board shall take place at a meeting of the Standards Board. No later than twenty (20) days before the date of a Standards Board meeting immediately following the nominations submission deadline under subsection (a), the Executive Board may authorize an election to the Executive Board to be conducted by mail-in ballot if the Executive Board determines that the only principal items of business to be voted upon by the Standards Board are the election of members of the Executive Board and matters such as the approval of the minutes of previous Standards Board meetings. If the Executive Board authorizes an election to be conducted by mail-in ballot, the election shall be conducted as follows:
 - a. The Nominating Committee shall create forms and envelopes for a mail-in ballot election.
 - b. Mail-in ballots shall be received by the DFO (or designee) at the address indicated on the ballot envelope no later than eight (8) days prior to the start date of the Standards Board meeting immediately following the nominations submission deadline.
 - c. The DFO (or designee) shall review all ballot envelopes received by the deadline to ensure that they include all identifying information requested on the form(s). Where identifying information is missing, the DFO (or designee) shall contact Standards Board members to complete the identifying information on the envelope.
 - d. The DFO (or designee) shall give all sealed official envelopes containing mail-in ballots received by the deadline indicated in these bylaws to the appointed Election Certification Committee chair or the chair's designee at the Standards Board meeting immediately following the nominations submission deadline.
 - e. The appointed Election Certification Committee shall record the receipt of each mail-in ballot.
 - ii. The ballot shall be designed to enable Standards Board members to select candidates based on the following: (1) The Candidate's political party affiliation,
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- (2) whether the candidate is a state or local election official, (3) which state or territory the candidate represents, (4) whether the candidate was elected or appointed, and (5) in the case of state election officials, what position the candidate holds. Concise biographical information for each candidate shall be provided to each Standards Board member **at least seven (7) calendar days** in advance of the election.
- iii. All election results shall be tabulated and certified by the Election Certification Committee. Except as provided in this subdivision, all tabulation and certification processes shall take place in the presence of the members at a time and place designated by the Election Certification Committee. If an election is conducted by mail-in ballot, the tabulation and certification process shall take place at a time and location designated by the Executive Board at the time that the election by mail-in ballot is authorized. Notice concerning the time and location of the tabulation and certification process must be included with the mail-in ballot sent to each Standards Board member. Any member may be present for the tabulation and certification process conducted as part of an election by mail-in ballot.
 - iv. In the case of the election of a candidate(s) which causes an unbalanced ratio of political party representation, the person(s) in the party with the smaller political party representation receiving the highest number of votes shall be elected until the political party representation ratio is restored.
 - v. In the case of the selection of a candidate(s) which causes an unbalanced ratio of state and local governmental unit representation, the person(s) ~~in the governmental unit with a smaller representation~~ receiving the highest number of votes shall be elected until the governmental unit representation ~~ratio~~ **ratio** is restored.
 - vi. In the case of a tie vote between the candidates at an election, the Election Certification Committee shall automatically recount the votes cast for the tied candidates.
 - vii. If following the recount a tie remains, the Election Certification Committee shall resolve the tie by the toss of a coin.
 - ~~viii. For the first election conducted after April 29, 2015 (not including any special elections to fill unexpired terms), two (2) of the three (3) positions shall be for local election officials. For the second election conducted after April 29, 2015, two (2) of the (3) three positions shall be for state election officials. The number of positions for state and local election officials on the Executive Board shall continue to alternate in subsequent elections.~~
 - viii. Within thirty (30) days of an Executive Board election, the Executive Board members shall convene to elect a Chair, Vice-Chair, and Secretary. If the Executive Board is unable to meet for elections before the end of the term of the officers, the sitting officers shall remain in their elected capacity until the Executive Board is able to meet again and elect new officers.
 - ix. If the Standards Board is unable to meet for elections before the end of an Executive Board member's term, the sitting members of the Executive Board shall remain in their elected capacity until the Standards Board is able to meet again and a new member is elected.

- x. This subdivision does not apply to an election which the Executive Board authorizes to be conducted by mail-in ballot. Votes for Executive Board elections may be made by absentee ballot provided the following:
 - a. The Nominating Committee shall create forms and envelopes for absentee voting.
 - b. Absentee ballots shall be received by the DFO or designee at the address indicated on the absentee ballot envelope no later than eight (8) days prior to the start date of the Standards Board meeting immediately following the nominations submission deadline.
 - c. The DFO or designee shall review all absentee ballot envelopes received by the deadline to ensure that they include all identifying information requested on the form(s). Where identifying information is missing, the DFO or designee shall contact Standards Board members to complete the identifying information on the envelope.
 - d. The DFO or designee shall give all absentee sealed official envelopes containing absentee ballots received by the deadline indicated in these bylaws to the appointed Election Certification Committee chair or the chair's designee at the Standards Board meeting immediately following the nominations submission deadline.
 - e. The appointed Election Certification Committee shall record and tabulate each absentee ballot and include absentee ballots in election results.

- d. Executive Board Members Terms of Service and Vacancies.
 - i. Generally.
 - a. The Chair of the Executive Board shall notify EAC and the Nominating Committee Chair within five (5) business days of any vacancy on the Executive Board.
 - b. The Chair, Vice Chair, and Secretary, shall serve for a term of not more than one (1) year. An Executive Board member shall not serve for two (2) consecutive terms for the same office, except in the case of a member serving the unexpired term of an office, in which case the member may be elected to the same office for the succeeding term.
 - c. An Executive Board member may be removed from the Executive Board, for cause, by a vote of two-thirds (2/3) of Standards Board members at a Standards Board meeting.
 - d. This subsection applies if a vacancy on the Executive Board is not subject to subsection b.1. The remaining members of the Executive Board may appoint an interim member of the Executive Board until the next Standards Board meeting at which an election of Standards Board members is conducted, or until a member is elected in a special election conducted under subsection b., whichever occurs first. The appointment of an interim member must result in the composition of the Executive Board remaining in compliance with the requirements of HAVA and these Bylaws.
 - ii. Initial Term.
 - Pursuant to Section 213(c)(3) of HAVA, of the members first selected to serve on the Executive Board of the Standards Board:
 - a. Three (3) shall serve for one (1) term.

- b. Three (3) shall serve for two (2) consecutive terms.
- c. Three (3) shall serve for three (3) consecutive terms.
- iii. Subsequent Terms.
 - (3) Pursuant to Section 213(c)(2) of HAVA, members of the Executive Board shall serve for a term of two (2) years and may not serve for more than three (3) consecutive terms.
 - a. Members of the Standards Board who have previously served on the Executive Board shall be eligible to be nominated to the Executive Board no sooner than two (2) years from the last term in which they served on the Executive Board.
- e. Meetings.
 - i. Any two (2) members of the Executive Board may call an Executive Board meeting by filing the original call of the meeting with and obtaining approval from the DFO, including the stated reason for calling the meeting, and the date and time of the meeting. Such meetings include, but are not limited to meetings by conference call and virtual (electronic media) meetings. These meetings must allow each Executive Board member to include their comments and hear or view others' comments.
 - ii. A majority of Executive Board Members shall be present for a quorum.
 - iii. The Executive Board shall agree to actions by a majority roll call vote of seated members of the Executive Board.
 - iv. Proxy voting shall not be allowed in Executive Board votes.
 - v. Any member of the Standards Board may attend and at the discretion of the Chair, may participate in any and all discussion at an Executive Board meeting, but may not vote.

REASON FOR AMENDMENT: Provides specific time-period for information to be provided to Standards Board members regarding nominees for election to the Executive Committee of the Standards Board. Repeals obsolete language from implementation of initial election of Executive Board members. Corrects typographical errors and makes related edits. Removes other unnecessary or obsolete language.

DESCRIBE SUPPORTING DOCUMENTATION SUBMITTED (if any): None.

IMPACT OF THE PROPOSED AMENDMENT: Ensures sufficient time period for consideration of Executive Board member election nominees by entire membership.

SECTION 3. Amend Article VIII. Quorum and Proxy Voting to read as follows:

Article VIII. Quorum and Proxy Voting

- 1. Quorum.
 - a. A quorum shall be established when 56 Standards Board members are present for a meeting as determined by a roll call or quorum call of the Standards Board members.

2. Proxy Votes.
 - a. Proxy designations may be submitted in writing to the Chair up to the day of the Standards Board meeting by the designated meeting start time established via the meeting agenda. A proxy designation may be submitted by electronic transmission. An original signature is not required if a proxy designation is submitted by electronic transmission.
 - b. Proxy votes may only be cast by Standards Board members, provided proxy designations have been timely filed in advance with the Chair clearly identifying the Standards Board member selected to cast an absent member's proxy vote.
 - c. The Chair shall appoint a proxy committee to verify the eligibility of a member(s) designating a proxy vote and of the member(s) designated to cast a proxy vote(s) on behalf of absent Standard's Board members.
 - d. Proxy voting shall be allowed for all business matters, other than Executive Board elections.
 - e. Proxy voting shall not be allowed for Executive Board elections.
3. Voting Generally.
 - a. The ~~Standard~~**Standards** Board shall agree to actions by majority vote of those present and voting unless otherwise specified by these bylaws.
 - b. Votes by the Standards Board on recommendations to EAC shall have the ayes, nays, and abstentions recorded.
 - c. Votes taken during meetings conducted by conference call and through virtual (electronic media) means shall have a quorum established prior to voting.

REASON FOR AMENDMENT: Corrects typographical error.

DESCRIBE SUPPORTING DOCUMENTATION SUBMITTED (if any): None.

IMPACT OF THE PROPOSED AMENDMENT: Purely technical.

SECTION 4. Articles XIII and XIV are repealed.

~~*Article XIII. Effective Date*~~

~~1. These By-Laws are effective upon adoption by the Standards Board.~~

~~Article XIV. Transition Procedures and Ratification~~

- ~~1. The adoption of the bylaws has no effect on the selection, terms or appointment of the officers or members of the Standards Board, the Executive Board, or a committee of the Board serving on the effective date of these bylaws.~~

- ~~2. All acts of the Standards Board, the Executive Board, or a committee of the Board are hereby ratified, except to the extent that an act does not conform with a resolution adopted by the Standards Board before the effective date of these Bylaws.~~

REASON FOR AMENDMENT: Repeals obsolete language. Purpose of text accomplished when Bylaws originally adopted and implemented.

DESCRIBE SUPPORTING DOCUMENTATION SUBMITTED (if any):

None.

IMPACT OF THE PROPOSED AMENDMENT: Purely technical.

STANDARDS BOARD
Proposed Bylaws Amendment

This form is to be used for proposing amendments to the EAC Standards Board Bylaws amended July 31, 2020. Amendments must be submitted to the DFO, Commissioner Thomas Hicks. In addition to conforming with Article X, Section 2 of the Bylaws, the EAC General Counsel will review the proposed amendments to determine that they are in compliance with federal law, regulations and procedures. All submissions must be typed. It may be returned via mail, e-mail or fax.

An article is not subject to amendment by change, addition or repeal, until it has been approved by a two-thirds (2/3) vote of the members present and voting at the next Standards Board meeting.

J. Bradley King _____
Member's Name

317-233-0929 _____ bking@iec.in.gov _____
Member's Telephone Number Member's Email Address

Date Submitted: October 31, 2023 _____

If amending an existing clause, please provide Article, Section [i.e. Article VI, Section 2(h)]. Executive Board Duties

If proposing a new provision, cite where it should be placed in the current Bylaws, and please provide Article, Section [i.e. Article VI, Section 2(h)].

THE FOLLOWING AMENDMENT OR ADDITION IS SUBMITTED:

SECTION 1. Amend Article VIII. Quorum and Proxy Voting to read as follows:

Article VIII. Quorum and Proxy Voting

1. Quorum.
 - a. A quorum shall be established when 56 Standards Board members are present for a meeting as determined by a roll call or quorum call of the Standards Board members.

2. Proxy Votes.
 - a. Proxy designations may be submitted in writing to the Chair up to the day of the Standards Board meeting by the designated meeting start time established via the meeting agenda. A proxy designation may be submitted by electronic transmission. An original signature is not required if a proxy designation is submitted by electronic transmission.
 - b. Proxy votes may only be cast by Standards Board members, provided proxy designations have been timely filed in advance with the Chair clearly identifying the Standards Board member selected to cast an absent member's proxy vote.
 - c. The Chair shall appoint a proxy committee to verify the eligibility of a member(s) designating a proxy vote and of the member(s) designated to cast a proxy vote(s) on behalf of absent Standard's Board members.
 - d. Proxy voting shall be allowed for all business matters, other than Executive Board elections.
 - e. Proxy voting shall not be allowed for Executive Board elections.
3. Voting Generally.
 - a. The ~~Standard~~**Standards** Board shall agree to actions by majority vote of those present and voting unless otherwise specified by these bylaws.
 - b. **Votes shall be by acclamation if no member of the Board requests a roll call vote before the question is called.** Votes by the Standards Board on recommendations to **the** EAC shall ~~have the ayes, nays, and abstentions recorded~~ **be by roll call vote only when specifically requested.**
 - c. Votes taken during meetings conducted by conference call and through virtual (electronic media) means shall have a quorum established prior to voting.

REASON FOR AMENDMENT: Corrects typographical error. Provides for greater efficiency in conducting Standards Board business by eliminating the need for a time-consuming roll call vote by the full membership (and instead permitting a vote by acclamation by the full membership) to approve the confirmation of an Executive Board appointment of an individual to serve as a representative of the Standards Board on the governing body of another organization.

Requires that a roll call vote in this case be conducted if any member of the Standards Board requests a roll call vote before the question is called.

DESCRIBE SUPPORTING DOCUMENTATION SUBMITTED (if any): None.

IMPACT OF THE PROPOSED AMENDMENT: Greater efficiency in conducting business in a meeting of the full membership of the Standards Board, while safeguarding the right of each individual member to request a roll call vote on an important question.

STANDARDS BOARD
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An article is not subject to amendment by change, addition or repeal, until it has been approved by a two-thirds (2/3) vote of the members present and voting at the next Standards Board meeting.

J. Bradley King
Member's Name

317-233-0929
Member's Telephone Number

bking@iec.in.gov
Member's Email Address

February 7, 2023
Date Submitted

If amending an existing clause, please provide Article, Section [i.e. Article VI, Section 2(h)]. Executive Board Duties

If proposing a new provision, cite where it should be placed in the current Bylaws, and please provide Article, Section [i.e. Article VI, Section 2(h)].

THE FOLLOWING AMENDMENT OR ADDITION IS SUBMITTED:

Inserting the following subsection to Article IX Section 2.

- c. Regional Subcommittees
 - i. The Executive Board shall establish a subcommittee for each region as defined in subsection vi of this subsection for a total of six (6) regional subcommittees.
 - ii. Each regional subcommittee shall be comprised of all Standards Board members serving as representatives for the States and Territories identified for that region.
 - iii. Each region shall elect a Chair and Vice Chair from the members of that regional subcommittee.
 - iv. The Chair of each regional subcommittee, in coordination with the Executive Board, shall set the agenda for regional

subcommittee meetings. Regional subcommittees shall meet not less than once per calendar year.

v. Regions Defined

- a. "Region 1" shall include Alaska, Arizona, California, Colorado, Hawaii, Nevada, New Mexico, Oregon, Utah, and Washington.
- b. "Region 2" shall include Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.
- c. "Region 3" shall include Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas.
- d. "Region 4" shall include the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin.
- e. "Region 5" shall include Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.
- f. "Region 6" shall include American Samoa, Guam, the Commonwealth of Puerto Rico, the United States Virgin Islands

IMPACT OF THE PROPOSED AMENDMENT: Providing for regional subcommittees to convene throughout the year to promote greater efficiency in determining the needs for resources and assistance from the EAC.