

APPENDIX A

THE U.S. ELECTION ASSISTANCE COMMISSION

FISCAL YEAR 2010

INTERIM ANNUAL PERFORMANCE REPORT

February 14, 2011

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Overview

In November 2010, the U.S. Election Assistance Commission (EAC) presented an FY 2010 Agency Financial Report (AFR). The report described EAC's financial results over the past year as it pursued its mission to assist the effective administration of Federal elections. The report highlights efforts to strengthen internal controls and financial management activities. This is the third year EAC has undergone a financial statement audit pursuant to the Accountability of Tax Dollar Act of 2002, and the second year EAC is participating in the pilot performance reporting project, as described in OMB Circular A-136 on Financial Reporting Requirements, in place of the Performance and Accountability Report. EAC presented summarized performance data in the AFR, and provides as much detailed data as possible in the following Annual Performance Report for FY 2010 in conjunction with the FY 2012 Congressional Justification.

Managing for results and producing an Annual Performance Report requires valid, reliable and high-quality performance measures and data. EAC is committed to the continuous improvement of its performance and financial management data. To this end, EAC is working on recommendations for a data validation system, mandatory source documentation, and documentation of calculation methodology for estimates. Performance indicators are supported by documentation. An independent reviewer evaluated EAC business processes related to implementation of the four programmatic goals in the Strategic Plan. The reviewer made recommendations on procedures EAC can implement to provide reasonable assurance that the reported performance data is relevant and reliable. Plans are for the recommendations to be implemented in FY 2011.

In the program areas during FY 2010, EAC made a great deal of progress in achieving the goals described in its Strategic Plan, which is based on the mandates of the Help America Vote Act (HAVA) of 2002:

Communications & Clearinghouse

- Launched a new website with powerful search and improved navigation tools.
- Posted videos on its website and YouTube on Contingency Planning, Polling Place Management, the EAC Voluntary Voting System Testing and Certification Program, and Making Polling Places Accessible.

Grants Management

- Awarded eight Mock Election grants that in conjunction with the current active grant portfolio that will help educate approximately 250,000 students about the electoral process; awarded 15 Help America Vote College Program grants to recruit students to serve as poll workers; and awarded a \$500,000 Military Heroes grant to improve voting accessibility for injured military personnel.
- In coordination with the Testing and Certification division, conducted a roundtable discussion on research, development and implementation of technologies and other assistance to make voting more accessible to individuals with disabilities.
- Commissioners adopted Maintenance of Effort Policy to facilitate State compliance with the maintenance of expenditure requirement in HAVA.

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Research, Policy and Programs

- Issued Election Management Guideline chapters and Quick Start Guides on Technology in Elections, Elections Office Administration, Accessibility, Building Community Partnerships, Canvassing and Certifying an Election, Communicating with the Public, Conducting a Recount, and Provisional Ballots.
- Released the mandated report on Free Postage for the Return of Voted Absentee Ballots.
- Conducted a working group on Administering Elections in Rural and Urban Areas.
- Initiated the public comment process on proposed changes to incorporate HAVA requirements into the National Voter Registration Act regulations (NVRA).
- Translated the National Mail Voter Registration Form into five Asian languages.
- Expanded the translated versions of the *Voter's Guide to Federal Elections* to include four Native American languages.
- Partnered with the Office of Citizenship within U.S. Citizenship and Immigration Services to make the *Voter's Guide* available to new citizens in the U.S. naturalization ceremony packet.

Voting Systems Testing and Certification

- Certified a fourth voting system in eight months at a cost of less than \$1 million to the test laboratory.
- Issued a report to Congress on progress in establishing guidelines for remote electronic voting systems for absentee voters pursuant to the Military and Overseas Voters Empowerment (MOVE) Act.
- Held a joint workshop with the Federal Voting Assistance Program (FVAP) and National Institute of Standards and Technology (NIST) on Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) remote electronic absentee voting systems; and jointly completed a UOCAVA Pilot Program Testable Requirements document.
- Completed a revision of the 2005 Voluntary Voting System Guidelines (VVSG) Version 1.1 addressing comments received during the public comment period ending September 28, 2009. The draft revised version and policy decisions were presented to EAC's Commissioners and discussed at a public meeting in September 2010.

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Funding

Status of Help America Vote Act Authorization versus Appropriations				
(in whole dollars)				
	Authorized		Appropriated FYs 2003-2010	Remaining
GSA (FY 2003)				
Election Administration Improvement (Section 101)	\$324,750,000		\$324,750,000	
Punch Card/Lever Machine Replacement (Section 102)	324,750,000		324,750,000	
Administrative Expenses for 101 and 102	500,000		500,000	
EAC (FY 2003 – 2010)				
Requirements Payments (Section 251)	3,000,000,000	**	2,606,150,000	393,850,000
Voting Technology Improvement Research Grants (Section 271)	20,000,000		8,000,000	12,000,000
Equipment and Technology Testing Pilot Program (Section 281)	10,000,000			10,000,000
Pre-Election Logic and Accuracy Testing & Post-Election Verification	3,000,000	1,4	3,000,000	-
Operations (Section 210)	100,331,108	2	100,331,108	-
Election Data Collection Grants	10,000,000	3	10,000,000	-
National Student and Parent Mock Election Organization (Section 295)	200,000	**		200,000
Poll Worker Grants (Section 501)	5,000,000	**	1,500,000	3,500,000
Help America Vote Foundation (Section 601)	5,000,000	**	1,500,000	3,500,000
Total	\$3,803,531,108		\$3,380,481,108	\$423,050,000

1/ Authorized by P.L. 111-8

2/ \$30 million per HAVA, balance per appropriations. Includes \$2.55 million Poll Worker grants and \$800,000 Mock Election Grants

3/ Authorized by P.L. 110-161

4/ Authorized by appropriations

**Plus such sums as may be necessary in succeeding years

Note: excludes \$140 million plus such sums authorized for HHS under Disability Access Section 261 and Participation Section 291, and \$15 million appropriated to GSA in FY 2003 for Title I.

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Enacted Appropriations by Fiscal Year											
(dollars in thousands)											
	2003		2004		2005	2006	2007	2008	2009	2010	Total
EAC (FY 2003–2010)											
EAC Salaries & Expenses											
Operations	\$2,000		\$1,674 ¹		\$11,110	\$10,986	\$11,313	\$12,330	\$12,909	\$13,409	\$75,731
Mock Election Grants								200	300	300	800
Poll Worker Grants						300		750	750	750	2,550
Transfer to NIST					2,778	2,772	4,950	3,250	4,000	3,500	21,250
Election Reform Grants											
Requirements Payments	830,000	²	1,491,150					115,000	100,000	70,000	2,606,150
Poll Worker Grants	1,500										1,500
Foundation	1,500										1,500
Voting Tech. Research									5,000	3,000	8,000
Testing & Verification									1,000	2,000	3,000
Election Data Collection								10,000			10,000
TOTAL EAC	835,000		1,492,824		13,888	14,058	16,263	141,530	123,959	92,959	2,730,481
GSA (FY 2003)											
Section 101 and 102	649,500										649,500
Administrative Expenses	500										500
TOTAL GSA	650,000										650,000
TOTAL EAC & GSA											\$3,380,481

1/ Includes \$481,092 transferred from the Federal Election Commission

2/ Carried forward to FY 2005

EAC received \$70 million in FY 2010 appropriations for Requirements Payments of which \$29.7 million were disbursed as of September 30, 2010. In FY 2010, the States reported having spent \$33.6 million of the HAVA Section 102 funds. EAC has approximately \$11.8 million remaining available until expended, for research on voting technology improvement grants, pre-election logic and accuracy testing and post-election voting systems verification grants, and carryover Requirements Payments funds that will be disbursed along with the next appropriation of requirements payments monies.

EAC reports its results of operations within four programs: Communications; Fund and Oversee; Research, Policy and Programs; and Testing and Certification. Costs specifically identified with each of the programs such as assigned personnel costs and specific program contract costs are allocated to the respective program directly. The Fund and Oversee program reports the expenditures for the Requirements Payments and the other EAC grants. In years in which EAC receives significant appropriation for HAVA Election Reform Program funds, this program typically exceeds the other programs in overall costs. Other general agency overhead costs such

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as rent, human resources and financial management are allocated on either a per employee basis or a percent of overall costs method. This methodology is outlined in EAC’s Cost Allocation Model and is reviewed each year by staff and financial statement auditors to ensure the accurate allocation of expenses to each program.

The following table presents FY 2010 expenditures of direct and indirect costs by the four programs:

Results of FY 2010 Operations by Program	
Program	Expenditures
Communications	\$ 1,797,916
Fund and Oversee	122,834,439
Research, Policy and Programs	2,845,652
Testing and Certification	3,531,576
	\$131,009,583

Performance Goals

Recognizing the need to formalize its planning, reporting and execution activities, EAC began development of its first five year Strategic Plan 2009-2014 in March 2008. The plan was reviewed by the Office of Management and Budget, and presented to EAC’s Board of Advisors and Standards Board for comment, as required by HAVA. EAC adopted the Plan in March 2009.

EAC has five strategic goals:

- Goal 1. Communicate** -- Communicate timely and accurate information on the effective administration of elections for Federal office and on the operations and services offered by EAC.
- Goal 2. Fund and Oversee** -- Deliver and manage Federal funds effectively.
- Goal 3. Study, Guide and Assist** -- Identify and develop information on areas of pressing concern regarding the administration of elections for Federal office, issue recommended improvements, guidance, translations, and best practices as required by HAVA, and carry out responsibilities under the National Voter Registration Act.
- Goal 4. Test and Certify** -- Build public confidence in elections by testing and certifying voting systems to improve system security, operation, and accessibility.
- Goal 5. Manage** -- Achieve organizational and management excellence.

EAC Strategic Plan objectives listed below describe in general terms the results needed to accomplish its Strategic Goals. Outcomes measure the effect program outputs have on their stakeholders. Outputs are quantifiable targets that directly measure the results of a program. A program may have multiple outputs but each output is associated with one program. Performance measures are quantifiable and documentable representations of a capacity, process or outcome that is relevant to the assessment of performance.

Strategic Goal One -- Communicate

Strategic Plan Goal 1 is to communicate timely and accurate information on the effective administration of elections for Federal office and on the operations and services offered by EAC. The outcome for the goal is to provide Congress, Federal agencies, State and local election officials and the public with reliable, accurate, and non-partisan information about administering, conducting and participating in Federal elections and how, where, and when Americans vote.

FY 2010 Communications Division Enacted Budget
\$848,752

Goal 1’s aim of communication of timely and accurate information is the responsibility of the Office of Communications and Clearinghouse. The goal will be achieved via three strategic objectives. The results of the measures associated with the objectives appear in the next table of this report.

The Communications and Clearinghouse division is primarily responsible for external communications, as well as the tools used to provide information to the public. Areas of responsibility include:

- EAC Web site and Clearinghouse
- Media inquires
- External communications
- Congressional relations
- The Freedom of Information Act
- National Archives and Records Act
- Editorial support: press releases, speeches, Congressional testimony

The agency’s website, www.eac.gov, is the primary communications tool. EAC.gov contains thousands of documents with information about voting system test plans, agency correspondence, testimony from EAC monthly public meetings and hearings, and external and internal communications such as press releases, informational videotapes, research, data and program-related information. EAC’s website features a user-driven notification system, allowing visitors to customize how they receive information. Users can customize their online experience by signing up for automatic e-mail alerts on a variety of election topics and events, including public meetings, advisory board meetings, reports, policies and agency news. These alerts can be received in real time on a daily or weekly basis.

Goal 1 FY 2010 Accomplishments

In 2010, the Communications and Clearinghouse division unveiled a new website enabling EAC to receive more public input and feedback, increase transparency, and add more information about EAC programs and operations. The new website features leading-edge search, navigation

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and content-delivery tools that transform the site into a more modern, dynamic and transparent source of information for the public and election officials. The new tools enhance users' ability to find information more efficiently through a powerful search device that provides more qualified, relevant data as well as options for sorting and filtering results. Site searches are also enhanced by the new streamlined mouse-over navigation bar, which allows users to scan the contents of the site before selecting.

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

The site also provides several mechanisms through which the public can provide direct feedback to EAC on agency activities and operations. For instance, the public can rate and comment on nearly 200 EAC reports, policies, manuals and Election Management Guidelines in the Election Resource Library.

The new website played a major role in the efforts to deliver information to voters to help them have a successful experience leading up to Election Day during the 2010 Federal election year. The Resources for Voters section provides information on poll worker requirements, registration information, provisional voting requirements, and other election administration information such as early voting deadlines.

In FY 2010, EAC contracted for new educational videos that will provide further information to the public about the EAC. The Communications division is currently producing four of these videos to inform the public about key election administration procedures. Topics include information for student voters, pre-election and post-election activities, about the EAC, and registering to vote.

Communications staff completed a draft Open Government Policy (which is now finalized) in accordance with Federal requirements and created the companion www.eac.gov/open site to notify the public about EAC's open government initiatives. In addition, EAC's new Public Comment section at www.eac.gov makes it easier for the public to keep track of draft EAC policies on which the agency is seeking public input. The public may also submit general comments at www.eac.gov/contact.

Also in FY 2010, Communications staff proposed a National Clearinghouse for Elections as the central location for information about elections pursuant to HAVA Section 202 on duties of the Commission and EAC operations and initiatives. The proposal included a recommendation for an initial pilot program to be reviewed in FY 2011. EAC's website has the capability to support the National Clearinghouse for Elections.

To further educate the public about EAC's Voting System Testing and Certification Program, Communications staff developed, built and populated a map categorizing States based on state laws regarding voting system certifications, as well as the location of EAC-certified systems. Users can locate the historical records about the voting system, including System Advisory

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Alerts, draft and final test plans, correspondence and basic information about the voting system manufacturer.

Strategic Goal One FY 2010 Performance Measures				
Performance Indicator		Type of Indicator	Planned	Actual
Strategic Goal One: Communicate				
Strategic Objectives				
Operate the EAC clearinghouse effectively.				
	Issue clearinghouse policy within 6 months [from March 2009].	Output	Final policy	Final expected in FY 2011
	Post applicable information on the web-based clearinghouse within 24 hours of receipt.	Output	100% of data posted within 24 hours	100% of data posted within 24 hours
	Distribute at least one email update per month to stakeholders about the web-based clearinghouse.	Output	12 updates distributed	51 newsletters; 8 public meeting reports
Respond to outside requests about the EAC timely and accurately.				
	Issue policies and procedures to process requests from outside the agency by September 2009.	Output	Final policies and procedures	Final expected in FY 2011
	Distribute media and Congressional inquiry and response log to EAC staff on a daily basis.	Output	Distribute inquiry and response data on a daily basis	Distributed on receipt, logs sent daily
	Respond to FOIA requests in accordance with requirements.	Output	Respond in 20 business days	Median processing time 16 days; average 14.8 days
	Respond to 75 percent of non-FOIA requests within 72 hours.	Output	75% response rate in 72 hours	100% response rate in 72 hours
Convey the results of EAC operations and accomplishments.				
	Provide weekly updates about EAC activities and election administration issues to EAC employees.	Output	52 updates/ 100%	52 updates/ 100%
	Produce an annual FOIA report to chronicle requests and responses.	Output	Final report on 1/31/09	Final report submitted on time
	Issue quarterly press releases summarizing EAC activities.	Output	4 press releases	25 press releases
	Provide regular briefings regarding EAC activities to Congressional staffers.	Output	2 formal briefings	4 formal briefings
	Produce the annual report of EAC activities to Congress by January 31 of each year for the preceding year ending September 30.	Output	Report disseminated 1/31/09	Report disseminated 1/31/10
	Issue at least 12 EAC newsletters per year.	Output	12 newsletters	54 newsletters

Goal Two – Fund and Oversee

Strategic Plan Goal 2 is to deliver and manage Federal funds effectively. The outcome of the goals is for States and other recipients to promptly and accurately receive Federal funds administered by EAC and use the funds appropriately to improve the administration of elections for Federal office.

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FY 2010 Enacted Budget	
Grants Management	\$ 1,914,069
OIG	1,770,259
Total	\$ 3,684,328

Goal 2's aim of delivering and managing Federal funds effectively is the responsibility of the Grants Management division and the Office of the Inspector General (OIG). The goal will be achieved via three strategic objectives. The results of the measures associated with the Grants Management objectives appear in the next table of this report.

The Grants Management division:

- Conducts trainings on the administration and use of HAVA funds;
- Provides technical assistance to States on administering Federal funds;
- Awards and monitors discretionary grants programs including: Help America Vote College Program, Help America Vote Mock Election Program, Military Heroes Initiative, Voting Systems Pre-Election Logic and Accuracy Testing and Post-Election Audit Initiative and Accessible Voting Technology Initiative;
- Processes and disburses payments to States and discretionary grant recipients;
- Tracks the submission of and reviews the content of financial and performance reports submitted by States and discretionary grant recipients;
- Reviews audit reports and resolves findings applicable to EAC programs;
- Receives amended State Plan submissions;
- Drafts advisory opinions for Commission approval and issuance.

Goal 2 FY 2010 Accomplishments

In November 2009, EAC provided training via a webinar to States on using the Standard Form 425 *Federal Financial Report*. The webinar is available on www.eac.gov. On February 1, 2010, the division released the EAC Annual Report on Grant programs as of September 30, 2008. The Report was released along with the FY 2011 Congressional Budget Justification and FY 2009 Annual Performance Report.

Requirements Payments

In FY 2010, the Consolidated Appropriations Act, 2010, Public Law 111-117 included \$70 million for HAVA Section 251 *Requirement Payments*. The funds are distributed according to a formula based on the voting age population of the State per the last Census and the total voting age population of all States. In order to draw the funds, the States certify that they are in compliance with applicable laws and requirements per HAVA Section 253 *Condition for receipt of funds*.

A State may use a requirements payment to carry out activities to improve the administration of elections for Federal office outside of the activities listed under HAVA Title III *Uniform and*

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nondiscriminatory Election Technology and Administration Requirements. This may be done if the State, per Section 251, certifies that the State has implemented the requirements of Title III, or if the amount it will spend on other activities will not exceed the formula amount allocated to the State under HAVA Section 252 *Allocation of Funds*. Title III includes:

- Voting system standards,
- Voting information requirements,
- Provisional voting,
- Statewide voter registration lists, and
- Identification requirements for voters who register by mail.

States may also use requirements payments to improve the administration of Federal elections. Each year, EAC reports to Congress on how the States have spent HAVA funds. EAC paid out \$29.7 million of the \$70 million awarded in FY 2010, which represents all funds requested by the States as of September 30, 2010.

College Poll Worker Grants

In FY 2010, EAC awarded the \$750,000 appropriated for the College Poll Worker grants to 14 institutions of higher education and one nonprofit organization to recruit students to serve as poll workers in the 2010 Federal election. The grants serve to educate college students on the importance of volunteering and voting on Election Day and to encourage them to become involved in the process. Trained, qualified poll workers play a crucial role in ensuring smooth and accurate elections. Reports of poll worker shortages are not uncommon during election season. According to EAC's Election Administration and Voting Survey, 46 percent of jurisdictions across the country reported having difficulty recruiting poll workers during the 2008 election cycle.

As of FY 2010, EAC has awarded 89 grants totaling \$3.1 million to recruit and train college poll workers since the College Program was established in 2004. FY 2010 College Poll Worker Grant Recipients are:

Alverno College, Milwaukee, Wisconsin
Benedictine University, Lisle, Illinois
Central Connecticut State University, Hartford, Connecticut
College of the Canyons, Santa Clarita, California
Harris-Stowe State University, St. Louis, Missouri
Keystone College, La Plume, Pennsylvania
Kids Voting of Central Ohio, Columbus, Ohio
Kutztown University, Kutztown, Pennsylvania
Lourdes College, Sylvania, Ohio
Marshall-Wythe Law School Foundation, Williamsburg, Virginia
Morehouse College, Atlanta, Georgia
Southern Utah University, Cedar City, Utah
Suffolk University, Boston, Massachusetts
University of Tennessee, Knoxville, Tennessee
University of Rochester, Rochester, New York

Mock Election Grants

In FY 2010, EAC awarded eight Mock Election Program grants totaling the \$300,000 appropriation to six government agencies, one civic group and one nonprofit organization to educate students about the electoral process during the 2010 mid-term election cycle.

The competitive grants are aimed at operating programs of simulated elections for high school students. Grant applicants are encouraged to use real voting equipment, create ballots, and have students act as poll assistants and poll workers. Mock Election grants allow students to become familiar with voting processes and technologies so that when they become eligible to vote they will be more comfortable with their civic duties. The competition was open to State and local election offices, and regional and national nonprofit organizations, including faith-based, community-based, and tribal organizations.

Winners were selected through an independent review process that examined each applicant's level of experience, and their management and conceptual approaches for meeting program goals. The 2010 winners, chosen from a highly competitive pool of 34 applicants that sought a combined \$1.2 million, will use a wide range of creative approaches to engage high school students. EAC was particularly interested in funding opportunities that promote the use of voting machines through partnerships with local election officials. The schools are located in rural areas, including American Indian reservations, as well as urban locales.

The Mock Election Program grants are authorized under HAVA Section 295. As of FY 2010, EAC awarded grants totaling \$1,198,820 to organizations under this program since it was established in 2004. FY 2010 Mock Election Grant Recipients are:

Office of the Secretary of State of the Commonwealth of Kentucky, Franklin, Kentucky
Polk County Auditor's Office, Des Moines, Iowa
Office of the Washington Secretary of State, Olympia, WA
State of Montana Secretary of State, Helena, Montana
League of Women Voters of Oregon Education Fund, Salem, OR
State of Rhode Island and Providence Plantations, Providence, RI
Michigan Government Television, Lansing, Michigan
Seminole County Supervisor of Elections, Sanford, Florida

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Strategic Goal Two FY 2010 Performance Measures			
Performance Indicator	Type of Indicator	Planned	Actual
Strategic Goal Two: Fund and Ovesee			
<u>Strategic Objectives</u>			
Accurately and timely disburse Federal financial assistance administered by EAC.			
Award grants within established timeframes.	Output	100%	100% of requirements payments & 1-year grants, 33% of no-year discretionary grants
Submit state plans for publication in the Federal Register within 30 days of receipt of the plan.	Output	100%	100%
Submit payment requests to GSA within 10 days of receipt of acceptable requests/certifications.	Output	100%	100%
Effectively monitor Federal financial assistance administered by EAC.			
Review financial & performance reports & notify recipients of reporting anomalies or failure to file w/in 30 days of knowledge of conditions, in writing in all cases & by phone as time permits, to offer assistance & answer questions.	Output	State reports due 12/31/10	EAC is on schedule to meet goal by deadline
Resolve 100 percent of audit findings within established time frames.	Output	100% audit resolution	No overdue mgt. decisions as of 9/30/10
Conduct site visits to at least three high priority grantees each year.	Output	3 site visits	3 site visits
Negotiate indirect cost rates within 30 days of receipt of acceptable indirect cost proposals.	Output	100%	Signed MOU with HHS 07/10 for negotiation services
Issue the annual report to Congress on the expenditure of HAVA funds by July 15 of each year.	Output	Report issued 7/15/10	Attach as Appendix C of CBJ Feb.
Provide technical assistance and guidance on the management of Federal financial assistance administered by EAC to reduce the risk of inappropriate use of funds and accounting errors.			
Submit to the Commissioners all recommended policy and guidance concerning the admin. of Fed'l financial assistance administered by EAC within established timeframes.	Output	100%	50% of advisory opinions
Offer at least one workshop per year.	Output	1 workshop	3 presentations
Respond to all inquiries by recipients about the use and administration of funds in accordance with EAC requirements in a timely manner.	Output	24 hour turn-around for phone & email response time	Initial email or phone response w/in 24 hours 90%

Goal Three – Study, Guide and Assist

Strategic Plan Goal 3 is to identify and develop information on areas of pressing concern regarding the administration of elections for Federal office, issue recommended improvements, guidance, translations, and best practices as required by HAVA, and carry out responsibilities under the National Voter Registration Act (NVRA). The outcome of the goal is to provide the election community and other key stakeholders pertinent, impartial, timely, and high-quality

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information, recommendations, guides, and other tools on election and voting issues. Further, eligible citizens use the National Mail Voter Registration form to register to vote, register with a political party, or report a change of name, address, or other information.

FY 2010 Research, Policy and Programs Division Enacted Budget
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\$1,544,817

Goal 3 is administered by the Research, Policy and Programs (RPP) division. The goal will be achieved through the use of four strategic objectives. The results of the measures associated with the objectives appear in the next table of this report.

The Research, Policy and Programs division:

- Administers the Election Management Guidelines Program to help election officials promote secure, accurate, and accessible elections by providing 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;
- Manages the Language Accessibility Program to provide informational materials on the Federal election process and election terminology in languages other than English, translates the National Mail Voter Registration Form, and gathers information from working groups to address the election needs of voters with limited or no English proficiency;
- Provides materials to voters to facilitate successful participation in Federal elections such as registering to vote;
- 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 (UOCAVA) 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.

Goal 3 FY 2010 Accomplishments

In FY 2010, the RPP division developed a listing of potential research projects, policy and program initiatives including timelines, to guide staff work through 2012. Progress has been made toward completing several projects noted in the research schedule, many of which are mandated by HAVA. The list will continue to be revised in accordance with EAC and Congressional priorities.

Research work completed in FY 2010 includes:

- Reports to Congress on the findings of the 2008 Election Administration and Voting Survey and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

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- The three-year National Academy of Sciences study on Statewide Voter Registration Databases.
- A study evaluating stakeholder use of EAC educational products designed to improve the administration of elections for Federal office.
- A report to Congress on the study of use of Free or Reduced Postage for the Return of Voted Absentee Ballots.
- Selecting a contractor to collect and analyze data for the 2010 Election Administration and Voting Survey.

Research efforts continue on the HAVA-mandated study “Recounts and Contests”, and a working group convened and preliminary research began on a study of “Election Administration in Urban and Rural Settings”.

RPP’s Policy unit completed research on a compendium of State laws applicable to provisional voting and has begun work on voluntary guidance related to provisional voting pursuant to Section 311 of HAVA.

RPP’s Election Management Guidelines (EMG) Program released three new Quick Start Management Guides in 2010 on Technology in Elections, Elections Office Administration, and Accessibility. Further, staff created and released eight new EMG chapters:

- Building Community Partnerships
- Canvassing and Certifying an Election
- Communicating with the Public
- Conducting a Recount
- Provisional Voting
- Technology in Elections
- Elections Office Administration and
- Accessibility.

The Quick Starts and chapters were sent to over 5,000 election officials across the country in September 2010.

RPP’s Language Accessibility Program has worked to meet its strategic goal of assisting election officials in meeting the needs of language minority voters by translating glossaries of election terms into four Native American languages and by broadly distributing the *Voter’s Guide to Federal Elections*. The glossaries and the Voter’s Guide were translated into Navajo, Cherokee, Dakota, and Yu’Pik. The Office of Citizenship of the U.S. Citizenship and Immigration Services distributed over 700,000 copies of the Voter’s Guide to new citizens. Finally, the National Mail Voter Registration Form has been translated into five Asian languages: Chinese, Japanese, Korean, Tagalog and Vietnamese.

EAC’s Strategic Plan includes reissuing regulations pertaining to the National Voter Registration Act (NVRA) of 1993. A Notice of Proposed Rulemaking related to NVRA was developed and subsequently published in the Federal Register on August 9, 2010. The Notice proposes the incorporation of HAVA requirements into the NVRA regulations and asks for public comment

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on these proposals, and on other proposals related to the National Mail Voter Registration Form. The period for commenting on the proposed rules ended in November 2010. EAC held three public hearings on the Notice of Proposed rulemaking in Orlando, FL, Washington, DC and Pasadena, CA in FY 2010.

Strategic Goal Three FY 2010 Performance Measures				
Performance Indicator		Type of Indicator	Planned	Actual
Strategic Goal Three: Study, Guide, Assist				
Strategic Objectives				
Complete research on relevant issues that improve the administration of elections for Federal office and expeditiously report on critical election administration subjects and data.				
	Start 100 percent of planned and funded projects each year.	Output	100%	100%
	Meet milestones for the completion of research projects in accordance with schedules and deliverables each year.	Output	80%	100%
	Disseminate all completed research project reports to stakeholders.	Output	100%	100%
	Establish in FY 10 a baseline for measuring stakeholder use of EAC research & ed'l products to improve the admin. of elections for Fed'l office. In subsequent years, increase the % of stakeholders use of research products.	Output	Establish baseline	Baseline established at 50%
Identify and collect required and useful data on election administration practices, voting methods, and demographics; and make recommendations for improving the quality of practices, methods, and data.				
	Issue required reports to Congress by statutory deadlines.	Output	1	1
Issue guidance and administer programs that provide timely and useful information to election officials and voters.				
	Complete guidance regarding HAVA Sec. 302 by 08/10.	Output	Complete	20% complete
	Complete interactive glossaries by 03/10.	Output	Complete	Contracted for glossaries
	Establish a baseline for measuring stakeholder use of EAC teaching materials by the end of FY 10. In subsequent years, increase % of use...	Output	Establish	Baseline established at 50%
Enact regulations governing the national mail voter registration application, collection of voter registration and related data, and reporting to the Congress as required by NVRA.				
	Complete feasibility study of making the national mail voter registration application available in all languages covered by the Voting Rights Act by 06/10.	Output	Complete study	Analysis completed 10/09

Goal 4 – Test and Certify

Strategic Plan Goal 4 is to build public confidence in elections by testing and certifying voting systems to improve system security, operation, and accessibility. The outcome of the goal is to help ensure that voting equipment operates more reliably and securely and is more accessible to voters with disabilities. States use the EAC Testing and Certification Program to ensure voting systems meet standards.

FY 2010 Testing and Certification Division Enacted Budget
\$1,861,008

Goal 4 is administered by the Testing and Certification division. The goal will be achieved through the use of two strategic objectives. The results of the measures associated with the objectives appear in the next table of this report.

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Under the Help America Vote Act, EAC accredits voting system test laboratories and certifies voting equipment, marking the first time the Federal government has offered these services to the States. Participation by States in the program is voluntary. Staff works with NIST to evaluate and accredit voting system test laboratories and the management of the voting system certification process.

The Testing and Certification (T&C) division:

- Assists States with voluntary certification of their systems;
- Supports local elections officials in the areas of acceptance testing and pre-election system verification;
- Promotes quality control in voting system manufacturing;
- Provides procedures to the voting system manufacturers for the testing and certification of voting systems to specified Federal standards consistent with the requirements of HAVA Section 231.

EAC's voting system certification program establishes accountability through its Quality Monitoring Program which ensures, through various check points, that the voting systems used in the field are in fact the same systems EAC has certified. For instance, under the program, EAC has the ability to conduct site visits to production facilities to determine whether systems produced are consistent with those that have received EAC certification. In addition, EAC collects reports from election officials regarding voting system anomalies. After reviewing the reports, EAC disseminates the information to election officials. Furthermore, upon invitation or with permission from election officials, the EAC conducts reviews of systems that are in use in the field.

More information about EAC's Voting System Certification and Testing Program is available in EAC's Frequently Asked Questions on www.eac.gov.

Goal 4 FY 2010 Accomplishments

In 2009, Congress passed the Military and Overseas Voters Empowerment Act (MOVE) instructing the Federal Voting Assistance Program (FVAP) to run pilot programs to test the ability of new or emerging technology to better serve uniformed and overseas citizens. (The Director of FVAP administers the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) on behalf of the Secretary of Defense.) MOVE goes on to mandate that should FVAP choose to run a pilot program, EAC and the National Institute of Standards and Technology (NIST) are to help support FVAP by providing best practices or standards to support the projects. Further, MOVE reiterated the 2004 mandate from Congress requiring EAC to create guidelines for FVAP to follow in the development of a remote electronic voting system. EAC submitted a mandated report to Congress on MOVE Act implementation in April 2010.

In addition to participation in implementation of the MOVE Act, EAC is actively involved with efforts to facilitate military and overseas voting. UOCAVA requires that the States, the District of Columbia and territories allow U.S. citizens living abroad to register and vote absentee in elections for Federal office. EAC led a working group that included representatives of FVAP,

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NIST, EAC's Advisory Board and voting system manufacturers in August 2010 to explore the technical issues associated with remote electronic absentee voting systems for military and overseas voters. This group completed a UOCAVA Pilot Program Testable Requirements document, which was approved by tally vote of the Commissioners in September 2010. Further, EAC staff developed an EAC Pilot Program Certification Manual which went out for public comment in April 2010.

Regarding EAC work with the voting system test laboratories, in addition to the semi-annual re-accreditation process, labs undergo a required EAC Policy, Procedures and Practices Review pursuant to the EAC Laboratory Accreditation Program Manual. Testing and Certification (T&C) completed an on-site laboratory assessment of Wyle Labs in FY 2010. The T&C Director approved the ES&S request to transfer testing of Unity 5.0 from iBeta to Wyle because of capacity issues at iBeta. EAC was able to close out audit recommendations made in GAO Audit Report 08-770, *Voting System Test Laboratory Accreditation*. GAO staff made a "Closed-Implemented" recommendation in August 2010 following the latest round of T&C responses.

In FY 2010, T&C completed internal Standard Operating Procedures for both the Certification Program and the Laboratory Accreditation Program. The procedures were generated from the T&C Program Manual. Further, T&C, working with NIST, drafted and updated the current version of the 2005 Voluntary Voting System Guidelines (VMSG) (now entitled 2005 VMSG Version 1.1) in 2009. The draft was published for a 120-day public comment period beginning June 1, 2009 and ending September 28, 2009. Staff reviewed over 300 comments received from the public. In FY 2010, a revision of the 2005 VMSG addressing comments was completed and policy decisions were presented to the Commissioners. The Commission discussed the proposed changes to the 2005 VMSG at a public meeting on September 21, 2010.

The VMSGs are mandated by HAVA. They comprise a set of specifications that voting systems, voting devices, and software must meet to receive a certification from EAC. EAC-accredited laboratories test voting systems, voting devices, and software against these guidelines. Under HAVA, NIST is directed to assist EAC with the certification program through its National Voluntary Laboratory Accreditation Program (NVLAP), and to provide recommendations to EAC regarding laboratory accreditation. EAC makes the final decision to accredit laboratories.

Also in FY 2010, EAC accepted the final work product for the Elections Operations Assessment. The assessment was conducted to produce a scientifically-founded risk assessment tool that will facilitate informed decision-making by EAC and its Technical Guidelines Development Committee (TGDC) when developing Voluntary Voting System Guidelines (VMSG). The tool will provide EAC with information needed to conduct a cost-benefit analysis of a comprehensive list of risks associated with voting systems.

EAC and the TGDC will use the Elections Operations Assessment risk assessment tool to further improve Federal voluntary voting system guidelines. EAC staff will use the tool to conduct a scientifically-based cost benefit analysis of voting systems risks and requirements. It will also help the agency develop voting system requirements that can help mitigate risk. Examples of risks include software bugs, equipment failures, power failures, natural disasters, terrorist attacks, or fraudulent acts or errors committed by persons involved in the elections process.

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In 2010, T&C continued to make progress in certifying voting systems and working with voting system manufacturers. Unisyn Open Elect System received Final EAC Certification on January 12, 2010. ES&S Unity 3.2.0.0 received an initial decision on certification. The MicroVote EMS 4.0B Modification was certified on August 23, 2010. EAC staff and technical reviewers conducted Manufacturer Facility Inspections for Unisyn and ES&S as required by Section 8.5 of Testing and Certification Program Manual on May 10-13, 2010.

EAC published a System Advisory on the ES&S Unity 3.2.0.0 DS200 freeze/lock-up issue reported by Cuyahoga County, Ohio. The System Advisories alert jurisdictions across the country about reported voting system anomalies. EAC works with jurisdictions experiencing problems and with the manufacturers on resolving the issues.

Added in 2010, EAC's website houses a map of the U.S. showing the location of EAC-certified voting systems being used. The EAC Certified Voting System Map allows users to quickly access key information about EAC-certified voting systems, including the county in which the systems are used and test reports issued during the certification process. The interactive map makes it easy to track advisory alerts that EAC has issued about a system, a critical component of EAC's Quality Monitoring Program. As part of the Program, EAC notifies the public about potential Federally-certified voting systems performance issues, including anomalies. The map also depicts State requirements for voting system certification.

The Certified Voting Systems Map represents the most recent enhancement to the nation's Clearinghouse on election administration information, www.eac.gov, which features numerous reports, in-depth research and State-specific data on the election administration process.

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Strategic Goal Four FY 2010 Performance Measures				
Performance Indicator		Type of Indicator	Planned	Actual
Strategic Goal Four: Test and Certify				
<u>Strategic Objectives</u> Provide for the accreditation and revocation of accreditation of independent, non-federal laboratories qualified to test voting systems to Federal standards.				
	Complete accreditation reviews for all laboratories recommended to EAC by NIST and for all emergency actions within 90 days.	Output	100% complete in 90 days	66% complete in 90 days
	Test and document the results of the review of compliance with procedures by 100 percent of accredited laboratories every 2 years.	Output	100%	100%
Administer the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.				
	Test 100 percent of systems qualifying for testing each year.	Output	100% of systems submitted for testing are tested according to program standards	Completed testing according to standards for 60% of systems submitted (3 out of 5 systems)
	Respond to requests for interpretations of voting system standards within 45 days (Measures may be modified after EAC determines average number of requests).	Output	45 days	52.4 days (40% on target)

Goal 5 Manage

Strategic Plan Goal 5 is to achieve organizational and management excellence. The outcome is that EAC Commissioners and staff carry out EAC's strategic objectives.

Goal 5 is administered by the Commissioners, the Standards Board, the Board of Advisors, the Technical Guidelines Development Committee, Executive Director, General Counsel, Chief Operating Officer, and Chief Financial Officer. In order to achieve the goal, EAC will focus on continuing to achieve a clean audit opinion, providing accurate timely information, and improving integration of budget and performance as prescribed by the President's Management Agenda.

FY 2010 Enacted Budget	
Commissioners	\$1,186,525
Board of Advisors, Standards Board	293,299
Executive Director & Public Meetings	627,182
Office of the General Counsel	670,677
Chief Operating Officer	3,037,900
Chief Financial Officer	704,511
Total	\$6,520,094

Goal 5 Accomplishments

EAC's first Goal 5 performance measure, "Obtain a clean audit opinion on agency financial Statements within two years of the initial Statement preparation" was achieved in FY 2009 approximately eight months after the new CFO department was established.

The second measure, on implementing 90 percent of OIG audit recommendations with agreed upon timeframes, has been affected by the need for Federal Information Security Management Act (FISMA) resolution and a small number of remaining policies and procedures that must be put in place. Now that the agency's first Chief Information Officer is on board, EAC has been able to resolve all FISMA audit findings and implement all but one recommendation by the end of December 2010. Each month, EAC's Chair reports on the status of 82 OIG audit recommendations made as of March 2008.

To date, only three recommendations remain open. With the exception of a recommendation related to the National Voter Registration Act rulemaking process, the open recommendations are on track for resolution in FY 2011. In addition, there were three recommendations made in the FY 2009 Financial Statement audit. One on IT security controls was resolved in 2010, one on journal voucher review was implemented, and EAC is in the ongoing process of establishing continuous assurance about the effectiveness of internal controls relating to effectiveness and efficiency of programmatic operations.

On the third measure, meeting annual performance measures, 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. Agency directors responsible for implementation of the EAC Strategic Plan goals report on their division metrics for the Agency Financial Report in November, the Annual Performance Report along with the Congressional Budget Justification around February of each year, and on planned metrics in the OMB Budget Justification each September.

One of the keys to management excellence is a strong internal control program. EAC staff was offered internal control training onsite in two sessions during FY 2010.

Information Technology

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

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EAC depends on the General Services Administration (GSA) for email, internet and Information Technology (IT) security services, and on a contractor for maintenance of the agency website, www.eac.gov. Current IT staff maintains personal computers and smartphones, provides software requested by EAC staff, and performs vulnerability scans.

EAC’s vision is to be responsible for its own infrastructure led by a qualified Chief Information Officer (CIO). EAC hired its first CIO in Quarter 3 of FY 2010. In FY 2010, EAC was able to fund an information technology modernization project encompassing upgrading EAC’s hardware and software, creating an EAC-operated network back-up service capability, development of an intranet, additional security monitoring tools, and upgrading the telephone system.

Audit Follow-Up

EAC’s Office of Inspector General (OIG) conducts audits and reviews of the agency’s operations. The Office of the Chief Financial Officer (OCFO) works closely with EAC management and the OIG to complete actions necessary to respond to audit findings. OCFO tracks the completion of the audit recommendations in a Monthly Audit Recommendation Tracking Report. The report is provided for Commissioner review and is submitted each month to House Congressional Oversight staff.

EAC made improvements in all Agency management challenges. Financial internal control has substantially improved through the remediation of audit recommendations made by the independent auditor in the annual financial statement audit. EAC also considers and responds to recommendations from audits and reviews conducted by the Government Accountability Office.

Strategic Goal Five FY 2010 Performance Measures				
Performance Indicator		Type of Indicator	Planned	Actual
Strategic Goal Five: Manage				
<u>Strategic Objective</u>				
Implement a high performance organization				
	Unqualified financial statement audit opinion by FY 2010	Outcome	Yes	Unqualified opinion received for FY 2009
	Implement 90 percent of the OIG audit recommendations within agreed upon timeframes.	Outcome	90%	77% of outstanding operational recommendations were resolved in FY 2009