



**UNITED STATES ELECTION  
ASSISTANCE COMMISSION**

**TESTIMONY**

**OF**

**HONORABLE GINEEN BRESSO BEACH, CHAIR,  
HONORABLE GRACIA HILLMAN, VICE CHAIR  
HONORABLE DONETTA DAVIDSON, AND  
TOM WILKEY, EXECUTIVE DIRECTOR  
U.S. ELECTION ASSISTANCE COMMISSION**

**BEFORE THE**

**HOUSE COMMITTEE ON HOUSE ADMINISTRATION,  
ELECTIONS SUBCOMMITTEE**

**WEDNESDAY, APRIL 1, 2009**

*U.S. Election Assistance Commission  
1225 New York Ave., NW – Suite 1100  
Washington, DC 20005*



Good morning Chairwoman Lofgren, Ranking Member McCarthy, and Members of the Subcommittee. We are pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss the 2008 audit review and the Commission's goals and activities.

## INTRODUCTION

The EAC is a bipartisan, independent Commission consisting of four members: [Gineen Bresso Beach](#), Chair; [Gracia Hillman](#), Vice Chair; and [Donetta Davidson](#). Former Commissioner Rosemary Rodriguez resigned on February 28, 2009, creating one vacancy on the Commission.

The EAC's mission is to guide, assist and direct the effective administration of Federal elections through funding, innovation, guidance and information. To achieve its mission, the EAC has focused on fulfilling its obligations under HAVA and the National Voter Registration Act (NVRA). Specific program areas include voting system certification, research and HAVA funds management. EAC also works to identify potential election administration issues and to provide States with tools that they can use to conduct accurate, secure and accessible elections.

The EAC has employed four strategic objectives to meet these statutory requirements: improving voting systems; effective management of HAVA funds; researching key election administration issues; and assisting election officials. Below we discuss what Congress, States and the public at large can expect from the EAC in the coming year, beginning with our efforts to strengthen internal operations.

## INTERNAL OPERATIONS

In Fiscal Year 2008, in anticipation of the Federal election, the EAC allocated resources to program areas that provide training and management materials to election officials and information and language assistance materials to the public. Those efforts included creative approaches like increasing Web site bandwidth and public meeting webcasts to deliver resources, such as best practices in contingency planning, to larger audiences. The Commission also dedicated resources to develop the next iteration of the VVSG and for ongoing activities in the Federal government's first Voting System Testing and Certification Program. The Commission's FY 2008 appropriation was \$16,530,000, which included a pass through of \$3,250,000 for The National Institute of Standards and Technology (NIST).

In 2008, the EAC also laid the groundwork to strengthen management, accountability, and internal controls. Recognizing the need to modify the management structure, roles and responsibilities of the Commissioners and the executive director were finalized and



steps are being taken to finalize a management plan that will enable the EAC to monitor objectives and meet Commission goals.

The EAC's effort to strengthen internal operations was a direct result of three significant events. The first was an assessment by the OIG that highlighted the need for the EAC to implement a strategic plan, improve internal controls, clarify the roles and responsibilities of the commissioners and senior management, and establish and or document policies and procedures for all program areas. The second was the requirement that EAC complete an audit of its Fiscal Year 2008 financial statements for the first time. The third was feedback from the financial statement auditors that EAC had some material internal control weaknesses. In response to these events, EAC has:

- Hired a chief operating officer, a chief financial officer, an accounting director with a CPA, a grants manager and a contracting officer.
- Adopted a strategic plan.
- Issued policy on the roles and responsibilities of Commissioners and the executive director.
- Hired a contractor to help write policies and procedures and to document internal controls.
- Hired consultants to help develop performance-based budgets, produce quarterly financial statements and establish a corrective action plan to address finding in the financial statement audit.
- Contracted with a certified public accounting firm to assist with financial management.
- Initiated efforts to obtain the services of a qualified firm to assist with prioritizing, analyzing, and implementing the audit recommendations to aid with developing a management plan, assuming budgetary resources are available.
- Started to update documentation of current financial management processes and systems.
- Initiated an assessment of training needs for employees to further enhance awareness of financial management.
- Preparing to issue a contract for assistance with the development of a comprehensive corrective action plan to address all weaknesses.

The EAC is using input from the chief operating officer, chief financial officer, staff with Federal financial management experience, stakeholders, expert consultants, the Office of Management and Budget, Congress and the OIG to make the adjustments that are needed for financial and management processes. The Commissioners and the executive director will incorporate the roles and responsibilities policy to ensure a high level of accountability.



## **IMPROVING VOTING SYSTEMS**

Effective administration of voting systems requires the use of accurate, reliable, accessible and auditable voting systems. HAVA establishes the following requirements for voting systems used in Federal elections:

- Allow the voter to verify the votes selected on the ballot before it is cast;
- Allow the voter the ability to change his or her selections prior to casting a vote;
- Notify the voter of an overvote and the consequences of casting an overvote;
- Provide an auditable, permanent paper record of the election;
- Provide accessibility to individuals with disabilities including persons who are blind or visually impaired;
- Provide accessibility to persons for whom English is not their first language when required by Section 203 of the Voting Rights Act; and
- Meet or exceed the error rate as established in the 2002 Voting System Standards developed by the Federal Election Commission.

HAVA Section 301; 42 U.S.C. Section 15481 requires that all voting systems used in an election for Federal office meet or exceed these requirements.

HAVA required EAC to develop voluntary voting system guidelines for testing voting systems and required EAC to establish a program to test voting systems using Federally accredited laboratories. The establishment of the EAC's Voting System Testing and Certification Program marks the first time the Federal government has tested voting equipment. The EAC's program is a voluntary exercise in which States can choose from a list of Federally certified voting systems for use in their jurisdictions.

The voting system certification program established by HAVA prescribes a partnership between NIST and the EAC. NIST evaluates and recommends to the EAC voting system test laboratories that should be accredited. After the EAC accredits a test laboratory, voting system manufacturers seeking EAC certification may submit their systems to the accredited laboratory for testing.

### **Voluntary Voting System Guidelines (VVSG)**

One of EAC's most important mandates is the testing, certification, decertification and recertification of voting system hardware and software. Fundamental to implementing this key function is the development of updated voting system guidelines, which prescribe the technical requirements for voting system performance and identify testing protocols to determine how well voting systems meet these requirements. The EAC, along with its Federal advisory committee, the Technical Guidelines Development Committee (TGDC), and NIST, work together to develop voluntary testing standards.



## **The 2005 Voluntary Voting System Guidelines**

In accordance with the HAVA-mandated 9-month deadline, the TGDC, working with NIST, technology experts, accessibility experts, and election officials, delivered the first draft of the 2005 *VVSG* to the EAC in May 2005. The EAC conducted an initial review and released the two-volume proposed *VVSG* for public comment for a period of 90 days. The EAC received more than 6,000 comments. Each comment was reviewed and considered before the document was finalized and adopted. The agency also held public hearings about the *VVSG* in New York City, NY, Pasadena, CA, and Denver, CO. The EAC adopted the 2005 *VVSG* at a public meeting in December 2005.

The *VVSG* was an initial update to the 2002 Voting System Standards focusing primarily on improving the standards for accessibility, usability and security. The *VVSG* also established the testing methods for assessing whether a voting system meets the guidelines.

## **The Next Iteration of the Voluntary Voting System Guidelines**

After meeting the HAVA deadline to issue the initial *VVSG*, the TGDC and NIST began work immediately on a complete re-write of the 2005 *VVSG* to address the next generation of voting systems. The TGDC's draft of the next iteration of guidelines contains new and expanded material covering reliability and quality, usability and accessibility, security and testing. Requirements are more precise and the language is written for enhanced usability and readability by a wide variety of audiences.

The next iteration of the guidelines contains the following sections:

- **Part 1, Equipment Requirements:** for requirements that pertain specifically to voting equipment.
- **Part 2, Documentation Requirements:** for documentation requirements that must be satisfied by both manufacturers and test labs – the Technical Data Package, user documentation, test lab reports, etc.
- **Part 3, Testing Requirements:** information and requirements about testing; the approaches to testing that will be used by test labs; the types of tests that will be used to test conformance to the requirements in Parts 1 and 2.
- **Appendix A, Definitions of Words with Special Meanings:** covers terminology used in requirements and informative language.
- **Appendix B, References and End Notes:** contains references to documents and on-line document used in the writing of this standard.

In October 2007, the EAC launched the first of two public comment periods for the next iteration, and announced the four-phase process to final adoption. The Commission has completed the first two phases.



**Phase I** – The EAC submitted the TGDC’s draft document to the Federal Register and launched the first public comment phase with an online comment tool available at [www.eac.gov](http://www.eac.gov). The public comment period lasted for 120 days and all comments were made public.

**Phase II** – The EAC reviewed all public comments submitted on the TGDC draft.

**Phase III** – Based upon public comment and internal review of the TGDC document, the EAC is working to develop and publish its draft version in the Federal Register. The public will have another 120 days to comment on the EAC draft version. The EAC will conduct public hearings about its draft version.

**Phase IV** – The EAC will collect and review all comments submitted and make final modifications. The final version of the VVSG will be adopted by vote of the Commission at a public meeting and then published in the Federal Register.

To ensure ongoing public participation and input into the testing and certification process, in 2008 EAC held a series of roundtable discussions involving a wide variety of stakeholders. Participants included representatives from the disability and voter advocacy communities, election officials, voting system manufacturers, and technology experts. Roundtable participants provided feedback on voting system security and accessibility as well as overall suggestions to improve the process. Roundtable discussions were open to the public, and information generated from those discussions is available at [www.eac.gov](http://www.eac.gov).

After reviewing comments and receiving input from a series of roundtable discussions about the next iteration, the EAC determined that some of the contents of the next iteration should be implemented now instead of waiting for final adoption, which may not occur for several years to come due to the large volume of comments received and input from public roundtable discussions. Suggestions for areas of improvement included addressing ambiguity that may lead to inconsistent testing, numerous interpretations, and overall delays in the process.

To implement updates to the 2005 VVSG, the EAC will follow the procedures in HAVA. Suggested updates will be published for a 120-day public comment period, EAC advisory boards will be asked to comment and Commissioners will vote to consider the updates. As updates to the 2005 VVSG are contemplated, the EAC will continue working uninterrupted on the next iteration.

## Voting system certification and laboratory accreditation

### Accreditation of Voting System Testing Laboratories





HAVA Section 231 requires EAC and NIST to develop a national program for accrediting voting system testing laboratories. The National Voluntary Laboratory Accreditation Program (NVLAP) of NIST evaluates test laboratories and performs periodic re-evaluation to verify that the labs continue to meet the accreditation criteria. When NIST has determined that a lab is competent to test systems, the NIST director recommends to EAC that a lab be accredited. EAC then makes the determination to accredit the lab. EAC issues an accreditation certificate to approved labs, maintains a register of accredited labs and posts this information on its Web site. Labs must adhere to the requirements of EAC's Voting System Test Laboratory Program Manual or face possible suspension or revocation of the accreditation. These requirements include a stringent conflict of interest program and compliance management program.

The EAC has accredited four test laboratories based on recommendations from NIST: CIBER, Inc., iBeta Quality Assurance, SysTest Labs and Wyle Laboratories, Inc.

### **Voting System Certification**

HAVA instructed the EAC to establish the Federal government's first program to test and certify voting equipment. The certification program was established after the adoption of the 2005 VVSG and the first recommendations from NIST regarding test laboratories that should be accredited to evaluate voting systems.

The first step in the certification process is registration by the manufacturer. They are required to provide written policies for quality assurance purposes, document retention policies and a complete list of facilities. The manufacturer also agrees to meet all program requirements, such as reporting all anomalies for EAC certified-systems.

Next, the manufacturer is required to submit an application for the testing of their voting system. It is at this time that they select an EAC accredited laboratory. This laboratory then submits a test plan for approval by the EAC, tests the voting system and, finally, creates a test report. Reports from the laboratory's assessment of the voting system are provided to EAC for review and action. The reports are reviewed by EAC technical reviewers. If the report is in order and the system is in conformance with the applicable voting system standards or guidelines, the EAC will grant the system certification. The EAC's executive director will consider the recommendation and make the final decision. Once certified, a system may bear an EAC mark of certification and may be marketed as having obtained EAC certification.

The EAC's certification process includes assessment of quality control, field monitoring, decertification of voting systems, and enhanced public access to certification information. For more information concerning EAC's Voting System Testing and Certification Program, see the [program manual](#) available on the EAC Web site, [www.eac.gov](http://www.eac.gov).



This year, EAC certified MicroVote EMS 4.0, the first voting system to receive Federal certification to the 2005 VVSG. Eight voting systems have applied for Federal certification and are currently being evaluated by Federally accredited test labs.

**EAC Voting System Testing & Certification Program**

**Inventory of Certified Voting Systems; Voting Systems Currently Under Testing; Terminated Applications; and Decertified Voting Systems**

Manufacturer	Voting System (Name/Version)	Testing Standard	VSTL	Testing Application	Test Plans (Status/Current Version)	Test Reports (Status/Current Version)	Certification Status
AVS	WINWare 2.0.4	2002 VSS	iBeta	3/22/2007	Submitted - <a href="#">Version 2.0.4</a>	n/a	System application <a href="#">terminated</a> on 11/28/2007
Avante	Optical Vote-Trakker	2005 VVSG	Wyle	12/2/2008	Awaiting initial Test Plan submission by VSTL	n/a	Currently under testing
Dominion	Democracy Suite	2005 VVSG	SysTest	2/22/2007	Submitted; under review - <a href="#">Version 2.0</a>	n/a	Currently under testing
ES&S	Unity 3.0.1.0 & Unity 3.0.1.1 w. ATS 1.3	2002 VSS	SysTest	6/12/2007	Awaiting initial Test Plan submission by VSTL	n/a	Currently under testing
ES&S	Unity 3.2.0.0	2002 VSS	iBeta	3/19/2007	Submitted; under review - <a href="#">Version 3.0</a>	n/a	Currently under testing
ES&S	Unity 4.0	2002 VSS	SysTest	4/19/2007	Approved - <a href="#">Version 1.0</a>	n/a	Currently under testing
Hart	System 6.4	2002 VSS	SysTest	5/11/2007	Submitted - <a href="#">Version 3.0</a>	n/a	System application <a href="#">terminated</a> on 8/28/2008
MicroVote	EMS Ver. 4.0	2005 VVSG	iBeta	7/17/2007	Approved - <a href="#">Version 3.0</a> (updated version 4.0 submitted with Test Report V.4.0)	Approved - <a href="#">Version 4.0</a>	Certified Voting System - <a href="#">Final Decision</a> 2/8/2009 <a href="#">Certificate of Conformance</a> <a href="#">Initial Decision on Certification</a> made on 12/31/2008
Premier (Diebold)	Assure 1.2	2002 VSS	iBeta	4/5/2007	Submitted; under review - <a href="#">Version 1.1</a>	n/a	Currently under testing
Sequoia	WinEDS 4.0.34	2002 VSS	iBeta	8/9/2007	Submitted; under review - <a href="#">Version 2.0</a> (rejected on 2/10/2009)	n/a	Currently under testing
Unisyn	OpenElect Voting System	2005 VVSG	Wyle	6/3/2008	Awaiting initial Test Plan submission by VSTL	n/a	Currently under testing
Unisyn	EMS 3.0	2002 VSS	SysTest	12/13/2007	n/a	n/a	System application <a href="#">terminated</a> on 1/7/2009
Definitions							
Testing Standard:	Identifies the set of standards/guidelines which the voting system is being tested against. Currently, voting systems may only be submitted for testing to the 2005 Voluntary Voting System Guidelines (2005 VVSG). Systems submitted for testing prior to December 15, 2007, also had the option of being tested against the 2002 Voting System Standards (2002 VSS).						
VSTL:	Accredited EAC voting system test laboratory (VSTL) selected by the manufacturer to perform testing and other laboratory actions consistent with the EAC's Certification Program Manual.						
Testing Application:	Date on which the manufacturer submitted the voting system's application for certification testing. It does not indicate the date on which the application package was approved by the EAC.						
Test Plan:	Document created prior to testing that outlines the scope and nature of testing, items to be tested, test approach, resources needed to perform testing, test tasks, risks and schedule.						
Test Report:	Document that provides the results of a voting system's testing conducted by an EAC accredited VSTL, along with the VSTL's recommendation regarding certification.						
n/a:	Not applicable						

**Federal Role Adds Transparency and Accountability**

The EAC's role brings government rules for public disclosure and involvement to the process of certifying voting equipment. The EAC conducts accreditation and certification processes that are transparent and that share information about the process with the public. The EAC developed its programs with the knowledge that public confidence is





critical to the election process and that confidence comes from public knowledge and understanding of the process.

To meet the requirements for disclosure and transparency, the EAC dedicated a large portion of its Web site to house information about the program. Visitors are able to access basic information, such as lists of accredited laboratories and registered manufacturers, as well as more detailed documents generated throughout the process, including:

- Application, registration, and reporting forms
- Correspondence
- Certified voting systems
- Decertification actions
- Denials of certification
- Interpretations
- Manufacturer appeals
- Notices of Clarification
- Press releases and public meeting notices
- Requirements matrix
- Reports (investigations, manufacturing facility reviews, etc.)
- Test plans (final and draft versions)
- Voting systems submitted for certification
- Voting System Testing and Certification Manual
- Voting System Test Laboratory Program Manual

Visitors to the EAC Web site also have access to background and historical information about the history of voting system standards and guidelines and certification, such as an extensive frequently asked questions document, overviews of the processes and a detailed step-by-step description of how voting systems are certified by the Federal government.



## How does a Voting System Get Certified by the EAC?

**Step one:** Voting system manufacturers must [register](#) with the EAC.

**Step two:** Manufacturers must submit an [application](#) and select a [federally accredited test laboratory](#) to begin the testing process.

**Step three:** Test laboratory submits [draft test plan](#) to EAC for approval.

**Step four:** EAC approves [test plan](#).

**Step five:** Voting system is tested to the [applicable standards](#).

**Step six:** Testing concluded; [draft test report](#) submitted to EAC for approval.

**Step seven:** EAC approves [test report](#) and issues initial decision on certification.

**Step eight:** Test laboratory rebuilds voting system in a trusted environment, otherwise known as a “trusted build.”

**Step nine:** Manufacturer provides software identification tools to EAC, which enables election officials to confirm use of EAC-certified systems.

**Step ten:** Manufacturer provides voting system software to EAC repository, allowing EAC to capture an official record of the voting system it has tested and certified.

**Step eleven:** Manufacturer agrees in writing to all EAC certification conditions and program requirements.

**Step twelve:** EAC certifies voting system.

As part of its ongoing program to explore ways to make the certification process more efficient and cost effective, in January 2009 the EAC hosted the Unified Testing Initiative and Cost of Testing Summit to explore ways the Federal government could coordinate its testing and certification efforts with state and local election officials to improve efficiency and reduce costs. Session topics included identifying factors that impact costs, balancing quality testing and costs and an explanation of the EAC’s threat assessment project. The meeting was open to the public, and testimony, a participant list, and other meeting information is available at [www.eac.gov](http://www.eac.gov).



## **HAVA FUNDS MANAGEMENT**

EAC distributes, monitors, and reports on funding programs authorized by HAVA to improve the administration of elections for federal office. This also involves negotiating indirect cost rates with state election offices and resolving audit findings on the use of HAVA funds.

Of the \$3.65 billion authorized under HAVA Sections 101, 102, and 251 in direct funding to states that is administered by EAC, \$3.18 billion has been appropriated. Approximately \$466 million remains to be appropriated.

- \$ 3,650,000,000 (Cumulative amounts authorized under HAVA Sections 101, 102, and 251 in direct funding to States that is administered by EAC )
- \$ 3,183,860,618 (Cumulative amounts appropriated under HAVA Sections 101, 102, and 251 in direct funding to States that is administered by EAC )
- \$ 466,139,382 (Direct funding to States administered by EAC that was authorized but has not been appropriated)

### **Reporting on the Use of HAVA Funds**

HAVA requires the EAC to provide Congress with an annual reporting of the States' use of these funds. In the most recent report issued by EAC, which covered expenditures through December 2007, we reported that the States had spent 60 percent of HAVA funds received. Of that amount, 76 percent was used to purchase or upgrade voting systems and implement statewide voter registration databases; 16 percent was to improve the administration of federal elections; 8 percent was not classified by the recipients; and less than one-tenth of 1 percent was used to implement provisional voting and polling place signage requirements.

During the process of collecting HAVA expenditure information from the States, the EAC recognized that States needed clear direction and resources about the reporting requirements and how the funds could be used. To provide further assistance, EAC staff and the EAC's Office of the Inspector General (OIG) teamed up to provide additional training and added more resources on the EAC Web site. Consequently, the latest report reflected an improvement in the timely submission and accuracy of the financial reports submitted by the States. Most States were very receptive to requests for additional information and worked with EAC staff to provide the revised reports in a timely fashion. Based on the frequently identified reporting issues, EAC is developing reporting guides, a HAVA grants policy manual, and the Commission will continue to work with States to resolve the issues identified and to ensure the appropriate use of HAVA funds.



To provide further clarification about the proper use of HAVA funds, the Commission adopted an advisory opinion process requiring resolution to any inquiry from States or local jurisdictions regarding the use of HAVA funds to be decided by a vote of the Commission. The process includes a public comment period, and final advisory opinions are available to election officials and the public at [www.eac.gov](http://www.eac.gov).

HAVA spending reports are available at [www.eac.gov](http://www.eac.gov), and, this summer, the EAC will issue a report covering HAVA expenditures by the States through 2008.

### **Auditing the Use of HAVA Funds**

HAVA gives EAC and other HAVA-granting agencies the authority to conduct regular audits of HAVA funds. The OIG, along with the Chief Financial Officer department, are responsible for audits of HAVA funds. The OIG has responsibility to audit programs and operations, and annual financial statements; semi-annual reports to Congress; and investigation of complaints of waste, fraud or abuse.

Since the inception of the audit program in 2006, the OIG has issued [19 final reports](#), focusing on the States that have expended the most funds and involving the review of almost \$800 million in expenditures. OIG reports are available at [www.eac.gov](http://www.eac.gov).

In addition to EAC's regular audits, HAVA also provides for two other means of extraordinary audit authority – (a) funds are subject, at least once during the term of the program, to an audit by the Comptroller General; and (b) Section 902(b)(6) of HAVA allows EAC to conduct a “special audit” or “special examination” of the funds that are subject to regular audit under Section 902(b)(1). This special audit authority covers every HAVA program, including funds distributed under Title I, Title II, and programs administered by the Department of Health and Human Services. If the EAC determines that a special audit is warranted, by vote of the Commission, EAC will refer the matter to the OIG for review.

Following the issuance of an audit report by the OIG, EAC management is required to resolve any audit findings, including recommendations for changes to policies and procedures and any findings that HAVA funds were misspent. This process requires EAC management to review the audit findings, develop monitoring programs for changes to policy or procedure, and quantify amounts of funding that are to be returned to the State's election fund or to the U.S. Treasury. Once an initial decision is made by the Executive Director, the determination is sent to the audited State. The State then has the option of appealing the decision to the Commission. An appeal can entail a paper review of the record of the audit or a combination of paper review and a public hearing. The decision of the Commission is final and binding on the State. The EAC has issued a total of 43 audit resolutions, and they are available at [www.eac.gov](http://www.eac.gov).



## ELECTIONS RESEARCH

HAVA instructs the EAC to collect information about election administration issues and share that information with Congress, election officials, and the public. Data collected by the EAC enables policy makers and election officials to make well informed decisions to improve the administration of Federal elections. Below is a list of the most recent reports issued and activities conducted by the EAC research division. Research reports and related information are available at [www.eac.gov](http://www.eac.gov).

- Issued a report entitled *The Uniformed Overseas Citizens Absentee Voting Act (UOCAVA) Voters and the Electronic Transmission of Voting Materials in Four States*. Section 241(b)(16) of HAVA requires the EAC to conduct a study of issues and challenges that are presented by the incorporation of communications and internet technologies in the federal, state and local electoral process.
- Issued a report entitled *Effective Designs for the Administration of Federal Elections*. The report addresses the design planning process, general best practices, implementation insights, limitations and more for the design of ballots and polling place materials. The report also includes a digital library containing hundreds of camera-ready images of ballots and polling place materials that can be easily and affordably customized and used by state and local election officials.
- Issued a report entitled *Voter Hotlines*. This study evaluates the effectiveness of different kinds of, and usages for, voter hotlines.
- Issued a report entitled *First-Time Voters*. Section 244 of HAVA requires the EAC to study and report on the impact of the law on first-time voters who register to vote by mail and cast their ballots in person. Through case studies and voter focus groups, this research provides insight into the administrative difficulties imposed on election officials by this HAVA requirement and voters' perceptions of its efficacy.
- Issued a voter information Web site study. In accordance with Section 245 of HAVA, the EAC studied the possible impact new communications or Internet technology systems used in the electoral process could have on voter participation rates, voter education and public accessibility.

### Implementing Statewide Voter Registration Databases

HAVA required that each State implement a statewide, computerized voter registration database, and in 2005 EAC issued voluntary guidance about the implementation of the databases. The EAC has contracted with the National Academies of Science (NAS) to study the implementation of the databases focusing on matching protocols, inter- and intra-state interoperability, and security and privacy issues. In May 2008, NAS issued an interim research report that included long- and short-term recommendations for improvements. The EAC held a [public hearing](#) in March 2009 to receive an update from





NAS and hear from election officials about database performance during the 2008 election. The EAC will use the NAS research as the basis for future guidance to address overall maintenance and administrative best practices.

## Improving Collection of Election Administration Data

Data about how, where and when Americans vote help election officials and policy makers make well informed decisions about election administration policies and procedures. These data will ultimately help improve operations, identify voter needs, and track progress as well as provide valuable information to the public.

Every two years EAC issues an Election Day Survey based on election administration-related data collected from the country's 50 states, the District of Columbia, Guam, Puerto Rico, American Samoa and the U.S. Virgin Islands. The 2008 Election Administration and Voting Survey instrument is divided into two sections. Section A captures information pertaining to NVRA, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and other election administration issues such as the casting and counting of provisional ballots and poll worker recruitment. Section B is the statutory overview, which asks states a series of questions about their laws, definitions, and procedures. The results from this data collection effort will be the basis for a series of reports to the public and Congress throughout 2009.

In addition to the Election Day Survey, the EAC is also administering an election data collection grant program, authorized by Congress in the Omnibus Appropriations Act for Fiscal Year (FY) 2008. The grant program provided \$2 million each to five States to collect precinct-level data about election administration related to the November 2008 general election. The program was designed to develop a series of best practices in data collection; improve data collection processes; enhance the capacity of States to collect accurate and complete election data; and to document and describe data collection practices, policies and procedures.

Ten states applied for the grants, and winners were selected through an independent review process. The winning grant recipients were Pennsylvania, Minnesota, Ohio, Illinois and Wisconsin, and they are required to submit data they collect to the EAC by March 2009.

In turn, the EAC is required to evaluate the grant program's overall success and provide Congress recommendations for changes to federal laws and regulations to improve the collection of data. Additional information about the pilot program and the winning recipients is available at [www.eac.gov](http://www.eac.gov).



## PROVIDING ELECTION MANAGEMENT RESOURCES

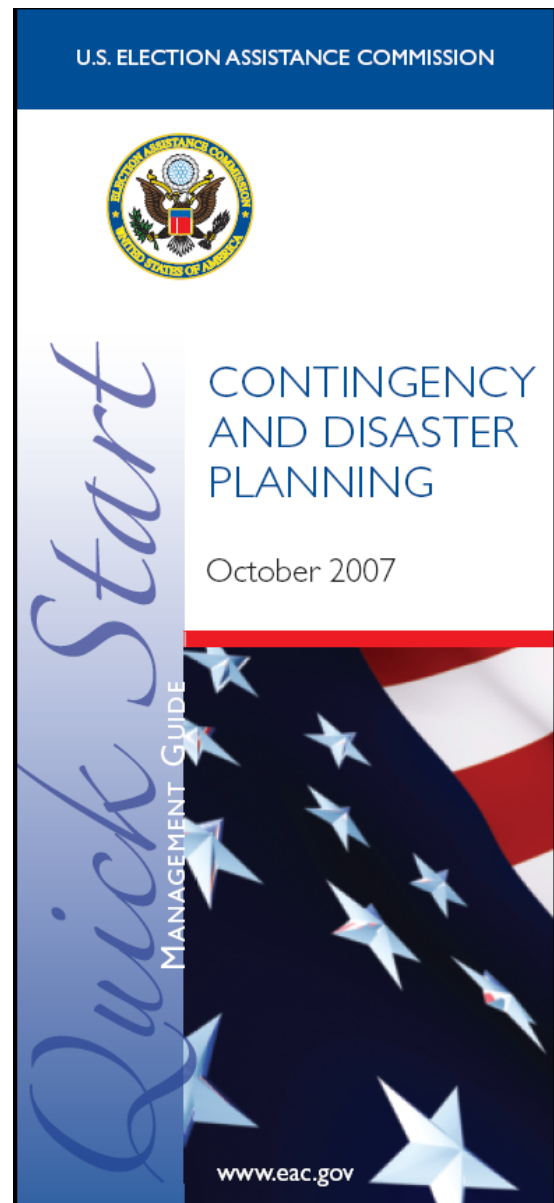
One of the EAC's top priorities under HAVA is to provide election officials resources and information to help them make election administration improvements at the local level. A major component of the effort to provide assistance is the Election Management Guidelines program, which complement the [voluntary voting system guidelines](#)' technical standards for voting equipment. The guidelines address a wide variety of topics from pre-election testing and auditing to poll worker training, and the materials are sent to election officials in every state. Election management materials issued in preparation for the 2008 election covered the following subjects:

- Acceptance Testing
- Uniformed and Overseas Citizens
- Pre-election and Parallel Testing
- Developing an Audit Trail
- Contingency Planning and Change Management
- Ballot Building
- Absentee Voting and Vote by Mail
- Polling Place and Vote Center Management
- Media and Public Relations

In addition to the management guidelines program, the EAC also held six public workshops that facilitated election officials sharing best practices and included discussions about contingency planning, ballot design, and voter empowerment. The EAC also produced training videos about polling place accessibility, contingency planning, and polling place management. Election management materials are available at [www.eac.gov](http://www.eac.gov).

### Recruiting Poll Workers

Election officials consistently cite the need for more poll workers. The success of the election rests in large measure on the turnout and performance of this temporary workforce. The EAC does not yet know the number of poll workers that served on





Election Day in 2008; however, anecdotal reports suggest that jurisdictions across the board had sufficient numbers of satisfactorily trained poll workers.

We commend Congress for funding [The Help America Vote College Program](#), which has certainly been instrumental in helping to recruit poll workers. As a result, one of the EAC's top priorities has been to increase poll worker involvement among younger citizens. The EAC has awarded a total of \$1.65 million for colleges and nonprofits to recruit students to serve as poll workers. Effective models for recruiting younger poll workers have emerged from this program that can be adopted and replicated by other communities. The EAC used the program to raise awareness leading up to the 2008 election for the need for poll workers and to encourage younger citizens to serve their community on Election Day. In addition, the EAC produced and distributed [manuals](#) about recruiting, training and retaining poll workers, including college students.

The [Mock Election Program](#) also encourages youth participation by enabling students to participate in simulated elections with voting equipment, ballots, and poll workers. Last year, the EAC awarded ten organizations from nine states an average of \$20,000 to educate secondary school students and their parents about the electoral process through staged national elections.

Grant recipients and additional information about the Help America Vote College and Mock Election programs are available at [www.eac.gov](http://www.eac.gov).

## **INFORMATION FOR VOTERS**

During the 2008 Federal election, preliminary estimates indicate that approximately 133 million Americans voted, 10 million more than the last presidential election. Empowering voters to participate in the electoral process by making sure they had the information they needed to vote was also critical to the success of Election Day 2008.

States' election Web sites allowed voters to look up their polling place, view sample ballots, learn about voting systems, and in some cases, verify their registration. Many election offices also provided information over the phone through dedicated voter hotlines or regular office phone lines.

In 2008, the EAC complemented the public education efforts of election officials by using its national platform building upon their efforts to prepare and educate voters about Election Day through media interviews. The Commission's message of voter preparation focused on the following themes: reminder of registration deadlines, what to do before and on Election Day, verifying registration status, finding poll locations, volunteering as a poll worker and early and absentee voting options.



The EAC posted key information for voters on the Commission's Web site including registration deadlines, voting options, information for uniformed and overseas voters and toll-free phone numbers and Web site addresses for election offices in each state. This information was made available through an interactive United States map featured prominently on the home page.

[The Voter's Guide to Federal Elections](#), available in seven languages, was also featured prominently on the EAC Web site in the [Voter Information Center](#). The guide was designed to help voters successfully navigate the Federal elections process, from registering to vote to casting a ballot on Election Day. In addition to the basics of ballot-casting, the guide also included information on eligibility and early voting, as well as the registration and voting process for military and civilians living abroad and polling place services that make voting more accessible. For voters who needed language assistance, the EAC created [The Glossary of Election Terminology](#) and translated it into Chinese, Japanese, Korean, Tagalog, Vietnamese and Spanish.

The EAC also reached out to college students by holding a conference call on voter preparation with college print journalists. After this call, journalists from six papers in Texas, Wisconsin, Colorado, California and Pennsylvania wrote stories to inform voters of the process. Our outreach also included scores of national and local radio and television broadcast outlets across the nation. We were also successful in getting messages to voters through leading African American media outlets, and EAC staff fluent in Spanish also provided information to voters through Hispanic media outlets.

Shortly before the election, we held a public workshop on empowering voters. Voter advocates and election officials spoke about efforts to engage voters in the process. Additionally, a couple of weeks before the election the EAC hosted a [panel discussion](#) at the National Press Club with secretaries of state and national journalists on reporting election results. The aim was to bring officials and journalists together to learn more about the reporting process from each perspective, and work more effectively in delivering timely, accurate results to voters.

## **LOOKING FORWARD**

The EAC has reached many HAVA milestones during the Commission's brief existence. We have adopted the 2005 VVSG and have already issued the next iteration for public comment. The Federal government's first voting system certification program is up and running and the EAC has certified its first voting system. The Commission has collected and distributed valuable data about uniformed and overseas voters, provided best practices on ballot design and established the annual Election Day Survey, the largest and most comprehensive survey about election administration ever conducted by the Federal government. The EAC has one of the most comprehensive language assistance programs in the Federal government, offering a wide range of resources for voters in seven



languages, including professional translation of major portions of the EAC Web site in these same languages.

During the coming year, the EAC will focus inward to improve internal operations. The Commission has adopted a strategic plan to create a receptive and productive agency capable of the unique leadership role it has been given. Strategic plan components include serving as a national clearinghouse, a manager of federal financial assistance, a certifier of voting systems, and a resource for election officials throughout the country regarding the administration of Federal elections.

In FY 2009, the EAC will embark upon implementing its strategic plan as well as incorporating its new expertise in the areas of budgeting and performance management as well as implementing the following goals as identified in the EAC's strategic plan, available at [www.eac.gov](http://www.eac.gov).

**Goal One -- Communicate**

Communicate timely and accurate information on the effective administration of elections for Federal office and on the operations and services offered EAC by operating the EAC clearinghouse effectively; responding to outside requests timely and accurately; and conveying results of EAC operations and accomplishments.

**Goal Two: Fund and Oversee**

Accurately and timely disburse Federal financial assistance administered by the EAC; effectively monitor Federal financial assistance administered by the EAC; and provide technical assistance and guidance on the management of Federal financial assistance administered by the EAC to help the States maximize the use of the funds and reduce the risk of inappropriate use of funds and accounting errors.

**Goal Three: Study, Guide and Assist**

Complete research on issues that improve the administration of elections for Federal office and expeditiously report on critical administration subjects and election data; identify and collect required and useful data on election administration practices, voting methods and demographics. Make recommendations for improving the quality of practices, methods, and data; issue guides, translations and other tools that are timely and useful; update and maintain a national mail voter registration application and report to the Congress as required by NVRA.

**Goal 4: Test and Certify**

Develop and update the voluntary voting system guidelines; provide for the accreditation and revocation of accreditation of independent, non-Federal laboratories qualified to test voting systems to Federal standards; administer the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

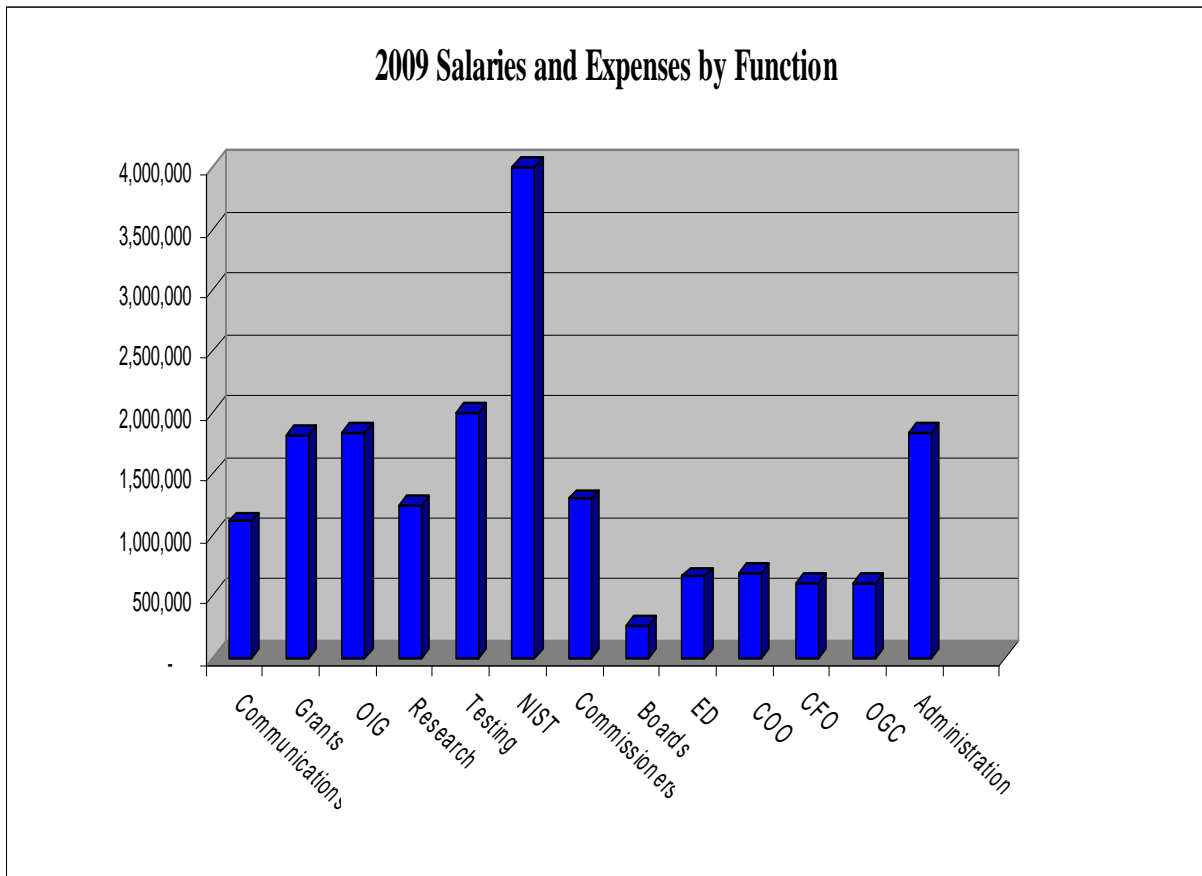




**Goal 5: Manage**

Implement a high performance organization.

*The following chart illustrates 2009 salaries and expenses based upon the strategic plan goals.*



<b>Goal One – Communications and Clearinghouse</b>	\$1,109,247
<b>Goal Two – Fund and Oversee</b>	\$3,664,429
Inspector general	
Grants management	
Mock Election and Help America Vote College Poll Worker grants	
<b>Goal Three – Study, Guide and Assist</b>	\$1,236,275
<b>Goal Four – Test and Certify</b>	\$5,993,016
National Institute of Standards and Technology	
<b>Goal Five – Manage</b>	\$5,956,033
Executive Director	
Chief Operating Officer	
Chief Financial Office	
General Counsel	
Administration (rent, telecom and common support services)	