December 19, 2014

The Honorable Thomas Hicks, Commissioner
United States Election Assistance Commission
1335 East West Highway
Suite 4300
Silver Spring, Maryland 20910

Dear Commissioner Hicks:

Congratulations on your confirmation to serve as a Commissioner on the U.S. Election Assistance Commission. We are the two former chairs of the Presidential Commission on Election Administration (PCEA), and we, along with other of the PCEA's commissioners, are now working with the Bipartisan Policy Center's (BPC) Democracy Project to move our recommendations from paper into practice in states across the country.

The PCEA delivered its report to the President earlier this year with unanimous recommendations and an array of best practices in election administration that will significantly improve the American voter's experience and promote confidence in the administration of U.S. elections. In the report, we called for long-term reform of the standard-setting and certification process for voting machines. Specifically, we noted that having an effective certification process is fundamental to ensure the accuracy and functionality of equipment, compliance with legal requirements, and other basic standards and guidelines. It is key to addressing comprehensively a wide range of the issues the PCEA had been charged with examining.

For the past six months, we have been active through BPC in working with the voting systems certification sub-committee of the National Association of State Election Directors (NASED) to develop concrete steps that a newly reconstituted EAC should take to improve the standard-setting and certification process for voting machines in the near term. We join with the BPC in the view that these are important issues for the EAC to address immediately.

First, the EAC should publicly discuss, consider, and adopt the pending Draft Voluntary Voting System Guidelines Version 1.1 (Ver. 1.1) shortly after the Commission establishes a quorum. With this, there should be a reasonable transition period for the implementation of new standards.

While the EAC has not been able to meet for several years, the administrative aspects of the certification process have moved forward. Though this has facilitated the certification of new voting systems, it has done so under a set of standards that dates back to 2005. Ver. 1.1 includes many significant improvements, but most importantly, it provides for voting technology to be certified to more recent standards. We view this as an essential interim step in the reimagining of voting system certification.

We also share BPC's recognition that the EAC will engage in a deliberative process to consider these recommendations. However, we urge that consideration be speedy and suggest that a vote to adopt Ver. 1.1 not occur later than six months after the quorum on the Commission has been re-

established. Fortunately, the Ver. 1.1 standards have already had significant expert and public input, including multiple rounds of public comment. Therefore, neither we nor BPC believes it is necessary to reopen Ver. 1.1 to additional rounds of public comment and further delay their consideration.

Following approval of Ver. 1.1, the EAC should implement a more deliberate process to modernize the standards and certification process for the long term. A re-imagined Voluntary Voting System Guidelines Version 2.0 (Ver. 2.0) would be an opportunity to make the necessary structural changes for the future of voting systems. However, without expeditious approval of Ver. 1.1, any states making purchases of voting technology in the next three years will be limited by increasingly outdated standards and technology.

It is important for any voting system standards process to recognize that state and local governments will upgrade or replace voting equipment over a period of years and, therefore, new standards, as developed and adopted by the EAC, are additional choices for elections jurisdictions. As a result, it must be clear that voting equipment approved under any set of VVSG by the EAC is suitable for use in elections unless the EAC determines that continued use of such equipment puts elections at risk for inaccurate election results.

Second, EAC commissioners should adopt the Voting System Testing and Certification Program Manual Version 2.0. This manual includes changes to the testing process that allow for *de minimus* changes, testing review for the manufacturers, as well as review of software. The manual corresponds to Ver. 1.1 that the Sub-Committee recommends be adopted expeditiously.

Third, EAC commissioners should adopt the Voting System Test Laboratory Program Manual Version 2.0. This manual also corresponds to Ver. 1.1 that the Sub-Committee recommends be adopted expeditiously.

We respectfully request your thorough consideration of these recommendations and ask that you take actions as soon as possible to reform the voting system standards and certification process. We look forward to working with you to modernize our nation's voting systems.

Sincerely,

Ben Ginsberg   Bob Bauer
Co-Chair, PCEA   Co-Chair, PCEA

The Honorable Matthew Masterson, Commissioner
United States Election Assistance Commission
1335 East West Highway
Suite 4300
Silver Spring, Maryland 20910

Dear Commissioner Masterson:

Congratulations on your confirmation to serve as a Commissioner on the U.S. Election Assistance Commission. We are the two former chairs of the Presidential Commission on Election Administration (PCEA), and we, along with other of the PCEA's commissioners, are now working with the Bipartisan Policy Center's (BPC) Democracy Project to move our recommendations from paper into practice in states across the country.

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We also share BPC's recognition that the EAC will engage in a deliberative process to consider these recommendations. However, we urge that consideration be speedy and suggest that a vote to adopt Ver. 1.1 not occur later than six months after the quorum on the Commission has been re-

established. Fortunately, the Ver. 1.1 standards have already had significant expert and public input, including multiple rounds of public comment. Therefore, neither we nor BPC believes it is necessary to reopen Ver. 1.1 to additional rounds of public comment and further delay their consideration.

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Sincerely,

Ben Ginsberg   Bob Bauer
Co-Chair, PCEA   Co-Chair, PCEA

The Honorable Christy McCormick, Commissioner
United States Election Assistance Commission
1335 East West Highway
Suite 4300
Silver Spring, Maryland 20910

Dear Commissioner McCormick:

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