



THE U.S. ELECTION ASSISTANCE COMMISSION

FISCAL YEAR 2010 CONGRESSIONAL BUDGET REQUEST

May 7, 2009



**U. S. ELECTION ASSISTANCE COMMISSION
FISCAL YEAR 2010 BUDGET REQUEST**

VISION AND MISSION

Vision

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

Mission

Assist the effective administration of Federal elections.

Section 2.3 Program Summary by Budget Activity

Salaries and Expenses Resources Available for Obligation							
FY 2008 Obligations		FY 2008 Enacted		FY 2009 Enacted		FY 2010 President's Budget	
FTE	Dollars	FTE	Dollars	FTE	Dollars	FTE	Dollars
34	\$16,397,000	34	\$16,530,000	43	\$17,959,000	46	\$16,530,000

FY 2010 Priorities

- Voting system certification and follow up;
- Expanding the information Clearinghouse on election administration issues;
- Achievement of a clean financial statement audit after material weaknesses were identified; and
- Supporting State and local efforts in the areas of:
 - a. Pre-election testing of systems and
 - b. Post-election audits.



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Section 1 -- Purpose

Section 1.A. Description of Agency Vision and Priorities

Vision

The U.S. Election Assistance Commission (EAC) is an independent bipartisan Federal agency established to administer the Help America Vote Act (HAVA) of 2002. HAVA charged EAC with guiding and assisting State and local election officials in the 50 States, Puerto Rico, U.S. Virgin Islands, the District of Columbia, Guam and American Samoa (herein referred to as States) in the implementation of the reforms in the Act. The aim of HAVA is to enhance the administration of Federal elections through funding, guidance, policies, and ongoing research. HAVA funded the election reforms and directed EAC to distribute and monitor the use of that funding. In addition, HAVA directed EAC to aid in the improvement of Federal election systems by:

- Establishing and modifying as needed guidelines for testing voting equipment, a means to test and certify voting systems against those guidelines, and accrediting voting system test laboratories;
- Conducting periodic studies of election administration issues (e.g., ballot design and provisional voting) that promote effective election management;
- Establishing best practices and guidelines on election administration for State and local election officials; and
- Creating a national Clearinghouse for election administration information for the Public and election officials.

Additionally, EAC is required by HAVA to develop a mail voter registration application form for Federal elections in consultation with the chief election officers of the States, and to provide Congress with a bi-annual report assessing the impact of the National Voter Registration Act (NVRA) of 1993 and making recommendations for improvements in Federal and State procedures and forms. NVRA prescribes how States register voters and maintain voter registration lists for Federal elections, and regulates the procedures for removing voters from voting rolls.

A major provision of HAVA established minimum requirements for voting systems used in Federal elections. Each voting system must accurately capture the votes that voters intended to cast; create an auditable paper record of each vote; and be accessible to voters with disabilities, who are visually impaired, illiterate, or have limited or no English language proficiency. EAC is committed to performance and public service without regard to race, sex, religion, national origin, age, special needs, sexual orientation, gender identity or political affiliation in everything it does.



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After the 2000 Presidential election, in reference to voting in Florida, the National Commission on Federal Election Reform report of August 2001 noted that, "...we saw controversial ballot design; antiquated and error-prone voting machines; subjective and capricious processes for counting votes; voter rolls that let unqualified voters vote in some counties and turned away qualified voters in others; confusion in the treatment of overseas military ballots; and a political process subjected to protracted litigation." Nearly 164 million citizens were registered to vote out of 194 million citizens of voting age. More than 100 million voters cast ballots at over 190,000 polling places. The polling places were staffed by over 1.4 million administrators and poll workers.

Two Presidential elections later, issues identified in the 2008 Presidential election related to HAVA reforms included relatively small numbers of: voting touch screen calibration errors leading to vote flipping, dropped votes, lack of training resulting in human error on the part of poll workers or voters while interfacing with voting systems, voter registration database problems, and concerns about the potential for hacking into voting systems.

EAC is committed to continuously supporting State and local governments in implementing HAVA reforms. EAC provides voters and election officials with accurate and full information about their rights and the voting process coming from a trusted Federal source. The Commission is committed to thinking critically about its purpose and strategically at how to make improvements in crucial areas.



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EAC Priorities

In 2010, the U.S. Election Assistance Commission (EAC) requests a total of \$16,530,000. This amount represents a \$1,429,000 decrease from the 2009 Enacted budget of \$17,959,000 and is at the 2008 level. The request for 2010 reflects the reality that EAC needs to tighten its belt so that funds are available to achieve high priority Presidential initiatives, that 2010 is a mid-term rather than a Presidential election year, and the importance of establishing and institutionalizing program and administrative policies and procedures and building the infrastructure of the Commission subsequent to the first Financial Statement Audit in 2008 finding of material weaknesses and a disclaimer.

Along with the priority to work towards a clean financial statement audit, EAC will focus on certifying voting systems and shortening the amount of time it takes to certify systems, expanding the information Clearinghouse on election administration issues, and administering State and local grant programs in the areas of pre-election testing of systems and post-election audits.

EAC's immediate goal is to test voting systems and process them for certification so the States can purchase reliable and secure voting equipment. EAC should be defined as the national expert on election system testing and certification.

EAC is also charged with providing a Clearinghouse of comprehensive and up-to-date information on election administration. In 2010, EAC will work to develop a separately identifiable Clearinghouse on the EAC website. The new Clearinghouse will expand the public's access to voting information. It will better disseminate information, data, and reports from outside sources, as well as EAC published materials, allowing easy access to voters and to Federal, State, and local election officials.

In order to address findings in the 2008 Financial Statement Audit, EAC needs to implement its Strategic plan, finalized in March 2009, and sustain payroll for seasoned staff in the areas of accounting, budget, procurement, grants management, and information technology.

Resources will be targeted at hiring an additional three full-time equivalent (FTE) staff to:

- Provide additional resources for the voting system testing and certification process to get more systems certified;
- Manage upgrades to the EAC's Clearinghouse of election administration information; and
- Implement improvements in accounting for and controlling financial resources to address the 2008 Financial Statement Audit findings.



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Section 1.B. Agency History and Future Outlook

Congress appropriated \$3.1 billion in 2003 and 2004 to help States meet the requirements of the Help America Vote Act (HAVA) of 2002, Public Law 107-252, 116 Statute 1666 (2002), codified at 42 U.S. Code 15301 to 15545, and improve the administration of Federal elections. In 2004, EAC's priority was to quickly and efficiently distribute the funding that Congress appropriated for election reforms to the States. In 2004 and 2005, EAC worked to help the States interpret HAVA by issuing resolutions, advisories, and guidance on provisional voting, voting systems, and voter registration databases. EAC started conducting mandated surveys and research, and initiated updates to the Voluntary Voting System Guidelines (VVSG).

All HAVA Sections 101 *Payments to States for activities to improve administration of elections*, 102 *Replacement of punch card or lever voting machines* and 251 *Election assistance requirements payments* funds appropriated were distributed by December 2005. Once funds were fully distributed, EAC's role shifted to monitoring the appropriate use of HAVA funds, and ongoing programs to improve the administration of elections. EAC issued various opinions on the appropriate uses of HAVA funds in 2004 through 2006. EAC continuously works to ensure that States are good stewards of these Federal funds. To monitor the use of the funds, EAC issues guidance and provides technical assistance on the allowability of use of HAVA funds, reviews reports submitted by the States on expenditure of the funds, and conducts assessments and audits of the States. Monitoring is conducted through review of reports filed by the States and audits of the States.

In 2006, EAC adopted its first update to Voluntary Voting System Guidelines (VVSG). These guidelines, which are the third iteration of national voting system standards, significantly increase security requirements for voting systems and expand access, including opportunities to vote privately and independently, for individuals with disabilities. VVSG also provides a set of specifications and requirements against which voting systems can be tested to determine if the systems provide all the basic functionality, accessibility, and security capabilities required of these systems.

In fiscal years 2007 and 2008, EAC distributed the National Voter Registration Act Survey and the Uniformed and Overseas Citizens Voting Act Survey, developed and issued Poll Worker Best Practices and Election Management Guidelines and related Quick Start Management guides, and produced the Spanish, Chinese, Japanese, Korean, Tagalong, and Vietnamese Glossaries of Election Terms. EAC also launched its testing and certification program by registering manufactures of software. The U.S. Department of Commerce National Institute of Standards and Testing (NIST), through the National Voluntary Laboratory Accreditation Program (NVLAP), recommends accreditation of test laboratories to EAC. EAC collects additional information from the laboratories, and the EAC Commissioners vote on accreditation.



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In July 2008, EAC released the Report to Congress on State Governments' Expenditures of Help America Vote Act Funds. As explained in the report, through December 2007, States have spent approximately 67 percent of HAVA funds received, predominately on acquiring and administering voting system technology.

In addition to the \$3.1 billion appropriated, HAVA authorizes annual Section 251 requirements payments to the States. The requirements funds may be used to: 1) improve voting systems, 2) establish and implement statewide voter registration databases, 3) implement provisional voting (allowing individuals whose eligibility or registration status cannot be confirmed at the polling place to vote, with eligibility confirmed afterward), 4) provide information to the voting public in the polling place, and 5) otherwise improve the administration of elections for Federal office.

The funds must be used to meet the requirements of HAVA Title III, *Uniform and nondiscriminatory Election Technology and Administration Requirements*, including voting system standards, voting information requirements, and identification requirements for voters who register by mail. In 2008, EAC awarded \$115 million appropriation for requirement payments to the States proportionally based on number of registered voters. As of December 2008, 13 States had applied for their share of the new funding.

EAC requires that States report on their use of HAVA funds. In the second quarter of each year, States report on their use of both Title I, *Payments to States for Election Administration Improvements and Replacement of Lever Voting Machines*, and Title II, *Commission*, funds. The Title II report includes: 1) a list of expenditures for each category of activities described in Title III; 2) the number and types of voting equipment obtained with the funds; and 3) an analysis and description of the activities funded to meet HAVA requirements and how such activities conform to the State plan. The Title I report requires States to: 1) disclose, in separate reports for Sections 101 and 102 funds, the financial activity for the previous calendar year on a Standard Form 269 *Financial Status Report*; and 2) provide the same detail on the expenditures that is required for the reports on Title II requirements payments.

EAC conducts a detailed review of each report to validate that the expenditure of funds met the requirements of HAVA and was in accordance with plans filed by the State. The States' Title I and Title II reports are available to the public on request. In 2007 Congress extended the deadline for the use and expenditure of HAVA Section 102 funds to the first Federal elections held after March 1, 2008. When the Omnibus Appropriation Act 2009 was signed in March 2009, the deadline was extended to November 1, 2010.

EAC's accomplishments by Strategic Goal include:

Communicate: In 2008, EAC posted nearly 1,000 documents and web pages and received nearly 2.4 million page views on the website. The most-viewed data were the National Voter Registration Form and the State profiles on topics such as State-specific registration deadlines and voter identification requirements. EAC was able to provide a variety of election administra-



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tion materials for use in the 2008 election including:

- Poll Worker Best Practices
- Effective Designs in Election Administration
- A Voter's Guide to Federal Elections
- Eight Election Management Guidelines on subjects such as Polling Place and Vote Center Management, acceptance testing and serving voters in long-term care facilities
- Six Quick Start Management guides on subjects such as absentee voting and vote by mail
- Glossaries of election terms in six languages to help minority language voters understand all aspects of voting, from requesting an absentee ballot to casting ballots.

Fund and Oversee: In 2008, EAC awarded \$115 million of HAVA requirements payments to the States, and awarded \$750,000 for Help America Vote College Program poll worker recruitment grants, and \$200,000 for Mock Elections grants. Twenty-seven colleges and nonprofit organizations in 18 States used the Help America Vote College Program grant funds to recruit approximately 8,800 college students for poll work. Ten organizations in nine States received mock national election grants in 2008 to educate and stimulate interest in secondary school students and their parents about the electoral process. The mock elections feature voting equipment, ballots and poll workers.

In order to accomplish the objectives of Goal 2, EAC, through the Grants unit will finalize a grants management manual in 2009. The manual will include rules of general applicability for each Federal financial assistance program administered by EAC, reporting requirements and monitoring procedures and guidance on use of funds, allowable costs, and managing funds. In addition to the manual, workshops and training sessions for grantees on management, and use and reporting of Federal financial assistance administered by EAC on maximization of the use of the funds and facilitation of clean audits will be developed. Further, a system to track audits and State completion of corrective actions will be established. Another goal for 2009 is to achieve the performance targets for timeliness in the Strategic Plan, such as resolving 100 percent of audit findings within established timeframes, awarding grants in established timeframes, and submitting State plans to the Federal Register within 30 days of receipt.

A risk assessment plan will be developed with the criteria for identifying high risk grantees. The assessment, in addition to significant issues identified in financial, narrative or audit reports, would guide the staff in conducting site visits of high-risk recipients.

OIG is responsible for audits of HAVA funds, EAC programs and operations, and annual financial statements; semi-annual reports to Congress; and investigation of complaints of waste, fraud or abuse. Section 902 of HAVA gives EAC the authority to conduct regular audits. The objectives of the audits are to determine whether the state: 1) expended HAVA payments in accordance with the HAVA and related administrative requirements; and 2) complied with the HAVA requirements for replacing punch card or lever voting machines, establishing an election fund,



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appropriating a five percent match for requirements payments, and maintaining state expenditures for elections at a level not less than expended in the state's base fiscal year.

Since the inception of the audit program in 2006, the OIG has audited 19 States, focusing on the States that have expended the most funds under the requirements payments program, involving nearly \$750 million of expenditures. The audits resulted in identification \$22.4 million in audit findings, of which \$20.8 million was upheld by the agency; \$36,000 in funds that could have been put to better use by the States; and more than \$10.5 million in additional funds for the program which the States could use for program purposes.

OIG conducted one investigation of a voting system testing laboratory's review of voting equipment. The report was issued in December 2007, [*Report of Investigation: Allegations of Fraudulent Certification of Election Equipment by SysTest Labs, Incorporated*](#). In addition, OIG has conducted an investigation of an EAC research effort. The final report was issued in March 2008, [*Report of Investigation: Preparation of the Voter Fraud and Voter Intimidation Report*](#). OIG contracted with another government agency to perform both of the investigations.

In 2008, EAC's Office of the Inspector General (OIG) issued two State audit reports, a report assessing EAC's program and financial operations recommending areas where policies and procedures are needed, an investigative report on EAC's research effort in its voter fraud and intimidation report, and a report on alleged fraudulent certification of election equipment on the part of one of the voting system testing laboratories.

In 2009, OIG issued the agency's first financial statement audit for 2008. OIG will evaluate the Commission's compliance with the Federal Information Security Management Act of 2002, review internal controls over time and attendance, follow up on recommendations made in the inventory and assessment of the programs and operations of EAC, and will oversee the financial statement audit. OIG plans on completing seven audits begun in 2008 and initiating 11 new audits.

Study, Guide and Assist: In 2008, EAC issued the following reports:

- Uniformed Overseas Citizens Absentee Voting Act (UOCAVA) Studies
- Effective Designs for the Administration of Federal Elections
- Voter Hotlines
- Alternative Voting Methods
- First-Time Voters Who Register to Vote by Mail
- NVRA Report to Congress
- Poll Worker Guides
- Public Access Portals.



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In 2008, EAC awarded \$10 million for the Election Data Collection Grant Program. The five States receiving the awards collected precinct-level data related to the November 2008 general election. The program was designed to: 1) develop and document a series of administrative and procedural best practices in election data collection; 2) improve data collection processes; 3) enhance the capacity of States and their jurisdictions to collect accurate and complete election data; and 4) document and describe data collection practices, policies and procedures. The data is due to EAC in March 2009. EAC will evaluate the pilot program's success and recommend changes to Federal laws and regulations to improve election data collection.

In 2009, EAC plans on: 1) completing an inventory of pending mandated research and potential research projects, 2) using the inventory to establish annual research plans; 2) collecting, analyzing, and presenting data on the 2008 Presidential election; 3) establishing a baseline for measuring stakeholder use of EAC research products; 4) studying the implementation of HAVA-required statewide voter registration databases; and 5) studying the feasibility of free or reduced postage for the return of absentee ballots. EAC has completed phase one of the latter study on the "as is" environment. Work will begin in 2009 on the advisability of free or reduced postage.

In 2009, EAC will develop election management materials, review its voter registration database guidance, initiate the process for revising the national voter registration form, and submit the bi-annual report on the impact of NVRA. The election management materials assist State and local governments with implementing voting systems and administering Federal elections on such topics as receipt of voting equipment, reporting results, and recounts.

Test and Certify: On May 5, 2008 the public comment period for review and comment on the EAC-NIST Technical Guidelines Development Committee (TGDC) draft recommendations of the Next Iteration of the VVSG closed. EAC and the National Institute of Standards and Testing (NIST) reviewed the public comments and information gathered during EAC-hosted roundtable discussions of the revised standards proposed by TGDC. The 2005 VVSG will be revised in order to: 1) improve the quality and consistency of testing currently being conducted under EAC's program, 2) aid NIST in the development of test suites for the 2005 VVSG, and 3) improve the quality of voting systems by clarifying ambiguities in the standard.

The revision will allow EAC to improve testing immediately while allowing for additional time for the development of the next iteration of the standards. This additional time allows for: 1) EAC to develop a threat assessment of voting systems that can be used in the development of the next iteration of the VVSG; 2) possibly developing requirements for items such as e-pollbooks and common interface language; and 3) EAC to address the more difficult issues in the TGDC's draft recommendations (i.e., Software Independence, Open Ended Vulnerability Testing, and issues presented by the EAC Standards Board and Board of Advisors via resolution).

In order to finalize the 2005 VVSG revision, EAC and NIST are incorporating proposed standards from the TGDC draft recommendations into the 2005 VVSG. In January 2009, NIST provided possible resolutions to public comments on sections to be included in the next iteration.



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Also in January, EAC and NIST resolved public comments to sections for the revision. In February 2009, EAC and NIST briefed EAC Standards Board on possible revisions. The timeline for the remainder of 2009 below reflects a target timeframe of tasks remaining to be completed. All dates are estimates and may change as a result of feedback, comments, staffing, or other factors.

<u>Milestone</u>	<u>Target Date</u>
EAC publishes draft for public comment (90 days)	5/2009
EAC/NIST continues work with public comments	5/2009 (ongoing)
Review of public comments begins	8/2009
Resolve public comments, submit recommendations to EAC Commissioners for vote	9/2009

In 2008, EAC issued the Voting System Test Laboratory Program Manual, providing the procedural requirements of the EAC voting system Laboratory Accreditation Program. In 2009, EAC anticipates that National Voluntary Laboratory Accreditation Program (NVLAP) will begin reviews of accredited labs.

In 2008, EAC issued the comprehensive procedures in the Voting System Testing and Certification Manual. Also in 2008, EAC issued a contract for a voting system risk assessment.

In 2009, EAC will design and begin implementation of its quality control program, which includes site visits to manufacturing facilities to assure the products produced by the manufacturers are the same as those tested by EAC. As a part of the testing and certification program, manufacturers agree to submit all modifications to EAC for review and appropriate testing. The process will be integral to ensuring that State and local election officials are receiving the same quality product that EAC saw during its certification process. This type of work requires technical knowledge of the voting systems that are tested and competence to assess whether the produced system is the same. To facilitate this program, EAC employs technical experts to conduct the reviews and incurs travel and logistical costs to support the effort.

Manage: In 2008, EAC laid the groundwork for improving management, accountability and internal controls. Recognizing the need to modify the existing management style of the organization, clear roles and responsibilities for the Commissioners and Executive Director were finalized, EAC division progress in meeting goals and objectives will be monitored, and a consulting firm was hired to assist with a management plan. EAC's first financial statement audit, in 2008, identified critical financial management improvements necessary for the Commission to effectively manage and report on its resources. One of the findings centered on the lack of a Strategic Plan and EAC's subsequent inability to address the performance requirements in the Performance and Accountability Report (PAR). In 2005 through 2007, EAC's budget was below the Of-



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Office of Management and Budget (OMB) Circular A-11 Section 200.5 independent agency threshold of \$25 million which allowed it to be exempt from requirements for a strategic plan, a performance budget and program performance report. In 2008, appropriation of \$10 million for data collection grants pushed the agency over the threshold. EAC submitted its first PAR in November 2008 and underwent its first financial statement audit.

Finalization of the Strategic Plan in 2009 will allow the Commission to lay the groundwork for a performance-based budget. The Commission will be aggressively addressing findings from its first financial statement audit, implementing a comprehensive corrective action plan to address all material weaknesses. EAC is putting a strong financial management team in place, with the hire of a Chief Financial Officer and budget officer in 2009. In the summer of 2008, EAC hired a Chief Operating Officer and contracting officer, and contracted for the services of performance-based budgeting consultants and a certified public accounting firm. Financial management and internal control processes and systems are being documented. Development of financial and program policies and procedures is underway. An internal control review structure is being established. In 2009, staff will work with GSA on access to financial reports and strategies to integrate EAC's property management system and grants management spreadsheets with GSA's core financial system.

In order to implement the first Strategic Plan and sustain financial management efforts begun in 2008 to accomplish the financial management improvements, EAC needs to maintain its investment in experienced financial staff including the Chief Financial Officer, Directors of Accounting, Grants, and Procurement, and contractor support. After a recommendation in the financial statement audit that financial staff receive appropriate training, EAC initiated an assessment of training needs for employees to improve ability to exercise sound financial management.



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Section 2 – Budget Adjustments and Appropriation Language

Section 2.1. Budget Adjustments Table

Salaries and Expenses	FTE	Amount
FY 2009 Enacted Budget	43	\$17,959,000
Maintaining Current Levels		
Non-Pay Inflation Adjustment		99,541
Pay Annualization		446,401
Pay Inflation Adjustment		121,680
Decreases		(1,922,100)
Transfers Out		
Transfer to National Institute of Standards and Technology (NIST)		(3,250,000)
Total FY 2010 President's Budget Request	46	\$16,530,000

Section 2. A. Budget Increases and Decreases Description

Maintaining Current Levels..... (\$149,000) / +3 FTE

Increases

Non-Pay Inflation Adjustment

Inflationary increases for travel, GSA rent, contracts, supplies and equipment 99,541

Pay Annualization

FY 2010 portion of January 2009 Cost of Living Adjustment 55,301

Annualize salaries and benefits of staff hired during FY 2009 to address EAC priorities and financial statement audit findings: Testing and Certification program analysts, Director of Accounting, Grants Manager, Information Technology, and replacement of the General Counsel and Accounting Clerk 391,100 / +3 FTE

Pay Inflation Adjustment

FY 2010 Cost of Living Adjustment 121,680

Contractual Increases

Additional space 108,500

Decreases

Poll Worker Recruitment and Mock Election Grants due to budget constraints in a mid-term election year (1,050,000)

One-time equipment purchases related to physical moves in FY 2009 (122,100)

NIST transfer (750,000)



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Transfer Out..... (3,250,000)

Transfer to National Institute of Standards and Technology

Transfer for activities required under Sections 221 *Technical Guidelines Development Committee*, 231 *Certification and Testing of Voting Systems*, and 245 *Study and Report on Electronic Voting and the Electoral Process* of Help America Vote Act.



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Section 2.2 Operating Levels Table

Salaries and Expenses	FY 2008	FY 2009	FY 2010
	Enacted	Enacted	President's Budget
Full-Time Equivalent Staff	34	43	46
<u>Personnel Compensation and Benefits</u>			
11.1 Full-Time Permanent	\$2,761,294	\$4,132,475	\$4,628,099
11.3 Other than Full-Time Permanent	853,395	853,790	841,190
12.1 Personnel benefits	904,751	1,316,916	1,430,688
<i>Subtotal, Personnel</i>	4,519,441	6,303,182	6,899,976
<u>Non-Personnel</u>			
21 Travel	1,195,961	1,073,716	1,079,805
23.1 Rental payments to GSA	649,056	700,000	829,500
23.3 Communications, utilities, postage	101,400	132,480	133,089
24 Printing and reproduction	1,188,792	1,015,482	1,019,030
25 Other services	3,706,432	3,428,641	3,187,499
25.3 Transfer to NIST	4,000,000	4,000,000	3,250,000
26 Supplies and subscriptions	122,129	113,900	111,600
31 Equipment	96,789	141,600	19,500
41 Grants	950,000	1,050,000	0
<i>Subtotal, Non-Personnel</i>	12,010,559	11,655,818	9,630,024
Total Budget Authority	\$16,530,000	\$17,959,000	\$16,530,000

Section 2.3 Appropriations Table

Salaries and Expenses Resources Available for Obligation							
FY 2008 Obligations		FY 2008 Enacted		FY 2009 Enacted		FY 2010 President's Budget	
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Section 2.B. Appropriations Language and Explanation of Changes

U.S. Election Assistance Commission

SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, [\$17,959,000] \$16,530,000, of which [\$4,000,000] \$3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.[: Provided, that \$750,000 shall be for the Help America Vote College Program as provided by the Help America Vote Act of 2002 (Public Law 107-252): Provided further, that \$300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.] (Financial Services and General Government Appropriations Act, 2009.)

Section 2. C. Legislative Proposals

EAC does not have any legislative proposals for FY 2010.



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Section 3 – Budget and Performance Plan

EAC’s senior management team identified the critical issues facing EAC in the coming years, around election administration, grants management, public confidence in elections, and management excellence, and how best to meet them in five strategic goals. The Commission adopted the Strategic Plan covering 2009 through 2014 in March 2009. The plan provides the framework for how EAC will maximize its resources to meet the challenge of supporting State and local governments in implementing HAVA reforms. This section lists EAC 2010 resources by strategic goal, object and outcome outlined in the Strategic Plan.

Section 3.1. Budget by Strategic Outcome

Section 3.A. 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.

EAC Strategic Outcome -- Communicate			
FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Percent Change
\$802,048	\$1,178,290	\$851,211	-27.8%

Goal 1’s aim of communication of timely and accurate information is the responsibility of the the Office of Communications and Clearinghouse. The goal will be achieved via three strategic objectives:

- Operate the EAC Clearinghouse effectively.
- Respond to outside requests about the EAC timely and accurately.
- Convey the results of EAC operations and accomplishments.

Key Performance Measures
<ul style="list-style-type: none"> ○ Post applicable information on the web-based Clearinghouse within 24 hours of receipt. ○ Respond to 75 percent of non-Freedom of Information Act requests within 72 hours. ○ Issue quarterly press releases summarizing EAC ac-



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- accomplishments.
- Provide regular briefings regarding EAC activities to Congressional staffers.

Keeping Stakeholders Informed

EAC will continue to connect professionals and concerned citizens with information to improve the administration of elections for Federal office. The Communications and Clearinghouse Unit accomplishes this by responding to specific requests for information, including requests under the Freedom of Information Act; issuing quarterly press releases on EAC activities; conducting briefings with Congressional staff; and by providing a wide range of relevant information on its website. The Unit also plays a key role internally by fostering the exchange of information between other EAC Units and by producing EAC's statutorily required annual report to the Congress.

HAVA establishes EAC as a national Clearinghouse of election information. In its Clearinghouse function, EAC makes research available on a range of issues including best practices in election administration, hours and places for voting, election data, and election-related statutes and regulations. This information is presented to voters, election officials, Federal and State legislators, policymakers, and academics through EAC's website as well as through formal reports on studies and data collection. Through the Clearinghouse, EAC positions itself as a primary source of information about Federal elections.

Using EAC's website as a Clearinghouse and its primary means of transmitting information to the public is a useful, accessible, transparent, and cost-effective tool. As studies, guidance and best practices are completed, EAC has an increasing amount of information to store and display through its website. EAC uses the website to provide information to the public about the voting system standards and certification program, voting system test plans, press releases, Commissioner statements, public meeting and hearing schedules, official meeting minutes and agendas, Federal Register Notices, and election management materials such as the Quick Start Guide on New Voting Systems.

In 2009 and 2010, the unit will focus on improving its Clearinghouse operations. EAC plans on finalizing Clearinghouse policy in 2009 to lay out the structure and contents of the Clearinghouse. The policy will guide the agency in the launch of a public information initiative about the Clearinghouse contents and uses.

In 2010, EAC intends to connect its stakeholders to a new separately identifiable Clearinghouse on the EAC website. The new Clearinghouse will better disseminate information, data, and reports from outside sources, as well as, EAC published materials for easy access by federal, state, and local election officials and voters.



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Administration and Resources

In 2010, EAC will establish a partnership with a new contractor with separate tasks for implementing enhanced clearinghouse operations. The unit will also take on a greater role as the conduit for data between EAC units and the Clearinghouse and for assuring that data provided by outside sources meets EAC criteria for posting in the Clearinghouse. The unit consists of three staff. To accommodate planned expansion of the Clearinghouse, the unit will recompile the existing website contract in 2009. EAC will hire additional Information Technology support. The office's 2010 budget request is \$851,211.



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Section 3.B. 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.

EAC Strategic Outcome -- Fund and Oversee				
	FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Percent Change
Grants Management	\$1,680,677	\$1,774,654	\$735,612	-58.5%
OIG	1,906,077	1,839,745	1,888,960	2.7%
Total	\$3,586,754	\$3,614,399	\$2,624,572	-27.4%

Goal 2 consists of three strategic objectives:

- Accurately and timely disburse Federal financial assistance administered by EAC.
- Effectively monitor Federal financial assistance administered by EAC.
- 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.

Key Performance Measures
<ul style="list-style-type: none"> ○ Award grants within established timeframes. ○ Submit State plans for publication in the Federal Register within 30 days of receipt of each plan. ○ Submit payment requests to GSA within 10 days of receipt of acceptable requests/certifications. ○ Respond to all inquiries by recipients about the use and administration of funds in accordance with EAC requirements.

Goal 2 is administered by the Grants Management unit and the Office of the Inspector General (OIG). The Grants Management unit: 1) issues a mandated annual report to Congress on the expenditure of HAVA funds by the States, 2) produces policy and guidance concerning administration of grant funds, 3) reviews grant applications, State plans, grantee Financial Status Reports (FSR), and audit reports, 4) awards grants, 5) provides training and technical assistance to grantees on use and administration of grant funds, 6) approves requests from grantees for grants payments and submits the approved requests to GSA for disbursement, 7) follows up with grantees on late FSRs and on irregularities in FSRs and grantee narrative reports, 8) publishes State plans and amendments in the Federal Register, 9) conducts site visits of high risk grantees, 10) resolves audit findings, and 11) negotiates indirect cost rates with State election officials.



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OIG is responsible for audits of HAVA funds, EAC programs and operations, and annual financial statements; semi-annual reports to Congress; and investigation of complaints of waste, fraud or abuse. Section 902 of HAVA gives EAC the authority to conduct regular audits. The objectives of the audits are to determine whether the state: 1) expended HAVA payments in accordance with the HAVA and related administrative requirements; and 2) complied with the HAVA requirements for replacing punch card or lever voting machines, establishing an election fund, appropriating a five percent match for requirements payments, and maintaining state expenditures for elections at a level not less than expended in the state's base fiscal year.

Since the inception of the audit program in 2006, OIG has audited 19 States, focusing on the States that have expended the most funds under the requirements payments program, involving nearly \$750 million of expenditures. The audits resulted in identification \$22.4 million in audit findings, of which \$20.8 million was upheld by the agency; \$36,000 in funds that could have been put to better use by the States; and more than \$10.5 million in additional funds for the program which the States could use for program purposes.

OIG conducted one investigation of a voting system testing laboratory's review of voting equipment. The report was issued in December 2007, *Report of Investigation: Allegations of Fraudulent Certification of Election Equipment by SysTest Labs, Incorporated*.

OIG has reviewed EAC's internal controls and policies and has conducted a review of two contracts at the request of the agency.

Administration and Resources

Grants Management Unit. The 2010 budget for the Grants Management unit is \$735,612. Currently, the unit consists of a staff of two full-time employees and 70 percent of a full-time contractor's time. The two staff will be transferred to the Research, Policy and Programs unit in 2009. The Grants Management unit will be realigned under direction of the Chief Financial Officer. EAC will replace the Director of Grants and Election Programs slot with a federally-experienced grants manager.

In 2010, the unit will continue to administer EAC's growing portfolio of grant programs, including Help America Vote College Program poll worker recruitment, and distribution and oversight of over \$3 billion of no-year HAVA payments funds since 2004. The States have approximately one-third of HAVA funds remaining to spend.

The Grants Management unit will spend approximately \$393,000 on Federal Register Notices for State Plans and changes to the plans, and on printing such documents as the mandated annual report to Congress on HAVA funds.

Another \$40,000 is requested for site visits for HAVA, the Help America Vote College Program and the Mock Election Program. Ideally, EAC should conduct 11 State site visits each year.



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This allows EAC to visit 20 percent of State recipients each year and 100 percent of States every five years. In addition, the EAC should conduct site visits to 20 percent of recipients in each discretionary grant program. With an average of 30 College Program grants and 15 Mock Election grants each year, this would be an additional 9 site visits. Therefore, the Grants Division should conduct approximately 20 site visits per year at a cost of \$2,000 per visit.

EAC would prefer to make two grants programs, the Help America Vote College Program poll worker recruitment (\$750,000) and Mock Elections (\$300,000 in 2009), a part of the Commission's Salaries and Expenses base. Both grants serve to recruit and educate younger Americans on the importance of volunteering and voting on Election Day. Trained, qualified poll workers play a crucial role in ensuring smooth and accurate elections. The presence of a sufficient number of trained poll workers reduces voter wait times. The workers set up and take down polling place materials and equipment, check voter registration, and provide support to and answer questions from voters--including those with disabilities, or who are visually impaired, illiterate, or have limited or no English proficiency--on using voting systems and other issues on Election Day.

Due to national Federal government budget constraints, and in light of the fact that 2010 is a mid-term Federal election year, EAC proposes to postpone the grants in the budget year.

Office of the Inspector General. In accordance with the requirements of Section 6(f)(1) of the Inspector General Act of 1978 (as amended), EAC's OIG requests an aggregate budget request of \$1,888,960. Of the total budget, \$617,460 is planned for contracted audit support, \$200,000 for other contractual services such as investigations, \$30,000 for contracted and interagency agreement legal support, and \$6,000 for training. The \$6,000 fully funds EAC's OIG training needs for 2010. OIG has a staff of three full-time employees. Since OIG does not currently employ an investigator, EAC has contracted with other government agencies for investigation services. For 2010, OIG requests an additional auditor to conduct audits and investigations. The unit will continue to contract out some audit support work, but is considering reducing contractual support to increase efficiency by hiring personnel dedicated to understanding and reviewing EAC's programs.

In 2010, OIG plans to continue its programs for auditing EAC grant recipients, conducting external investigations, and auditing and investigating EAC programs and operations. OIG's 2010 plan includes conducting a similar number of audits, reviews, and investigations as have been completed in past fiscal years.



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Section 3.C. Goal 3: Identify and develop information on areas of pressing concern regarding the administration of elections for Federal office and issue recommended improvements, guidance, translations, and best practices 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.

EAC Strategic Outcome -- Study, Guide and Assist			
FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Percent Change
\$1,354,038	\$1,764,503	\$1,791,987	1.6%

Goal 3 consists of four strategic objectives:

- Complete research on relevant issues that improve the administration of elections for Federal office and expeditiously report on critical administration subjects and election data.
- Identify and collect required and useful data on election administration practices and on voting methods and demographics and make recommendations for improving the quality of practices, methods, and data.
- Issue guides, translations and other tools that are timely and useful.
- Update and maintain a national mail voter registration application and report to the Congress as required by NVRA.

Key Performance Measures
<ul style="list-style-type: none"> ○ Increase the percentage of stakeholder use of EAC research products to improve the administration of elections for Federal office. ○ Increase the accuracy and completeness of data reported by States in response to EAC surveys. ○ Include recommendations to improve election administration and data to the Congress in the annual report on the Election Day survey. ○ Process all accepted requests to change the mail voter registration form within prescribed timeframes.



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Research and Study

HAVA requires EAC to conduct studies on election administration issues and issue reports to Congress on the studies with recommendations for administrative and legislative action. The studies are designed to promote methods of voting and administering elections that are efficient, cost-effective, accurate, secure, convenient, accessible, and easy for voters to use. EAC's Federal advisory committees assist in prioritizing research topics that are important and helpful to election officials. EAC disseminates research reports to stakeholders including State and local elections officials, Congress, and others.

In addition, EAC will continue to work on research efforts listed in HAVA Section 241:

- Methods of voter registration and maintaining a secure and accurate list of registered voters;
- Methods of ensuring accessibility of voting, registration and polling places to all voters;
- Methods of educating voters about the process of registering to vote and voting;
- Feasibility of providing voting materials in eight or more foreign languages;
- Methods of voter registration for members of the uniformed services and overseas voters;
- Methods of voting and administering elections in rural and urban areas and
- Other matters the Commission deems appropriate.

Guidance and Information to the States

HAVA established EAC to provide guidance and assistance to the States on implementation of the law and transferred the responsibility for implementing the National Voter Registration Act (NVRA) to EAC. EAC has provided valuable guidance to the States on what HAVA means, implementing the law, and appropriate use of HAVA funds. To date, EAC has distributed 19 Quick Start Guides to election officials. The guides are summaries of chapters from the nine Election Management Guidelines, covering topics such as introducing a new voting system, ballot preparation, voting system security, and poll worker training. In June 2007, EAC delivered its second report on the impact of NVRA on elections for Federal office to Congress. The content of the report was based largely on the results of the 2006 Election Administration and Voting Survey.

EAC's continued work on voter registration databases will focus on studying the appropriate use of security measures, verification of voter information using appropriate matching protocols, and sharing information with other State agencies and, ultimately, with other States. NVRA regulations have not been updated since 1994. The project will be a significant undertaking for EAC and will involve review of the current regulations, proposed changes to the regulations, and conducting a robust program of collecting and considering public comments. In addition, EAC will update the Federal Election Commission's implementation manual to reflect the changes in the regulations and the additional complexities added by the passage of HAVA.



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Administration and Resources

The Research, Policy and Programs Administration unit, with a staff of five full-time and two half-time contractors, administers Goal 3. The unit provides the majority of the content for the Clearinghouse. In 2010, the unit will analyze Election Day Survey (EDS) data and review the survey instrument. The bi-annual Election Day Survey collects information from the States on such topics as: 1) access for individuals with disabilities; 2) polling places and workers; 3) undervotes (the number of choices selected by a voter is less than the maximum number allowed for that contest, or when no selection is made for a single choice contest; sometimes indicating an abstention from voting); 4) overvotes (voting for more than the maximum number of selections allowed in a contest); 5) provisional and absentee ballots; 6) voter registration and turnout; and 7) voting equipment. Every two years, the survey is updated to collect data on new election administration topics and refine the data elements. Staff works with State and local election data collection agencies and associations to discuss data collection practices and ways to ensure data quality. Results of the studies are used to make recommendations to improve election administration and data.

In 2010, the unit will continue work on mandated reports. Plans also include completing guidance for Native Americans on Federal elections. The unit will work on interactive glossaries of election terminology and management guidelines for the EAC website, scheduled for completion in 2011. Estimated printing and contractual support of the efforts total \$798,390.

For 2010, the Election Administration function, consisting of the Language Accessibility Program and the Election Management Guidelines Program, will produce Language Accessibility documents in languages other than English, and provide technical assistance to State and local election officials on Title III issues such as provisional voting, statewide voter registration list requirements, and voter registration by mail. Staff plan on spending \$14,750 to attend EAC regional meetings, and conferences and seminars aimed at election officials. The Language Accessibility Program, which assists election officials in meeting the needs of language minority voters, requests \$20,000 for travel related to two working group meetings. Staff will spend an estimated \$30,000 on travel for two Election Management Guidelines working group meetings, and approximately \$89,955 on printing Federal Register Notices. The 2010 budget request for the unit is \$1,791,998.



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Section 3.D. 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.

EAC Strategic Outcome -- Test and Certify			
FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Percent Change
\$1,850,292	\$1,909,918	\$2,232,723	16.9%

Goal 4 consists of three strategic objectives:

- Develop and update the voluntary voting system guidelines.
- Provide for the accreditation and revocation of accreditation of independent, non-Federal laboratories qualified to test voting systems to Federal standards.
- Administer the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

Key Performance Measures
<ul style="list-style-type: none"> ○ Complete accreditation reviews for all laboratories recommended to EAC by NIST and for all emergency actions within 90 days. ○ Test and document the results of the review of compliance with procedures by at least 100 percent of accredited laboratories every two years. ○ Test 100 percent of systems applying and qualifying for testing. ○ Respond to requests for interpretations of voting system standards within 45 days.

EAC is responsible for and committed to improving voting systems. One of the most powerful effects of HAVA is the change in voting systems used throughout the country. All major HAVA funding programs can be used by States to update voting equipment. HAVA also provides for the development and maintenance of testable standards against which voting systems can be evaluated. It also provides, for the first time, Federal certification according to these standards. The Federal Government's first voluntary Voting System Testing and Certification Program for the States and provides the public the opportunity to review voting equipment system information, test plans, test reports, and provides election officials a credible resource in their efforts to find the most accurate and reliable voting equipment for their communities. Plans for the unit for 2010 and beyond are as follows:



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<u>Milestone</u>	<u>Target Date</u>
EAC adopts 2005 VVSG revision	10/2009
EAC/NIST complete public comment resolution for TGDC draft recommendations. (This task could include creation of standards for e-pollbooks and common interface language. It is contingent on completion of EAC's Threat Assessment.)	6/2010
EAC Commissioners make policy decisions on draft	7/2010
EAC publishes its draft of the Next Iteration for 120 day public comment. (During this period, EAC will hold roundtable discussions with all stakeholder groups and present the EAC draft to the Boards for review and comment.)	7/2010
EAC/NIST resolve public comments	3/2011
EAC Commissioners make final policy decision on Next Iteration	4/2011
EAC publishes the Next Iteration of the VVSG	5/2011

Voluntary Voting System Guidelines (VVSG)

One of EAC's most important mandates is the testing, certification, and recertification of voting system hardware and software by accredited laboratories. Fundamental to implementing this key function is the development of updated voting system guidelines, which prescribe the technical requirements for voting system performance and identify testing protocols to determine how well systems meet these requirements. 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 research and develop voluntary testing standards. Since the guidelines are voluntary, each State retains the prerogative to adopt the guidelines.

On December 13, 2005, EAC adopted the first iteration of the Voluntary Voting System Guidelines (VVSG). The document was an initial update to the 2002 Voting System Standards, which focused primarily on improving the standards for accessibility, usability and security. The testing guidelines also incorporated standards for reviewing voting systems equipped with voter verifiable paper audit trails (VVPAT) in recognition of the many States that now require this technology. VVSG also establishes the testing methods for assessing whether a voting system meets the specifications and requirements in the guidelines.



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Work remains to be done to fully develop a comprehensive set of guidelines in 2009. On September 4, 2007, EAC received a draft of a new iteration of Voluntary Voting System Guidelines from TGDC. The draft is the next iteration of the Voting System Standards. The document sets standards or guidelines for the next iteration of guidelines to test voting equipment in U.S. elections in the future. Throughout FY 2008, EAC conducted an extensive review of the draft and solicited public comment on its provisions.

Transfer to the National Institute of Standards and Technology (NIST)

In 2010, EAC will transfer \$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. Under the agreement, NIST will provide support around: 1) VVSG; 2) test method and suite development; 3) research in voting systems technology; 4) Voting System Certification; 5) National Voluntary Laboratory Accreditation Program (NVLAP) on-going accreditation of labs; 6) evaluation of new, innovative voting system technologies; and 7) development of technical guidance for overseas voting.

NIST and the EAC have been partners in three main areas, working through the Technical Guidelines Development Committee, since the implementation of the Help America Vote Act of 2002. EAC and NIST have collaborated on evolving processes of revising voluntary voting systems guidelines; accrediting and monitoring laboratories that test voting systems; and researching topics related to voting systems standards.

In the future, it is expected that these three areas will be the focus of continuous improvement as the field of voting systems changes. For example, voluntary voting systems guidelines will continue to be updated as knowledge about systems increases; it is expected that ways to continue to decrease the amount of time it takes to go through the voting system accreditation process will be addressed; and new technologies will require new methods of ensuring security of the voting systems.

Accreditation of Voting System Testing Laboratories

HAVA Section 231, *Certification and Testing of Voting Systems*, requires EAC and NIST to develop a national program to accredit voting system testing laboratories. NIST's National Voluntary Laboratory Accreditation Program (NVLAP) provides the initial screening and evaluation of testing laboratories and will perform periodic re-evaluation to verify that the labs continue to meet the accreditation criteria. When NIST has determined that a lab is competent to test systems, the NIST director recommends to EAC that the lab be accredited. EAC then decides whether or not to accredit the lab. EAC issues an accreditation certificate to approved labs, maintains a register of accredited labs and posts this information on its website.



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In July 2005, NVLAP advertised for the first class of testing laboratories to be reviewed under the NVLAP program and accredited by EAC. The EAC received the first set of NIST-recommended laboratories on January 18, 2007. Since then, EAC has accredited [iBeta Quality Assurance](#), [SysTest Labs, L.L.C.](#), Wyle Laboratory and CIBER Labs.

Voting System Certification

In 2006, EAC assumed the responsibility for certifying voting systems according to national testing guidelines. Previously, the National Association of State Election Directors qualified voting systems to both the 1990 and 2002 Voting System Standards. EAC's certification process constitutes the Federal Government's first efforts to standardize the voting system industry. In July 2006, EAC implemented its pre-election certification program, which focused on reviewing changes or modifications that were necessary for systems that would be used in the November 2006 elections. Three modifications were reviewed and approved under the pre-election program. In October 2006, EAC published the post-election certification program for public comment. The program encompasses an expanded and detailed review of voting systems. It utilizes accredited testing laboratories and EAC technical reviewers. The program also includes assessments of quality control, field monitoring, vendor registrations, and enhanced public access to certification information.

EAC adopted its Voting System Certification Program on December 7, 2006. Since that time, thirteen voting system manufacturers have registered with EAC's certification program and ten systems have been submitted for testing. In 2009, EAC certified the MicroVote EMS 4.0 voting system.

Administration and Resources

EAC's Goal 4 is administered by the Voting System Testing and Certification unit, staffed by four full-time staff, four part-time reviewers, and two part-time contractors. The reviewers approve test plans for each system and check the results. Funds are requested to support hire in 2009 of two new program staff with computer engineering degrees in 2010. The new staff will expedite the voting system certification process and implement the quality control process by answering technical questions from stakeholders such as Secretaries of State and vendors, guiding test laboratory vendors on how to test specialized voting systems, reviewing test plans and making certification recommendations. Estimated cost of the new staff is approximately \$80,000 each per year plus benefits.

The unit estimates it will need \$302,394 in 2010 for travel for anomaly (e.g., when an audit finds that the count on a memory card does not match the numbers on the back up system) investigations, Voting System Certification quarterly meetings, oversight of manufacturing facilities and laboratories through audits, technical reviewer training, and State certification official meetings. For 2010, the unit requests \$155,000 for Voluntary Voting System Standards hearings, roundtables, and working group meetings.



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The unit estimates a need of \$252,800 for printing Federal Register Notices, certification and laboratory manuals, and Voluntary Voting System Guidelines.

To achieve the aim of Goal 4, the unit plans on developing training manuals for technical reviewers. Additionally, the unit requests \$75,000 for an, "...accessible and available software repository for certified versions of voting system software..." (General Accounting Office recommendation in GAO-08-814, *Elections: Federal Programs for Certifying Voting Systems Needs to Be Further Defined, Fully Implemented and Expanded*). The funds would be used for escrow services for trusted builds of certified systems. Total budget for 2010 is \$2,232,723.



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Section 3. D. Goal 5: Achieve organizational and management excellence.

Outcome: EAC Commissioners and staff of the testing and certification, payments and grants, election administration improvement, research, administration, and legal programs proficiently carry out EAC's strategic objectives.

EAC Strategic Outcome -- Manage				
	FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request	Percent Change
Commissioners	\$1,246,824	\$1,319,235	\$1,345,679	2.0%
Board of Advisors, Standards Board	265,000	265,000	265,000	0.0%
Executive Director & Public Meetings	696,000	748,136	841,790	12.5%
COO, CFO	2,442,195	3,004,293	2,652,981	-11.7%
Office of the General Counsel	691,550	591,597	676,546	14.4%
Total	\$5,341,569	\$5,928,261	\$5,781,996	-2.5%

Goal 5 consists of one clear-cut objective: Implement a high performance organization.

In order to achieve the goal, EAC will focus on achieving a clean audit opinion, providing accurate timely information, and moving toward integration of budget and performance as prescribed by the President's Management Agenda.

Key Performance Measures
<ul style="list-style-type: none"> ○ Obtain a clean audit opinion on agency financial statements within two years of the initial statement preparation. ○ Implement 90 percent of the OIG audit recommendations within agreed upon timeframes. ○ Institute an internal integrated budget and financial management system in 2009. ○ Meet annual performance measures.

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.



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Commission Structure

EAC is guided by four Commissioners who are appointed by the President of the United States, by and with the advice and consent of the U.S. Senate. The Commissioners are Gineen Beach, Chair, Gracia Hillman, Vice Chair, and Donetta Davidson. The fourth Commissioner resigned her position in March 2009. Commissioners are required to have experience with or expertise in election administration or the study of elections. No more than two of the Commissioners can be from the same political parties. The Commissioners serve staggered terms up to six years.

In addition to the Commissioners, HAVA established the Standards Board and the Board of Advisors to advise EAC on carrying out its mandates. The 110-member EAC Standards Board, made up of 55 State and 55 local election officials, and the 37-member EAC Board of Advisors, headed by an elected Chair, made up of a wide range of experts from national associations, civil rights organizations, the fields of science and technology, and the U.S. Departments of Justice and Defense, advise the Commission, Executive Director and staff in such areas as research projects, publications, program goals, long-term plans and mission statements. HAVA mandates that the Boards meet at least once each fiscal year. Nine of the Standards Board members serve from one to three two-year elected terms on the Executive Board of the Standards Board. The leadership of the Boards meets more frequently, approximately once each quarter. The Boards may hold hearings during the year.

HAVA established a Technical Guidelines Development Committee (TGDC) to assist EAC in the preparation and iterations of the Voluntary Voting System Guidelines (VVSG). The Committee is chaired by the director of the National Institute of Standards and Technology (NIST) of the U.S. Department of Commerce and is composed of 14 other members, from the EAC's Standards Board, Board of Advisors, members of the Architectural and Transportation Barrier Compliance Board, representatives from the American National Standards Institute and Institute of Electrical and Electronics Engineers, National Association of State Election Directors, and technical and scientific experts in voting systems and equipment.

EAC has in addition to the four Commissioners and their four special assistants, 30 full-time employees and seven part-time employees. EAC is managed by an Executive Director who is appointed by the Commissioners with recommendations from the Standards Board and the Board of Advisors.

EAC holds public meetings to inform the public about its progress and activities. In 2008, EAC conducted six public meetings which included workshops on ballot design, contingency planning and voter registration databases.



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Efficiency Measures

Policies and Procedures

In 2009, EAC is drafting policies and procedures with staff input for: program management (Clearinghouse, voting system testing and certification and voting system test laboratory accreditation), financial management (grants management, budget, accounting, procurement, and internal controls), travel, information technology management, human resource management (organization structure, roles and responsibilities, employee development, succession planning, continuity of operations, performance management, etc.) and administration (records management, facilities management, safety and security, etc.). Policies will be rolled out by the staff with lead responsibility for compliance to the agency.

Printing

EAC provides materials to State and local election officials to facilitate their voter, poll worker and election volunteer education efforts on voting registration and procedures, voting rights such as absentee and provisional voting, eligibility to vote and use of voting systems. As mentioned in Goal 1 Communicate, EAC distributes numerous hard copy guidebooks, manuals, studies, foreign language glossaries, and tool kits to State and local election officials. EAC plans on implementing recommendations in a resolution signed by EAC's Chair of the Board of Advisors to, "...maximize the distribution of EAC guidelines and reports to local officials and other stakeholders."

The Special Committee on EAC Research and Studies of the Board suggested that EAC along with a working group of stakeholders, "...explore innovative ways to distribute materials and develop a draft distribution plan for EAC." The distribution plan will ensure that materials are reaching the intended users. EAC is working on a master email distribution list, which will be updated frequently. Through the distribution list, intended users will be kept abreast of the latest developments in election administration and will refer interested parties to EAC's Clearinghouse where the information is stored. Another option which will be investigated is sending postcards to intended recipients alerting them to particular documents placed on the Clearinghouse website. Once the resolution is finalized and the recommendations implemented, EAC expects to save funds on postage and printing, have an updated inventory of current materials, and data that goes to the intended recipient.

Travel

EAC will develop alternatives to travel by holding webinars or teleconferences in lieu of face to face meetings for working group meetings. As mentioned previously under Goal 2 Fund and Oversee, monitoring travel will be conducted based on a risk assessment plan. Where appropriate, desks audits of grantees can be substituted for travel to face to face meetings.

Staffing and Performance Improvement

Please see Section 4.A.Human Capital Strategy Description below.



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Administration and Resources

In 2010, EAC will work toward obtaining a clean opinion on its financial statements and producing an informative Performance and Accountability Report (PAR) in accordance with requirements. Key to producing a high-quality PAR will be financial management staff and the means to collect reliable performance data.

By law, Commissioner compensation is set at the rate prescribed for level IV of the Senior Executive Service. Cost of the Commissioners and special assistants' salaries and benefits and travel for 2010 is \$1,345,679.

Travel and expenses, and reimbursement for speakers for the Board of Advisors and Standards Board meetings in 2010 total \$265,000.

Salaries and travel for the Office of the Executive Director and for the cost of EAC's public meetings total \$841,790 in 2010.

The Office of the Chief Operating Officer, with a staff of four and its Administrative unit with a staff of five full-time staff and a part-time intern, requests \$843,244 for salaries and benefits in 2010. The department administers EAC's rent payment to GSA at an estimated cost of \$829,500 as the agency's space expands to recent growth in staff after the staffing cap was lifted by Congress in February 2007. Contracted services on behalf of the agency, such as telecommunications, postage, travel, office equipment, building maintenance, software licenses, the Memoranda of Understanding with GSA for grants processing, financial, human resources and information technology support services will cost \$429,311. Supplies and subscriptions will cost \$51,600.

Costs for the staff of four in the Office of the Chief Financial Officer (exclusive of the Grants staff mentioned in Goal 2) total \$538,172 in 2010.

The Office of the General Counsel (OGC) needs an estimated \$676,546 for 2010. The request covers a full-time staff of three and two part-time legal clerks; approximately \$60,000 on contracted legal consults on regulations, subscriptions to legal databases, and legal and ethics training; \$26,000 in 2010 on Federal Register and other printing; \$18,500 on supplies and equipment; and \$13,500 on travel.



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Section 4 – Supporting Materials

Section 4.A. Human Capital Strategy Description

Along with the Chief Operating Officer and Chief Financial Officer, EAC's Human Resource (HR) Specialist in the Office of the Chief Operating Officer is charged with improving program operations and tracking accomplishment of goals. In 2009, HR is implementing Human Capital policies and procedures to improve staff performance and to establish a human capital accountability system. The system will ensure effective Human Capital 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.

In addition to implementing policies and procedures, EAC is reorganizing in 2009 for several reasons. A major reason is to align offices with the Strategic goals they are implementing. The Department Heads--the Chief Operating Officer and the Chief Financial Officer--will establish annual plans tied to the EAC Strategic Plan for their Departments. The directors reporting to them will in turn tie to the departmental plans to make them succeed. In turn, staff will tie their annual performance plans to the plans of their managers. Each individual in the organization will know the mission and goals of the agency and how they are responsible for accomplishment of strategic objectives. Staff will see the importance of refining performance measures as we progress through the Strategic Plan and will be given a mechanism to do so.

EAC is reorganizing to ensure the right person is in the right job, and that work between units does not unnecessarily overlap. For example, previously the Grants and Election Administration unit was responsible for developing guidance for and providing technical assistance to State and local election officials. That function was also being performed by the Research unit. The Election Administration functions--the Language Accessibility Program, National Voter Registration Act administration and Election Management Guidelines--were moved to the Research unit. The Grants Management function now resides in the Department of the Chief Financial Officer.

All financial activities have been moved to CFO from the Finance and Administration unit. The CFO department will be staffed by the Spring of 2009 with experienced budget, accounting, procurement and grants staff. The department will focus on resolution of issues identified in the 2008 financial statement audit, 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.

Information Technology responsibility will be spun out from the Finance and Administration unit. (For more information on IT, please see Section 4.B. IT Strategy.) The Administration unit will focus on records, mail, facilities, and safety and security management.



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Supervisors will be trained on 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. Staff and supervisors will also be responsible for annual Individual Development Plans (IDPs) to help employees identify strengths and weaknesses and reach their potential. The IDPs will address not only accomplishment of strategic plan goals but will also address core competencies for each position. Further, the agency arranges team building exercises to improve internal communication over and above the activities described in Goal 1 Communicate.

As staff leave the agency, EAC will look at the function strategically to assess whether or not a replacement is needed. If the function is a priority of the agency, an assessment of how best to fulfill the mission will be conducted whether it be through hiring permanent staff, reassignment of duties or use of temporary staff or contractors.



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Section 4.1. Summary of Information Technology Resources Table

Salaries and Expenses
(Dollars in thousands)

IT Resource Category	Budget Activity	FY 2008 Enacted	FY 2009 Enacted	FY 2010 Request
Major IT Investments	Not applicable			
Non-Major IT Investments				
Telecommunications	Telephone, smartphones, wire- less service for PCs	88.6	90.4	92.2
Financial management sys- tem and reports	Memorandum of Understanding with GSA/Pegasys and FMIS	16.3	16.7	17.0
Payroll processing and re- ports	Memorandum of Understanding with GSA/Comprehensive HR Integrated System (CHRIS)	14.1	14.4	14.7
<i>Subtotal, Non-Major IT In- vestments</i>		119.0	121.4	123.9
IT Security	Memorandum of Understanding with GSA	5.5	5.6	5.7
Infrastructure Investments	EAC website maintenance	400.0	400.0	400.0
	Staff salaries and benefits	207.7	217.7	222.9
	Memorandum of Understanding with GSA	35.7	36.4	37.1
	Personal computers	4.0	6.0	19.5
<i>Subtotal, Infrastructure In- vestments</i>		647.5	660.1	679.5
Total, IT Investments		772.0	787.1	809.2

Section 4.B. Information Technology Strategy

Currently, EAC depends on GSA for email, internet and IT security services, and on a contractor for maintenance of the website, www.eac.gov. Current IT staff maintains personal computers and smartphones, research software requested by EAC staff, and perform vulnerability scans. The staff performs necessary tasks but does not possess the skills to develop IT policy or interface with vendors on technical IT requirements. The agency has a shared drive but does not have an intranet where policies and procedures can be posted. The 2008 financial statement au-



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dit revealed severe issues with compliance with the Federal Information Security Management Act.

EAC is GSA's last IT client agency. Our vision for 2010 is to be responsible for our own infrastructure led by a qualified Chief Information Officer. A CIO could ensure 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 could guide us with 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.

Section 4.2. PART Evaluation Table

Not applicable to EAC.