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House of Representatives

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ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

August 5, 2019

EAC Commissioners
U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Commissioners McCormick, Hovland, Hicks, and Palmer:

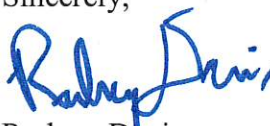
The Committee on House Administration recently hosted a hearing on May 21, 2019, in which you all served as witnesses. As I said at that hearing, the Commission should be commended for its work ahead of the 2018 mid-term elections. The Commission's nimbleness, responsiveness, and diligence has been the topic of discussion of many of my meetings with election officials across this country. Please pass along my thanks and appreciation to the staff of the Commission as well.

Perhaps the most refreshing aspect of the Commission's work in 2018 was the nonpartisan way in which it was carried out. This nonpartisan approach to a serious issue only amplified my disappointment with the lack of focus afforded by my Democratic colleagues in their questioning during our May 21st hearing. Nearly every question posed by the Majority centered around the effectiveness and character of the EAC's Executive Director, Brian Newby, who was not called as a witness by the Majority and therefore was not present to answer their charges. Additionally, in its Questions for the Record and follow-up questions to the EAC's responses, the Majority continued its seemingly partisan emphasis on personnel issues at the Commission.

In light of the Majority's inadequate oversight of your Commission, and the timely nature of Special Counsel Robert Mueller's testimony on July 24, 2019, this letter is to serve as a follow-up to the May 21 hearing with additional oversight questions, included below. Please remit your responses to my office by September 2, 2019.

I remain committed to ensuring that local election officials have every resource they need to provide for a secure election in 2020. Effective and focused oversight over the EAC is critically important in this mission.

Sincerely,



Rodney Davis
Ranking Member

1. The Help America Vote Act (HAVA) requires that the Election Assistance Commission conduct research and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.
 - a. Please provide a comprehensive list of all research being conducted by the Commission.
 - b. Please provide a comprehensive list of materials and topics covered by those materials that will be available to states and the public ahead of the 2020 primaries and general elections.
 - c. What is the internal process by which new studies are considered and undertaken?
 - d. What is the internal process for proposing new materials be created?
 - e. While we realize the Commission does not take a position on the type election equipment used by states, will there be materials or best practices specifically targeted towards those few remaining states and jurisdictions that operate Direct Recording Electronic (DRE) machines without a voter-verified paper audit trail (VVPAT)?
 - f. For those states and jurisdictions that predominantly use hand marked paper ballots, what methods for tabulation are currently available to them and what resources does the Commission provide for these states and jurisdictions specifically?

2. Please outline the communications structure in place between the EAC and the Department of Homeland Security (DHS) regarding real-time potential threats to U.S. election infrastructure.
 - a. In the event of a such a threat, please outline the process by which state and local officials, who would be impacted by such a threat, would be notified.
 - b. Please describe where, if anywhere, communication between the Commission and DHS could be improved.
 - c. What level of clearance, for the Commissioners and staff, is necessary for adequate communication and preparation of the Commission to support local election officials and to mitigate threats to elections in 2020?

3. The Voluntary Voting System Guidelines (VVSG) version 2.0 is the fifth iteration of national level voluntary voting system standards. The most recent of which (VVSG 1.1) was unanimously approved on March 31, 2015. Please detail the timeline and process the Commission undertook for approving VVSG 1.1.
 - a. Please describe all votes taken by the Commission for each iteration of the VVSG.
 - b. Please describe all public comment periods for each iteration of the VVSG and the subsequent time and steps taken to review those comments.

4. I understand that the EAC extended the public comment period for the Voluntary Voting System Guidelines (VVSG) until June 7th.
 - a. What is the current status of the EAC's development of the VVSG 2.0?
 - b. What are the remaining steps that need to be completed prior to a final vote of the Commission?
 - c. What portions or steps of the VVSG approval process currently require a vote of the Commissioners?

- d. Please remit a list of the names of all members of the Technical Guidelines Development Committee (TGDC).
 - e. Has the TGDC met in person regarding the requirements section of the VVSG 2.0?
 - f. We were pleased to see three public meetings of the TGDC were recently announced. Please provide an agenda for each meeting as they become available.
 - g. Please also describe past and current ongoing work to test and certify new voting systems at the EAC and laboratories for 2020 and beyond.
5. HAVA requires under Section 206 that the Commission shall, on an ongoing basis, disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) information on the activities carried out by the Commission.
- a. Please provide a comprehensive list of ways the Commission is carrying out this requirement of HAVA.
 - b. Does this requirement for dissemination require official travel by Commissioners and staff?
 - i. If yes, please remit all official travel and travel costs by Commissioners since 2015, paid for by the Commission.
 - ii. If yes, please remit all official travel and travel costs by Commission staff since 2015, paid for by the Commission.
 - iii. Separately, please remit any official international travel by either the Commissioners or Commission staff since 2015, paid for by the Commission.
 - c. Is there a policy or other procedure at the EAC to establish travel budgets for each Commissioner and staff?