

DRAFT MINUTES

SENATE COMMITTEE ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS HOUSE COMMITTEE ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS JOINT COMMITTEE ON ADVANCED COMMUNICATIONS AND INFORMATION TECHNOLOGY

Meeting Jointly

Wednesday, April 9, 2014

Prior to the start of the meeting the following legislators toured the Saline County Clerk's Office in Benton, Arkansas: Senators Eddie Joe Williams, and Bryan King. Representatives Nate Bell, Charlotte Douglas, Kim Hammer, Andrea Lea, Betty Overbey, and Chris Richey.

The Senate and House Interim Committees on State Agencies and Governmental Affairs and The Joint Interim Committee on Advanced Communications and Information Technology met jointly on Wednesday, April 9, 2014, at 1:00 p.m., in Room A of the MAC building.

Legislators in Attendance

The following legislators attended: **Senators Eddie Joe Williams, Chair; David Wyatt, Vice Chair;** Linda Chesterfield, Joyce Elliott, Jane English, Jim Hendren, Missy Irvin, Bryan King, Michael Lamoureux, Bobby Pierce, and Gary Stubblefield. Representatives **Andrea Lea, Chair; Butch Wilkins, Vice Chair; Mary Slinkard, Chair;** Duncan Baird, Bob Ballinger, Scott Baltz, Nate Bell, John Catlett, Ann Clemmer, Jim Dotson, Charlotte Douglas, Jon Eubanks, David Fielding, Jeremy Gillam, Kim Hammer, Mary "Prissy" Hickerson, Douglas House, John Hutchison, Andy Mayberry, Mark McElroy, Betty Overbey, Chris Richey, Sue Scott, Frederick Smith, Tommy Thompson, Wes Wagner, John Walker, and Marshall Wright.

Senator Williams called the meeting to order and recognized Representative Lea for comments.

Presentation of Election Technology

Mr. Merle King, Executive Director, Center for Elections Systems, Kennesaw State University, and Wendy Underhill, Program Manager, National Conference of State Legislators were recognized.

Mr. King discussed national issues related to election technologies. He presented informative issues for Arkansas legislators to investigate that include implications for "Go Forward" strategies in the state. One issue involves the notion of controls in elections. Controls are mechanisms, that when properly designed and placed in an election, ensure the component of the election occurs properly, legally, transparently, and can be audited. Two aspects that are inherent in controls and elections are detective and corrective. These mechanisms help to detect and correct anomalies. He noted some "Go Forward" strategies include defining voter system requirements, and election systems requirements. Voting systems have a small role with the complexity in managing an election. Election officials should focus beyond the voting system and ensure all elections systems are functioning appropriately.

With regards to the 2000 presidential election outcome, there was a widespread understanding that election reform was needed. Therefore, in 2002, Congress passed the Help America Vote Act (HAVA), to address improvements to voting systems and voter access. HAVA was instrumental in creating the Elections Assistance Commission, which is a federal agency designed to give assistance to election officials. HAVA also had an impact on state, municipal, and county elections. Federal jurisdiction over elections is very unbalanced. Although HAVA addressed federal elections, most jurisdictions cannot afford to maintain two sets of election technologies and two sets of election procedures. The outcome of HAVA included a prohibition against certain technologies being used in federal elections specifically; punch cards and lever machines.

Discussion of Local Constraints on Elections, the Future of Election Technology and Solutions

Ms. Wendy Underhill gave a brief update of the tour of the Saline County elections facility . She expressed that she learned from the people, policies, and procedures that are in place in Saline County.

Senator Williams asked about the effort to protect our voting system; especially when online voting is implemented. Mr. King replied, there is a lot of research being done but there is a jurisdiction issue between federal supervision of state elections. He stated approximately half of the states have implemented online voter registration systems.

Senator Chesterfield asked how many states allow electronic voting. Ms. Underhill replied, Alaska allows any voter to submit a ballot online. She said a number of states allow some voters to submit a ballot online such as military and overseas voters, and there are a few states considering allowing emergency workers to cast their ballots online. Ms. Underhill explained, casting ballots online allows voters to attach a pdf file to an email.

With regards to online voting privacy issues, Representative Walker asked how is the privacy issue addressed and the security of each vote kept secret. Mr. King replied, in many cases the ballot is encrypted with an encryption key placed on it by the voter and the decryption key is maintained at the recipient end.

Senator Elliott asked is there a common support system from state-to-state regarding election officers being IT managers to ensure they are competent at performing their job duties. Ms. Underhill replied, there is a certification called the Certified Election Registrars Administrator (CERA) that election officials can obtain through the Election Center. She added many election officials are working towards obtaining this certification. Mr. King noted many states such as Ohio and Georgia have certification requirements through their elections officials association.

Meeting Dates

Representative Lea announced that the House and Senate Committees on State Agencies and Governmental Affairs will meet on **Wednesday, May 14, 2014 in MAC Room A at 10:00a.m.** The Office of Driver Control, Department of Human Service and county clerks will be invited to attend the meeting. The purpose of the meeting is to discuss the issue of voter registration through the Office of Driver Control and the Department of Human Services

Senator Williams announced the House and Senate Committees on State Agencies and Governmental Affairs will meet and tour the Varner Unit on **Tuesday, April 29, 2014, at 10:00 a.m.**

With no further business, the committees adjourned at 2:07 PM.