



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY
OF
HONORABLE DONETTA DAVIDSON, CHAIR,
U.S. ELECTION ASSISTANCE COMMISSION

BEFORE THE

HOUSE COMMITTEE ON APPROPRIATIONS,
Subcommittee on Financial Services and General
Government

TUESDAY, APRIL 27, 2010



Good morning Chairman Serrano, Ranking Member Emerson, 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 2011 budget request and the Commission's goals and activities.

INTRODUCTION

EAC is a bipartisan, independent Commission consisting of four members: Chair [Donetta Davidson](#) and Commissioners [Gracia Hillman](#) and [Gineen Bresso Beach](#). There is one vacancy on the Commission.

EAC is a small federal agency with a big mission – to improve the federal administration of elections. To achieve its mission, EAC assumes a dual role of providing resources to help states make improvements and assisting election officials throughout the nation empower voters through access, collaboration and engagement. The commission has embraced the concept of collaborative governance and is working to break down communication barriers between the federal government and America's voters.

To ensure success, the Commission has established a solid internal foundation for managing personnel and resources, as well as a structure to ensure accountability. In Fiscal Year 2009, EAC hired a chief financial officer and an accounting director, who achieved immediate results by aggressively finalizing financial management policies and procedures. Consequently, EAC received an "unqualified," or clean, opinion on its financial statements and Annual Financial Report. An "unqualified" or clean opinion indicates that the Commission followed all accounting rules appropriately and that the financial reports are an accurate representation of the Commission's financial condition.

To build upon EAC's actions to effectively manage resources, the Commission is working to foster a culture of accountability among staff by improving staff satisfaction ratings and achieve management excellence through improved internal controls and human resource initiatives.

In addition to establishing a foundation of accountability, EAC has also instilled a spirit of creativity and innovation among staff to meet our mission and maximize the use of available resources. Initiatives include applying technological solutions, establishing strategic partnerships and collaborating among program areas to eliminate duplication of effort, maximizing skill sets and strategically leverage talents and abilities throughout the Commission. For example, the EAC Design Team, consisting of administrative and program area employees, provide management with recommendations and input and to make sure the lines of communication remain open at every level of EAC. The Design Team will ensure that all EAC employees have a voice and a platform to offer solutions and suggestions, but also incorporate strategies to create a healthy working environment and a solid foundation for the future.



EAC believes its efforts to strengthen financial operations, promote synergy among staff and use technology to reach more stakeholders will enable the Commission to better manage and allocate its FY 2011 budget and ultimately serve more voters and develop more tools and resources to improve federal elections.

Below we discuss EAC's FY 2011 budget request and how the Commission plans to allocate resources to achieve its mission.

BACKGROUND, MISSION AND ORGANIZATIONAL STRUCTURE

In October 2002, Congress passed the Help America Vote Act (HAVA). The law recognized the need for states to invest in their election infrastructure and set out a comprehensive program of funding, guidance, and ongoing research. To foster those programs and to promote and enhance voting for United States citizens, HAVA established the EAC.

EAC is an independent, bipartisan agency. 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-- guide the EAC. Its mission is to assist in the effective administration of federal elections. EAC is statutorily required to:

- Create a clearinghouse of information for election officials and the public.
- Distribute HAVA funds to states for election administration improvements.
- Issue, and periodically review and modify, as necessary, Voluntary Voting System Guidelines (VVSG).
- Accredite voting system test labs and certify voting equipment.
- Conduct periodic studies of election administration issues.
- Establish best practices and guidelines on election administration for state and local election officials.
- Maintain the national voter registration form developed in accordance with the National Voter Registration Act (NVRA) of 1993.
- Provide Congress with a bi-annual report to assess the impact of the NVRA.

The Standards Board and the Board of Advisors provide advice and guidance to EAC on Voluntary Voting System Guidelines and other election administration issues. In addition, the Technical Guidelines Development Committee (TGDC) assists EAC in the preparation of the VVSG. The VVSG sets the standards against which voting systems are tested. The Director of the National Institute of Standards and Technology (NIST) serves as the Chair of the TGDC and provides technical support to the Committee.



Additionally, HAVA specifies that NIST provide recommendations to EAC regarding voting system test laboratories. Since Fiscal Year 2004, EAC's annual appropriations have included funds for NIST support.

The Senate confirmed four Commissioners in December 2003 and EAC began operations in January 2004, within ten months of the date mandated by HAVA. Its Fiscal Year 2004 operating budget was \$1.7 million. At the close of the fiscal year, EAC had a staff of 18.

EAC's focus in 2004 was to assemble staff, obtain office space, arrange for administrative support from the General Services Administration (GSA), establish a website, start clearinghouse operations, and distribute federal financial assistance to states. In regard to federal financial assistance, Congress appropriated nearly \$3 billion in Fiscal Years 2003 and 2004 for payments to states under Titles I and II of HAVA. States received the funds to upgrade their voting systems, establish a statewide voter registration database, train election officials, and educate voters. As EAC did not begin operations until 2004, GSA initially distributed HAVA funds to the fifty states, Guam, Puerto Rico, the U.S. Virgin Islands, American Samoa and the District of Columbia on EAC's behalf in Fiscal Year 2003.

In FY 2004, EAC appointed a statutorily-required General Counsel. During Fiscal Year 2005, EAC appointed its other statutorily-required position, the Executive Director, and an interim Inspector General. EAC focus in subsequent years was on upgrading the VVSG, completing required research to promote effective federal elections and to present key data on election practices and voting, instituting a voting system testing and certification program, auditing state use of HAVA funds, and providing information on improving elections to its stakeholders.

In FY 2007, the full-time equivalent staffing ceiling of 24 was lifted. As of the end of FY 2009, EAC had a full-time staff of 43 employees, including three Commissioners. Since its inception, EAC has received \$2.5 billion in requirements payments for the states based on a formula of the number of eligible voters, \$14.7 million in discretionary grant funds for Poll Workers, Mock Elections and Election Data Collection, and transferred \$17.7 million to NIST. EAC is located in Washington, D.C.

FISCAL YEAR 2011 HIGH PRIORITY GOALS

Voters need easy access to up-to-date information on where, when and how to vote. Leading up to an election year, election officials face an increase in activities to inform voters and recruit and train Election Day poll workers.

Federal elections are locally administered with a wide variety of practices and policies. Election officials work hard to conduct fair, accessible, accurate and secure elections by



informing the electorate and properly training poll workers. EAC assists states and local jurisdictions by providing tools and best practices to improve election administration practices, including pre-election testing and contingency planning materials, which promote a proactive approach to election management.

As states look to new technology and practices in voting (including remote access voting for Uniformed and Overseas Citizens Absentee Voting Act [UOCAVA] voters, vote by phone and accessible technology for disabled voters) and private sector manufacturers expand the number and type of voting systems available, EAC must be in a position to test the new systems against rigorous federal standards in a timely, efficient and high-quality manner.

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 2011 will be on the following high-performance priority goals:

1. Serve as a clearinghouse and provide election officials and voters with information regarding the process for casting a vote in the 2012 federal elections, including technical assistance and information, poll worker recruitment and training, and basic information for voters such as links to states' polling place locators and voter guides about how, when and where to vote for the 2012 federal elections.
2. 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.
3. Provide voluntary best practices for computerized statewide voter registration list requirements and registration by mail guidance to the states.
4. Ensure that voting systems and modifications of already-certified systems submitted to EAC program are thoroughly and efficiently tested to federal standards.

Implementation of the high-performance priority goals in FY 2011

Goals 1a and 1b

1(a) 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.

1(b) Provide election officials with funding, technical assistance and information, as appropriate to support poll worker training, educate the



public, and help 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 voters so that they have the necessary knowledge to cast and have their ballots counted on Election Day. Three EAC program areas will be involved in implementation of the goals—the Research, Policy and Program, Communications, and Grants divisions—in partnership with state and local election officials, voter advocacy groups, voters and all other stakeholders.

EAC will employ the following strategies to implement the goal:

- Increase the use and availability of EAC research products and teaching materials through the EAC clearinghouse and other electronic tools.
- Use the results of the 2010 evaluation of EAC products to revise publications such as the poll worker training manual, poll worker recruitment guide, and voter education materials for 2010 and beyond.
- Implement an annual research plan
- Disseminate voluntary guidance on provisional voting pursuant to Section 311 of HAVA.

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 aim of the goal is to ensure that all voters assigned to jurisdictions covered under Section 5 receive materials and support from EAC. These voters include persons who are Native American, Asian American, Alaskan Natives or of Spanish heritage. It also will help in ensuring that limited and non-English proficiency voters are able to register and vote. The lead EAC offices responsible for implementing the goal are the Language Accessibility Program of Research, Policy and Program Division, and the Grants Division. Partners in the effort include state and local election officials, voter advocacy groups and all other stakeholders.

EAC's strategy to achieve the goal is to update and expand the resources available through the Language Accessibility Program. Recent deliverables include the translation of the National Voter Registration Form into Chinese, Japanese, Korean, Tagalog, Vietnamese and Spanish. The *EAC Voters' Guide to Federal Elections* is also available in these seven languages, but the information needs to be updated. Based upon the 2010



Census results, EAC will provide other materials to 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, publications and the expenses related to working group and roundtable discussions with experts in these languages. These resources are included in the 2011 Budget request for EAC Salaries and Expenses.

Goal 3

Provide states with best practices for computerized statewide voter registration list requirements and registration by mail based on voluntary guidance provided by EAC pursuant to Section 311 of HAVA.

The aim of Goal 3 is to work with the 50 states, Puerto Rico, the U.S. Virgin Islands, the District of Columbia, Guam and American Samoa to adopt best practices that encourage increased voter participation and more accurate voter registration lists. The lead EAC division for the effort is Research, Policy and Program, in partnership with state and local election officials, and voter advocacy groups, the public and all other stakeholders.

HAVA requires states to “implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list....” Congress mandated that EAC issue voluntary guidance to assist the states in implementing the provisions of HAVA relating to statewide voter registration list requirements. EAC issued its first set of voluntary guidance in July 2005.

In accordance with EAC’s Fiscal Years [2009-2014 Strategic Plan](#), EAC contracted with The National Academy of Sciences (NAS) to conduct further research to expand upon the 2005 voluntary guidance. Issued in 2009, the *Improving State Voter Registration Databases* report, included data gathered from the states about their databases and short-term and long-term recommendations for improving and implementing them. EAC will use the NAS report as a basis to update its [2005 voluntary guidance](#) for statewide voter registration databases.

EAC’s updated voluntary guidance on statewide voter registration databases may include but is not limited to: matching protocols, maintenance of accurate voter registration lists, data collection and storage, online functionality, identification requirements for first-time voters, and interoperability and intraoperability of databases; and help states promote intergovernmental cooperation between their various agencies and departments.

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 modifications of certified systems submitted to EAC's Voting System Testing and Certification Program are thoroughly and efficiently tested to federal standards in a transparent manner.

The lead office for implementation of the goal is the Voting System Testing and Certification with input from partners including the National Institute of Standards and Technology and the TGDC.

EAC has aligned its five Strategic Plan goals—Communicate; Fund and Oversee; Study, Guide, and Assist, Test and Certify; and Manage—with the offices responsible for implementing them.

BUDGETS & PERFORMANCE MEASURES BY STRATEGIC PLAN GOAL

EAC's Fiscal Years [2009-2014 Strategic Plan](#) provides the public with the framework for the Commission's short and long-term goals in accordance with HAVA. The plan lays out an approach to create a receptive and productive Commission fully capable of the unique leadership role it has been given as a national clearinghouse for election information, a manager of federal financial assistance, certifier of voting systems and a resource and hub of credible information for election officials throughout the nation.

The plan provides the structure for EAC's performance-based budget approach. A budget allocation history as well as the FY 2011 request accompanies each of the five strategic plan goals.

EAC's offices have been realigned to address the goals in the Strategic Plan:

- Goal 1: Communicate is administered by the Office of Communications and Clearinghouse.
- Goal 2: Funds and Oversee is administered by the Grants and Inspector General Offices.
- Goal 3: Study, Guide and Assist is aligned with the Research, Program and Policy unit.
- Goal 4: Test and Certify is administered by the Voting Systems and Certifications unit.
- Goal 5: Manage is aligned with the Boards, Commissioners, Executive Director, Chief Operating Officer, Chief Financial Officer and General Counsel.

A cost allocation model distributing administrative costs to the goals was developed and submitted to the financial statement auditors for review. Budgets tie to information in the financial statements.



Strategic Plan Goal 1: Communicate timely and accurate information on the effective administration of elections for federal office and on the operations and services offered by EAC.

Outcome: The Congress, federal agencies, state and local election officials and the public receive reliable, accurate, and non-partisan information about administering, conducting and participating in federal elections and how, where, and when Americans vote.

FY 2009 Enacted	FY 2010 Enacted	FY 2011 President's Budget
\$985,017	\$848,752	\$840,167

The Communications division is responsible for administration of the agency's website, www.eac.gov which contains over 1,000 documents with information about voting system test plans, agency correspondence, and testimony from EAC monthly Public Meetings and hearings; and external and internal communications such as press releases, news articles and speeches, informational videotapes on the programs, a monthly newsletter about EAC activities and events to approximately 1,200 subscribers, and a weekly email on internal operations. The unit coordinates with EAC staff to communicate policies guidance, research, and other agency initiatives to the Public.

The Communications division is instrumental in ensuring all stakeholders receive information about the testing and certification program. EAC's Testing and Certification Voting System Reports Clearinghouse is where Communications staff post and disseminate voting system reports and studies that have been conducted or commissioned by a state or local government.

Using an interagency agreement with the U.S. Department of Agriculture, the division produced poll worker and election official training videos, available on the eac.gov website and on YouTube. As we prepare for the 2010 federal election year, EAC plans on producing four new training videos at approximately \$8,000.

In 2009, in order to accelerate establishment of a Clearinghouse of information on federal elections and to ensure a cost-effective contract, EAC recompeted its contract which includes the Clearinghouse and a restructure of the website. With the new contract, EAC will continue to achieve our goal of serving as the trusted source for information about elections and election administration. In 2010, EAC intends to connect its stakeholders to a new, separately identifiable Clearinghouse on the EAC website. The fixed price for the website contract in FY 2011 is \$130,000 with optional time and materials task orders.



Goal 1 is administered by a staff of three. The unit spends approximately \$26,000 to produce the mandated EAC Annual Report.

Strategic Plan Goal 2: Deliver and manage federal funds effectively.

Outcome: States and other recipients promptly and accurately receive federal funds administered by EAC and use the funds appropriately to improve the administration of elections for federal office.

	FY 2009 Enacted	FY 2010 Enacted	FY 2011 President's Budget
Grants Management	\$1,965,889	\$1,914,069	\$1,406,639
OIG	1,757,730	1,770,259	1,837,836
Total	\$3,723,619	\$3,684,328	\$3,244,475

Goal 2 is administered by the Grants Management unit and the Office of the Inspector General (OIG).

In FY 2009, EAC reorganized, creating a Grants Management division. The division is responsible for distributing, monitoring, providing technical assistance to states and grantees on use of funds, and reporting on requirements payments and discretionary grants that improve administration of elections for federal office. The office negotiates indirect cost rates with grantees and resolves audit findings on use of HAVA funds.

With EAC's reorganization of the financial management functions, a new senior level grants director was hired in FY 2009. The director is emphasizing technical assistance to the states and grantees, offering workshops and training sessions using distance learning tools and services of a grant support contract. EAC will continue to work with the states and grantees to clarify their responsibilities they have in managing the funds they receive or are awarded.

A system to track audits and state completion of corrective actions will be established. Another goal is to achieve the performance targets for timeliness in the Strategic Plan, such as resolving 100 percent of audit findings, awarding grants in established timeframes, and submitting state plans to the Federal Register within 30 days of receipt.

Providing assistance to states about HAVA Section 251 funds, or requirements payments, is the division's highest priority. A total of \$2.604 billion in requirements payments has been appropriated to the states. These funds may be used to implement provisional voting; provide information to voters; procure voting systems; implement a statewide voter registration database, implement identification requirements for first-time voters who register to vote by mail; and other activities to improve the administration of elections for federal office.

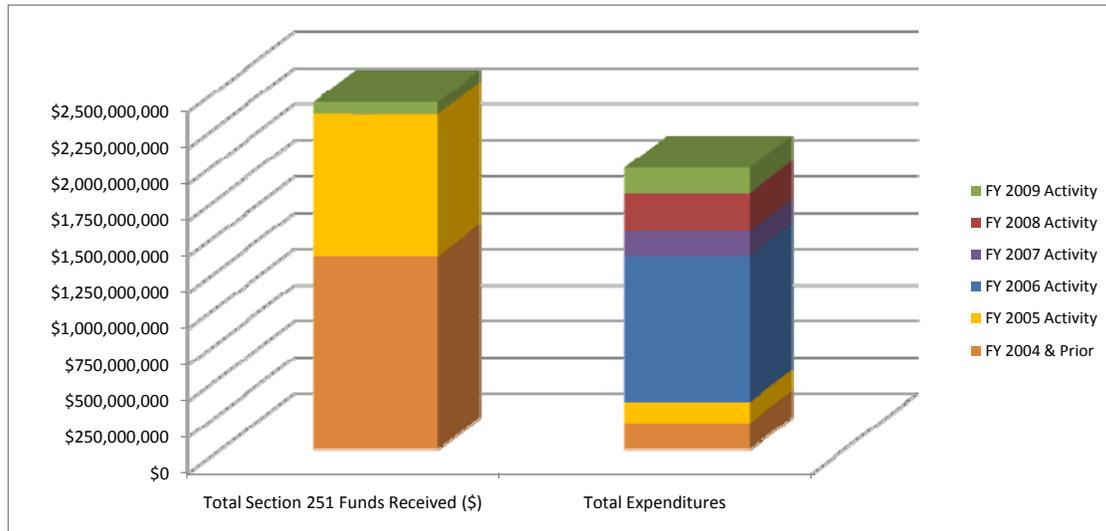


Requirements Payments Appropriations & Disbursements

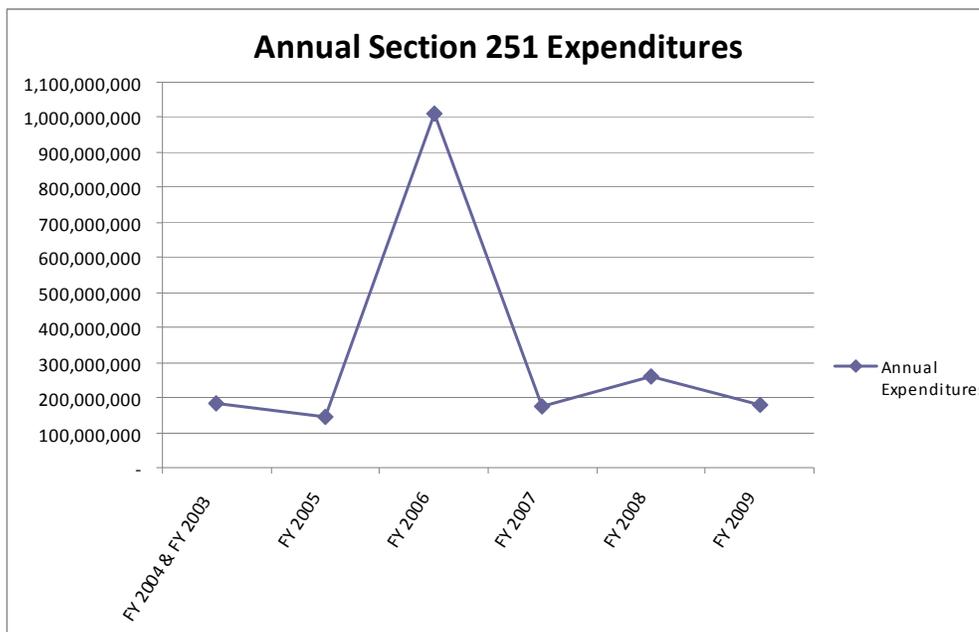
Requirements Payment Appropriated	Amounts Disbursed	Percentage
Section 251 (2003 & 2004)	2,319,360,617	100%
Section 251 (2008)	80,450,626	70%
Section 251 (2009)	51,969,214	52%
Section 251 (2010)	6,608,177	9.4%
Total Appropriations	2,604,360,617	94.4%

Based on aggregate financial reports from states reporting through September 30, 2009, with 80% of states reporting, and using projections for remaining states based on last year's spending rates, we can make several observations:

1. It takes about 18 months after a major disbursement of funds for states to begin spending funds. The time lag is due to state appropriations processes needed to secure matching funds and procurement processes needed to spend funds.
2. The implications for not disbursing funds in 2011 may be mitigated by the fact states will have received funds for three years in succession prior to 2011, so there are funds in pipeline to keep state processes moving forward.



3. The aggregate HAVA spending (Section 101 and Section 251) increased approximately \$90 million from 2007 to 2008. After 2006, states are spending less in non-election years, but they are spending funds at a 2:1 ratio to how much is annually being appropriated. At this expenditure rate, Section 251 funds should be completely expended in 3-5 years. As of September 2009, 23 states have spent 90% or more of their 251 federal funds.



4. Twenty-one out of 55 states (and Territories) have certified as being compliant with Title III of HAVA, which includes meeting HAVA voting system standards (Section 301), provisional voting and information requirements and adopting computerized statewide voter registration systems. Of the 34 states that are not yet certified compliant 19 of those states have expended 90% or more of their federal 251 HAVA funds.

EAC's goal for 2010 is to better understand how much it will cost for each of these 34 states to become Title III compliant and how much it will annually cost to maintain that compliance. This information will be helpful for the 2012 budget process as we examine the continuing budget needs associated with helping states maintain compliance with HAVA.

Our work in this area will include analysis of how much it will cost states to become compliant with the MOVE Act, which is relying on Section requirements payments. MOVE Act costs were not contemplated during the time the 2011 budget was being developed.

The Grants Office is currently staffed by the director and a grants specialist with contractor and temporary staff support. An estimated \$303,000 will be needed to print State Plans and grants notices in the Federal Register. In FY 2010, EAC plans on hiring one full-time staff in lieu of FY 2009 contractor support.



For FY 2011, the Office of the Inspector General initial request is \$1,893,494. The President's Budget request is \$1,837,836. The Inspector General has determined that these amounts will support operations for FY 2011. Of the total requested in the President's Budget, \$25,000 is for staff training to meet the continuing education requirements applicable under Generally Accepted Government Auditing Standards, and \$4,534 is for support for the Council of Inspectors General on Integrity and Efficiency.

OIG plans on increasing the number of HAVA funds audits from five per year to eight, and the number of reviews and investigations that are conducted. OIG plans on conducting two internal audits/evaluations of EAC programs and operations and an evaluation of its own operations in 2011.

As reported in the *OIG Semi-Annual Report to Congress, April 1, 2009 to September 30, 2009*:

“Since the inception of the audit program, the OIG has completed audits of 22 states – with audits of additional five states under way – and through the completed audits reported findings related to states’ expenditures of nearly \$25.5 million. In the first several fiscal years, the OIG questioned a greater percentage of HAVA funds based upon their use. However, over the past fiscal year, the OIG has seen a reduction in the monetary findings associated with its HAVA funds audits. This is directly attributable the states’ efforts to effectively monitor and document their use of federal funds. In fact, one state audited in the current reporting period received no monetary findings and one state audited during a prior period received a clean audit.”

An increase of one junior auditor was requested for FY 2010, in addition to the existing positions of the Inspector General, legal counsel, and senior auditor. OIG requests 3.5 additional staff – a director of audits, a journeyman auditor, an investigator, and a part-time administrative assistant – for 2011 to build two audit teams. The additional staff would be hired in lieu of a portion of the more than \$900,000 in audit contracts awarded annually to increase flexibility to react to and further investigate questionable situations and potential audit findings. The staff would help manage contract audits to more efficiently review state and local government use of HAVA funds, expand grant audits to include the discretionary grant programs, and evaluate EAC operations.

Strategic Plan Goal 3: Identify and develop information on areas of pressing concern regarding the administration of elections for federal office and issue guidance, translations, best practices and recommended improvements as required by HAVA, and carry out responsibilities under the National Voter Registration Act.

Outcome: As a result of this goal: 1) the election community and other key stakeholders improve the administration of elections for federal office on the bases of pertinent, impartial, timely, and high-quality



information, recommendations, guides and other tools on election and voting issues and 2) eligible citizens use the mail voter registration application to register to vote, register with a political party, or report a change of name, address, or other information.

FY 2009 Enacted	FY 2010 Enacted	FY 2011 President's Budget
\$1,191,890	\$1,544,817	\$1,523,184

The Research, Policy and Programs division administers:

- 1) The Election Management Guidelines Program to provide information on topics such as Ballot Design, Contingency Planning, Managing Change in an Election Office, Media and Public Relations, and Developing an Audit Trail for the verification of votes, to help election officials promote secure, accurate, and accessible elections.
- 2) The Language Accessibility Program to provide informational materials on the federal election process and election terminology in languages other than English, translate the national voter registration form, and gather information from working groups to address the election needs of voters with limited or no English proficiency.
- 3) Provides materials to voters to facilitate successful participation in federal elections such as registering to vote.
- 4) Conducts election research on mandated topics.

HAVA mandates that EAC issue studies on the impact of free absentee ballot return postage on voter participation, electronic voting and Uniformed and Overseas Citizens Absentee Voting Act voters, the feasibility of alternative voting methods, the voting experiences of first-time voters who register to vote by mail, and the feasibility and advisability of identifying voters by Social Security Numbers.

Each year, staff presents potential Election Management Guideline (EMG) chapters and Quick Start Management Guide ideas to the Commissioners for their review and consideration. Ideas for new chapters and guides are gathered by program staff from a variety of sources in the elections field. Once reviewed by the Commissioners, staff from the Research, Policy and Programs Department complete preliminary research for each new agreed-upon chapter.

EMG chapters are vetted with the topical working group and made available for comment to the EAC's Board of Advisors and Standards Board through the Virtual Meeting Room.



The final version of each EMG chapter is formally adopted by the Commission. Once this has occurred the chapter is disseminated by mail and the Internet to all local and state election officials.

In 2011, EAC will release a report on data collected in the 2010 elections and a report to Congress assessing the impact of the National Voter Registration Act (NVRA) on the administration of elections for federal office. On August 28, 2009, the NVRA regulations were transferred from the Federal Election Commission to EAC. The project will involve review of the current regulations, any proposed changes to the regulations, and consideration of public comments. The EAC will conduct hearings to ensure broad participation in the rulemaking process. Final regulations must be adopted by a vote of the Commission following the public rulemaking process and published in the Federal Register before taking effect. In addition, EAC will update the Federal Election Commission's implementation manual to reflect any changes in the regulations and the additional requirements added by the passage of HAVA.

EAC's Board of Advisors and Standards Board assist in prioritizing research topics that are important and helpful to election officials. When new research projects are identified as priorities to undertake, a working group is organized. The members of the working



group provide feedback to Research staff about possible topics of study and are subject to final approval by Commissioners as part of the annual research plan.

Strategic Plan Goal 4: Build public confidence in elections by testing and certifying voting systems to improve system security, operation and accessibility.

Outcome: Voting equipment operates more reliably and securely and is more accessible to the disabled. States use EAC testing and certification program to ensure voting systems meet standards.

FY 2009 Enacted	FY 2010 Enacted	FY 2011 President’s Budget
\$1,672,406	\$1,861,008	\$1,825,642

Under HAVA, EAC is responsible for assisting states with improvements to voting systems through the distribution of federal funds and by providing a voluntary federal certification program. The federal government’s first voluntary Voting System Testing and Certification Program for the states also provides the public the opportunity to review every aspect of certifying voting equipment, such as voting equipment system information, test plans and reports, and reports on irregularities. Comprehensive procedures for the program are detailed in EAC’s Voting System Testing and Certification program.

The division works on EAC’s full accreditation and certification program. Staff works with the National Institute of Standards and Technology (NIST) to evaluate and accredit voting system test laboratories and the management of the voting system certification process. The program assists states with voluntary certification of their systems, supports local elections officials in the areas of acceptance testing and pre-election system verification, increases quality control in voting system manufacturing, and provides clear procedures to manufacturers for the testing and certification of voting systems to specified federal standards consistent with the requirements of HAVA Section 231(a)(1).

In FY 2009, EAC increased the Testing and Certification staff to expedite the voting system certification process. An EAC certification means that a voting system has met the requirements of the federal standards by passing a series of comprehensive tests conducted by an EAC-accredited test laboratory. Procedural requirements for the Voting System Test Laboratory Program are detailed in EAC’s Voting System Test Laboratory Manual. Currently, six voting systems are participating in EAC’s Testing and Certification Program.

The additional staff hired in 2009 has improved the process by answering technical questions of the election officials and vendors, helping test lab vendors understand how



to test specialized systems, reviewing test plans, tracking complaints, visiting the testing labs, and keeping the technical review and approval process moving forward. The staff has made a commitment to match the testing time schedules provided by the voting system test laboratories and manufacturers. Staff holds weekly teleconferences with the labs and manufacturers of all testing engagements underway. Staff holds kick-off meetings with the labs and manufacturers to give the technical reviewers an opportunity to meet with the labs and manufacturers and ask them about everything they need to know about the systems for their reviews.

In addition to staffing and staff efforts to streamline the voting system certification process, EAC along with its Standards Board, Board of Advisors, and Technical Guidelines Development Committee (TGDC) (chaired by the director of NIST and comprised of 14 other members) work together to review voluntary testing standards. Efforts are underway to revise the 2005 Voluntary Voting System Guidelines. The revisions are aimed at aiding the creation of test suites that promote uniform, consistent and faster testing by eliminating bottlenecks in the testing process. Revisions will also provide clarification in key areas that may cause confusion and slow the process.

In 2011, EAC plans on transferring \$3,250,000 to NIST via interagency agreement for activities required under Sections 221 *Technical Guidelines Development Committee* (TGDC), 231 *Certification and Testing of Voting Systems*, and 245 *Study and Report on Electronic Voting and the Electoral Process* of HAVA.

EAC and NIST seek to produce final reports by the second quarter of 2010 related to UOCAVA initiatives on Best Practices for Transmission of Election Material and Security Considerations for Remote Voting. NIST's interim report, "A Threat Analysis on UOCAVA Voting Systems," discusses the need to balance security and privacy in electronic transmission of voting materials with ensuring UOCAVA voters get to vote in a timely manner.

The Testing and Certification unit consists of six full-time staff, four part-time technical reviewers, and two contractual staff. Total cost of staff, reviewers, and contractors for FY 2011 is \$1,254,941. Travel is budgeted at \$280,500; printing at \$105,200; other services at \$180,000; and \$5,000 for supplies. Current plans are to begin phasing out one of the contractual staff as new full-time staff are trained and can take over the function.



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.

Strategic Plan Goal 5: Achieve organizational and management excellence.

Outcome: EAC Commissioners and staff proficiently carry out EAC’s strategic objectives.

Goal 5 consists of one clear-cut objective; to implement a high performance organization. Goal 5 is administered by the Commissioners, the Standards Board, the Board of Advisors, the Technical Guidelines Development Committee, Executive Director, Chief



Operating Officer and Chief Financial Officer with support from the Offices of the General Counsel and Administration.

In FY 2009, in response to the agency's first financial statement audit, EAC reorganized the agency structure and created a financial division. The division consists of a senior level grants director who administers HAVA funds, an accounting director who is a Certified Public Accountant, and a Chief Financial Officer who ensures that EAC is compliant with federal requirements and resources are used efficiently.

The CFO department will continue to focus on resolution of issues identified in audits, setting up sound systems and policies and procedures, working with managers on the relationship between budget and performance, maximizing use of staff and financial resources, and training EAC staff on financial management processes and their responsibilities.

Management is working to foster a culture of accountability among staff. The agency is seeking to improve staff satisfaction ratings and achieve management excellence through improved internal controls and human resource initiatives.

INFORMATION TECHNOLOGY

The Commission's information security program encompasses those measures necessary to protect the Commission's information resources. These measures include providing for each project: the appropriate technical, personnel, physical, administrative, environmental and telecommunications safeguards; and continuity of operations through contingency or disaster recovery plans. The Commission's protective measures cover the following information resources: data, applications, software, hardware, physical facilities and telecommunications. The Commission's information security program assures that each automated information system has a level of security that is commensurate with the risk and magnitude of the harm that could result from the loss, misuse, unauthorized disclosure or improper modification of the information contained in the system.

Currently, EAC depends on GSA for email, internet and information technology (IT) security services, and on a contractor for maintenance of the website, www.eac.gov. Current EAC IT staff maintains personal computers and smartphones, provide software requested by EAC staff, and perform vulnerability scans. The agency has a shared drive but does not have an intranet where policies and procedures can be posted. EAC is GSA's last IT client agency. EAC's vision is to be responsible for our own infrastructure led by a qualified Chief Information Officer (CIO). EAC expects to replace the acting CIO with a CIO in the second quarter of FY 2010. The CIO will work on integration of EAC systems, upgrade the agency's email to MS Outlook from Lotus Notes, assist the directors with systems to capture performance metric data, and guide



EAC in implementation of an automated Time and Attendance system and an e-Travel system. Currently, EAC submits hard copy exception-based time sheets to GSA, where the Electronic Time and Attendance Management System is used. EAC submits hard copy Travel Authorizations and Vouchers to GSA.

Salaries and Expenses (Dollars in thousands)				
IT Resource Category	Budget Activity	FY 2009	FY 2010	FY 2011
		Enacted	Enacted	President's Budget
Total, IT Investments		1,037.1	961.4	974.6

CREATIVE SOLUTIONS & APPROACHES

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.

Procurement Innovations

Beginning in FY 2008, EAC started the process of hiring staff in lieu of contractors for its research and evaluation work. By FY 2009, EAC had phased out 12 contracts awarded by the Department of Interior on EAC's behalf and instead used staff to produce publications and reports.

In accordance with the President's Memorandum on Government Contracting, issued on March 4, 2009, we reviewed EAC's existing contracts and current acquisition practices to target achievable cost savings. The acquisition budget for FY 2010 is budgeted at \$4.3 million and FY 2011 is approximately \$3.3 million. The following items are proposed to save 3.5 percent of EAC's baseline contract spending in FY 2010 and a further 3.5 percent in FY 2011.

Acquisition Savings Plans Steps to be Taken for FY2010/2011
1) Perform an analysis of organizations within EAC to consider the continued need and cost-effectiveness of out-sourcing expertise that could be staffed in-house.
2) Cost savings are projected by converting current out-sourced resources to current or future in-house staff for ongoing work tied to growth projections of EAC.
3) Re-compete two current contracts to obtain cost reductions: <ul style="list-style-type: none"> ➤ EAC Website Maintenance & Hosting Contract. Savings in 2011: \$235,000 ➤ EAC Election Day Survey Analysis Contract: \$130,000 in 2010



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 in FY 2011.

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.

As part of EAC's effort to develop and share best practices in election administration, EAC contracted with USDA, Office of Communications, Broadcast Media and Technology Center to produce training videos. The collaboration resulted in four very well received videos about polling place set-up, accessibility at the polling place, contingency planning and an overview about how the EAC tests and certifies voting systems. Videos are available at www.eac.gov as well as on EAC's YouTube page, Help America Vote. EAC will again partner with USDA to produce another series of videos, including one featuring a Mock Election Grant recipient's approach to forming a partnership with a local election office.

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.



EMPLOYEE SATISFACTION & SUPPORT

Program and financial integrity depends on well-structured human resource policies and practices. Along with the Chief Operating Officer and Chief Financial Officer, EAC's Human Resource (HR) Director in the Office of the Chief Operating Officer is charged with improving program operations and tracking accomplishment of goals. In 2009, HR began the process of implementing policies and procedures to improve staff performance and to establish a human resource accountability system. The system will ensure effective Human Resource management in support of the agency's Strategic Plan and in adherence to the federal merit systems principles, and other federal HR laws and regulations.

EAC is committed to building a diverse, well-trained, high-performing workforce. Managers and supervisors are accountable for efficient and effective human resources management in support of the agency's mission and in accordance with merit system principles. Supervisors will undergo a human resources management training program with the aim of enhancing managers' and supervisors' ability to accurately evaluate performance, recognize good performance, and take corrective action as needed to address identified performance deficiencies. They will be trained on effective performance management: the importance of providing feedback to employees frequently throughout the year, and of conducting regular formal performance appraisals with appropriate detailed feedback to help staff grow and succeed. The supervisory training program also includes modules on EEOC and sexual harassment, No Fear Act, teambuilding, ergonomics, and work/life balance.

EAC has expanded the services provided under the Employee Assistance Program via a Memorandum of Understanding with Federal Occupational Health to include clinic services such as first aid and blood pressure checks and the WorkLife4You Program. The Work/Life Program includes consultations for staff on such topics as child and elder care, adoption, career development, retirement planning, and services for adults with disabilities and illnesses

Staff and supervisors will also be responsible for annual Performance Plans and Individual Development Plans (IDPs) to help employees identify strengths and weaknesses, reach their potential and attain their career goals. The Performance Plans will address not only accomplishment of strategic plan goals and how each employee contributes to achievement of the agency's mission and goals, but will also address core competencies and performance elements for each position. Development activities in the IDPs include in addition to formal training, mentoring, coaching, computer-assisted training, brown bag lunch-time learning groups, and formal feedback.

In September 2007, EAC produced a Succession Management Framework to mitigate the impact of employee attrition. The plan outlines recruitment, selection criteria,



identification of agency-wide core competencies required, development of staff, and retention of staff by providing challenges and rewards. The acquisition budget for FY 2010 is planned at \$4.3 million and FY 2011 is approximately \$3.3 million.

INVESTING IN EMPLOYEE SATISFACTION & WELLNESS

EAC plans on using employee survey findings to improve recruitment, retention and future ratings. We are developing an action plan to address the specific areas that employees have identified as needing improvement. One area identified as needing improvement is leadership and supervisory skills. As mentioned in the Internal Control section of this document, a Supervisory Development Program will be offered with courses in project cost management; EEO, sexual harassment and diversity; financial management, human resources management, and performance appraisal. Further, the agency arranges team building exercises to improve internal communication over and above the activities described in Goal 1 Communicate.

The acquisition budget for FY 2010 is planned at \$4.3 million and FY 2011 is approximately \$3.3 million. In an effort to promote health and wellness initiatives, EAC provides staff with an Employee Assistance Program via a Memorandum of Understanding with Federal Occupational Health. EAC has expanded the services provided under the MOU to include clinic services such as first aid and blood pressure checks and the WorkLife4You Program. The Work/Life Program includes consultations for staff on such topics as child and elder care, adoption, career development, retirement planning, and services for adults with disabilities and illnesses. In addition, EAC does not have to expend funds on offering a fitness facility as one is provided to staff in the building to use free of charge. EAC participates in the Flexible Spending Account program, and provides flexible work schedules, telecommuting, and transit benefits. In FY 2009, EAC purchased automated external defibrillators for each of its three locations and provided cardio-pulmonary resuscitation training to approximately 12 staff on use of the machines through the Red Cross.

LOOKING FORWARD

FY 2011 will be a busy year for EAC as we prepare for a presidential election year. We anticipate that the technology investments and Web site enhancements will help us deliver and provide information to a larger audience, enabling more voters to have a successful experience casting their ballot. We will expand the online resources provided to election officials, including an effort to collect best practices about contingency planning, poll worker training, pre-election testing and audits.



EAC's Voting System Testing and Certification Division will be working towards the final adoption of the next iteration of the VVSG, as well as manage the responsibilities that will come from the EAC-certified voting systems operating in the field, many of them for the first time. 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 collect information 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. Almost simultaneously, they will begin developing the survey instrument for the 2012 election.

To support staff as they embark upon the many responsibilities ahead, EAC will continue to provide training, support services and make sure that the work environment is healthy and will promote productivity. Therefore, EAC will continue to focus inward to improve internal operations. The Design Team will continue to serve as a liaison between staff and management, making sure the lines of communication stay open.

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.