



Approved Minutes - ERIC Board of Directors Meeting

July 28, 2023

8:30 – 1:00 ET

Francis Marion Hotel | Charleston, South Carolina

In-Person/Teleconference/Webinar

Call to Order/Roll Call

Chair Brater called the meeting to order at 8:40 a.m. ET. He welcomed K. Sullivan to the board.

Chair Brater thanked the retiring L. Lamone for her contributions over the years, including being one of the founding members of ERIC. S. Hamlin, J. Choate, M. Evans, and A. Albence also praised Lamone's advocacy of ERIC and leadership, and wished her well. L. Lamone thanked everyone for the kind words and urged members to work together to keep ERIC strong.

D. Maeda conducted the roll call. 23 Directors were present, 4 were absent. See attached roll call documentation.

1. Approval of the June 23, 2023, Board of Directors Meeting minutes

K. Sellers moved, and L. Lamone seconded, a motion to approve the June 23, 2023 meeting minutes. There was no discussion. The motion was approved unanimously on a voice vote.

2. Review Executive Director FY 24 Goals

Chair Brater explained the process for evaluating the executive director's performance. As part of the process, the Executive Director develops goals for the coming fiscal year. His proposed goals were reviewed and approved by the executive committee.

S. Hamlin presented his goals: 1) Maintain the value of ERIC membership; 2) Mature ERIC's financial policies and practices; and 3) More effectively tell ERIC's story and continue to improve public access to information about ERIC. He gave examples of what these include.

Brief discussion followed, with members expressing support for the goals and offering assistance where needed.

3. ERIC Membership and Activity Updates

MoveIt. E. Haas provided an update on the MoveIt vulnerability disclosure. The data center vendor continues to work closely with E. Haas and S. Hamlin. She reiterated that this was

not a security incident. There were no indicators of compromise or a data breach. No data was compromised. She expressed satisfaction with the vendor's response, communications, and mitigations. Board members thanked E. Haas for the way the situation is being handled. There was no further discussion.

2022 Voter Participation Reports. E. Haas provided an update on voter participation reports. She reminded the board that Ohio, Iowa, Virginia, and Texas requested the reports and submitted the required data. S. Hamlin said the close out letter to those resigning states asked them to continue to cooperate with members as each state/jurisdiction investigated possible cases of illegal voting in the 2022 election. Brief discussion followed.

Texas Resignation. S. Hamlin said the timing of Texas' resignation was unexpected and was not in line with what was communicated during the open microphone sessions convened throughout May and June. It was known that Texas would have to leave unless the EBU requirement is modified. He reminded the board that he made it clear in the open microphone sessions that, according to the bylaws, if a member resigns after the budget and dues were voted on, the member is still obligated to pay dues as assessed. Texas had not paid its dues yet. Even though Texas accounts for about 10 percent of budgeted revenue, there are no cash flow issues at this time. He would continue to work with Texas on their departure.

B. Evans said his expectation is that Texas will pay their dues. He asked if they had given any verbal indication about not paying. S. Hamlin said they had not, and further communication will be in writing. Brief discussion continued.

ERIC Law Review Article. S. Hamlin reminded the board that he shared with them a draft of an academic law review article written by Michael Morse. He encouraged members to read the latest paper. It was well documented and researched, and it provides useful historical information about list maintenance in general. There was no further discussion.

New Member Engagement. S. Hamlin reported he and Chair Brater attended and presented at a California County Clerks Conference. S. Hamlin said New York also remains a priority. He would continue to remain engaged with contacts in the state. Brief discussion followed.

Legal Update. S. Steffen provided a legal update. There was no further discussion.

Driver's Privacy Protection Act (DPPA) – Permissive Uses. S. Hamlin spoke about DMV data and the DPPA. He reminded the board that a work group was formed a few years ago to take a comprehensive look at the statutory protections and relevant case law regarding the use of DMV data. Ultimately, this led to the recently adopted operational enhancements to the membership agreement. He noted there are 14 permissive uses cited in the DPPA. ERIC qualifies under the agency use exception because ERIC exists to aid a government agency in carrying out its functions. The act also includes a permissive use for research activities and statistical reports but includes a prohibition on redisclosure of personal information. He reported internal work will continue to develop a recommended approach to managing research-related use of DMV data. He acknowledged that although DMV data may legally be used for research purposes, there is some sensitivity around use of these data for research right now. Brief discussion followed.

FY25 Dues Forecast. S. Hamlin presented information about FY25 and potential dues rates given the current member composition. He is working to better sequence ERIC’s budget development with state budget timelines and to raise awareness of potential dues, so members have this information for their own budget processes. Brief discussion followed.

Non-ERIC Data Sharing Agreements. S. Hamlin said he was aware of discussions occurring related to interstate or bilateral data sharing agreements. Several members reported participating in discussions but indicated no final decisions had been made yet. Brief discussion continued.

Future ERIC Meetings. S. Hamlin shared potential 2024 future meeting dates. He said the Executive Committee will finalize the schedule. Brief discussion followed.

4. Preview minor Membership Agreement amendment ideas

S. Hamlin said he’s working to bring to the board a proposal for minor changes to the membership agreement regarding requesting list maintenance reports and the member resignation process. He will work with the Executive Committee on the package of these changes.

D. Maeda asked for background for the 90-day resignation period. S. Hamlin said when ERIC was formed, 90 days seemed reasonable to provide an orderly withdrawal. The founding members thought that if a state was leaving ERIC, it might be due to the loss of funding, or similar issues, while wanting to remain a member. It wasn’t anticipated a state would leave due to a hyper partisan environment, like we have now. J. Choate said it wasn’t anticipated that ERIC would become so politicized and that states would want to leave ERIC for political reasons.

5. Kick-off Discussion on Eligible but Unregistered Reports

Chair Brater said the idea of discussing ways to improve the EBUs has been on the table long before the reform proposals were put forth last summer and before the recent withdrawal of states. He noted states have adopted a variety of other outreach methods since ERIC was formed. These policies, as well as a close look at how well the EBUs work/how to improve them, should be helpful. He looks forward to a thorough discussion. He then asked S. Hamlin to walk through a short presentation to kick off the conversation.

S. Hamlin said that it was important to recognize that EBUs were always about ensuring ERIC’s mission was balanced and appealed to election officials and stakeholders across the political spectrum. EBUs were not added at the last minute or after ERIC was formed. For years “red states” expressed no concerns about providing voter registration information to potentially eligible individuals.

He recognized discussions about EBUs over the last 6-7months focused on whether they should be required. These discussions were mostly a tug of war between the politics of conducting the EBU and ERIC’s balanced, two-part mission. However, as Chair Brater noted, the ERIC team has been interested in evaluating the EBUs well before the reform proposals. The ERIC team would like to launch that initiative via a thorough, thoughtful series of discussions.

The EBUs had been around for 10 years – through six Federal General Elections. There has been significant policy changes and technology advancements since 2012 related to voter

registration and, specifically, registering new voters and updating voter records. When ERIC was launched in 2012:

- Maybe 8 states offered OVR. Today, 39 states offer it.
- No one had AVR. Today, using NCSL's definitions, 22 states have AVR.
- Maybe a dozen states offered EDR/SDR. Today, 22 states offer it.

He suggested gathering relevant data, evidence, and information and looking at current and past practices and sharing those practices. He suggested a deliberative and thorough review of the reports to consider what changes could be made. He said it was important to take time to make the most informed decision or decisions possible. This kind of approach has served members well over the last 11 years. It led to the successful:

- Creation of ERIC – nearly 3 years to build.
- Implementation of the Voter Participation Reports, which passed on a 20-2 vote – Nearly two years, including a pilot project.
- Vastly improved data and report protection provisions.

E. Haas summarized the current process for creating the EBU reports and a proposed process and timeline ending in 2026 to evaluate the effectiveness of EBUs, and determine if there were alternatives that resulted in a better response rate or other improvements.

S. Hamlin and Chair Brater then invited member input and broader discussion. A discussion ensued addressing multiple topics, including but not limited to:

- The history and proposal S. Hamlin and E. Haas detailed.
- Membership agreement report requirement reforms discussed and voted on early in 2023 and how these may or may not evolve going forward.
- EBU Report Exemption process and history.
- The polarized environment in which ERIC currently operates.
- Alternative methods of improving voter registration.

Chair Brater thanked the board for engaging in tough, but thorough discussion. He closed by saying the essential issue was finding a way to make ERIC work for all its members.

There being no further business, the meeting was adjourned at 12:23 p.m. ET.

ERIC Board of Directors Meeting
Roll Call and Vote Tally Record
7/28/2023
Charleston, SC & Virtual Via Zoom

Called to Order at (ET): 8:40 am		Adjourned at (ET): 12:23 pm		Attendance Roll Call	Other attendees from Member offices
Member/Position	Name	Designated Proxy	Present? 1 = Present 0 = Absent		
1	Alaska	Carol Beecher		0	
2	Arizona	Colleen Connor		1	
3	Colorado	Judd Choate		1	
4	Connecticut	Kristin Sullivan		1	
5	Delaware	Anthony Albence		1	
6	District of Columbia	Monica Evans		1	
7	Georgia	Blake Evans		1	
8	Illinois	Brenadette Matthews		1	
9	Kentucky	Karen Sellers		1	
10	Maine	Melissa Packard		1	
11	Maryland	Linda Lamone		1	M. Dorsey, B. Paradise
12	Massachusetts	Michelle Tassinari		1	
13	Michigan	Jonathan Brater		1	S. Belton
14	Minnesota	David Maeda		1	
15	Nevada	Mark Wlaschin		0	D. Spikula
16	New Jersey	Lauren Zyriek		1	B. Giampola
17	New Mexico	Mandy Vigil		1	
18	Oregon	Molly Woon		1	
19	Pennsylvania	Jonathan Marks		1	
20	Rhode Island	Kathy Placencia		1	
21	South Carolina	Howard Knapp		1	J. McGill
22	Texas	Christina Adkins		0	
23	Utah	Ryan Cowley		1	
24	Vermont	Will Senning		1	T. Sink, L. Bjornlund
25	Virginia	Susan Beal		0	
26	Washington	Stuart Holmes		1	
27	Wisconsin	Meagan Wolfe		1	
			Board Attendance Total:	23	
	ERIC Executive Director Ex Officio Member (Nonvoting)	Shane Hamlin		1	
	ERIC Systems Engineer & Technical Liaison	Ericka Haas		1	
	ERIC Systems & Data Specialist	Sarah Whitt		1	
	ERIC General Counsel	Sally Steffen		1	