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Dated: July 28, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

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ELECTION ASSISTANCE COMMISSION

Sunshine Act Notice

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ACTION: Notice of Public Meeting for the Executive Board of the EAC Standards Board.

DATE & TIME: Tuesday, August 23, 2005, 6:30 a.m.-8:30 p.m.

PLACE: Adam's Mark Hotel, 1550 Court Place, Denver, CO 80202.

TOPICS: The Executive Board of the U.S. Election Assistance Commission (EAC) Standards Board will meet to plan and prepare for the meeting of Standards Board, to plan and prepare a presentation of recommendations to the Standards Board on the Voluntary Voting System Guidelines proposed by EAC, and to handle other administrative matters.

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PERSON TO CONTACT FOR INFORMATION: Bryan Whitener, telephone: (202) 566-3100.

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Thomas R. Wilkey,

Executive Director, U.S. Election Assistance Commission.

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ELECTION ASSISTANCE COMMISSION

Voluntary Guidance on Implementation of Statewide Voter Registration Lists

AGENCY: United States Election Assistance Commission.

ACTION: Notice; publication of final Voluntary Guidance on the Implementation of Statewide Voter Registration Lists.

SUMMARY: The U.S. Election Assistance Commission (EAC) is publishing its final voluntary guidance on Section 303(a) of the Help America Vote Act of 2002 (HAVA). HAVA was enacted to set standards for the administration of Federal elections. Included in these standards is a requirement that each State develop and maintain a single, statewide list of registered voters. The voluntary guidance published here by the EAC will assist the States in understanding, interpreting and implementing HAVA's standards regarding statewide voter registration lists.

FOR FURTHER INFORMATION CONTACT:

Gavin S. Gilmour, Associate General Counsel, Washington, DC, (202) 566-3100, Fax: (202) 566-1392.

SUPPLEMENTARY INFORMATION:

Background. HAVA mandates that the EAC draft and publish voluntary guidance to assist States in implementing the HAVA requirements for computerized statewide voter registration lists. (42 U.S.C. 15501(b)). To meet its obligation, the EAC gathered information and sought input from experts and stakeholders. Specifically, the EAC held public meetings, receiving testimony from State election officials whose States had implemented statewide voter registration lists. Additionally, the EAC, assisted by the National Academies, convened a two-day working group of State and local election officials. The working group received technical assistance from technology experts invited by the academies and representatives of the country's motor vehicle administrators.

Following this research and information gathering, the EAC drafted its *Proposed Voluntary Guidance on Implementation of Statewide Voter Registration Lists*. This proposed voluntary guidance was published with a request for public comment on April 18, 2005. (70 FR 20114). The public comment period was open until 5 p.m. e.d.t. on May 25, 2005. All comments received were considered in the drafting of this final guidance.

Discussion of Comments. The EAC received 310 comments from the public. The overwhelming majority of these

comments came from public interest groups or their members (221 comments in all). The EAC received 14 comments from State and local officials. Finally, 75 of the comments the EAC received were either not relevant to the subject matter, broad in nature or otherwise provided no specific recommendation.

The comments received from public interest groups were generally consistent in content, focusing primarily on what they perceived were missing from the guidelines. These groups focused on the need to provide additional information and guidance to States. They recommended that the guidance be expanded to provide States direction on (1) list verification and maintenance processes and protocols, (2) implementation of policies to protect registrants against removal from registration lists in error, (3) coordination with voter registration agencies, (4) security procedures to both prevent unauthorized access and protect database information and (5) database features such as public access portals and election management. The comments from State and local officials were more diverse. Most of the comments focused upon the types of databases that meet HAVA requirements. While the comments differed and often conflicted in their conclusions, as a whole they made it clear that further guidance on database structure and operation was desired. A number of comments from State and local officials also expressed concern over definitions with the guidance, fearing that they were absent, overly broad or might otherwise conflict with definitions under State law. Finally, a few State and local officials shared the concerns articulated by the public interest groups regarding security (specifically, limiting database access).

The EAC reviewed and considered each of the comments presented. In doing so, it also gathered additional information and performed research regarding the suggestions. The EAC's commitment to public participation is evident in the final version of the voluntary guidelines. The guidelines have been enhanced in a number of areas in response to conscientious public comment. The document has been reorganized to improve readability. Definitions for "statewide voter registration list" and "chief State election official" have been added. Similarly, the definition of "local election official" has been clarified. Additional guidance was added regarding (1) the creation of stricter standards by States; (2) election officials' responsibility to track voter history; (3) security requirements