



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

**TESTIMONY
OF**

**HONORABLE ROSEMARY RODRIGUEZ, CHAIR,
HONORABLE CAROLINE HUNTER, VICE CHAIR,
HONORABLE DONETTA DAVIDSON, AND
HONORABLE GRACIA HILLMAN
U.S. ELECTION ASSISTANCE COMMISSION**

BEFORE THE

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

WEDNESDAY, MARCH 12, 2008

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



Good afternoon Chairwoman Lofgren, Ranking Member McCarthy, and Members of the Subcommittee. We are pleased to be here this afternoon on behalf of the U.S. Election Assistance Commission (EAC) to discuss election administration, the challenges that our election process faces to prepare for the upcoming Presidential election, and the role that EAC plays in supporting State and local governments in conducting Federal elections.

INTRODUCTION

EAC is a bipartisan commission consisting of four members: [Rosemary Rodriguez](#), Chair; [Caroline Hunter](#), Vice Chair; [Donetta Davidson](#), and [Gracia Hillman](#). EAC is an independent Federal agency that guides and assists States in the effective administration of Federal elections. In doing so, EAC has focused on fulfilling its obligations under the Help America Vote Act of 2002 (HAVA) and the National Voter Registration Act of 1993 (NVRA). EAC works to identify potential election administration issues and to provide States with tools that they can use to avoid problems and serve their citizens by holding accurate and reliable elections.

Our country is in the throes of choosing our next President. The primary season has been marked by true challenges to obtain the party nominations, record turn out of voters who are not only engaged in the process but also excited about making their voices heard. During the primary season, a few problems – some old and some new – have arisen. We continue to see challenges in designing ballots that voters can easily understand. We also see that if election jurisdictions underestimate the interest of the voters, the result is a failure to have sufficient numbers of ballots on hand and enough poll workers to assist voters. Provisional balloting will likely also be an issue if election officials are not prepared for the volume of provisional voters.¹ Human error continues to be the source of most of the problems that emerge during the election process, including everything from providing voters with accurate information to the few problems that have occurred with the equipment that is used to tabulate our votes.

EAC has worked to fulfill Congress' mandate to assist States with the administration of election for Federal office. EAC has distributed funding made available under HAVA. Over the past six months, EAC has been busy helping the election officials of our country to ready themselves for the primaries and upcoming Presidential election. EAC has issued a variety of materials aimed at assisting election officials with important issues like ballot design, poll worker recruitment and training, managing effective elections, and selecting voting equipment that fits the needs of each State and its electorate. Below we will discuss these products in detail and discuss current projects of the EAC that will continue to assist States with their election administration. At the same time, EAC has been focusing on its own house to improve what the Subcommittee noted as problems in our management during our previous hearing. We will also discuss some of the

¹ In 2004, 1.9 million people cast a provisional ballot and 1.2 million were counted. Similarly, in the mid-term elections of 2006, nearly 800,000 provisional ballots were cast and approximately 630,000 were counted. The number of provisional ballots cast in the upcoming Presidential election is likely to be similar to the numbers in the 2004 Presidential election.



actions that have been taken to develop policies and procedures that will aid this agency in assuring that its actions are consistent, appropriate, and transparent.

ADMINISTRATIVE CHANGES AT EAC

At our last hearing before this Subcommittee, we discussed a number of issues related to the administrative procedure and policy in place at EAC. The Subcommittee asked questions relative to EAC's application of certain portions of the Administrative Procedures Act (APA), including the Freedom of Information Act, Government in the Sunshine Act, and portions of the rule making provisions of the APA that apply to EAC. Since our last discussion, EAC has taken steps to develop policies, procedures and processes that will improve the accuracy, consistency and transparency of its actions.

In addition, EAC has received additional guidance from its Inspector General (EAC IG) regarding management processes that need improvement. On September 28, 2007, the EAC IG issued his report concerning compliance with the Federal Information Systems Management Act. EAC was cited for non-compliance with that Act. In addition, the EAC IG recently issued his final report on an Assessment of the U.S. Election Assistance Commission's Program and Financial Operations. As a part of that review, the EAC IG found (1) that the EAC Executive Director, in consultation with various offices and directorates, needs to develop, document and communicate short and long-term strategic plans, performance goals and measurements; (2) as a new agency, two key standards of internal control (Control Environment and Risk Assessment) must be strengthened as a priority; and (3) there is a critical need for establishing policies and procedures in all program areas to document governance and accountability structures and practices in place. Last, due to the significant increase in the EAC's budget authority for fiscal year 2008, EAC is formally required to prepare an annual Performance and Accountability Report for the first time this year, which will include audited financial statements and performance data.

Clearly, EAC has a lot of work to do on shoring up its policies and procedures. Over the past months, EAC has been working to make these changes. First, EAC has established a reading room on its web site in compliance with the Freedom of Information Act. That portion of EAC's web site contains information about EAC policies, guidance and advisories; EAC research projects; EAC's laboratory accreditation program; EAC's testing and certification program; and other EAC reports and the TGDC recommendations. Second, EAC has worked with an outside contractor to develop draft regulations governing requests made under the Freedom of Information Act, EAC's public meetings, EAC grant programs, EAC's handling of trade secrets and confidential business information, how to request testimony or information from EAC in third party litigation, Privacy Act procedures, standards of conduct, and EAC's policy of



nondiscrimination. EAC expects that these regulations will be published in keeping with their respective requirements in the next month.²

Third, EAC voted on January 17, 2008 to adopt a new organizational structure for the agency. This was in response to the findings of the EAC IG's assessment of EAC programs and financial operations. EAC transferred responsibility for functions such as developing EAC's budget request and coordinating EAC's clearinghouse activities to the Executive Director, established the position of Chief Operating Officer to manage EAC's day to day operations, and recognized the need for a Level II Contracting Officer to oversee EAC procurement activities. EAC posted the vacancy announcement for its Chief Operating Officer. Acceptance of applications for that position closed at the end of February. EAC expects to have an incumbent in place by the end of April 2008. Fourth, EAC uses its Board of Advisors and Standards Board to gain input on research projects before they are finally adopted or accepted. EAC boards comment on draft research through an on-line meeting room. Members of the public can see the comments made by board members and can send messages to the boards about the research or the boards' comments on that research.

Despite all of this work, a great deal remains to be accomplished. Policies and procedures for each of EAC's programs must be developed and adopted. Some of these are strictly internal and others impact the public and constituencies that are governed by EAC programs. For example, the recently published laboratory accreditation manual will govern the laboratories that are accredited by EAC.

The new requirement for an audited Performance and Accountability Report is one which will require a great deal of time and effort. EAC must develop needed procedures, prepare an annual performance plan, develop a 5-year strategic plan, and establish internal control procedures. In addition, EAC must prepare financial statements which must be audited. All of this must be accomplished by the end of the current fiscal year.

While EAC is committed to getting these important tasks accomplished, EAC recognizes that this work comes at a time when it must also focus on a contentious race for the White House. As such, EAC will commit resources and personnel, but will also rely upon the expertise and manpower of contractors to develop draft policies, procedures and reports necessary to comply with these requirements and to resolve the findings from the EAC IG's reports.

FUNDING IMPROVEMENTS IN ELECTIONS

There are three major funding programs under which the EAC or its predecessor, the General Services Administration (GSA), distributed money to the States to implement the provisions of

² Some of these regulations will be effective immediately upon publication, such as the grant regulations. Others require notice and comment. For example, if EAC establishes a fee schedule for charging persons making FOIA requests, that schedule must be subject to notice and comment.



HAVA. Those sources are Section 101, Section 102 and Section 251 funds. Those funds could be used to purchase voting equipment; establish provisional voting; provide information to voters; develop and maintain a single list of registered voters for the State; to verify the identity of voter registration applicants; and to improve the administration of elections for Federal office.

In addition, HAVA provided funding through grant programs to States to improve the accessibility of polling places and to educational institutions and organizations to recruit and train college-aged poll workers. The former grant program was distributed and administered by the Department of Health and Human Services. The latter was administered by EAC. In 2007 EAC developed a handbook for student groups and universities to develop their own programs to recruit and train college students as poll workers. Most recently, Congress appropriated \$750,000 for EAC to continue the college poll worker grant program, \$200,000 for grants to conduct student mock elections to engage our young people in the election process, and \$10,000,000 to assist States in developing technologies and processes to collect and report data on our elections. EAC is developing Requests for Applications for each of these grant programs which will be posted shortly to solicit applications by educational institutions, non-profit associations, and States, respectively, for these grant funds.

The following chart details the funds that have been distributed to the various States (under Sections 101, 102, and 251) and the total amount that have been spent by the States as of the last reporting deadlines.

State	Total HAVA Funds Received	Expended ^a	Percentage of Funds Expended	Balance ^b
Alabama	\$40,907,194	\$12,947,460	31.65	\$29,651,133
Alaska	16,596,803	8,006,393	48.24	10,367,582
American Samoa	3,319,361	3,371,840	101.58	0
Arizona	47,600,072	13,740,471	28.87	37,432,722
Arkansas	27,761,472	16,423,388	59.16	14,365,587
California	348,900,661	280,638,373	80.44	78,030,487
Colorado	41,582,761	22,849,704	54.95	22,157,712
Connecticut	32,719,501	3,096,045	9.46	34,936,789
Delaware	16,596,803	7,735,905	46.61	9,374,974
District of Columbia	16,596,803	4,918,303	29.63	12,909,938
Florida	158,531,048	73,304,281	46.24	94,244,933
Georgia	77,304,946	73,140,615	94.61	5,324,478
Guam	3,319,361	1,866,693	56.24	1,452,668
Hawaii	16,596,803	6,191,808	37.31	10,674,907
Idaho	16,596,803	8,741,234	52.67	8,755,567
Illinois	143,529,899	94,511,610	65.85	55,379,615
Indiana	64,297,862	56,297,878	87.56	8,078,612
Iowa	28,739,383	24,232,850	84.32	4,662,077
Kansas	26,409,789	19,275,443	72.99	9,140,051
Kentucky	38,067,744	19,355,672	50.85	20,726,784
Louisiana	47,330,777	34,859,102	73.65	15,287,651
Maine	16,596,803	3,321,221	20.01	13,275,584



State	Total HAVA Funds Received	Expended ^a	Percentage of Funds Expended	Balance ^b
Maryland	49,752,770	35,713,473	71.78	17,297,799
Massachusetts	60,332,104	5,276,401	8.75	58,995,914
Michigan	94,699,081	67,003,920	70.75	32,459,061
Minnesota	44,492,574	37,688,821	84.71	6,690,119
Mississippi	27,869,654	20,139,498	72.26	9,171,324
Missouri	62,262,661	45,773,331	73.52	20,105,989
Montana	16,596,803	13,264,106	79.92	3,595,165
Nebraska	18,749,549	14,690,310	78.35	5,046,964
Nevada	21,166,810	12,497,029	59.04	9,359,448
New Hampshire	16,596,803	335,689	2.02	16,596,803
New Jersey	84,904,403	55,933,253	65.88	28,519,543
New Mexico	19,279,790	14,123,471	73.26	9,014,194
New York	219,512,672	3,144,170	1.43	224,694,515
North Carolina	74,259,370	49,200,344	66.25	33,102,811
North Dakota	16,596,803	8,367,713	50.42	8,838,732
Ohio	132,045,112	131,682,814	99.73	8,613,372
Oklahoma	32,659,638	2,619,668	8.02	30,039,970
Oregon	33,863,940	13,993,020	41.32	20,230,033
Pennsylvania	134,818,949	124,793,466	92.56	26,155,774
Puerto Rico	5,470,505	922,763	16.87	5,023,981
Rhode Island	16,596,803	14,117,981	85.06	2,478,822
South Carolina ^c	39,241,210	40,362,239	102.86	3,684,755
South Dakota	16,596,803	5,635,898	33.96	11,702,173
Tennessee	54,714,608	21,048,399	38.47	37,009,309
Texas	184,168,065	128,504,360	69.78	64,292,305
Utah	25,284,969	22,708,000	89.81	4,115,977
Vermont	\$16,596,803	\$2,692,784	16.22	\$15,030,010
Virgin Islands	3,319,361	1,286,780	38.77	2,444,869
Virginia	69,121,820	35,308,415	51.08	37,064,507
Washington	60,093,850	26,081,858	43.40	37,116,984
West Virginia	20,630,100	12,934,539	62.70	8,768,045
Wisconsin	50,066,781	17,948,603	35.85	35,293,708
Wyoming	16,596,803	7,323,706	44.13	10,606,567
Total	2,968,860,616	1,781,943,111	60.02	1,339,389,395

^a Expenditures include cash disbursements and unliquidated obligations. For Sections 101 and 102, the expenditures are as of December 31, 2006. For Section 251, the expenditures are as of September 31, 2006.

^b The balance is greater than the difference between funds received and expenditures in most cases because it includes interest earned on funds deposited in State election fund accounts.

^c South Carolina reported that it overspent its Section 251 funds which resulted in total expenditures exceeding funds received. The balance shown in this table consists of remaining Section 101 and 102 funds.

In FY 2008, Congress appropriated an additional \$115,000,000 in requirements payments (Section 251 funds). The condition of receipt of these funds was not altered, and the funds are therefore available to the States under the original conditions specified in HAVA. The only



difference according to HAVA is that funding made available after January 1, 2007 that is used to purchase voting equipment must be used to purchase accessible voting systems.

How States Have Used HAVA Funds

As of September 30, 2006, States had spent 60 percent (\$1,781,943,111) of HAVA funds received (\$2,968,860,616). Also, 60 percent of States had expended more than 50 percent of their HAVA funds. In contrast, five States had spent less than 10 percent of their HAVA funds. These five States, however, account for approximately 27 percent (\$365,263,991) of the unexpended funds (\$1,339,389,395).

Seventy-six percent of the total reported expenditures were used for voting systems and statewide voter registration lists that comply with the requirements of HAVA Sections 301 and 303. Sixteen percent of reported expenditures were used to improve the administration of Federal elections, including expenses related to educating voters; creating a HAVA State plan, training election officials and poll workers; establishing voter hotlines; administering HAVA programs; improving polling place accessibility; establishing administrative complaint procedures; and other improvements. Voter education programs, used primarily to educate voters about new voting systems in the States, accounted for more than 26 percent of expenditures to improve the administration of Federal elections. Eight percent of reported expenditures were classified as uncategorized. Less than one-tenth of one percent of all reported expenditures were used for meeting the Section 302 requirements regarding provisional voting and voter information postings at the polls.

At the time of their last reports, only eight States had filed certifications with EAC that they had met all of the requirements of Title III of HAVA. However, EAC has begun receiving numerous requests from various States to reprogram HAVA funds to replace the voting equipment that these States purchased or upgraded using HAVA funds to meet the requirements of HAVA. Some States have demonstrated that the equipment that they certified as meeting HAVA requirements can no longer be repaired or maintained and thus has exceeded its useful life. Others have made the request to reprogram funds based upon a change in approach by the state legislature or state election board, certifying that the equipment in place is not only HAVA compliant, but also fully functioning, supported and maintainable.

The EAC staff responsible for overseeing and administering the distribution of HAVA funds acted in accordance with applicable cost principles to apply a test to determine if the requested reprogramming of funds is reasonable. In the case of the former scenario, EAC staff granted a reprogramming of funds, and in the case of the latter request, it denied the request. However, despite the denial, the State was able to use HAVA funds to fund its replacement. The State had failed to obtain reimbursement for certain eligible expenses. The reimbursement amount covered the expense of replacing the voting equipment.



EAC is aware of criticism by members of this subcommittee regarding the Commission's application of the reasonableness test. Chair Rodriguez will offer a policy statement at EAC's upcoming meeting that would revise the staff's previous guidance.

Management and Auditing HAVA Funds

EAC requires that States, territories and the District of Columbia report their uses of HAVA funds. In the second quarter of each year, States report on their use of both Title I and Title II funds. The Title II report includes: (a) a list of expenditures for each category of activities described in Title III; (b) the number and types of voting equipment obtained with the funds; and (c) an analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the state plan. The Title I report requires States to (1) disclose, in separate reports for Section 101 and 102 funds, the financial activity for the previous calendar year on a Standard Form 269; and (2) provide the same detail on the expenditures that is required for the reports on Title II requirements payments. EAC conducts a detailed review of each report to validate that the expenditure of funds met the requirements of HAVA and was in accordance with plans filed by the State or Territory. The States' Title I and Title II reports are available to the public upon request.

Section 902 of HAVA gives EAC and other HAVA granting agencies the authority to conduct regular audits of HAVA funds. EAC's audit activity is conducted through EAC's Office of the Inspector General (OIG), which has previously consisted of two types of reviews to determine if the States are exercising sufficient controls and using the funds distributed under HAVA for appropriate purposes. The first was an assessment of procedures each State uses to administer and monitor HAVA funds, as well as a review of certain critical elements such as whether the State has maintained sufficient matching funds. Second, OIG has commissioned audits of approximately 10 States each year to fully review the State's internal controls, processes, procedures, and transactions to ensure compliance with Government Auditing Standards.

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 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. Appeal can entail a paper review of the record of the audit or a combination of paper review and a hearing on the record. The decision of the Commission is final and binding on the State.

The OIG has issued [14 final reports](#) on States that reported some of the largest expenditures of HAVA funds. There are six additional State audits that are in progress.

VOTING SYSTEMS

HAVA requires that all voting systems used in Federal elections meet minimum standards including functions and features that: (1) allow the voter to review his or her selections privately and independently prior to casting a ballot; (2) allow the voter to change his or her selections privately and independently prior to casting a ballot; (3) notify the voter when he or she has made more selections in a single race than are permitted (overvote); (4) provide for the production of a permanent paper record suitable to be used in a manual recount; (5) provide voters with disabilities, including visual disabilities, the same opportunity for access and participation (including privacy and independence) as for other voters; (6) provide accessibility in minority languages for voters with limited English proficiency as required by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and (7) provide for an error rate in operating the voting system that is no greater than the error rate set forth in Section 3.2.1 of the 2002 Voting System Standards (VSS) adopted by the FEC. However, Congress did not dictate to the States what type, make or model of voting system that they must chose. That selection was left to each State in consideration of their unique needs and circumstances.

HAVA also required that EAC establish a set of voluntary standards against which voting systems could be tested to determine whether the systems operate accurately and reliably. EAC has worked to develop a program of testing and certification that States can rely upon in selecting their voting equipment. The program is rigorous, thorough, and transparent and is based upon three components: the Voluntary Voting System Guidelines (VVSG), an accreditation program for laboratories that are authorized to test voting systems, and a testing and certification program through which registered vendors can submit systems for testing to the VVSG by accredited laboratories.

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 – a program that does not require participation by the States. 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 systems meet these requirements. HAVA dictates that EAC along with its Federal advisory committee, the



Technical Guidelines Development Committee (TGDC), and the National Institute of Standards and Technology (NIST), work together to develop voluntary testing standards.

The first set of national voting system standards was created in 1990 by the Federal Election Commission (FEC). In 2002, FEC updated the standards, and HAVA mandated that the EAC develop a new iteration of the standards—which would be known as the Voluntary Voting System Guidelines (VMSG)—to address advancements in information and computer technologies. On December 13, 2005, EAC adopted the first iteration of the [Voluntary Voting System Standards \(VVSG\)](#). Before the adoption of the VVSG, the EAC conducted a thorough and transparent public comment process. After conducting an initial review of the draft VMSG, EAC released the two-volume proposed guidelines for a 90-day public comment period; during this period, the EAC received more than 6,000 comments. Each comment was reviewed and considered before final adoption. The agency also held public hearings about the VMSG in New York City, NY, Pasadena, CA, and Denver, CO.

The VMSG was an initial update to the 2002 Voting System Standards focusing on improving the standards for accessibility, usability and security. Since the adoption of the 2005 VVSG, TGDC and NIST have been working to revise that version and to completely review and update the 2002 Voting System Standards that were developed by the FEC. EAC received TGDC's recommendations for the next iteration of the VVSG in September 2007. EAC initially posted the recommendations for a 120-day comment period. That comment period was recently extended to May 5, 2008. During this time, EAC has also hosted meetings of its Board of Advisors and Standards Board so that they could be briefed on, thoroughly review, and comment on the recommendations from TGDC. EAC is currently in the process of conducting round-table reviews of the TGDC's recommendations, including round-tables of voting system manufacturers, testing laboratories, election officials, advocacy groups, and an interdisciplinary round-table with representatives from each of these groups. The next round-tables are scheduled as follows:

- March 19, 2008 – Denver, CO – Voting System Testing Laboratories
- March 27, 2008 – Washington, DC – Accessibility Experts
- April 24, 2008 – Washington, DC – Advocacy Groups
- April 25, 2008 – Washington, DC – Election Officials
- May 5, 2008 – Washington, DC – Interdisciplinary Group

Following the comment period, EAC will consider every comment and the recommendations made by TGDC and adopt a draft of the next iteration of the VVSG, which will then be posted for a second 120-day comment period prior to the adoption of the final document.



In addition to the work that has been done on the VVSG, NIST is working to develop a uniform set of test methods that can be applied to the testing of voting equipment. Currently, accredited laboratories develop their own test methods to test voting equipment. After the completion of these uniform test methods, every accredited lab will use the same test to determine if a voting system conforms to the VVSG. This is a long and arduous process as test methods must be developed for each type and make of voting system. Work began in 2007 on these methods, but will likely take several years to complete.

Testing and Certification and Laboratory Accreditation Programs

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 screens and evaluates testing 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, distributes the information to the public, and posts this information on its website.

EAC has accredited the following four laboratories under the EAC Testing and Certification Program. The accredited labs are:

- [iBeta Quality Assurance](#)
- [SysTest Labs, L.L.C.](#)
- [InfoGard Laboratories, Inc.](#)
- [Wyle Laboratories](#)

Three other labs have applied for accreditation and are currently being reviewed by NVLAP:

- Aspect Labs
- CIBER Labs
- Atsec Information Security Corporation

EAC has completed development of a program manual for its laboratory accreditation program. The manual outlines the procedures and program requirements for laboratories seeking and maintaining accreditation by the EAC. One point of emphasis of this manual and the laboratory accreditation program is ensuring the independence of EAC-accredited testing laboratories by identifying and prohibiting conflicts of interest. EAC posted this manual for public review and comment and will be accepting comments through April 4, 2008.



Voting System Certification

On December 7, 2006, EAC adopted its Voting System Certification Program. The program became effective on January 1, 2007. Since that time, EAC has registered 12 manufacturers to participate in its testing and certification program:

- Unisyn Voting Solutions
- Premier Election Solutions, Inc.
- Dominion Voting Systems Corp.
- Hart InterCivic, Inc.
- Advanced Voting Solutions, Inc.
- MicroVote General Corp.
- Avante International Technology, Inc.
- Election Systems & Software, Inc.
- Sequoia Voting Systems, Inc.
- TruVote International
- Precise Voting LLC
- AutoMark Technical Systems LLC

Manufacturer registration is required prior to a manufacturer submitting a system for testing. Once the manufacturer is registered, it may submit systems for testing to an EAC-accredited testing laboratory along with a test plan for the testing of that system. EAC has received five draft test plans for the testing of voting systems and has approved one of those plans:

- ❖ MicroVote General Corporation, EMS Voting System v.4.0.0. (**APPROVED**)
- ❖ Premier Assure 1.2
- ❖ Dominion Voting Systems, Democracy Suite v.1.0.0.
- ❖ Election System & Software, Unity Voting System v.3.2.0.0
- ❖ Hart InterCivic, Voting Suite v.6.4.

Once systems are tested, reports from the laboratory's assessment 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 technical reviewers will recommend that EAC grant the system certification. EAC's Executive Director will make the final decision regarding certification.

Once certified, a system may bear an EAC certification sticker and may be marketed as having obtained EAC certification. The EAC process also allows for 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](#) for this program, which is available on the EAC Web site. Also available on the Web site is a list of registered manufacturers, test plans, systems undergoing testing, and related correspondence.

ELECTION ADMINISTRATION SUPPORT

HAVA requires EAC to assist States with the administration of Federal elections and establishes EAC as a national clearinghouse of election information. To fulfill this mandate, EAC makes research available on a range of issues including best practices in election administration, hours and places for voting, and election data. This information is presented to the election community



and to the public through the EAC's website (www.eac.gov) as well as through formal reports on studies and data collections.

Management Guidelines

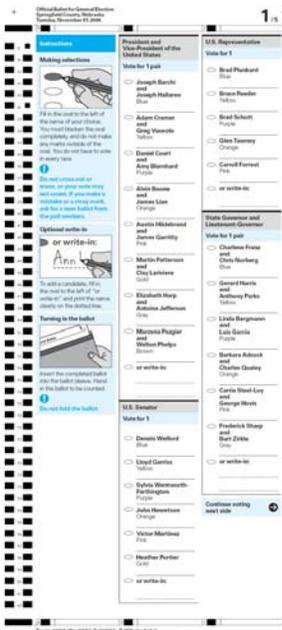
EAC assists States and local election jurisdictions by providing information about successfully managing all of details surrounding the administration of elections. In 2005, EAC began work on a comprehensive set of management guidelines, collaborating with a group of experienced State and local election officials to provide subject matter expertise and to help develop the guidelines. The project focuses on developing procedures related to the use of voting equipment and procedures for all other aspects of the election administration process. These publications are a companion to the *VVSG* and assist States and local election jurisdictions with the appropriate implementation and management of their voting systems.

Eleven *Quick Start Guides* have been distributed to election officials throughout the nation. These guides covered topics such as introducing a new voting system; ballot preparation; voting system security; poll worker training; voting system certification; acceptance testing; absentee voting and vote by mail; contingency and disaster planning; media and public relations; managing change in an election office; and polling places and vote centers. These guides are available at www.eac.gov.

Effective Ballot and Polling Place Sign Design

One challenge that continues to confront election officials throughout the country is designing ballots that are understandable, intuitive, user-friendly and affordable. EAC received requests from of its Board of Advisors and election officials throughout the country to provide sample ballots and polling place signs that could be adapted and used by election jurisdictions throughout the country.

EAC engaged Design for Democracy, a non-profit organization affiliated with the American Institute of Graphic Arts (AIGA), to assist with the development of best practices and guidelines for the design of ballots and polling place signs. At its June 14, 2007 public meeting, EAC adopted "Best Practices for Effective Designs in Election Administration." This report includes instructions, guides and suggestions for effective design, as well as sample signs and ballots that can be adapted and used by election administrators. Some examples of those designs follow.



EAC has distributed this report to election officials and published it on the EAC Web site. Ballot and polling place design templates that can be customized have been distributed to election officials upon request. EAC presented this research at a convention of election officials (IACREOT) last summer and plans to make a similar presentation at the April 2008 meeting of Election Center.

Poll Worker Recruitment

A large, trained pool of election workers is critical to the effective and efficient administration of elections. The average age of poll workers continues to rise and the number of returning workers falls each year, so one of the EAC’s top priorities is to help election officials recruit, train, and retain poll workers. This effort is part of two projects: one focused on traditional poll workers and one specifically aimed at targeting college students as poll workers.

At its July 19, 2007 public meeting, EAC adopted two manuals or guidebooks that can be used by election administrators to recruit, train and retain poll workers: “Successful Practices for Poll Worker Recruitment, Training and Retention” and “A Guidebook for Recruiting College Poll Workers.” These guidebooks were created to directly assist local election officials with maintaining their poll worker pool, but also provide educational tools for State and local governments about the types of resources necessary to find and keep skilled poll workers. Similarly, it can serve as a reminder to the public at large of the need for volunteers to serve this very important function.



Language Accessibility Program for Voters

EAC's Language Accessibility Program was developed to ensure the accessibility of voting, registration, polling places, and voting equipment to all voters, including Native American and Alaska Native citizens and voters with limited proficiency in the English language. EAC uses the resources of this agency to provide state and local election officials with the tools that they need to write ballots and election materials in the languages that the voters of this country understand.

EAC has already produced a Spanish Glossary of Key Election Terminology, which translates more than 1,800 terms from Spanish to English and from English to Spanish. This glossary was distributed to election officials throughout the nation, and it continues to be one of the most requested resources produced by the EAC. Also, the EAC is already working on a similar glossary in Chinese, Japanese, Korean, Tagalog, and Vietnamese, which we anticipate will be completed by May 2008.

EAC's two guidebooks about recruiting, training, and retaining poll workers also include information about serving voters with alternative language needs. In addition, the Effective Designs in Elections report provides information about how to design ballots and polling place materials, and it includes polling place signage and sample ballots in several languages.

To ensure the program best meets language accessibility requirements, it draw upon the expertise of working groups comprised of local election officials, advocacy groups, and research and public policy organizations to advise EAC. Future activities the formation of working groups to address the election needs of American Indians and Alaskan natives.

Another initiative to assist election officials in serving voters with alternative language needs is an Election Management Guidelines chapter about language accessibility that will provide strategies to assist these voters through the election process.

The EAC Web site also contains a comprehensive *En Español* section that includes information about registering to vote, contacting local election officials, and resources for military and overseas voters. The National Voter Registration Form is also available in Spanish on the EAC Web site.

Our efforts were recognized in the General Accountability Office report called *Bilingual Voting Assistance: Selection Jurisdictions' Strategies for Identifying Needs and Providing Assistance*. GAO described the activities of the EAC's Language Accessibility Program, and this report will be a valuable resource to election officials as we work together to serve all voters.

Future Support for Election Officials and Voters

EAC has several projects that are due for completion prior to the 2008 Presidential election, and two of these research efforts are focused on getting information to voters. The first is a study of



Web sites or on-line portals that voters can use to check to see if they are registered to vote and if so where they vote. As a part of its 2005 guidance on statewide databases EAC encouraged States to develop Web-based tools to allow voters to verify their registration. This research effort will follow up by analyzing those sites that are now available and providing successful practices for making those sites user-friendly and secure. The second project focuses on telephone hotlines that are used by local election officials to further assist voters.

In addition to these projects, EAC is conducting a study regarding the benefits and drawbacks involved with the concept of free absentee ballot return. Currently, many voters must place postage on an absentee ballot to return it to the appropriate local election official. The first part of this study has been completed and focused on surveying voters to determine whether they would be more likely to vote absentee if they had the benefit of returning the ballot free of charge. These surveys demonstrated that while people said that they would be more likely to vote if they could return their ballots free of charge, the same people said that they would vote anyway even if the return postage was not free.

EAC has several long term projects that will help election officials with their use of the HAVA-mandated statewide voter registration lists. EAC is working on a study on the use of social security numbers in voter registration. This is one of the required HAVA studies to answer questions related to the use of the last four digits of a person's social security number to verify his or her identity. In addition, EAC is working with the National Academy of Sciences (NAS) to build on EAC's previous guidance on statewide voter registration lists. NAS is conducting a study for EAC on the interoperability of statewide voter registration lists. This study will focus on:

- Technical approaches, processes and safeguards associated with identifying and removing duplicate registrations;
- Technical approaches and procedures for sharing voter registration data across state systems; and
- Security issues that arise when sharing data among states, and technical and procedural approaches for addressing them.

The study is slated to be completed in December 2009. Last, EAC is working with NIST to adopt guidelines for electronic voting to support voting by military and overseas voters. These guidelines are being developed to assist the Department of Defense (DoD) in developing a voting system to serve these voters. EAC has entered into Memoranda of Understanding with both NIST and DoD, Federal Voting Assistance Program, to facilitate this work.

EAC uses the expertise and resources of its Board of Advisors and Standards Board to provide comment on the various research and study efforts conducted by EAC, whether they are voluntary voting system guidelines or research on areas of election administration. The public can view the boards' comments on the EAC Web site in the Virtual Meeting Room. In addition, interested persons can email the board members concerning the various projects and their comments. In addition, minutes of meetings, resolutions, charters, and rosters of membership for each of the boards can be found on EAC's Web site, www.eac.gov.



CONCLUSION

Conducting accurate and reliable elections is key to ensuring public confidence in our electoral system. EAC is here to help States by providing research, tools, and solutions that State and local government resources to help them best serve their voters, and in some cases that election officials cannot afford to develop. The information collected by EAC about how, when, and where we vote will also provide valuable insight to election officials as they work to make improvements at the local level.

EAC faces a busy and difficult year as it works to assist States with the upcoming Presidential election while, at the same time, endeavoring to develop the needed policies and procedures that will help the agency run smoothly and transparently. With Congress' continued support, we will work to assure that election officials have the tools that they need to anticipate problems, find solutions, and improve the Federal election process.

EAC appreciates the opportunity to provide this testimony regarding election administration. If you have any questions, we will be happy to address them.