



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY
OF
TOM WILKEY, EXECUTIVE DIRECTOR,
U.S. ELECTION ASSISTANCE COMMISSION

BEFORE THE

HOUSE COMMITTEE ON ADMINISTRATION,
Subcommittee on Elections

THURSDAY, MARCH 17, 2011



**U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011**

Good morning Chairman Harper, Ranking Member Brady, and Members of the Subcommittee. I am pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss our Fiscal Year 2012 budget request and the Commission's goals and activities.

INTRODUCTION

The EAC is a small federal agency with a big mission – improve the administration of federal elections. EAC is an independent, bipartisan agency that was created by the Help America Vote Act (HAVA) of 2002, a law passed by Congress after the 2000 presidential election. There are four full-time Commissioners, appointed by the President and confirmed by the U.S. Senate, and three federal advisory committees--the Standards Board, Board of Advisors, and the Technical Guidance Development Committee.

HAVA recognizes the need for states to invest in their election infrastructure and sets out a comprehensive program of funding to the states, voluntary guidance, and ongoing research into the improvement of federal elections.

EAC works to improve the administration of elections by administering the federal government's Voting System Testing and Certification Program, adopting voluntary voting system guidelines (VVSG), and serving as a national clearinghouse and resource of information regarding election administration. EAC also disburses and audits HAVA funds, administers the National Voter Registration Act and conducts important research on topics such as the request and return rates for ballots for overseas and military voters.

The EAC recognizes the responsibility it has to both election officials and voters to serve as a credible, federal resource about how, where and when Americans vote. Even though the Commission is small, our desire to meet the obligations and spirit of HAVA has led us to find creative ways to reach large audiences, and extend the impact of our resources. We believe our modern, inclusive approach to assist a very large audience that includes hundreds of millions of voters and almost 8,000 election officials on a very small budget is a model that other federal agencies can emulate.

ORGANIZATION AND STRUCTURE

Vision

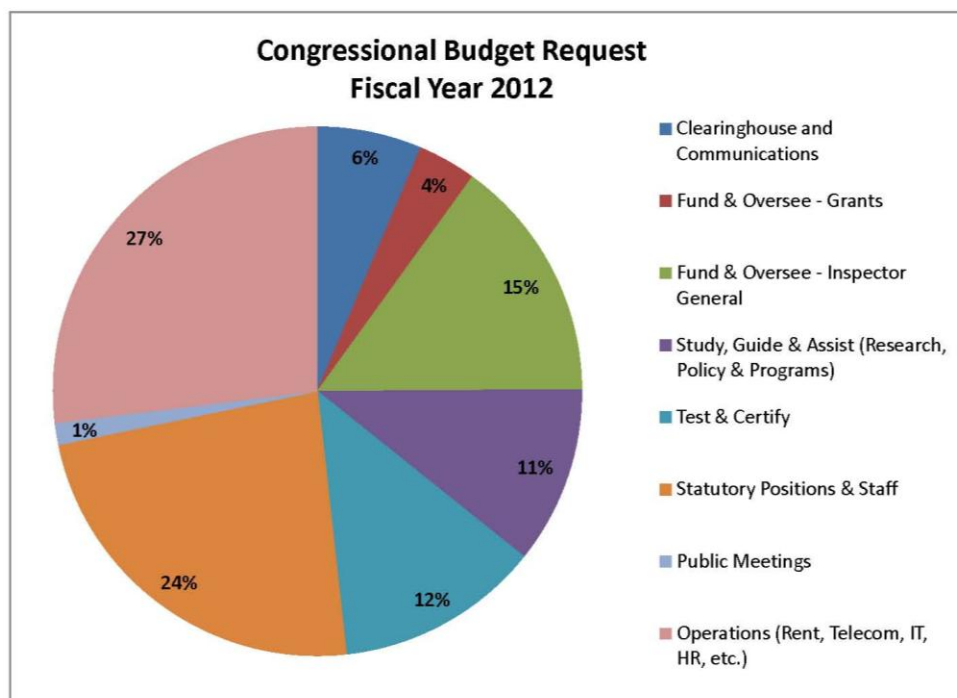
Lead election reform that reaffirms the right to vote and to have all eligible votes counted accurately.

Mission

Assist the effective administration of Federal elections.



Salaries and Expenses Resources Available for Obligation					
FY 2010 Enacted		FY 2011 Annualized Continuing Resolution Level		FY 2012 President's Budget	
FTE	Dollars	FTE	Dollars	FTE	Dollars
50	\$17,959,000	50	\$17,959,000	49	\$13,715,665



FY 2012 Priorities

- Serve as a clearinghouse and provide election officials and voters with information regarding the process for casting a vote in the 2012 federal elections.
- Provide election officials with technical assistance and information, as appropriate, to support poll worker training, educate the public, and help provide voters access to information on such topics as when and where to vote for the 2012 federal elections.
- Distribute materials designed to allow citizens who are not proficient in the English language to participate fully in federal elections to any jurisdictions covered by the Voting Rights Act Section 5 languages prior to and as a result of the 2010 Census.



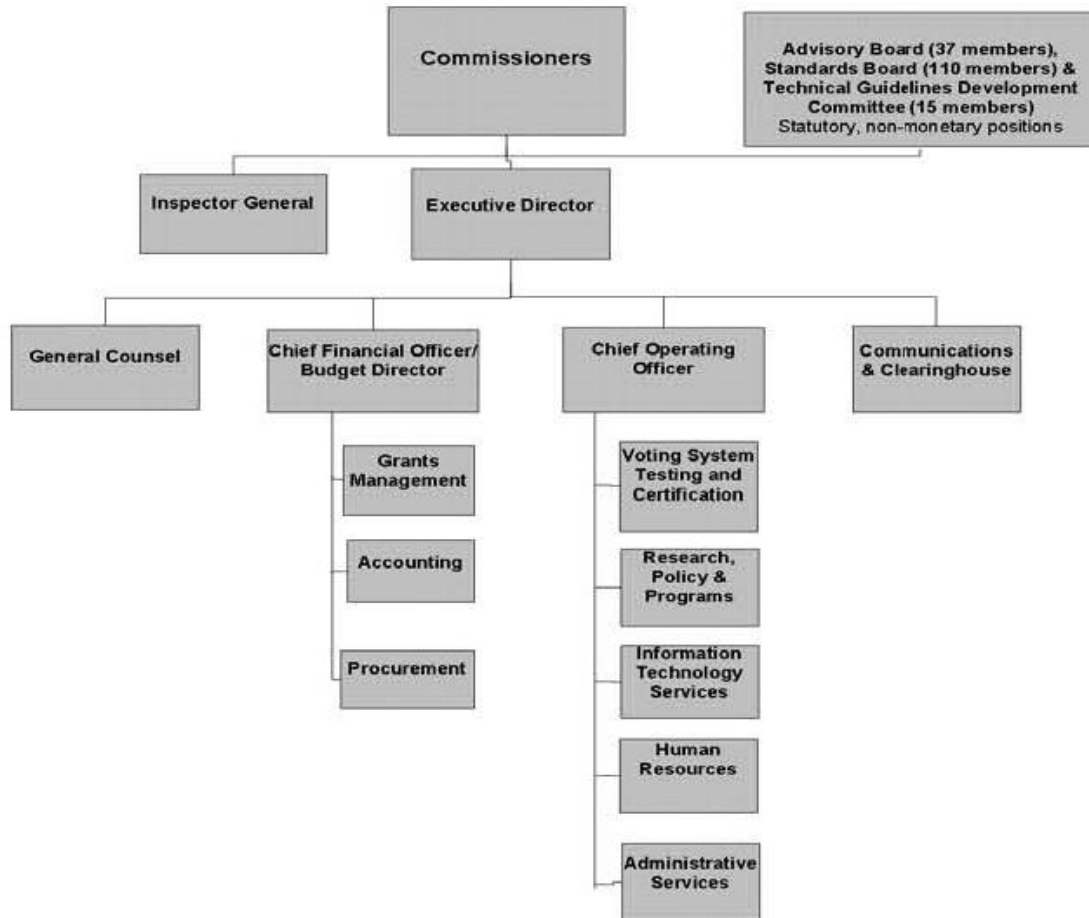
U.S. Election Assistance Commission
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Subcommittee on Elections
March 17, 2011

- Provide voluntary best practices for computerized statewide voter registration list requirements and registration by mail guidance to the States.
- Assist election officials by ensuring that voting systems and modifications of already-certified systems submitted to the U.S. Election Assistance Commission's (EAC's) program are successfully and efficiently tested to federal standards.

EAC's divisions are aligned to address the goals of the Strategic Plan: Goal 1, *Communicate*, is administered by the Office of Communications and Clearinghouse. Goal 2, *Fund and Oversee*, is administered by the Grants Management and Inspector General offices. Goal 3, *Study, Guide and Assist*, is administered by the Research, Policy and Programs unit. Goal 4, *Test and Certify*, is administered by the Voting System Testing and Certification Division. Goal 5, *Manage*, represents the statutory Boards, commissioners, executive director, general counsel, chief operating officer and chief financial officer.



**ELECTION ASSISTANCE COMMISSION
ORGANIZATION CHART**



In Fiscal Year 2012, EAC has four high-performance priority (HPP) goals. HPP Goal One aligns with the *Communicate* goal; Goals Two and Three align with the *Study, Guide and Assist* goal; and HPP Goal Four aligns with *Test and Certify*.

FISCAL YEAR 2012 HIGH PRIORITY GOALS

As part of the process to prioritize tasks, maximize existing resources and focus on mission-specific goals, EAC defined a limited number of high-performance priority goals consistent with the Commission's Fiscal Years [2009-2014 Strategic Plan](#). The high-performance priority goals will help EAC measure its ability to provide assistance to the public and voters as well as meet the mandates of HAVA. Our focus in FY 2012 will be on the following high-performance priority goals:



High-Performance Priority Goal 1: Serve as a Clearinghouse and provide election officials and voters with necessary information regarding the process for casting a vote in the 2012 Federal elections. Provide States with funding, and election officials with technical assistance and information, as appropriate, to support activities such as poll worker training, educating the public, and helping provide voters with access to information such as when and where to vote for the 2012 Federal elections.

The first of the high-performance priority goals is aimed at assisting eligible voters so that they have the information on how to cast a ballot for a federal election, and providing a central resource about election administration for election officials. Part of the first high-performance priority goal is also to share information with the Public about EAC's budget, internal operations and structure, as well as other policies and procedures that impact the public.

In order to implement the goals, EAC will employ such strategies as:

- Using the latest technology and communication tools for www.eac.gov (recognized in the Top Five Federal Websites by Congress.org in December 2010)
- Complying with Open Government requirements and continue to operate transparently
- Providing more tools for the public to interact with and provide input to EAC
- Integrating various EAC operations, information and resources into the Clearinghouse

EAC's website will continue to be the platform to facilitate meeting this high priority goal. The new website, unveiled in 2010, is designed to support the Commission's efforts to increase transparency. It features leading-edge search, navigation and content-delivery tools that transformed the site into a more modern, dynamic and transparent source of information for the public and election officials.

EAC's most commonly provided materials, such as the National Mail Voter Registration Form, voter's guides, Election Management Guidelines, and National Voter Registration Act reports are easily accessed from the website. The new Election Resource Library holds all of these materials for easy searching, sorting and browsing.

High-Performance Priority Goal 2: Support jurisdictions covered by the Voting Rights Act Section 5 languages so that all jurisdictions have access to and use materials designed to allow citizens who are not proficient in the English language to participate fully in Federal elections.

The goal is to make available materials such as voter guides and glossaries for eligible voters that reside in jurisdictions covered under Section 5 prior to and as a result of the



U.S. Election Assistance Commission
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2010 Census. These voters include persons who are Native American, Asian American, Alaskan Natives or are of Spanish heritage. These materials are intended to provide assistance and support to limited and non-English proficient voters who wish to register and vote. The lead EAC office responsible for implementing the goal is the Language Accessibility Program of the Research, Policy and Programs Division. Partners in the effort include State and local election officials, voter advocacy groups and other stakeholders.

EAC's strategy to achieve the goal is to receive the 2010 Census data and translate the *EAC Voter's Guide to Federal Elections* and other materials to any additional languages and jurisdictions determined to be covered under minority language provisions of the Voting Rights Act, and any other jurisdiction that may have a need based on their population. Resources needed to achieve the goal include funds for translations and publications and the ability to convene working groups and roundtables.

EAC is excited to announce its partnership with the Office of Citizenship within the U.S. Citizenship and Immigration Services. The goal of the partnership is to provide every new citizen a copy of EAC's *Voter's Guide to Federal Elections* brochure in the U.S. naturalization ceremony packet. Given the current naturalization rates, the Office of Citizenship estimates that they will print and distribute 750,000 to 800,000 copies of the guide each year. The Office of Citizenship will start with 650,000 brochures and reprint copies at their expense as needed. EAC will provide the Office of Citizenship with updated information contained in the *Guide* on a yearly basis.

High-Performance Priority Goal 3: Provide States with voluntary guidance on computerized voter registration lists and the national mail voter registration form.

The aim of Goal 3 is to encourage the 50 States, American Samoa, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands to utilize best practices that encourage increased voter participation. The lead EAC division for the effort is Research, Policy and Programs, in partnership with State and local election officials, voter advocacy groups and other stakeholders.

In order to achieve Goal 3, EAC, using in-house research, will help election officials educate voters on the need to update their registration status, and provide assistance regarding training poll workers on how to assist voters who have relocated within the same State (locating the new polling place, procedures for casting provisional ballots, acceptable forms of identification, etc.). EAC plans on issuing voluntary guidance that may include but is not limited to: voter registration database matching protocols, maintenance of accurate voter registration lists, data collection and storage, online functionality, identification requirements for first-time voters, and inter- and intra-operability of databases; and help States promote intergovernmental cooperation between their various agencies and departments such as Election Offices and Social Services.



High-Performance Priority Goal 4: Ensure that modifications of certified systems submitted to EAC’s program are successfully and efficiently tested to Federal standards.

The goal is to ensure that new voting systems and modifications of certified systems submitted to EAC’s testing and certification program are successfully and efficiently tested to Federal standards. The certifications provide a baseline level of conformity to assist election officials in maintaining the reliability and security of certified voting systems and the integrity of the overall election results. The lead office for implementation of the goal is the Voting System Testing and Certification division, with input from partners including the U.S. Department of Commerce National Institute of Standards and Technology (NIST) and the Technical Guidelines Development Committee (TGDC).

Continued support for the testing and certification program is needed, along with continued research and development, to support additional industry-wide solutions that allow voters with disabilities to vote privately and independently.

A MODERN, INCLUSIVE APPROACH

Like most federal agencies, for the past few years EAC has faced shrinking budgets. Yet, the Commission's obligations under HAVA continue, and some have expanded as a result of a program's success. For example, EAC has certified four voting systems. As part of its Quality Monitoring Program, voting machine manufacturers are required to report anomalies to EAC, which staff then investigates. As more voting systems are certified, the need to monitor their performance in the field will grow.

Federal government agencies must comply with a myriad of regulations, directives and other requirements. EAC has found its involvement with the Small Agency Council to be very beneficial, and would recommend the model of shared resources to be expanded throughout the federal government, allowing agencies to share expertise on administrative issues such as accounting and human resources, which would allow agencies to focus more intently on program goals.

In addition to EAC’s involvement with the Small Agency Council, thanks to an innovative and creative staff EAC has implemented several initiatives to use contractors more efficiently, save money, leverage partnerships and increase productivity throughout the Commission.



Partnerships and Collaboration

The federal government consists of a wealth of valuable resources, including experts in the areas of policy, budget and technology. In recent years, federal agencies have experienced an increase in cross-agency collaboration, which has facilitated the sharing of resources and knowledge. For a small agency like EAC, these federal resource hubs are invaluable. EAC employees have joined federal organizations like the Small Agency Council, which offers ways for agencies to share training costs and ideas. Through the Council, the participants pooled resources to fund training classes through the Graduate School (formerly the United States Department of Agriculture [USDA] Graduate School). Participants even share physical training space. Due to the cost savings and the small agency perspective provided by the trainings, EAC intends to continue being an active participant.

EAC also participates in events sponsored by the Web Managers' Council, an interagency group of senior federal government web managers who collaborate to improve the online delivery of U.S. Government information and services. The Council offers training courses at reduced prices and hosts a list-serve in which federal employees exchange ideas, ask questions and share solutions. EAC recently participated in training sponsored by the General Services Administration for www.data.gov. Communications Division employees will continue to draw upon the expertise of the group of federal employees managing this new site, which is the designated location for high-value federal data sets.

An invaluable resource for EAC has been the Target Center at USDA. The Target Center's mission is to make sure that USDA employees have "safe and equal access to electronic and information technology by assessing, educating, and advocating for the integration of assistive technology and worksite accommodations." EAC reached out to the Target Center for assistance with making documents accessible. Consequently, the Center hosted a training session for the entire EAC staff and continues to be available to us if we need assistance.

PREPARING FOR THE 2012 FEDERAL ELECTIONS

As the nation prepares the 2012 federal elections, no one can predict all of the election administration challenges that may be on the horizon. Indeed, every federal election cycle a new challenge presents itself that takes election officials and voters by surprise. For example, in 2010 many college students were confused about where to casting their ballots. In 2008, voters were surprised by the rules surrounding campaigning in polling places, such as whether campaign clothing could be worn in the polling places. Of course, every federal election cycle includes challenges with voting technology, poll



worker recruitment and training and issues related to contingency planning, like weather events that impact voting.

In anticipation of the next federal election cycle, we can safely predict that due to the presence of presidential candidates on the ballot, there will be more voters and probably more candidates. Election officials throughout the nation will have smaller budgets and fewer resources, which will result in more mature voting machines in the field. The primary season will be longer. With the spread of early voting and vote by mail, Election Day will become Election Season, prompting election officials and voters to adapt to new voting behaviors and patterns.

EAC plans to lead national discussions on these topics, bringing together local and state election officials and other experts to share innovative solutions. EAC will also supplement election officials' efforts to educate the public about the 2012 elections through the EAC Clearinghouse, which will continue to be a credible, central source of information about elections in every state and U.S. territory that the public can rely upon. Also included in the Clearinghouse will be resources for election officials and voters. For example, EAC will launch the Election Official Info Exchange, an online tool in which experienced election officials can offer their expertise to their peers who have just entered the profession. Participants can offer or request assistance in five areas: contingency planning, poll workers, pre-election activities, post election activities and voting system performance. Voters will find helpful information in the multi-media section of EAC.gov, including new videos on student voting, registering to vote and parallel testing for voting systems.

These initiatives are high-impact and have national reach; however, they are low cost and can be achieved through technology and modern communication tools.

LOOKING FORWARD

EAC will continue to collect and share innovations in election administration, with a particular focus on low-cost, technology-driven solutions that elections officials can customize and emulate on behalf of their voters. These solutions and innovations covering topics such as contingency planning, poll worker training and pre-election testing will be provided directly by election officials in EAC's online Election Info Exchange Program and highlighted on EAC's blog at EAC.gov.

Staff will collect more resources for voters and post them at EAC.gov, including a collection of social media sites hosted by election officials, links to state and local election offices, voter guides and other educational information, including the National Voter Registration form. We anticipate that Web site enhancements will help us deliver



U.S. Election Assistance Commission
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and provide information to a larger audience, enabling more voters to have a successful experience casting their ballot.

EAC's Voting System Testing and Certification Division will manage the responsibilities that will come from the EAC-certified voting systems operating in the field, many of them for the first time. Staff will also continue to notify election officials and the public of anomalies through the Quality Monitoring Program. Manufacturers are obligated under the terms of the program to report problems that occur in the field, and we must make sure we have the resources to thoroughly follow up. Efforts to work with the Federal Voting Assistance Program and NIST to develop a remote electronic voting system for overseas citizens and the military will continue.

Staff will release data from the 2010 election for EAC's Election Administration and Voting Survey, including data about the rate of participation for overseas citizens and military voters and the possible impact of the Military and Overseas Voter Empowerment (MOVE) Act. Work has already begun developing the survey instrument for the 2012 election.

EAC will continue to form strategic partnerships within the federal government, employ the use of technology to broaden our reach and deliver information to more people, and be responsible stewards of federal resources.