

Presidential Advisory Commission on Election Integrity

By-Laws and Operating Procedures

The following By-Laws and Operating Procedures (“By-Laws”) will govern the operations of the Presidential Advisory Commission on Election Integrity (“Commission”).

Section I: Purpose, Organization, and Operation

Pursuant to Executive Order 13799 of May 11, 2017, the Commission shall, consistent with applicable law, study the registration and voting processes used in Federal elections. The Commission shall be solely advisory and shall submit a report to the President that identifies those laws, rules, policies, activities, strategies, and practices that enhance the American people’s confidence in the integrity of the voting processes used in Federal elections; those laws, rules, policies, activities, strategies, and practices that undermine the American people’s confidence in the integrity of voting processes used in Federal elections; and those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting. The Commission shall provide its advice and recommendations, analysis, and information directly to the President.

Section II: Authority

The Commission was established by Executive Order 13799 of May 11, 2017, and by the authority vested in the President of the United States by the Constitution and the laws of the United States of America. The Commission has voluntarily agreed to operate in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (“FACA”). The Commission filed a charter on June 23, 2017, with the General Service Administration’s Committee Management Secretariat.

Section III: Membership

- (A) In General.** The Commission shall be composed of the Vice President and not more than fifteen (15) additional members (“Members”). The Members shall be appointed by the President and shall represent a bipartisan set of perspectives and experience in elections, election management, election fraud detection, and voter integrity efforts, and may include any other individuals with knowledge or experience determined by the President to be of value to the Commission. The Members of the Commission may include both regular Government Employees and Special Government Employees.
- (B) Chair and Vice Chair.** The Vice President shall chair the Commission. The Vice President may select a Vice Chair from among those Members appointed by the President, who may perform the duties of the Chair if so directed by the Vice President.
- (C) Commission Staff.** The Vice President may select an Executive Director of the Commission and any additional staff he determines necessary to support the Commission.
- (D) Designated Federal Officer.** The Designated Federal Officer (“DFO”) will be a full-time officer or employee of the Federal Government appointed by the GSA Administrator, pursuant to 41 CFR § 102-3.105 and in consultation with the Chair of the Commission. The DFO will approve or call all Commission meetings, prepare all meeting agendas, attend all meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest. Should the Chair designate any subcommittees, the DFO will similarly approve or call all subcommittee meetings,

prepare all subcommittee meeting agendas, attend all subcommittee meetings, and adjourn any subcommittee meeting when the DFO determines adjournment to be in the public interest. In the DFO's discretion, the DFO may utilize other Federal employees as support staff to assist the DFO in fulfilling these responsibilities.

Section IV: Meetings

- (A) In General.** The Commission shall meet as frequently as needed and called and approved by the DFO. The Chair will preside at all Commission meetings, unless the Chair directs the Vice Chair to perform the duties of the Chair. Members who cannot attend meetings in person may participate by means of conference telephone or similar communications equipment if all Members can hear one another at the same time and members of the public entitled to hear them can do so. A Member who participates by such means will be counted as present for purposes of a quorum, and the Member may participate in any votes and other business as if the Member were physically present at the meeting.
- (B) Notice.** A notice of each Commission meeting will be published in the Federal Register at least 15 calendar days before the meeting, except in exceptional circumstances. The notice will include (1) the name of the Commission; (2) the time, date, place, and purpose of the meeting; (3) a summary of the agenda, and/or topics to be discussed; (4) a statement as to whether all or part of the meeting is open to the public and, if any part is closed, a statement as to why, citing the specific exemption(s) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)) ("GISA") as the basis for closure; and (5) the name and telephone number of the DFO or other official who may be contacted for additional information concerning the meeting.
- (C) Agenda.** The Chair or, at the Chair's direction, the Vice Chair, shall establish the agenda for all Commission meetings. The DFO will prepare and distribute the agenda to the Members before each meeting and will make available copies of the agenda to members of the public. Items for the agenda may be submitted to the Chair by any Member. Items may also be suggested by any member of the public.
- (D) Quorum.** Commission meetings will be held only when a quorum is present. For this purpose, a quorum is defined as a simple majority of the Members (including the Chair) then serving on the Commission.
- (E) Open Meetings.** Unless otherwise determined in advance, all Commission meetings will be open to the public either in person as space permits or through electronic means as permitted by FACA and its implementing regulations. Once an open meeting has begun, it will not be closed for any reason. However, if, during the course of an open meeting, matters inappropriate for public disclosure arise during discussion, the Chair shall order such discussion to cease and will schedule the matter for closed session in accordance with FACA. All materials brought before, or presented to, the Commission during the conduct of an open meeting will be made available to the public. All such materials will be made available on the Commission's webpage as soon as practicable.
- (F) Activities Not Subject to Notice and Open Meeting Requirements.** Consistent with 41 CFR §102-3.160, the following activities of the Commission are excluded from the procedural requirements contained in Sections IV(B) and (E):
- i. Preparatory work. Meetings of two or more Commission Members or subcommittee Members convened solely to gather information, conduct research, or analyze relevant

issues and facts in preparation for a Commission meeting, or to draft position papers for deliberation by the Commission; and

- ii. Administrative work. Meetings of two or more Commission Members or subcommittee Members convened solely to discuss administrative matters of the Commission or to receive administrative information from a Federal officer or agency.

(G) Closed Meetings. Meetings of the Commission will be closed only in limited circumstances and in accordance with applicable law. Where the DFO has determined in advance that a Commission meeting will disclose matters inappropriate for public disclosure, an advance notice of a closed meeting will be published in the Federal Register in accordance with GISA.

(H) Hearings. The Commission may hold hearings to receive testimony or oral comments, recommendations, and expressions of concern from the public. The Commission may hold hearings at open meetings or in closed session in accordance with the standards in these By-Laws for closing meetings to the public. The Chair may specify reasonable guidelines and procedures for conducting orderly hearings, such as requirements for submitting requests to testify and written testimony in advance and placing limitations on the number of persons who may testify and the duration of their testimony.

(I) Minutes. The DFO will prepare minutes of each meeting, distribute copies to each Member, and ensure that the Chair certifies the accuracy of all minutes within 90 calendar days of the meeting to which they relate. Minutes of open or closed meetings will be available to the public, subject to the withholding of matters which are exempt from disclosure under applicable law. The minutes will include: (1) the time, date, and place of the Commission meeting; (2) a list of the persons who were present at the place of the meeting; (3) an accurate description of each matter discussed and the resolution, if any, made by the Commission regarding such matter; and (4) a copy of each report or other document received, issued, or approved by the Commission at the meeting.

(J) Public Comment. Subject to Section IV(E), members of the public may, at the determination of the Chair, offer oral comment at any meeting open to the public. The Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the Commission at any time.

Section V: Voting

(A) In General. When a decision or recommendation of the Commission is required, the Chair shall request or accept a motion for a vote. Any Member, including the Chair, may make a motion for a vote. No second after a proper motion will be required to bring any issue or recommendation to a vote. A quorum must be present when a vote is taken.

(B) Voting Eligibility. Only the Members, including the Chair, may vote on a motion.

(C) Voting Procedures. Votes will ordinarily be taken and tabulated by a show of hands or by voice vote.

Section VI: Subcommittees

The Chair of the Commission, in consultation with the DFO, is authorized to create subcommittees as necessary to support the Commission's work. Subcommittees may not incur costs or expenses without prior written approval of the Chair or the Chair's designee and the DFO. Subcommittees must report directly to the Commission, and must not provide advice or work products directly to the President or any other official or agency.

Section VII: Administrative Support and Funding

Pursuant to Executive Order 13799, to the extent permitted by law, and subject to the availability of appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission, to the extent permitted by law and on a reimbursable basis. However, the President's designee will be responsible for fulfilling the requirements of subsection 6(b) of the FACA.

Section VIII: Records

The records of the Commission and its subcommittees shall be handled in accordance with the Presidential Records Act of 1978 and FACA.

Section IX: Termination

The Commission shall terminate no more than two (2) years from the date of the Executive Order establishing the Commission, unless extended by the President, or thirty (30) days after it presents its final report to the President, whichever occurs first.

Section X: Amendment of By-Laws

Amendments to the By-Laws must conform to the requirements of the Executive Order, charter establishing the Commission, and FACA, and be agreed to by two-thirds of the Members. The DFO must ensure that all Members receive a copy of the proposed amendment before any vote is taken on it.