

Carol A. Paquette/EAC/GOV
05/14/2005 11:55 AM

To mking@kennesaw.edu
cc britw@
bcc
Subject EAC support requirements

Merle -

The EAC needs to get a contract in place as soon as possible for the following three support activities. We are looking for an organization that can provide overall project management and the basic technical capabilities from their own staff as well as being able to pull in additional expertise from other institutions and from the election community. The EAC seeks to have broad-based participation in all its activities to ensure the election community and the general public accept the results as having integrity and validity because all points of view have been considered. The unique capabilities and mission of the Center for Election Systems suggests to me that your organization is ideally suited to support these EAC requirements. I would like to discuss your interest and ability to support these activities at your earliest opportunity. The EAC's goal is to have as many information products available to assist election officials with the 2006 elections as possible.

Activity 1: Review and recommend disposition of Voluntary Voting System Guidelines comments

On May 9, the EAC received the initial TGDC recommendations for revised voting system guidelines. We are currently reviewing this document to determine if it is acceptable to publish for public comment as proposed guidelines, or if some modifications might be required. We anticipate completing this review and publishing the resulting proposed guidelines by early June. The EAC is severely under-staffed to appropriately handle the workload of reviewing and determining the disposition of the potentially substantial volume of comments that are expected over the 90 day comment period. We also lack the range of appropriate technical expertise required for this task. The Commissioners have requested that we put together an appropriate review team to assist the EAC with this comment review activity. We envision this process working as follows. We anticipate that most comments will be submitted via the EAC website. We are developing a comment tracking and management application to assist in managing the comments. We will also receive comments from other sources, such as email and paper mail. There will also be two public hearings with panel presentations followed by an open mike public comment period. We plan to review comments on a weekly basis. EAC personnel and members of the review support team would convene a weekly meeting or teleconference to do a first pass review, followed by assigning out of comments requiring additional consideration. Review team members would complete their assigned topics and make disposition recommendations in a subsequent meeting of the review group and the EAC lead staffer. NIST resources will be available to do additional research and/or for consultation, if required.

Activity 2: Development of quality control procedures for voting system acceptance by election officials

There are a variety of system acceptance procedures that election officials can employ to promote consistent quality in newly delivered voting systems. The CES has developed a model process for voting system acceptance and configuration management. This methodology and the practical experience acquired from applying it over several years can be drawn on to develop a set of scaled quality assurance recommendations to meet the needs of the variety of election jurisdictions that are purchasing voting equipment this year. The concept is to provide a range of elements and approaches so election officials will have some choices for what might best suit their particular circumstances.

Activity 3: Development of Election Management Guidelines or Best Practices

The quality of election management practices has a direct impact on the integrity and overall success of the voting process. There appeared to be only a few instances of significant voting equipment

malfunctions in the 2004 election, but there were many instances of procedural glitches. The need for management guidelines has long been recognized in the election community. The EAC would like to initiate the development of such guidelines or best practices, as a complementary product to the Voluntary Voting System Guidelines. In EAC's view, this work would require participation of a working group of election officials. However, an entity is needed to manage the development process and to provide research, documentation and other capabilities necessary to this work.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov



"Merle King"
 <mking@kennesaw.edu>
 05/25/2005 04:51 PM

To cpaquette@eac.gov
 cc
 bcc

Subject Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline Review Project.

Here are the planning assumptions I have made:

1. The project would need to commence ASAP and extend into late October, early November, depending upon the publication date in the Federal Register.

end of December

2. The Glossary of the Guidelines needs immediate work, including editing and annotation. This work product has a high priority.

EAC doing this

3. A system of cataloging comments needs to be developed. This system will collect comments, excise identifying emails or other information that could be used to determine the author of the comments, and forward the comments in electronic (or hardcopy, depending upon form of submission) to us. We will then review the comment and implement the following actions:

maintain master copy of document & make revisions as directed by EAC maintain version control

a. Non-useable comments (those that are simply opinions, or not sufficiently well-formed to determine the author's intent) will be identified and held in abeyance;

b. Grammatical and editing comments will be identified and an immediate recommendation made to the EAC liaison regarding their deposition will be made.

c. Comments that are substantive will be cataloged and annotated. These comments will be organized into logical groupings that facilitate mapping the comments to the appropriate Guideline section.

d. The cataloged comments will be stored on a secure server so that all appropriate EAC-designated individuals can review the comments as needed. Summary reports will be provided to the EAC, as needed.

4. A final, comprehensive Glossary, benchmarked to as many jurisdictions as is practical, will be developed for the next iteration of the Guidelines. This Glossary of terms will attempt to provide jurisdiction-specific versions of commonly used terms in elections management.

5. Project personnel will need to travel to several meetings to collect data and observe. Travel to meet with the EAC is also anticipated.

2 hearings plus Bd mtggs organize this

6. We would like to have Brit Williams engaged and compensated for his role on this project. Because Brit is a retiree from the Univ. System of Georgia, we are unable to hire him on this project. We would like the EAC to explore a separate contract with Brit to support this (and perhaps other) work.

7. In the attached budget, I am proposing a total fixed costs of \$59,100 with variable costs of \$50,450, for a total-not-to-exceed \$109,550. We would invoice at an agreed upon interval. If there was a

small volume of comments, the cost to the EAC would be approx. \$65K. If we needed to add additional consultants, we could invoice the EAC up to \$45K. If the volume of comments exceeds the anticipated upper bound, we would ask that the EAC consider an addendum to this contract to facilitate the completion of the contract.

I hope this reflects a realistic schedule, work product and budget. Please let me know your thoughts.

- Merle

Merle S. King
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EACTGDCGuidelinesProposalBudget.xls

Draft Budget
EAC TGDC Comment Review Project

25-May-05

Fixed Costs

Personnel	June	July	August	September	October	Total
PM	4000	4000	4000	4000	4000	20000
Student Asst.		600	600	600	600	2400
Total						22400

Consultants

King [REDACTED]	3500	3500	3500	3500	3500	17500
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Subtotal 39900

Indirect (50%) 19950

Total Fixed Personnel 59100

Variable Costs

Graduate Stu.		800	800	800	800	3200
Consultants		8000	8000	8000		24000
						27200

Indirect (50%) 13600

Total Variable Personnel 40800

Travel 1000 2000 2000 2000 1500 8500

Phone 70 70 70 70 70 350
Supplies/Copies 200 200 200 200 200 800

Total Variable Non-personnel 9650

Contract Total 109550

Carol A. Paquette/EAC/GOV
05/26/2005 07:57 AM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject Re: Follow-up to Monday's Meeting

Merle -

This is a good summary. A few additional things came to mind as I was reviewing this:

1) I think we would also want you to maintain and revise the master working copy of the Guidelines, under strict version control, so we can be working on updates during the comment period. We want to do everything we reasonably can to minimize the time needed at the end of the period to wrap everything up. I envision the process working as follows. As you note in your paragraph 3, the reviewers will categorize comments and make recommendations to EAC on their disposition. In turn, we would advise you of the Commission's decision on your recommendations and you could make appropriate changes to the document.

2) We expect some comments may come in the form of "white papers," not necessarily related by the author to a specific section of the Guidelines. For example, Ted Selker at MIT offered to provide his specification for audio-verified audit trails for inclusion in the initial set of TGDC recommendations. It was too late in the process for additional material of this scope to be considered, so I told him he should submit it during the comment period. I understand that we may have a similar paper to consider on cognitive disabilities. The point being that comments may arrive in all shapes and sizes and we just have to make sure we have a process for tracking and handling them all. We're doing a walkthrough of the comments web application today and I will find out if data can be entered into the database manually, so we can have a single source for capturing all comments, whether received by web form, email attachment, or snail mail.

3) Speaking of the web application, I'm going to forward you the link and password for the demo version, so you can have a look at it and see if there are modifications we should make.

4) Just a little more detail on your paragraph 5. There will be 2 hearings and one combined Board meeting dealing with the Guidelines. The first hearing is June 30 in New York City. The second is July 26; location still to be determined, but will be west of Mississippi. Board meeting will be sometime in July, again the location hasn't been determined as yet. I anticipate that the Board meeting will be 1.5 - 2 days. Would have your team organize the discussion for this meeting, so we can get through the entire document and cover all their concerns.

Your estimated cost looks fine; I anticipate it will increase somewhat with the additional work outlined above. I will look into what we can do to get a separate contract in place for Brit. Call me if we need to discuss any of this. Thanks!

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
05/25/2005 05:35 PM

To cpaquette@eac.gov
cc
Subject Re: Follow-up to Monday's Meeting

Carol - The prior email only addresses the Guidelines. We thought that had the highest priority and we (Brit, Kathy Rogers, and I) need some time to discuss the Management Guidelines work.

Talk to you soon,

Merle

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>>> <cpaquette@eac.gov> 5/25/2005 5:30:38 PM >>>
Merle -

Thanks for getting back to me so quickly on this. I will review this evening and get back to you tomorrow. Just at a glance this appears to

only include the Guidelines review assistance. So can I assume that there will be another paper coming on the Management Guidelines work?

Appreciate you and Brit traveling to DC to have this conversation. I agree that it was very helpful in fleshing out the concept for both of these tasks.

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202) 566-3125 cpaquette@eac.gov

"Merle King" <mking@kennesaw.edu>
05/25/2005 04:51 PM

To
cpaquette@eac.gov
cc

Subject
Follow-up to Monday's Meeting

Carol - Thank you for giving us your morning on Monday. It was very helpful to hear your explanations of the work products for the Guideline



"Merle King"
<mking@kennesaw.edu>

06/08/2005 07:51 PM

To cpaquette@eac.gov

cc

bcc

Subject Proposal

Carol - I have taken another cut at the EAC TGDC Guidelines Proposal. Please see attached.

I have made two modifications to the budget. The budget is now at \$149,050. Let me know if that creates issues:

1. I forgot to include fringes for full-time employees in the original
2. I have added additional consultant capacity regarding the need to provide maintenance of the guidelines and travel to all board meetings by the KSU team.

I am tracking down a couple of pieces related to Tax ID and the ETF form. I am not sure what "Cognizant Federal Contract Audit Agency" means. Our budget people might, but if you could help clarify that piece it would help.

We are closing out our fiscal year, so things have ground to a halt in terms of support from our business office. Sorry for the delay

- Merle

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EACTGDGGuidelinesContract060505.doc

Carol A. Paquette/EAC/GOV
06/01/2005 09:04 AM

To mking@kennesaw.edu

cc britw@

bcc

Subject additional contracting information

Merle -

Need to get revised cost estimate from you to include additional activities outlined in my email of 5/26. Specifically, maintaining the master working copy of the Guidelines and organizing the discussion process for the EAC Boards meeting to comment on Guidelines. I'm assuming that the comment about receiving "white papers" for review and assessment will be subsumed under the existing estimate for processing comments, since that's a very indefinite quantity of work at this point. Just as a point of reference, we received more than 300 comments on our recently published 5-6 page draft guidance document on statewide voter registration lists.

Also, need the following information for contract processing purposes:

- 1) Name, mailing address for contractor organization, plus appropriate points of contact and their contact information - meaning, if there will be a contract manager apart from the project manager, we would like to have information for both. I think you mentioned that the contract would be with Kennesaw State not with the Center.
- 2) Tax ID number
- 3) Classification and type of business
- 4) Remittance address, including information for electronic funds transfer (form attached)
- 5) Cognizant federal contract audit agency

We are moving ahead with this, so please provide this information as soon as possible.

Thanks!

Carol A. Paquette
Interim Executive Director
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Carol A. Paquette/EAC/GOV
06/01/2005 09:56 AM

To mking@kennesaw.edu
cc
bcc
Subject EFT form

Merle -

Forgot to attach this form to previous email.



EFT form~9075810.rtf

Carol A. Paquette
Interim Executive Director
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(202)566-3125 cpaquette@eac.gov

Carol A. Paquette/EAC/GOV
06/10/2005 08:43 AM

To mking@kennesaw.edu
cc
bcc
Subject proposal

Merle -

The proposal looks fine. Based on a conversation with Steve Berger a few days ago, I have another task to add. Sorry for the piecemeal approach; this will be the last "add-on".

The new task is as follows:

There are several places in the Voting System Guidelines (especially in Volume II on testing), that refer to "external" standards: e.g., ANSI, IEC, MILSTD. We need to create a references section in the document where all these materials are referenced in their latest version. It will require some research to determine what the latest version is. As versions change, EAC can issue an addendum to the references without having to dig into the entire document with changes. Then the text reference can be simply the title of the reference. Also, if there are commercial standards that replace the MILSTDs, we'd like to reference those instead, since many of the MILSTDs are no longer maintained by DoD.

The cognizant federal contract audit agency is whatever organization has been named to audit any federal grants or contracts that the University has. Either your budget or grants/contracts people should know who this is.

Carol A. Paquette
Interim Executive Director
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(202)566-3125 cpaquette@eac.gov



"Merle King"
<mkking@kennesaw.edu>
06/28/2005 09:07 AM

To cpaquette@eac.gov
cc
bcc
Subject Re: website

Carol - The Center staff has never given testimony to the GA Legislature. I have given testimony once, at a NIST meeting, but it was on the topic of functionality, not VVPAT.

The organization of the full-time staff at the Center is as follows:

Merle King - Executive Director
Ray Cobb - Director
Tara Robie - Sr. Project Coordinator
Anthony Peel - Sr. Project Coordinator
Jessica Bamford - Project Coordinator

Brit is a contractor with the SOS office and although he spends time at the Center, he is not on the Center budget. He does not report to me.

The Center is completely funded by the SOS of Ga., as a line item in their budget.

The Center staff has had private conversations with our vendor regarding VVPAT and I have expressed my opinion to several vendors on the legal and operational issues associated with the concept.

I have discussed the proposed work for the EAC with the SOS Elections Director and we believe there is not a conflict of interest in the proposal. I think we can be impartial and objective in our review of comments. Our position has always been to enforce the law, rules and regs.

There is also a separation of responsibility component to the proposal. The work with the EOC will be through my department (Computer Science and Information Systems). It will not be with the Center for Election Systems.

Hope this helps.

- Merle

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voice: 770-423-6354; fax: 770-423-6731

>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>
Merle -

Discussed transferring the Guidelines document and comment application with the Commissioners and the Executive Director (Tom Wilkey) this morning, along with the other tasks related to reviewing the comments that you had provided a proposal for. Being ever cognizant of how the EAC is perceived, the Commissioners asked me to check to see if the Center or Kennesaw ever provided testimony to the GA legislature or has otherwise taken a public position on the topic of voter verified audit trails? We know Brit's views, but he was always speaking for himself on the topic. The question is whether the Center itself has taken a position on this high profile issue. Also, my understanding is that the Center is pretty much fully funded by the GA Secretary of State's office. Would that relationship in any way impinge on your ability to be objective and impartial when reviewing and advising on the disposition of comments? Can you advise? Thanks!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

"Merle King" <mking@kennesaw.edu>
06/27/2005 05:14 PM

To
cpaquette@eac.gov
cc
"Ken Honea" <khonea@kennesaw.edu>
Subject
website

Carol -

I noticed that you got the glynn.com site up and running on Saturday.

We have reserved the following url:
<http://guidelines.kennesaw.edu/guidelines> and put the content there.
The firewall is properly configured so that it can be linked when you are ready.

Please advise on how we should proceed.

Thanks,

Merle



"Brit Williams"
<britw@██████████>
06/28/2005 11:33 AM

To "Merle King" <mking@kennesaw.edu>, "Carol Paquette"
<cpaquette@eac.gov>

cc

bcc

Subject Re: website

Carol - I am responding to this because I am not at all sure that everyone does know my position on VVPATs.

My position is this:

I have absolutely no objection to VVPATs, but believe that they are not technically necessary. We are entirely capable of building and operating accurate, secure paperless electronic voting systems. Many jurisdictions, including the State of Georgia, are currently conducting accurate, secure elections on pure DRE voting systems.

I fully support the concept of allowing voter's to verify their ballots and have no problem with jurisdictions that wish to use paper for this process.

I look forward to seeing you in New York.

Best regards.

Brit

----- Original Message -----

From: "Merle King" <mking@kennesaw.edu>
To: <cpaquette@eac.gov>
Sent: Tuesday, June 28, 2005 9:07 AM
Subject: Re: website

> Carol - The Center staff has never given testimony to the GA
> Legislature. I have given testimony once, at a NIST meeting, but it was
> on the topic of functionality, not VVPAT.
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> the Center, he is not on the Center budget. He does not report to me.
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> their budget.
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> The Center staff has had private conversations with our vendor
> regarding VVPAT and I have expressed my opinion to several vendors on
> the legal and operational issues associated with the concept.
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> Director and we believe there is not a conflict of interest in the

> proposal. I think we can be impartial and objective in our review of
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> regs.

> There is also a separation of responsibility component to the proposal.
> The work with the EOC will be through my department (Computer Science
> and Information Systems). It will not be with the Center for Election
> Systems.

> Hope this helps.

> - Merle

> Merle S. King
> <http://science.kennesaw.edu/csis>
> Chair, CSIS Department
> Kennesaw State University
> 1000 Chastain Road, MB #1101
> Kennesaw, GA 30144-5591
> voice: 770-423-6354; fax: 770-423-6731

>>>> <cpaquette@eac.gov> 6/27/2005 5:38:47 PM >>>

> Merle -

> Discussed transferring the Guidelines document and comment application
> with the Commissioners and the Executive Director (Tom Wilkey) this
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> Kennesaw ever provided testimony to the GA legislature or has otherwise
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> impartial when reviewing and advising on the disposition of comments?
> Can
> you advise? Thanks!

> Carol A. Paquette
> U.S. Election Assistance Commission
> (202)566-3125 cpaquette@eac.gov

> "Merle King" <mking@kennesaw.edu>

Carol A. Paquette/EAC/GOV
07/12/2005 07:23 PM

To "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Good to go. 📧

Merle -

I'm delighted that you have decided to move ahead with this work. We are really looking forward to working with Kennesaw. We need to make one further adjustment to the Statement of Work, based on feedback from the Commissioners. They have indicated that the Boards have been working out their own processes for reviewing the Guidelines at their meetings, so we will not need facilitation of these discussions by Kennesaw. However, we do still need to have you attend.

We will get the contract prepared and signed as soon as possible. You didn't provide a cost estimate for the document hosting, so I just increased the funding amount to \$175,000. We can do a contract modification later if necessary to further adjust the funding. This will be a cost plus expenses type contract, not fixed price, so there will be no issue regarding adjusting the cost.

In addition to the EFT form we also need the Kennesaw tax ID#. Cannot process contract through Finance without this information. Also need to know your cognizant federal contract audit agency, but that information is not needed to get contract signed. Thanks and I look forward to working with you and the rest of the Kennesaw team!

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/12/2005 06:34 PM

To cpaquette@eac.gov
cc
Subject Good to go.

Carol - After some reflection and conversations with the staff here and with Tom on your end, I would like to go forward with the VVSG project.

I have initial edits nearly ready on the glossary. We have the server ready and my guys are looking at the Zone Alarm report to find a work around.

I lost my PM, [REDACTED]. Her contract ended on July 1. She may be able to come back as a part-time consultant so all is not lost, and I have identified another candidate for PM.

I have the completed EFT here. I can fax it to you tomorrow or send it surface mail or both. We need to convert the SOW into a contract. From our end that would be as simple as adding a budget and signatory lines to the existing document.

I need to talk with you regarding the CalTech and Portland trips.

We have been hard-hit by Dennis. We have had building problems and were without power for 4 hours today. Things are a bit hectic here.

Talk to you tomorrow,

Merle

Merle S. King
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Carol A. Paquette/EAC/GOV
07/06/2005 06:07 PM

To: "Merle King" <mking@kennesaw.edu>@GSAEXTERNAL
cc
bcc
Subject: Re: Follow Up

Merle -

I expect to get your contract signed in the next day or two. However, I still need those couple bits of information - I think it was tax ID number, cognizant federal contract auditing agency and maybe something else - before it can be processed through finance. Will also be forwarding you some email traffic regarding some issues with the way the current website is working so you can avoid these problems.

The Commissioners have a problem with Brit working on the Guidelines comments. Their view is that there is an inherent conflict of interest for Brit to have been on the TGDC that came up with the basic recommendations and then also to be part of the EAC comment review team. So we will not be able to contract with him for this purpose. I know he has suggested he would resign from the TGDC, but that doesn't really fix this problem.

Attached is the final SOW. Let me know if you have any issues or questions with it. Thanks!



SOW guidelines review.doc

I'll forward your message to Tom. His email address is twilkey@eac.gov.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov
"Merle King" <mking@kennesaw.edu>



"Merle King"
<mking@kennesaw.edu>
07/06/2005 04:03 PM

To: cpaquette@eac.gov
cc
Subject: Follow Up

Carol - Any decision yet on the contract with KSU and Brit?

I have attached a word document regarding a training program that we are doing for election observers at the Carter Center. Tom Wilkey, Brit and I were discussing the usefulness of a similar program for NIST scientists - to familiarize them with the life cycle of an election. I do not have Tom's email address at the EAC. Could you forward this proposal to him?

Thanks, and let us know.

- Merle

Carol A. Paquette/EAC/GOV
07/06/2005 10:28 AM

To Gracia Hillman/EAC/GOV, Paul DeGregorio/EAC/GOV,
Raymundo Martinez/EAC/GOV, Thomas R.
Wilkey/EAC/GOV, Juliet E. Thompson/EAC/GOV

cc

bcc

Subject Guidelines support from Kennesaw State - DECISION
REQUIRED BY FRIDAY, JULY 8

Commissioners -

Attached is the Statement of Work I have discussed with Merle King at Kennesaw State, specifically the Center for Election Systems. The period of performance for this work would be from the date of award through the end of December 2005. This will allow ample time to complete the Guidelines revisions and archive the comments and other materials from the comment review process. Prior to our making arrangements for them to provide web hosting for the document and collecting the on-line comments, they had given me an estimate of about \$150,000 for this effort. I am proposing to increase that amount to \$175,000 to cover the use of their secure server and IT support services.

I was asked to ascertain whether the Center for Election Systems or Kennesaw State had publicly taken any positions regarding VVPAT or other high profile election administration issues. Merle King has provided assurances that they have not testified on this matter to the Georgia legislature or expressed an opinion in any other venue. They have presented testimony to NIST, but on the topic of voting system functionality requirements. There was also the question of potential conflict of interest since the Center is funded as a line item in the Georgia Secretary of State's budget. Similar to our contract with the Eagleton Institute, the EAC contract would be with the University, since sub-elements do not have contracting authority. While the contract would draw on the expertise of Center personnel, their work would be managed and accountable independently through the University.

As a retiree of the Georgia higher education system, Brit Williams is prohibited from being a consultant on any university contract. His work with the Center is actually paid for through a contract with the Secretary of State's office. We anticipate potentially contracting with Brit to assist with the management guidelines work we plan to get underway in conjunction with NASED. He will not be involved with the Guidelines comment review work.



SOW guidelines review.doc

Carol A. Paquette
U.S. Election Assistance Commission
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