

Meeting Minutes (Approved)
Technical Guidelines Development Committee (TGDC) Meeting
July 9, 2004
1225 New York Avenue NW, Suite 1100
Washington D.C. 20015

Members in Attendance:

Dr. Arden Bement –Chairman
Hon. Donetta Davidson
Alice Miller
Sharon Turner Buie
Helen Purcell
J.R. Harding
James Elekes
H. Stephen Berger
Britain Williams
Paul Craft
Ronald Rivest
Whitney Quesenbery
Daniel Schutzer (via conference call)
Anne Caldas

Absent Members:

Patrick Gannon

Committee Support Staff:

Allan Eustis- Project Leader, NIST Voting System Standards
Craig Burkhardt, Chief Counsel for Technology, Department of Commerce

U.S. Election Assistance Commission (EAC)

DeForest Soaries, Chairman
Gracia Hillman, Vice Chair
Paul DeGregorio, Federal Officer, Technical Guidelines Development Committee
Ray Martinez

Morning Session

Dr. Arden Bement, TGDC Chair called the meeting to order at 9:05 am. He introduced himself as Director of the National Institute of Standards and Technology and Chairman of the Technical Guidelines Development Committee.

Chairman Bement explained that Public Law 107-252, the Help America Vote Act (HAVA) establishes the Technical Guidelines Development Committee. HAVA charters the members of this Committee to assist the Election Assistance Commission with the development of voluntary voting system guidelines.

Chairman Bement appointed Allan Eustis, project director for the Committee and Craig Burkhardt, Committee Counsel.

Chairman Bement called on Craig Burkhardt to clarify the status of Committee membership and also to determine if a quorum was in attendance.

Mr. Burkhardt described his role as one to provide legal advice and support to the Committee on a number of items that the TGDC will pursue over the next nine months. In addition, government lawyers working with the Election Assistance Commission (EAC) had collected from the Committee the members' financial disclosure forms, required by law. Mr. Burkhardt noted that there were still four TGDC members for whom the financial disclosure review process was incomplete. Temporarily, these four members would not be able to vote on motions at this meeting. In addition, the four members cannot actively participate in meeting business until the review process is complete. Those four members are: Turner-Buie, Rivest, Schutzer and Gannon. Mr. Burkhardt indicated that the four non-participating members would be asked to take part during the Committee's self introduction along with the rest of the Committee. The other members would be called on roll calls and will be considered when determining a quorum.

In order to conduct official business, Mr. Burkhardt indicated that attendance of eight voting members was necessary. These individuals must have completed the financial review process. Mr. Burkhardt proceeded to read the roll indicating that all votes of this Committee would be public.

Bement-Present
Davidson-Present
Miller- Present
Purcell-Present
Harding-Present
Elekes-Present
Caldas-Present
Berger- Present
Williams- Present
Craft- Not Present (Arrived Later)
Quesenbery-Present

Mr. Burkhardt advised Dr. Bement that a quorum was in attendance to conduct business.

Chairman Bement declared a quorum in attendance and thanked Mr. Burkhardt. The Chairman also thanked the EAC for making their facilities available for the first meeting of the Technical Guidelines Development Committee.

The Chairman noted that Mr. Craft and Dr. Rivest were delayed due to weather and would join the meeting later. Dr. Schutzer would participate by teleconference. Chairman Bement noted that this Committee's initial set of recommendations for the voting system guidelines are due to the Executive Director of the Election Assistance Commission in April 2005 in accordance with HAVA's nine month deadline. In the interim, the 2002 voting system standards adopted by the Federal Election Commission serve as the first set of voluntary voting system guidelines under HAVA.

Chairman Bement explained that in accordance with HAVA, the U.S. Election Assistance Commission and he appointed fourteen individuals to serve on this Committee. Those members included:

- Two Members of the Standards Board.
- Two Members of the Board of Advisors.
- Two Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973.
- A representative of the American National Standards Institute.
- A representative of the Institute of Electrical and Electronics Engineers.
- Two representatives of the National Association of State Election Directors selected by such Association who are not members of the Standards Board or Board of Advisors, and who are not of the same political party.

In addition, Dr Bement noted that the Election Assistance Commission appointed four individuals with technical and scientific expertise relating to voting systems and voting equipment. A majority of the members of the Technical Guidelines Development Committee shall constitute a quorum.

At this time, Dr Bement entertained a motion to move the latest, revised version of Roberts Rules of Order be adopted to govern Technical Guidelines Development Committee and subcommittee proceedings. (The motion was moved, seconded and passed by voice vote, none opposed).

Chairman Bement went on to note: "Our first meeting has an ambitious agenda with specific outcomes that are necessary for us to accomplish in order to move forward with the Committee's HAVA mandates."

"Specifically, as a committee we must agree on a procedural road map for standards development as well as a preliminary work plan. In addition, we will also receive briefings from NIST scientists on HAVA related issues and work currently in process. The time required to accomplish the Agenda items means that the committee cannot take public comment at this meeting. However, there will be other opportunities for the public to comment and provide testimony at future meetings as well as electronically."

At this point, Chairman Bement noted that the public can provide e-mail comment to the TGDC. The e-mail address is voting@nist.gov.

"In fact, the public comment that this committee receives- electronically and in open meetings will be critical to the standards development process. I believe that this committee must strive for five distinct deliverables to the EAC in the next nine months:

- First, a list of publicly vetted requirements for voluntary voting system standards
- Second, Recommendations for standards that currently exist with changes if necessary
- Third, an assessment of best practices that can be made available to the election community for use in the 2006 election cycle.

- Fourth, a recognition and statement thereof of those areas where there are no current standards under development and,
- Fifth, a prioritized calendar for future standards development relative to each of the four previous deliverables.”

Chairman Bement recognized the arrival of Mr. Craft and added him to the roll call.

At this time, Dr. Bement entertained a motion to adopt the Agenda for the July 9th meeting of the TGDC distributed this morning. (Motion moved, seconded and passed by voice vote, none opposed.)

Chairman Bement pointed out that the success of the Committee’s work will be dependent on critical funding from Congress and the Administration in the next fiscal year and beyond. He expressed optimism that an adequate funding mark will be available to the Committee in FY 05.

Chairman Bement called on the Election Assistance Commissioner (EAC) Soaries as well as the other Commissioners in attendance to address the Committee with any remarks they believe will assist the Committee in accomplishing its HAVA mandates.

EAC Chairman Soaries thanked all the Committee members for their attendance and their commitment to participate in the important work of election reform. Chairman Soaries introduced his fellow commissioners Hillman, Martinez and DeGregorio.

Vice Chairman Hillman welcomed all in attendance. She noted her role as liaison between the Standards/Advisory Boards and the TGDC. As such she will facilitate the recommendations that come from the TGDC to be reviewed and commented upon by the Standards Board and the Board of Advisors.

Commissioner Martinez welcomed the TGDC members and noted that the Election Assistance Commission had distributed close to \$1 billion to state and local governments under Title 2 of the Help America Vote Act. The formation of the TGDC is a major milestone for the EAC as it will offer guidance and advice to the states on what to do with regards to purchase of voting systems. Chairman Martinez said this is perhaps the most important work of the EAC in partnership with the National Institute of Standards and Technology and the TGDC.

Commissioner DeGregorio noted the historic importance of the day and the resultant work of the TGDC over the next nine months. He offered any and all support possible to Dr. Bement and the TGDC team.

As noted by Chairman Soaries, Commissioner DeGregorio will serve as Federal Officer for the TGDC under the rules of the Federal Advisory Committee Act. Commissioner Soaries pointed out that NIST began working on human factors research to under gird the standard setting process preceding the formation of the EAC. He thanked Dr. Bement for his leadership role.

Chairman Soaries thanked Allan Eustis and Craig Burkhardt for their work leading up to the meeting as well as the formative work of Dr. Susan Zevin before she retired from NIST.

Chairman Soaries indicated to the TGDC members that their presence at the table was indicative of the fact that large groups of people have high respect for you. He appreciated their volunteer effort, without compensation and away from your jobs to help America vote.

On behalf of the four Commissioners, Chairman Soaries thanked the TGDC members for their willingness to serve as well as for the hard work the members will invest in the process.

Chairman Soaries pointed out two myths: that the Federal Government is much more involved in voting than it is in reality and that voting machines have gone through the kind of vetting to which automobiles and household appliances are subjected. "We are here today to turn myth into reality; and to create standards that make us as confident in the equipment that we use to vote and the voting systems that have embraced our democracy as we do all the other devices that we use in normal life."

"The Help America Vote Act... created a historic role for the Federal Government in the administration of Federal Elections. The job of the EAC is to be a national clearinghouse, providing information to the states. And that information has to be guided by the advice that we get in large measure from persons like you. We are faced with a challenge exacerbated by much more attention given to voting devices than ever before in human history."

"I would like to charge this Committee (TGDC) to be committed to principles that I know all of you share; but sometimes it is harder in a group to maintain the commitment to certain values that you possess as individuals. As Chair of the EAC, I am going to charge you to work hard to rise above any partisan, geographical or philosophical differences by keeping the focus on the mission. I want to charge you with keeping open minds.... I want to charge you with having open exchange....I would urge you on one hand to keep the process open and transparent, but on the other hand to keep it united sufficient to jell as a team and foster a sense of team effort."

"I also want to charge you to do your work in nine months. One, because the law requires it; and two because we do have a sense of urgency as it relates to the mission. It would be better to produce a product in nine months, and have another product deferred, than to get too caught in the quagmire of perfection and not come up with anything at the end of nine months."

Chairman Soaries went on to note that the four EAC Commissioners enthusiastically embraced the NIST Human Factors Report. "It is a Report that had objectives that we think should guide this Committee at least in the area of usability (of voting systems).And it is a report that we would urge you to take very seriously and consider as you decide on your priorities and your timetables."

Chairman Soaries noted the important work of the P1583 project of the Institute of Electrical and Electronics Engineers (IEEE) as it relates to considering standards and options for standards. "I think the Committee would do well to embrace the products in the form that they are in and to consider their implication in (standards) requirements."

Chairman Soaries thanked the National Association of State Election Directors (NASED) for their ground breaking work, beginning in 1990, that resulted in the current Federal Elections Commission 2002 Voluntary Voting System Standards. "We are indebted to the work of NASED... and we owe it to common sense to really consider how much of the 2002 Federal Elections Commission Standards can be embraced and use that as a starting point... I also want to say that we are ultimately looking for standards that are performance-based standards; that can measure success as it relates to voting; standards against which new voting devices can be measured; and standards that embrace existing and emerging technologies- recognizing that it will never be our responsibility to dictate to states what kind of voting systems they use. Rather it is our responsibility to establish standards against which states can make informed decisions."

Chairman Soaries had a final request of the TGDC membership: "In your binders, you'll find a Report: Recommendations of the Brennan Center for Justice and the Leadership Conference on Civil Rights for Improving Reliability of Direct Recording Electronic Voting Systems. As you know, most of your work, if not all of your work, will focus on the nine-month mission to come back with recommendations that we will then take to the Standards Board and Board of Advisors and vet with the public. However, you can appreciate that much of our work has to include focus on what we can do to make a positive impact on the November 2004 elections. We have not been alone in our concerns about the quality of the elections' process and the effectiveness of the voting outcomes....The EAC would like to ask the members of this Committee to take a look at the Report, and based on your experience and your expertise, give us some sense of whether or not you think there is any way you would like us to include this in the kind of guidance or options that we provide local elected officials."

Chairman Bement responded that the Brennan Center Report will be valuable for the TGDC deliberations. The recommendations will be highly valuable in consideration of the security aspects of voting. In order to demonstrate that the TGDC can operate in real time as well as by formal procedure, Chairman Bement asked that TGDC members certainly respond directly to the EAC as "individuals" and not as members of the TGDC.

Chairman Bement thanked the Chairman and Commissioners for their remarks. He expressed the sincere hope that the TGDC can live up to the expectations of the EAC: "I also especially want to thank Commissioner DeGregorio for all the work that he's done with NIST and with members of our team in getting us to where we are today. It's really been a miracle in many respects that we now have this Committee that is empowered to vote and do work."

Chairman Bement then recognized Dr. Schutzer who had just joined the meeting by teleconference.

At this time, Dr. Bement asked each of the Committee members in attendance to introduce themselves; speak briefly on their backgrounds; and comment on why they agreed to serve on the Committee.

Dr. Bement then noted that the Technical Guidelines Development Committee will operate under the rules of the Federal Advisory Committee Act. At this time, the TGDC chair asked Allan Eustis, Craig Burkhardt, and Alice McKenna to offer their counsel on Federal

Advisory Committee Act procedures as well as an overview of logistical support for the committee's work.

Allan Eustis provided the location of the public web site for all public documents including the Committee charter, meeting minutes and transcripts at: <http://vote.nist.gov/TGDC.htm>. He indicated that subject matter experts would be available to the TGDC as it undertakes its requirements development process. Allan Eustis introduced Craig Burkhardt.

Craig Burkhardt reviewed legal aspects of the TGDC member's service on a Federal Advisory Committee. Essentially as a Federal Advisory Committee, the TGDC is in the business of advising the Federal Government and senior advisors to the Federal Government.

Later in the afternoon session, Mr. Burkhardt noted that Chairman Bement will present a proposed subcommittee structure for the TGDC. The subcommittees have no independent authority. They will be smaller working groups that will study specific subject matter and bring proposals back to the full TGDC. The TGDC is the only group that has the authority to vote and adopt proposals which eventually go up to the Election Assistance Commission. The TGDC will be regulated by rules that require public notice in the Federal Register at least fifteen days in advance. The subcommittees will operate slightly differently than the full Committee. Public meeting notices will sometimes be given on short notice electronically. However, the intent is to keep the subcommittees' activities transparent and public to serve the vendor community, the election community as well as the testing community and the press because that is the preference of both the EAC and NIST.

Mr. Burkhardt pointed out that NIST will post public notices via the internet web site <http://vote.nist.gov> as well as when possible, duplicate postings at the Election Assistance Commission web site : <http://www.eac.gov>. The intent is to be as fair as possible to the public and the press. Every effort will be expended to provide public notice of subcommittee hearings, deliberations and subcommittee formulation of proposals which will come back to the full TGDC in approximately six months.

Mr. Burkhardt indicated that Dr. Bement will mention later in the afternoon that the TGDC will probably next meet as an overall Committee in January or February 2005.

Mr. Burkhardt introduced Ms. Alice McKenna, an expert on Federal Advisory Committee (FACA) activities and regulations. Ms. McKenna provided a hand out on FACA guidelines relevant to the work of the TGDC.

Ms. McKenna reviewed the main principles governing members of a Federal Advisory Committee. They are:

-The main principle of any advisory committee is simply that it is advisory only. Most committee's, unless otherwise directed by Congress, have no operational functions. They don't make or implement government decisions. They advise the government and the government relies on the advice in one way or another. If there is any question about whether a committee is operated in an advisory capacity, or whether it is operating within the scope of its charter as dictated by the statute, those questions should be referred to the designated federal officer, who will then contact the relevant government officials.

-TGDC advisory duties are limited by the statute. The general purpose is to assist the Executive Director of the Election Assistance Commission in the development of voluntary voting system guidelines. The Committee is statutorily directed to provide its first set of recommendations to the Executive Director not later than nine months. That work's out to April 2005.

- The TGDC does not advise Congress or engage in what we call grassroots lobbying. These activities are first, outside the scope of your charter, and for us, for the government and agencies involved, may also implement other prohibitions against grassroots lobbying. None of this, however, applies to what TGDC members do as private citizens.

- The Committee shall not act in the absence of a quorum or a majority of the members, not having a conflict of interest in committee business. If you have a conflict of interest, you must recuse yourself from discussion of the matter. A quorum is defined as a simple majority of all people who do not have a conflict. Half will be enough.

- Committee meetings only occur when called by a federal officer, usually the Designated Federal Officer (DFO). All meetings are open to the public, and public notice must be given to the public 15 days in advance, including web site notices. While the Federal Advisory Committee Act provides for limited exceptions to the open vetting requirement, those have to be decided on advice approved by the government agency involved.

- Meetings should allow a reasonable opportunity for the public to make comments. The public may also file written statements with the Committee at any time.

-All materials that are made available to the Committee including: handouts prepared for the Committee, handouts prepared by the Committee, and minutes and transcripts of meetings will be available in files that are kept by the government and available to the public at any time upon request. The files would be like in a reading room format. An exception to that would be if it's material that is exempt under the Freedom of Information Act.

-Meetings can be in person, via video conference or audio conference call. The crucial element for things like video conference, and audio conference calls: the public must be afforded access to the deliberations by having a site where the public can attend, or a room where the public can come in and listen to the meeting via speakerphone.

-There are some things that don't rise to the level of a meeting. One of those occurs when Committee members meet and have a conference call to compare schedules for example. Those are administrative, housekeeping matters, and are not necessarily required to be public.

Ms. McKenna then covered the function of subcommittees within a FACA. Guidelines included:

- Subcommittees that meet to advise the government directly may be in violation if they haven't had their meetings notices 15-plus days in advance in the Federal Register.

-The TGDC must deliberate on what the subcommittee gives them to make sure that it complies with the FACA prior to advising the government based on the subcommittee's

work.

-Committees or subcommittees that contemplate using people that are not at the table today, but other people would need to be examined separately.

- Any documents that are provided to the full TGDC by a subcommittee also have to go into the public file.

Finally Ms. McKenna covered some administrative matters:

- TGDC members are not compensated for their services, except for travel, and per diem. All Government-funded travel must be at the Government's request and must involve the provision of a direct service to the Government.

- Election Assistance Commission attorneys provide legal advice to the Commission, including the DFO, with the exception of standards of conduct issues. The government attorneys do not serve as legal advisors to the individual Committee members, we only advise the Committee as a whole.

- If a TGDC member has any questions related to TGDC service direct the questions to the Committee's Designated Federal Officer (Commissioner DeGregorio). If the Commissioner cannot answer you on the spot, then Mr. DeGregorio will contact Ms. McKenna or Mr. Burkhardt to get the answer, and then report back to you.

Ms. McKenna opened the floor for questions.

Mr. Elekes asked about documents located in a central location and was their consideration to provide those documents in alternative formats, such as Braille or audio for the disabled community.

Mr. Eustis indicated that a request for the alternative document formats could be made directly through his office via an e-mail to voting@nist.gov. NIST would provide the requested document in a commonly accepted format.

Mr. Harding requested a phone number and a contact person identified to make those formal requests.

Mr. Eustis so noted. And Mr. Harding indicated he would provide the language for the requests to Mr. Eustis.

Chairman Bement invited the public in attendance identify themselves. He then adjourned the meeting for a 45 minute break.

Afternoon Session

Chairman Bement reconvened the TGDC at 11:35 am. He reviewed a proposed procedural roadmap for the TGDC to conduct business. The chairman reviewed the organizational recommendations paragraph by paragraph to allow for discussion.

The chairman recommended that business of the TGDC be conducted in three specific committees by subject matter comprised only of TGDC members. Each subcommittee will have a member chair. For technical assistance, each subcommittee will have a NIST scientist familiar with the subject matter assigned to it. The chairman proposed the three subject matter committees as (1) the subcommittee on Security and Transparency; (2) the Subcommittee on Human Factors and Privacy; and (3) the Subcommittee on Core (standards) Requirements and Testing.

Due to the incomplete process of approval for the financial disclosure forms, it will not be appropriate to appoint subcommittee chairs at this time.

The chairman recommended that each member review the scope of the subcommittees in their notebook sign up sheet and consider their preferences.

The chairman reviewed the following recommendations for the three subcommittees:

- The duties of the subcommittees will be to engage in information gathering and analysis including but not limited to the analysis of best practices, specifications and current standards.
- Subcommittees will prepare proposals for the entire TGDC and only those resolutions discussed and approved by the entire TGDC will be forwarded to the Election Assistance Commission.
- The subcommittee meetings can occur in person or by telephone conference.
- NIST will provide technical assistance including the conduct of public hearings to accept oral and written testimony; the acceptance of analysis and written materials through NIST web sites; and the survey and analysis of applicable best practices, specifications and standards as well as identification of areas requiring review and writing of revised best practices, specifications and standards.
- Subcommittee work will be shared on a regular basis with all TGDC members. Subcommittee communications and activities must be in compliance with legal requirements.

Chairman Bement noted that TGDC members likely have interests in almost every area in which the Committee is engaged. He asked the members to recognize that any products from the subcommittees will be fully vetted and discussed at the full Committee level before it can go forward. In addition the public will have opportunity to be involved either by teleconference or other means.

At an appropriate time, probably in the January/February 2005 time frame, the TGDC will hold a multi-day session during which the subcommittee work product will be presented in the form of resolutions. These resolutions will be debated for potential amendments and adoption. Adopted resolutions will be referred to NIST staff for technical assistance and clean up. After providing technical assistance and editing, NIST staff will return all adopted resolutions to the TGDC for final review and approval.

In April of 2005, adopted resolutions and related material will be presented to the EAC Executive Director in the form of statutorily mandated first set of recommendations.

Chairman Bement asked the TGDC for questions on these proposed procedures. There were none.

He noted that the form of the recommendations may well vary for each subject matter area depending on the existence of current best practices, specifications or standards. Some products may review the ability to test standards already adopted by other organizations. In addition, recommendations may consist of best practice guidelines and protocols for validation of independent testing and government testing activities.

Chairman Bement pointed out that HAVA requires election officials be in compliance with specified requirements by January 2006. he recommended that the TGDC and its subcommittees make as their first priority , projects that will be useful to the equipment and software manufacturers; testing laboratories; and election administration communities.

The Chairman cautioned the Committee to stay focused and prioritized. Instead of taking a frontal approach to the whole field, he suggested an approach by segments.

There were no questions at this time.

(1) The Chairman entertained a motion that three subcommittees be established to gather and analyze information. Subcommittees shall be comprised only of TGDC members. Subcommittees shall propose resolutions to the TGDC on best practices, specifications and standards. Subcommittees shall be named i) Security and Transparency, ii) Human Factors and Privacy, and iii) Core Requirements and Testing. (Dr. J.R. Harding moved the motion. Mr. Elekes seconded the motion. The chairman asked for discussion. There being none, Mr. Burkhardt designated this resolution as Committee Resolution Number 1. Mr. Burkhardt repeated the motion for the court reporter. He called the roll of those eligible to vote. Mr. Burkhardt reported to the chairman 11 yes votes and no nay votes.)

Chairman Bement declared resolution (1) as adopted.

(2) The chairman entertained a motion that the Chair survey the interest of TGDC members, and thereafter appoint the members and chairs of the subcommittees. (Mr. Berger so moved. Ms. Purcell seconded. The chairman asked for discussion. There being none, Mr. Burkhardt designated this resolution as Committee Resolution Number 2. Mr. Burkhardt repeated the motion for the court reporter. He called the roll of those eligible to vote. Mr. Burkhardt reported to the chairman 11 yes votes and no nay votes.)

Chairman Bement declared resolution (2) as adopted.

(3) The Chairman entertained a motion that resolutions prepared by subcommittees be considered by the TGDC. Resolutions adopted by the TGDC shall be referred to NIST for technical assistance and editing. Upon return from NIST, the TGDC shall review the resolutions to confirm they conform to its intent. Mr. Harding so moved and Mr. Elekes seconded. The chairman asked for discussion. There being none, Mr. Burkhardt designated this resolution as Committee Resolution Number 3. Mr. Burkhardt repeated the motion for the court reporter. He called the roll of those eligible to vote. Mr. Burkhardt reported to the chairman 11 yes votes and no nay votes.)

Chairman Bement declared resolution (3) as adopted.

(4) Chairman Bement entertained a motion that adopted resolutions and appropriate explanatory materials comprise the “first set of recommendations” mandated by the Help America Vote Act. (Ms. Davidson moved. Mr. Harding seconded. The chairman asked for discussion. There being none, Mr. Burkhardt designated this resolution as Committee Resolution Number 4. Mr. Burkhardt repeated the motion for the court reporter. He called the roll of those eligible to vote. Mr. Burkhardt reported to the chairman 11 yes votes and no nay votes.)

Chairman Bement declared resolution (4) as adopted.

That completed the formal resolutions for the session. Chairman Bement opened the floor for discussion of major issues and timelines as well as any other motions to be put forward.

Ms. Caldas offered that since there are going to be sub-groups within the TGDC , the American National Standards Institute (ANSI) does have a database of exiting standards – both ANSI and non-ANSI standards. That data and specific reports can be made available depending on the area of interest of each subcommittee. She offered the ANSI data and reports across all sub committees.

Chairman Bement thanked Ms. Caldas.

Dr. Harding requested clarification on motion 3 and 4 as regards timelines for deliverable work products by each subcommittee. What are the expectations in the January/February time frame and in the April time frame?

Chairman Bement commented that it is most important to get as much out to the public via the web site as early as possible in terms of identifying gaps in existing standards that need to be addressed. Normally in the standards development process you are looking at a twelve to eighteen month effort on the flip side.

Mr. Berger asked the TGC to be conscious of the time required for parties to implement the recommendations. For example, vendors will require time to respond to direction from the TGDC recommendations. So it is important as the chair pointed out that we provide as much advance information as possible on the web site to the election community.

Chairman Bement introduced the NIST background briefings beginning with Dr. Sharon Laskowski, lead author of NIST's HAVA-mandated Human Factors Report to Congress and a scientist with NIST's Information Technology Laboratory. She discussed the findings of her Report: Improving the Usability and Accessibility of Voting Systems and Products.

Next, Me. Ed Robach, Chief of the NIST ITL Security Division provided background on relevant Security Programs at NIST.

Mark Skall, Acting Director of NIST ' s Information Technology Laboratory addressed the importance of "Writing Quality Specifications".

(After each NIST presenter, Chairman Bement opened the floor to questions. All questions and answers are fully covered in the executive summary transcript.)

Dr. Bement adjourned the meeting for a ten minute break at 1:20 pm .

After the break, the chairman made a general disclaimer that NIST is an institution and agency within the Federal Government. It is not a standards development organization. NIST develops guidelines but does not write standards. Instead, NIST works with some 300 standards organizations within the standard developing community. NIST is not a regulatory agency and does not write regulations.

NIST scientists are the subject matter experts for those who write the standards. The people who own that process are the standards developers.

As far as the Committee is concerned, the products of the Committee are owned by the Committee. NIST is there as a service organization to provide useful input along the way: no more, no less. So NIST is a resource that the TGDC should take to its best advantage.

Chairman Bement went on to note that the subcommittees would be formally comprised just as soon as the financial clearance process is complete. The subcommittees will be posted on the web site as soon as they are established and you will be personally notified.

At this time, Chairman Bement recognized Mr. Doug White project leader for the NIST National Software Reference Library (NSRL), who provided an overview of how the Library operates.

After Mr. White ' s presentation, Mr. Craft pointed out the potential importance of the NSRL capabilities to the states and local election jurisdictions with respect to the hashing of voting software.

Chairman Bement asked if there was a recommendation to the Election Assistance Commission on this matter.

Mr. Craft made a motion that the TGDC move aggressively towards a voting software library prototype as soon as possible by expediting the legal issues with the vending community.

Mr. Berger seconded the motion.

Mr. Burkhardt asked for clarification of the motion for the record.

Mr. Berger suggested a re wording of the motion to provide a more national perspective.

Mr. Craft agreed and withdrew his previous motion.

(5) Mr. Craft then moved that the TGDC recommend to the EAC that they expedite making currently certified voting software available to the National Software Reference Library as soon as possible. (Mr. Berger seconded. Mr. Burkhardt designated this as

**Committee Resolution Number 5. He called the roll of those eligible to vote. Mr. Burkhardt reported to the chairman 10 yes votes and one absent.)
Chairman Bement declared the motion adopted.**

David Alderman with NIST Technology Services and leader of the HAVA Laboratory Accreditation Program briefed the Committee members on the current HAVA Accreditation Program Plans.

(TGDC Questions and answers for Mr. White ' s and Mr. Alderman ' s presentation are also detailed in the executive summary transcript.)

Chairman Bement recognized the attendance of Mr. Tom Wilkey chairman of the NASED Independent Testing Authority Board.

Mr. Burkhardt recognized Mr. Phil Green as one of his senior lawyers at Commerce ' s Technology Administration. He will assist in staffing out the subcommittee meetings along with Mr. Eustis.

Ms. Purcell invited members of the Committee to the Arizona primary election September 7, 2004.

Dr. Williams noted that the Georgia primary is July 20th . and Mr. Craft noted that the Florida primary is August 30th .

Mr. Eustis committed to putting a list or state primaries and dates on the web site.

Commissioner DeGregorio commended the TGDC on its fine start. The TGDC will have excellent NIST staff on which to rely over the next nine months. Commissioner DeGregorio noted that he is the TGDC ' s Designated Federal Officer. He introduced his special assistant, Dan Murphy. Dan will keep the books for the TGDC.

Com,missioner DeGregorio commended Dr. Bement for his agenda and the hard work in pulling it all together.

Chairman Bement expressed his thanks for the participation today of all the Committee members in attendance and looks forward to the work ahead. Dr. Bement also thanked the NIST scientists for their excellent presentations. The next plenary session of the TGDC and future public testimony hearing will be published in advance in the Federal Register and posted on the web site <http://vote.nist.gov>.

At 2:45 pm, Chairman Bement adjourned the first meeting of the Technical Guidelines Development Committee.