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OVERSIGHT OF THE ELECTION ASSISTANCE COMMISSION

HEARING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

MAY 21, 2019

Printed for the use of the Committee on House Administration

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39–584 WASHINGTON : 2020

COMMITTEE ON HOUSE ADMINISTRATION

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Ranking Member
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OVERSIGHT OF THE ELECTION ASSISTANCE COMMISSION

TUESDAY, MAY 21, 2019

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to call, at 3:16 p.m., in Room 1310, Longworth House Office Building, Hon. Zoe Lofgren [Chairperson of the Committee] presiding.

Present: Representatives Lofgren, Raskin, Davis of California, Butterfield, Fudge, Davis of Illinois, Walker, and Loudermilk.

Staff Present: Sean Jones, Legislative Clerk; David Tucker, Senior Counsel and Parliamentarian; Jamie Fleet, Staff Director; Peter Whippy, Communications Director; Elizabeth Hira, Counsel—Elections; Stephen Spaulding, Counsel—Elections; Courtney Parella, Minority Communications Director; Jennifer Daulby, Minority Staff Director; Timothy Monahan, Minority Director—Oversight; and Joy Yunji-Lee, Minority Counsel.

The Chairperson. Our Committee will come to order.

First, apologies to our witnesses, our Commissioners, for your patience. We had to reschedule because of a classified briefing, and then we had votes, which made us half an hour even later than we thought. We are sorry, but that is the nature of things these days.

This is, however, a very important hearing on the Election Assistance Commission. It has been over eight years since this Committee held an oversight hearing on the EAC, and, over these 8 years, the responsibilities and, more significantly, the challenges in election administration have evolved.

The greatest change has been the introduction of a known election threat to our Nation. In advance of the Presidential election in 2016, Russia conducted cyber operations to interfere in Federal elections and to undermine public confidence in our American democracy.

In response, last year, Congress appropriated $380 million for the EAC to distribute to States to support equipment purchases and security enhancements. The EAC has done a commendable job of distributing those sorely needed funds to States quickly and efficiently. I was heartened to learn that States could begin collecting their grant money less than 30 days from the time the fiscal year 2018 Consolidated Appropriations Act was signed into law.

Let's be clear: That appropriation should be just a start. This Committee must act on legislation to secure our elections.

For the first time in 10 years, the EAC has its full complement of four commissioners. With a quorum now in place since the addi-

tion of two new commissioners, the Commission is poised for a fresh start. Because there is much work to do, we intend to keep you very busy.

The Committee finds itself in a similar posture, with changes in leadership and membership. I am glad to sit next to our Ranking Member, Rodney Davis of Illinois, because Mr. Davis represents some of the good intentions of my colleagues across the aisle. We are no longer considering the termination of this agency, and we both agree that threats to our election systems are important and deserve our attention.

In the wake of irrefutable evidence of foreign interference in our elections, I am hopeful we can make progress on election security soon. There have been bipartisan statements in support of new election security measures, and I am hopeful we can turn those statements into action, because this Committee should act.

I am confident that we can produce a bipartisan election security initiative that will help our colleagues in the Senate see a way forward.

In last week's EAC oversight hearing in the Senate Committee on Rules and Administration, Chairman Roy Blunt, our former colleague here in the House, explained that the Senate did not move forward on election security last year or this year because, I quote, "I think the Majority Leader is of the view that this debate reaches no conclusion."

The leaders of this Committee and the leaders of our national intelligence community have seen a clear conclusion: We must secure our elections, and the buck must stop with us.

As Senator Durbin pointed out last week about previous election interference, it was, and I quote, "sweeping and systematic. And Illinois has evidence of it. They are coming at us again, and they might not be alone in their efforts. And shame on us if, as elected Members of the Senate, we can't even bring the matter to the Floor for a vote or a debate. We have an obligation, more than anything, to make sure that the integrity of our elections in a democracy is protected."

This Committee can pick up where our colleagues in the Senate Rules Committee left off, starting with the agency before us today, the agency focused on helping America vote.

The EAC is under-resourced. The EAC operates with half the staff and half the budget it had a decade ago. While resources have decreased, demands on the agency have increased. EAC funding has moved from a high of $25.1 million in fiscal year 2009 to a low of $9.2 million in fiscal year 2019. Similar challenges exist with respect to staff resources. Where the EAC had a staff of 49 in 2010, the 2019 staff numbers only 22, or less than half the size of the 2010 staff.

We understand that you cannot be asked to do so much with so few resources. However, our support for this agency means we must also be fair and firm—accordingly, this oversight hearing, the first in 8 years. We will raise some profound challenges about the agency, and we expect forthright and honest answers.

For this Committee to support the agency's request of significantly increased resources, the witnesses before us must dem-

onstrate that they acknowledge problems with the Commission that have been raised both publicly and privately.

This Committee can only champion increased support for this agency if the agency holds up its end of the bargain. And that will mean addressing severe personnel and management challenges, righting the ship of what has appeared to be an occasionally hyper-partisan and dysfunctional enterprise. Commissioners must assure this Committee that increased support will mean proper management, visionary leadership, and effective and reliable technical expertise at the agency.

Together, we aim to protect America's most precious asset: her democracy. We believe in the good-faith efforts and intentions of all of you here as Committee members and witnesses, and we will do our best to support you because of the gravity of your charge. But this means that we will also demand the best of you, just as the American people demand the best of this Nation.

Our hope is that this oversight can provide a roadmap for necessary improvements and the tremendous gains that could be made by infusing the agency with new resources and new personnel. Ultimately, it is our shared goal to discuss how to fully equip this agency and to make sure you are prepared and battle-ready for 2020.

I look forward to your comments, but before that, I would recognize our Ranking Member, the gentleman from Illinois, Mr. Davis, for any comments he would like to make.

[The statement of the Chairperson follows:]

ZOE LOFGREN, CALIFORNIA
CHAIRPERSON

JAMIE RASKIN, MARYLAND
VICE CHAIRPERSON

SUSAN DAVIS, CALIFORNIA
G.K. BUTTERFIELD, NORTH CAROLINA
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JAMIE FLEET, STAFF DIRECTOR

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RANKING MINORITY MEMBER

MARK WALKER, NORTH CAROLINA
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ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

Chairperson Zoe Lofgren
Oversight of the Election Assistance Commission
May 21, 2019
Opening Statement

It has been over eight years since this Committee held an oversight hearing on the EAC, and over these eight years the responsibilities, and more significantly, the challenges in election administration have evolved. The greatest change has been the introduction of a known election threat to our Nation. In advance of the Presidential election in 2016, Russia conducted cyber operations in an attempt to interfere in federal elections and to undermine public confidence in American democracy.

In response, last year Congress appropriated $380 million for the EAC to distribute to States to support equipment purchases and security enhancements. The EAC has done a commendable job of distributing those sorely needed funds to States quickly and effectively. I was heartened to learn that States could begin collecting their grant money less than 30 days from the time the FY2018 Consolidated Appropriations Act was signed into law.

Let me be clear: that appropriation was just a start, this Committee will act on legislation to secure our elections. For the first time in ten years, the EAC has its full complement of four Commissioners. With a quorum now in place since the addition of two talented new Commissioners, the Commission is poised for a fresh start. Because there is much work to do, we intend to keep you very busy.

The Committee finds itself in a similar posture, with changes in leadership and changes in heart. Because Mr. Davis represents some of the best intentions of my colleagues across the aisle, we are no longer considering the termination of this agency. Instead, in the wake of irrefutable evidence of foreign interference in our elections, I am hopeful that we can make progress on election security soon. There have been bipartisan statements in support of new election security measures, and I am hopeful we can turn those statements into action, because this Committee will act.

I am confident that we can produce a bipartisan election security initiative that will help our colleagues in the Senate see a way forward. In last week's EAC

oversight hearing in the Senate Committee on Rules and Administration, Chairman Roy Blunt explained that the Senate did not move forward on election security last year or this year because, I quote, "I think the Majority Leader is of the view that this debate reaches no conclusion..." The leaders of this Committee and the leaders of our national intelligence community have seen a clear conclusion: We must secure our elections and the buck must stop with us.

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The EAC is under-resourced. The EAC operates with half the staff and half the budget it had just a decade ago. While resources have decreased, demands on the agency have increased. EAC funding has moved from a high of $25.1 million in FY2009 to a low of $9.2 million in FY2019. Similar challenges exist with respect to staff resources: Where the EAC had a staff of 49 in 2010, the 2019 staff numbers only 22, or less than half the size of the 2010 staff. We understand that you cannot be asked to do so much with so little.

However, our support for this agency means we must also be fair and firm. Accordingly, this oversight hearing, the first in eight years, will raise some profound challenges at the agency. And we will expect forthright and honest answers. For this Committee to support the agency's request of significantly increased resources, the witnesses before us must demonstrate that they acknowledge problems with the Commission that have been raised both publicly and privately. This Committee can only champion increased support for this agency if the agency holds up its end of the bargain—that will mean addressing severe personnel and management challenges and righting the ship of what has appeared to be an occasionally hyper-partisan and dysfunctional enterprise. Commissioners must assure this Committee that increased support will mean proper management, visionary leadership, and effective and reliable technical expertise at the agency.

Together, we aim to protect America's most precious asset—her democracy. We believe in the good faith efforts and intentions of all of you here as Committee Members and witnesses. We will do our best to support you because of the gravity of your charge, but this means we will also demand the best of you, just as the American people demand the best of this Nation. Our hope is that this oversight can

provide a roadmap for necessary improvements and the tremendous gains that can be made by infusing the agency with new resources and new personnel. Ultimately, it is our shared goal to discuss how to fully equip this agency, and to make sure you are prepared and ready for 2020. I look forward to your comments.

Mr. DAVIS of Illinois. Thank you, Madam Chairperson. I appreciate your willingness to hold these bipartisan hearings on reviewing our current election practices with the aim of helping our States to secure their elections.

Election security is one of the most important issues that this Committee is tasked with, and I take the Committee's role of ensuring fair and secure elections very seriously, as I know you do too.

As we discussed in our hearing last week, we know that at least 21 States were targeted by a foreign-state actor prior to the 2016 U.S. election, and we know that Russia undertook a misinformation campaign during the same election. But issues surrounding our election infrastructure are not limited to Russia, nor do they begin in 2016 or end in 2018.

I believe we must approach election security on three fronts. First, we need to examine what we can learn and improve upon from the past. Second, we must examine what new and evolving challenges States are facing. Third, we need to examine what role the Federal Government can and should play in elections.

The Election Assistance Commission is critical to all of these fronts, and I believe our commissioners will be able to provide a tremendous amount of insight this afternoon.

This Committee was instrumental in the passage of the Help America Vote Act in 2002, from which most of our Nation's current election infrastructure can be traced. HAVA created the EAC and the grant structure through which over $3 billion passed between 2002 and 2010, and another $380 million continues following last year's appropriation.

HAVA also tasked the EAC with the responsibility of adopting voluntary voting system guidelines, developing guidance to meet HAVA requirements, and serving as a central source of information on election administration.

These services and others still being provided through the EAC warrant review, and if we can improve or add to them, we should. We must use this opportunity to ensure the Commission has the resources needed to complete not only its original mission from 2002 but also its new responsibilities undertaken since the 2016 election.

Today, I want an honest assessment of what we have gotten right and what we have gotten wrong over the last 17 years. Also, where do we need to make improvements? And what do you all need from us to help us better serve our States?

In examining what new and evolving challenges States are facing, cybersecurity is clearly at the forefront. This is not the only challenge, however, that our States face. The average age of most voting equipment in the United States will soon be measured in decades. The cost to recruit and train poll workers remains high. And voter registration system maintenance remains critical but costly.

As my good friend Senator Blunt pointed out to my home State Senator last week during the Senate Rules EAC hearing, voter fraud does exist, and we must ensure our States are prepared against it. In examining how States have used and will continue

to use their 2018 HAVA funds, I hope to learn more from our commissioners on the needs of our State and local officials.

It is also important to hear directly from States on how they are using Federal resources to overcome unique challenges to their States and localities. Recently, my home State of Illinois was able to invest in a new Cyber Navigator Program that helps counties detect and defend themselves against cybersecurity attacks.

I was able to hear more about this program just last week during a bipartisan election security roundtable that I held in my district. Local county officials graciously gave their time to discuss the inner workings of their election system and expressed their ideas to better secure their systems. I found the discussion helpful and productive, and I hope to hold more of these roundtables in the future as States continue to enhance their security and their efforts to ensure every American's vote is both counted and protected.

Lastly, I believe assisting States with the tools they need to protect their election systems is the proper role for the Federal Government. This must be balanced against the constitutional duty for States to run and provide for their own elections. I am not for the Federal Government mandating or taking over State and local elections.

The EAC plays an immeasurable role in being the interface between the Federal Government and our States. I not only want to hear from our witnesses today on how that interface is going, I also want to hear where we need to draw certain lines to ensure our federalism remains.

As we move forward in our next steps to address election security, we can make a bunch of partisan noise. We can do that here today and blame one another for who should have done more to protect our elections. Or we can make progress. I choose the latter and encourage my colleague to join me in this approach.

We have a real opportunity to address a growing problem that is causing Americans to lose confidence in their election systems, but we must work together to make sure the progress in keeping our Nation's election system secure and free from inference is our number-one priority.

Thank you again to Madam Chairperson.

Thank you to our witnesses for being here to speak on behalf of the EAC.

And I yield back.

[The statement of Mr. Davis of Illinois follows:]

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VICE CHAIRPERSON

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ONE HUNDRED SIXTEENTH CONGRESS

JEN DAULBY, MINORITY STAFF DIRECTOR

Ranking Member Rodney Davis
Oversight of the Election Assistance Commission
May 21, 2019
Opening Statement

Thank you, Madame Chairperson, I appreciate your willingness to continue to hold these bipartisan hearings reviewing current election practices with the aim of helping our states secure their elections. Election security is one of the most important issues that this Committee is tasked with, and I take the Committee's role of ensuring fair and secure elections very seriously – as I know you do, too.

As we discussed in our hearing last week, we know that at least 21 states were targeted by a foreign state actor prior to the 2016 U.S. election, and we know that Russia undertook a misinformation campaign during the same election. But issues surrounding our election infrastructure are not limited to Russia, nor did they begin in 2016 or end in 2018.

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$3 billion passed between 2002 and 2010, and another $380 million continues following last year's appropriation.

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We must use this opportunity to ensure the Commission has the resources needed to complete not only its original mission from 2002, but also its new responsibilities undertaken since the 2016 election. Today, I want an honest assessment of what we've gotten right and what we've gotten wrong over the last seventeen years. Also, where do we need to make improvements, and what do you all need from us to help you better serve our states?

In examining what new and evolving challenges states are facing, cyber security is clearly at the forefront, but this is not the only challenge our states face. The average age of most voting equipment in the United States will soon be measured in decades, the cost to recruit and train poll workers remains high, and voter registration system maintenance remains critical but costly. As my good friend, Senator Blunt pointed out to my home state Senator last week during the Senate Rules EAC hearing, voter fraud does exist, and we must ensure our states are prepared against it. In examining how states have used and will continue to use their 2018 HAVA funds, I hope to learn more from our Commissioners on the needs of our state and local officials.

It's also important to hear directly from states on how they are using federal resources to overcome the unique challenges in their states. Recently, my home

state of Illinois was able to invest in a new Cyber Navigator Program that helps counties detect and defend themselves against cyber-security attacks.

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Lastly, I believe assisting states with the tools they need to protect their election systems is the proper role for the federal government. This must be balanced against the constitutional duty for states to run and provide for their own elections. I am not for the federal government mandating or taking over state and local elections. The EAC plays an immeasurable role in being the interface between the federal government and our states. I not only want to hear from our witnesses today on how that interface is going, but also where we need to draw certain lines to ensure our federalism remains.

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Thank you to our witnesses for being here to speak on behalf of the Election Assistance Commission, and I yield back.

The CHAIRPERSON. The gentleman yields back.

Without objection, all Members of the Committee may have the opportunity to submit opening statements for the record.

The CHAIRPERSON. At this point, I would like to introduce our witnesses, who are members of the Commission.

Chairwoman Christy McCormick has served on the EAC since 2014. She previously served as the Chairwoman for the 2015 term. Prior to her appointment to the EAC, she served as a senior trial attorney in the Voting Rights Section of the Civil Rights Division at the Department of Justice, a position she held until joining the Commission.

She was detailed by the Deputy Attorney General to be the senior attorney advisor and Acting Deputy Rule of Law Coordinator in the Office of the Rule of Law Coordinator at the U.S. Embassy in Baghdad, Iraq, from 2009 to 2010, where she worked as the U.S. elections expert overseeing the Iraqi national elections.

Prior to joining the Department of Justice, Chairwoman McCormick served as judicial clerk to the Honorable Elizabeth A. McClanahan in the Court of Appeals from 2003 to 2006. She was also an assistant to the Solicitor General of the Office of Attorney General for Virginia from 2001 to 2003.

We welcome you, Madam Chairwoman.

We also have the Vice Chair of the Commission, Mr. Benjamin Hovland, who was confirmed to serve on the EAC in January of this year. He serves as the designated Federal officer for the Technical Guidelines Development Committee.

Most recently, Vice Chair Hovland was the acting chief counsel for the U.S. Senate Committee on Rules and Administration, where he focused on election administration and campaign finance regulations.

Earlier in his career, he was Deputy General Counsel for the Missouri Secretary of State, where he focused on legal issues related to the administration of State and Federal elections, including recounts, poll-worker training, voter registration list maintenance, statewide database matching, voter education resources, and ballot initiative litigation.

As an attorney for the Fair Elections Legal Network, Vice Chair Hovland focused on protecting Americans' access to the ballot box, including litigation to stop efforts to purge voters from the rolls based on inaccurate data matching in the lead-up to the election.

Commissioner Thomas Hicks has served on the EAC since 2014 and has twice served as the Commission's chairman. He also serves as the designated Federal officer for the EAC Board of Advisors.

Prior to his appointment to the EAC, Commissioner Hicks served as senior elections counsel and minority elections counsel on this Committee, the Committee on House Administration, a position he held from 2003 to 2014. He covered issues here relating to campaign finance, election reform, contested elections, and agency oversight.

Before joining the Committee staff, he was a senior lobbyist and policy analyst for Common Cause. And earlier in his career, he was a special assistant and legislative assistant in the Office of Congressional Relations for the Office of Personnel Management.

Last but certainly not least is Commissioner Donald Palmer, who was confirmed to serve on the EAC in January of this year. He is a former Bipartisan Policy Center fellow, where he provided testimony to State legislatures on election administration and voting reforms concerning election modernization.

Commissioner Palmer was appointed secretary of the Virginia Board of Elections by former Virginia Governor Bob McDonnell in 2011 and served as the Commonwealth's chief election officer until 2014. He formerly served as the Florida Department of State's Director of Elections from 2008 and the 2010 election cycles.

Prior to his work in election administration, he served as a trial attorney with the Voting Rights Section of the Department of Justice's Civil Rights Division. He was a U.S. Navy intelligence officer and judge advocate general, and he was awarded the Navy Meritorious Service Medal, the Navy Commendation Medal, and the Joint Service Commendation Medal.

Welcome to all of you. Your entire statements will be put in the record, and we ask that you summarize in about five minutes what you wish to tell us. When you get to one minute left, the yellow light on the table will go on. We would ask that you try and wrap up at that point.

I ask also unanimous consent that all Members will have five days to revise and extend their remarks and have written statements made part of the record.

So, with that, we will go to our witnesses.

And let's start with you, Chairwoman McCormick. Welcome.

Oh, you just have one statement? Okay. Well, that is fine, and then we will go to questions from all the members.

[Audio malfunction in hearing room.]

The CHAIRPERSON. What about another microphone? Mr. Palmer will give you his.

Mr. RASKIN. Who is in charge of technology around here?

The CHAIRPERSON. Do any of them work? No.

If we speak without the microphones, will it be picked up on the—are we rebooting?

They are trying to reboot the system. While they are doing that, I will do some housekeeping matters.

We will adhere to the five-minute rule after we hear from the Chairwoman of the Commission. But since you are speaking for everyone, we will have a very gentle gavel, if that helps.

Does it work now?

Yeah, why don't we have you come sit up here? And we will continue to try and reboot, so when we have questions everybody can be heard.

Ms. MCCORMICK. This is the short way to become a Member of the House of Representatives.

The CHAIRPERSON. Welcome, Madam Chairwoman.

STATEMENT OF THE HON. CHRISTY MCCORMICK, COMMISSIONER AND CHAIRWOMAN, ELECTION ASSISTANCE COMMISSION, ACCOMPANIED BY THE HON. BENJAMIN HOVLAND, COMMISSIONER AND VICE CHAIR, ELECTION ASSISTANCE COMMISSION, THE HON. DON PALMER, COMMISSIONER, ELECTION ASSISTANCE COMMISSION; AND THE HON. THOMAS HICKS, COMMISSIONER, ELECTION ASSISTANCE COMMISSION

Ms. MCCORMICK. Good afternoon, Chairperson Lofgren, Ranking Member Davis, and Members of the Committee. Thank you for the opportunity to testify before you this afternoon to detail the vital work of the U.S. Election Assistance Commission, better known as the EAC.

We are pleased that a quorum of commissioners has been reestablished at the EAC, and we are delighted to discuss the Commission's work to fulfill its mission as prescribed by our enabling legislation, the Help America Vote Act of 2002.

While we each took diverse paths in coming to the EAC, we are in lockstep when it comes to this message: The Commission is as needed today as it has been at any other time since it was established. But we are at a critical crossroads in regard to having sufficient resources necessary to better support State and local election administrators and the voters they serve.

The EAC is the only Federal agency solely devoted to supporting those officials in this work and helping America vote. We are committed to maximizing our impact ahead of the next Federal election and providing services that not only meet but exceed the expectations of those who are counting on us to do our job.

We take seriously the fact that voter confidence is enhanced when we adequately prepare for and respond to challenges such as election misinformation campaigns, persistent attempts to breach election systems and voter registration databases, and other real threats.

As the agency best positioned to communicate directly with election officials across the country, the EAC played an early and leading role in establishing trust and open lines of communication between State and local leaders and the Federal Government entities that work on election security.

The EAC drove the development of the election security working group that eventually became the Subsector Government Coordinating Council, or GCC, and played an integral role in establishing the Sector Coordinating Council, SCC, compromised of private election equipment manufacturers and vendors.

Beyond the GCC and SCC, the Commission has taken a multifaceted approach to helping State and local election officials strengthen their election security. This work includes testing and federally certifying voting systems, providing hands-on security and post-election audit trainings across the country, producing security-focused resources, disseminating security best practices information and checklists to State and local election officials, as well as hosting widely attended forums that feature security experts as speakers.

There is no shortage of ambition at the EAC when it comes to supporting this work, but there is a stark shortage of funds for such activities.

Last year, Members of Congress provided $380 million in much-needed and much-appreciated financial support to the States and territories through the EAC. We know from State plans and expenditure reports that most States are spending these funds on items that will directly improve election security. In fact, at least 90 percent of the funds have been devoted to cybersecurity improvements, the purchase of new voting equipment, and improvements to voter registration systems.

Through our most recent conversations with all 55 States and territories that received these funds, we believe that as of April 30, 2019, States have spent at least $108.14 million, or 29 percent, of the $380 million in grant funds. States are on a glide path to spending 85 percent of the funds on a straight-line projection by 2020.

As States seek to invest these funds in purchasing new voting equipment, elections leaders are continuing to turn to the EAC's testing and certification program as a key resource in ensuring the Nation's voting systems are tested to confirm the secure and accurate tabulation of ballots.

This includes information on when the EAC will implement the next iteration of the Voluntary Voting Systems Guidelines, which will be known as VVSG 2.0. The VVSG has historically consisted of principles, guidelines, and requirements against which voting systems can be tested to determine if the systems meet required standards. These guidelines are voluntary, and States may decide to adopt them entirely or in part.

Last year, the TGDC, as well as the EAC's Board of Advisors and Standards Board, recommended adoption of the proposed VVSG 2.0 guidelines and principles. Unfortunately, when one of the commissioners left the EAC, we lost our quorum and were not able to vote to move the new guidelines forward.

That changed earlier this year when the Senate confirmed our two new EAC commissioners. In February, after Commissioner Palmer and Commissioner Hovland were confirmed, our first official act was to unanimously vote to publish the VVSG 2.0 principles and guidelines in the Federal Register for a 90-day public comment period.

Our first public hearing took place on April 10 in Memphis, and we held our second public meeting in Salt Lake City on April 23. Yesterday, we held our third hearing at our office in Silver Spring. The public comment period on the VVSG 2.0 principles and guidelines concludes later this month on May 29.

While election security is a topic that is a priority for all of us, election officials have support needs beyond security. To demonstrate this, the EAC has developed a wheel of competencies in which each section represents a similar level of expertise and effort. This wheel represents the fundamental roadmap of issues the EAC should address fully to meet the vision of HAVA.

Today, the EAC lacks sufficient funding for the human capital capacity to address all of these areas in depth. In fact, the last time the EAC had a full slate of commissioners, the Commission had 49

employees. Today, it has only 22, and our budget is 50 percent less than it was in fiscal year 2010. Without additional resources, we simply will not be able to provide the breadth of support election officials need and expect from the EAC to ensure secure, accessible, and efficient elections.

With the reestablishment of a quorum of commissioners, the EAC is ready for its next chapter. My fellow commissioners and I look forward to working with Congress as we continue our efforts to help America vote.

I am happy to answer any questions you have following today's testimony. Thank you.

[The statement of Ms. McCormick follows:]

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

U.S. House of Representatives Committee on Administration
"Oversight of the U.S. Election Assistance Commission"
May 21, 2019
Christy McCormick, Chairwoman
Ben Hovland, Vice Chair
Thomas Hicks, Commissioner
Donald Palmer, Commissioner
United States Election Assistance Commission (EAC)

Good morning Chairwoman Lofgren, Ranking Member Davis, and members of the committee. Thank you for the opportunity to testify before you this afternoon to detail the vital work of the U.S. Election Assistance Commission, better known as the EAC. We are pleased that a quorum of Commissioners has been reestablished at the EAC, and we are delighted to discuss the Commission's work to fulfill its mission as prescribed by our enabling legislation, the Help America Vote Act of 2002 (HAVA). While we each took diverse paths in coming to the EAC, we are in lock-step when it comes to this message: The Commission is as needed today as it has been at any other time since it was established, but we are at a critical crossroads with regard to having sufficient resources necessary to better support state and local election administrators and the voters they serve.

During the past year, in particular, leaders in Congress and other stakeholders have publicly echoed that same sentiment and voiced support for the EAC. We are emboldened by their confidence in our work, as well as their continued support for our mission. Our intent is to harness this energy and the feedback we hear each day from election officials across the nation to ensure that the EAC has all of the resources it needs ahead of 2020. Now is the time to finalize preparations for support during the presidential election year. We are committed to maximizing our impact ahead of the next Federal Election and providing services that not only meet, but exceed the expectations of those who are counting on us to do our job.

With regard to doing our job, we have included a copy of the Commission's 2018 Annual Report with our written testimony. In it are details of the Commission's robust achievements from last year, work accomplished by a small, but talented and motivated staff who are firing on all cylinders to fulfill the EAC's mission. They not only do their own full-time jobs, but they are often called upon to pitch in wherever and whenever needed across our various programs, and they have willingly stepped up to the plate. The Commissioners sincerely thank each member of the EAC staff for their hard work and dedication, and we appear here today in part to stress the importance of their efforts and the need for additional resources to secure their sustainability.

While 532 days remain until the 2020 Presidential Election, the first federal Presidential primary is just 7 months away, and election officials across the nation are administering state and local elections now. As you know, the EAC is the only federal agency solely devoted to supporting those officials in this work and helping America vote. HAVA established the EAC to serve as the nation's foremost clearinghouse on elections, to conduct original research – such as the Election Administration and Voting Survey – that informs ways to improve election administration, to establish federal voting system testing guidelines and operate the federal government's voting system certification program, to administer federal grant funding for states to improve election administration, and to help America vote. These resources give election administrators the tools they need to carry out secure, accurate, and efficient elections.

The EAC's work also helps to ensure that all eligible Americans have the opportunity to vote privately and independently, to cast a ballot with confidence, and to know that vote will be counted securely and accurately.

Strengthening Election Security and Voter Confidence

Election security is a theme that continues to shape the national conversation about election administration, especially as we look ahead to 2020. Federal law enforcement and intelligence officials regularly remind us that the threats election administrators faced in 2016 and 2018 remain today and are likely to intensify in the months and years ahead. We take seriously the fact that voter confidence is enhanced when we adequately prepare for and respond to challenges such as election misinformation campaigns, persistent attempts to breach election systems and voting registration databases, and other real threats.

We are pleased to report that election officials across the nation successfully navigated these challenges in 2018, and they are better prepared to handle these issues today than they were several years ago. This not only reflects election officials' unwavering commitment to secure elections, but it is also a product of improved relationships between state and local election administrators and the federal agencies that serve them.

As the agency best positioned to communicate directly with election officials across the country, the EAC played an early and leading role in establishing trust and open lines of communications between state and local leaders and the federal government entities that work on election security. As the Commissioners have previously testified, the EAC drove the development of the election security working group that eventually became the subsector's Government Coordinating Council (GCC), and Chairwoman McCormick now sits on that council's executive board. In addition to the EAC's work with the Department of Homeland Security to establish the GCC, the Commission played an integral role in establishing the Sector Coordinating Council (SCC) comprised of private election equipment manufacturers and vendors.

Beyond the GCC and SCC, the Commission has taken a multifaceted approach to helping state and local election officials strengthen their election security. This work includes testing and

federally certifying voting systems, providing hands-on security and post-election audit trainings across the country, producing security-focused resources, disseminating security best practices information and checklists to state and local election officials, as well as hosting widely attended forums that feature security experts as speakers.

The EAC's participation in critical infrastructure activities and its own security work was a direct result of the personal involvement and direction of the EAC's most senior staff, as well as the efforts of the Commission's talented team of professionals. The EAC does not have full-time employees devoted to these new components of providing election security support. In fact, the EAC's Inspector General highlighted this staffing issue as a Significant Management Challenge in 2018. At this time, existing staff, in conjunction with their other full time responsibilities, have been tasked with interacting with the agency's external partners to identify resources and materials that might be useful for our election official stakeholders. With additional resources, the EAC would have the opportunity to fund additional election security activities within its Election Technology Program.

For example, many state and local election officials have expressed great interest in an Elections Cyber Assistance Unit, and additional resources would allow the EAC to put this program in place. This unit would allow EAC to hire election and cyber security experts who would be regionally located to provide assistance with risk-management, resiliency, and other technical support to the jurisdictions in their respective areas. This would enable the EAC to spread its resources across all 50 States, D.C., and the four U.S. territories conducting Federal Elections, saving significant costs at the state and local levels by providing federal assistance to offset expenses that each state would otherwise incur.

When Congress passed HAVA, it entrusted the Commission to do exactly that kind of work. To find innovative solutions that would expand the EAC's clearinghouse of resources to keep pace with the challenges faced by election officials and voters. There is no shortage of ambition at the EAC when it comes to supporting this work, but there is a stark shortage of funds for such activities. This shortfall means the Commission faces tough programmatic choices each and every day, and we hope you will consider that as you continue to work on next year's appropriations bills.

Administering HAVA Funds to Improve U.S. Election Administration

Last year, Members of Congress provided much-needed and much-appreciated financial support to the states and territories through the EAC. We appreciate that you also factored the Commission's up-front grant administration costs into the Consolidated Appropriations Act of 2018, which appropriated $380 million in HAVA Funds to improve the administration of federal elections. As we have previously reported, within three months of the appropriation, the EAC received disbursement requests for 100 percent of the funds from all 55 eligible states and territories, and approximately seven months prior to the 2018 Midterm Elections, the EAC made 100 percent of the funds available for the eligible states and territories to draw down.

As the funds became available last year, approximately 60 percent of states reached out to the EAC for assistance with at least one issue related to the new appropriations, including allowable costs, policy questions, pre-approval requests, and state appropriation process issues. I've attached to this testimony a chart detailing the EAC's interactions with the states. The chart lays bare the fact that the EAC's Grant team did not wait for states to reach out for guidance before it offered assistance. All states received pre-award notices, budget and narrative guidance, access to EAC webinars, phone and email consultations, and EAC review of budgets and plans. Through these interactions, states were given the opportunity to pose questions to ensure their plans contained only expenses allowable under Title 1 Section 101 of HAVA. The EAC's Grant team also answered inquiries, proactively provided guidance to anticipated questions, and reviewed proposals. Since these were the first new appropriations for HAVA grants since FY2010, many of the state-level contacts working on how to spend these funds had never received HAVA grants before, creating a knowledge gap that the EAC's team ably worked to close.

We know from state plans and expenditure reports that most states are spending these funds on items that will directly improve election security. In fact, at least 90 percent of the funds have been devoted to technological and cybersecurity improvements, the purchase of new voting equipment, and improvements to voter registration systems. Last month, the EAC released its Grant Expenditure Report for FY2018, which includes details about specific state HAVA grant expenditures through September 30, 2018. That report was previously shared with the committee and is included as an addendum to this testimony.

Through our more recent conversations with all 55 state and territories that received these funds, we believe that as of April 30, 2019, states have spent at least $108.14 million, or 29 percent of the $380 million in grant funds. This represents a 262 percent increase in spending from the last reported spending levels on September 30, 2018. In addition, a straight line spending projection based on expenditures through the end of last month suggests that states and territories will spend approximately $324 million, or 85 percent, of the funds prior to the 2020 Presidential Election.

States have until the end of FY2023 to spend the funds. The EAC's Grants team continues to work closely with the states regarding these funds and will have ongoing administrative responsibilities related to the funds through the conclusion of the five-year spending timeline. This is but one example of EAC staff delivering upon large expectations with few resources--currently, the EAC has just one federal employee staff member and one part-time contract employee charged with administering the grants.

Bolstering the Election System Testing and Certification Process

As states seek to invest these funds in purchasing new voting equipment, election leaders are continuing to turn to the EAC's Testing and Certification Program as a key resource in ensuring the nation's voting systems are tested to confirm the secure and accurate tabulation of ballots.

This includes seeking information about how best to craft Requests for Proposals, information on the systems currently certified, and when the EAC will implement the next iteration of the Voluntary Voting System Guidelines, which will be known as VVSG 2.0.

Some Members of Congress have also posed this last question to the EAC, so we are pleased to give you an update. By way of background, the VVSG have historically consisted of Principles, Guidelines and Requirements against which voting systems can be tested to determine if the systems meet required standards. Our goal is to bring technological gains in security and other factors to the voters. Some additional factors examined under these tests include functionality, accessibility, accuracy, and auditability. HAVA mandates that EAC develop and maintain these requirements, as well as test and certify voting systems. These guidelines are voluntary, and states may decide to adopt them entirely or in part.

Last year, the TGDC, as well as the EAC's Board of Advisors and Standards Board, recommended adoption of the proposed VVSG 2.0 Guidelines and Principles. Unfortunately, when one of the Commissioners left the EAC, we lost our quorum and were not able to vote to move the new guidelines forward. That changed earlier this year when the Senate confirmed two new EAC Commissioners. In February, after Commissioner Palmer and Commissioner Hovland were confirmed, our first official act was to unanimously vote to publish the VVSG 2.0 Principles and Guidelines in the Federal Register for a 90-day public comment period. At that time, we also announced our intention to hold public hearings to gather feedback on the proposed principles and guidelines. Our first public hearing took place on April 10 in Memphis, and we held our second public meeting in Salt Lake City on April 23. Yesterday, we held our third hearing at our office in Silver Spring. The public comment period on the VVSG 2.0 Principles and Guidelines concludes next week on May 29.

The implementation of new testing and certification guidelines will mark a new chapter for the EAC's Testing and Certification Program. It's been a year of change for this particular area of our mission. Earlier this year, the Director of the EAC's Testing and Certification Program retired after 35 years of service with the Federal Government, and last week, we announced that Jerome Lovato has been named our new Director of Testing and Certification. Now that a new leader has been selected for the department, we have also moved to fill two other vacancies on the Testing and Certification team. The EAC has hired two new individuals who will start on May 28 and have a combined 26 years of experience in voting system certification. Election system testing campaigns and other services provided by that department are continuing without interruption. Ideally, with adequate funding, the goal is to restore the department to a team of six Testing and Certification staff. This will ensure timely and thorough consideration of submitted election systems, as well as allow the Commission to provide additional critical infrastructure support to state and local election administrators who are seeking additional training and resources in areas such as election security and post-election audits.

Serving Election Officials' Needs Beyond Security

As we look ahead to the months leading up to the 2020 Presidential Election, the EAC has developed a robust calendar of planned activities and new resources. For example, next month

we will release the 2018 Election Administration and Voting Survey, better known as EAVS. This biennial report is mandated by HAVA and is the nation's most comprehensive look at election administration. It provides data used across the 50 states, D.C., and in U.S. territories to identify trends, and its findings can be used to improve the way America votes. We are planning an event to present the report's findings, and we look forward to sharing the full report with members of this committee and your colleagues.

The EAC has also established a group of election officials from across the United States who have agreed to work with us to improve resources for disaster preparedness and response. The group met last month in Memphis to detail their own experiences with man-made and natural disasters, how they navigated the challenges posed by these events, and the lessons they learned that could be helpful to other election officials. From forest fires, flooding, and hurricanes to potential threats posed by malicious actors, election officials must have plans in place to quickly regroup and move forward with elections should disaster strike. This group of election officials will help the EAC harness the experience of state and local election leaders to create vehicles for better information sharing among state and federal entities, direct assistance, and other valuable resources.

In addition, the EAC's Commissioners and staff continue to travel to state and local election conferences and meetings across the nation, where we share information about the EAC's broad spectrum of resources and how the Commission supports every facet of election administration. While election security is a topic that is a priority for all of us, election officials have support needs beyond security. To demonstrate this, the EAC has developed a wheel of competencies in which each plank represents a similar level of expertise and effort. The "Election Administrator Competency Wheel" ("Wheel"), which we have attached to this testimony, visualizes ongoing duties, election preparation work, as well as responsibilities stemming from election night and beyond.

The 20 areas of competency represented on the Wheel are each important and require support from our team. This Wheel represents the fundamental roadmap of issues the EAC should address fully to meet the vision of the Help America Vote Act.

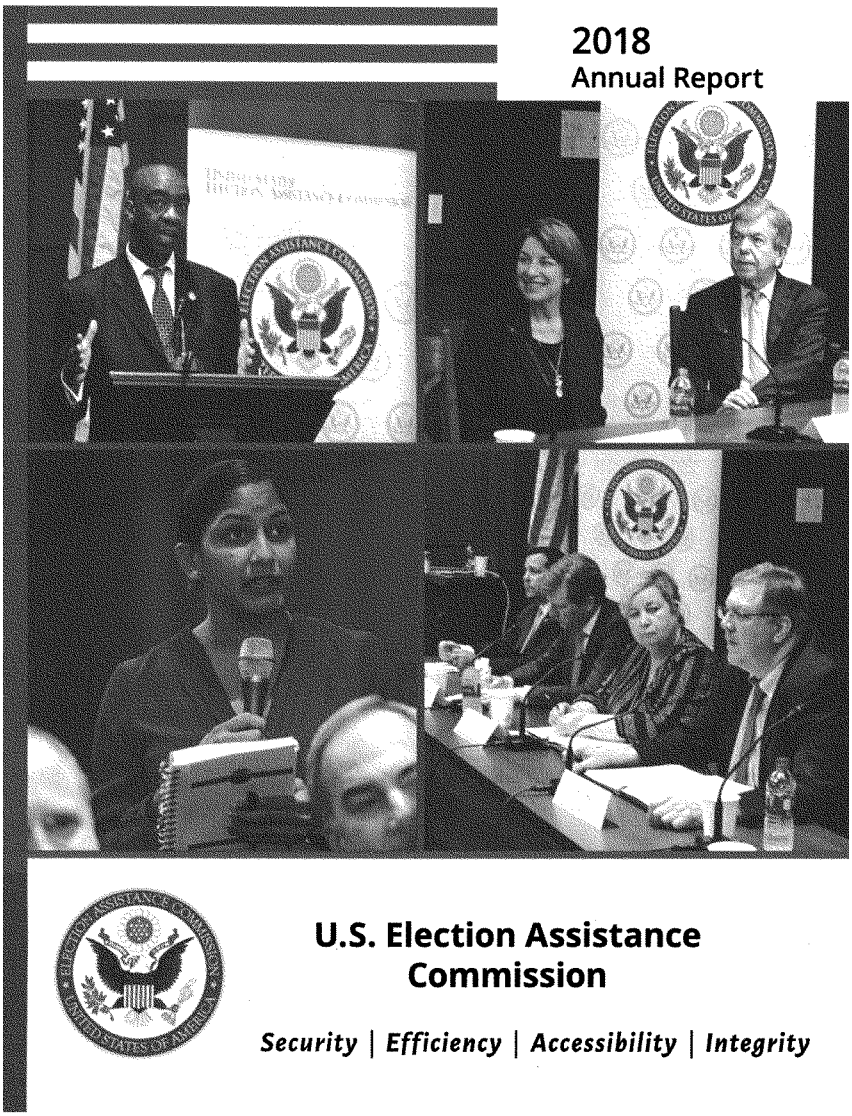
Today, the EAC lacks sufficient funding for the human capital capacity to address all of these areas in depth. In fact, the last time the EAC had a full slate of Commissioners, the Commission had 49 employees. Today, it has only 22, and our budget is 50 percent less than it was in FY2010. Without additional resources, we simply will not be able to provide the breadth of support election officials need and expect from the EAC to ensure secure, accessible, and efficient elections.

The EAC will continue to meet the requirements of HAVA. However, without additional resources, it will be a formidable stretch for our capable, devoted staff members who already work tirelessly to support our nation's election administrators and voters. To optimize our ability to deliver on the plans we have set forth ahead of the 2020 President Election, and if we have

sufficient funding in the coming fiscal year, we hope to hire 10 additional staff members in a variety of departments ahead of 2020.

HAVA set forth an ambitious agenda for the EAC, one rooted in protecting the very foundation of our nation's democracy. Despite very real and persistent resource challenges in recent years, the EAC has faithfully fulfilled its obligations and has even expanded the support it provides election administrators and voters.

With the reestablishment of a quorum of Commissioners, the EAC is ready for its next chapter. The Wheel graphic helps illustrate very specifically the work needed. We look forward to working with Congress as we continue our efforts to help America vote. We are happy to answer any questions you may have following today's testimony.


2018
Annual Report
U.S. Election Assistance Commission
Security | Efficiency | Accessibility | Integrity

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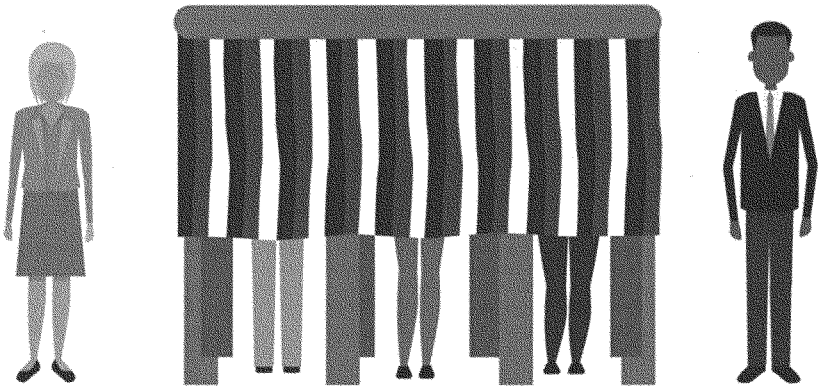
Our Mission

The U.S. Election Assistance Commission helps election officials improve the administration of elections and helps Americans participate in the voting process.



Chairman's Message

Since 2016, much of the public discourse around Federal Elections has focused on security – and for good reason. Election security is not new to election officials or the tens of thousands of election administration staff members and election workers who support that work. However, 2016 changed the threat environment by pitting state and local officials against nation-state actors who scanned for vulnerabilities and were successful in accessing at least one state's voter rolls, though there is no evidence that any data was changed or votes affected. These same actors made additional attempts to infiltrate election systems ahead of the 2018 midterms and, by all accounts, will be back again in 2020.

Election officials proved themselves more than capable of managing these threats in the lead up to, and during, the 2018 midterm elections by increasing the security and resiliency of their systems and forming national and regional partnerships to improve information sharing and cyber protections. Election officials also increased voter outreach efforts in order to combat the biggest threat to election integrity: decreased voter confidence. Most importantly, election officials served voters and, by all accounts, carried out a successful 2018 Federal Election.

While the work to secure elections may be capturing news headlines and sparking conversation across the nation, it's only part of what election officials do each and every day. From poll worker recruitment and polling place management to post-election audits and election night reporting, election officials have a broad spectrum of responsibilities. The U.S. Election Assistance Commission (EAC)

was proud to stand with election officials this year and assist in every aspect of their work to administer accurate, secure, accessible and fair elections.

We began the year with an all-day summit highlighting a range of issues state and local election officials would face in the lead up to the 2018 Federal Elections, such as election security, voting accessibility, and how to use election data to improve the voter experience. The EAC continued hosting summits throughout the year, including a Language Access Summit, an Election Data Summit and an Election Readiness Summit. We convened hundreds of election officials, data experts, activists and other election stakeholders, all with the goal of getting ready for the upcoming elections. The Commission's year-long #Countdown18 campaign provided resources to help election officials prepare for the midterm elections, and educate voters about the process and encourage them to get involved.

When Congress appropriated $380 million in Help America Vote Act (HAVA) funding to improve the administration of federal elections, the EAC set about distributing funds to states as efficiently as possible to ensure these funds could have a tangible impact on the 2018 midterm elections. By August 21, 2018, just five months after the appropriation, all 55 states and territories eligible to receive funds had requested them. Just one month later, on September 20, 2018, all states and territories had received 100 percent of their funds. That is a remarkable rate of distributing federal funds that is both efficient and responsible.

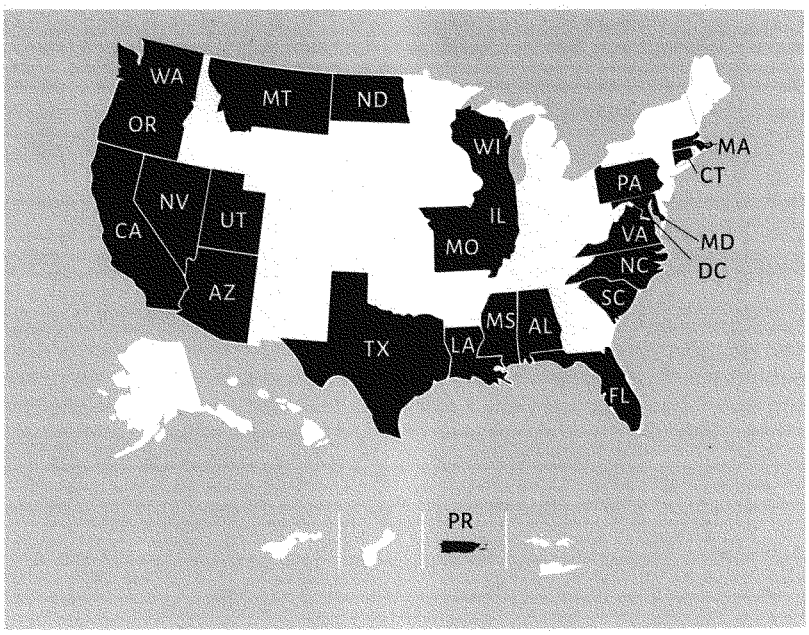
With these funds, states were able to make significant improvements to election systems that otherwise may not have occurred. While simultaneously focusing on the thousands of logistical details needed to administer elections, states proposed plans to put these funds to good use, making significant upgrades to cybersecurity, voting equipment and voter registration systems, and increasing communications efforts and post-election auditing.

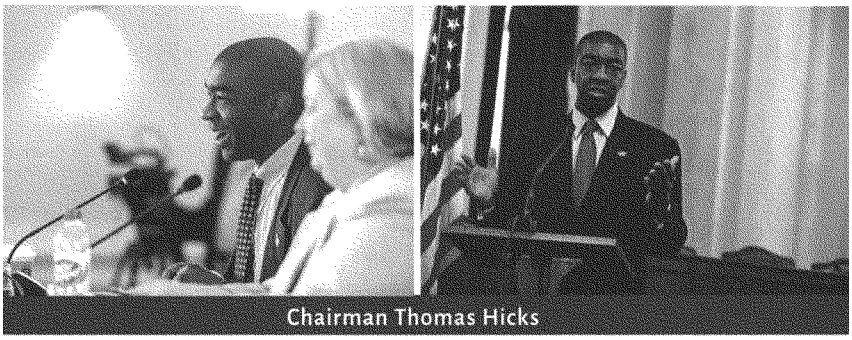
It was an honor to serve as Chairman of the U.S. Election Assistance Commission over the past year. I continue to be inspired by the dedication and resourcefulness of the election officials I have the privilege of knowing and the hard work of the EAC staff. I am proud to present this report of the Commission's work and look forward to continuing the EAC's impact in 2019.

Thomas Hicks
Chairman
U.S. Election Assistance Commission

Meet the Commissioners

In 2018, EAC Chair Thomas Hicks and EAC Vice Chair Christy McCormick traveled to 38 cities in 25 states and territories to attend or present at conferences, visit local election offices, attend public hearings and meetings, and lead workshops and roundtables for election officials.





Chairman Thomas Hicks

EAC Commissioners serve as resources, advisors and conveners.

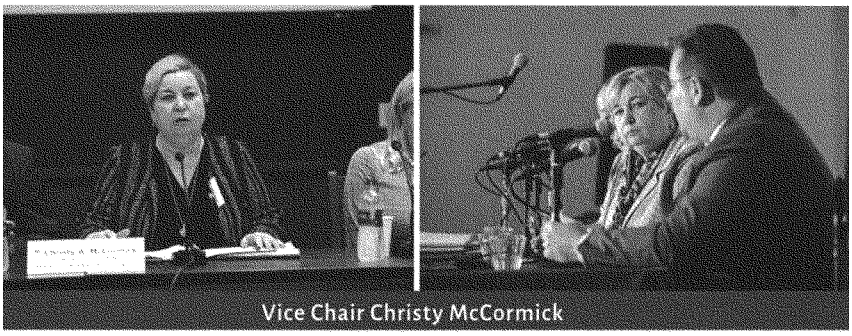
For election officials, the Commissioners are expert consultants who can provide guidance on election administration trends and how jurisdictions can prepare to tackle the complexities of administering secure, accessible, accurate, and efficient elections.

The Commissioners alert officials to resources and tools that can assist with all phases of election administration, from high-level best practices to more substantive nuts-and-bolts tactical approaches for every step in the voting process. EAC Commissioners ensure election officials are able to benefit from federal resources, including information sharing networks and working groups. They also work to provide opportunities for election officials to engage with a wide variety of national experts, including national security officials.

The EAC also ensures that the needs of election officials are what shape the creation of federal resources and designations intended to improve election administration.

For the federal government, the Commissioners regularly brief Members of Congress and federal officials from across the administration to provide a first-hand account of state and local efforts to administer elections. Commissioners report on what they have seen during site visits to election offices around the country, how election administrators are bolstering system resilience and efficiency, and what they may need to maintain the level of exemplary service that voters deserve and expect.

For voters and advocacy groups, the Commissioners provide a bridge between individual voters and the election officials who serve them.



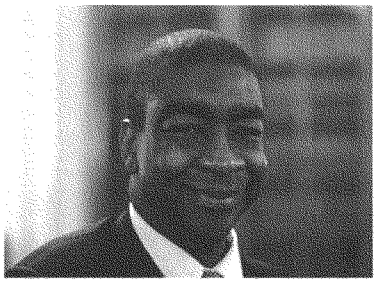
Vice Chair Christy McCormick

Election administrators must ensure elections are accessible to all and that voters have the information and services they need to participate in elections. The Commissioners engage voters from across the country to capture information about their voting experience and ways the EAC can best assist the state and local officials who serve on the front lines of democracy.

Throughout the year, EAC Commissioners know that traveling to election jurisdictions across the nation is the best way to fully engage, and understand, voters and election administrators hailing from such a diverse landscape. From local election office and polling place visits to national conferences and state election administrator meetings (and everything in between), the Commissioners dedicate themselves to meeting election leaders and voters on their home turf. These interactions provide pertinent information that shapes the Commission's work, guides its resources and informs its strategic plans.

On January 2, 2019, the United States Senate confirmed Donald Palmer, formerly a fellow at the Bipartisan Policy Center and member of the EAC Standards Board Executive Board and Technical Guidelines Development Committee, and Benjamin Hovland, previously the Acting Chief Counsel for the U.S. Senate Committee on Rules and Administration, to serve as EAC Commissioners. Palmer and Hovland's confirmation marked the first time in nearly a decade that the EAC had a full roster of Commissioners. Palmer and Hovland's confirmation also re-established a full quorum at the EAC, which will allow the agency to better serve the election community.

Chairman Thomas Hicks



Thomas Hicks was nominated by President Barack H. Obama and confirmed by unanimous consent of the United States Senate on December 16, 2014 to serve on the U.S. Election Assistance Commission (EAC). He has served as chairman of the commission for two terms.

Commissioner Hicks has focused his efforts on voter access. Under his leadership, the EAC developed a pocket-sized voter card that serves as a guide on voting rights for voters with disabilities. The card is provided in both Braille and large print. The EAC has worked with advocacy groups and election officials to distribute the card.

In addition, Mr. Hicks has addressed the difficulties overseas voters have when requesting and returning their ballots, such as dealing with foreign IP addresses and issues with timely ballot delivery. He worked with key states to set up a help desk. Now, overseas voters receive an email response directing them to the help desk to obtain their ballots.

He serves as the designated federal officer for the Board of Advisors, which reviews the voluntary voting systems guidelines.

Mr. Hicks is a frequent speaker at conferences in the United States and overseas on issues such as voter access and cybersecurity.

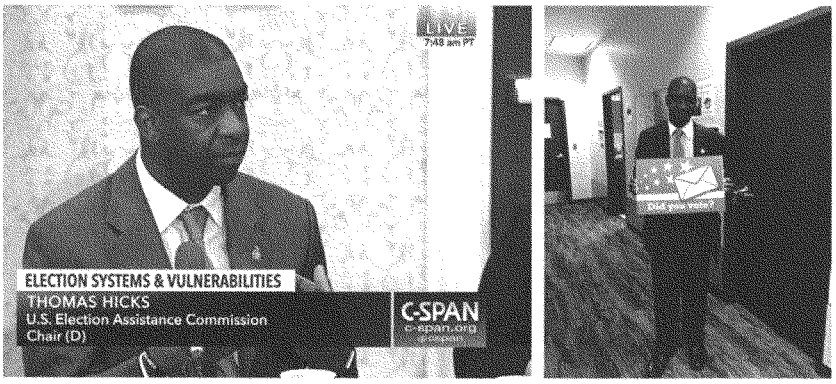
Prior to his appointment with EAC, Commissioner Hicks served as a senior elections counsel and minority elections counsel on the U.S. House of Representatives Committee on House Administration, a position he held from 2003 to 2014. In this role, Mr. Hicks was responsible for issues relating to campaign finance, election reform, contested elections and oversight of both the U.S. Election Assistance Commission and the Federal Election Commission. His primary responsibility was advising and providing guidance to the committee members and caucus on election issues. Mr. Hicks has talked with Americans in every state about their voting experiences. In addition, he has worked with state and local election officials across America to address critical election concerns.

Prior to joining the U.S. House of Representatives, Mr. Hicks served as a senior lobbyist and policy analyst from 2001 to 2003 for Common Cause, a nonpartisan, nonprofit organization that empowers citizens to make their voices heard in the political process and to

hold their elected leaders accountable to the public interest. Mr. Hicks has enjoyed working with state and local election officials, civil rights organizations and all other stakeholders to improve the voting process.

Mr. Hicks served from 1993 to 2001 in the Clinton administration as a special assistant and legislative assistant in the Office of Congressional Relations for the Office of Personnel Management. He served as agency liaison to the United State Congress and the president's administration on matters regarding federal personnel policies and regulations.

Mr. Hicks received his J.D. from the Catholic University of America, Columbus School of Law and his B.A. in Government from Clark University (Worcester, MA). He also studied at the University of London (London, England) and law at the University of Adelaide (Adelaide, Australia).



Vice Chair Christy McCormick

Christy McCormick was nominated by President Barack H. Obama and confirmed by unanimous consent of the United States Senate on December 16, 2014 to serve on the U.S. Election Assistance Commission (EAC). She was quickly elected by her fellow Commissioners as Chairwoman of the reconstituted Commission for the 2015-2016 term.

As the agency's first chairperson in four years, she re-established the operation of the Commission itself, as well as the Commission's three advisory boards: the EAC Standards Board, Board of Advisors, and Technical Guidelines Development Committee (TGDC). Chairwoman McCormick executed a new management policy, secured a long-overdue update to the Voluntary Voting Systems Guidelines (VVSG), obtained the accreditation of a new Voting System Testing Laboratory (VSTL), oversaw the hiring of the Executive Director and General Counsel, and led the reaffirmation of accessibility in voting as a top priority for the Commission.

She instituted the EAC's first Language Accessibility Summit, first Election Data Summit, and established a working relationship with the United States Postal Service (USPS) to address postal issues in elections. As Chairwoman, Ms. McCormick also launched a continuing effort with the Federal Voting Assistance Program (FVAP) and the Council of State Governments (CSG) to improve the Election Administration and Voting Survey (EAVS), and diligently and successfully worked to restore the Commission's standing with Members of Congress, the National Association of Secretaries of State (NASS), the National Association of State Election Directors (NASED), local election officials, and other stakeholders in the election community.

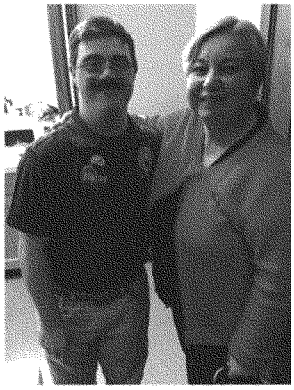
Prior to her appointment with the EAC, Commissioner McCormick served as a Senior Trial Attorney in the Voting Section of the Civil Rights Division at the Department of Justice, a position she held from 2006 until joining the Commission. In that role, Ms. McCormick was responsible for investigating and prosecuting violations of federal voting statutes, including the Voting Rights Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voter Empowerment Act (MOVE). Additionally, Ms. McCormick worked with election officials to monitor compliance with federal voting statutes, especially

the Voting Rights Act and its minority language requirements, and fair administration of elections. She has observed numerous elections, and worked with election officials all across America.

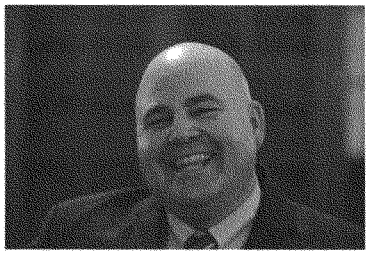
Ms. McCormick was detailed by the Deputy Attorney General to be Senior Attorney Advisor and Acting Deputy Rule of Law Coordinator in the Office of the Rule of Law Coordinator at the U.S. Embassy in Baghdad, Iraq from 2009 to 2010, where she worked as the U.S. elections expert overseeing the Iraq national elections (including an extensive election re-count), as well as on numerous U.S. and coalition Rule of Law efforts. She was the Rule of Law liaison to the Kurdish Regional Government as well as liaison to rule of law advisors at the Provincial Reconstruction Teams.

Prior to joining the Department of Justice, Ms. McCormick served as a Judicial Clerk to the Honorable Elizabeth A. McClanahan in the Court of Appeals of Virginia from 2003 to 2006. Ms. McCormick was an Assistant Attorney General and Assistant to the Solicitor General in the Office of the Attorney General of Virginia from 2001 to 2003. She was a member of the U.S. Supreme Court legal teams for Black v. Virginia (defending the Commonwealth's criminal statute against cross-burning) and Hicks v. Virginia (defending a 1st amendment challenge to a state trespassing policy), as well as in cases on appeal to the 4th Circuit Court of Appeals. She was a Judicial Law Clerk in Virginia's Seventh Judicial Circuit Court from 1999 to 2001.

Ms. McCormick received her B.A. from the University of Buffalo, a J.D. with honors from the George Mason University School of Law (now Antonin Scalia Law School), and also attended the William & Mary School of Law.



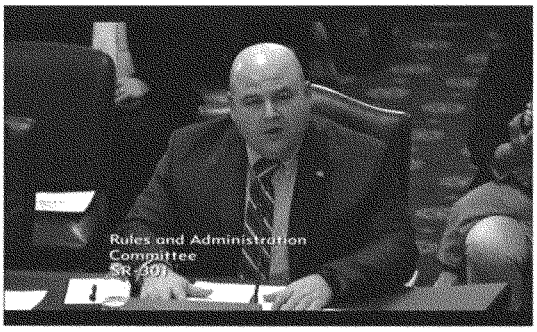
Commissioner Ben Hovland



Benjamin Hovland was nominated by President Donald J. Trump and confirmed by unanimous consent of the United States Senate on January 2, 2019 to serve on the U.S. Election Assistance Commission (EAC).

Previously, Commissioner Hovland served as an election attorney for the U.S. Senate Committee on Rules and Administration. He has been involved with elections since 2000. Much of this time has been focused on improving access to registration and voting.

Mr. Hovland's career has most recently focused on the federal government's role in election administration and campaign finance regulation. Additionally, as the Deputy General Counsel for the Missouri Secretary of State's office, he focused on legal issues related to the administration of state and federal elections, including recounts, poll worker training, voter registration list maintenance, statewide database matching, voter education resources and ballot initiative litigation.



EAC Commissioner Benjamin Hovland testifies before the U.S. Senate Committee on Rules & Administration during his November 28, 2018 nomination hearing.

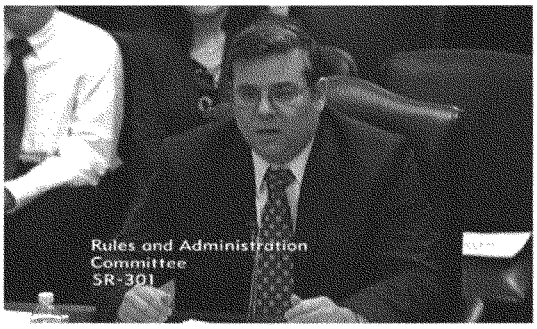
Commissioner Donald Palmer

Donald Palmer was nominated by President Donald J. Trump and confirmed by unanimous consent of the United States Senate on January 2, 2019 to serve on the U.S. Election Assistance Commission (EAC).

Commissioner Palmer is a former Bipartisan Policy Center fellow where he focused on the recommendations of the Presidential Commission on Election Administration to improve the voter experience and reform the voter registration process. He has also served as a senior adviser to the Election Assistance Commission.

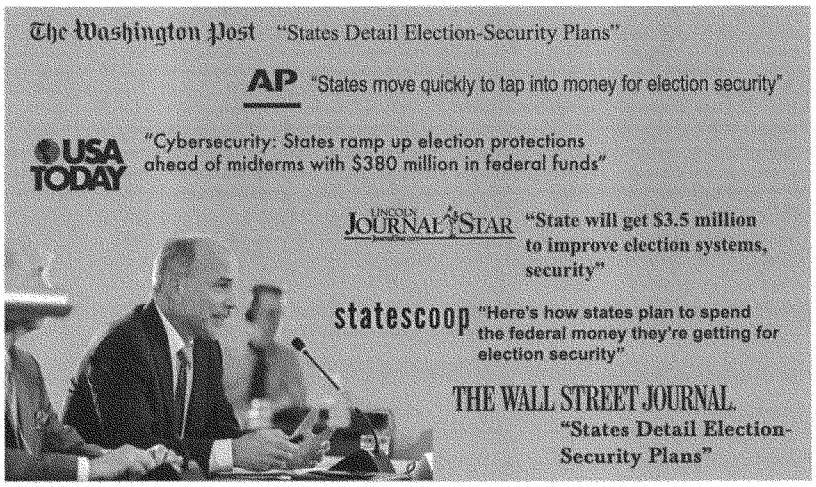
Palmer is a former Secretary of the Virginia State Board of Elections and served as the commonwealth's chief election official from 2011-2014. He also served as the Florida Department of State's director of elections. During that tenure, he served on Election Assistance Commission advisory boards, including the Standards Board and the Technical Guidelines Development Committee, representing the National Association of State Election Directors.

Prior to his work in election administration, he served as a trial attorney with the Voting Section in the U.S. Department of Justice's Civil Rights Division, where he enforced the nation's voting laws. Earlier in his career, he served as a U.S. Navy intelligence officer and judge advocate general, deploying overseas to Italy and onboard the USS John F. Kennedy. He retired from the Navy Reserves in 2012. He earned his J.D. from Stetson University College of Law.



EAC Commissioner Donald Palmer testifies before the U.S. Senate Committee on Rules & Administration during his November 28, 2018 nomination hearing.

Distributing HAVA Funds



EAC Grants Director Dr. Mark Abbott presents on the HAVA funds contained in the Consolidated Appropriations Act of 2018, and the process for accessing these funds, during a public forum on election security on April 18, 2018. How states planned to use HAVA funds received significant national press coverage when the EAC released narratives and budgets from 48 of the 55 states and territories eligible to receive these funds.

On March 23, 2018, the Consolidated Appropriations Act of 2018 was signed into law, making $380 million available to states to improve the administration of Federal Elections, the first appropriations for Help America Vote Act (HAVA) funds since FY2010. These funds came at a critical time.

Voting equipment across the country had surpassed 10, or in some cases, 15 years of age and election officials were working to improve the security of their election systems.

With the 2018 Midterm Elections not far off, the U.S. Election Assistance

Commission (EAC) worked to make funds available to states as quickly as possible so that they could have an immediate impact on election preparation. States received grant award notification letters in early April, which allowed them to incur costs, with prior EAC approval, against the forthcoming grant awards. The Commission also distributed Congressional guidance on how states could spend the funding and held a public forum on April 18, 2018, to provide additional guidance. Funds were then available for states to draw down and deposit into their election accounts. Once the states returned signed grant documents and the required certifications and assurances, they immediately began system upgrades to enhance election security ahead of the 2018 Federal Election.

Even as election officials across the nation prepared for the upcoming midterm elections, they wasted no time in requesting HAVA funds and developing their plans to bolster election security and administration. By July 17, 2018, the EAC announced each of the 55 eligible states and territories had requested 100 percent of the newly appropriated HAVA funds and 88 percent, or $333,921,264, had already been transferred into state accounts.

On Tuesday, August 21, 2018, less than five months after the Omnibus Consolidated Appropriations Act of 2018 was signed into law and 77 days before the 2018 midterm elections, the EAC published program narratives and budgets from 48 of the 55 states and territories eligible to receive HAVA funds.

Case Study: Colorado Improves Audits of Election-Related Systems

In 2009, the Colorado General Assembly passed legislation requiring counties to conduct risk-limiting audits (RLAs) following an election. A risk-limiting audit provides strong statistical evidence that the outcome of an election is correct. Because RLAs are centered on examining the original ballot cast, either a paper ballot or voter verifiable paper audit trail must exist.

In 2011, the Colorado Department of State received a $230,000 grant from the U.S. Election Assistance Commission (EAC) to pilot a risk-limiting audit system that would help meet the requirements of that legislation. Colorado conducted the first statewide RLA after the November 2017 Coordinated Election.

Colorado intends to use the $6,342,979 the state received in HAVA funds, and the required state match, to enhance technology and security in the state's election process, including by improving risk-limiting audits and other audits of election-related systems. The Colorado Secretary of State's office worked to improve the existing RLA system prior to the 2018 midterm election. The state also plans to add security audits of other election-related systems in 2019 and beyond.

EAC Chairman Thomas Hicks and Vice Chair Christy McCormick appear before the United States Senate Committee on Rules and Administration during the "Election Security Preparations: Federal and Vendor Perspectives" hearing on July 11, 2018. The Commissioners delivered testimony on the EAC's election security work and the status of distributing HAVA funds contained within the Consolidated Appropriations Act of 2018 to eligible states and territories.

By September 20, 2018, all 55 states and U.S territories had submitted their final plans and budgets and 100 percent of the $380 million had been disbursed.

The Commission made all state narratives and budgets public in order for the election community and the American people to have the particulars on how the states and territories were expending their funds. It is essential as part of the EAC's clearinghouse effort, that the states and territories have access to the wealth of ideas and innovative approaches contained in other states' narratives as they plan their own use of the funds. It is equally essential that the voting public know how states are using these federal funds.

Election security enhancements, including new voting equipment and cybersecurity protections, made up nearly two-thirds of total investments detailed in state narratives and budgets. States and territories allocated the remaining third to improve voter registration systems, post-election audit activities, election-related communications, and establishing reserves for future programming.

Congressmen Steny Hoyer (MD-15) and Jamie Raskin (MD-8) visit the EAC's office in Silver Spring, Maryland, to hear about the Commission's progress in distributing HAVA funds and the Commission's work to support secure, accessible and efficient elections.

"In Vermont, we have requested and received our $3 million in 2018 HAVA dollars from the U.S. Election Assistance Commission. The EAC provided this in a very quick way. Within 3-5 days of receiving our application, they got the money to us. I want to thank the EAC for providing a simple and quick way to get that money to us."

- Jim Condos, Vermont Secretary of State

The state and territory narratives contained expenditures for items such as personnel, equipment, sub-grants awards, training and accessibility improvements. Many of the documents also contained information on how grant recipients would comply with statutorily required activities, such as the five percent state funding match.
The steady rate of incoming requests the EAC received for this critical funding made clear the urgent need for new resources and was a testament to the dedication of election officials to bolster the security of our country's election systems. However, requesting HAVA funding was only one of the ways states worked to make their election systems more resilient, just as the EAC's distribution of HAVA funds was merely one aspect of the EAC's election security work. While the long-term impact of the new HAVA funding will be determined by how states and territories choose to use it, Americans should feel assured their election systems have integrity because of the diligent efforts of election officials around the country to improve every aspect of their systems.

Still, one message the Commission heard repeatedly from state and local election officials was that the funds contained within the Consolidated Appropriations Act of 2018 should be considered a down payment, rather than a one-time solution.

The vast majority of states and territories plan to spend their allotted funds within the next two to three years. Each funding recipient is required to submit a standard Federal Financial Report and updated program narrative for each fiscal year and may be audited by the EAC's Inspector General. The first Progress and Financial Reports from states and territories were due to the EAC on December 31, 2018. The Commission will produce a brief summarizing how HAVA funds are being used in the first quarter of 2019 as our team provides technical assistance and grants management advice to state election offices as requested.

Case Study: Cybersecurity

Iowa plans to use $2.3 million of the $4.8 million in 2018 HAVA funds allocated to the state to augment cybersecurity protections. At the state level, funds will be utilized for firewall upgrades, increased security for the statewide voter registration database, and additional staff members to better serve and assist counties as they seek to enhance their security measures.

On the county level, funds will be used to provide more secure access to the statewide voter registration database through two-factor authentication. Funds will also be used to explore improvements to technology and security equipment already available to Iowa counties. The most recent HAVA funds will also allow the Iowa Secretary of State's Office to continue to expand on educational and training opportunities available to county Auditors, their staff and county IT professionals.

Case Study: Voter Registration

Massachusetts will spend $4 million of the $7.89 million in 2018 HAVA funding the state has received to make several upgrades to its voter registration systems.

In 2016, the Massachusetts Legislature amended state law to allow for the use of electronic poll books (e-poll books), subject to certification by the Secretary's Office, to check in voters at the polls. The Secretary's Office intends to use some of this funding for independent cybersecurity testing and guidelines for security and usage. After determining specific guidelines for use and certifying e-poll books, the Secretary's Office anticipates offering grants to assist local election officials in obtaining such equipment. The Secretary's Office will work with the Comptroller's Office to add equipment and related services to the statewide contract to make the procurement process easier and more cost effective for local officials. This program is expected to be in place by 2019.

Massachusetts also anticipates using a portion of the funding to implement automatic voter registration (AVR), which is set to begin on January 1, 2020. AVR will require certain modifications to the statewide voter registration database and will likely require additional technology. If the law is changed to allow for Election Day Registration (EDR) as well, funding will be used to provide the equipment needed for local election officials to implement EDR as well.

Case Study: Voting Equipment

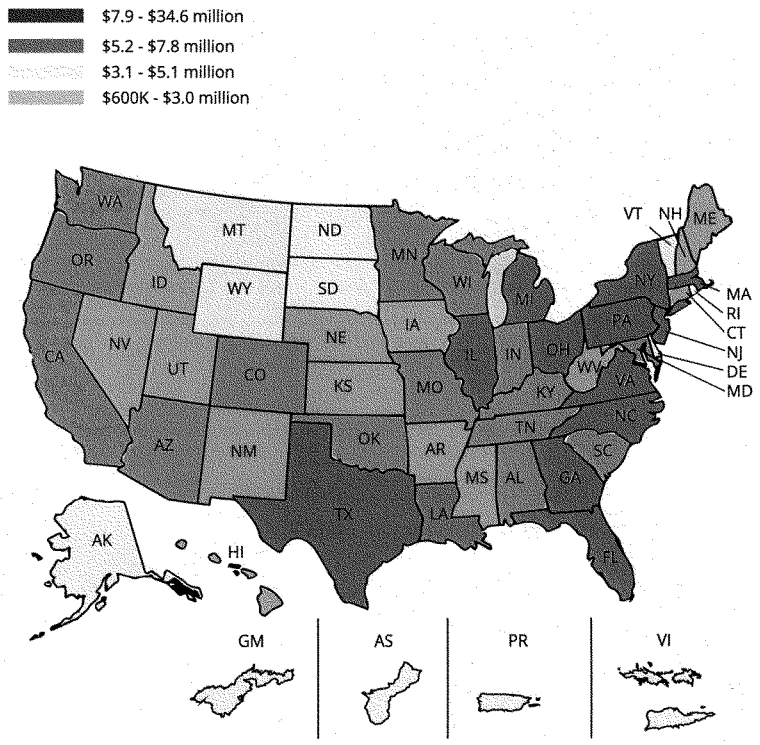
The majority of Kentucky's 120 counties utilize voting machines which create a Voter Verified Paper Audit Trail (VVPAT) once a voter casts his or her ballot. However, approximately 29 counties rely exclusively on direct-record electronic voting machines (DREs), which do not create paper record.

The Kentucky State Board of Elections (SBE) recently resolved to require all future voting equipment purchased by the Commonwealth to provide a VVPAT. The resolution will require approximately 13,000 voting machines to be replaced and cost approximately $18-$28 million, depending on the vendor and type of solution.

Kentucky will spend $4.6 million of the $5.7 million in 2018 HAVA funds available to the Commonwealth towards this replacement effort and for training on how to use the new equipment. While the funds will not account for the complete statewide replacement purchase price, it will assist the counties who solely use DREs to make the transition immediately.

Once a statewide VVPAT system is adopted, the Commonwealth of Kentucky will then have the ability to begin risk-limiting audits as a standard post-election protocol.

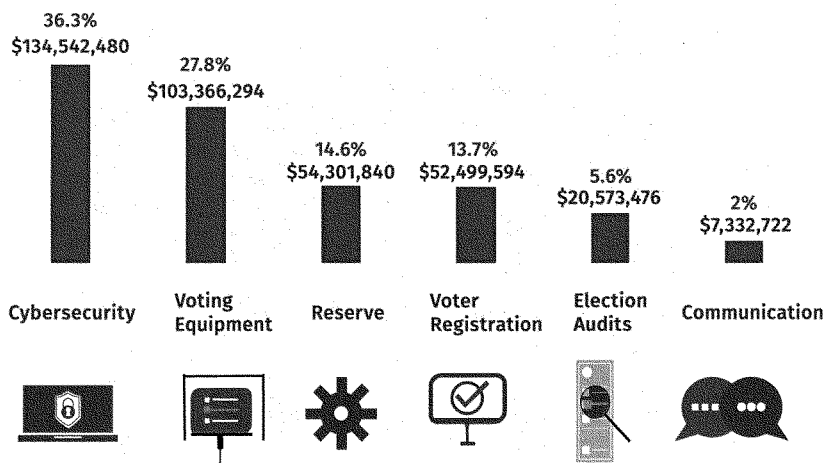
2018 HAVA Funds made available on March 23.



100% of funds requested by July 17.

100% of funds disbursed by September 20.

HOW STATES PLAN TO USE 2018 HAVA FUNDS



Cybersecurity	Voting Equipment	Reserve	Voter Registration	Election Audits	Communication
AL	AK	AS	AL	AL	AS
AS	AR	CA	AS	CA	CO
AZ	AS	CO	AZ	CT	CT
CA	CA	FL	CA	CO	DC
CO	CO	GU	CO	GA	FL
CT	CT	HI	CT	GU	GU
DC	DC	IA	DC	IA	IA
FL	DE	ID	GU	ID	ID
GA	GA	MI	HI	KY	IN
HI	GU	MN	IA	MD	MD
IA	HI	MO	ID	MI	MI
ID	ID	MS	IN	MN	NE
IL	KY	NE	MA	NC	NJ
IN	LA	NH	MI	NJ	NV
KY	MA	NJ	ME	NV	VA
MA	MD	NM	MO	OH	VI
MD	MO	NV	NC	OR	WV
MI	ND	OR	NE	RI	
MN	NE	PR	NJ	TX	
NC	NJ	RI	NM	UT	
NE	NM	TX	NV	VA	
NJ	OK	VA	OH	VT	
NM	PA	VI	OK	WA	
NV	RI	WA	PR		
OH	SC		RI		
OK	SD		TN		
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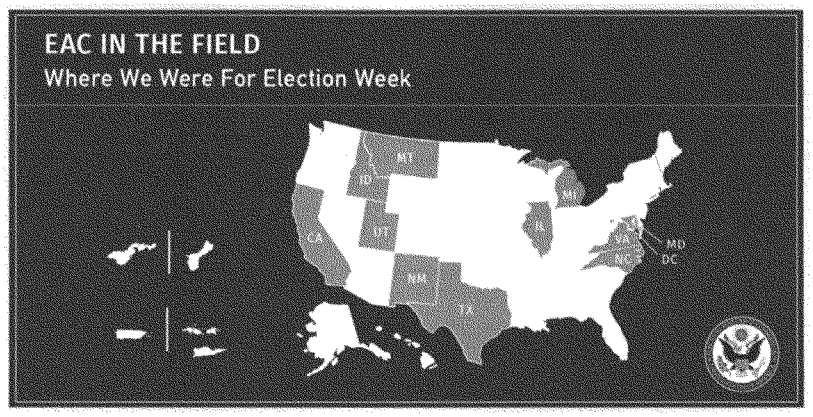
The 2018 Election



EAC representatives were on site in twelve different states and territories in the days leading up, and immediately following, the 2018 Midterm Election. On Election Day, Commissioners and staff visited election offices, served as poll workers and monitored Election Day threats at the Department of Homeland Security (DHS)'s National Cybersecurity and Communications Integration Center (NCCIC). Staff and Commissioners also observed logic and accuracy testing, vote by mail processing and post-election audits.

The 2018 Midterm Election was one of the most closely scrutinized in recent memory. Speculation about potential cyber-attacks and stories about the progress made to improve the security and resiliency of state election systems dominated media coverage and remained at the forefront of voters' minds. Election officials took potential threats seriously and, in the lead up to Election Day, they doubled down on efforts to secure election systems and educate voters to ensure confidence in the process.

During the 2018 midterm election, which was projected to see one of the highest midterm turnouts in decades,

"I do think the Commission has now found a new mission and it's an important one. I look forward to our oversight responsibility, but also working with the Commission as they do everything they can to help give state and local election officials the kind of help they need from the federal government to do their job."

- U.S. Senator Roy Blunt

election officials were more aware of the challenges confronting their systems and proved capable of successfully navigating potential threats. As a result, there were no reports of cybersecurity-related compromises of election infrastructure.

The Commission's driving force in 2018 was to ensure election officials had the resources necessary to successfully administer secure, accurate and accessible elections. The EAC convened election officials to discuss some of the biggest issues they face, ensured the efficient distribution of $380 million in newly allocated HAVA funds, and elevated best practices in election administration to serve as examples to other jurisdictions. Representatives of the Commission presented at conferences, conducted trainings, made site visits to election offices around the country, regularly spoke with election officials about their needs, and audits. At the EAC's headquarters, additional staff oversaw a call and email center that operated from Thursday, November 1 until polls closed on Election Day. Staff answered questions from voters and election officials across the United States. The agency also created a unique website splash page feature that provided easy access to information most requested by voters, including polling place location and voter registration instructions.

Although the 2018 Federal Elections were administered successfully in the majority of jurisdictions, in some jurisdictions there were reports of long lines and wait times, aging and malfunctioning voting equipment, ballot design issues and understaffing. The EAC will continue to work with jurisdictions around the country to ensure election officials have the tools they need to address such issues and ensure a positive experience for voters.

"I wanted to briefly say how important it is to have the United States Election Assistance Commission fully filled. As we look back at the midterms, I think we know we need a strong, fully functioning Commission now more than ever."

- U.S. Senator Amy Klobuchar

Summit: The 2018 Federal Election

As any election official will tell you, administering a federal election takes months of preparation. For the EAC, that work began in earnest in January 2018, when the Commission began the year with an all-day summit highlighting a spectrum of issues that state and local election officials face as they work to administer elections and serve voters. The event took place at the National Press Club and featured keynote speakers and expert panelists who addressed topics such as election security, voting accessibility, and how to use election data to improve the voter experience. Attendees also heard a keynote address from then-Acting Deputy Undersecretary of the Department of Homeland Security's National Protection and Programs Directorate Bob Kolasky.

With more than 125 election officials, activists and voters in attendance, the

National Mail Voter Registration Form

As mandated by the Help American Vote Act of 2002 (HAVA), the EAC maintains the National Mail Voter Registration Act (NVRA) form and its accompanying state-specific instructions. The NVRA form can be used by U.S. citizens in most states to register to vote or update their registration record through the mail. In 2018, at the request of states, the EAC processed nine updates to the NVRA form to align its state-specific instructions with changes in state law. To support voter registration for citizens with language needs, the NVRA form and instructions have been translated into nine languages (Bengali, Chinese, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog and Vietnamese). The EAC webpage, where the form is hosted, was the most visited page on the EAC website in 2018, registering 184,030 unique visitors.

In addition to being hosted on the EAC website for download, the NVRA form is used by vote.gov, a website managed by the Government Services Administration (GSA), and many non-governmental organizations seeking to register voters. For example, GSA reported to the EAC that in 2018, the English- and Spanish-language NVRA forms were accessed on vote.gov by 346,339 unique visitors across the 10 states which accept the form but do not have online voter registration. Three national non-governmental organizations focused on voter registration through online platforms (Rock the Vote, TurboVote, and vote.org) reported to the EAC that they supported voter registration for more than 2.2 million individuals using the NVRA form.

In addition to maintaining the NVRA form, the EAC further supports voter registration by directing EAC website visitors to states' online voter registration portals and relevant information.

summit was a powerful testament to the Commission's convening power. Since its inception, the EAC has worked with election officials to tackle some of the greatest challenges facing American elections. The summit provided a space for election officials to focus on some of the most pressing issues in election administration and hear from leading experts in the field as they prepared for the upcoming Federal Election.

EAC Election Readiness Summit

Just one month before the 2018 Midterm Elections, the U.S. Election Assistance Commission (EAC) hosted the EAC Election Readiness Summit in the U.S. Capitol Visitor Center to inform the public and lawmakers about the steps election leaders can take to ensure secure, accessible, and efficient elections.

The event featured expert panelists and keynote speakers, including U.S. Senators Roy Blunt (R-MO) and Amy Klobuchar (D-MN), who examined election security best practices. Panelists also discussed investments in accessibility, post-election audits, and other vital election activities. The summit highlighted innovative and cost-effective steps for election administrators to consider as they looked to 2020 and beyond. In the afternoon, the EAC hosted an open house for election vendors to display and demonstrate their equipment.

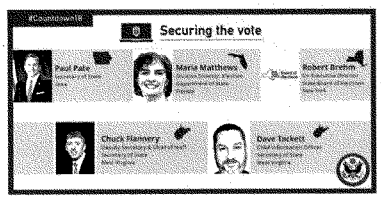
The summit was a bookend event to an intense year of preparation for election officials around the country, who worked tirelessly to improve the security and resiliency of their systems.

#Countdown18

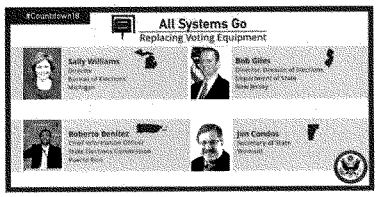
The EAC launched a #Countdown18 online series to highlight the innovative work states, counties and municipalities were doing to prepare for the upcoming Midterm Elections. This five-week series featured interviews with election officials in the states, leading national experts and volunteers and examined efforts made possible as a result of the recently distributed 2018 HAVA funds.

The first week of the series focused on the additional steps election officials across the country took to safeguard and improve their Voter Registration systems ahead of Election Day, including the 29 states and territories that are using a portion of their 2018 Help America Vote Act (HAVA) funds for these efforts. The EAC highlighted the work of the Oklahoma State Election Board, which expects to move voter registration completely online by 2020 and launched the first phase of this project, the Online Voter Registration Update Service, in

2018. Veronica Degraffenreid of the North Carolina State Board of Elections & Ethics Enforcement told the EAC about how the new funds were helping expedite the process of revamping the state's statewide election information management and voter registration systems. Rhode Island Secretary of State Nellie Gorbea spoke about the development of a new voter registration system, which will be ready for the 2020 elections, thanks to the 2018 HAVA funds. Washington State Director of Elections Lori Augino also outlined the state's new single synchronized voter-registration system, which will be in place for 2019's August primary and November general election.

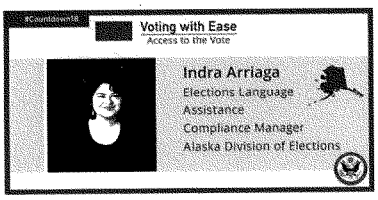


During a week-long "Securing the Vote" feature, the EAC focused on election Cybersecurity initiatives in Florida, New York, Iowa and West Virginia, four of the 41 states and territories who are using 2018 HAVA funds for this purpose. Robert Brehm outlined the New York State Board of Elections' plan to further strengthen its election infrastructure's cyber protections. Iowa Secretary of State Paul Pate briefed the agency on numerous steps his office had taken including the formation of the Iowa Election Security Working Group, post-election audits following the November 2018 elections, making cybersecurity training a priority for all election officials and educating voters on the cybersecurity measures in place. The series highlighted the Florida Department of State's hiring of five cybersecurity specialists to assist state and local election officials with election security and grants provided to Supervisors of Elections for the purchase of ALBERT sensors. Representatives from the West Virginia Secretary of State's Office also spoke about the state's secure mobile app for uniformed and overseas citizens to easily vote absentee and partnerships with Harvard University's Belfer Center, the West Virginia National Guard and others.



The voting machine is the one 'hands-on' piece of equipment that most voters interact with during the election process. Whether it be an optical scanner or a direct recording electronic machine, the quality and reliability of that equipment is a critical component to a safe, secure election process. During the third week of the #Countdown18 series, the EAC spoke with officials from Michigan, New Jersey, Puerto Rico and Vermont about their efforts to Replace Voting Equipment.

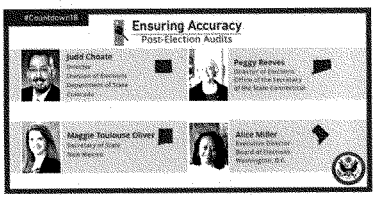
Michigan was one of the few states working with all new voting equipment for the November 2018 elections, and Director of Elections Sally Williams walked the EAC through voters' initial response to the equipment and the checks and balances in place to ensure the integrity of the system. New Jersey Elections Director Bob Giles outlined a pilot program the state is embarking on to begin the process of replacing its current voting equipment with systems that provide a Voter Verified Paper Audit Trail for auditing purposes. Roberto E. Benítez spoke about the Puerto Rico State Elections Commission's efforts to repair voting equipment damaged during Hurricane Maria, purchase electronic poll books and conduct IT infrastructure upgrades. The EAC also published an interview featuring Vermont Secretary of State Jim Condos about the acquisition of a new state-of-the-art accessible voting system in advance of the 2018 Midterm Election and the plan to replace vote tabulators after the election.



The right to vote is one of the most fundamental, and hard-won, principles of our democracy. Yet, the work to ensure all eligible citizens are able to cast a ballot is still unfinished. The EAC spoke with state and county election officials about their efforts to ensure Voting with Ease, including initiatives to decrease wait times, assist military and overseas voters and provide language assistance at the polls.

General Registrar Michele White told the EAC about how Prince William County, Virginia went from making national headlines in 2012 for its three-to-four hour waits on Election Day, and having to keep polls open until 11 p.m., to every polling location closing on time in 2016. Sam Taylor at the Texas Secretary of State's Office outlined programs and extended deadlines in place to assist military and overseas voters in requesting, and returning, marked ballots. Indra Arriaga spoke about the Alaska Division of Elections' language assistance program, which provides translated election materials for languages that are historically written and oral language assistance for languages which are historically unwritten.

The EAC also featured an interview with Jim Dickson, a member of the leadership team that was influential in the drafting and passage of the National Voter Registration Act and the Help America Vote Act. Dickson noted the need for ongoing research and development on accessibility to keep up with constantly changing technology. His words serve as a poignant reminder that election security cannot come at the expense of voting systems which are accessible to all eligible voters.



Ending the Friday before Election Day, the #Countdown18 series gave voters an behind-the-scenes look at their own state and local election offices and allowed them to see how election administrators were working to improve their resilience of our election process.

The right to vote is the foundation of American democracy and citizens must be able to trust that the election process is secure and accurately reflects the will of voters. During the final week of #Countdown18, the EAC focused on one emerging trend that ensures voter confidence: post-election audits.

Alice Miller, Executive Director of the Washington, D.C. Board of Elections, spoke with the EAC about the District's election audit processes, which are used to verify the tally and that equipment counting the ballots performed properly. In Connecticut, where post-election audits have been conducted for more than a decade, Director of Elections Peggy Reeves spoke about the state's partnership with the University of Connecticut to develop a computer-assisted independent audit station which will allow election officials to manually review an image of each ballot subject to audit. New Mexico Secretary of State Maggie Toulouse Oliver gave an overview of the state's shift from the two percent tabulator audit to its current risk-limiting voting precinct audit model. Finally, Colorado Director of Elections Judd Choate outlined how risk-limiting audits were piloted and implemented in the state.

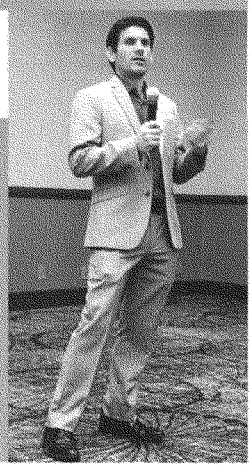
Enhancing Security

npr

Cybertraining Election Officials For This Year's Voting

Pam Fessler
Correspondent, National Desk

"It was clear that many of those gathering in Orlando already have protections in place and are well aware of the risks. But some county election offices are extremely small, with no IT staff of their own. Dana Southerland runs elections in Taylor County, which has only 13,000 voters. She said she picked up some useful tips, such as changing passwords and being careful about opening e-mails...Southerland — who is also President of the Florida State Association of Supervisors of Elections and helped organize the session — said perhaps the most important message is that no one is immune from attack, and they have to be prepared."



IT Management Training

States had already done a great deal of work to improve and shore up their systems prior to $380 million in HAVA funding was made available through the Consolidated Appropriations Act of 2018, including forming unprecedented federal entities and participating in tabletop exercises and other training sessions aimed at improving the overall security and resiliency of election systems.

One of these training sessions is the "Election Official as IT Manager," led by the U.S. Election Assistance Commission

(EAC)'s Testing & Certification team. The EAC customizes each session to reflect state-specific voting and election systems. With modules on technology in election offices, procurement and vendor selection, testing and auditing, security, risk management, critical infrastructure and federal resources, the course is aimed at helping election officials manage the increasingly complex technical demands of planning, directing and controlling contemporary elections.

To date, the EAC has provided its IT Management Training at no cost to eleven states and helped election officials improve the security and resiliency of their systems. In 2018 alone, the EAC Testing & Certification team conducted 11 "Election Official as IT Manager" trainings for approximately 600 local election officials across nine states. These trainings are ongoing and the EAC working with DHS has made the course available online through the FedVTE platform.

Critical Infrastructure Designation

In early 2017, the Department of Homeland Security (DHS) designated elections as part of the nation's critical infrastructure. While the EAC was already collaborating with the DHS and the Federal Bureau of Investigation (FBI) to distribute actionable alerts to election officials who had long focused on strengthening the security and resiliency of their election systems, the critical infrastructure designation was established by the federal government to improve that process and provide election officials with additional resources and mechanisms for information sharing.

Since the designation, the EAC has actively worked to provide state and local election officials with a seat at the table during discussions about how the sector would function and, together with election officials, has been at the forefront of solutions which have dramatically increased election security. For example, the EAC led the establishment of the Government Coordinating Council for the Election Infrastructure Subsector (GCC).

The EAC recognizes the GCC as an exemplary proof-point of how local, state and federal governments can effectively work together toward the shared goal of protecting our nation's election infrastructure. DHS has said that the GCC was formed faster than any other similar critical infrastructure sector council to date and the Council is comprised of, and a valuable asset to, election officials.

Building on the formation of the GCC, the EAC also convened discussions between election system vendors and the DHS for the formation of the Sector Coordinating Council (SCC).
Thanks to the swift establishment of the GCC and the well-established relationships between the EAC and election equipment vendors, both Councils were functioning before 2018,

Members of the Elections Government Sector Coordinating Council (GCC) during their first meeting on October 14, 2017.

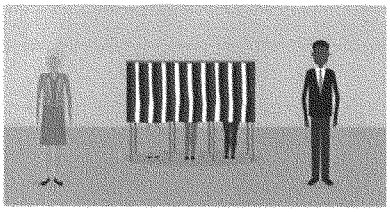
less than one year after the Critical Infrastructure designation.

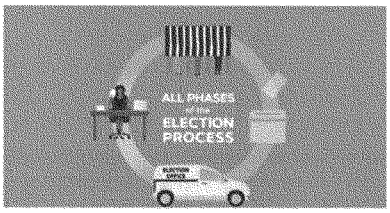
Since then, the GCC has adopted and implemented a communications protocol document and a sector specific plan which provides expedited state and local access to security resources. The GCC also launched a number of working groups and are participating in others. Information Sharing and Analysis Centers (ISACs) intended to gather, analyze, and disseminate intelligence related to critical infrastructure are also up and running. The Elections Infrastructure-ISAC (EI-ISAC), for example, allows owners and operators of election administration systems to better secure their systems against cyber threats by providing threat-related notifications; assessments of relevant news; a 24/7 operations center with cybersecurity experts; timely sharing of actionable information; and real-time monitoring for network activity by malicious actors.

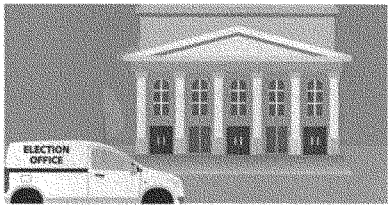
The SCC announced the creation of their own Information Sharing Analysis Center called the Special Interest Group (SIG) and is now working to establish charters and working groups.

The EAC continues its leadership in the sector through its collaboration with DHS and its involvement the GCC. Two months before the election, the EAC participated in a DHS classified national read-in on the current state of threats to election systems through the GCC. The critical infrastructure designation also accelerated the distribution of traffic and threat monitoring systems, known as Albert sensors, allowing them to be deployed on election networks across the country ahead of the 2018 Midterm Elections.

In 2018, EAC Chair Thomas Hicks served on the GCC's executive committee. Vice Chair Christy McCormick served as an ex-officio member of the GCC and Executive Director Brian Newby co-chaired the Council's Digital Network







The EAC Election Security video and accompanying resources detail the broad spectrum of steps election officials take to secure elections.

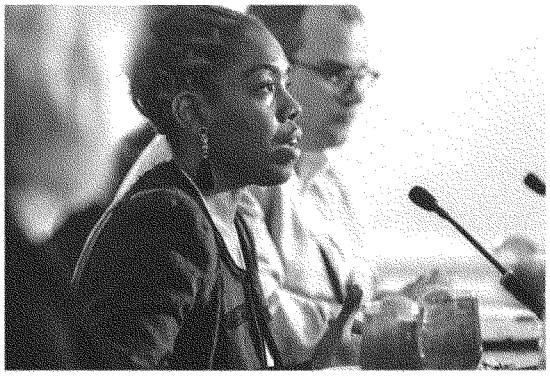
Development Working Group. With the confirmation of two additional Commissioners, the Chair and Vice Chair of the EAC will serve as official members of the GCC and the remaining Commissioners will serve as ex-officio members. The EAC is committed to working with election officials and their federal partners to continue ensuring the nation's election systems are secure.

Materials for Voters

Following the 2016 Presidential Election, voters had concerns about the security of election systems and whether the system as a whole had integrity. However, thanks to the work of such officials, significant security protections were already in place and no votes altered during the 2016 election. While interference from nation-state actors shook voter confidence, election systems withstood these attacks and administered accurate elections.

Over the last two years, a core tenant of the EAC's mission has been to help election officials as they worked to improve security against threats both physical and cyber. The Commission also worked to educate voters about the significant security measures in place within election systems. One resource the EAC produced this past year was a brief Election Security video intended to aid election officials as they engage community and civic groups.

This video examines the role registration, physical security, poll



Former U.S. Virgin Islands Election Systems Deputy Supervisor Genevieve Whitaker speaks during a panel on Elections & Disaster Recovery during the 2018 EAC Standards Board Meeting.

workers and voting equipment play in ensuring safe, accurate, fair and accessible elections. It also explains how the decentralized American election administration system protects election integrity and American voters, and examines the security measures in place for vote by mail ballots, election night reporting and voting technology overall. In addition, the video highlights ballot handling measures, post-election audits, and the planning most jurisdictions do to ensure election continuity in the face of unexpected events or natural disasters.

While jurisdictions across the nation all have unique policies and laws that govern how elections are administered and secured, this video captured the common threads that run throughout this essential work. The video, and the accompanying presenter's materials and pamphlet on election security, were an invaluable resource to election officials and voters alike. The Wisconsin,

"I sit on the executive committee of the Government Coordinating Council and I sit alongside the Chairman of the EAC and the Presidents of NASS and NASED. This confederation is working really well for all of us to figure out our lanes and what's become clear to everybody, including the Department of Homeland Security, is the vital role that the EAC has played. For 15 years, they've been a significant partner. They're a trusted source. I think DHS has been able to rely on them significantly and we certainly have at the local level."

- Noah Praetz, Director of Elections, Cook County, Illinois

"It's fair to say that the majority of county clerks in the rural areas of Missouri are depending on the efforts of their election service providers who provide their voting equipment services, their Secretary of State's office and the coordinated efforts of the Department of Homeland Security and the Election Assistance Commission to be their firewall for protection against incoming cybersecurity threats."

- Shane Schoeller, Clerk, Greene County, Missouri

Iowa and California Secretary of State's Offices adapted this video to include state-specific information and made it publicly available to voters on their websites.

Contingency Planning

Election officials across the country spend a lot of time thinking about what could go wrong—and for good reason. When an unexpected situation arises or disaster strikes, election officials must be able to continue operations, with limited resources and time. Proactively planning for the types of disasters we know are possible and developing contingency and recovery plans are some of the best ways to shore up the security of voting systems. Crises will arise, from hurricanes and wildfires to criminal threats and power failures. But when these kinds of disruptions do occur, there is usually a precedent to look for guidane on how to best manage them. In order to ensure election systems are secure, election officials must also have strong plans in place to protect the physical security of voting equipment, including contingency plans, to mitigate the fallout from disasters that might occur.

Such planning is not limited to hacking and data breaches, though cybersecurity risks remain at the forefront of the public consciousness. Damage to election systems by natural disasters in communities across California, Texas, Puerto Rico, and other jurisdictions also demanded significant emergency responses in 2017. Significant support was required to rebuild election systems in many areas ahead of the 2018 midterms, with more work to be done prior to the 2020 Federal Election.

The EAC has a wealth of real-world contingency plans on our website, including disaster mitigation training materials and other resources that allow state and local election officials to see how other election offices have handled such challenges in the past. In May, Vice Chair Christy McCormick also moderated an Election & Disaster Recovery panel during the EAC's 2018 Standards Board meeting. This discussion allowed attendees to hear from officials from New Jersey, Virginia and the U.S. Virgin Islands with real world experience on mitigating the impact of severe natural disasters on their election systems.

Securing Systems

When the Help America Vote Act (HAVA) was passed in 2002, the legislation established a Testing and Certification program within the U.S. Election Assistance Commission (EAC) to certify, decertify and recertify voting system hardware and software and accredit test laboratories. This was the first time in history that the federal government held this responsibility, allowing states to procure newly certified voting systems without the added expense of independent testing and certification.

Since then, the EAC's Testing and Certification team has served as a critical first step in maintaining the reliability and security of the voting systems used in American elections. In all, the program has certified 38 voting systems, or modifications to a voting system, from 6 different vendors. In 2018, the team tested and certified 10 voting systems from six different manufacturers. At least 47 states use the Testing and Certification program in some way when deciding which voting system to purchase, and state and local election officials often request that the EAC edit and review requests for proposals (RFPs) and other documents used in the election technology procurement process.

At the core of the EAC's Testing and Certification work are the Voluntary Voting System Guidelines (VVSG) which test election system functionality, accessibility, accuracy, auditability and security capabilities. HAVA mandates that the EAC develop and maintain these standards together with our partners at the National Institute of Standards and Technology (NIST) the EAC Technical Guidelines Development Committee (TGDC), a diverse EAC advisory board comprised of representatives from the election community, public sector, private sector and interest groups.

The most recent generation of the guidelines, VVSG 2.0, were adopted by the TGDC on September 12, 2017. The VVSG 2.0 are a nimble set of high-level principles, supplemented by specific requirements for how systems can be tested and how accredited test laboratories can validate that a system complies with those requirements.

Both the Standards Board and Board of Advisors passed resolutions

The EAC hosted local election officials for a public forum on election security in Miami on April 18, 2018, just a few weeks after the Consolidated Appropriations Act of 2018 provided $380 million in new Help America Vote Act (HAVA) funds.

during their 2018 annual meetings recommending that the EAC move forward with considering the draft VVSG 2.0 Principles and Guidelines document for full adoption. Both boards also passed an amendment to the resolution recommending that the EAC adopt, within the Testing and Certification Quality & Program Manual, a provision providing for the ability of VVSG 2.0 requirements and Test Assertions to be updated in the absence of a quorum of EAC Commissioners.

The EAC also accredits independent voting system test laboratories (VSTLs) that evaluate voting systems against the Voluntary Voting System Guidelines (VVSG). The National Institute of Standards and Technology (NIST) assists the EAC through its National Voluntary Laboratory Accreditation Program (NVLAP) to provide recommendations regarding laboratory accreditation. After the EAC receives NVLAP's recommendations, the program conducts further review to address additional issues, such as conflict

The EAC election security forum in Miami gave state and local election officials from across the nation the opportunity to provide statements about their election cybersecurity efforts. The discussion also featured details about new HAVA funding.

of interest policies, organizational structure and recordkeeping protocols, before the Commissioners vote on full accreditation.

The Commission also operates a Quality Monitoring Program to ensure voting systems certified by the EAC are the same systems being sold by manufacturers. This program is a mandatory part of the Testing and Certification program and includes elements such as fielded voting system review, anomaly reporting, and manufacturing site visits.

If issues do arise, the EAC issues System Advisory Notices to inform jurisdictions and members of the public of an existing anomaly or issue with an EAC-certified system. The advisory notice describes the issue identified, the root cause of the issue if known, and the current status of a solution. The EAC also follows up with additional advisory notices as more information is gathered until the issue is resolved.

However, the work of the EAC Testing and Certification team doesn't end with certifying a system, or ensuring systems used by election jurisdictions are identical to those tested and certified by the agency. In 2018, the program worked with state and local election officials to ensure the proper management of election systems and the rigor of post-election checks on those systems. The team also authored the white paper "Wiping Election Equipment Before Disposal, Sale or Destruction" outlining the steps election officials must take to ensure any proprietary information, election data and personal information has been properly sanitized from those devices once they reach the end of their useful life.

Table Top Exercises

In March 2018, the EAC worked with others in the election industry to create and execute a national role-based tabletop exercise (TTX). The purpose of the tabletop exercise was to simulate scenarios that could occur during an election in order to get election officials to actively communicate, implement incident response plans, and ultimately increase awareness and preparedness for the 2018 midterm elections.

Following this initial TTX, the EAC provided assistance in the development and implementation of tabletop exercises for election officials in Illinois, Ohio and Colorado. The EAC also participated and assisted in the planning of the Department of Homeland Security's Tabletop the Vote 2018: National Election Cyber Exercise, which included 44 states, the District of Columbia and federal partners.

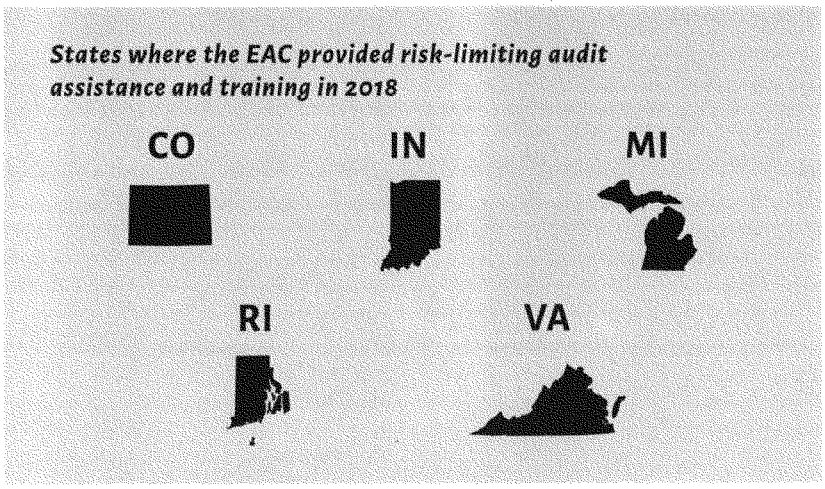
Members of the EAC Testing & Certification team also contributed to manuals and cybersecurity playbooks developed by use for third-party entities to support election officials.

Risk-Limiting Audits

As states look to bolster election security, many jurisdictions are refining their post-election audit processes or piloting new initiatives, including risk-limiting audits (RLAs), a type of post-election audit which provides strong statistical evidence that the election outcome is correct.

In 2018, the EAC Testing and Certification team provided risk-limiting audit assistance and training across five states. The program also compiled feedback from jurisdictions that had either implemented or piloted RLAs into the white paper **"Risk-Limiting Audits – Practical Application."**

Research is ongoing for integrating RLAs into state and federal-level elections, and for testing and potentially implementing other statistics-based post-election audits. The EAC will continue to provide support and resources to jurisdictions that are considering implementing post-election audits.



Leveraging Data

Election Administration & Voting Survey

State and local election officials across the country use a myriad of data to improve election processes. Since 2004, the U.S. Election Assistance Commission (EAC) has administered the Election Administration and Voting Survey (EAVS), the most comprehensive nationwide data about election administration in the United States. This biennial survey collects data from all 50 states, the District of Columbia, American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands at the state and local level by county or county equivalent. In addition to providing a detailed picture of how elections are administered across the country, data collected through the EAVS is used to help election officials identify trends, anticipate changing voter needs and the impact of proposed policies, and determine how to invest often limited resources. The EAVS has documented the impact of policy and administrative changes over time, such as the rise of online voter registration, a growing number of Americans voting before Election Day and more jurisdictions using technologies such as electronic poll books.

"The effective use of data to manage all aspects of the election process is extremely important. However, data alone is not enough. The quality of the data you use always has to be considered."

- Robert Torres, Acting Secretary of the Commonwealth of Pennsylvania

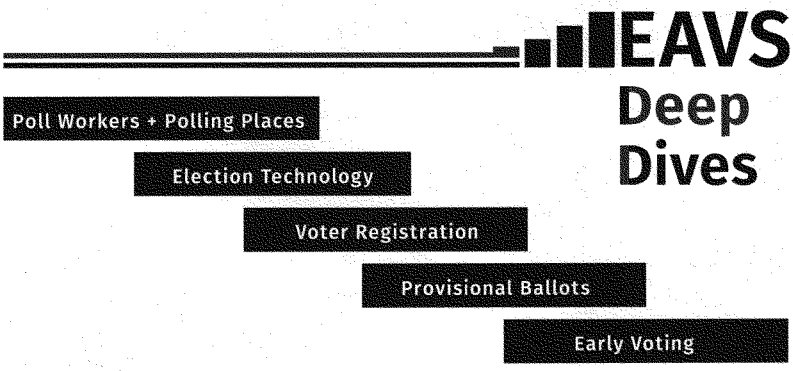
The EAVS collects data on the most recent federal general elections, which is then analyzed and summarized in a final report submitted to Congress and released to the public by June 30 the following year. The EAVS report and underlying data are then used by election officials, journalists, academics,

advocates and other stakeholders to better understand and improve future elections and the voter experience.

Additionally, the EAC leverages EAVS data to develop resources for election officials and the voters they serve.

The wealth of data within the EAVS includes information on voter registration, mail, absentee, and early voting, turnout by method, military and oversees voting, polling operations, poll workers, provisional ballots, and voting technology. For some of these issues, such as provisional ballots, the EAVS is the sole source of nationwide data and trends.

The EAC conducts the EAVS to meet its Help America Vote Act of 2002 mandate to serve as a national clearinghouse and resource for the compilation of information on the administration of Federal Elections, and statutory requirements under the National Voter Registration Act (NVRA) and the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Alongside the EAVS, the EAC also administers the Election Administration and Policy Survey (Policy Survey, formerly referred to as the Statutory Overview), which collects information on the policy and administrative frameworks in which elections are conducted in each state. Information collected through the Policy Survey is meant to complement and provide relevant context for the extensive data collected through the EAVS. Together, all the components of and data contained within the EAVS comprises the nation's leading source of election data, which for nearly 15 years has been an invaluable resource for improving the way America votes.



"Evaluation is an opportunity to gather data and demonstrate the ways policies and programs that have been enacted in jurisdictions can enhance the way you do your jobs and more broadly, the way citizens experience the democratic process."

- Dr. Bridgett King, Assistant Professor, Department of Political Science, Auburn University

EAVS DEEP DIVES

From the fall of 2017 until summer 2018, the EAC released a series of election data issue briefs known as "EAVS Deep Dives," which looked at election administration trends and voting behavior ahead of the 2018 midterm elections. This series examined EAVS data released between 2004 and 2016 and provided an in-depth look at a variety of timely issues related to election administration. The briefs offered analysis that helps demonstrate the changing landscape of U.S. elections, including the steady expansion of alternatives to traditional in-person Election-Day voting, the rapid increase in the use of online voter registration, and the rise in electronic poll book usage, among other important findings. With election officials and policy makers increasingly focused on election security following the 2016 elections, the issue briefs' findings on election technology and fail-safe procedures, such as provisional ballots, were particularly relevant.

The **Voter Registration** Deep Dive focused on the impact of technology, methods of voter registration and list maintenance activities.

The **Early, Absentee and Mail Voting** Deep Dive demonstrated the growing trend of states offering early, no-excuse absentee and mail voting, and the increasing number of voters casting ballots before Election Day.

The **Poll Workers and Polling Places** Deep Dive showed a decline in the number of physical polling places across the country, the continued challenges jurisdictions reported facing in recruiting poll workers, and age data for poll workers.

The **Election Technology** Deep Dive analyzed evolving election technology and its implications for election efficiency, integrity, accessibility, voter experience and confidence, and the roles of election officials at all levels.

The **Provisional Ballot** Deep Dive reported the rate at which provisional ballots are issued and counted during Federal Elections, and the impact of different state policies on provisional ballot usage and acceptance.

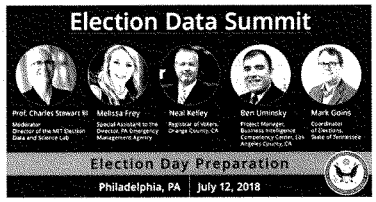
Products such as the EAVS Deep Dives are part of an EAC initiative to make the survey data more accessible, usable and impactful for both election officials and voters.

ELECTION DATA SUMMIT

While the EAVS is the most comprehensive survey on election administration in the United States, it only scratches the surface of available election data. In order to give state and local election officials and other election stakeholders the ability to discuss a broad spectrum of election data and highlight innovative and emerging data-driven practices from around the country, the EAC hosted its second Election Data Summit in Philadelphia on July 12, 2018, in partnership with the Pennsylvania Department of State. Held just four months before the midterm elections and four months after Congress allocated $380 million in new funding to states to improve the administration of elections for Federal office, the summit examined ways election officials are using data to improve election processes and inform decision making. Each panel during the summit focused on a distinct aspect of the election cycle and explored different sources of election data, including voter registration databases, electronic poll books, line management tools, voting equipment, and post-election audits. The event convened some of the nation's most respected election experts, each of whom brought a unique perspective to the conversation about how best to use election data and research future trends.

During the event, a **Voter Registration** panel explored how voter registration data is used, collected and shared in light of recent trends towards modernizing voter registration systems and increased sharing of registration data among states.

An **Election Day Preparation** panel examined how data can be used to identify polling locations, recruit poll workers, anticipate needs and establish systems to collect information and respond to emergencies ahead of Election Day.



The EAC hosted its second Election Data Summit in Philadelphia on July 12, 2018, in partnership with the Pennsylvania Department of State, just four months prior to the Midterm Elections and four months after Congress allocated $380 million in HAVA funding.

An **Election Day** panel examined how data-savvy election officials are leveraging a number of tools, such as mail-ballot tracking systems, electronic poll books and line management tools to strengthen specific aspects of voting operations and inform decision-making in real time during voting and in the post-election period.

Finally, the **Post-Election** panel focused on how officials can best use election data and research trends moving forward, with an emphasis on results and participation data, provisional ballot resolution tools, post-election audits, after-action reports and evaluations.

2018 EAVS

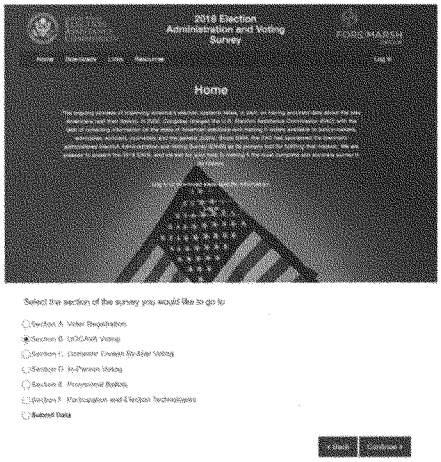
Months before the 2018 midterm elections, preparations for the 2018 EAVS, the eighth biennial survey of its kind, were already underway. The EAC worked to build on improvements from the 2016 survey in order to make the survey easier to complete, strengthen data quality and completeness, and encourage greater use of the data by election officials and other election stakeholders. As part of its efforts to make the EAVS easier to complete, the EAC is piloting online data collection for the 2018 EAVS. EAC technical assistance and data collection for the 2018 EAVS began in late 2018, but the main effort to collect, analyze, and report on the data will take place in 2019.

Once the 2018 EAVS report and underlying data is published in June

"Anyone who hasn't jumped into the data collection game: Just start collecting it. You might not know what to do with it yet, but if you miss the opportunity to collect, you're just prolonging that cycle from actually getting started."

- Kara Rahn, Director of Elections, Chester County, PA

2019, the EAC plans to continue developing products that make the data more accessible and useful to election officials, voters and other stakeholders. For example, data from the 2018 EAVS will be used to update the EAVS Data Interactive, a visualization tool launched in 2017 that allows users to examine specific data at the state and local level and compare jurisdictions side-by-side. The EAVS Data Interactive is just one of the tools the EAC will provide to election officials and voters in the coming year to help them to make informed decisions about election administration and policy.



In July, the EAC launched the EAVS Online Template to collect data for the 2018 EAVS. The online tool replaces the Excel Data Entry Template that was used in previous years, will make the survey easier to complete and strengthen data quality. Feedback from jurisdictions will be used to improve the template and inform additional modernization efforts for the 2020 EAVS.

Providing Assistance

Voters with Disabilities

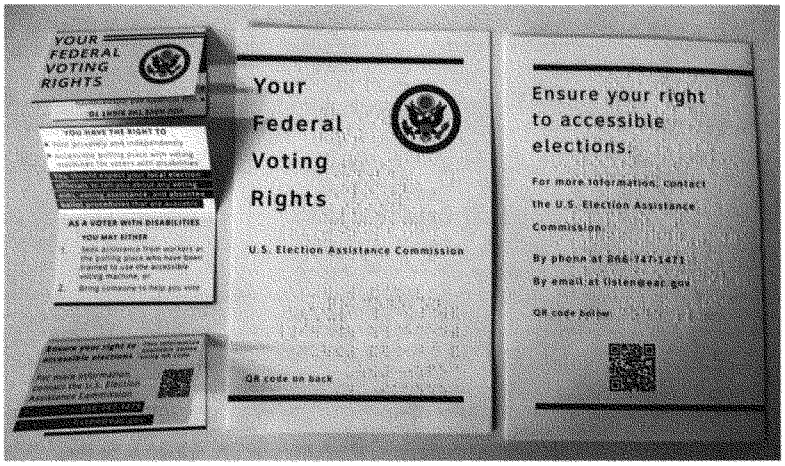
The Help America Vote Act (HAVA) contained landmark provisions requiring the secure, private and independent casting of ballots for voters with disabilities. Since then, states have made significant efforts to eliminate barriers and close the voter registration and voter participation gaps that exist between voters with disabilities and voters without disabilities. However, obstacles still exist for voters with disabilities and additional progress is needed to realize the true promise of HAVA.

Today, more than 35 million Americans with disabilities are eligible to vote in the United States, accounting for roughly one-sixth of the total electorate. This ever-growing population of voters also faces educational, cultural and political barriers that can make participating in elections difficult. Since our establishment, the EAC has worked to expand access, regardless of a voter's abilities, by providing resources, promoting best practices, educating voters with disabilities about their rights, and testing and certifying voting systems to ensure they are both secure and accessible to all.

"Ensuring the rights of voters with disabilities isn't a choice, nor is it a partisan issue. It's the law. We can never forget that as we work to improve elections."

-Joint op-ed from Commissioners Hicks and McCormick published on the 28th anniversary of the Americans with Disabilities Act

In 2018, the EAC hosted public forums to gather feedback from voters with disabilities about challenges they can face when casting a ballot. In June, Chairman Thomas Hicks and Vice Chair Christy McCormick conducted a town hall discussion with voters with disabilities and advocates from across America at the annual National Disability Rights Network (NDRN) conference. During this event, participants shared their voting experiences and offered suggestions for improvement. EAC Commissioners then shared this valuable feedback with election officials and continued their communication with voters with disabilities through the 2018 midterm election.

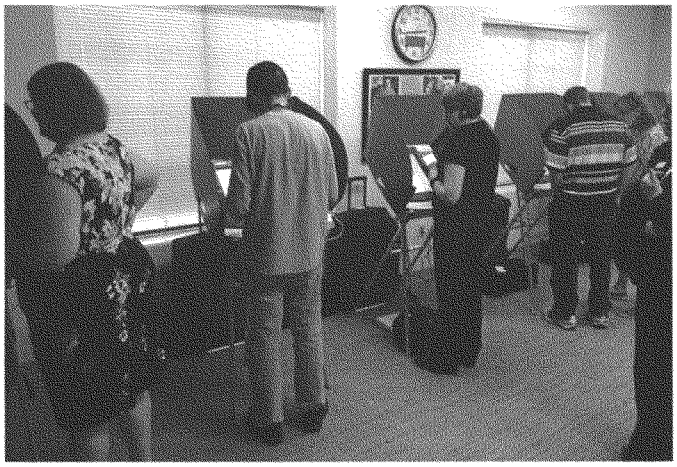


Since 2016, the EAC has distributed more than 20,000 federal voting rights cards in Braille, large print and plain language in order to ensure voters with disabilities are educated about their rights.

While there is no one solution that can be applied across the thousands of jurisdictions that comprise America's decentralized election system, there are common threads in how best to serve voters with disabilities. The EAC elevates best practices which can serve as exemplary models to election officials, such as technological improvements, better training for election workers, ensuring there are multiple options which accommodate the diversity of disabilities and regular engagement with voters with disabilities.

The EAC also ensures voters are educated about their rights. The EAC has distributed more than 20,000 federal voting rights cards in Braille, large print and plain language to voters with disabilities, advocacy organizations, and election officials across the United States since 2016. EAC Commissioners stress the need to find election solutions that will both increase security and expand access in Congressional testimony, meetings with state and local election officials, public appearances and public articles. The EAC also promotes best practices throughout the year with voter outreach, updated materials and online campaigns.

While jurisdictions have made advances in providing access to voters with disabilities since the passage of HAVA, more work needs to be done to meet the promise of private and independent voting for all. Moving forward, election officials should be continuously reminded to do all they can to ensure accessibility at every point in the voting process.



The EAC composes and promotes "case studies" of best practices that can serve as exemplary models for election officials. In 2018, several of these features focused on how to better assist voters with access needs. Contra Costa County, California, for example, provided specialized training to its election workers, placing them in the shoes of voters who need assistance to give them a new perspective and providing real-life examples of situations that can occur at a polling place on Election Day. Other jurisdictions, such as El Paso County, Colorado, have partnered with disability rights groups and resource centers to create universally accessible polling places. By seeking out partners and building relationships within the community, election officials can benefit from additional expertise and make the most of their often-limited resources.

Language Access

According to U.S. Census Bureau data, there are more than 25 million people in the U.S. with limited English proficiency. More than 60 million – or nearly one in five – people in the United States speak a language other than English at home. Such individuals can face challenges when attempting to register to vote and cast a ballot.

From translated materials to bilingual assistance at the polls, election officials across the country take a number of steps to help such voters overcome language barriers and participate in the elections process. In certain jurisdictions, such assistance is required by language provisions outlined in Section 203 in the federal Voting Rights Act. The most recent round of determinations in 2016 identified 263 jurisdictions that met coverage thresholds for particular languages, including the entire states of California, Florida and Texas.

"It is incumbent upon us to not just provide the bare minimum in terms of languages or information, but to go beyond that to really inform voters how our system works."

- Rhode Island Secretary of State Nellie Gorbea

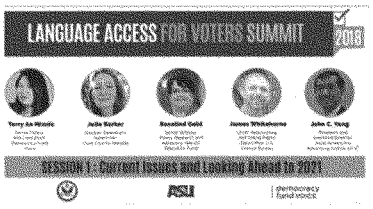
The EAC helps election officials meet the requirements of Section 203 by offering a glossary of election terminology in six languages other than English, a voter guide to federal elections in 11 languages, and the National Mail Voter Registration Form in nine languages other than English.

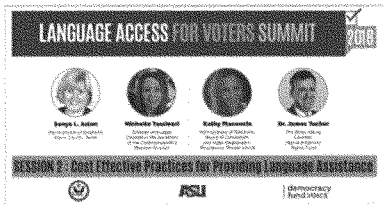
Over 115 state and local election officials, advocates and stakeholders from language communities joined the EAC at the Newseum for the third annual Language Access for Voters Summit on Tuesday, July 24, 2018. The event was hosted in partnership with the Arizona State University Pastor Center for Politics and Public Service and Democracy Fund Voice.

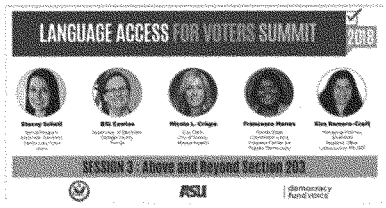
For the last three years, the EAC has also hosted a Language Access for Voters Summit to share information and generate new understanding and appreciation between various stakeholder communities. The 2018 Language Access Summit, hosted in partnership with Democracy Fund Voice and the Arizona State University Pastor Center for Politics and Public Service brought together election officials, voting rights groups, representatives of language communities, and other key stakeholders to discuss demographic changes, updates for jurisdictions complying with federal law and ways to cultivate long-term relationships with diverse communities. It also included a discussion of assessing and procuring resources to meet better assist voters with language needs. Summit panelists included experts representing Asian American, Latino, American Indian, Alaskan Native, and additional language communities from across the country.

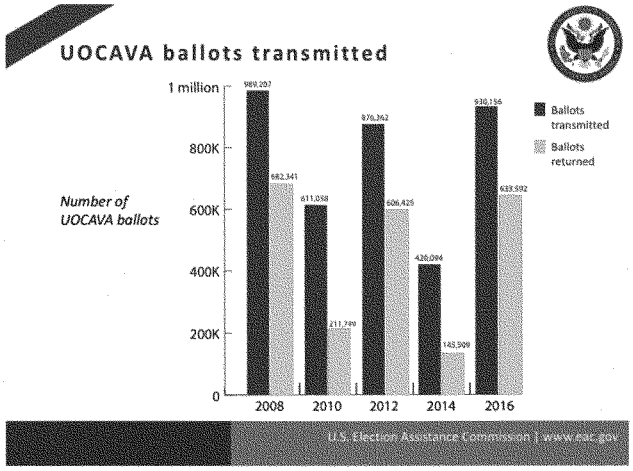
In the first session, **Current Issues and Looking Ahead to 2021**, panelists discussed demographic shifts, what they mean for serving voters with language needs, current and issues faced by jurisdictions covered by Section 203 and those who are close to coverage.

In **Cost Effective Practices for Providing Language Assistance**, panelists offered cost-effective strategies for providing language assistance, with an emphasis on the particular challenges faced by smaller and medium-sized jurisdictions with limited budgets, and jurisdictions covered for multiple languages.









Above and Beyond Section 203: Voluntary Assistance and Other Proactive Measures highlighted the ways election officials have gone above the requirements of the law, such as providing language assistance on a voluntary basis, or providing assistance in languages not covered by Section 203.

The final discussion, **Trends in Election Administration and their Impact on Language Access**, focused on the changing landscape of election administration and how such changes can impact voters with limited English proficiency and other language minority voters.

Anticipating and meeting the needs of language minority voters will continue to be a priority for many of the nation's election officials, particularly as shifting demographics increase the need for language assistance and potentially, increase the number of jurisdictions covered by Section 203 requirements.

Access for Military and Overseas Voters

Another group which faces unique challenges in registering to vote and in requesting, receiving and returning their ballots are military and overseas personnel and their families. Our country's active duty service members, their families, and Americans living overseas are charged with taking on significantly more responsibility than

the average voter if they want to cast a ballot on Election Day. These citizens move often, do not have the option of going to a physical polling place and often must make their voting plans months in advance in order to cast a ballot.

Such citizens are supported by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Because of issues that can arise with the timely and accurate delivery of election materials, however, the voting process can be an arduous one for voters and election officials alike. Compounding these issues is the fact that all countries do not have the same high level of postal service delivery that we enjoy here in the United States.

The EAC works to ease the burden on UOCAVA voters through our federal partnerships with the Federal Voting Assistance Program (FVAP), the United States Postal Service (USPS) and others. The Commission monitors for innovative solutions to help UOCAVA voters cast their ballots, such as West Virginia's blockchain-based Mobile Voting App Pilot Project, and highlights other proactive measures election officials can take to ensure as many UOCAVA ballots as possible are counted.

Ahead of the 2018 Midterm Election, the EAC hosted an online event to discuss two pre-election dates important to both election officials and voters: September 22, the 45-day deadline for states to send absentee ballots to UOCAVA voters and National Voter Registration Day on September 25. Moderated by EAC Chairman Thomas Hicks, the discussion featured FVAP Director David Beirne and Brian Miller from National Voter Registration Day. Both detailed their organizations' activities to ensure voters knew how they could cast their vote in the upcoming midterms.

The EAC is committed to continuing our efforts to ease the burden on UOCAVA voters and working to ensure they are able to cast their ballots.

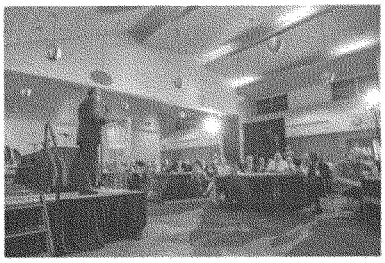
Convening Election Leaders

When the Help America Vote Act (HAVA) established the U.S. Election Assistance Commission (EAC) in 2002, this landmark legislation also established three advisory boards to assist the EAC in carrying out its mandates under the law. The EAC Standards Board is comprised of 110 state and local election leaders representing each state and U.S. territory. The EAC Board of Advisors is comprised of 35 members of national associations, federal agencies and Congressional appointees. The 14-member Technical Guidelines Development Committee (TGDC) is comprised of members appointed jointly by the EAC and the director of NIST, who also serves as the Committee's chair.

These advisors convene regularly, including an annual in-person meeting, to discuss best practices in election administration and assist with the development of the Voluntary Voting System Guidelines (VVSG), a set of specifications and requirements voting systems are tested to determine if the systems meet required standards. All three boards are essential to the EAC's mission.

In 2018, members of the U.S. Election Assistance Commission's Standards Board and Board of Advisors met separately in Miami to discuss the intent and application process for newly appropriated HAVA funds, examine election security efforts, review the next generation of the VVSG and tackle other timely election-related issues, including disaster recovery contingency planning.

During this time, members of both boards received a briefing about the intent and application process for the $380 million in newly appropriated HAVA funds. Members heard from several



The U.S. Election Assistance Commission and Pennsylvania Department of State hosted an Election Data Summit which brought together some of the nation's most respected election data experts to examine ways election officials could use data to improve processes and inform decision making.

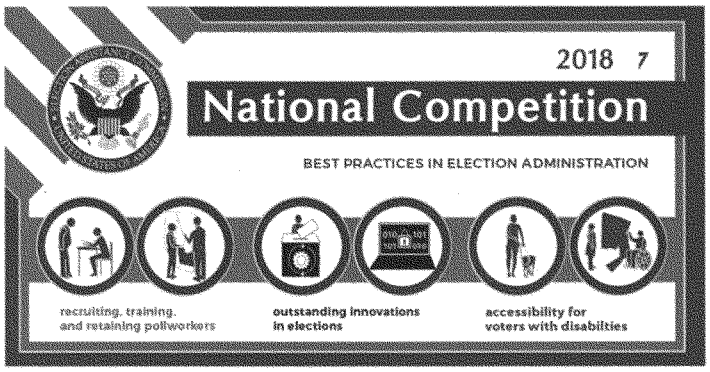
security experts, including David Wulf, Acting Deputy Assistance Secretary for the Department of Homeland Security's (DHS) Office of Infrastructure Protection, and Robert Kolasky, Acting Deputy Undersecretary for National Protection Directorate at DHS. A number of election leaders also discussed state and local efforts to strengthen election security during a public forum.

During their 2018 annual meetings, both the Standards Board and Board of Advisors passed resolutions recommending that the EAC move forward with considering the draft VVSG 2.0 Principles and Guidelines document for full adoption. Both boards also passed an amendment to the resolution recommending that the EAC adopt, within the Testing and Certification Program Quality & Program Manual, a provision providing for the ability of VVSG 2.0 requirements and Test Assertions to be updated in the absence of a quorum of EAC Commissioners. These discussions helped guide the work of the EAC and election officials around the country in the lead up to the 2018 midterms.

EAC Vice Chair Christy McCormick moderates a conversation with national security experts at the 2018 EAC Election Readiness Summit on Capitol Hill on October 3, 2018, just one month before the election.

Michelle Tassinari, Director and Legal Counsel at the Office of the Secretary of the Commonwealth of Massachusetts, talks about cost-effective practices for providing resources to voters who need language assistance at the Language Access for Voters Summit.

Highlighting Best Practices



Born of the U.S. Election Assistance Commission (EAC)'s mandate to serve as a national clearinghouse of information on election administration, the annual "Clearie" awards recognize and celebrate the hard work and innovative thinking it takes to conduct an election. Election officials are known for their commitment to the values expressed in the EAC Clearie awards: excellence, innovation, maintaining accuracy and integrity in the election process, and ensuring all eligible citizens can cast a ballot. The Clearies are a testament to their work and dedication and highlight best practices other election administrators can emulate.

This year's Clearie awards were dedicated to the life and legacy of Wendy Noren and R. Brian Lewis. Wendy Noren served as Boone County Clerk for over three decades and was a member of the EAC's Board of Advisors before passing away in March 2018 following a long battle with cancer. R. Brian Lewis was an early and steadfast

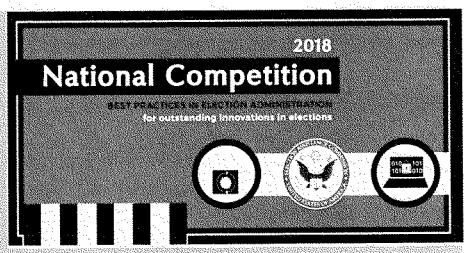
proponent of the Help America Vote Act (HAVA), and of election officials, and served as Counsel to the Office of the Senate Majority Leader and the Senate Rules and Administration Committee before his passing. Both were luminaries in the field of election administration who will long be remembered for their hard work, integrity, and friendship.

The "Clearies" seek entries in three distinct categories: voting accessibility, outstanding innovations in elections, and recruiting, training and retaining election workers. The EAC received entries from dozens of states, counties and advocacy organizations. An independent panel of judges from across the country evaluated entries based on efficacy, innovation, sustainability, cost-effectiveness and replicability. In the end, 10 innovative approaches were selected to receive an award.

The 2018 "Clearies" recipients featured jurisdictions that differed greatly in terms of size, number of voters served and budgets available to them. Some made cutting-edge technology changes to their systems, while others streamlined operations and election worker training. Yet, all demonstrated the dedication, adaptability and resourcefulness necessary for ensuring accurate, accessible and secure elections in the 21st century.

The EAC is proud to lift up the fresh, inspiring approaches of the 2018 "Clearie" award winners.

Outstanding Innovations in Elections



City of Rochester Hills, Michigan

The City of Rochester Hills' ***Election Day Precinct Support Portal*** allowed precinct workers to submit requests or questions via a smart phone or tablet using a simple Google Form. Form submissions were fed into a shared Google Sheet in real time that was monitored by phone staff and runners moving between precincts. Support calls were ranked by priority and dropped to the bottom of the Google Sheet once they were resolved. In this way, Rochester Hills was able to provide critical Election Day support across 32 precincts with just three staff. Election Inspectors were able to submit the request with the assurance that someone was responding. The Portal also generated valuable data, including requests per precinct, individual responder rates and a breakdown of the different assigned priority levels.

New Mexico Secretary of State

During 2018, the New Mexico Secretary of State's Office received the award for its implementation of a new ***electronic ballot software system*** which allowed blind or visually impaired voters to independently cast an absentee ballot. The electronic ballot system includes functionality allowing blind and visually impaired voters to mark, print, and mail a hard copy of their ballot back to the county clerk for processing. The system, launched in the spring of 2018, just prior to the June primary election, was used by dozens of voters during its inaugural election and was extremely well-received by the voters it was intended to serve. Implementation efforts for the new system took four years to complete, during which time New Mexico Secretary of State Maggie Toulouse Oliver's office collaborated with both the National Federation of the Blind – New Mexico and the New Mexico Commission for the Blind. These close relationships have created a more accessible election process across the state and will continue moving forward.

Weber County, Utah

The Weber County Elections Office won for its "***Winning in Weber***" program to engage students, veterans, teens, seniors, individuals with disabilities, and children in the electoral process. Sample programs that are part of the "Winning in Weber" initiative include engaging students at Weber State University in the elections process, providing civic lessons for students at local public and private schools, leading story hour readings and discussions for children, and being the first county in Utah to sponsor the Vote in Honor of a Veteran Program. In addition, the Weber County Elections Office has extensive knowledge in election security, provides technical support and best practice advice to election officials in other counties, and fosters collaborative relationships with advocates who support voters with disabilities.

Wisconsin Elections Commission

Wisconsin manages each municipality's election data on a state-wide database known as "WisVote." The challenge of securing WisVote is compounded as the number of database users increases. After researching several commercial possibilities, the WEC concluded the most effective option was to create "***Securing WisVote***," a series of online learning modules focused on cybersecurity best practices, and tailored for election officials across the state. By creating a baseline training program open to all local governments, the WEC helped bridge cybersecurity awareness gaps within the WisVote user population and enhanced overall cybersecurity in local governments statewide.

Accessibility for Voters with Disabilities

Contra Costa County, California

Contra Costa County conducts a survey of each of its 268 polling places after every election and is often able to identify ways to improve the accessibility of these locations. Following the November 2016 election, Contra Costa County Clerk, Recorder and Registrar Joseph Canciamilla realized improvements could be made to how election workers were trained to create a welcoming environment for all voters across the county and created the ***Accessible Polling Place Location and Equipment (APPLE) class***. This class brought a fresh approach to accessibility training because it placed election workers in the shoes of voters who may need assistance to provide instruction on establishing accessible polling places and ensuring they remained accessible throughout the day. The county also provided an Accessibility Kit to give election workers further information on how to remove any accessibility barriers at their polling place. More than 700 election workers, nearly half of the county's total Election Day volunteers, have taken the class since it was launched in January 2018.

Martin County, Florida

While preparing for the 2016 Presidential Elections, the Martin County Elections Office discovered the county had limited resources for voters who were deaf and hard of hearing. Following outreach to voters in the disability community, the office uncovered an additional need for engaging individuals with developmental disabilities. The Elections Office fostered partnerships across both communities and created "***Count Me in Too***," a series of educational videos aimed at helping these individuals exercise their right to vote. The videos aired on local television and were posted on the Martin County Election Office's website. During the 2016 Presidential Elections, voter registration and turnout among voters who indicated they had special needs increased by 8 percent. The same educational materials were also used during the 2018 Federal Elections.

Iowa Secretary of State

Iowa Secretary of State Paul D. Pate launched the ***Helping Veterans and Iowans with Disabilities Vote Project*** in 2015 to ensure members of both communities knew about the resources available to help them vote privately and independently. New administrative rules were implemented, the Secretary of State's website improved its accessibility and an outreach coordinator was hired. The Secretary of State's Office also conducted training sessions and workshops across the state, distributed curbside voting signs to all 1,700 precinct locations, and utilized videos and social media to get the word out. Partially funded by a Help America Vote Act grant from the Department of Health and Human Services, the project educated thousands of veterans and Iowans with disabilities about resources available to assist them in casting a ballot.

Recruiting, Training and Retaining Election Workers

Bernalillo County, New Mexico

Bernalillo County is the most populous in New Mexico with 420,262 registered voters, and the Clerk's Office trains hundreds of citizens during election years to work as poll officials. Ahead of the 2018 Midterm Election, the county overhauled its poll official training program to maximize learning and reduce election worker errors. The centerpiece of the new training program was an online video series called ***"Learn the Vote"*** – the first online election worker training program in New Mexico. Online training reduced class time by one-and-a-half to two hours, allowed poll officials to review materials as often as needed and reduced poll official errors in the 2018 General Election. This allowed the Clerk's Office to redirect staff time previously spent fixing errors made by poll officials into successfully completing the election canvass within the statutory 13 days and completing the General Election audit in less than two days.

Montgomery County, Maryland

Since 2004, the Montgomery County Board of Elections (BOE) has conducted the ***Future Vote Initiative*** to encourage students from grades 6 to 12 to participate in elections. To date, 43,619 students have participated in the Future Vote Initiative, including over 10,000 who have served as election judges after their sixteenth birthday. The program recruits energetic, tech savvy students, many of who are also bilingual, into the election workforce and saves the county money. The program also provides an experience for young people that will shape their values and character and give them an understanding of what it means to exercise their vote and empower others to do the same.

The City of Ely, Minnesota

In partnership with "***Walking Civics***," a local nonprofit, the City of Ely recruits high school students and veterans to be trained and serve together at the polls on Election Day. This training model recognizes veterans have already "walked the talk" in answering the call to serve their country and is intended to inspire civic virtue, train competent election workers and link generations in service to elections. The session provided stellar training and a deep meaning for both veterans and high school students, preparing a new generation of election workers who will be on the front line of elections now and into the future.

Financial Focus: Grants Administration

Amount the EAC has disbursed since its establishment 15 years ago to the 50 states, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam and the U.S. Virgin Islands.

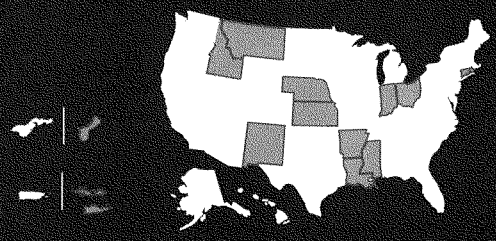
In FY2019, the EAC's Office of Inspector General (OIG) will announce its audit plans for the 2018 HAVA Funds awarded under Section 101 of the Help America Vote Act (HAVA). The EAC estimates that as many as 10 states a year could receive a federal audit focused on how the funds are being spent.

The Grants Office at the EAC is providing ongoing training and technical assistance to support states and their localities in effectively managing federal funds. Once the audit schedule is released by the OIG, EAC will be available to states on the list to conduct both pre- and post-audit assistance visits to help prepare for and respond to findings from the audits.

Additional information on HAVA grants can be found on www.eac.gov.

The EAC also publishes an annual Expenditure Report. The most recent report, published on Aug 16, 2018, can be found at: www.eac.gov/expenditurereport.

Financial Focus: Grants Administration

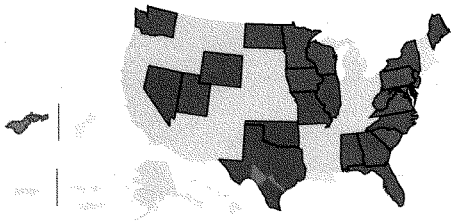


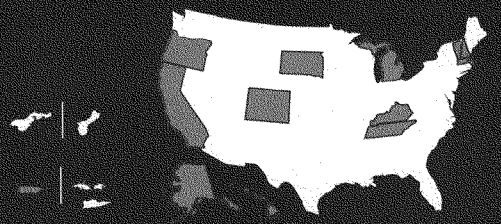
14 states* have expended 100 percent of their initial HAVA funds and interest.

**Arkansas, Connecticut, Guam, Idaho, Indiana, Kansas, Louisiana, Mississippi, Montana, Nebraska, New Mexico, Ohio, Rhode Island, and U.S. Virgin Islands.*

27 states* have less than 10 percent of initial HAVA funds remaining.

**Alabama, American Samoa, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Maine, Maryland, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.*





14 states* have more than 10 percent of initial HAVA funds remaining.

**Alaska, Arizona, California, Colorado, Hawaii, Kentucky, Massachusetts, Michigan, New Hampshire, Oregon, Puerto Rico, South Dakota, Tennessee, and Vermont.*

Financial Focus: Operations

FY18 Appropriation Total: $10.1 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.6 million

National Institute of Standards & Technology (NIST)
$1.5 million

FY17 Appropriation Total: $9.6 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.2 million

National Institute of Standards & Technology (NIST)
$1.4 million

FY16 Appropriation Total: $9.6 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.1 million

National Institute of Standards & Technology (NIST)
$1.5 million

FY15 Appropriation Total: $10 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.1 million

National Institute of Standards & Technology (NIST)
$1.9 million

FY14 Appropriation Total: $10 million

Funds allocated to:

U.S. Election Assistance Commission (EAC)
$8.1 million

National Institute of Standards & Technology (NIST)
$1.9 million

Executive Director's Note

Unless you are steeped in the world of election administration, it is difficult to appreciate the many competencies an election official must master and the tremendous pressure that accompanies those expectations. At the same time, the issues and threats surrounding elections are ever-evolving and funding for election offices is often limited, meaning election officials must be resourceful and adaptable.

As the nation's only clearinghouse of information on Federal Election administration nationwide, the U.S. Election Assistance Commission (EAC)'s core mission is to support election officials through the distribution of assistance and products that help America vote. The EAC accomplished this in 2018 by producing timely products at critical moments in the election cycle, convening key leaders to discuss the most pressing issues facing election administrators, and ensuring election officials received materials and intelligence in time to make such resources actionable.

The fiscal year began with the establishment of the Government Coordinating Council (GCC), the culmination of the EAC's work to establish a cybersecurity working group of state and local election administrators.

When $380 million in Help America Vote Act (HAVA) funds were made available via the Consolidated Appropriations Act of 2018, the EAC worked to ensure states received funding with enough time for it to have an impact during the 2018 election. All eligible states and territories received letters within 30 days allowing them to incur costs, and 100 percent of the funds were disbursed by September

20, just under six months after the omnibus was signed into law.

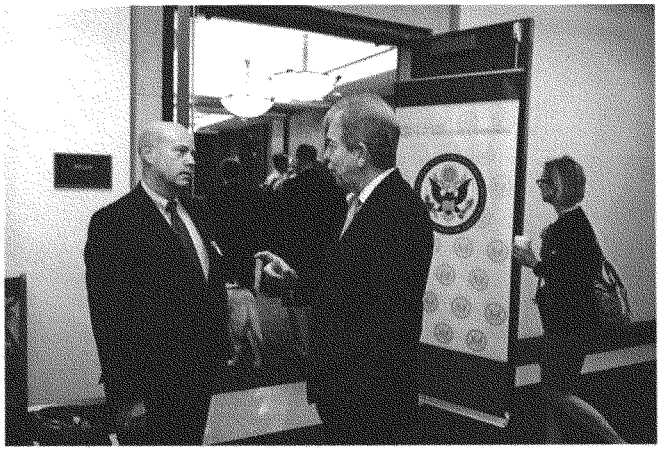
This past year held a number of other exciting developments for the EAC as well, including the nomination of two additional Commissioners, Benjamin Hovland and Donald Palmer, who were confirmed on January 2, 2019, marking the first time in ten years that the EAC has a full panel of Commissioners. The reestablishment of a full quorum will allow the agency to move forward on key initiatives, such as finalizing the next generation of Voluntary Voting System Guidelines, and increase our ability to reach out across the nation to engage and assist the election community.

As we move into 2019, the EAC's work will build on the strong foundation established in 2018. The EAC's expert staff and its Commissioners remain ready to support state and local election leaders in every aspect of their work. We will produce resources and services at the most impactful times for election officials and voters alike. We will also use our robust research and unique convening power to address leading election administration issues and elevate best practices as examples for other jurisdictions.

While we don't know what tomorrow will hold for elections, we do know that the competency and dedication of election officials who work to ensure American elections are secure, accurate, accessible and conducted with integrity, is steadfast. The 2018 Federal Election confirmed what we already knew about election officials. Just as in 2016, they were ready for 2018, and will be prepared for whatever challenges 2020 brings. The EAC shares their commitment to upholding these values and will continue to serve as a vital federal resource.

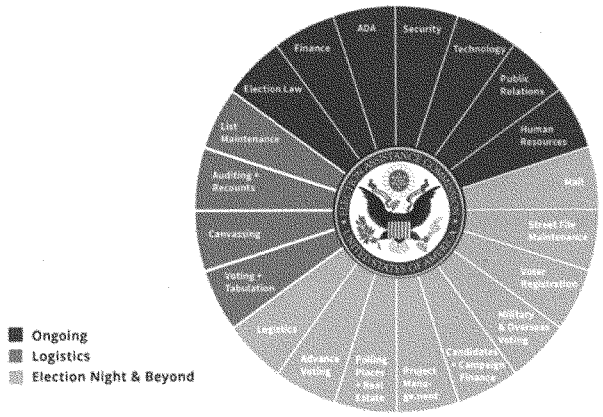
As we reflect on the past year and look forward to 2019, I am grateful to Chairman Hicks and Vice Chair McCormick, and incoming Commissioners Hovland and Palmer, for their service and am proud to stand with the EAC's talented and dedicated staff to improve the way America votes.

Brian D. Newby
Executive Director
U.S. Election Assistance Commission



EAC Executive Director Brian Newby speaks with Senator Roy Blunt (R-Mo.) at the EAC Election Readiness Summit on October 3, 2018.

Election Administrator Competencies



Election administrators must be masterful project managers with expert knowledge in many areas in order to successfully oversee an election.

EAC Advisory & Oversight Boards

Three federal advisory committees, the Standards Board, the Board of Advisors and the Technical Guidelines Development Committee (TGDC), help the U.S. Election Assistance Commission (EAC) complete its mandate under the Help America Vote Act (HAVA).

Board of Advisors

The Board of Advisors is a 35-member board composed of representatives from the National Governors Association; National Conference of State Legislatures; National Association of Secretaries of State; National Association of State Election Directors; National Association of Counties; the International Association of Government Officials (created from the merger of the National Association of County Recorders, Election Officials and Clerks, and the International Association of Clerks, Recorders, Election Officials and Treasurers); Election Center; U.S. Commission on Civil Rights and the Architectural and Transportation Barriers Compliance Board.

Other members include representatives from the U.S. Department of Justice, Office of Public Integrity and the Civil Rights Division; the director of the U.S. Department of Defense Federal Voting Assistance Program; four professionals from the field of science and technology, one appointed by each the Speaker and Minority Leader of the U.S. Senate; the Speaker and Minority Leader of the U.S. House of Representatives. The chairs and ranking minority members of the U.S. House of Representatives Committee on House Administration and the U.S. Senate Committee on Rules and Appropriation each appoint two members representing voter interests.

During FY18, the EAC Board of Advisors was comprised of the following members.

Members
National Governors Association

2 appointments

Jeffrey McLeod
Director
Center for Best Practice's Homeland Security and Public Safety Division
Washington, DC

Rahmeyer, Shaun
Administrator
Office of Cyber Defense Coordination
Carson City, NV

National Conference of State Legislatures

2 appointments

Senator Daniel Ivey-Soto
New Mexico State Legislature
Albuquerque, NM

Senator John Murante
Nebraska State Legislature, District 49
Gretna, NE

National Association of Secretaries of State

2 appointments

The Honorable Jim Condos
VT Secretary of State,
and NASS President
Montpelier, VT

The Honorable Connie Lawson
IN Secretary of State,
and NASS Immediate Past President
Indianapolis, IN

National Association of State Election Directors

2 appointments

Gary Poser
Director of Elections
Minnesota Secretary of State
Saint Paul, MN

Linda H. Lamone
Administrator of Elections
Maryland State Board of Elections
Annapolis, MD

National Association of Counties

2 appointments

Ricky Hatch
Weber County Clerk/Auditor
Ogden, UT

Alysoun McLaughlin
Deputy Election Director
Montgomery County
Gaithersburg, MD

United States Conference of Mayors

2 appointments
Vacant

The Election Center

2 appointments

Tim Mattice
Executive Director
Katy, TX

Ernie Hawkins
Chair, Board of Directors
The Election Center
Elk Grove, CA

International Association of Government Officials

2 appointments
merger of IACREOT and NACRC

Michael B. Winn
Travis County Director of Elections
Austin, TX

Neal Kelley
Registrar of Voters, Orange County
Santa Ana, CA

United States Commission on Civic Rights

2 appointments

Patricia Timmons-Goodson
U. S. Commission on Civil Rights
Vice Chair
Washington, DC

Michael Yaki
U. S. Commission on Civil Rights
Commissioner
Washington, DC

Architectural and Transportation Barrier Compliance Board

2 appointments

Marc Guthrie
Public Member, U.S. Access Board
Hebron, OH

Sachin Pavithran
Public Board Member
Providence, UT

Chief Office of Public Integrity, United States Department of Justice

1 appointment

Richard C. Pilger
Director, Election Crimes Branch
U. S. Department of Justice
Washington, DC

Chief, Voting Section Civil Rights Division U.S. Department of Justice

1 appointment

Chris Herren
Chief Voting Section
Civil Rights Division
U. S. Department of Justice
Washington, DC

Director, Federal Voting Assistance Program U.S. Department of Defense

1 appointment

David Beirne
Director
Federal Voting Assistance Program
U.S. Dept. of Defense
Alexandria, VA

Speaker of the House

1 appointment

Elliot Berke
Managing Partner
Berke Farah LLP
Washington, DC

Democratic Leader

1 appointment

Philip B. Stark
Associate Dean, Mathematical & Physical Sciences and Professor of Statistics
University of California - Berkeley
Berkeley, CA

Senate Majority Leader

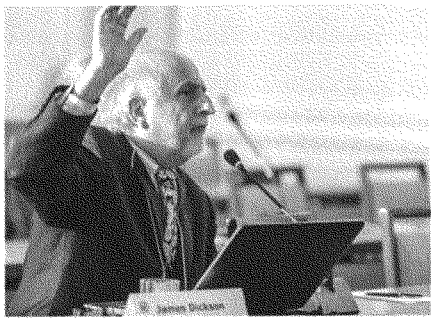
1 appointment

Sarah Ball Johnson
City Clerk
Colorado Springs, CO

Senate Minority Leader

1 appointment

Barbara Simons, PhD
Board Chair
Verified Voting
Association for Computing Machinery
San Francisco, CA



Senate Rules & Administration CMTE - Chair

2 appointments

Matthew Clay McDonald
Attorney/Partner
Jones Walker LLP
Mobile, AL

Shane Schoeller
Greene County Clerk
Springfield, MO

Senate Rules & Administration CMTE - Ranking Member

2 appointments

James C. Dickson
Co-Chair
Voting Rights Task Force
National Council on
Independent Living
Washington, DC

Mark Ritchie
President
MN World's Fair Bid Committee
Minneapolis, MN

House Administration - Chair

2 appointments

T. Russell Nobile
Attorney at Law
WiseCarter
Jackson, MS

Spencer Ritchie
Associate
Forman Watkins & Krutz LLP
Jackson, MS

House Administration - Ranking Member

2 appointments

Gregory T. Moore
Executive Director
NAACP National Voter Fund
Upper Marlboro, MD

James R. Burn, Jr.
Attorney
Abes Baumann
Pittsburgh, PA

U.S. Election Assistance Commission - Designated Federal Officer (DFO)

Thomas Hicks
Chairman
U.S. Election Assistance Commission
Silver Spring, MD

Standards Board

The Standards Board is a 110-member board comprised of 55 state and local election officials selected by their respective chief state election official with a defined process to assure input from the state's local election officials' organization. HAVA prohibits any two members representing the same state to be members of the same political party. The board selects nine members to serve as an executive board, of which not more than five are state election officials, not more than five are local election officials and not more than five are members of the same political party.

During FY18, the EAC Standards Board was comprised of the following members.

State	Local
ALABAMA	
John H. Merrill Alabama Secretary of State Montgomery, AL	**Steven L. Reed** Probate Judge Montgomery, AL
ALASKA	
Josie Bahnke Director, Division of Elections State of Alaska Juneau, AK	**Carol Thompson** Absentee & Petition Manager Alaska Division of Elections Anchorage, AK

State	Local
AMERICA SAMOA	
Uiagalelei Lealofi Commissioner of Elections Pago Pago, AS	**Fiti Tavai** IT/Data Systems & UOCAVA Division Head Pago Pago, AS
ARIZONA	
Eric H. Spencer State Election Director Phoenix, AZ	**Reynaldo Valenzuela Jr.** Assistant Director of Elections Maricopa County Elections Phoenix, AZ
ARKANSAS	
Mark Martin Arkansas Secretary of State Little Rock, AR	**Melanie Clark** Jackson County Clerk Newport, AR
CALIFORNIA	
Susan Lapsley Deputy Secretary of State Sacramento, CA	**Neal Kelley** Registrar of Voters Orange County Santa Ana, CA
COLORADO	
Dwight K. Shellman III County Support Manager Colorado Department of State, Elections Division Denver, CO	**Rudy Santos** Chief Deputy Clerk Weld County Clerk & Recorder's Office Greeley, CO
CONNECTICUT	
Peggy Reeves Assistant to the Secretary of the State for Elections, Legislative and Intergovernmental Affairs Hartford, CT	**Timothy T. DeCarlo** Registrar of Voters Waterbury, CT
DELAWARE	
Elaine Manlove State Election Commissioner Dover, DE	**Howard G. Sholl, Jr.** Deputy Director Dept. of Elections for New Castle County Wilmington, DE

State	Local
DISTRICT OF COLUMBIA	
Alice P. Miller, Esq. Executive Director District of Columbia Board of Elections Washington, DC	**Michael D. Gill, Esq.** Board Member District of Columbia Board of Elections Washington, DC
FLORIDA	
Maria Matthews Division Director Florida Division of Elections Tallahassee, FL	**Paul Lux** Okaloosa County Supervisor of Elections Crestview, FL
GEORGIA	
Brian Kemp Georgia Secretary of State Atlanta, GA	**Lynn Bailey** Richmond County Elections Director Augusta, GA
GUAM	
Maria I.D. Pangelinan Executive Director Guam Election Commission Hagatna, GU	**Joseph P. Iseke** Election Program Coordinator Guam Election Commission Hagatna, GU
HAWAII	
Aulii Tenn Counting Center Section Head Office of Elections Pearl City, HI	**Shirley Magarifuji** Election Administrator, County of Maui Wailuku, HI
IDAHO	
Tim Hurst Chief Deputy Secretary of State Boise, ID	**Patty Weeks** Nez Perce County Clerk Lewiston, ID
ILLINOIS	
Bernadette Matthews Assistant Executive Director State Board of Elections Springfield, IL	**Lance Gough** Executive Director Chicago Board of Election Commission Chicago, IL

State	Local
INDIANA	
J. Bradley King Indiana Election Division Director Indianapolis, IN	**Terri J. Rethlake** Clerk of Circuit Court, St. Joseph County South Bend, IN
IOWA	
Ken Kline Deputy Commissioner of Elections Des Moines, IA	**Dennis Parrott** Jasper County Auditor Newton, IA
KANSAS	
Bryan A. Caskey Director of Elections Topeka, KS	**Lori Augustine** Trego County Clerk WaKeeney, KS
KENTUCKY	
Jared Dearing Executive Director State Board of Elections Frankfort, KY	**Kenny Barger** Madison County Clerk Richmond, KY
LOUISIANA	
Kyle Ardoin Assistant Secretary of State Baton Rouge, LA	**H. Lynn Jones** Clerk of Court, Calcasieu Parish Lake Charles, LA

State	Local
MAINE	
Julie L. Flynn Deputy Secretary of State Augusta, ME	**Katherine L. Jones** Portland City Clerk Portland, ME
MARYLAND	
Nikki Baines Charlson Deputy Administrator Maryland State Board of Elections Catonsville, MD	**Katie Brown** Election Director Baltimore County Board of Elections
MASSACHUSETTS	
Michelle K. Tassinari Director/Legal Counsel, Elections Division, Office of Secretary of the Commonwealth Boston, MA	**Vacant**
MICHIGAN	
Sally Williams Director, Bureau of Elections Lansing, MI	**Jan Roncelli** Clerk, Bloomfield Township Bloomfield Township, MI
MINNESOTA	
Gary Poser Director of Elections Minnesota Secretary of State Saint Paul, MN	**Debby Erickson** Administrative Services Director Crow Wing County Brainerd, MN
MISSISSIPPI	
Hawley Robertson Senior Attorney, Elections Division Jackson, MS	**Baretta Mosley** Lafayette County Circuit Clerk Oxford, MS
MISSOURI	
Chrissy Peters Co-Director of Elections Jefferson City, MO	**Dennis Von Allmen** Howell County Clerk West Plains, MO

State	Local
MONTANA	
Dana Corson Director of Elections and Voter Services Montana Secretary of State Helena, MT	**Rina Fontana Moore** Cascade County Clerk & Recorder Great Falls, MT
NEBRASKA	
Heather Doxon Election Specialist II Lincoln, NE	**David Shively** Lancaster County Election Commissioner Lincoln, NE
NEVADA	
Justus Wendland HAVA Administrator Nevada Secretary of State Carson City, NV	**Joseph P. Gloria** Registrar of Voter, Clark County North Las Vegas, NV
NEW HAMPSHIRE	
Anthony Stevens Assistant Secretary of State Concord, NH	**Robert Dezmelyk** Moderator, Town of Newton Newton, NH
NEW JERSEY	
Robert Giles Director, New Jersey Division of Elections Trenton, NJ	**Linda Von Nessi** Essex County Clerk of Elections Newark, NJ
NEW MEXICO	
Kari Fresquez Bureau of Elections Director Santa Fe, NM	**Dave Kunko** Chaves County Clerk Roswell, NM
NEW YORK	
Douglas A. Kellner Commissioner, Co-Chair NYS Board of Elections New York, NY	**Rachel L. Bledi** Commissioner Albany County Board of Elections Albany, NY

State	Local
NORTH CAROLINA	
Veronica Degraffenreid Election Preparation & Support Manager Raleigh, NC	**Michael Dickerson** Mecklenburg County Director of Elections Charlotte, NC
NORTH DAKOTA	
Jim Silrum Deputy Secretary of State Bismarck, ND	**DeAnn Buckhouse** Election Coordinator Fargo ND
OHIO	
Patricia Wolfe Election Administrator Ohio Secretary of State Columbus, OH	**Steve Harsman** Deputy Director Montgomery County Board of Elections Dayton, OH
OKLAHOMA	
Carol Morris Assistant Director of Support Services Oklahoma State Election Board Oklahoma City, OK	**Doug Sanderson** Secretary Oklahoma County Election Board Oklahoma City, OK
OREGON	
Stephen N. Trout Director of Elections Oregon Secretary of State Salem, OR	**Derrin (Dag) Robinson** Harney County Clerk Burns, OR

State	Local
PENNSYLVANIA	
Jonathan Marks Commissioner of Elections Harrisburg, PA	**Shari Brewer** Director, Butler County Board of Elections Butler, PA
PUERTO RICO	
Ramón Allende Santos Ayudante del Comisionado San Juan, PR	**Walter Vélez Martínez** Secretario Dorado, PR
RHODE ISLAND	
Rob Rock Director of Elections Providence, RI	**Louise Phaneuf** Town Clerk, Town of Burrillville Harrisville, RI
SOUTH CAROLINA	
Marci Andino Executive Director State Election Commission Columbia, SC	**Wanda Hemphill** Director, York County Board of Registration & Elections York, SC
SOUTH DAKOTA	
Kristin Gabriel South Dakota HAVA Coordinator Pierre, SD	**Carri Crum** Clay County Auditor Vermillion, SD
TENNESSEE	
Mark Goins Coordinator of Elections Nashville, TN	**A.J. Starling** Davidson County Election Commissioner Nashville, TN
TEXAS	
Keith Ingram Director, Elections Division Texas Secretary of State Austin, TX	**Dana DeBeauvoir** Travis County Clerk Austin, TX
UTAH	
Justin Lee Director of Elections Salt Lake City, UT	**Sherrie Swensen** Salt Lake County Clerk Salt Lake City, UT

State	Local
VERMONT	
William Senning Director of Elections & Campaign Finance Montpelier, VT	**Sandra "Sandy" Pinsonault, MMC** Dorset Town Clerk Dorset, VT
VIRGIN ISLANDS	
Lisa Harris Moorhead Member, Virgin Islands Board of Elections Kingshill, VI	**Kevermay Douglas** Deputy Supervisor of Elections Kingshill, VI
VIRGINIA	
Christopher E. "Chris" Piper Commissioner of Elections Richmond, VA	**Greg S. Riddlemoser** General Registrar Stafford, VA
WASHINGTON	
Stuart Holmes Election Information Services Supervisor Olympia, WA	**Jerry Pettit** Kittitas County Auditor Ellensburg, WA
WEST VIRGINIA	
Brittany Westfall SVRS Coordinator, Elections West Virginia Secretary of State Charleston, WV	**Brian Wood** Putnam County Clerk Winfield, WV
WISCONSIN	
Meagan Wolfe Elections Division Administrator Madison, WI	**Barbara K.D. Goeckner** City of Amery Deputy Clerk Amery, WI
WYOMING	
Kai Schon State Election Director Cheyenne, WY	**Jackie R. Gonzales** Albany County Clerk Laramie, WY

DESIGNATED FEDERAL OFFICER

Christy McCormick
Vice Chair
U.S. Election Assistance Commission

Technical Guidelines Development Committee (TGDC)

The Technical Guidelines Development Committee (TGDC) assists the EAC in developing the Voluntary Voting System Guidelines (VVSG). The chair of the TGDC is the director of the National Institute of Standards and Technology (NIST). The TGDC is comprised of 14 other members appointed jointly by the EAC and the director of NIST.

During FY18, the TGDC was comprised of the following members.

Chair

Walter Copan
Under Secretary of Commerce for Standards and Technology
Director, National Institute for Standards and Technology

EAC STANDARDS BOARD

Robert Giles
Director, New Jersey Division of Elections
Trenton, NJ

Greg Riddlemoser
General Registrar
Stafford, VA

EAC BOARD OF ADVISORS

Linda Lamone
Administrator of Elections
Maryland State Board of Elections
Annapolis, MD

Neal Kelley
Registrar of Voters
Orange County
Santa Ana, CA

ARCHITECTURAL AND TRANSPORTATION BARRIER COMPLIANCE BOARD (ACCESS BOARD)

Marc Guthrie
Public Member
U.S. Access Board
Newark, OH

Sachin Pavithran
Public Board Member
Providence, UT

INSTITUTE OF ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE)

Vacant

NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS(NASED)

Lori Augino
Director of Elections
Washington Secretary of State's Office
Olympia, WA

Judd Choate
Director of Elections
Colorado Department of State
Denver, Colorado

Technical Experts

McDermot Coutts
Software Development Director
& Team Leader
Unisyn Voting Solutions
San Diego, California

Diane Golden
Director of Programs and Technical Assistance
Association of Assistive Technology Act Programs
Kansas City, Missouri

Jeramy Gray
Assistant Clerk-Recorder
Chief Information Officer
Los Angeles County Clerk
& Recorder's Office
Los Angeles, CA

David Wagner
Professor
Computer Science Division
University of California, Berkeley
Berkeley, California

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

Mary Saunders
Vice President, Government Relations and Public Policy
American National Standards Institute
Washington, DC

DESIGNATED FEDERAL OFFICER

EAC Commissioner

U.S. Election Assistance Commission

www.eac.gov

ARIZONA	$7,403,073		X	X	X	X	X	X	X	3		4	4	X	X	X
ARKANSAS	$4,475,015		X	X		X	X					23	2	X	X	X
CALIFORNIA	$34,558,874		X	X	X	X	X			4		2	6	X	X	X
COLORADO	$6,342,979		X	X	X	X	X	X	X	4	X	9	8	X	X	X
CONNECTICUT	$5,120,554		X	X		X	X	X	X			52	2	X	X	X
DELAWARE	$3,000,000		X	X		X	X	X	X	3		13		X	X	X
DC	$3,000,000		X	X	X	X	X			2		4	2	X	X	X
FLORIDA	$19,187,003		X	X	X	X	X			4	X	-	5	X	X	X
GEORGIA	$10,305,783		X	X	X	X	X			1		-	3	X	X	X
GUAM	$600,000		X	X		X	X					36	2	X	X	X
HAWAII	$3,134,080		X	X		X	X	X	X		X	6		X	X	X
IDAHO	$3,229,896		X	X		X	X	X	X		X	2		X	X	X
ILLINOIS	$13,232,290		X	X		X	X	X	X		X	-		X	X	X
INDIANA	$7,595,088		X	X	X	X	X	X	X	2		24		X	X	X
IOWA	$4,608,084		X	X	X	X	X	X	X			12	4	X	X	X
KANSAS	$4,383,595		X	X		X	X					17		X	X	X
KENTUCKY	$5,773,423		X	X		X	X	X	X			6		X	X	X
LOUISIANA	$5,889,487		X	X		X	X					2		X	X	X
MAINE	$3,130,979		X	X	X	X	X	X	X	2		2	3	X	X	X
MARYLAND	$7,063,699		X	X	X	X	X					1	2	X	X	X
MASSACHUSETTS	$7,890,854		X	X	X	X	X		X			1	2	X	X	X
MICHIGAN	$10,706,992		X	X	X	X	X		X	2	X	1	1	X	X	X
MINNESOTA	$6,595,610		X	X		X	X			5	X	3	4	X	X	X
MISSISSIPPI	$4,483,541		X	X		X	X		X		X	20		X	X	X
MISSOURI	$7,230,625		X	X		X	X					1		X	X	X
MONTANA	$3,000,000		X	X		X	X				X	1	2	X	X	X
NEBRASKA	$3,496,936		X	X		X	X					2		X	X	X
NEVADA	$4,277,723		X	X		X	X	X	X	2		-	1	X	X	X
NEW HAMPSHIRE	$3,102,253		X	X	X	X	X			4	X	1		X	X	X
NEW JERSEY	$9,757,450		X	X		X	X	X	X	4	X	2	3	X	X	X
NEW MEXICO	$3,699,470		X	X		X	X	X	X			4		X	X	X
NEW YORK	$19,483,647		X	X	X	X	X	X	X	3	X	1	4	X	X	X
NORTH CAROLINA	$10,373,237		X	X		X	X	X	X			6		X	X	X
NORTH DAKOTA	$3,000,000		X	X		X	X					16		X	X	X
OHIO	$12,186,021		X	X		X	X		X	1	X	2	2	X	X	X
OKLAHOMA	$5,196,017		X	X	X	X	X					24	3	X	X	X
OREGON	$5,362,981		X	X		X	X					1		X	X	X
PENNSYLVANIA	$13,476,156		X	X	X	X	X			2		1	3	X	X	X
PUERTO RICO	$3,676,962		X	X	X	X	X			1			5	X	X	X
RHODE ISLAND	$3,000,000		X	X		X	X	X	X			38+		X	X	X
SOUTH CAROLINA	$6,040,794		X	X		X	X	X	X			1		X	X	X
SOUTH DAKOTA	$3,000,000		X	X		X	X	X	X			1		X	X	X
TENNESSEE	$7,565,418		X	X	X	X	X	X	X	1		3		X	X	X
TEXAS	$23,252,604		X	X	X	X	X	X	X	1		1	3	X	X	X
UTAH	$4,111,052		X	X		X	X	X	X			36		X	X	X
VERMONT	$3,000,000		X	X	X	X	X			1		-		X	X	X
VIRGIN ISLANDS	$600,000		X	X		X	X			1		26	2	X	X	X
VIRGINIA	$9,080,731		X	X		X	X				X	-		X	X	X
WASHINGTON	$7,907,768		X	X		X	X			1		-		X	X	X
WEST VIRGINIA	$3,611,943		X	X	X	X	X			3	X	10	2	X	X	X
WISCONSIN	$6,978,318		X	X	X	X	X	X	X	2	X	14	3	X	X	X
WYOMING	$3,000,000		X	X		X	X	X	X			4		X	X	X
	$380,000,000		X	X		X	X	X	X					X	X	X

Color Chart

Allowable Costs | Policy Qs/OMB Circulars | Pre-approval Requests | State Appropriation Process

THE U.S. ELECTION ASSISTANCE COMMISSION

GRANT EXPENDITURE REPORT

FISCAL YEAR 2018

April 4, 2019

Overview

The U.S. Election Assistance Commission (EAC) was created by Congress in 2002 to improve the administration of elections for federal offices through funding, guidance and policy development under the Help America Vote Act of 2002 (HAVA).

HAVA provides funding to state and local election districts to support upgrading systems for casting votes, registering voters in statewide voter registration databases, providing provisional voting options, and implementing other improvements to the administration of federal elections, such as training for election officials and poll workers, polling place accessibility improvements, and disseminating information on how and where to vote.

Through September 30, 2018, a total of $3,628,946,231[1] in federal funds has been awarded to 50 states, the District of Columbia and four U.S. territories (American Samoa, the Commonwealth of Puerto Rico, Guam and the United States Virgin Islands) hereinafter referred to as the "States." This total includes $380 million appropriated by Congress in 2018 to support equipment purchases and security enhancements to election systems. This 2018 appropriation was the first time since FY10 that the federal government made resources available through HAVA to support federal election improvements to the administration of federal elections.

States have reported total expenditures of $3,400,037,361, or 85 percent of total federal funds and accrued interest, available under Sections 101, 102 and 251 of HAVA. This total includes $30,881,027 in spending associated with the 2018 awards, which took place between April 17 and September 30, 2018 in the run-up to the 2018 election. Chart 4 shows total funds expended excluding the 2018 HAVA Funds.

[1] This includes $300.3 million in Section 102 funds that were appropriated for the replacement of punch card or lever voting machines in 30 eligible states and $380 million appropriated in 2018 under Section 101 of HAVA.

HAVA SECTION 101 Funds

In 2003, EAC disbursed $349,182,267 to states under Section 101 of HAVA for activities to improve the administration of federal elections (see Table 1). **As of September 30, 2018, States reported total expenditures of $359,725,678, which reflects expenditures of federal funds and accumulated interest over the course of the award.** Twenty-seven (27) States have spent all of the Section 101 funds and interest and another fourteen (14) States have spent at least 90 percent of the funds. Table 1 provides a full accounting of expenditures by States.

Table 1 Section 101 HAVA Funds as of September 30, 2018 (1,000s)

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$4,989,605	$362,297	$4,821,432	$530,471
ALASKA	5,000,000	766,742	5,452,122	314,620
AMERICAN SAMOA	1,000,000	66,224	1,000,000	66,224
ARIZONA	5,451,369	1,010,134	2,095,600	4,365,903
ARKANSAS	3,593,165	226,288	3,819,453	0
CALIFORNIA	26,804,708	2,688,888	27,282,272	2,211,324
COLORADO	4,860,306	1,056,513	5,902,689	14,130
CONNECTICUT	5,000,000	682,868	5,682,868	0
DELAWARE	5,000,000	472,080	5,467,766	4,314
DIST. OF COLUMBIA	5,000,000	408,108	5,000,000	408,108
FLORIDA	14,447,580	1,843,679	14,183,307	2,107,953
GEORGIA	7,816,328	698,741	7,816,328	698,741
GUAM	1,000,000	12,773	1,012,773	0
HAWAII	5,000,000	1,369,777	1,687,087	4,682,690
IDAHO	5,000,000	1,807,418	6,807,418	0
ILLINOIS	11,129,030	1,264,381	12,102,242	291,169
INDIANA	6,230,481	938,781	7,196,262	0
IOWA	5,000,000	684,225	5,449,329	234,896
KANSAS	5,000,000	1,310,653	2,916,433	3,394,220
KENTUCKY	4,699,196	1,024,965	4,699,196	1,024,965
LOUISIANA	4,911,421	935,421	5,846,842	0
MAINE	5,000,000	611,679	5,606,021	5,658
MARYLAND	5,636,731	551,709	5,544,137	644,303
MASSACHUSETTS	6,590,381	904,363	7,494,744	0

Table 1 Cont. ***Section 101 HAVA Funds as of September 30, 2018***

State	Total Section 101 Funds Received	Interest Earned	Expenditures	Balance
MICHIGAN	$ 9,207,323	$ 1,662,608	$9,884,787	$985,145
MINNESOTA	5,313,786	64,724	5,378,510	0
MISSISSIPPI	3,673,384	443,500	4,116,884	0
MISSOURI	5,875,170	954,107	6,829,277	0
MONTANA	5,000,000	396,018	5,201,133	194,885
NEBRASKA	5,000,000	998,292	5,998,292	0
NEVADA	5,000,000	452,843	5,452,843	0
NEW HAMPSHIRE	5,000,000	1,193,153	2,460,200	3,732,953
NEW JERSEY	8,141,208	650,000	8,167,547	623,661
NEW MEXICO	5,000,000	292,244	5,292,244	0
NEW YORK	16,494,325	3,669,945	15,847,784	4,316,486
NORTH CAROLINA	7,887,740	719,637	9,495,453	0
NORTH DAKOTA	5,000,000	63,997	5,063,997	0
OHIO	10,384,931	426,837	10,811,768	0
OKLAHOMA	5,000,000	353,656	5,353,656	0
OREGON	4,203,776	59,199	4,262,975	0
PENNSYLVANIA	11,323,168	1,301,492	12,624,660	0
PUERTO RICO	3,151,144	324,191	3,467,760	7,575
RHODE ISLAND	5,000,000	140,275	5,140,275	0
SOUTH CAROLINA	4,652,412	886,692	5,300,905	238,198
SOUTH DAKOTA	5,000,000	2,385,195	4,796,646	2,588,549
TENNESSEE	6,004,507	1,047,014	6,279,290	772,232
TEXAS	17,206,595	3,727,371	18,469,359	2,464,607
UTAH	3,090,943	560,156	3,651,099	0
VERMONT	5,000,000	580,051	5,580,051	0
VIRGIN ISLANDS	1,000,000	21,806	1,000,000	21,806
VIRGINIA	7,105,890	1,130,578	7,637,378	599,090
WASHINGTON	6,098,449	259,047	6,357,496	0
WEST VIRGINIA	2,977,057	104,747	3,081,804	0
WISCONSIN	5,694,036	1,796,103	6,426,085	1,064,055
WYOMING	5,000,000	1,628,931	5,409,203	1,219,728
TOTAL*	**348,646,145**	**49,993,116**	**359,725,678**	**39,913,583**

*Reflects a deobligation of $536,122 as a result of an audit finding. Total awarded was 349,182,267.

In March of 2018, the Congress provided an additional $380,000,000 through the Omnibus Appropriations Act of 2018. The EAC awarded these funds to the 50 states, the District of Columbia and four U.S. Territories (American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands) eligible to receive them through a formula described in Sections 101 and 104 of the Help America Vote Act of 2002 (P.L. 107-252) (HAVA). To access the funds, States provided a budget and a state narrative for how the funds were to be used.

While States could technically begin spending funds once they received their notice of grant award on April 17, 2018, most States waited until funds had been transferred to their state election account and many States had to first get state legislative approval before spending funds.

As a result, the expenditures for this initiative for the period ending September 30, 2018 are limited in scope (See Table 2 below). Further detail on the activities undertaken by each state and territory with the new funds prior to September 30, 2018 can be found beginning on page 10.

Table 2 **2018 HAVA Grants (Section 101 funds) as of September 30, 2018** (1,000's)

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$6,160,393	$0	$0	$6,160,393
ALASKA	$3,000,000	10,578	$0	3,010,578
AMERICAN SAMOA*	$600,000			600,000
ARIZONA*	$7,463,675			7,463,675
ARKANSAS	$4,475,015	25,459	$4,475,015	25,459
CALIFORNIA	$34,558,874	$0	$0	34,558,874
COLORADO	$6,342,979	21,358	$20,337	6,344,000
CONNECTICUT	$5,120,554	19,512	$1,200	5,138,866
DELAWARE	$3,000,000	0	$0	3,000,000
DIST. OF COLUMBIA	$3,000,000	14,350	$399,400	2,614,950
FLORIDA	$19,187,003	$0	$14,659,908	4,527,095
GEORGIA	$10,305,783	$0	$0	10,305,783
GUAM	$600,000	269	$3,276	596,993
HAWAII	$3,134,080	$0	$0	3,134,080
IDAHO	$3,229,896	14,376	$498,689	2,745,583
ILLINOIS	$13,232,290	57,266	$9,402	13,280,154
INDIANA	$7,595,088	29,819	$218,953	7,405,954
IOWA	$4,608,084	7,200	$194,179	4,421,104
KANSAS*	$4,383,595			4,383,595
KENTUCKY	$5,773,423	23,722	$626,554	5,170,592
LOUISIANA	$5,889,487	11,726	$0	5,901,213
MAINE	$3,130,979	$0	$0	3,130,979
MARYLAND	$7,063,699	3,380	$1,565	7,065,514

MASSACHUSETTS	$7,890,854	36,111	$1,057,216	6,869,749
MICHIGAN	$10,706,992	54,033	$0	10,761,025
MINNESOTA	$6,595,610	36,883	$0	6,632,493
MISSISSIPPI	$4,483,541	11,096	$241,851	4,252,786
MISSOURI	$7,230,625	31,582	$224,922	7,037,285
MONTANA	$3,000,000	16,980	$0	3,016,980
NEBRASKA	$3,496,936	19,112	$23,207	3,492,841
NEVADA	$4,277,723	$0	$13,554	4,264,169
NEW HAMPSHIRE	$3,102,253	643	$129,426	2,973,470
NEW JERSEY	$9,757,450	$0	$909	9,756,541
NEW MEXICO	$3,699,470	9,868	$807,496	2,901,841
NEW YORK	$19,483,647	$0	$1,702,376	17,781,271
NORTH CAROLINA	10,373,237	$0	$0	10,373,237
NORTH DAKOTA	$3,000,000	1,282	$0	3,001,282
OHIO	$12,186,021	54,878	$129,589	12,111,310
OKLAHOMA	$5,196,017	19,028	$0	5,215,045
OREGON	$5,362,981	39,704	$2,290	5,400,395
PENNSYLVANIA	$13,476,156	24,077	$0	13,500,233
PUERTO RICO	$3,676,962	$0	$0	3,676,962
RHODE ISLAND	$3,000,000	$0	$584,127	2,415,873
SOUTH CAROLINA	$6,040,794	7,886	$0	6,048,680
SOUTH DAKOTA	$3,000,000	30,649	$0	3,030,649
TENNESSEE	$7,565,418	0	$0	7,565,418
TEXAS	$23,252,604	123,240	$219,447	23,156,396
UTAH	$4,111,052	$0	$0	$4,111,052
VERMONT	$3,000,000	$30,823	$843,912	$2,186,911
VIRGIN ISLANDS	$600,000	$0	$18,775	$581,225
VIRGINIA	$9,080,731	$0	$0	$9,080,731
WASHINGTON	$7,907,768	$40,504	$512,533	$7,435,739
WEST VIRGINIA	$3,611,943	$32,157	$3,611,943	$32,157
WISCONSIN	$6,978,318	$37,118	$180,090	$6,835,346
WYOMING	$3,000,000	$10,059	$0	$3,010,059
TOTAL	$380,000,000	$906,728	$31,412,144	349,494,584

HAVA SECTION 251 Funds

Section 251 funds, known as Requirements Payments, were distributed to States using a formula found in HAVA that is based on a percentage equal to the quotient of the voting age population of each State and the total voting age population of all States. States are required to deposit Section 251 money in interest bearing state election accounts and the funds are available until expended.

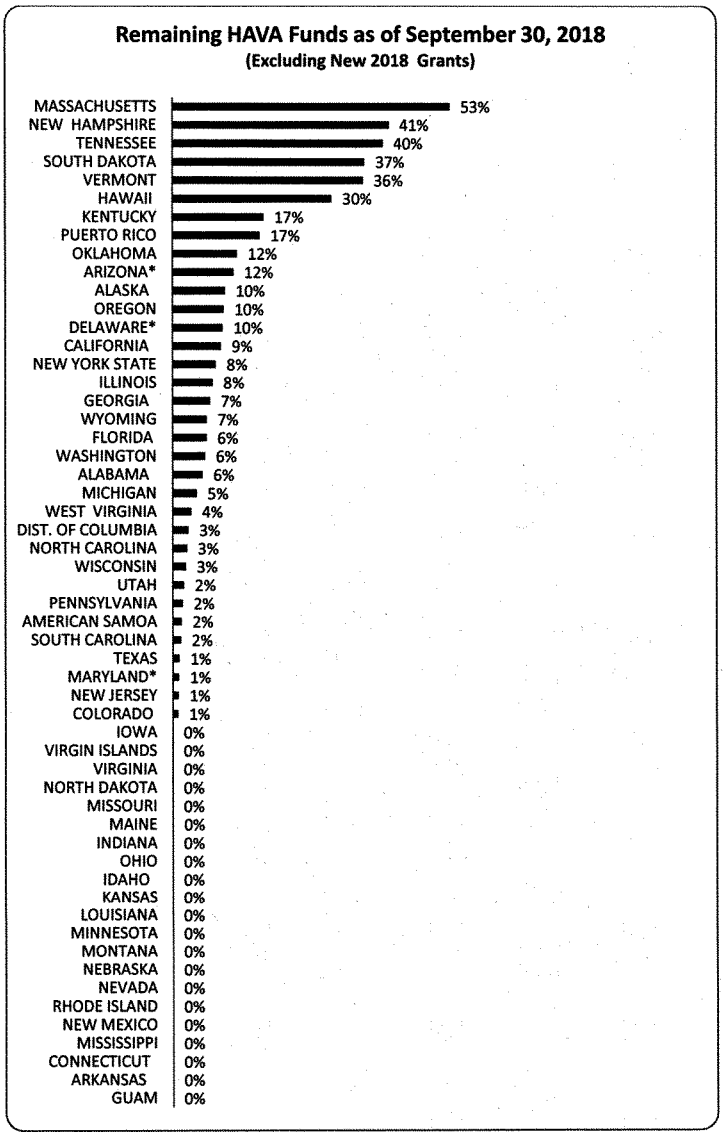
As of the September 30, 2018, twenty-eight (28) States reported using 100 percent[2] of their HAVA Requirements Payment funds (including interest) and another 14 states reported using 90 percent or more of their funds and interest. States reported cumulative expenditures of $2,698,508,681 (See Table 3).

Table 3 *Section 251 HAVA Funds as of September 30, 2018*

State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
ALABAMA	$40,227,863	$2,369,451	$40,436,616	$2,160,698
ALASKA	$13,021,803	$2,650,959	$13,843,301	$1,829,461
AMERICAN SAMOA	$2,490,652	$292,118	$2,782,770	$0
ARIZONA	$45,516,688	$4,353,350	$47,508,539	$2,361,498
ARKANSAS	$24,233,666	$2,542,154	$26,775,820	$0
CALIFORNIA	$296,305,593	$44,631,006	$303,422,823	$37,513,776
COLORADO	$38,767,048	$4,719,210	$42,972,582	$513,677
CONNECTICUT	$31,095,158	$4,392,980	$35,488,138	$0
DELAWARE	$13,021,803	$1,930,256	$13,004,721	$1,947,338
DISTRICT OF COLUMBIA	$13,028,257	$1,922,983	$14,746,048	$205,191
FLORIDA	$148,633,048	$24,310,937	$162,028,349	$10,915,636
GEORGIA	$72,641,827	$761,687	$67,906,200	$5,497,314
GUAM	$2,319,361	$48,049	$2,367,410	$0
HAWAII	$13,028,257	$977,446	$12,499,108	$1,506,595
IDAHO	$13,021,803	$1,267,652	$14,289,455	$0
ILLINOIS	$110,593,988	$9,297,474	$118,549,567	$1,341,896
INDIANA	$54,440,282	$2,280,602	$56,676,561	$44,322
IOWA	$26,645,880	$1,464,690	$28,083,331	$27,240
KANSAS	$24,033,426	$2,222,954	$30,853,941	$0
KENTUCKY	$36,901,642	$4,794,078	$34,404,580	$7,291,139

[2] States that have over 99% of funds and interest spent are counted as 100% expended for purposes of this report. Actual funds remaining are shown for each state on the chart.

State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
LOUISIANA	$39,350,512	$3,552,964	$42,903,476	$0
MAINE	$13,021,803	$1,522,719	$14,537,278	$7,244
MARYLAND	$47,663,156	$3,888,041	$51,527,784	$23,413
MASSACHUSETTS	$58,589,549	$11,498,511	$28,222,757	$41,865,303
MICHIGAN	$88,535,685	$7,641,697	$92,435,575	$3,741,807
MINNESOTA	$43,962,194	$3,758,390	$47,501,444	$0
MISSISSIPPI	$25,152,465	$1,588,892	$26,741,357	$0
MISSOURI	$50,394,880	$4,255,352	$54,177,399	$472,833
MONTANA	$13,028,257	$618,633	$13,979,996	$0
NEBRASKA	$15,442,405	$1,046,168	$16,488,573	$0
NEVADA	$18,155,632	$1,272,294	$19,427,926	$0
NEW HAMPSHIRE	$13,021,803	$2,292,595	$10,173,179	$5,141,219
NEW JERSEY	$76,360,392	$5,808,946	$81,696,605	$472,733
NEW MEXICO	$15,599,671	$271,854	$15,871,525	$0
NEW YORK	$172,076,865	$33,085,355	$193,587,917	$11,574,303
NORTH CAROLINA	$73,421,775	$7,370,242	$77,418,650	$3,373,367
NORTH DAKOTA	$13,028,257	$1,355,754	$14,258,148	$125,863
OHIO	$102,069,874	$6,307,853	$108,377,697	$0
OKLAHOMA	$30,200,723	$4,101,437	$29,420,654	$4,881,506
OREGON	$31,243,106	$3,988,360	$31,243,105	$3,988,360
PENNSYLVANIA	$112,821,809	$16,861,352	$126,737,641	$2,945,520
PUERTO RICO	$5,868,252	$222,622	$4,503,921	$1,586,952
RHODE ISLAND	$13,021,803	$485,182	$13,506,985	$0
SOUTH CAROLINA	$36,384,617	$910,483	$37,121,805	$173,295
SOUTH DAKOTA	$13,028,257	$5,107,330	$11,373,403	$6,762,184
TENNESSEE	$51,877,745	$6,914,050	$32,108,378	$26,683,417
TEXAS	$180,251,805	$12,381,621	$192,633,426	$0
UTAH	$18,481,440	$705,044	$18,549,134	$637,350
VERMONT	$12,453,257	$2,673,691	$7,604,787	$7,522,161
VIRGIN ISLANDS	$2,319,361	$2,179	$2,319,361	$2,179
VIRGINIA	$64,449,288	$9,562,569	$74,011,857	$0
WASHINGTON	$52,995,253	$6,550,527	$56,052,533	$3,493,247
WEST VIRGINIA	$17,184,961	$1,183,796	$17,520,296	$848,461
WISCONSIN	$48,296,088	$3,566,337	$51,862,425	$0
WYOMING	$13,028,257	$1,079,409	$13,971,822	$135,843
Total	$2,602,749,240	290,662,283	2,698,508,681	194,464,562


Remaining HAVA Funds as of September 30, 2018
(Excluding New 2018 Grants)
MASSACHUSETTS 53%
NEW HAMPSHIRE 41%
TENNESSEE 40%
SOUTH DAKOTA 37%
VERMONT 36%
HAWAII 30%
KENTUCKY 17%
PUERTO RICO 17%
OKLAHOMA 12%
ARIZONA* 12%
ALASKA 10%
OREGON 10%
DELAWARE* 10%
CALIFORNIA 9%
NEW YORK STATE 8%
ILLINOIS 8%
GEORGIA 7%
WYOMING 7%
FLORIDA 6%
WASHINGTON 6%
ALABAMA 6%
MICHIGAN 5%
WEST VIRGINIA 4%
DIST. OF COLUMBIA 3%
NORTH CAROLINA 3%
WISCONSIN 3%
UTAH 2%
PENNSYLVANIA 2%
AMERICAN SAMOA 2%
SOUTH CAROLINA 2%
TEXAS 1%
MARYLAND* 1%
NEW JERSEY 1%
COLORADO 1%
IOWA 0%
VIRGIN ISLANDS 0%
VIRGINIA 0%
NORTH DAKOTA 0%
MISSOURI 0%
MAINE 0%
INDIANA 0%
OHIO 0%
IDAHO 0%
KANSAS 0%
LOUISIANA 0%
MINNESOTA 0%
MONTANA 0%
NEBRASKA 0%
NEVADA 0%
RHODE ISLAND 0%
NEW MEXICO 0%
MISSISSIPPI 0%
CONNECTICUT 0%
ARKANSAS 0%
GUAM 0%

State Plans and Expenditures of 2018 HAVA Funds

Reported Spending as of September 30, 2018		
Category	**Amount**	**Percentage of Total Spent**
Cybersecurity	18,283,414	58.2%
Voting Equipment	$10,658,794	33.9%
Voter Registration System	2,107,074	6.7%
Other	312,093	1.0%
Election Auditing	19,881	0.1%
Communication	27,747	0.1%
Total	**$31,409,003**	**100%**

As noted earlier, on Friday, March 23, 2018, President Donald J. Trump signed the Consolidated Appropriations Act of 2018 into law. The Act included $380 million in Help America Vote Act (HAVA) funds to improve the administration of elections for Federal office, including to enhance election technology and to make election security improvements, marking the first new appropriation for HAVA funds since FY2010.

The funding provided states with additional resources to secure and improve election systems. States could begin spending funds once they received their notice of grant award on April 17, 2018. However, most states waited until funds were transferred to their state election accounts and many states had to get state legislative approval before spending funds.

States and territories eligible to receive the funds were required to provide a budget and state narrative for how they would be used. The EAC published the narratives and budgets for 48 out of 55 eligible states and territories public on August 21, 2018. Seven remaining states and territories were granted extensions and had their budgets and narratives into the EAC by mid-September 2018. By September 20, 2018, 100 percent of funds had been disbursed to states.

According to these narratives and budgets, the vast majority of states and territories plan to spend their allotted funds within the next two or three years. Each funding recipient was required to file a standard Federal Financial Report and updated program narrative to the EAC by December 31, 2018.

The following is a summary of how states were able to utilize the 2018 HAVA Funds within the first six months of them being made available, based on these Progress and Financial Reports:

- **Alabama** expects to expend the $6.1 million the state received in 2018 HAVA funds, and the required state match of $308,020, in FY2019 to make upgrades to and replace voting equipment, mitigate cyber vulnerabilities, establish post-election auditing protocols statewide, continue the provision of the computerized statewide voter registration list for the entire state.
- **Alaska** plans to use its $3.15 million to replace the state's 20-year old voting system.
- **American Samoa** used a portion of its HAVA funding to repair and restore equipment and election offices damaged during Tropical Cyclone Gita so they would be functional ahead of the 2018 election. Going forward, the territory is planning a complete upgrade of its voter registration system, continuing to provide special needs services to voters with disabilities and increasing its voter outreach efforts.
- **Arizona** funded a comprehensive security assessment of its election systems and provided training to help each of the state's fifteen counties understand the different types of existing

security threats and what support is available. Long-term, the state plans to award election security sub-grants to counties and create an election security position within the Secretary of State's office.

- **Arkansas** established cost-sharing agreements with the counties to replace aging voting equipment. New acquisitions ensure that a paper trail for ballots cast is present in all Arkansas counties and almost 70 percent of Arkansas voters voted on the newly integrated election equipment system in the 2018 Midterm Election. Of the initial $4,724,225 in funds available through HAVA, Arkansas had only $44,305 in funds remaining.
- **California** is funding cybersecurity support and training, polling place accessibility, election auditing and vote center implementation through FY2021 at the county level. The state is also using funds to make security enhancements to its centralized voter registration system and personnel costs.
- **Colorado** will use its 2018 HAVA Funds to enhance technology and security in the state's election process, including improving risk-limiting audits and other audits of election-related systems in 2019 and beyond. From April 17, 2018 to September 30, 2018, Colorado expended $211,124.82 (including $109,899.80 in 2018 HAVA Funds and earned interest) on Colorado Voting Systems (COVS) training that was necessary to implement a ballot level comparison Risk-Limiting Audit (RLA). An additional $99,064 was used for Election Preparedness for Infrastructure and Cybersecurity (EPIC) tabletop exercises with county election and IT officials.
- **Connecticut** is purchasing voting equipment, making security enhancements to address cyber vulnerabilities, improving post-election audits and voter registration systems and management, enhancing security training for election officials and improving voting accessibility.
- **Delaware** plans to purchase new voting equipment, including a new voting system with a voter verifiable paper audit trail, an absentee system and an Election Management/Voter Registration system which will move elections from the state's aging mainframe.
- **Florida** plans to use the $19,187,003 the state received in 2018 HAVA funds for three primary projects. $15,450,000 will be used to establish an online grant program for 67 county supervisors of elections to enhance election security. $1,987,003 will be used to establish an online grant program for county supervisors of elections to improve voting accessibility. The remaining $1,750,000 will be earmarked by the Florida Department of State to implement security enhancements to the state voter registration system, contract a team of cybersecurity specialists to provide support to the state and county supervisor of elections offices, and to fund a voter education campaign to educate voters on how to get ready to register and vote in an election. As of September 30, 2018, $95,688.91 had already been expended.
- **Georgia** plans to increase election security, simplicity and accessibility by purchasing secure voting devices that produce a voter-verifiable paper ballot. The state will also provide an online sample ballot for all voters, improve its voter registration database, conduct election auditing and testing, and purchase ALBERT sensors, cybersecurity services and new e-poll books.
- **Guam** will use its funds to replace and upgrade voting equipment, perform election auditing, make improvements to its voter registration system, upgrade cybersecurity equipment and provide training.
- **Hawaii** will be utilizing its $3.1 million in funds to enhance the election cybersecurity infrastructure and update equipment related to the statewide voter registration system, voting equipment and vote counting system. As of September 30, 2018, $4,310.56 was used to establish telecommunications and network services at Counting and Control Centers during the 2018 Elections and an additional $77,486.93 was used to hire an Election Information Specialist responsible for enhancing accessibility to elections for voters with disabilities and additional staff to perform duties required to administer elections for federal office.

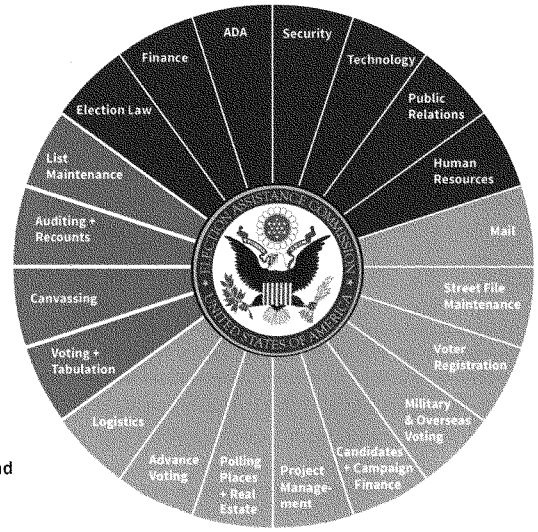
- **Idaho** plans to use its new HAVA appropriation to hire staff, award sub-grants to voting districts, secure new voting equipment, perform election auditing, acquire a new voter registration system, make cybersecurity improvements and software updates, and provide staff trainings. Thus far, the state has expended $513,064.10 of both federal funds and interest for acquiring software to deploy security patches across the state network, initial voter registration system upgrades and personnel.
- **Illinois** will use its funding for a cybersecurity information sharing program, hiring a Cyber Navigator/Advisor, providing cybersecurity resources for local election authorities and implementing a statewide network to provide centralized monitoring, mitigation and security services. Thus far, the State Board of Elections has used the funds for relevant equipment and software, Electronic Registration Information Center (ERIC) Association dues and relevant conference and information sharing costs.
- **Indiana** helped counties implement multi-factor authentication systems for accessing voting equipment and conducted cybersecurity training for all county officials during the state's annual election administrators conference. Going forward, the state plans to acquire additional election technology, implement e-poll book vendor network security enhancements, deploy auditable voting systems and perform election night reporting security enhancements.
- **Iowa** conducted cybersecurity training seminars for county auditors and staff and participated in a pilot program for a self-assessment cybersecurity tool. The Secretary of State's Office also implemented two-factor authentication for access to the statewide voter registration system, purchased additional security protections for the state's election night reporting system and partnered with the Department of Homeland Security to conduct two tabletop exercises. Finally, Iowa was able to purchase additional security protections for the state's election night reporting system.
- **Kansas** will use its funds to ensure every voting machine has a voter verifiable paper audit trail, conduct post-election audits after every election, improve the security of the statewide voter registration system, increase cybersecurity efforts at all levels of election administration and create, maintain and train local election officials on a comprehensive security communications plan.
- **Kentucky** used some of its funds during the FY2018 reporting period to acquire Trustwave, cloud-based and managed security services designed to protect data and reduce security risk. The State Board of Elections is in the process of working with Trustwave to install and set up the equipment.
- **Louisiana** will use 2018 HAVA funds and the state match for a new electronic voting system.
- **Maine** plans to upgrade its voting equipment and Central Voter Registration (CVR) system hardware and software, implement election night reporting, cybersecurity software improvements, monitoring and training, and improve ballot security and online training.
- **Maryland** will replace and upgrade voting equipment, perform election audits, upgrade voter registration system servers and software in off-election years and enhance system monitoring activities, mitigating cyber vulnerabilities, refining an incident management plan and providing training. Thus far, the state has spent $1,302 of its allocated federal funds on statewide tabletop exercises and $176,139.50 of its state match on Voted Ballot Audits following the 2018 Primary Elections and implementing two-factor authentication and enhancing its virtual private network (VPN) security monitoring.
- **Massachusetts** made network security upgrades for its voter registration system, hired a network security engineer and conducted security training for election staff. The Secretary of State's Office also plans to use funds to acquire new voting equipment, upgrade the state's voter registration system and improve the cybersecurity of its election system.

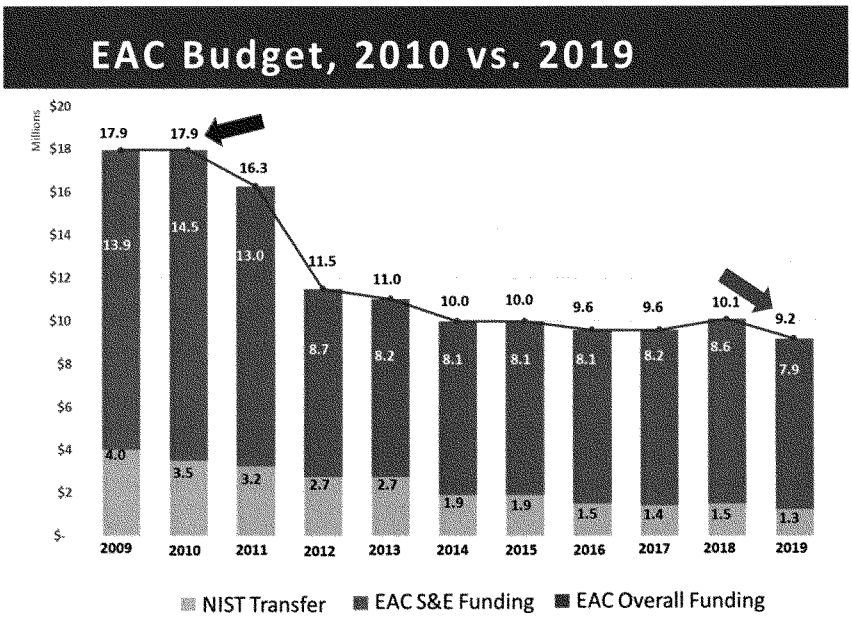
- **Michigan** is focusing on cybersecurity, information and physical security and providing funding and resources statewide to allow for the completion of detailed election system security assessments at the state, county and local level.
- **Minnesota** is using $6,925,391 in 2018 HAVA Funds and required state match to strengthen, secure and modernize Minnesota's Statewide Voter Registration System (SVRS); assess the state's data sharing and post-election review/audit process; improve secure information sharing with counties; enhance website security and accessibility and recruit and train election officials. The Secretary of State's Office will also use funds to invest in cybersecurity and information technology upgrades, expand absentee and mail-voting for voters with disabilities and provide sub-grants to local jurisdictions for improved election security and accessibility.
- **Mississippi** is using its funds to upgrade its Statewide Elections Management System, addressing cyber vulnerabilities, implementing post-election auditing and funding certain permissible county expenditures.
- **Missouri** spent most of its allocated 2018 HAVA Funds to implement cybersecurity enhancements that protect against attempts to penetrate the Missouri Centralized Voter Registration System. In September, the state also hosted the National Election Security Summit attended by federal, state and local election authorities to discuss practical ways to mitigate threats and vulnerabilities.
- **Montana** is replacing its statewide voter registration system and funding a 50 percent cost match with counties to purchase new voting equipment. They are also undertaking a major cybersecurity upgrade and hiring election and voter security IT personnel.
- **Nebraska** is using 2018 HAVA Funds to replace voting equipment, implement security upgrades and system enhancements to its voter registration system, install and maintain ALBERT sensors and perform cybersecurity scans and testing. The state is also using this federal funding to train election division staff and county election officials, provide resources for voters with disabilities and put additional security measures in place for election night reporting.
- **Nevada** will use the funds to upgrade voting equipment, provide sub-grants to jurisdictions, evaluate the state's cyber vulnerabilities, expand upon current election auditing practices and procedures, increase voter outreach and training.
- **New Hampshire** is enhancing election technology and making security improvements, improving voting systems and technology, educating voters, training election officials and election workers and improving access for voters with disabilities.
- **New Jersey** plans to make improvements to its cyber and physical security, voter registration system, voting equipment, election auditing, Americans with Disabilities Act compliance and training for election officials. Thus far, the state has expended its 2018 HAVA Funds on a Department of Homeland Security-administered tabletop security training session for county election officials.
- **New Mexico** hired a full-time IT security and compliance administrator whose responsibilities include implementing additional security practices to safeguard sensitive data and election systems and protect against cyber vulnerabilities. The state also purchased scan tabulation systems that feature ballot image capture and audit capabilities.
- **New York** spent approximately $1.7 million in 2018 on several security initiatives, including a contract with Grant Thornton to conduct a uniform comprehensive risk assessment of every county board of elections. As of September 30, 2018, 22 of 58 assessments were complete. The state contracted another security firm to provide intrusion detection and log monitoring services for all county boards of elections. Additionally, 712 state and county election officials and election vendors have attended security awareness training and all county board of elections officials have attended at least one cybersecurity tabletop exercise training.

- **North Carolina** plans to use its 2018 HAVA funds to modernize their statewide elections information management system, perform election auditing, undergo security assessments, hire a Chief Information Security Officer and implement a Cyber Advisory Panel.
- **North Dakota** is spending its entire 2018 HAVA award and required five percent state match on procuring a paper-based, HAVA-compliant voting system.
- **Ohio** is using its funds to make enhancements to its statewide voter registration system database, provide enhanced cybersecurity for election email accounts, conduct tabletop exercises and training, launch an IT and email support pilot project and conduct post-election audits through 2020.
- **Oklahoma** is purchasing e-poll books and document scanners for local election offices, upgrading its online voter registration system by 2020, providing training for county and state election boards, and ensuring there is a robust plan in place for cyber and physical security.
- **Oregon** is making improvements to the Oregon Elections System for Tracking and Reporting, securing state and local election systems and increasing IT security capacity and voter registration efficiency. The state also plans to build a feature so voters can track their ballot at all stages of the election process, provide public access to campaign finance reports and expand capacity and public visibility.
- **Pennsylvania** is replacing aging voting equipment that is reaching the end of its usable life with new equipment that has a voter verifiable paper audit trail.
- **Puerto Rico** plans to use its 2018 HAVA funds to enhance election cybersecurity and network infrastructure and upgrade Election Day voter registration.
- **Rhode Island** purchased a platform for the Centralized Voter Registration system that encrypts all data within it. The state also purchased another system that monitors for and protects the Centralized Voter Registration System from ransomware. In addition, the state purchased a system that provides real-time analysis of security threats, sends alerts if issues are detected and quarantines devices if there is abnormal activity.
- **South Carolina** is using its $6 million in 2018 HAVA Funds to harden its security posture and enhance the resilience of its elections.
- **South Dakota** is replacing aging voting equipment, including ballot marking devices and ballot tabulators purchased in 2005, and making cybersecurity upgrades to the statewide voter registration file and election night reporting page.
- **Tennessee** is providing sub-grants to assist counties in the purchase of approved voting systems, making improvements to its voter registration system and providing cybersecurity scans and training for each county election commission office.
- **Texas** worked with its Voter Registration system vendor in 2018 to make security updates to its system, including integration of a standalone portal and data encryption. The state also acquired cybersecurity training and made it available free of charge to all 254 counties in advance of the 2018 election. Prior to the 2018 election, 150 officials attended the training.
- The **U.S. Virgin Islands** is conducting a risk assessment and upgrades to its voting equipment, updating its voter registration system, developing and implementing a cybersecurity plan, and providing cyber risk management training for Board of Elections leadership, staff and vendors.
- **Utah** will purchase new voting equipment, replace the state's voter registration database and implement additional security measures and training for both counties and the state.
- **Vermont** used its 2018 HAVA Funds to replace and upgrade voting equipment, implement post-election audits, mitigate cyber vulnerabilities and provide required cybersecurity training for all town and city clerks in the spring of 2018, prior to the 2018 Midterm Elections. Of the initial $3,150,000 available through federal appropriations, the required state match and interest, as of September 30, 2018, Vermont had expended $843,912.28.

- **Virginia** is securing the Department of Elections' infrastructure and developing and implementing security and continuity of operations plans.
- **Washington** has implemented advanced firewall protection for the state's centralized election system and installed an advanced threat detection and prevention appliance. The state also acquired a database storage device on the Voter Registration system that has back-up and recovery capabilities. All equipment and software, with the exception of the database storage device, was in place prior to the 2018 Midterm Election. The state also held cybersecurity training for election officials that is a precursor for a cybersecurity training program individually tailored for each county in the state.
- **Washington, D.C.** has used $399,400 of its funds to purchase new voting equipment and hire additional staff to increase the number of early voting centers across the District of Columbia, to train election officials and to produce voter education materials. The District of Columbia plans to use its remaining 2018 HAVA Funds to acquire additional equipment, increase maintenance and support, hire a full time cybersecurity expert, hire and train additional poll workers, continue voter education and outreach, and invest in technology to improve all aspects of voter registration and election administration.
- **West Virginia** used its 2018 HAVA funds to establish a grant program available for counties to be awarded funding for election equipment, physical security, cybersecurity and e-poll books.
- **Wisconsin** will address the immediate security needs of the state such as purchasing software, implementing additional security measures to protect the statewide voter registration system, creating federally funded staff positions and hiring additional IT developers. Wisconsin will also collect feedback from local election officials, voters and election partners to determine long-term election security needs.
- **Wyoming** will use the 2018 HAVA funds to replace outdated voting equipment originally purchased in 2005 and enhance the state and county cybersecurity infrastructure.

Election Administrator Competencies




EAC Budget, 2010 vs. 2019
Millions
$20
$18
$16
$14
$12
$10
$8
$6
$4
$2
$-
17.9
17.9
16.3
11.5
11.0
10.0
10.0
9.6
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9.2
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14.5
13.0
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7.9
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3.5
3.2
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2.7
1.9
1.9
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1.5
1.3
2009
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2011
2012
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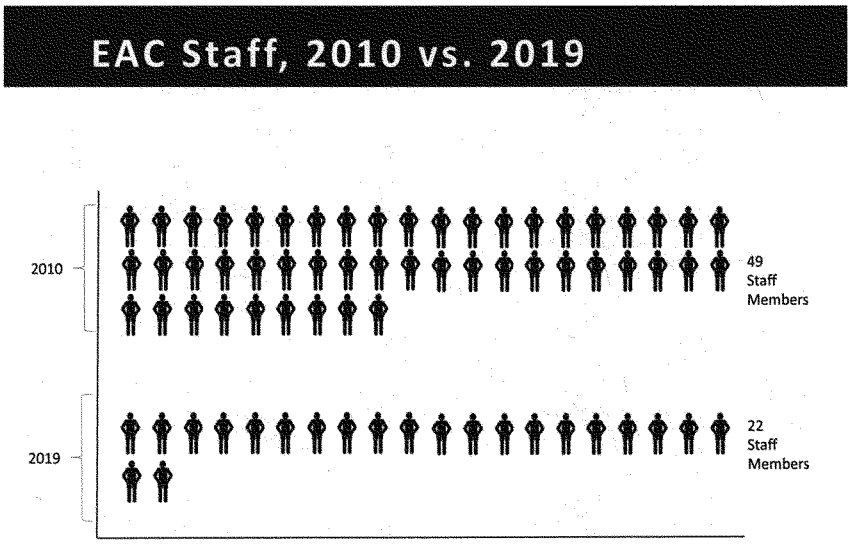
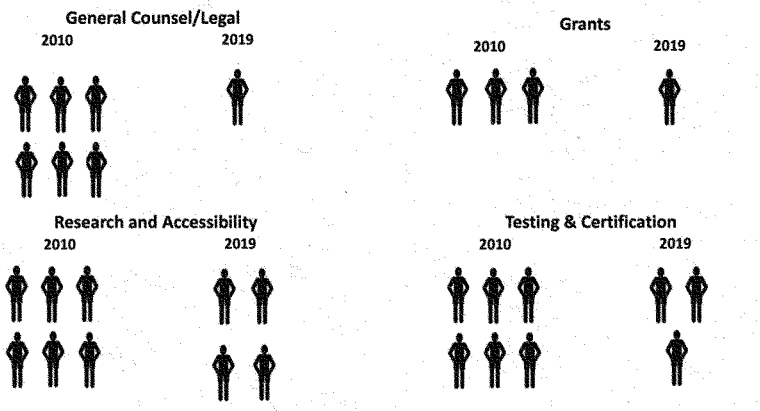
2015
2016
2017
2018
2019
NIST Transfer
EAC S&E Funding
EAC Overall Funding


EAC Staff, 2010 vs. 2019
2010
49 Staff Members
2019
22 Staff Members

Key EAC Teams Are Reduced



The following positions in the agency are unfilled:

- Chief Operating Officer
- Procurement Specialist
- Commissioners' Special Assistants

The CHAIRPERSON. Thank you very much.

I think they are trying to set up an alternate microphone system.

Mr. HICKS. It is working.

The CHAIRPERSON. Is it working?

Mr. HICKS. It should be working, yes.

The CHAIRPERSON. Ah, very good.

So now we can go to our members for questions, five minutes apiece. And we will turn first to our Ranking Member, Mr. Davis, for his questions.

Mr. DAVIS of Illinois. Well, here we go with the microphones.

Commissioner McCormick, I will start with you. Thank you. I certainly wish many of our folks that testify together combined their opening statements like that. That was great for time. I really look forward to hearing the testimony from each and every one of you with questions.

So, Ms. McCormick, you mentioned at the Senate hearing last week that parts of the EAC's core mission have suffered with the additional roles that the Commission has taken on since 2016. Can you first describe the transformation that the EAC has undergone since late 2016 and, second, describe how your core mission has suffered?

Ms. MCCORMICK. Thank you for the question, Representative Davis.

The EAC has undergone somewhat of a transition since a quorum was reestablished in 2015. One of the commissioners' top priorities was to right the posture of the agency and to work on emphasizing our assistance mission to the State and local election officials. Post-2016, the EAC has taken on an additional, very important mission, and that is to support election administrators to prepare for the escalating threat dynamic that we now face in this country.

Election security has always been a top priority for election officials. And when HAVA was passed, the current environment was not envisioned, and the EAC did not have this kind of a mission in regard to security as we do now.

We have stepped up and tried to fill that mission, although we have had to stretch our employees to their breaking point in order to meet the requirements that we feel are needed to support the State and local election officials to help mitigate the risks and prepare—to keep the secure infrastructure with elections.

Mr. DAVIS of Illinois. Well, Chairwoman McCormick, thank you. I agree with your assessment that some things have changed. And by all accounts, the Commission is doing what it can to provide significant value to our States, not only in the 2018 midterm elections. I fully expect the Commission to work effectively again in a bipartisan manner both internally and with the States for the 2020 Presidential election.

I have some time left. Okay.

Chairwoman McCormick or Commissioner Palmer, is any method of voting 100 percent secure?

Mr. PALMER. Well, the short answer is no. But there are a variety of steps that both States and the EAC can do through its certification program to mitigate those challenges.

Mr. DAVIS of Illinois. Okay.

Can you describe the common voting machines in use across the country today?

Mr. PALMER. Yes, sir. The majority is—about four different types of systems are used. Basically, the paper optical-scan voting system is used in the majority of precincts across the country. You also have the ballot-marking devices with paper. You also have DREs with VVPAT for a paper trail. And then you have DREs in a minority of States that were used in 2018 that have no paper trail with those DREs.

Mr. DAVIS of Illinois. All right.

We have heard a lot about paper ballots recently. Are paper ballots necessarily more safe and secure than a DRE machine with the voter-verified paper audit trail?

Mr. PALMER. Not necessarily, but the paper does provide some alternative mechanism if there are disputes. If you need to do an audit or recount, you have that paper that you could then look at if there were some allegations of interference or intrusion.

Mr. DAVIS of Illinois. Yeah. And you are right; they do have their own challenges. I can remember in—I think it was the 2012 Illinois primary, had a problem with ballots in one county going through the optical scanner. The ballots were printed too large, so they had to take a paper cutter and cut them down to be able to get them to go through. So they do present some challenges.

What other challenges do you think could be associated with paper ballots?

Mr. PALMER. Well, paper ballots, particularly for—there is the management of all the paper ballots that occurs. And for many jurisdictions that have used DREs, there is a process by which they have to become more acquainted with the paper and sort of making sure there is ballot management so you don't misplace or lose ballots and you make sure you have them all in a secure manner.

Also, directly voting, hand to a ballot, sometimes has issues, or it often does, with individuals with disabilities, because they don't have that capability. So there may have to be some sort of technology like a ballot-marking device or certain DRE technology that allows a voter with a disability to vote independently, privately, which is one of the charges under the Help America Vote Act.

Mr. DAVIS of Illinois. Right.

I see my time has run out. I yield back.

The CHAIRPERSON. The gentleman yields back.

I would then turn to the gentleman from Maryland for his questions.

Mr. RASKIN. Thank you, Madam Chairperson.

Welcome to all of you. As the Congressman from the EAC in Silver Spring, Maryland, I am delighted to see all of you here, and I have very much enjoyed my visits there.

Mr. Hicks, thank you for showing me around when you were the Chairman. I appreciate that.

Let's see. Chairwoman McCormick, let me ask you, the term of the current Executive Director, Brian Newby, expires in November. And, obviously, it is crucial that we get the next ED in place quickly to guarantee a smooth transition and a fully operational, functional EAC for the election. Given the search for a new Executive

Director could take a long time, presumably we would want to start the process as soon as possible.

You were asked about this in the Rules Committee hearing on the Senate side last week, whether you would commit to holding a vote to allow the Board of Advisors and Standards Board to begin searching, and you said you would consult with the legal team to figure it out. Have you spoken with the legal team, and what was the result of your conversation?

Ms. MCCORMICK. Well, there is a process set out in HAVA, and that is that we have to wait until there is a vacancy in order to start the process of an executive search through the two boards that we have executive search committees that would be set up at that time. And that would mean that we would have to wait until there is a vacancy.

Mr. RASKIN. You mean you can't start the process of getting ready? Like, I don't know, are you finding an outside firm to do the search, or you can't put out the word now? Why is—I don't understand.

Ms. MCCORMICK. Well, that is under HAVA, and we are just—I am following our governing statute——

Mr. RASKIN. It says you can't do any preparatory——

Ms. MCCORMICK. It says when there is a vacancy.

Mr. RASKIN. Well, my——

Ms. MCCORMICK. And, also, I think it is important for us to have some continuity leading up to the 2020 Presidential election. It is important for us to have a leadership team in place. And if we wait until there is a vacancy, it will take us a while to do that, putting us right smack dab in the middle of an election year——

Mr. RASKIN. Oh, so you—let me get it straight.

Ms. MCCORMICK [continuing]. Meaning that we would change the leadership——

Mr. RASKIN. So, in other words——

Ms. MCCORMICK [continuing]. And I am not comfortable with changing the leadership.

Mr. RASKIN. I am sorry. So you are not going to wait for the vacancy to take place?

Ms. MCCORMICK. No, I am. I am going to wait until the—I am going to follow the process that HAVA sets out for us.

Mr. RASKIN. My concern is, if you wait until November when there is a vacancy and there are not three votes to retain Mr. Newby or three votes to begin a search process, the Commission will have to move to its succession plan, because, as I understand it, Mr. Newby is not permitted to stay around in a holdover status.

So, under the EAC's Organizational Management Policy Statement of 2015, the agency has established an order of succession in the event that there is nobody in the executive director position. The first person in the order of succession for the Executive Director is the general counsel, but his term expires in November as well. Is that right?

Ms. MCCORMICK. Yes.

Mr. RASKIN. So the next person in the order of succession is the chief operating officer, but that position is vacant now, right?

Ms. MCCORMICK. Yes.

Mr. RASKIN. So, if there is no general counsel and no COO, the next person in order of succession is the chief financial officer. Is that position filled?

Ms. MCCORMICK. That position is not filled. We do have a different person with a different title doing our finances right now.

Mr. RASKIN. Okay.

Ms. MCCORMICK. But you have to look at—the policy says "when there are no commissioners." So that succession policy would not be in effect in October because all the commissioners will be there, presumptively.

Mr. RASKIN. I am not sure that is the way I am reading it, but I will go back and check that out.

But just to get it straight, so if there is no general counsel, there is no COO, there is no CFO, the next person in line to run the EAC would be the communications director. Is that right under the——

Ms. MCCORMICK. That is right under that policy. But, in my opinion, that policy—I would have to check with our general counsel, but that policy would not be in effect because we still retain commissioners. So that succession policy goes into effect when there are no commissioners, no executive director, no general counsel.

Mr. RASKIN. So what happens if there are commissioners, under your reading of it?

Ms. MCCORMICK. Well, then we would have to have either a vote to retain the current leadership, or we maybe possibly could put them in an acting status. I am not sure. We would have to talk to general counsel about that.

Mr. RASKIN. Well, you know, it just sounds like it is not fully staffed up. And, again, my reading of it, admittedly cursory, was that you would go down this line of succession; you end up with the communications director as the possible acting executive director of the Election Assistance Commission going into the 2020 elections.

Do you view the current statutory formula as preventing you from establishing a search committee now?

Ms. MCCORMICK. Yes, sir, I do.

Mr. RASKIN. Can you cite for me the part of it which you think prevents——

Ms. MCCORMICK. I don't have HAVA in front of me, but it does say "upon a vacancy" or something of that nature.

Mr. RASKIN. Right, but——

Ms. MCCORMICK. We don't have a vacancy right now. And I am confident that the commissioners can work in a bipartisan manner to assure that we have continuity at this time with our leadership and moving into the Presidential election in 2020.

Mr. RASKIN. But, I mean, the term is up regardless, so there would be a vacancy even if it is momentary, right? So you do not view yourself as having to go through a search process or to be prepared for a search process?

Ms. MCCORMICK. I think we can—there is a number of steps that come before that, and that is including deciding whether or not we want to continue the term of the current leadership. And if that is the case, that we don't continue the leadership——

Mr. RASKIN. Okay.

Ms. MCCORMICK [continuing]. Then we will look to the process.

Mr. RASKIN. All right. Thank you.

Mr. Hicks, would you weigh in on this, if you would? I mean, is this the right way to proceed? I mean, for all I know, it is, but it seems odd to me. I have not seen that before.

Mr. HICKS. The Chairwoman is correct, in that it states that we can't start anything until there is a vacancy. I don't think that prohibits the Board of Advisors or the Standards Board from operating on their own accord to set up a committee to start the search. That would also—we have to check with the general counsel on that, but I don't think that that precludes the start of a search by those two boards right now.

Mr. RASKIN. Well, when——

Mr. HICKS. We don't have to tell them to do that, but they can do that on their own, as they are our advisory boards.

Mr. RASKIN. I see.

When you say "consult with the general counsel," who are you consulting with, given that there is no general counsel?

Mr. HICKS. We have a general counsel now.

Mr. RASKIN. I see.

Mr. HICKS. So——

Mr. RASKIN. Oh, okay.

Mr. HICKS. So that would——

Mr. RASKIN. I gotcha.

Okay. I don't know whether any of the other commissioners wanted to weigh in on this question. Or am I out of time?

I yield back, Madam Chairperson. Thank you.

The CHAIRPERSON. The gentleman—but we have a gentle gavel today because we just had one opening statement.

The gentleman from Georgia is recognized.

Mr. LOUDERMILK. Thank you, Madam Chairperson.

Just to follow up on what Mr. Raskin was asking, it sounds like, though, you are trying to follow the law in the way it—even if the law is not advantageous to actually filling the executive director's position. Is that true? Just trying to follow.

Ms. MCCORMICK. That is correct, sir. We are trying to follow the HAVA process set out by Congress.

Mr. LOUDERMILK. Okay. I appreciate that. We don't always see that in a lot of agencies, trying to follow the laws that we pass.

Kind of a general question for everyone. Do you feel like that the voluntary voting standards is one of the most important functions of what you do?

Mr. PALMER. Yes, sir.

Ms. MCCORMICK. Yes, sir.

Mr. HOVLAND. Yes.

Mr. HICKS. Yes.

Mr. LOUDERMILK. Okay.

And this could go to anyone that would like to do it. Could you briefly just walk us through the development of the VVSG 2.0, how you get to the—I know you spoke about it briefly, but what is the process of getting to actually getting this?

Mr. PALMER. So, Representative Loudermilk, I will try to answer that.

So the process by which you would update or establish the VVSG—in this case, it would be 2.0—is HAVA sets out a process, once again that Congress has enacted, where the EAC has advisory boards. You have the Technical Guidelines Development Committee. You have the advisory board. You have the Standards Board, which is made up of election officials. TGDC is made up of technical experts and some State officials, and the Board of Advisors, of stakeholders in the process. And these three committees provide input and recommendations to the EAC on what those new standards would be.

We do this in conjunction with NIST, the National Institute of Science and Technology. They work with us; they work with the boards. And these recommended standards are then provided to the Executive Director for his recommendation to this board, to us.

We have hearings on those to make sure that we are trying to bring technology that—for the last 5 to 10 years, bring those to the new standards so our voting systems are as secure and as accessible as possible—usability, all those functions.

So that is the process that we are in right now with 2.0. We are now engaged with the high-level standards. We are looking at requirements and we are going to have public hearings on these things. Eventually, we will vote, work with the vendors to provide test assertions to which they can bring their voting systems into our laboratories for testing, and then provide those to the marketplace, to the election officials, which voters would then vote on.

So that is really one of our major duties, and we take it very seriously. It is very complicated and sometimes confusing, even for us. But we have a lot of wealth of experience on the Commission. We have a team that has been in place for a long time. And we are hoping to bring this to fruition so we can have new voting systems for 2024.

Mr. LOUDERMILK. When do you anticipate having 2.0 ready?

Mr. PALMER. Well, my hope is sometime in early 2020 or late 2019 that we could have enough in place—that is my goal, and I think we can meet it—that the manufacturers know what our new requirements are. So we have the high-level guidelines of what the system should be, we have the requirements which those systems will be tested to, and then we could have that conversation with the laboratories and with our manufacturers, to the vendors, so we can then bring those new voting systems—in about 2 to 3 years, they will have new voting systems in the marketplace.

My hope, realistically, is that election officials and jurisdictions will be able to buy new equipment in 2022–2023——

Mr. LOUDERMILK. Okay.

Mr. Palmer [continuing]. So there are new voting systems for some jurisdictions——

Mr. LOUDERMILK. You are talking about two to three years to develop them once you get the standards out there?

Mr. PALMER. Yes, sir.

Mr. LOUDERMILK. And, then, you are involved in the testing?

Mr. PALMER. We are. The EAC is involved with the testing of those voting systems that the manufacturers bring in under those standards. And so we are involved in that process.

Mr. LOUDERMILK. Do you anticipate the new voting machines, DREs with VVPAT, available under 2.0?

Mr. PALMER. Technically, it is probably possible. I don't know—I think one manufacturer has considered building a new DRE. But I don't—right now, most of the vendors now are with ballot-marking devices or optical scan, digital scan of paper. And so most of the new systems, if not all, will be paper-based——

Mr. LOUDERMILK. Really.

Mr. PALMER [continuing]. Voting systems that come out of 2.0.

Mr. LOUDERMILK. Really.

Mr. PALMER. Well, there is a section of HAVA that does require certain DRE technology——

Mr. LOUDERMILK. Yeah.

Mr. PALMER [continuing]. Under HAVA because of the focus on accessibility for voters with disabilities.

Mr. LOUDERMILK. Right. And you mentioned that——

Mr. PALMER. Right.

Mr. LOUDERMILK [continuing]. In your questions. One of my concerns is that the technology of the DRE does facilitate for moving folks through a little faster in a lot of these, but it does require more machines. So, anyhow.

All right. I see my time has expired. I yield back. Thank you.

The CHAIRPERSON. The gentleman yields back.

The gentlelady from California, Mrs. Davis, is recognized.

Mrs. DAVIS of California. Thank you, Madam Chairperson.

Thank you all for being here.

It sounds like it hasn't been easy lately, that it has been tough being part of the Commission.

I wonder if you could talk a little bit more about the $380 million of HAVA funds that—I guess with the grant expenditure report, there were certainly a number of questions of whether that should have been spent more quickly. But I also noticed that the rest of that money should be spent on upgrades, up to about 85 percent. I was just wondering about that. How does that mesh with what you are hearing from the States and localities?

Mr. HOVLAND. Thank you, Representative Davis.

Yes, the $380 million from fiscal year 2018 was very welcome by the State and local election administrators. I think what we saw in our initial report, that was based on fiscal year 2018, and so was it was only through September 30, and so you just saw a snapshot. But when you looked at that with the State plans that were provided, you could see that States were choosing from a menu of options.

Recently, our grants team reached out to all the States and updated that number, so you can project trajectory that about 85 percent of the money will be spent in advance of 2020. And I think that is really to be expected based on things like procurement timelines for replacing equipment. Certainly, when that money was distributed in 2018, there was a general election around the corner, and so that limited what the resources could be used for in advance of the election.

So, now, I think that we have seen this menu of options, whether that is people upgrading their statewide voter registration databases, hardening those systems with multifactor authentication—

the Ranking Member, Mr. Davis, his State has implemented the Cyber Navigators that he mentioned. I think this is a great example of a State usage of money.

And so what we are hearing from State and locals is that that $380 million was greatly appreciated, but it is an investment. They are having to choose from that menu rather than getting to do all of those things which they would like to do to help secure our elections.

Mrs. DAVIS of California. Yes. Thank you.

Does it kind of balance out, then? I mean, do you have a sense sometimes that—or what you are seeing—that the needs are so much greater than this, really? Even though you are talking about up to 85 percent, is that—you know, it sounds like—I am trying to figure out how you are going to run an agency with 22 employees so that you have the people who are able to facilitate this distribution. How do you do that?

Mr. HOVLAND. Well, I would say that is absolutely—that is a separate issue but one that I welcome hearing about. Yes, the reality—it was mentioned that our budget for this year was $9.2 million. Actually, $1.25 million of that passes through to NIST, so we are at $7.95 million. You know, again, we have 22 employees. We are a Federal agency with one legal counsel for our agency, with one financial person for our agency.

I was very heartened in the opening statements to hear the Chairperson talk about the fact that this Committee was no longer considering the termination of our agency. And I welcome this moment where we can move beyond whether or not to keep the EAC and move into——

Mrs. DAVIS of California. Can I ask you——

Mr. HOVLAND [continuing]. Asking how we get better.

Mrs. DAVIS of California [continuing]. Where do you think that capacity to act is most felt? Where are the needs the greatest right now?

Mr. HOVLAND. Well, I think part of it is, you know, number one, we need depth. We need to have more than one counsel, frankly.

But, also, the impact of that decreased funding results in programming. So when you have—election officials, particularly at the local level, are tasked with an extremely difficult job. And what we really do is help spread the best practices, help them learn from their colleagues. Things like our clearinghouse function and the "clearies" that we give out really embrace federalism, to the Ranking Member's point earlier, and share these best practices across States. And we aren't able to do that as effectively——

Mrs. DAVIS of California. Right.

Mr. HOVLAND [continuing]. Because of our limited resources.

Mrs. DAVIS of California. And I will say, under the law, under HAVA, that was your mission——

Mr. HOVLAND. Absolutely.

Mrs. DAVIS of California [continuing]. To make sure that you could relay those practices and that people could have a way of understanding where, in fact, they might be lagging behind, even, in terms of reaching out to their electorate in the areas.

All right. Thank you very much.

What would you like us to do?

Mr. HICKS. Give us more resources, plain and simple. I think that is the number-one goal for the country in terms of ensuring that—wherever I have gone, people have said: Thank you for the downpayment of the $380 million, but we need additional resources for the election for 2020, 2022, 2024, and beyond.

I think that they want us to do more in terms of our IT training, to work more with DHS. I think that there is a ton of other things that—I am happy to talk with your staff for the next hour and a half on things that we can use and need.

Mrs. DAVIS of California. Okay.

Thank you very much, Madam Chairperson.

The CHAIRPERSON. The gentleman from North Carolina is recognized.

Mr. BUTTERFIELD. Thank you very much, Madam Chairperson.

Let me just start with some basics.

The four of you are appointed for four-year terms—is that correct?—and confirmed by the Senate. And you employ the Executive Director for a four-year term.

Well, let me address it to you, Ms. McCormick. Is that correct? The four of you, acting in collaboration with each other, employ the Executive Director.

Ms. MCCORMICK. Yes. We take recommendations from our boards——

Mr. BUTTERFIELD. Sure.

Ms. MCCORMICK [continuing]. And go through the interview process. And then——

Mr. BUTTERFIELD. And your terms expire in November, and your Executive Director's term expires in November. Is that correct?

Ms. MCCORMICK. My term has been expired for many years.

Mr. BUTTERFIELD. You are holding over.

Ms. MCCORMICK. I am on a holdover.

Mr. BUTTERFIELD. You are holding over right now.

Is it correct to say that there is some controversy surrounding your Executive Director, Mr. Newby, Brian Newby? Would that be a fair statement?

Ms. MCCORMICK. I don't think that is a fair statement. I think——

Mr. BUTTERFIELD. You have not heard any——

Ms. MCCORMICK [continuing]. That has been created. I think that Mr. Newby is doing a fine job. And——

Mr. BUTTERFIELD. Are you aware of a——

Ms. MCCORMICK [continuing]. I think the Commission has done an amazing amount of work with the limited resources that it has.

Mr. BUTTERFIELD. I understand.

Ms. MCCORMICK. It is unfortunate that there are some people who are attacking him, but——

Mr. BUTTERFIELD. Even in your agency, there are some people who are very dissatisfied.

Ms. MCCORMICK. There are some employees who are unhappy——

Mr. BUTTERFIELD. Yes.

Ms. MCCORMICK [continuing]. But they have left the agency. Yes.

Mr. BUTTERFIELD. From what I can understand, in 2017, there was a 16-percent drop in support for senior leadership. Is that an

accurate survey? Sixteen-percent drop in 2017 for support for senior leaders, and 23-percent drop in satisfaction regarding your policies and practices, and a 27-percent drop in another category.

You are not aware of this survey?

Ms. MCCORMICK. I haven't read that survey, myself. I know that there is an employee satisfaction survey that goes out throughout the Federal Government, and, quite frankly, those are not that bad compared to some other agencies across the Federal Government.

Mr. BUTTERFIELD. When you get back to the office, if you find this to be incorrect, I would need to know it, because I don't need to repeat if it is not correct.

Are you telling me that you personally are satisfied with the performance of Brian Newby?

Ms. MCCORMICK. I am very confident in his abilities, and he is doing a fine job for the agency.

Mr. BUTTERFIELD. And do you anticipate that he will be retained as Executive Director?

Ms. MCCORMICK. I hope so.

Mr. BUTTERFIELD. Legally, is that possible?

Ms. MCCORMICK. I hope so.

Mr. BUTTERFIELD. And it would be a vote of three of you in order to make that happen?

Ms. MCCORMICK. I hope that is the case.

Mr. BUTTERFIELD. And if you had the will to do it or the desire to do it, would you be legally capable of terminating his position with the agency if you had just cause for doing so?

Ms. MCCORMICK. If we had just cause. Whenever you have just cause, there is——

Mr. BUTTERFIELD. So you cannot assure us that there will be a change in leadership in November at the Executive Director level?

Ms. MCCORMICK. I don't know what is going to happen.

Mr. BUTTERFIELD. Well——

Ms. MCCORMICK. We are going to follow the process that HAVA sets out, and I am hoping that we can work in bipartisan manner to keep the continuity of our leadership through the——

Mr. BUTTERFIELD. But it will require three votes to retain his leadership. Is that right?

Ms. MCCORMICK. Yes, it does.

Mr. BUTTERFIELD. Yeah.

Are you saying that you feel that you do not have the statutory authority to begin a search for a new leader if the commissioners decides not to continue his leadership? You don't have the statutory authority to do that?

Ms. MCCORMICK. We have the statutory authority to do that once there is a vacancy in that position, yes.

Mr. BUTTERFIELD. And you don't believe that you can anticipate a vacancy.

Ms. MCCORMICK. That is correct. We don't have a vacancy. And the way HAVA is written, it says that an executive search committee shall be set up in the boards once there is a vacancy.

Mr. BUTTERFIELD. All right.

Mr. Hicks, do you have unconditional confidence in Brian Newby as Executive Director?

Mr. HICKS. I think there have been some growing pains. I think there are some good things that he has done; I think that there are some bad things that he does done. But I think that that is something that the Commission should look at, whether or not we want to retain him and move forward or whether or not we want to open this up for new, additional folks to apply for the job.

We have two new commissioners who are here now who didn't have the opportunity to vote on that. But I think opening it up to whoever wants to apply for the job now—as the chair and ranking member said earlier, that this was a different time, that people were looking to get rid of the agency, and so I think that there might be——

Mr. BUTTERFIELD. Are you aware of the employee survey in 2017 that I made reference to?

Mr. HICKS. I am aware of it. I have not read it.

Mr. BUTTERFIELD. It appears to me that there is low morale in the agency, that so many of your employees have lost confidence in your leadership. And I would ask that you look very plainly at what that suggests.

Mr. Palmer, I will conclude with you. Are you totally satisfied with your executive director, or do you think there is room for improvement?

Mr. PALMER. I do have confidence in Executive Director Newby. I am new to the agency, but I have also worked with the agency, and many election officials at the local and State level admire his leadership in the community and at the EAC.

Mr. BUTTERFIELD. But my question is, is there room for improvement?

Mr. PALMER. Well, there is always room for improvement.

Mr. BUTTERFIELD. Yeah.

Mr. PALMER. But what I would say is that the EAC, going back five to ten years, had a number of IG complaints of discrimination and retaliation at the executive level. We have not had—in the two to three years that I have seen of IG reports under Mr. Newby's leadership, there haven't been any complaints that have been brought to the level of the IG, which is, you know, a fairly invasive investigatory—so the IG has not had any complaints when it comes to retaliation or issues regarding management.

Mr. BUTTERFIELD. During the Nixon years, there was suggestion that there was a cancer growing on the Presidency. I feel that there is a cancer growing on this Commission.

I yield back.

The CHAIRPERSON. The gentlelady from Ohio is recognized for five minutes.

Ms. FUDGE. Thank you very much, Madam Chairperson.

And thank you all so much for being here.

Certainly, we want for every Federal agency, including yours, to be above reproach and people not be concerned about who runs it.

Let me just ask this question, Madam Chairperson. If you had an employee who, in his recent history at an executive level, had misused and mismanaged public funds, who had abused his authority, who had engaged in an inappropriate relationship with a subordinate, who displayed lewd behavior in the workplace, what would you do with that employee?

Ms. MCCORMICK. There are due process provisions in the Federal Government. And so we have had those situations at the EAC in the past. We had an employee who misused Federal funds and violated the law. And we were told that there was a due process that we had to follow——

Ms. FUDGE. And what happened to that employee?

Ms. MCCORMICK. That employee was retained, actually, and eventually retired from the agency.

Ms. FUDGE. Okay. But do you not have such an employee now?

Ms. MCCORMICK. I am not aware of an employee who is behaving that way, no.

Ms. FUDGE. Well, let me make sure that I send this to you, because those are the accusations against Mr. Newby from his former employee just a few months after you hired him. So I will make sure you have that information.

I think it is important to be upfront about what we are dealing with. And the one thing that I cannot say enough is that, when we are using taxpayers' dollars, we need to have the highest standards. And I clearly don't think that that is the case here.

Mr. Hicks, can you give me any information as to what you have learned from the EAC State funding plans that have been received?

Or the Chairwoman. Either one.

Mr. HICKS. Thank you for the question.

I think that some of the things that we have learned from the State funding plans, in terms of the $380 million that went out, is that States need additional funds, that they are looking to purchase partial voting equipment because they don't have enough money to fully fund for voting equipment overall.

I think 95 percent of the money is going towards three different things: either voting equipment, voter registration, or cybersecurity upgrades. But I think that, overall, what we have learned is that they basically need additional funding.

Ms. FUDGE. How much funding do you think they need?

Mr. HICKS. I knew that was coming. As elections happen every 2 years, I think that it depends. Because what is needed in Maine might not be what is needed in Ohio.

Ms. FUDGE. Right. But just in light of the troubles that we have had over the last few elections—Mr. Davis is right, it didn't start in 2016, but it is getting worse. It is not getting better.

So even though this is not the first occurrence of interference by Russia, and maybe they are now saying possibly China and others, what is the most pressing need for States right now in terms of the security of their equipment?

And maybe I need to go down to Mr. Palmer.

Mr. PALMER. Well, with regard to the most pressing need for security, you might think the answer would be voting systems, but I actually believe that voter registration systems at the State and local level are the most pressing need for upgrade. And so—I will just leave it at that. I think that is our most vulnerable aspect of what cyber intrusions are, and so I believe those two areas would be the most pressing need.

Ms. FUDGE. Okay.

I am going to close, Madam Chairperson, but I will just say this. When there is no confidence in the leadership of the department,

you get reports like you just saw, with morale low, people not believing in their leadership. Those are the things that happen.

I would suggest very, very strongly that—I will make sure that you get it—that you read it and then still decide if that is the proper leadership for this organization.

I yield back, Madam Chairperson.

The CHAIRPERSON. The gentlelady yields back.

The gentleman from North Carolina is recognized.

Mr. WALKER. Thank you very much.

The question to start with is for Ms. McCormick.

Have you worked with the Department of Homeland Security to understand and respond to threats after foreign interference in the 2016 election?

Ms. MCCORMICK. We have been working with the Department of Homeland Security since before the 2016 Presidential election and providing information to the State and local election officials on escalating threats over the years, yes.

Mr. WALKER. If we could unpack that a little bit more, what initiatives or guidelines does the EAC specifically have to address election network hacking or voter data manipulation?

Ms. MCCORMICK. We have a multifaceted approach to providing the States with the resources that they need. We provide trainings, we provide checklists, resources, white papers. We are available at any time to discuss issues with the States and locals with regard to their election security. We have partnered with DHS and other agencies on products that the States and locals can use to secure their infrastructure.

Mr. WALKER. Obviously, this is going to be a big topic of discussion going into the 2020 election as well as future elections. What initiatives would you like to see the EAC take to ensure our voting systems are strong and secure?

Ms. MCCORMICK. Well, if we had the resources, I think we would like to see some cyber assistance units out amongst the States that we can have available to the State and local election officials to call on to help them with securing and mitigating any risks that are out there.

Mr. WALKER. Anything in the hopper to deal specifically with foreign interference when it comes to false information or misrepresentation?

Ms. MCCORMICK. Well, social media is not in our bailiwick actually. That is not part of our mission. I think that there are some ideas out there that we can discuss, perhaps providing a toolkit to State and local election officials to provide to campaigns when they register to become, you know, candidates on the issues and what they can do to secure their systems as well.

Mr. WALKER. Sure.

If I could get just a quick "yes" or "no" coming across the panel, starting, left to right, with the Honorable Donald Palmer. Do you agree that States need play a significant role in funding their election equipment?

Mr. PALMER. Yes, I do believe there should be a partnership.

Mr. WALKER. Okay.

Ms. McCormick.

Ms. MCCORMICK. Yes, I do.

Mr. WALKER. Sir?
Mr. HOVLAND. Yes.
Mr. WALKER. Okay.
Mr. Hicks.
Mr. HICKS. Yes, I believe that——
Mr. WALKER. Thank you.
Mr. HICKS [continuing]. Show that.
Mr. WALKER. Okay. Thank you.

Regarding the 2018 appropriation to date, how much of that money has been distributed to the States, and how much of that has been spent by the States? Does anybody want to take a stab at that, or does anybody have a knowledge base? I don't want to put anybody on the spot unless you have had a chance to——

Mr. HICKS. Well, 100 percent has been distributed out to the States.

Mr. WALKER. Okay. One hundred percent.

Mr. HICKS. Right. We got that money out last year.

Mr. WALKER. Okay. And that money is being spent on this arena that we are talking——

Mr. HICKS. Cybersecurity issues, purchasing new voting equipment, and voter registration are the three main ones that I believe States have done. But they are also going to other aspects of it as well.

Mr. WALKER. I am out of questions, but I am going to come up with a few more, because I just want to hear that baritone voice by Mr. Thomas Hicks speak a little bit longer there. So that is "Lou Rawls, eat your heart out" right there.

Okay. I will yield back, Madam Chairperson.

The CHAIRPERSON. The gentleman yields back.

I am wondering, for each commissioner, do you think there would be value for the EAC to add a division that is simply dedicated to technological election security?

Ms. MCCORMICK. I think that is an idea that we could look at. I think that we have a pretty robust testing and certification program and an IT division, and I probably would think that we would fold it into that department, if we did something like that.

The CHAIRPERSON. Well, I guess that goes to my next question. I know you can't always believe what you read in the paper, but I did see a Politico article recently discussing the departure of Mr. Ryan Macias. And the article said that—well, actually, the title of it is "EAC Losing Key Expert Reflects Crisis at Commission." And the article discussed Director Newby's leadership as part of a generally poor leadership and that, quote, "they've drained so much technical expertise" when Mr. Macias left.

I understand that, shortly thereafter, you announced, Madam Chairwoman, that an individual, Jerome Lovato, had been appointed as the new testing and certification director. Can you describe the process by which Mr. Lovato was hired? Was there an open call for applications? Did he apply? How many other people applied?

Ms. MCCORMICK. The commissioners don't involve themselves in personnel matters, so——

The CHAIRPERSON. So how did he get that appointment?

Ms. MCCORMICK [continuing]. That is a decision of the Executive Director. And, yes, the job was posted. They received many applications. I believe Mr. Macias was one of the applicants as well. Obviously, he did not get the job, and Mr. Lovato did get the job.

The CHAIRPERSON. Okay. So it is my understanding—and correct me if I am incorrect—that this certification and testing program has absorbed several new responsibilities. I am wondering, will Mr. Lovato be conducting his work from his residence in Colorado, or is he moving here?

Ms. MCCORMICK. He is already an employee of the EAC, and he is going to be moving back and forth between Colorado and the EAC's headquarters in Silver Spring. He will be located next to one of our testing labs, very close to one of our testing labs——

The CHAIRPERSON. In Colorado?

Ms. MCCORMICK. Yes, ma'am.

The CHAIRPERSON. Is there a SCIF there?

Ms. MCCORMICK. I believe there is a SCIF that is available to him, yes.

The CHAIRPERSON. I would love to know that, if you are not positive on this.

Ms. MCCORMICK. Well, he would probably use whatever the State of Colorado uses. He used to work——

The CHAIRPERSON. Well, that is not good enough. We need to meet our standards.

Ms. MCCORMICK. Well, we don't have a SCIF at our headquarters either.

The CHAIRPERSON. Really? That is disturbing.

Ms. MCCORMICK. In fact, Madam Chairperson, we just recently were given clearances, interim clearances, a couple of weeks ago, actually, not long ago. So we have been without—and it is at the Secret level as opposed to the Top Secret level.

We have not had clearances for the two and a half years that we have been asking for them. We have finally been able to get those interim clearances, and hopefully they will become permanent clearances but it is an issue, and we are working on it with Homeland Security.

The CHAIRPERSON. I am advised—and I don't know that this—you will correct me if I have been advised incorrectly—that one of the individuals that has been hired to serve in certification currently serves as a director of certification at Dominion, which is a very large vendor of voting machines, and that after the announcement of this individual's hire, she actually was still meeting representing Dominion and will start at the EAC in the same month as leaving her post in Dominion.

I am wondering—usually, there is a cooling—if we leave the Congress, there is a cooling-off period for a year. Is there concern about a cooling-off period, the appearance of a conflict of interest in this hire? Were those considerations in the mind of the agency when this person was hired? And what steps will you take to make sure that people don't favor one company or another because of their prior employment?

Mr. PALMER. Sure, Madam Chairperson. There is an ethics—ethics officer and the general counsel. And as employees either come to the EAC or leave the EAC, they are briefed on their ethical re-

quirements on taking a taking a position at the EAC in testing and certification.

And so the employee that you are speaking about, although we didn't hire her, she is a certification director for one of the vendors. She has worked with certification in the States and at the Federal level and brings a lot of assets to the Election Assistance Commission.

The CHAIRPERSON. Well, I don't even know this person. I am not attacking her qualifications——

Mr. PALMER. Yes.

The CHAIRPERSON [continuing]. In any way. The point I am trying to make is, if you have somebody who is representing a company at the same time, you know—and then they are moving over to the agency that is regulating that company, it causes people to question, you know, the dispassionate nature of the agency.

Mr. PALMER. Right. So there is an ethics office. And the individual won't be working with that vendor's testing program.

The CHAIRPERSON. That is not the point. I mean, if she is testing other—well, I think I have made my point, and I can see that my time has also expired.

And other Members have been very good about staying within their five minutes, so I will stop now and thank the commissioners for being here and note that the record will be open for 5 days. If Members have additional questions, they could submit them for the record. We would ask the Commission, if that should occur, to answer them promptly.

The CHAIRPERSON. We do thank you for being here.

And unless there are further matters before this Committee, we are adjourned, without objection with, thanks to each of you.

[Whereupon, at 4:26 p.m., the Committee was adjourned.]

U.S. ELECTION ASSISTANCE COMMISSION
1335 EAST-WEST HIGHWAY, SUITE 4300
SILVER SPRING, MD 20910

July 12, 2019

Representative Zoe Lofgren
Chairperson
United States House of Representatives
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairperson Lofgren,

Thank you for the opportunity to appear before members of the Committee on House Administration for the U.S. Election Assistance Commission (EAC)'s oversight hearing on May 21, 2019. We appreciated the opportunity to address how the Commission is fulfilling its mission to support election administrators and the voters they serve, and we respectfully submit for the record the following responses to the Committee's follow-up questions.

The following document and its attachments address each of the questions posed by members of the Committee. The answers reflect the Commissioners' collective responses.

Sincerely,

Christy A. McCormick
Chairwoman
U.S. Election Assistance Commission

Ben Hovland
Vice Chair
U.S. Election Assistance Commission

Thomas Hicks
Commissioner
U.S. Election Assistance Commission

Donald Palmer
Commissioner
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Questions for the Record

Committee on House Administration Hearing

"Oversight of the Election Assistance Commission"

May 21, 2019

The Hon. Christy McCormick
Commissioner and Chairwoman, U.S. Election Assistance Commission

The Hon. Benjamin Hovland
Commissioner and Vice Chair, U.S. Election Assistance Commission

The Hon. Donald Palmer
Commissioner, U.S. Election Assistance Commission

The Hon. Thomas Hicks
Commissioner, U.S. Election Assistance Commission

States and Election Administration

Question 1: EAC staff have done an excellent job with the timely distribution of $380 million in newly-appropriated HAVA funds. Please describe any ongoing efforts from the agency to guide states as they consider how to spend their remaining funds.

Following the allocation of $380 million in newly-appropriated HAVA Funds, the U.S. Election Assistance Commission (EAC) worked to efficiently and responsibly award these grants that were authorized under Title 1 Section 101 of HAVA. The funds were made available approximately seven months prior to the 2018 Midterm Elections, and eligible states and territories (hereafter referred to as the "States") could technically begin spending funds once they received their notice of grant award on April 17, 2018. States began collecting their grant money as soon as seven days later, less than 30 days after the 2018 Consolidated Appropriations Act was signed into law.

As documented in the first column of **Attachment A**, approximately 60 percent of States reached out to the EAC for assistance with at least one issue related to the 2018 HAVA Funds, including allowable costs, policy questions, pre-approval requests, and state appropriation process issues. While this column shows the States engaged the EAC about specific issues, the chart also lays bare the fact that the EAC didn't wait for States to reach out for guidance.

The EAC was proactive in its approach to offering States assistance in receiving and appropriately spending 2018 HAVA Funds. All States received pre-award notices, budget and narrative guidance, access to EAC webinars, phone and email consultations, and the EAC performed multiple reviews of each State's budget and plan. Through these interactions, States were given the opportunity to pose questions in real-time and ensure their plans contained only expenses allowable under Title 1 Section 101. The EAC's Grants team also answered inquiries, proactively provided guidance to anticipated questions, and reviewed proposals. Since these were the first new appropriations for HAVA grants since FY2010, many of the state-level contacts working on how to spend these funds had never received HAVA grants before, creating a knowledge gap that the EAC's team ably worked to close.

The EAC's response to incoming inquiries complemented its proactive approach to sharing knowledge about the HAVA Funds and HAVA's direction about how States can use these vital resources. One-on-one phone consultations and email exchanges with state administrators not only allowed the EAC to provide guidance on specific issues, but also informed the EAC about most frequently asked questions and what resources would be best to share with all stakeholders to ensure successful administration of the grants. In a very few instances, the EAC provided formal letters when state election officials requested assistance in describing how federal funds are appropriated and the allowable use of the funds to state assembly members or local election officials.

Perhaps one of the most impactful resources the EAC provided was its work to ensure States had full access to other State plans, documents that could inform spending choices, especially in cases when States were considering like-minded types of approaches. These plans were published on the EAC's website, where they remain today, so that each State could learn what other States were doing and share expertise and technical support. The EAC took this effort a step further by connecting States that were exploring similar approaches so that these States could share information.

Lastly, the Grants team spent a considerable amount of time brokering EAC knowledge and best practices across the States. For example, the EAC worked with California to ensure mutual aid compacts are created so that mobile voting vehicles can be deployed across the state in times of localized disasters, such as the 2018 California wildfires.

The EAC's work moving forward will be informed by details contained within each state's submitted security plan and budget. The plans received significant input and support from stakeholders at the local, state and national levels, making them a strong barometer of the kind of assistance States will need in the coming years. For example, by requiring each state and territory to submit a plan for election security and providing a flexible set of seven budget categories and six budget line items, the EAC created a 5-year national roadmap for how States plan to secure and modernize election infrastructure.

The Grants team's review of feedback from States about the grant-making process and receipt of the funds has both highlighted how the funds will be deployed given each State's unique situation (age of equipment, security already in place, status of statewide data systems, etc.) and showed where additional resources will be needed in the future. While EAC only has 3-4 months of official expenditure data, which is reasonable

considering the funds became available just months before the 2018 Midterm Election, we do have robust plan narratives that have been condensed and included in the 2018 Annual Expenditure Report (see **Attachment B**). Through our more recent conversations with the 55 states and territories that received these funds, we also believe that as of April 30, 2019, states have spent at least $108.14 million, or 29 percent, of the $380 million in grant funds. This represents a 262 percent increase in spending from the last reported spending levels on September 30, 2018. In addition, a straight-line spending projection based on expenditures through the end of last month suggests that states and territories will spend approximately $324 million, or 85 percent, of the funds prior to the 2020 Presidential Election.

While distribution of the new HAVA Funds has concluded, there are ongoing efforts from the Grants team related to reviewing and revising funding notices in consultation with internal and external stakeholders, including state and local election officials associations, election experts and others who will assist the agency in providing proactive support to state and local jurisdictions for future funding. These stakeholders will also provide technical assistance associated with the development and updates of the required plans and budgets. This includes sharing ideas and best practices from state-to-state, providing written feedback on every plan submitted by states, and making technical assistance available to support effective state administration of funds, including how to make sub-grants, how to track employee time, rules for equipment acquisition and other elements of effective management of federal funds.

Question 2: The EAC's Testing and Certification team successfully provided risk-limiting audit assistance and training in five states in 2018. Are there future plans to continue and expand these trainings?

Yes. The EAC is committed to providing States with technical expertise and assistance, especially ahead of the 2020 Presidential Election. The EAC's Director of Testing and Certification, Jerome Lovato, is one of the nation's most respected experts on risk-limiting audits. At the EAC, he has conducted trainings on this topic and authored a white paper that state and local election leaders can access to learn more about how risk-limiting audits work. Moving forward, the EAC does plan to offer additional trainings and to incorporate this work into large-scale gatherings, such as our planned January 2020 Election Year Summit.

Question 3: Data collected from the Election Administration and Voting Survey (EAVS) is important for improving and understanding election administration. In the EAC's most recent Annual Report, the agency mentions updating the EAVS Data Interactive, a visualization tool that allows for comparison of jurisdictions that will very likely be an asset to election officials.

a. Are there any other products the EAC anticipates creating from the EAVS data?

The EAC uses the state-by-state data collected through the EAVS to conduct secondary quantitative analysis on a select group of variables for a more in-depth

look into data outcomes. The results of these secondary analyses are published as EAVS Deep Dives, a series of white papers on a variety of subjects. The EAC will begin to publish these resources in the coming months.

The EAC also implements a primary qualitative data collection research effort that results in Topic Briefs. These short papers explore the practices and perspectives of a select group of state and local election officials and cover a variety of topics. EAVS data will be used to complement the mainly qualitative methodology incorporating a mixed methodology when applicable.

In addition, the EAC will produce EAVS Data Briefs, one-page summaries for each state and territory surveyed, that provide a graphical snapshot of data outcomes for the following:

- Voter Registration: Total Registered Voters, Registration Forms Received, Confirmation Notifications Sent, Registration Forms by Source
- UOCAVA: Ballots transmitted, counted and rejected by population (i.e. uniformed services, non-military overseas, other)
- Provisional Ballots: Counted in Full, Counted in Part, Rejected, Other
- Turnout by Method: Absentee, Provisional, Early Vote Center, Vote By Mail, UOCAVA

Analysis of EAVS data also allows the EAC to identify gaps and areas where states and localities may be able to benefit from targeted and more specified EAC training opportunities.

b. What are your insights on the most valuable way to share EAVS data with election officials and the public to influence decision-making and increase confidence in the electoral process?

The online availability of the EAVS comprehensive report is a valuable and readily accessible way for election officials to review key findings from the analysis of EAVS data. While key findings highlight nationwide outcomes, the EAVS report identifies state-by-state outcomes in appendices, and the EAC ensures that the data tables listing states' data are also available online. This allows states to conduct comparative analyses with peers for on any number of variables. The EAVS data interactive provides users visiting the EAC website the opportunity to explore election administration data and, with additional resources, the EAC plans to enhance the user experience with this tool.

Another valuable way to share EAVS data is through our Election Data Summits, the most recent of which was held this year on June 27, 2019. Over the years, the

Summits have been open to the general public and provide an opportunity for election officials, election data enthusiasts and stakeholders to come together to discuss how use EAVS data and other data sources to improve election administration processes and related decision making. The Election Data Summit is livestreamed to maximize access for the broadest possible audience interested in learning more about the EAVS. In addition to hosting our own summit, EAC Commissioners and staff travel to state and local election association meetings and other stakeholder events to expand the audience of EAC resources, including the EAVS.

Question 4: The EAC has done admirable targeted work to ensure that voters with disabilities have meaningful access to vote with privacy and independence.

a. What are the primary obstacles you have encountered in ensuring that voters with disabilities can access the franchise?

Voting accessibility has long been a priority for the EAC, as well as for the election officials and voters we serve. The EAC was established in 2002 as part of the Help America Vote Act (HAVA), legislation which built upon the disability protections enshrined in the Americans with Disabilities Act (ADA) by outlining a clear mandate to ensure Americans with disabilities be given the same opportunity to vote freely and independently as other voters. It was the first time Congress set forth such a measure and it is one we must not ignore.

Nearly one-sixth of the total U.S. electorate has one of a broad range of disabilities, including mobility, communicative, physical and cognitive impairments. This ever-growing population of voters may also face educational, cultural and political barriers that could make participating in elections even more difficult. It is imperative that these men and women have a seat at the table as election officials make critical decisions about how they run elections.

Unfortunately, the primary obstacle encountered by voters with disabilities is the inability to cast a ballot with ease in a private and independent manner. Much work remains to be done in this area.

We recognize that election officials with limited manpower and budgets may often feel they face a broad range of challenges, including security, that are sometimes in tension with the responsibility to provide accessible elections. The EAC works to help election officials navigate these obstacles through the distribution of resources, best practices, and federal funds.

For example, last year after Congress allocated $380 million in funds for states and territories to improve the administration of elections for Federal office, each State began to determine how they would spend these federal dollars. Improvements to election security and technology, as well as upgrades to voter registration systems, were at the top of most lists. The EAC's resources and guidance continue to help States to understand

their legal obligation to make sure these improvements are in sync with the obligation to ensure every voter can cast a ballot privately and independently.

This kind of guidance reflects the fact that the EAC serves as a trusted federal partner in the work to identify procedures and practices that have a proven record of serving the needs of all voters. The EAC also connects election officials with accessibility experts and advocacy groups that stand ready to assist in the effort to help Americans vote.

Beyond the EAC's convening power and our administration of federal funding, the Commission uses its voluntary testing and certification of election systems, its creation of resources such as voting rights cards in Braille and large print, and its effort to identify and lift up innovative approaches and best practices to serve American voters who need assistance at the polls. The EAC has also contributed funds to develop new innovations, such as Prime III, which includes a remote ballot marking system, to expand accessibility for voters with disabilities.

b. What have you encountered as best practices to combat these obstacles?

As EAC Commissioners travel the country and meet with election officials, there are innovative best practices that assist voters with disabilities seen at many stops along the way. We strive to highlight these successful efforts so that election officials may replicate these activities across the U.S.

This year will mark the Commission's fourth annual national competition for best practices in Election Administration. Over the years, the Clearinghouse Awards have been dubbed the "Clearies" for short. This effort offers a great stage to celebrate and share best practices cultivated by election offices. A major theme of the Clearies is its focus on voting accessibility and serving voters with disabilities. In fact, one of the Clearie award categories is devoted exclusively to showcasing best practices in improving accessibility for voters with disabilities. In this competition, we receive a wide variety of outstanding entries and share these programs with the elections community. The Clearies play an important role in furthering the EAC's responsibilities under HAVA. Under that Act, the EAC serves as a clearinghouse for election administration information.

The EAC, along with various advocacy organizations, strives to empower voters with disabilities and election officials to continually improve the rights of a private and independent vote. The Commission has many accomplishments in helping voters with disabilities and election officials. However, much work remains to be done to reach the promise of HAVA and recognizing results-driven best practices is a crucial step in this process.

Question 5: Both the 2018 and 2019 EAC Standards Board Meetings had important panels on Elections and Disaster Recovery. Does the EAC plan to offer any additional formal products on the impact of natural disasters on elections? In what forms?

Natural and man-made disasters have the potential to throw elections into chaos, destroying infrastructure, displacing voters and potentially rendering the impacted system more vulnerable to security threats. In the wake of recent and catastrophic hurricanes, wildfires, floods, and volcanic eruptions, election stabilization and recovery in the aftermath of such events has unfortunately become a timely topic for election officials across the country.

The EAC has hosted discussions about Disaster Preparedness & Recovery, including at its 2018 and 2019 Standards Board Meetings, and has a bank of contingency planning resources on our website. However, the consequences of recent events, such as Hurricane Maria in Puerto Rico and Camp Fire in California, have laid bare the need for the EAC to focus additional resources on helping state and local election officials recover from disaster and prepare for potential future events.

Since the formation of this initiative in November 2018, the EAC has made site visits to election offices in Bay County, Florida and San Juan, Puerto Rico. During these visits, we toured the election offices, interviewed election officials on work being conducted to recover their systems, and have since released a series of videos on topics discussed during those conversations, including emergency preparedness, purchasing new equipment after old equipment was damaged, how election officials ensured displaced voters could still cast ballots, partnerships election offices have found particularly helpful as they rebuild and cybersecurity measures undertaken by these offices.

In March 2019, the EAC formed a Disaster Preparedness & Recovery Working Group (DP&RWG) comprised of election officials with hands-on experience successfully administering elections following natural or man-made disasters. The Working Group met for its initial meeting on April 10, 2019 prior to the EAC Standards Board meeting. In April 2019, during the EAC's annual Standards Board and Board of Advisors meetings, these EAC advisory boards also established committees to explore lessons learned and best practices gleaned from disaster preparedness and recovery within the election community. In addition, the EAC hopes to mobilize a Government Coordinating Council Working Group to assist with a national DP&R project.

Moving forward, the EAC will work with each of these entities to open lines of communication between other federal agencies and election officials; create dynamic resources that cull the knowledge of election officials who have had to rebuild their systems after severe natural and man-made disasters; and, establish additional avenues of support to expedite recovery when a disaster occurs. The EAC plans to expand its website with new resources stemming from this work, potentially including planning templates, best practices, original research reporting, and agency recommendations for improvement regarding disaster response and recovery in relation to election administration and voter participation.

It is important to note that all staff working on the Disaster Preparedness & Recovery initiative each have other, full-time jobs in addition to their work on this issue. It is our

hope that, with additional funding, we can hire additional staff to support this initiative and partner with contractors who can provide specialized training and expertise.

National Clearinghouse Functions

The Help America Vote Act states that the EAC, "shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of federal elections."

Question 6: If provided additional resources, what additional activities would you be interested in using this clearinghouse function for?

With additional resources, the EAC would enhance its current support for state and local election officials and invest in the following initiatives:

- **Develop and complete an EAC Communications Initiative projected to cost $710,000.**

New Resources and Training
This initiative would allow the existing staff to work with outside experts and contract writers to prepare a suite of training materials that could be combined into training manuals or parceled out for more specialized trainings. Using the Commission's "Election Administrator Competencies" Wheel (**Attachment C**) as our guiding principle, the training materials would touch on as many aspects of election administration as possible, but certainly would include best practices, checklists, and guidance pertaining to the following topics:

- Election Security
- Procuring Election Technology and Voting Systems
- Recruiting Poll Workers
- Disaster Preparedness and Recovery
- Using Election Data to Improve the Voter Experience
- Accessibility

In addition to using these materials for trainings across the nation, the EAC would add the updated materials to its website ahead of 2020.

This communications initiative would include a series of five regional trainings ahead of the 2020 Presidential Election. The EAC would offer two-day, regionally-based "2020 Election Bootcamp" events that feature hands-on training rooted in the new materials above. The events would be a mix of panels, trainers, keynote speakers, and hands-on exercises offered for election administrators. Ideally, these events would take place starting one year out from the 2020 Presidential Election and be completed no later than midway through the second quarter of 2020. Potential sites for these trainings include:

- Washington (Northwest)
- New Mexico (Southwest)

- Missouri (Midwest)
- Florida (Southeast)
- Washington, D.C. (Northeast)

In addition to serving as an incredible learning opportunity for election officials, these conferences would provide the EAC with regional platforms to conduct media outreach, place opinion pieces, conduct editorial board meetings, and highlight HAVA grant-supported efforts across the nation ahead of 2020.

Combatting Disinformation
To fight potential disinformation on social media, with additional funding, the EAC would be able to increase its role as a trusted source of election information and increase voter confidence. The EAC would invest in paid media placements ahead of the 2020 Presidential Election. These regional print ads, radio news releases or ads, as well as national online ad buys, could link back to "trusted source" resources for voters or provide public service information about how voters can make sure they are able to fully participate in the 2020 Presidential Election, including how to serve as a poll worker. This effort would serve as a complement to our regional trainings efforts by specifically targeting voters across the nation and elevating the profile of the EAC's broad spectrum of offerings for them (i.e., up-to-date election calendars, "Voting Rights" cards, and portals to contact local election officials).

In an era where misinformation campaigns carried out on social media and by more traditional means have the potential to negatively impact elections, the EAC understands better than any other agency the need for election officials to be the most trusted source of election information. At the federal level, Vote.gov has the opportunity to be a one-stop, trusted federal source for voters and the EAC can provide leadership to ensure this is the case.

Serving as a trusted source for voters is an essential responsibility that the Commission carries out and one that it hopes to enhance by partnering with other federal entities that provide election information. In an effort to streamline information sharing and provide voters with improved access to accurate election information and a broader array of voting resources, the EAC plans to partner closely with the administrators of Vote.gov. Currently, Vote.gov's website and the EAC's www.eac.gov website are managed and updated by independent webmasters. When real-time edits are made on the EAC's websites, it is imperative that these same changes be reflected on Vote.gov. By linking the two sites and streamlining updates, the EAC can ensure that voters always have access to the most recent versions of important forms and resources. Looking ahead, we hope to leverage this relationship to improve the quality and expand the amount of information available on Vote.gov.

➢ **Enhance the Research Initiatives at a cost of $538,000.**

Section 241 of HAVA allows the EAC to periodically conduct and make available public studies regarding prescribed election administration issues. EAC's ability to meet this requirement is significantly constrained due to insufficient funding for research personnel

and contract mechanisms. Currently, there is one staff member conducting original research that produces best practices for election officials nationwide. This constraint limits the magnitude of up-to-date information the agency can feasibly produce, internally, in a timely manner. Personnel constraints limit the EAC's ability to efficiently serve as a clearinghouse of election information.

The EAC proposes three additional staff that will help produce the following items:

- Security-related best practices for statewide voter databases and other forms of election technology in 2020 and beyond
- Best practices to secure the vote-tabulation machines used to cast and tally votes
- Best practices to mitigate the risks of vulnerable public-facing elections websites and the exploitation of backend databases behind web servers used by election officials
- A primer on advanced voting that includes the most current best practices on implementation
- Best practices to ensure effective and efficient voter list maintenance
- Best practices to design ballots used in elections for public office, including paper ballots and electronic or digital ballots, to minimize confusion and user errors
- Best practices to improve voting access for individuals with disabilities during elections for Federal office

Furthermore, there are several reports with content that need to be revisited and revised for use and applicability. The following HAVA reports should be updated:

- Effective Designs for the Administration of Federal Elections (Ballot Design) (2007)
- Improving State Voter Registration Databases (2009)

The information that we have shared with you is the tip of the iceberg as it relates to all of the EAC's activities that are conducted on a daily, weekly and monthly basis. The EAC's "Election Administration Competency" Wheel is the driving factor of all programs that the EAC endeavors to develop and share with election officials around the nation. Developing products for election officials to navigate these topics is our primary goal.

➢ **Double the size of the Testing and Certification staff at a cost of $350,000.**

Doubling the existing staff to six staff members focused on the Testing and Certification and the Election Technology and Security programs would allow for increased output in certifying voting systems and cybersecurity support.

Question 7: Is there a potential to save local officials money, perhaps by reducing redundancies and sharing best practices?

Yes. Perhaps one of the greatest values of the EAC's Clearinghouse function is its ability to share best practices and other resources across election jurisdictions, information that helps States to identify efficient and effective ways to serve voters. From sample RFPs and detailed plans regarding how states are investing federal funds to best practice case studies on issues

ranging from election accessibility and poll worker recruitment to election security and technology, the EAC's wealth of election administration information supports election officials as they make decisions about the best way to invest their limited resources.

In addition, should additional funds become available, the EAC is working to provide even more hands-on assistance that can help jurisdictions stretch their funds. For example, if the Commission's funding were restored to the FY2010 level, the EAC could deepen its bench of expertise with five cyber experts devoted to assisting States, additional grants management and auditing support, doubling the size of our current research team and adding additional members to our Testing and Certification team. This additional capacity would allow the Commission to produce additional materials, provide a higher level of support for state and local election officials, and elevate the EAC's presence around the country with more regional conferences and trainings. This would also help states that are struggling to afford cyber assistance.

Personnel

Question 8: Under the EAC's Organizational Management Policy Statement dated February 24, 2015, the succession plan for the agency head only contemplates succession when all Commissioners seats are vacant.

a. **What is the succession plan for the executive director during a vacancy when all Commissioners seats are full?**
HAVA Section 205 (a)(3)(C) provides that if a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director.

b. **When there is only a quorum of Commissioners?**
HAVA Section 205 (a)(3)(C) states that if a vacancy exists in the position of the Executive Director, the General Counsel of the Commission shall serve as the acting Executive Director until the Commission appoints a new Executive Director.

c. **When there is no quorum of Commissioners?**
The 2015 Policy Statement document referenced establishes a succession plan in the event there are no Commissioners. The succession begins with the General Counsel, followed by, in order, the Chief Operating Officer, Chief Financial Officer, Communications & Clearinghouse Director, Voting Systems Certification Director, Election Administration Research & Programs Director, and Grants Administrator.

d. **What is the succession plan for the general counsel in each of those same circumstances?**
HAVA does not provide a succession plan for General Counsel. HAVA Section 204(a)(4) allows for the Commission to appoint a General Counsel. In cases where there is no quorum and no General Counsel, the Executive Director could

appoint someone to serve in an acting role until a quorum is re-established and a General Counsel could be appointed by the Commission.

e. **Please share the policy adopted by the Commission outlining this succession.** As mentioned, HAVA does not provide a succession plan for General Counsel.

Question 9: HAVA Section 204(a)(3)(B) clearly states that "the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director." It does not require that the individual selected actually be among those names; it solely requires that they be considered. This text therefore contemplates an alternate method to select an executive director. The search committees of the advisory boards are thus detailed as one approved method for finding an executive director, but are not the only approved method, and an alternate search method is nowhere expressly prohibited. Further, as a generally accepted legal principle, the requirement of one method, absent more, does not prohibit the usage of any alternative methods. In Chairwoman McCormick's testimony, she suggested, incorrectly, that the only available means to initiate a search for the executive director is the approach using the search committees of the advisory boards once a vacancy occurs.

Historically, the EAC has posted an Executive Director vacancy announcement that results in resumes being submitted for consideration. Upon a vacancy announcement, the advisory boards subsequently formed search committees to review and vet the resumes received through the EAC employment process. The advisory board search committees then reviewed most, if not all of the resumes, ranked and rated the same, and submitted recommendations for the Commissioners to consider. The advisory boards have not operated in any other fashion related to vacancies.

In fact as the Boards are advisory to the EAC, it is not contemplated by the Statute that the Boards would conduct an alternative process for seeking an Executive Director especially in light of the fact that there currently is not a vacancy. Importantly, the Boards cannot act beyond the established procedural requirements of the agency as they are advisory, only. The premise of an alternative process, as stated in the question, overlooks the relevant preceding section of HAVA, 204(a)(3)(A) that says "When a vacancy exists in the position of the Executive Director, the Standards Board and the Board of Advisors shall each appoint a search committee to recommend at least three nominees for the position."

As noted, upon the announcement of a vacancy, the boards then establish search committees, not before. Creating an early candidate list would not only suggest that the nominees that came from the boards may not be properly considered, but there would be no expediency achieved in filling the position because HAVA mandates that these committees be appointed when a vacancy occurs and recommend at least three nominees.

a. **Given that there is no prohibition on an alternate search, what is your plan to begin undertaking an alternate formal search, or adopting a policy for there to be an informal search?**

The Commission plans to follow the requirements set forth in HAVA. We recognize the Committee Members' concerns about the potential timing of the expiration of the current Executive Director and General Counsel terms. We believe that the Commission may be well served to develop a policy that allows for a determination if the incumbent Executive Director and/or General Counsel are interested in being retained for an additional term, as described in HAVA, and to ascertain if other parties are interested in the positions a few months prior to the expiration of a term. This would allow the Commissioners to know if they should anticipate a vacancy and to make a more fully formed decision if a vacancy were to occur. Given the requirements of agency policy making **(See Attachment D)** and our lack of counsel that would not be conflicted, it appears that adopting such a policy ahead of the end of the current Executive Director and General Counsel terms may not be possible. We are committed to considering a related policy in this area.

b. **On what date will you begin this search?**
Any search will be conducted in a manner consistent with the provisions of HAVA, Section 204(a)(3).

Question 10: Commissioners indicated that the interpretation of the EAC succession plan and the availability of holdover status for staff under HAVA and your internal policies will be conducted by your general counsel. Your general counsel position will also arrive at a vacancy this November. This is a conflict of interest, given that your general counsel's interpretation of his ability to hold over will impact his potentially continued employment.

While there was a brief discussion by one Commissioner about consulting with the General Counsel on the formation of a search committee, the Commissioners did not discuss this item in the manner portrayed in the question. The Commissioners are not anticipating a legal opinion from the General Counsel in this regard. However, agency staff has sought the input of federal personnel authorities on this issue and, once information is received, the Commission will be in a better position to respond.

a. **Please explain how you will deconflict this issue and arrive at an appropriate and credible interpretation regarding your succession plan.**
As previously stated, the Commissioners are not anticipating a legal opinion directly from the General Counsel in this regard, but will be considering information from relevant federal personnel authorities regarding these particular issues.

Question 11: In the order in which they were originally ranked, please share the complete list of names suggested to you by the Board of Advisors and the Standards Board, respectively, for consideration for executive director when you last considered candidates for that position.

Please note that the previous ranking of names conducted by the advisor boards was conducted in response to resumes submitted in response to a vacancy announcement, so we are unable to share the names of the individuals who were not selected for the position as a matter of privacy.

Question 12: On what date did your current executive director's term begin? On what date is a vacancy scheduled to occur for your executive director position?

On October 22, 2015, the EAC's Commissioners voted to appoint Brian Newby as the EAC Executive Director for a four-year term. The agency has sought the input from relevant federal personnel authorities regarding the beginning and ending dates of the terms for Executive Director Newby and General Counsel Tatum.

Question 13: On what date did your current general counsel's term begin? On what date is a vacancy scheduled to occur for your general counsel position?

On October 22, 2015, the EAC's Commissioners voted to appoint Clifford Tatum as the EAC General Counsel for a four year term. The agency has sought the input from relevant federal personnel authorities regarding the beginning and ending dates of the terms for Executive Director Newby and General Counsel Tatum.

Question 14: Expediency requires you to start this executive director search now, and HAVA does not expressly prohibit such search before a vacancy exists.

a. Can you commit to beginning a search process for the executive directorship?

While we appreciate the nature of this question, we intend to follow a process consistent with HAVA at the appropriate time, and we respectfully note that a response to this question would in effect require deliberation and a consensus of the Commissioners on how to proceed. As such, we are not conducting deliberations or making a public statement on this matter at this time. In the event of a vacancy, the agency is prepared to proceed with a candidate search process.

Question 15: Your charge as Commissioners is to be stewards of the agency; does knowingly leaving the executive director position vacant during the 2020 election constitute good stewardship?

Each Commissioner plans to continue to uphold the Oath of Office, consistent with their responsibilities detailed in HAVA, that they took when beginning their service as Commissioner. All positions identified in HAVA—Commissioners, Executive Director, General Counsel, and Inspector General—are filled at this time.

Question 16: Please detail, step by step, the process for announcing and filling the position of Director of Testing and Certification.

a. **Please share the job posting.**
See **Attachment E** or visit this link:
https://www.usajobs.gov/GetJob/ViewDetails/526497300

b. **On what date did you publicly post the position?**
March 6, 2019

c. **On what date did you hire the candidate?**
The candidate was hired on May 8, 2019, and he assumed the position on May 12, 2019.

d. **How many people applied?**
20 applications were received and reviewed by the EAC's OHR and Executive Director.

e. **How many people did you interview?**
One internal candidate was interviewed for this position. No external candidates were interviewed.

f. **Did Mr. Jerome Lovato apply for this position?**
Yes.

g. **Please describe the circumstances under which Mr. Lovato was awarded this position.**
Following a successful interview and Mr. Lovato's continued interest in the position, he was offered and accepted the position to lead the EAC's Testing and Certification Program.

Question 17: On the evening of May 14, 2019, one day before the Senate Rules hearing and less than a week after hiring Mr. Lovato, you announced two new additions to the Testing and Certification staff.

a. **Please describe your process for selecting those individuals.**

EAC utilizes a variety of merit-based staffing methods to fill positions. Recruiting is carried out by OHR and qualification assessments are generally conducted directly by the operating units where permissible under applicable statutes, regulations, and policies. As an excepted service agency, the EAC does not use OPM registers of ranked qualified candidates for appointment to the civil service.

These methods are supplemented by other staffing tools, such as paid advertising, flexible entry salaries, trial periods, recruitment and retention payments, and flexible pay increases associated with promotion. These methods are intended to attract higher-quality candidates, speed up the recruiting and examining

processes, increase the effectiveness of the trial period review process, and increase the retention of good performers.

As an excepted service agency, the EAC is statutorily exempt from the hiring and classification mandates of Title 5 in the U.S. Code that govern appointments in the competitive service[1]. This special authority allows EAC to use a streamlined hiring process, consistent with the merit system principles of 5USC 2301(b), rather than hiring through the traditional competitive process. In fact, HAVA 204(a)(5) states that "Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate."

The agency may, but is not required to, post vacancies on USAJOBS; however, the majority of recruitment actions to fill vacancies are advertised to allow fair and open competition. EAC announcements will generally be open for the period of time and to the widest audience necessary to provide an adequate number and diverse pool of candidates from which a selection can be made. Vacancy announcements are prepared and posted by OHR in consultation with the requesting office.

Once the vacancy announcement closes, it is determined which candidates meet the minimum qualification requirements for the position vacancy. The selection process that follows is designed to determine which of the minimally qualified candidates are best capable for the vacant position. The assessment methods may consist of panel assessments, peer reviews, interviews, work samples, or other valid methodologies deemed appropriate for the position being filled. Hiring supervisors, with OHR approval, determine which type of assessment method will be used to assess applicants.

As we receive resumes and applications for employment, we identify potential employees and look at past employers to determine if there are any potential conflicts of interest. If so, generally we discuss what the potential conflicts could be and determine whether or not we can facilitate employment based on ethical standards. If potential conflicts are identified, our Designated Agency Ethics Official reviews the issues and when necessary, seeks expertise from the Office of Government Ethics.

The Office of Human Resources (OHR) posted this position on USAJOBS.gov from November 19 to November 27, 2018 and again on April 12 to April 28, 2019. Between November 19 and November 27, 2018, we received 35 applications for the position. Between April 12 and April 28, 2019, we received 41 applications for the position, for a total of 76 applicants for the position. The Office of Human Resources and the Executive Director reviewed the applications to identify those who were qualified. This entire list was provided to Mr. Lovato for his consideration.

[1] *See* 52 U.S.C. §20924(a)(6)

Two candidates were deemed to be "best qualified" and OHR conducted interviews with these candidates together with the Director of Testing and Certification. OHR then conducted reference checks via telephone call and initiated the process to verify their matriculation from the Universities they attended.

b. **Please share the job posting.**
See **Attachment F** or visit this post:
https://www.usajobs.gov/GetJob/ViewDetails/507322500

c. **Was there an open and transparent application process?**
Yes.

d. **On what date were the positions announced?**
The position was announced twice, November 19 to November 27, 2018 and again on April 12 to April 28, 2019.

e. **On what date were they filled?**
Paul Aumayr assumed the position on 5/28/2019.
Jessica Bowers assumed the position on 5/30/2019.

f. **Did the time between the announcement of a vacancy and your filling of the vacancy allow for finding and vetting the most qualified candidates?**
The time elapsed between the first time the announcement closed to selection of candidates was 5.5 months, and the time elapsed between the second time the announcement closed to selection of candidates was one month. This time frame was sufficient and allowed for us to find and vet the most qualified candidates.

g. **How many people applied?**
Between November 19 and November 27, 2018, we received 35 applications for the position. Between April 12 and April 28, 2019, we received 41 applications for the position.

h. **How many people did you interview?**
Mr. Lovato and the Office of Human Resources interviewed two candidates.

i. **By whom were these hires made?**
These hires were determined by the Director of Testing and Certification and approved by the Executive Director.

j. **Did the Commissioners weigh in on these decisions at all?**
No, Commissioners are not involved in the process of hiring personnel.

Question 18: Chairwoman McCormick said she "believes" there is a SCIF available to Mr. Jerome Lovato in Colorado, and that it would be to Colorado's state standards.

a. **Please confirm the location of the SCIF.**
The EAC has discussed this issue with the Department of Homeland Security (DHS), and DHS will direct Mr. Lovato to an appropriate SCIF near his location if a need arises. This is the same process DHS undertakes for other members of the EAC, including Commissioners, as the EAC's current location in Silver Spring does not have a SCIF.

b. **How far it is from Mr. Lovato's primary place of work?**
This would be determined at the time of an event, but a federal facility is in the metropolitan area where Mr. Lovato works.

c. **Please detail how it meets all federal government standards.**
DHS understands and verifies SCIF requirements. The EAC therefore has confidence that the facility DHS chooses at a particular time will meet those requirements.

Question 19: Chairwoman McCormick also noted Mr. Lovato will travel back and forth between Colorado and the EAC's office in Silver Spring.

a. **At whose expense will Mr. Lovato be travelling back and forth?**
When Mr. Lovato travels on EAC business, his travel expenses are paid by the EAC.

b. **What is the estimated weekly cost of this travel?**
Mr. Lovato is not traveling to the EAC on a weekly basis. As a point of reference, since Mr. Lovato began his new role, he has traveled twice in two months to the Silver Spring office. Mr. Lovato is not the first Testing and Certification employee with a duty station outside of the Washington D.C. area. Previously, the EAC had two technical reviewers who worked outside of the area and traveled to the EAC occasionally. In addition, over the years, the EAC has had other employees in other departments with duty stations outside of the EAC.

c. **How frequently will he be travelling?**
Mr. Lovato travels frequently for EAC-related business, such as attending and presenting at conferences and conducting trainings. Mr. Lovato travels to the EAC office in Silver Spring when he has other meetings in Washington, DC, and he is available to travel to the EAC on an as-needed basis. Mr. Lovato regularly participates in staff meetings and other discussions via conference call or video.

d. **What percentage of time do you expect Mr. Lovato to be at the EAC headquarters? What percentage in Colorado?**
As stated, Mr. Lovato has an intense travel schedule beyond Washington, DC and away from his duty station in Colorado. The nature of the position requires that he go where he is needed when he is needed. That said, the Commission anticipates that Mr. Lovato will spend approximately 65 percent of his time in Colorado and 35 percent of his time out in the field directly serving election officials and other stakeholders, including time in Washington, DC.

e. **Would hiring an individual who resides in or near Silver Spring, Maryland, demand fewer agency resources?**
Perhaps. However, the EAC serves stakeholder across the country, and any such analysis is, at best, complicated. The EAC offices are space-constrained, and the EAC has requested funds to move to larger, more ADA accessible space.

f. **Please list all other individuals in the agency who have a duty station other than Silver Spring, Maryland.**
Margaret Ollove – Brooklyn/Cattaraugus, NY
Christy McCormick – Williamsburg, VA
Donald Palmer – St. Johns, FL
Jessica Bowers – Aurora, CO

g. **At whose expense do those individuals travel to Silver Spring?**
When individuals travel on EAC business, travel expenses are paid by the EAC.

h. **Please share the cost of travel annually covered by the agency for each individual, respectively, whose duty station is not Silver Spring, Maryland.**
In Fiscal Year 2018, the cost of travel covered by the agency in this regard was $0, and, similarly, for the first half of Fiscal Year 2019. The EAC had employees with duty stations outside of the Washington area in the past, during Fiscal Year 2017 and earlier, and can research this information if it is deemed useful.

Question 20: Commissioner Palmer stated that there is an "ethics officer and the general counsel."

a. **Who is your ethics officer?**
The General Counsel, Clifford Tatum, is the EAC's Designated Agency Ethics Official.

b. **What are his or her qualifications?**
The General Counsel has been designated as the Agency Ethics Officer. He has participated in and continues to receive training conducted by the Office of Government Ethics. This training addresses substantive topics for ethical considerations and focuses on developing analytical skills required for identifying and resolving potential ethical issues, as well as training regarding the Agency Ethics Official's responsibilities related to training staff to identify and resolve potential ethical issues on a daily basis.

Question 21: Commissioner Palmer mentioned that, while employed at the EAC, Ms. Jessica Bowers will not deal with the voting machine vendor from which she came. That vendor is one of the three largest in the nation.

a. **How will this be operationalized?**
Ms. Bowers is only assigned projects that are not associated with her previous employer. She and her supervisor have been briefed by the EAC Ethics Officer,

and she understands her role and responsibilities as it relates to interacting with her former employer. Pursuant to Subpart E of the Ethics Code, the EAC is taking steps to ensure that Ms. Bowers avoids an appearance of loss of impartiality in the performance of her duties and are ensuring that she will not participate in a particular matter involving specific parties.

b. **How sustainable is this solution?**
This is a very sustainable solution since the Testing and Certification team is working on a wealth of other projects that do not include her former employer.

c. **How long will this firewall exist?**
The EAC Ethics Officer is reviewing this to provide guidance, but likely, the period will have a limited number of years and will be conducted in accordance with Section 2635.501 and 502 of the code of Ethics.

d. **Does this firewall ultimately create a circumstance where the vendors Ms. Bowers works with are treated differently than her former employer, by virtue of her working with some vendors, but not that one?**
No. Ms. Bowers clearly understands the code of ethics and is a committed public servant, as evidenced by her service in the U.S. Air Force and her performance to date at the EAC.

e. **Who will work with the vendor that is Ms. Bowers' former employer?**
The Testing and Certification program employs two senior election technology specialists. The Testing and Certification Director serves as the primary backup for both Senior Election Technology Specialists.

f. **Will that employee or those employees be firewalled from Ms. Bowers?**
The EAC is fortunate to have an employee of the caliber of Ms. Bowers and is utilizing discretion upon the certification issues she manages. However, she is a valued employee and will contribute in all ways expected of other EAC employees.

Question 22: Please answer the following regarding an apparent conflict of interest.

a. **Was the agency's ethics officer consulted before hiring Ms. Jessica Bowers to your Testing and Certification Team?**
The Agency Ethics Officer was consulted prior to Ms. Bowers joining the EAC team.

b. **Please provide the Committee your conflict-of-interest analysis regarding hiring a former vendor employee to oversee vendors.**
We reviewed the relevant sections of the Code of Ethics, specifically Subpart E (Impartiality in Performing Official Duties), as well as Sections 2635.501 (overview) and 2635.502 (Personal and business relationships). These sections relate to avoiding appearances of loss of impartiality and address covered relationships and permissible activities and specific matters.

Question 23: Please provide a list of all staff, consultants, or any other person paid any amount hired during Executive Director Brian Newby's tenure at the EAC. Please provide all of the following for each individual:

a. Title
b. Job Description
c. Date of hire
d. Date of end of service
e. Duty station from where they conducted their work
f. Total annual salary or, if not salaried, total payment for services
g. Any other position, and place such position was held, while also working for the EAC

See **Attachment G.**

Question 24: During the hearing, Commissioner Hicks and Chairwoman McCormick indicated they had not read the Annual Employee Survey covering 2017 and released in April 2018, or its accompanying comparison report. We request that all Commissioners familiarize themselves with this survey and comparison report, which are available on the EAC's website here: https://www.eac.gov/about/human-resources/.

a. **When was the Annual Employee Survey released in April 2018 conducted (from what date to what date)?**
The survey was conducted from the end of January through March 16, 2018.

b. **When was it released to the Commissioners?**
The survey results were reviewed by all EAC staff in the spring of 2018 and the results were posted on the EAC's website for general release at that time.

c. **Why has the report been delayed covering employee satisfaction for 2018?**
The Commission's 2018 employee survey was scheduled to be administered in January and February of 2019, but this year's government shutdown delayed the start of the survey.

d. **When is the next Annual Employee Survey to be conducted and released?**
As mentioned, the survey was to have been conducted in January and February 2019, but the government shutdown impacted those plans. The survey is now expected to be completed this fall.

e. **Please provide the results of a contemporary employee survey to the Committee before October of this year.**
The operational impact of the government shutdown cannot be minimized, and the employee engagement survey will be implemented as planned. Results likely will not be processed and available to the agency before October of this year.

Question 25: What are all of the complaints that have come to your Inspector General? Please provide a complete list including the content of the complaint, the date, and any other relevant information for each complaint.

The EAC's Inspector General is an independent entity whose work is conducted without review or oversight by the EAC. She receives complaints and addresses each correspondence as she wishes. Therefore this question must be directed to her via separate correspondence.

Agency Cybersecurity

Question 26: In November 2016, an incident occurred where hackers were able to penetrate the agency's technology infrastructure

a. **In response, what impact assessments, if any were conducted by outside entities? By inside entities? Please name which entities.**

In November 2016, a single webserver database was illegally accessed by a single suspect. This incident continues to be the subject of an FBI criminal investigation. As a point of record, hackers did not penetrate the EAC's technology infrastructure. The EAC has been told that the FBI believes the incident to be that of an individual criminal, not a nation-state effort. The suspect is believed to be responsible for more than 25 government and university incidents.

Since this incident the EAC has implemented numerous safeguards:

- Upon notification of the incident by the FBI—which occurred within a week of the incident—the EAC immediately removed the compromised server from the network, eliminating the hacker's potential to compromise EAC systems.
- Immediately following the incident, all servers and desktops were patched.
- Immediately following the incident, firewall configuration changes were made, via GSA, to close ports and to monitor traffic and eliminate unauthorized access.
- An Enterprise password reset was initiated for all staff and systems.
- An incident response policy was developed.
- The EAC hired a Chief Information Officer with an extensive cyber-security background to oversee cybersecurity and IT.
- A full compromise assessment was performed on the EAC network, including all desktops.
- The EAC implemented dual-factor authentication and mandatory use of PIV cards for authentication.
- The EAC procured FireEye's Network and Security Suite.
- Since email is the most vulnerable vector for cyber-attacks as it is the highest volume data ingress point for the EAC, the CIO implemented a

real time cloud based advanced threat protection solution. The EAC implemented a fully featured secure email gateway that leads the industry in identifying, isolating, and immediately stopping URL, impersonation, and attachment-based attacks, before they can potentially enter the EAC's network. The added security layer also scans all outgoing traffic for advanced threats, spam and viruses by using a confluence of intelligence-led context and detection plug-ins, malicious URLs are detected and attachments and URLs are analyzed against a comprehensive cross-matrix of operating systems, applications and web browsers. FireEye collects extensive threat intelligence on adversaries, through firsthand breach investigations and millions of sensors.

- The EAC has drafted an Enterprise Risk Strategy and Business Impact Analysis.
- The EAC continues to review GSA SOC reports and document that proper controls are in place on their network, as GSA manages the EAC's Wide Area Network.
- Beyond developing and practicing an Incident Response plan, the EAC continuously manages cyber risk by monitoring the risk environment as well as reviewing IT budgets, new technologies and services, security spending, and policies that have security implications.

b. **If conducted, please share the dates those assessments were conducted.**
The EAC worked with DHS to conduct an assessment in January 2017. Upon her hiring in the fall of 2018, our new Chief Information Officer began an overall assessment of the EAC's technology, as well as an assessment to review the incident and DHS's findings was conducted in 2019.

c. **If conducted, on what date were those assessments shared with the Commissioners?**
The decision to conduct an assessment by DHS came after considerable discussion between the Executive Director and each Commissioner in January 2017. The agency did not receive a draft report from DHS until more than a year later, but DHS's shared their initial findings in January 2017 and communicated to the Commissioners at that time. The second assessment's findings are in draft form and have just been delivered to the agency, so a review with the Commissioners will be forthcoming.

Election Technology and Testing and Certification

Question 27: Please answer the following regarding Testing and Certification.

a. **What are the professional credentials of each member of the Testing and Certification team?**

Jerome Lovato

Mr. Lovato has over 10 years of experience working in technological capacities with the state of Colorado. Prior to joining the EAC in 2016, his positions included Voting Systems Certification Lead and Risk-Limiting Audit Project Manager, and he has tested and piloted numerous voting systems for various entities. His education includes a bachelor's degree in Electrical Engineering from the University of Colorado at Denver. Mr. Lovato is extremely well-regarded nationally, and he is considered one of the leading post-election audit experts in the country.

Paul Aumayr

Mr. Aumayr comes to the EAC with over 15 years of elections experience at the Maryland State Board of Elections, where he has been involved in every aspect of voting system testing and certification. Most recently, as Voting System Director for the past eight years, he managed operations for Maryland's uniform voting system and electronic pollbooks, and chaired the voting system evaluation committee to appraise and select the state's voting system. Prior to that, he served as the Voting System Manager and in that capacity, authored the state's "Conducting the Election Guide." Mr. Aumayr has more than 10 years of IT experience; and has advised myriad stakeholders including, but not limited to, election officials, academics, voting system and other vendors, candidates and office holders, security and other IT expects as well as the voting public. He holds a bachelor's degree in Engineering, with Honors, in Computer and Electronic Engineering from The University of Brighton, UK. Paul is a Microsoft Certified Systems Engineer and Project Management Professional.

Jessica Bowers

Ms. Bowers joins the EAC with over 11 years of voting systems experience. She has held various roles including Director of Certification Compliance, in addition to several senior software developer positions in various organizations. She has a wide array of technical, leadership, and management experience, including over 18 years of software development and product support experience. Ms. Bowers has made regular presentations to senior and executive state and federal government officials on voting system security, accessibility and conformance to state election laws and rules, and is actively involved in VVSG working groups. She has earned a Bachelor of Science in Information Technology from the University of Phoenix, and is a Certified Scrum Master.

b. **Does the Testing and Certification team have the bandwidth or substantive experience to look at election hacking from a technological standpoint, considering machine software or hardware?**
This is a broad question that could encompass any number of responsibilities and activities. However, it is fair to say that the EAC does not have the tools or bandwidth to perform in-depth forensic analysis of any type of election hacking. This is beyond the scope of the agency's duties and responsibilities.

Question 28: Commissioners were asked about an election technology division and seemed supportive of it alongside the Testing and Certification program under the EAC's Information Technology Department. On Page 8 of the EAC's 2018-2022 Strategic Plan, dated February 12, 2018, there is a department listed under Information Technology called Election Technology.

The responsibilities of the Testing and Certification Program include project management of the voting system testing process. The staff members serve as technical reviewers of voting system technical documentation packages (TDPs), test plans, test reports, root cause analysis, among other things, and interpret that data in order to ensure the voting systems meet the certification requirements. The staff interacts with the voting system vendors and manufacturers, the test laboratories, and state election officials.

The Testing and Certification staff is involved in developing voting systems and election technology guidelines, requirements, test assertions, best practices, and white papers. Team members also serve as lead auditors under International Standards Organization (ISO) 17025 and ISO 9001. They maintain and monitor the quality of the Voting System Test Laboratories (VSTLs) and the registered manufacturers who submit voting systems for testing and certification.

However, with the expanded role of the EAC's Testing and Certification Program, this same staff has absorbed the Election Technology Program duties. Additionally, the Election Technology Program duties have been formalized as part of the Testing and Certification Program. These duties are assigned to the new Director of Testing and Certification, and were reflected in the announcement that was posted for that vacancy. The announcement for that position also added the duties of EAC lead on critical infrastructure, as well as election technology and cybersecurity, and the requirement to obtain a Secret security clearance.

In order to fulfill all of the new duties that have been assigned to the Testing and Certification Program, under the Director of Testing and Certification, an optimal total number of personnel is six, including three full-time staff working on voting system certification and two full-time staff working on Election Technology and Security Programs, in addition to the Director who will oversee the department. The EAC would also like to expand the number of testing laboratories it utilizes—currently two are in use and the EAC believes three is the optimal number of labs certified at this time.

a. **Pursuant to your unanimous adoption of this plan, why has your executive director not moved to implement this division since this strategic plan was published?**
The organization chart on Page 8 does not represent such a Division. The organization chart represents an internal IT function within the agency.

b. **When do you intend for this division to be implemented?**

Although many activities have been underway, as explained above, the organization chart on Page 8 does not represent such a Division. The organization chart represents an internal IT function within the agency.

Voluntary Voting System Guidelines (VVSG)

Question 29: To what evolved challenges do the Guidelines respond?

The VVSG, as updated in March 2015 (Version 1.1), was a natural evolution of the previous version. The version that the Commissioners recently voted to publish in the Federal Register to receive public comment (VVSG 2.0) is intended to allow for further strengthening of security while ensuring the accessibility requirements of HAVA. This approach was advocated by NIST and supported by the EAC Technical Guidelines Development Committee.

The underlying principles of accessibility, security, accuracy, reliability, and privacy remain, but have been enhanced to incorporate years of research and have been structured to align with other industry standards. Some of the changes involve an approach to software independence (paper backups), auditable records, voter information protection, unique identifiers for Risk Limiting Audits, interoperability, multifactor authentication, encryption, and new system integrity requirements.

Additional areas of change address overall transparency, potential use of commercially available over the counter hardware, assurance of compliance with Section 508 Web Content Accessibility Guidelines and usability across all modes of presentation (visual, audio enhanced video) and interaction (touch, tactile, non-manual).

Question 30: Can you describe the process of engaging stakeholders, including the election advocacy community, the National Institute of Standards and Technology, the Technical Guidelines Development Committee, and others?

By way of background, the VVSG have historically consisted of Principles, Guidelines and Requirements against which voting systems can be tested to determine if the systems meet required standards. Our goal is to bring technological gains in security and other factors to the voters. Some additional factors examined under these tests include functionality, accessibility, accuracy, and auditability. HAVA mandates that EAC develop and maintain these requirements, as well as test and certify voting systems. These guidelines are voluntary, and states may decide to adopt them entirely or in part.

The structure of the new VVSG reflects modifications proposed by the EAC's Technical Guidelines Development Committee (TGDC), which is chaired by the director of the National Institute of Standards and Technology and is comprised of election officials, voting system manufacturers, disability experts, cybersecurity experts, technology experts, and other key election stakeholders. In addition, the modifications were informed by a robust set of working groups organized by NIST to provide specialized feedback on many of these same topics. The new guidelines are a high level set of principles that will be supplemented by accompanying documents that detail specific requirements for how

systems can meet the new guidelines and obtain certification. The supplemental documents will also detail assertions for how the accredited test laboratories will validate that a system complies with those requirements.

Last year, the TGDC, as well as the EAC's Board of Advisors and Standards Board, recommended adoption of the proposed VVSG 2.0 Principles and Guidelines. Unfortunately, when one of the Commissioners left the EAC, we lost our quorum and were not able to vote to move the new guidelines forward. That changed earlier this year when the Senate confirmed two new EAC Commissioners. In February, after Commissioner Palmer and Commissioner Hovland were confirmed, our first official act was to unanimously vote to publish the VVSG 2.0 Principles and Guidelines in the Federal Register for a 90-day public comment period. At that time, we also announced our intention to hold public hearings to gather feedback on the proposed principles and guidelines. Our first public hearing took place on April 10 in Memphis, and we held our second public meeting in Salt Lake City on April 23. On May 20, we held our third hearing at our office in Silver Spring. The public comment period on the VVSG 2.0 Principles and Guidelines concluded on June 7, 2019, following a one-week extension to provide time for all parties to submit their comments for consideration.

Question 31: What cooperation from the election community, if any, would assist you in this information collection effort?

The EAC is working with NIST and its advisory boards in this effort.

<u>Questions for the Record from House Administration Minority</u>

Question 1: What is the likelihood of the EAC starting an Elections Cyber Assistance Unit? Is this similar to what my home state of Illinois is doing?

a. **What resources do you all need to get something like that up and running ahead of the 2020 Elections?**
   Certainly, this initiative is inspired by the work in Illinois. The EAC is committed to expanding its election cyber support efforts. For example, if the Commission's funding were restored to the FY2010 level, the EAC could deepen its bench of expertise with five cyber navigators devoted to assisting States, additional grants management and auditing support, doubling the size of our current research team and adding additional members to our Testing and Certification team. This additional capacity would allow the Commission to produce additional materials, and provide a higher level of support, for state and local election officials and elevate the EAC's presence around the country with more regional conferences and trainings. This would help States that are struggling to afford cyber assistance.

Question 2: Can you tell us about the Commission's role in assisting states with post-election audits? What services do you already provide in this area?

As with all aspects of election administration, the state and local jurisdictions operate elections in accordance with federal and state law. The EAC does not operate elections nor actively get involved in any specific aspect of election administration conducted by local election administrators.

However, the EAC does develop materials that focus on leading best practices within election administration, including post-election audits. The EAC developed a white paper outlining the various facets of post-election audits, including risk-limiting audits, and has participated in state workshops related to risk-limiting audits. The EAC would like to expand this support to providing training for all post-election audits, but the Commission currently does not have sufficient staff capacity to expand this effort. Part of the EAC's suggested expansion of its budget within the Testing and Certification division, proposed to appropriations staff, would double the number of persons in this division and allow for more staff guidance in this area.

Question 3: Can you tell us about your 2009 funding and staff levels versus today's funding and staff levels?

When Commissioners Ben Hovland and Donald Palmer were confirmed by the Senate in early January, the EAC had a full slate of Commissioners for the first time since 2010, when the EAC had 49 employees. This drop in staff is commensurate with an approximate 50 percent decrease in the EAC's annual budget since 2010. The EAC faces the 2020 election cycle with greater expectations and challenges than it has had in years, but its budget does not reflect this urgency.

Attachment H shows the budget decline at the EAC, the headcount difference between 2010 and now, and the major areas where staff has been reduced through attrition. Other positions, such as assistants for the Commissioners, a Chief Operations Officer, and additional grants and clearinghouse staff, have been unfilled for years. In fact, as part of an outside study and recommendations from the Office of Personnel Management, the EAC eliminated two filled positions, with some of those duties absorbed by existing employees and the remainder to be performed by a second attorney.

Question 4: What is the EAC's most pressing staff need at this time?

Restoration of a quorum was an essential step toward strengthening the ability of the EAC to provide the best possible support to state and local election leaders and the voters they serve. It also lays bare the fact that our Commission is stretched to the limit with regard to resources.

For example, in many instances, there is a lack of redundancy within the staff, meaning when a staff member is on vacation or ill, there is not a back-up employee who is able to fulfill their responsibilities. We feel this most in areas such as grant administration, finance, and the General Counsel's office, which each only have one full-time employee. In addition, many on the staff are satisfying the requirements of their own job description while also carrying out duties that

would typically lie beyond their responsibility, such as our Testing and Certification team working on critical infrastructure tasks. This is the most pressing issue we face today, particularly in light of other priorities. Answering these QFRs, and those from the Senate, have consumed extensive resources that top over 300 hours in the past two months, resulting in real and opportunity costs that have diverted scarce resources from addressing the EAC's mission.

Question 5: When it comes to DREs without a VVPAT, what is the current status of use of those machines in the United States?

a. **Should we encourage jurisdictions to move away from the DRE machines without a voter-verified paper audit trail?**

According to the 2018 Election Administration and Voting Survey, DREs with VVPATs were used in 38.9 percent of states, and DREs without VVPATs were used in 29.6 percent of states. States where more than half of jurisdictions used DREs without VVPATs are Delaware, Georgia, Indiana, Kentucky, Louisiana, Mississippi, New Jersey, Pennsylvania, South Carolina, and Tennessee. Less than two percent of jurisdictions reported using only DREs without VVPATs in the 2018 general elections without any other type of equipment, and no states or local jurisdictions reported using punch card or lever machines.

The percentage of states that use paperless DREs in 2020 will be significantly less due to states purchasing and implementing new voting systems this year.

The EAC agrees that having a voter-verifiable paper audit trail is the best way to audit a voting system. However, the EAC does not take a position on the types of voting equipment that a jurisdiction decides to purchase.

Attachment A

2018 HAVA Security Grants - EAC Engagement Tracker

STATE	Federal Funds Awarded per State FFR	States that Reached to EAC for Assistance (see color key below)	Pre-Award Notice to Grantees, Congress, Stakeholders	Create/Send Instructions--budget and narrative guidance	T.A. Webinars to State Election Directors--3 Live Webinars	Plan/Budget Review, Staff Write ups, Initial Report	Feedback--Security Plan & budget	Email-Phone Consultations on Needed Revisions to Plans	Second round of Plan and Budget Review	Number of 1:1 Phone Consultations April - Sept. 30, 2018	State Budget neg. / Intervention to safeguard Funds	GSA SAM Account Support	Email Technical Assistance # of Issues	Federal Financial Reports Training	Review of Annual Report and Feedback	Feedback to States on FFR/Narrative submissions
ALABAMA	$6,160,393		X	X	X	X	X	X	X	2		18	1	X	X	X
ALASKA	$3,000,000		X	X		X	X			1		2	1	X	X	X
AMERICAN SAMOA	$600,000		X	X	X	X	X	X	X			16	2	X	X	X
ARIZONA	$7,463,675		X	X	X	X	X	X	X	3		4	4	X	X	X
ARKANSAS	$4,475,015		X	X		X	X					23	2	X	X	X
CALIFORNIA	$34,558,874		X	X	X	X	X			4		2	6	X	X	X
COLORADO	$6,342,979		X	X	X	X	X	X	X	4	X	9	8	X	X	X
CONNECTICUT	$5,120,554		X	X		X	X	X	X			52	2	X	X	X
DELAWARE	$3,000,000		X	X		X	X	X	X	3		13		X	X	X
DC	$3,000,000		X	X	X	X	X			2		4	2	X	X	X
FLORIDA	$19,187,003		X	X	X	X	X			4	X	-	5	X	X	X
GEORGIA	$10,305,783		X	X	X	X	X			1		-	3	X	X	X
GUAM	$600,000		X	X		X	X					36	2	X	X	X
HAWAII	$3,134,080		X	X		X	X	X	X		X	6		X	X	X
IDAHO	$3,229,896		X	X		X	X	X	X		X	2		X	X	X
ILLINOIS	$13,232,290		X	X		X	X	X	X		X	-		X	X	X
INDIANA	$7,595,088		X	X	X	X	X	X	X	2		24		X	X	X
IOWA	$4,608,084		X	X	X	X	X	X	X			12	4	X	X	X
KANSAS	$4,383,595		X	X		X	X					17		X	X	X
KENTUCKY	$5,773,423		X	X		X	X	X	X			6		X	X	X
LOUISIANA	$5,889,487		X	X		X	X					2		X	X	X
MAINE	$3,130,979		X	X	X	X	X	X	X	2		2	3	X	X	X
MARYLAND	$7,063,699		X	X	X	X	X					1	2	X	X	X
MASSACHUSETTS	$7,890,854		X	X	X	X	X		X			1	2	X	X	X
MICHIGAN	$10,706,992		X	X	X	X	X		X	2	X	1	1	X	X	X
MINNESOTA	$6,595,610		X	X		X	X			5	X	3	4	X	X	X
MISSISSIPPI	$4,483,541		X	X		X	X		X		X	20		X	X	X
MISSOURI	$7,230,625		X	X		X	X					1		X	X	X
MONTANA	$3,000,000		X	X		X	X				X	1	2	X	X	X
NEBRASKA	$3,496,936		X	X		X	X					2		X	X	X
NEVADA	$4,277,723		X	X		X	X	X	X	2		-	1	X	X	X
NEW HAMPSHIRE	$3,102,253		X	X	X	X	X			4	X	1		X	X	X
NEW JERSEY	$9,757,450		X	X		X	X	X	X	4	X	2	3	X	X	X
NEW MEXICO	$3,699,470		X	X		X	X	X	X			4		X	X	X
NEW YORK	$19,483,647		X	X	X	X	X	X	X	3	X	1	4	X	X	X
NORTH CAROLINA	$10,373,237		X	X		X	X	X	X			6		X	X	X
NORTH DAKOTA	$3,000,000		X	X		X	X					16		X	X	X
OHIO	$12,186,021		X	X		X	X		X	1	X	2	2	X	X	X
OKLAHOMA	$5,196,017		X	X	X	X	X					24	3	X	X	X
OREGON	$5,362,981		X	X		X	X					1		X	X	X
PENNSYLVANIA	$13,476,156		X	X	X	X	X			2		1	3	X	X	X
PUERTO RICO	$3,676,962		X	X	X	X	X			1			5	X	X	X
RHODE ISLAND	$3,000,000		X	X		X	X	X	X			38+		X	X	X
SOUTH CAROLINA	$6,040,794		X	X		X	X	X	X			1		X	X	X
SOUTH DAKOTA	$3,000,000		X	X		X	X	X	X			1		X	X	X
TENNESSEE	$7,565,418		X	X	X	X	X	X	X	1		3		X	X	X
TEXAS	$23,252,604		X	X	X	X	X	X	X	1		1	3	X	X	X
UTAH	$4,111,052		X	X		X	X	X	X			36		X	X	X
VERMONT	$3,000,000		X	X	X	X	X			1		-		X	X	X
VIRGIN ISLANDS	$600,000		X	X		X	X			1		26	2	X	X	X
VIRGINIA	$9,080,731		X	X		X	X				X	-		X	X	X
WASHINGTON	$7,907,768		X	X		X	X			1		-		X	X	X
WEST VIRGINIA	$3,611,943		X	X	X	X	X			3	X	10	2	X	X	X
WISCONSIN	$6,978,318		X	X	X	X	X	X	X	2	X	14	3	X	X	X
WYOMING	$3,000,000		X	X		X	X	X	X			4		X	X	X
	$380,000,000		X	X		X	X	X	X					X	X	X

Color Chart

Allowable Costs | Policy Qs/OMB Circulars | Pre-approval Requests | State Appropriation Process

Attachment B

THE U.S. ELECTION ASSISTANCE COMMISSION

GRANT EXPENDITURE REPORT

FISCAL YEAR 2018

April 4, 2019

Overview

The U.S. Election Assistance Commission (EAC) was created by Congress in 2002 to improve the administration of elections for federal offices through funding, guidance and policy development under the Help America Vote Act of 2002 (HAVA).

HAVA provides funding to state and local election districts to support upgrading systems for casting votes, registering voters in statewide voter registration databases, providing provisional voting options, and implementing other improvements to the administration of federal elections, such as training for election officials and poll workers, polling place accessibility improvements, and disseminating information on how and where to vote.

Through September 30, 2018, a total of $3,628,946,231[1] in federal funds has been awarded to 50 states, the District of Columbia and four U.S. territories (American Samoa, the Commonwealth of Puerto Rico, Guam and the United States Virgin Islands) hereinafter referred to as the "States." This total includes $380 million appropriated by Congress in 2018 to support equipment purchases and security enhancements to election systems. This 2018 appropriation was the first time since FY10 that the federal government made resources available through HAVA to support federal election improvements to the administration of federal elections.

States have reported total expenditures of $3,400,037,361, or 85 percent of total federal funds and accrued interest, available under Sections 101, 102 and 251 of HAVA. This total includes $30,881,027 in spending associated with the 2018 awards, which took place between April 17 and September 30, 2018 in the run-up to the 2018 election. Chart 4 shows total funds expended excluding the 2018 HAVA Funds.

[1] This includes $300.3 million in Section 102 funds that were appropriated for the replacement of punch card or lever voting machines in 30 eligible states and $380 million appropriated in 2018 under Section 101 of HAVA.

HAVA SECTION 101 Funds

In 2003, EAC disbursed $349,182,267 to states under Section 101 of HAVA for activities to improve the administration of federal elections (see Table 1). **As of September 30, 2018, States reported total expenditures of $359,725,678, which reflects expenditures of federal funds and accumulated interest over the course of the award.** Twenty-seven (27) States have spent all of the Section 101 funds and interest and another fourteen (14) States have spent at least 90 percent of the funds. Table 1 provides a full accounting of expenditures by States.

Table 1 **Section 101 HAVA Funds as of September 30, 2018** (1,000s)

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$4,989,605	$362,297	$4,821,432	$530,471
ALASKA	5,000,000	766,742	5,452,122	314,620
AMERICAN SAMOA	1,000,000	66,224	1,000,000	66,224
ARIZONA	5,451,369	1,010,134	2,095,600	4,365,903
ARKANSAS	3,593,165	226,288	3,819,453	0
CALIFORNIA	26,804,708	2,688,888	27,282,272	2,211,324
COLORADO	4,860,306	1,056,513	5,902,689	14,130
CONNECTICUT	5,000,000	682,868	5,682,868	0
DELAWARE	5,000,000	472,080	5,467,766	4,314
DIST. OF COLUMBIA	5,000,000	408,108	5,000,000	408,108
FLORIDA	14,447,580	1,843,679	14,183,307	2,107,953
GEORGIA	7,816,328	698,741	7,816,328	698,741
GUAM	1,000,000	12,773	1,012,773	0
HAWAII	5,000,000	1,369,777	1,687,087	4,682,690
IDAHO	5,000,000	1,807,418	6,807,418	0
ILLINOIS	11,129,030	1,264,381	12,102,242	291,169
INDIANA	6,230,481	938,781	7,196,262	0
IOWA	5,000,000	684,225	5,449,329	234,896
KANSAS	5,000,000	1,310,653	2,916,433	3,394,220
KENTUCKY	4,699,196	1,024,965	4,699,196	1,024,965
LOUISIANA	4,911,421	935,421	5,846,842	0
MAINE	5,000,000	611,679	5,606,021	5,658
MARYLAND	5,636,731	551,709	5,544,137	644,303
MASSACHUSETTS	6,590,381	904,363	7,494,744	0

Table 1 Cont. ***Section 101 HAVA Funds as of September 30, 2018***

State	Total Section 101 Funds Received	Interest Earned	Expenditures	Balance
MICHIGAN	$ 9,207,323	$ 1,662,608	$9,884,787	$985,145
MINNESOTA	5,313,786	64,724	5,378,510	0
MISSISSIPPI	3,673,384	443,500	4,116,884	0
MISSOURI	5,875,170	954,107	6,829,277	0
MONTANA	5,000,000	396,018	5,201,133	194,885
NEBRASKA	5,000,000	998,292	5,998,292	0
NEVADA	5,000,000	452,843	5,452,843	0
NEW HAMPSHIRE	5,000,000	1,193,153	2,460,200	3,732,953
NEW JERSEY	8,141,208	650,000	8,167,547	623,661
NEW MEXICO	5,000,000	292,244	5,292,244	0
NEW YORK	16,494,325	3,669,945	15,847,784	4,316,486
NORTH CAROLINA	7,887,740	719,637	9,495,453	0
NORTH DAKOTA	5,000,000	63,997	5,063,997	0
OHIO	10,384,931	426,837	10,811,768	0
OKLAHOMA	5,000,000	353,656	5,353,656	0
OREGON	4,203,776	59,199	4,262,975	0
PENNSYLVANIA	11,323,168	1,301,492	12,624,660	0
PUERTO RICO	3,151,144	324,191	3,467,760	7,575
RHODE ISLAND	5,000,000	140,275	5,140,275	0
SOUTH CAROLINA	4,652,412	886,692	5,300,905	238,198
SOUTH DAKOTA	5,000,000	2,385,195	4,796,646	2,588,549
TENNESSEE	6,004,507	1,047,014	6,279,290	772,232
TEXAS	17,206,595	3,727,371	18,469,359	2,464,607
UTAH	3,090,943	560,156	3,651,099	0
VERMONT	5,000,000	580,051	5,580,051	0
VIRGIN ISLANDS	1,000,000	21,806	1,000,000	21,806
VIRGINIA	7,105,890	1,130,578	7,637,378	599,090
WASHINGTON	6,098,449	259,047	6,357,496	0
WEST VIRGINIA	2,977,057	104,747	3,081,804	0
WISCONSIN	5,694,036	1,796,103	6,426,085	1,064,055
WYOMING	5,000,000	1,628,931	5,409,203	1,219,728
TOTAL*	**348,646,145**	**49,993,116**	**359,725,678**	**39,913,583**

*Reflects a deobligation of $536,122 as a result of an audit finding. Total awarded was 349,182,267.

In March of 2018, the Congress provided an additional $380,000,000 through the Omnibus Appropriations Act of 2018. The EAC awarded these funds to the 50 states, the District of Columbia and four U.S. Territories (American Samoa, Guam, Puerto Rico and the U.S. Virgin Islands) eligible to receive them through a formula described in Sections 101 and 104 of the Help America Vote Act of 2002 (P.L. 107-252) (HAVA). To access the funds, States provided a budget and a state narrative for how the funds were to be used.

While States could technically begin spending funds once they received their notice of grant award on April 17, 2018, most States waited until funds had been transferred to their state election account and many States had to first get state legislative approval before spending funds.

As a result, the expenditures for this initiative for the period ending September 30, 2018 are limited in scope (See Table 2 below). Further detail on the activities undertaken by each state and territory with the new funds prior to September 30, 2018 can be found beginning on page 10.

Table 2 **2018 HAVA Grants (Section 101 funds) as of September 30, 2018** (1,000's)

State	Funds Received	Interest Earned	Expenditures	Balance
ALABAMA	$6,160,393	$0	$0	$6,160,393
ALASKA	$3,000,000	10,578	$0	3,010,578
AMERICAN SAMOA*	$600,000			600,000
ARIZONA*	$7,463,675			7,463,675
ARKANSAS	$4,475,015	25,459	$4,475,015	25,459
CALIFORNIA	$34,558,874	$0	$0	34,558,874
COLORADO	$6,342,979	21,358	$20,337	6,344,000
CONNECTICUT	$5,120,554	19,512	$1,200	5,138,866
DELAWARE	$3,000,000	0	$0	3,000,000
DIST. OF COLUMBIA	$3,000,000	14,350	$399,400	2,614,950
FLORIDA	$19,187,003	$0	$14,659,908	4,527,095
GEORGIA	$10,305,783	$0	$0	10,305,783
GUAM	$600,000	269	$3,276	596,993
HAWAII	$3,134,080	$0	$0	3,134,080
IDAHO	$3,229,896	14,376	$498,689	2,745,583
ILLINOIS	$13,232,290	57,266	$9,402	13,280,154
INDIANA	$7,595,088	29,819	$218,953	7,405,954
IOWA	$4,608,084	7,200	$194,179	4,421,104
KANSAS*	$4,383,595			4,383,595
KENTUCKY	$5,773,423	23,722	$626,554	5,170,592
LOUISIANA	$5,889,487	11,726	$0	5,901,213
MAINE	$3,130,979	$0	$0	3,130,979
MARYLAND	$7,063,699	3,380	$1,565	7,065,514

MASSACHUSETTS	$7,890,854	36,111	$1,057,216	6,869,749
MICHIGAN	$10,706,992	54,033	$0	10,761,025
MINNESOTA	$6,595,610	36,883	$0	6,632,493
MISSISSIPPI	$4,483,541	11,096	$241,851	4,252,786
MISSOURI	$7,230,625	31,582	$224,922	7,037,285
MONTANA	$3,000,000	16,980	$0	3,016,980
NEBRASKA	$3,496,936	19,112	$23,207	3,492,841
NEVADA	$4,277,723	$0	$13,554	4,264,169
NEW HAMPSHIRE	$3,102,253	643	$129,426	2,973,470
NEW JERSEY	$9,757,450	$0	$909	9,756,541
NEW MEXICO	$3,699,470	9,868	$807,496	2,901,841
NEW YORK	$19,483,647	$0	$1,702,376	17,781,271
NORTH CAROLINA	10,373,237	$0	$0	10,373,237
NORTH DAKOTA	$3,000,000	1,282	$0	3,001,282
OHIO	$12,186,021	54,878	$129,589	12,111,310
OKLAHOMA	$5,196,017	19,028	$0	5,215,045
OREGON	$5,362,981	39,704	$2,290	5,400,395
PENNSYLVANIA	$13,476,156	24,077	$0	13,500,233
PUERTO RICO	$3,676,962	$0	$0	3,676,962
RHODE ISLAND	$3,000,000	$0	$584,127	2,415,873
SOUTH CAROLINA	$6,040,794	7,886	$0	6,048,680
SOUTH DAKOTA	$3,000,000	30,649	$0	3,030,649
TENNESSEE	$7,565,418	0	$0	7,565,418
TEXAS	$23,252,604	123,240	$219,447	23,156,396
UTAH	$4,111,052	$0	$0	$4,111,052
VERMONT	$3,000,000	$30,823	$843,912	$2,186,911
VIRGIN ISLANDS	$600,000	$0	$18,775	$581,225
VIRGINIA	$9,080,731	$0	$0	$9,080,731
WASHINGTON	$7,907,768	$40,504	$512,533	$7,435,739
WEST VIRGINIA	$3,611,943	$32,157	$3,611,943	$32,157
WISCONSIN	$6,978,318	$37,118	$180,090	$6,835,346
WYOMING	$3,000,000	$10,059	$0	$3,010,059
TOTAL	$380,000,000	$906,728	$31,412,144	349,494,584

HAVA SECTION 251 Funds

Section 251 funds, known as Requirements Payments, were distributed to States using a formula found in HAVA that is based on a percentage equal to the quotient of the voting age population of each State and the total voting age population of all States. States are required to deposit Section 251 money in interest bearing state election accounts and the funds are available until expended.

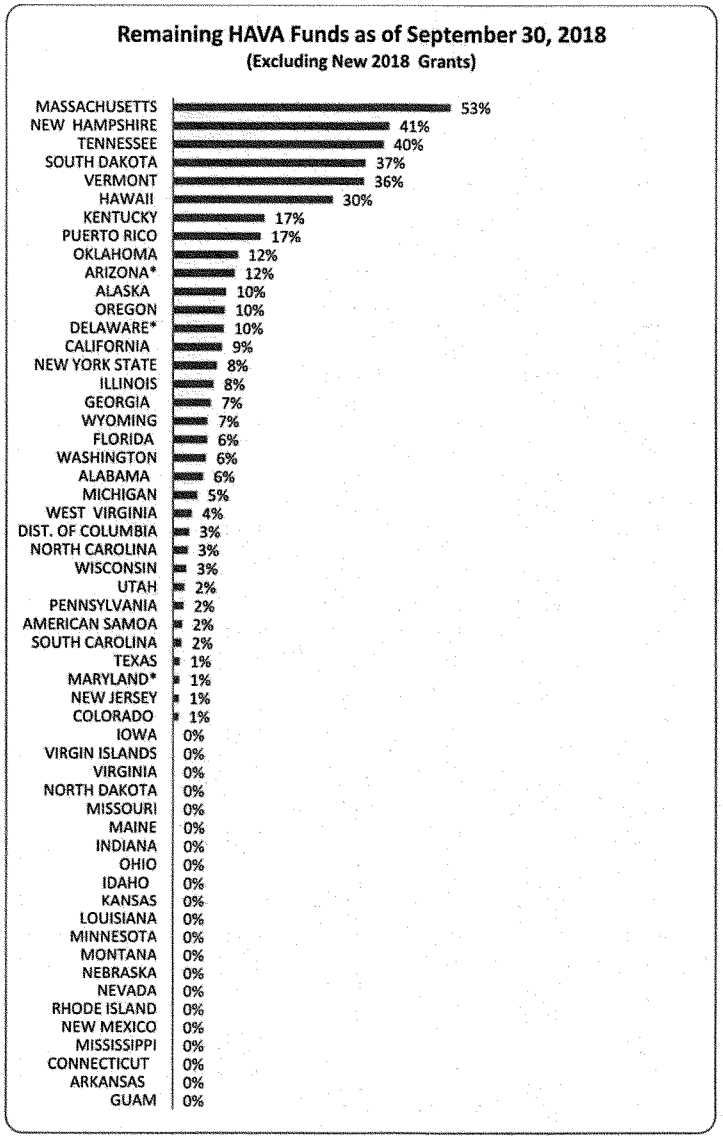
As of the September 30, 2018, twenty-eight (28) States reported using 100 percent[2] of their HAVA Requirements Payment funds (including interest) and another 14 states reported using 90 percent or more of their funds and interest. States reported cumulative expenditures of $2,698,508,681 (See Table 3).

Table 3 ***Section 251 HAVA Funds as of September 30, 2018***

State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
ALABAMA	$40,227,863	$2,369,451	$40,436,616	$2,160,698
ALASKA	$13,021,803	$2,650,959	$13,843,301	$1,829,461
AMERICAN SAMOA	$2,490,652	$292,118	$2,782,770	$0
ARIZONA	$45,516,688	$4,353,350	$47,508,539	$2,361,498
ARKANSAS	$24,233,666	$2,542,154	$26,775,820	$0
CALIFORNIA	$296,305,593	$44,631,006	$303,422,823	$37,513,776
COLORADO	$38,767,048	$4,719,210	$42,972,582	$513,677
CONNECTICUT	$31,095,158	$4,392,980	$35,488,138	$0
DELAWARE	$13,021,803	$1,930,256	$13,004,721	$1,947,338
DISTRICT OF COLUMBIA	$13,028,257	$1,922,983	$14,746,048	$205,191
FLORIDA	$148,633,048	$24,310,937	$162,028,349	$10,915,636
GEORGIA	$72,641,827	$761,687	$67,906,200	$5,497,314
GUAM	$2,319,361	$48,049	$2,367,410	$0
HAWAII	$13,028,257	$977,446	$12,499,108	$1,506,595
IDAHO	$13,021,803	$1,267,652	$14,289,455	$0
ILLINOIS	$110,593,988	$9,297,474	$118,549,567	$1,341,896
INDIANA	$54,440,282	$2,280,602	$56,676,561	$44,322
IOWA	$26,645,880	$1,464,690	$28,083,331	$27,240
KANSAS	$24,033,426	$2,222,954	$30,853,941	$0
KENTUCKY	$36,901,642	$4,794,078	$34,404,580	$7,291,139

[2] States that have over 99% of funds and interest spent are counted as 100% expended for purposes of this report. Actual funds remaining are shown for each state on the chart.

State	Total Section 251 Funds Received	Interest Earned	Total Expenditures	Balance of Funds and Interest
LOUISIANA	$39,350,512	$3,552,964	$42,903,476	$0
MAINE	$13,021,803	$1,522,719	$14,537,278	$7,244
MARYLAND	$47,663,156	$3,888,041	$51,527,784	$23,413
MASSACHUSETTS	$58,589,549	$11,498,511	$28,222,757	$41,865,303
MICHIGAN	$88,535,685	$7,641,697	$92,435,575	$3,741,807
MINNESOTA	$43,962,194	$3,758,390	$47,501,444	$0
MISSISSIPPI	$25,152,465	$1,588,892	$26,741,357	$0
MISSOURI	$50,394,880	$4,255,352	$54,177,399	$472,833
MONTANA	$13,028,257	$618,633	$13,979,996	$0
NEBRASKA	$15,442,405	$1,046,168	$16,488,573	$0
NEVADA	$18,155,632	$1,272,294	$19,427,926	$0
NEW HAMPSHIRE	$13,021,803	$2,292,595	$10,173,179	$5,141,219
NEW JERSEY	$76,360,392	$5,808,946	$81,696,605	$472,733
NEW MEXICO	$15,599,671	$271,854	$15,871,525	$0
NEW YORK	$172,076,865	$33,085,355	$193,587,917	$11,574,303
NORTH CAROLINA	$73,421,775	$7,370,242	$77,418,650	$3,373,367
NORTH DAKOTA	$13,028,257	$1,355,754	$14,258,148	$125,863
OHIO	$102,069,874	$6,307,853	$108,377,697	$0
OKLAHOMA	$30,200,723	$4,101,437	$29,420,654	$4,881,506
OREGON	$31,243,106	$3,988,360	$31,243,105	$3,988,360
PENNSYLVANIA	$112,821,809	$16,861,352	$126,737,641	$2,945,520
PUERTO RICO	$5,868,252	$222,622	$4,503,921	$1,586,952
RHODE ISLAND	$13,021,803	$485,182	$13,506,985	$0
SOUTH CAROLINA	$36,384,617	$910,483	$37,121,805	$173,295
SOUTH DAKOTA	$13,028,257	$5,107,330	$11,373,403	$6,762,184
TENNESSEE	$51,877,745	$6,914,050	$32,108,378	$26,683,417
TEXAS	$180,251,805	$12,381,621	$192,633,426	$0
UTAH	$18,481,440	$705,044	$18,549,134	$637,350
VERMONT	$12,453,257	$2,673,691	$7,604,787	$7,522,161
VIRGIN ISLANDS	$2,319,361	$2,179	$2,319,361	$2,179
VIRGINIA	$64,449,288	$9,562,569	$74,011,857	$0
WASHINGTON	$52,995,253	$6,550,527	$56,052,533	$3,493,247
WEST VIRGINIA	$17,184,961	$1,183,796	$17,520,296	$848,461
WISCONSIN	$48,296,088	$3,566,337	$51,862,425	$0
WYOMING	$13,028,257	$1,079,409	$13,971,822	$135,843
Total	$2,602,749,240	290,662,283	2,698,508,681	194,464,562


Remaining HAVA Funds as of September 30, 2018
(Excluding New 2018 Grants)
MASSACHUSETTS 53%
NEW HAMPSHIRE 41%
TENNESSEE 40%
SOUTH DAKOTA 37%
VERMONT 36%
HAWAII 30%
KENTUCKY 17%
PUERTO RICO 17%
OKLAHOMA 12%
ARIZONA* 12%
ALASKA 10%
OREGON 10%
DELAWARE* 10%
CALIFORNIA 9%
NEW YORK STATE 8%
ILLINOIS 8%
GEORGIA 7%
WYOMING 7%
FLORIDA 6%
WASHINGTON 6%
ALABAMA 6%
MICHIGAN 5%
WEST VIRGINIA 4%
DIST. OF COLUMBIA 3%
NORTH CAROLINA 3%
WISCONSIN 3%
UTAH 2%
PENNSYLVANIA 2%
AMERICAN SAMOA 2%
SOUTH CAROLINA 2%
TEXAS 1%
MARYLAND* 1%
NEW JERSEY 1%
COLORADO 1%
IOWA 0%
VIRGIN ISLANDS 0%
VIRGINIA 0%
NORTH DAKOTA 0%
MISSOURI 0%
MAINE 0%
INDIANA 0%
OHIO 0%
IDAHO 0%
KANSAS 0%
LOUISIANA 0%
MINNESOTA 0%
MONTANA 0%
NEBRASKA 0%
NEVADA 0%
RHODE ISLAND 0%
NEW MEXICO 0%
MISSISSIPPI 0%
CONNECTICUT 0%
ARKANSAS 0%
GUAM 0%

State Plans and Expenditures of 2018 HAVA Funds

Reported Spending as of September 30, 2018		
Category	**Amount**	**Percentage of Total Spent**
Cybersecurity	18,283,414	58.2%
Voting Equipment	$10,658,794	33.9%
Voter Registration System	2,107,074	6.7%
Other	312,093	1.0%
Election Auditing	19,881	0.1%
Communication	27,747	0.1%
Total	**$31,409,003**	**100%**

As noted earlier, on Friday, March 23, 2018, President Donald J. Trump signed the Consolidated Appropriations Act of 2018 into law. The Act included $380 million in Help America Vote Act (HAVA) funds to improve the administration of elections for Federal office, including to enhance election technology and to make election security improvements, marking the first new appropriation for HAVA funds since FY2010.

The funding provided states with additional resources to secure and improve election systems. States could begin spending funds once they received their notice of grant award on April 17, 2018. However, most states waited until funds were transferred to their state election accounts and many states had to get state legislative approval before spending funds.

States and territories eligible to receive the funds were required to provide a budget and state narrative for how they would be used. The EAC published the narratives and budgets for 48 out of 55 eligible states and territories public on August 21, 2018. Seven remaining states and territories were granted extensions and had their budgets and narratives into the EAC by mid-September 2018. By September 20, 2018, 100 percent of funds had been disbursed to states.

According to these narratives and budgets, the vast majority of states and territories plan to spend their allotted funds within the next two or three years. Each funding recipient was required to file a standard Federal Financial Report and updated program narrative to the EAC by December 31, 2018.

The following is a summary of how states were able to utilize the 2018 HAVA Funds within the first six months of them being made available, based on these Progress and Financial Reports:

- **Alabama** expects to expend the $6.1 million the state received in 2018 HAVA funds, and the required state match of $308,020, in FY2019 to make upgrades to and replace voting equipment, mitigate cyber vulnerabilities, establish post-election auditing protocols statewide, continue the provision of the computerized statewide voter registration list for the entire state.
- **Alaska** plans to use its $3.15 million to replace the state's 20-year old voting system.
- **American Samoa** used a portion of its HAVA funding to repair and restore equipment and election offices damaged during Tropical Cyclone Gita so they would be functional ahead of the 2018 election. Going forward, the territory is planning a complete upgrade of its voter registration system, continuing to provide special needs services to voters with disabilities and increasing its voter outreach efforts.
- **Arizona** funded a comprehensive security assessment of its election systems and provided training to help each of the state's fifteen counties understand the different types of existing

security threats and what support is available. Long-term, the state plans to award election security sub-grants to counties and create an election security position within the Secretary of State's office.

- **Arkansas** established cost-sharing agreements with the counties to replace aging voting equipment. New acquisitions ensure that a paper trail for ballots cast is present in all Arkansas counties and almost 70 percent of Arkansas voters voted on the newly integrated election equipment system in the 2018 Midterm Election. Of the initial $4,724,225 in funds available through HAVA, Arkansas had only $44,305 in funds remaining.
- **California** is funding cybersecurity support and training, polling place accessibility, election auditing and vote center implementation through FY2021 at the county level. The state is also using funds to make security enhancements to its centralized voter registration system and personnel costs.
- **Colorado** will use its 2018 HAVA Funds to enhance technology and security in the state's election process, including improving risk-limiting audits and other audits of election-related systems in 2019 and beyond. From April 17, 2018 to September 30, 2018, Colorado expended $211,124.82 (including $109,899.80 in 2018 HAVA Funds and earned interest) on Colorado Voting Systems (COVS) training that was necessary to implement a ballot level comparison Risk-Limiting Audit (RLA). An additional $99,064 was used for Election Preparedness for Infrastructure and Cybersecurity (EPIC) tabletop exercises with county election and IT officials.
- **Connecticut** is purchasing voting equipment, making security enhancements to address cyber vulnerabilities, improving post-election audits and voter registration systems and management, enhancing security training for election officials and improving voting accessibility.
- **Delaware** plans to purchase new voting equipment, including a new voting system with a voter verifiable paper audit trail, an absentee system and an Election Management/Voter Registration system which will move elections from the state's aging mainframe.
- **Florida** plans to use the $19,187,003 the state received in 2018 HAVA funds for three primary projects. $15,450,000 will be used to establish an online grant program for 67 county supervisors of elections to enhance election security. $1,987,003 will be used to establish an online grant program for county supervisors of elections to improve voting accessibility. The remaining $1,750,000 will be earmarked by the Florida Department of State to implement security enhancements to the state voter registration system, contract a team of cybersecurity specialists to provide support to the state and county supervisor of elections offices, and to fund a voter education campaign to educate voters on how to get ready to register and vote in an election. As of September 30, 2018, $95,688.91 had already been expended.
- **Georgia** plans to increase election security, simplicity and accessibility by purchasing secure voting devices that produce a voter-verifiable paper ballot. The state will also provide an online sample ballot for all voters, improve its voter registration database, conduct election auditing and testing, and purchase ALBERT sensors, cybersecurity services and new e-poll books.
- **Guam** will use its funds to replace and upgrade voting equipment, perform election auditing, make improvements to its voter registration system, upgrade cybersecurity equipment and provide training.
- **Hawaii** will be utilizing its $3.1 million in funds to enhance the election cybersecurity infrastructure and update equipment related to the statewide voter registration system, voting equipment and vote counting system. As of September 30, 2018, $4,310.56 was used to establish telecommunications and network services at Counting and Control Centers during the 2018 Elections and an additional $77,486.93 was used to hire an Election Information Specialist responsible for enhancing accessibility to elections for voters with disabilities and additional staff to perform duties required to administer elections for federal office.

- **Idaho** plans to use its new HAVA appropriation to hire staff, award sub-grants to voting districts, secure new voting equipment, perform election auditing, acquire a new voter registration system, make cybersecurity improvements and software updates, and provide staff trainings. Thus far, the state has expended $513,064.10 of both federal funds and interest for acquiring software to deploy security patches across the state network, initial voter registration system upgrades and personnel.
- **Illinois** will use its funding for a cybersecurity information sharing program, hiring a Cyber Navigator/Advisor, providing cybersecurity resources for local election authorities and implementing a statewide network to provide centralized monitoring, mitigation and security services. Thus far, the State Board of Elections has used the funds for relevant equipment and software, Electronic Registration Information Center (ERIC) Association dues and relevant conference and information sharing costs.
- **Indiana** helped counties implement multi-factor authentication systems for accessing voting equipment and conducted cybersecurity training for all county officials during the state's annual election administrators conference. Going forward, the state plans to acquire additional election technology, implement e-poll book vendor network security enhancements, deploy auditable voting systems and perform election night reporting security enhancements.
- **Iowa** conducted cybersecurity training seminars for county auditors and staff and participated in a pilot program for a self-assessment cybersecurity tool. The Secretary of State's Office also implemented two-factor authentication for access to the statewide voter registration system, purchased additional security protections for the state's election night reporting system and partnered with the Department of Homeland Security to conduct two tabletop exercises. Finally, Iowa was able to purchase additional security protections for the state's election night reporting system.
- **Kansas** will use its funds to ensure every voting machine has a voter verifiable paper audit trail, conduct post-election audits after every election, improve the security of the statewide voter registration system, increase cybersecurity efforts at all levels of election administration and create, maintain and train local election officials on a comprehensive security communications plan.
- **Kentucky** used some of its funds during the FY2018 reporting period to acquire Trustwave, cloud-based and managed security services designed to protect data and reduce security risk. The State Board of Elections is in the process of working with Trustwave to install and set up the equipment.
- **Louisiana** will use 2018 HAVA funds and the state match for a new electronic voting system.
- **Maine** plans to upgrade its voting equipment and Central Voter Registration (CVR) system hardware and software, implement election night reporting, cybersecurity software improvements, monitoring and training, and improve ballot security and online training.
- **Maryland** will replace and upgrade voting equipment, perform election audits, upgrade voter registration system servers and software in off-election years and enhance system monitoring activities, mitigating cyber vulnerabilities, refining an incident management plan and providing training. Thus far, the state has spent $1,302 of its allocated federal funds on statewide tabletop exercises and $176,139.50 of its state match on Voted Ballot Audits following the 2018 Primary Elections and implementing two-factor authentication and enhancing its virtual private network (VPN) security monitoring.
- **Massachusetts** made network security upgrades for its voter registration system, hired a network security engineer and conducted security training for election staff. The Secretary of State's Office also plans to use funds to acquire new voting equipment, upgrade the state's voter registration system and improve the cybersecurity of its election system.

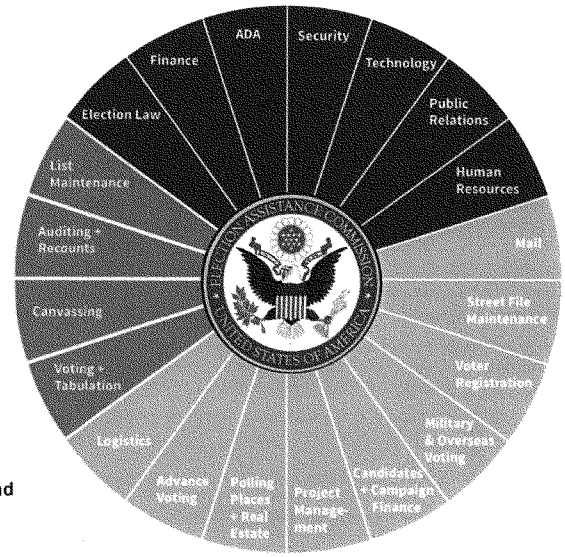
- **Michigan** is focusing on cybersecurity, information and physical security and providing funding and resources statewide to allow for the completion of detailed election system security assessments at the state, county and local level.
- **Minnesota** is using $6,925,391 in 2018 HAVA Funds and required state match to strengthen, secure and modernize Minnesota's Statewide Voter Registration System (SVRS); assess the state's data sharing and post-election review/audit process; improve secure information sharing with counties; enhance website security and accessibility and recruit and train election officials. The Secretary of State's Office will also use funds to invest in cybersecurity and information technology upgrades, expand absentee and mail-voting for voters with disabilities and provide sub-grants to local jurisdictions for improved election security and accessibility.
- **Mississippi** is using its funds to upgrade its Statewide Elections Management System, addressing cyber vulnerabilities, implementing post-election auditing and funding certain permissible county expenditures.
- **Missouri** spent most of its allocated 2018 HAVA Funds to implement cybersecurity enhancements that protect against attempts to penetrate the Missouri Centralized Voter Registration System. In September, the state also hosted the National Election Security Summit attended by federal, state and local election authorities to discuss practical ways to mitigate threats and vulnerabilities.
- **Montana** is replacing its statewide voter registration system and funding a 50 percent cost match with counties to purchase new voting equipment. They are also undertaking a major cybersecurity upgrade and hiring election and voter security IT personnel.
- **Nebraska** is using 2018 HAVA Funds to replace voting equipment, implement security upgrades and system enhancements to its voter registration system, install and maintain ALBERT sensors and perform cybersecurity scans and testing. The state is also using this federal funding to train election division staff and county election officials, provide resources for voters with disabilities and put additional security measures in place for election night reporting.
- **Nevada** will use the funds to upgrade voting equipment, provide sub-grants to jurisdictions, evaluate the state's cyber vulnerabilities, expand upon current election auditing practices and procedures, increase voter outreach and training.
- **New Hampshire** is enhancing election technology and making security improvements, improving voting systems and technology, educating voters, training election officials and election workers and improving access for voters with disabilities.
- **New Jersey** plans to make improvements to its cyber and physical security, voter registration system, voting equipment, election auditing, Americans with Disabilities Act compliance and training for election officials. Thus far, the state has expended its 2018 HAVA Funds on a Department of Homeland Security-administered tabletop security training session for county election officials.
- **New Mexico** hired a full-time IT security and compliance administrator whose responsibilities include implementing additional security practices to safeguard sensitive data and election systems and protect against cyber vulnerabilities. The state also purchased scan tabulation systems that feature ballot image capture and audit capabilities.
- **New York** spent approximately $1.7 million in 2018 on several security initiatives, including a contract with Grant Thornton to conduct a uniform comprehensive risk assessment of every county board of elections. As of September 30, 2018, 22 of 58 assessments were complete. The state contracted another security firm to provide intrusion detection and log monitoring services for all county boards of elections. Additionally, 712 state and county election officials and election vendors have attended security awareness training and all county board of elections officials have attended at least one cybersecurity tabletop exercise training.

- **North Carolina** plans to use its 2018 HAVA funds to modernize their statewide elections information management system, perform election auditing, undergo security assessments, hire a Chief Information Security Officer and implement a Cyber Advisory Panel.
- **North Dakota** is spending its entire 2018 HAVA award and required five percent state match on procuring a paper-based, HAVA-compliant voting system.
- **Ohio** is using its funds to make enhancements to its statewide voter registration system database, provide enhanced cybersecurity for election email accounts, conduct tabletop exercises and training, launch an IT and email support pilot project and conduct post-election audits through 2020.
- **Oklahoma** is purchasing e-poll books and document scanners for local election offices, upgrading its online voter registration system by 2020, providing training for county and state election boards, and ensuring there is a robust plan in place for cyber and physical security.
- **Oregon** is making improvements to the Oregon Elections System for Tracking and Reporting, securing state and local election systems and increasing IT security capacity and voter registration efficiency. The state also plans to build a feature so voters can track their ballot at all stages of the election process, provide public access to campaign finance reports and expand capacity and public visibility.
- **Pennsylvania** is replacing aging voting equipment that is reaching the end of its usable life with new equipment that has a voter verifiable paper audit trail.
- **Puerto Rico** plans to use its 2018 HAVA funds to enhance election cybersecurity and network infrastructure and upgrade Election Day voter registration.
- **Rhode Island** purchased a platform for the Centralized Voter Registration system that encrypts all data within it. The state also purchased another system that monitors for and protects the Centralized Voter Registration System from ransomware. In addition, the state purchased a system that provides real-time analysis of security threats, sends alerts if issues are detected and quarantines devices if there is abnormal activity.
- **South Carolina** is using its $6 million in 2018 HAVA Funds to harden its security posture and enhance the resilience of its elections.
- **South Dakota** is replacing aging voting equipment, including ballot marking devices and ballot tabulators purchased in 2005, and making cybersecurity upgrades to the statewide voter registration file and election night reporting page.
- **Tennessee** is providing sub-grants to assist counties in the purchase of approved voting systems, making improvements to its voter registration system and providing cybersecurity scans and training for each county election commission office.
- **Texas** worked with its Voter Registration system vendor in 2018 to make security updates to its system, including integration of a standalone portal and data encryption. The state also acquired cybersecurity training and made it available free of charge to all 254 counties in advance of the 2018 election. Prior to the 2018 election, 150 officials attended the training.
- The **U.S. Virgin Islands** is conducting a risk assessment and upgrades to its voting equipment, updating its voter registration system, developing and implementing a cybersecurity plan, and providing cyber risk management training for Board of Elections leadership, staff and vendors.
- **Utah** will purchase new voting equipment, replace the state's voter registration database and implement additional security measures and training for both counties and the state.
- **Vermont** used its 2018 HAVA Funds to replace and upgrade voting equipment, implement post-election audits, mitigate cyber vulnerabilities and provide required cybersecurity training for all town and city clerks in the spring of 2018, prior to the 2018 Midterm Elections. Of the initial $3,150,000 available through federal appropriations, the required state match and interest, as of September 30, 2018, Vermont had expended $843,912.28.

- **Virginia** is securing the Department of Elections' infrastructure and developing and implementing security and continuity of operations plans.
- **Washington** has implemented advanced firewall protection for the state's centralized election system and installed an advanced threat detection and prevention appliance. The state also acquired a database storage device on the Voter Registration system that has back-up and recovery capabilities. All equipment and software, with the exception of the database storage device, was in place prior to the 2018 Midterm Election. The state also held cybersecurity training for election officials that is a precursor for a cybersecurity training program individually tailored for each county in the state.
- **Washington, D.C.** has used $399,400 of its funds to purchase new voting equipment and hire additional staff to increase the number of early voting centers across the District of Columbia, to train election officials and to produce voter education materials. The District of Columbia plans to use its remaining 2018 HAVA Funds to acquire additional equipment, increase maintenance and support, hire a full time cybersecurity expert, hire and train additional poll workers, continue voter education and outreach, and invest in technology to improve all aspects of voter registration and election administration.
- **West Virginia** used its 2018 HAVA funds to establish a grant program available for counties to be awarded funding for election equipment, physical security, cybersecurity and e-poll books.
- **Wisconsin** will address the immediate security needs of the state such as purchasing software, implementing additional security measures to protect the statewide voter registration system, creating federally funded staff positions and hiring additional IT developers. Wisconsin will also collect feedback from local election officials, voters and election partners to determine long-term election security needs.
- **Wyoming** will use the 2018 HAVA funds to replace outdated voting equipment originally purchased in 2005 and enhance the state and county cybersecurity infrastructure.

Attachment C

Election Administrator Competencies



- Ongoing
- Election Preparation
- Election Night & Beyond

Attachment D

NOTICE AND PUBLIC COMMENT POLICY

I. PURPOSE

The purpose of this policy is to provide effective notice for a period of public comment on all policies being considered for adoption by the United States Election Assistance Commission (EAC), which are not subject to notice and comment under any federal statute. From time to time, EAC issues advisories, manuals, procedures, regulations and rules, which impact outside parties. Some of these policies and rules must be adopted after a period of public comment pursuant to the Administrative Procedures Act (APA) or other statutes, such as the Help America Vote Act (HAVA) or the National Voter Registration Act (NVRA). Other policies do not require such public participation; however, EAC is committed to make all of its policy making activities open and transparent.

EAC believes that public involvement in the policy process is the best way to develop sound policy and encourage public understanding and participation in agency activities. As such, EAC desires to require notice and comment for all of its advisories, manuals, procedures, regulations and rules that may impact outside parties. To that end, this policy requires EAC to provide the public an opportunity to comment on any proposed policy or rule of general applicability (those impacting outside parties), even when such public comment is not otherwise required by law.

This policy further outlines the roles, responsibilities and procedures for this process to assure that the public has effective notice and the ability to submit timely and meaningful comment on proposed EAC policies and rules.

II. DEFINITIONS

A. "Outside Party" means any other government entity, corporation, non-profit association, or individual other than EAC. Outside Party shall not include Federal government executive branch or independent agencies.

B. "Policy of general applicability" is a policy that applies to all relevant stakeholders. It is not a particular matter involving a single party that addresses a specific case or controversy, such as the resolution of one state's audit, or interpretations issued under the EAC's Testing and Certification and Laboratory Accreditation Programs. Matters of general applicability include the following:

- Program manuals adopted by EAC that impact outside parties, such as the testing and certification program manual, the laboratory

accreditation manual, and grant manuals regarding any of the EAC distributed or managed grant programs.

- Guidance (other than that developed by EAC regarding Sections 301 – 303 of HAVA), advisories, and advisory opinions related to the implementation or administration of HAVA or the National Voter Registration Act (NVRA).
- Other regulations or policies concerning EAC administrative actions that impact outside parties.

C. "Proposed policy or rule". Any policy, advisory, manual, procedure, regulation or rule covered hereunder that the Commission has voted affirmatively to post for public comment.

III. ROLES AND RESPONSIBILITIES

A. Responsible Program Director. The Responsible Program Director is the EAC staff person who is generally responsible for the subject area addressed in a proposed policy or rule. The Responsible Program Director shall be responsible for preparing notices and assuring that proposed policies and rules for public comment are posted in a timely manner. In addition, the Responsible Program Director shall be responsible for collecting, analyzing and recommending a disposition on all comments received during the comment period. The Responsible Program Director shall produce the written summary of all comments received, as described above, within 14 days of the close of the comment period. The Responsible Program Director will regularly update the commissioners, executive director, chief operating officer, general counsel and all other appropriate EAC staff on the volume and types of comments that are received during the public comment period.

When a policy or rule is proposed by a Commissioner, the Special Assistant assigned to that Commissioner shall assume all responsibilities of the Responsible Program Director and will regularly coordinate and share information with the executive director, general counsel, chief operating officer and the program director generally responsible for the subject area addressed in the proposed policy.

B. Executive Director. The Executive Director shall assign a Responsible Program Director when such action is required. The Executive Director may approve a public comment period of between 15 and 29 days, under limited circumstances and when good cause is demonstrated. The Executive Director may approve a waiver for publishing notice in the Federal Register under limited circumstances and when good cause is demonstrated. The Executive Director may grant an additional reasonable period of time beyond the required 14-day period for the Responsible Program Director to produce a written summary report of all comments received.

C. General Counsel. The Office of the General Counsel shall provide counsel upon request to the Responsible Program Director, the Executive Director, or any Commissioner regarding the proposed policy or rule, posting of the document for effective notice and comment, review and disposition of any comment received, and or any interpretation of this policy.

IV. APPLICABILITY

Under this policy, any advisory, manual, procedure, regulation and rule of general applicability, which impacts outside parties (i.e. is not strictly limited to the internal operations of EAC), must be posted for notice and public comment. This policy applies even when neither the APA nor HAVA or NVRA require that a proposed policy or rule is subject to notice and public comment prior to adoption. For example, the APA requires that final rules of general applicability are published to provide notice to the public, but does not require that the agency take or receive comments on that rule. In this example, EAC's manual on its testing and certification program would not be required to be posted for notice and public comment by the APA. However, under this policy, a manual, which would have an impact on outside parties, must be posted for notice and public comment.

This policy does not apply to circumstances wherein statutes such as APA or HAVA require notice and public comment prior to adoption of the guidance, regulation, rule, or policy statement. For example, the APA requires that regulations promulgated pursuant to the NVRA are posted for notice and public comment. Likewise, HAVA requires that guidance developed regarding Sections 301-303 of HAVA, as well as the Voluntary Voting System Guidelines, are subject to notice and public comment.

V. EFFECTIVE AND SUFFICIENT NOTICE

A. Comment Period. At a minimum, EAC will provide a period of public comment of no less than 30 days on all policies or rules of general applicability. The Responsible Program Director at his/her discretion may extend the period for public comment. The comment period on any policy or rule of general applicability may not exceed 180 days unless so extended by vote of the Commission when good cause is demonstrated for extending the comment period. Considerations for extension shall include, but are not limited to the content of the proposed policy or rule, the complexity of the proposed policy or rule, and intervening circumstances during the comment period.

EAC recognizes that there may be good cause for the comment period to be less than 30 days so that the Commission can respond to a time sensitive matter in a timely manner. The Responsible Program Director must request such an exception in writing to the Executive Director, justifying the reason for requesting that the comment period be less than 30 days. The Executive Director may grant such an exception when good cause is demonstrated for reducing the public comment period and must do so in writing. Under no circumstance shall the

period of public comment be less than 15 days. EAC acknowledges that such exemptions will be rare occurrences.

B. Notice to the Public. In order to ensure that members of the public are apprised of EAC's publication of a proposed policy and solicitation for comments on the proposed policy, EAC will use the following methods of publication and notice to the public:

- Publishing a notice in the Federal Register notifying the public of the proposed policy or rule and soliciting comments by a date certain; and
- Publishing the proposed rule or policy on the EAC Web site and soliciting comments by a date certain; and
- Sending notice to EAC stakeholders, members of Congress and interested members of the media through a weekly email newsletter.

If the Responsible Program Director determines that publishing notice in the Federal Register will result in a comment period of less than 30 days, then he/she must request in writing to the Executive Director a waiver of publication of the notice in the Federal Register, demonstrating good cause for such a waiver. The Executive Director may grant such an exception when good cause is demonstrated and must do so in writing.

The Responsible Program Director shall prepare notice of the proposed policy or rule and the solicitation for comments, which shall include a summary of the proposed action, and cause it to be published in the means identified above. Included in this responsibility is the duty to analyze and assign a reasonable period for accepting comments within the parameters established by this policy.

C. Equal Ability to Comment. Under this policy, no proposed policy or rule shall be released to any outside party prior to the time that it is posted for public comment. If it is determined that a proposed policy was released to a outside party prior to the beginning of the public comment period, the comment period shall be extended by 30 days in order to allow all members of the public to have equal ability to provide comment.

VI. COLLECTING AND RECEIVING PUBLIC COMMENTS

For all proposed policies and rules, EAC shall accept comments by email, fax, or in hard copy. However, EAC shall encourage members of the public to provide comments through an on-line portal on the EAC website or through an EAC established centralized comment submission program. Comments, regardless of the means of transmission, must be made available to the public as soon as practicable after they are received.

VII. CONSIDERATION OF COMMENTS

The Responsible Program Director must timely read and consider each and every comment submitted during the comment period. In addition, the Responsible Program Director shall recommend a disposition for all comments. In the final consideration of the proposed policy or rule, the Responsible Program Director shall provide a written summary of all comments received, indicating which of those comments should be accepted, rejected, or tabled for future consideration. The Responsible Program Director shall produce the written summary of all comments received, as described above, within 14 days of the close of the comment period. The Responsible Program Director may request an extended period of a reasonable length of time to complete the summary report. The request shall be submitted in writing to the

Executive Director. The Executive Director may grant such an extension when good cause is demonstrated and must do so in writing.

VIII. ADOPTION OF A RULE OR POLICY OF GENERAL APPLICABILITY

No proposed rule or policy of general applicability shall be adopted by vote of the EAC unless:

- The proposed rule or policy has been posted for public comment in accordance with this policy; and
- All comments submitted in response to the proposed policy have been reviewed and considered; and
- A vote of three or more Commissioners approves the proposed policy and any changes that are recommended by the Responsible Program Director after review and consideration of the comments.

Attachment E

Director, Voting System Testing and Certification

Election Assistance Commission

Open & closing dates
03/06/2019 to 03/20/2019

Service
Excepted

Pay scale & grade
AD 00

Salary
$96,970 to $125,967 per year

Appointment type
Permanent

Work schedule
Full-Time

Locations

1 vacancy in the following location:

Silver Spring, MD

Relocation expenses reimbursed
No

Telework eligible
Yes as determined by agency policy

This job is open to

Federal employees - Competitive service
Current or former competitive service federal employees.

Federal employees - Excepted service
Current excepted service federal employees.

The public
U.S. citizens, nationals or those who owe allegiance to the U.S.

Announcement number
EAC-10441371-19-CB

Control number
526497300

Duties

Summary

The purpose of EAC's national voting system certification program is to independently verify that voting systems applying to the EAC program comply with the functional capabilities, accessibility, and security requirements necessary to ensure the integrity and reliability of the voting system, as established in the Voluntary Voting System Guidelines. The incumbent of this position is a first line supervisor for the Voting System Testing and Certification (VST&C) Division.

Responsibilities

Major duties and responsibilities include directing efforts toward accrediting independent test laboratories, testing and certifying voting systems, maintaining technical standards, and oversight of guidelines.

- Develops EAC policy, quality management system, and standard operating procedures for the Voting System Testing and Certification (VST&C) program and Division.

- Works with the National Institute of Standards and Technology (NIST) National Voluntary Laboratory Accreditation Program (NVLAP), regarding laboratory accreditation for laboratories seeking accreditation to test voting systems under the EAC program. Under HAVA, NVLAP does the initial laboratory assessment and makes recommendation to the EAC, through the Director of NIST on the accreditation of candidate laboratories.
- Performs full range of supervisory activities for Division personnel (i.e., current FTE, technical reviewers and new hires).
- Establishes, implements and evaluates budget, working jointly with EAC's Executive Director to establish priorities for the VST&C Division.
- Manages voting system testing and certification efforts, including supervising contract staff, technical reviewers, and consultants. Oversees testing of voting systems developed by registered manufacturers to determine whether the systems provide required basic functionality, accessibility, and security capabilities.
- Serves as EAC lead/co-lead on critical infrastructure issues. Serves as EAC lead for development efforts on Voluntary Voting System Guidelines and development of requirements for testing at the laboratories.
- Develops blogs, white papers and other informational material for stakeholders on election technology and cybersecurity.
- Serves as the lead auditor on voting system test laboratory audits.
- Leads the Election Official IT Training Program.
- Represents the EAC and VST&C Program at stakeholder meetings and conferences.
- Performs other duties as assigned.

Travel Required

25% or less - You may be expected to travel for this position.

Supervisory status

Yes

Promotion Potential

None

Job family (Series)

0301 Miscellaneous Administration And Program
(https://www.usajobs.gov/Search/?j=0301)

Requirements

Conditions Of Employment

Candidates must be a US Citizen.
Candidates must meet all qualifications prior to the closing date of this announcement.

Qualifications

- Ability to understand, interpret and utilize industry standards, and apply them to election technologies. General understanding of industry standards for cybersecurity, accessibility, and usability.
- Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant testing and certification issues. Related knowledge of Federal and State election laws and procedures.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on voting system related data.
- Ability to conduct and oversee complex studies or reviews.
- Comprehensive knowledge of and skill in applying analytical methodologies and practices as it pertains to existing, new, and emerging voting systems.
- Skill in legal and technical writing that addresses the complexities of the voting system testing and certification environment.

Education

None.

Additional Information

You must submit all required information by the closing date. If materials are not received, your application will be evaluated solely on the information available and you may not receive full consideration or may not be considered eligible. The materials you send with your application will not be returned. Send only those materials needed to evaluate your application.

If you use public transportation, part of your transportation costs may be subsidized. Our human resources office can provide additional information on how this program operates.

How You Will Be Evaluated

Once the application process is complete, a review of your resume/application will be made to ensure you meet the qualifications and job requirements for this position. Please follow all instructions carefully. Your qualifications will be evaluated on the basis of your level of knowledge, skills, abilities, and/or competencies.

Technical Competencies:

- Ability to understand, interpret and utilize industry standards, and apply them to election technologies. General understanding of industry standards for cybersecurity, accessibility, and usability.
- Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant testing and certification issues. Related knowledge of Federal and State election laws and procedures.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on voting system related data.
- Ability to conduct and oversee complex studies or reviews.
- Comprehensive knowledge of and skill in applying analytical methodologies and practices as it pertains to existing, new, and emerging voting systems.

- Skill in legal and technical writing that addresses the complexities of the voting system testing and certification environment.

Leadership Competencies:

- Skill in leading staff to interact as a team, focused on cooperating with one another and with the entire EAC staff to accomplish team goals and initiatives. Ability to plan, assign, and appraise work products to assure high levels of performance.
- Skill in consensus building and conflict management to effectively resolve conflicts.
- Knowledge of the tools available to facilitate managing the work and skill in applying that knowledge to such responsibilities as maintaining records, assuring adequate resources, supplies, and equipment to accomplish the work, identifying and implementing ways to improve effectiveness and efficiency, formulating budget requests, and similar managerial functions.
- Knowledge of basic human resource management programs, rules, policies, and procedures to effectively carry out supervisory responsibilities such as interviewing and recommending selections, developing performance standards and appraising subordinate performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, and effectively managing disciplinary issues.

Background checks and security clearance

Security clearance

Secret
(https://www.usajobs.gov//Help/faq/job-announcement/security-clearances/)

Drug test required

No

Required Documents

Required documents include a resume and the supporting documents as described in the "How to Apply Instructions" section of this announcement.

If you are relying on your education to meet qualification requirements:

Education must be accredited by an accrediting institution recognized by the U.S. Department of Education in order for it to be credited towards qualifications. Therefore, provide only the attendance and/or degrees from schools accredited by accrediting institutions recognized by the U.S. Department of Education (http://www.ed.gov/admins/finaid/accred/)

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Failure to provide all of the required information as stated in this vacancy announcement may result in an ineligible rating or may affect the overall rating.

Benefits

https://www.opm.gov/retirement-services/newprospective-employees/

How to Apply

You must submit your application so that it will be received by the closing date of the announcement.

Your application package must be received by the closing date of the announcement and must include the following:

A resume or an Optional Application for Federal Employment (OF 612) or any other format. Although we do not require a specific format, certain information is required to determine if you are qualified;

For current or former federal employees with reinstatement eligibility, you must submit a copy of your last Notification of Personnel Action (SF50) showing your position, title, series, grade and eligibility;

A copy of your most recent performance appraisal. If you do not have a recent performance appraisal, please explain why you do not have one.

All APPLICATION MATERIALS MUST BE SENT TO: resumes@eac.gov
(mailto:resumes@eac.gov)

Agency contact information

Corliss Jackson

Phone

202-853-4780
(tel:202-853-4780)

Email

Resumes@eac.gov
(mailto:Resumes@eac.gov)

Address

US Election Assistance Commission
1335 East West Hwy
Suite 4300
Silver Spring, MD 20910
US

Learn more about this agency
(#agency-modal-trigger)

The United States Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA). The agency is charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, accrediting testing laboratories, certifying voting systems, maintaining the national mail voter registration form, auditing the use of HAVA funds, and serving as a national clearinghouse of information about election administration. Four

commissioners, appointed by the president and confirmed by the U.S. Senate, are responsible for setting policy and assuring the mission of the EAC is carried out.

Next steps

Your application materials will be reviewed and if an interview is deemed appropriate, you will be contacted with further information.

Fair & Transparent

The Federal hiring process is setup to be fair and transparent. Please read the following guidance.

Equal Employment Opportunity Policy

The United States Government does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy And gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service, or other non-merit factor.

- Equal Employment Opportunity (EEO) for federal employees & job applicants (http://www.eeoc.gov/eeoc/internal_eeo/index.cfm)

Reasonable Accommodation Policy

Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application process should follow the instructions in the job opportunity announcement. For any part of the remaining hiring process, applicants should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. Under the Rehabilitation Act of 1973 the Equal Employment Opportunity Commission (EEOC) must provide reasonable accommodations:

- An applicant with a disability needs an accommodation to have an equal opportunity to apply for a job.
- An employee with a disability needs an accommodation to perform the essential job duties or to gain access to the workplace.
- An employee with a disability needs an accommodation to receive equal access to benefits, such as details, training, and office-sponsored events.
- Disability Employment - Reasonable Accommodations (https://www.opm.gov/policy-data-oversight/disability-employment/reasonable-accommodations/)
- How to contact an agency (https://www.usajobs.gov//Help/how-to/application/agency/contact/)

Legal and regulatory guidance

Financial suitability (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/financial-suitability/)

Social security number request (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/social-security-number/)

Privacy Act (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/privacy-act/)

Signature & False statements (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/signature-false-statements/)

Selective Service (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/selective-service/)

New employee probationary period (https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/probationary-period/)

Attachment F

Election Technology Specialist

Election Assistance Commission

Open & closing dates
04/12/2019 to 04/28/2019

Service
Excepted

Pay scale & grade
AD 00

Salary
$56,233 to $106,012 per year

Appointment type
Permanent - Excepted Service

Work schedule
Full-Time

Locations

1 vacancy in the following location:

Silver Spring, MD

Relocation expenses reimbursed
No

Telework eligible
Yes as determined by agency policy

This job is open to

The public
U.S. citizens, nationals or those who owe allegiance to the U.S.

Announcement number
EAC-10275125-18-CB

Control number
507322500

Duties

Summary

Please read the "Responsibilities" section and click on "Learn more about this agency."

Responsibilities

Key Requirements:

- Ability to serve as technical and policy advisor to key officials pertaining to the overall Voting System Testing and Certification Program and guidelines.
- Must have expertise of election technology policies practices and processes.
- Must be proficient in the security risks and threat profiles applicable to election technologies.
- Expertise in interpreting and translating technical documentation and other communications to a multitude of audiences.

Major Duties:

The Election Technology Specialist may serve as a Project Manager for test campaigns, as an Auditor for Quality Management Systems and Quality Assurance audits as well as a liaison for general election technology issues. As the Project Manager, incumbent is responsible for the management of many independent projects, such as a voting system test application, manufacturer registration, or voting system test laboratory application. The incumbent will also assist in the development and review of new or updated Voluntary Voting System Guidelines. The incumbent may be trained for the capacity to act as a lead auditor for quality management systems and quality assurance audits to international, technical, and industry standards.

The incumbent is expected to have an in-depth knowledge of election technology policies, practices, and processes in order to facilitate communication amongst all stakeholders, including security experts, election officials, academics, politicians, general public, etc. The incumbent must be adaptable to ever changing

technologies in order to improve the process and programs of the Testing and Certification Division. The incumbent should also be proficient in the security risks and threat profiles applicable to election technologies.

Travel Required

Occasional travel - 25%

Supervisory status

No

Promotion Potential

00

Job family (Series)

0301 Miscellaneous Administration And Program
(https://www.usajobs.gov/Search/?j=0301)

Requirements

Conditions Of Employment

- Candidates must meet all qualifications prior to the closing date of this announcement.
- Candidates must be a US Citizen.
- **Candidates must be available to travel 25% of the time.**
- *Accreditation as a Lead Auditor for an international or other industry recognized standard for quality management systems may be required to be obtained within 12 months of hire.*

Qualifications

Specialized Experience:

Candidates must have expertise working with Voting Systems and Programs and be knowledgeable of election technology policies, practices and processes to facilitate communication among stakeholders, security experts, election officials, politicians and others.

Education

This job does not have an education qualification requirement.

Additional information

Benefits:

Tele-work / telecommuting may be made available after an established waiting period.

If you use public transportation, part of your transportation costs may be subsidized. Our human resources office can provide additional information on how this program is run.

You must submit all required information by the closing date. If materials are not received, your application will be evaluated solely on the information available and you may not receive full consideration or may not be considered eligible.

The materials you send with your application will not be returned.

Send only those materials needed to evaluate your application. Please do not place your application in a notebook or binder.

How You Will Be Evaluated

Once the application process is complete, a review of your resume/application will be made to ensure you meet the qualification and job requirements for this position. Please follow all instructions carefully. Your qualifications will be evaluated on the basis of your level of knowledge, skills, abilities, and/or competencies.

Technical Competencies:

- In-depth technical knowledge of project management practices and the skillset to apply them to an array of election technology and/or other IT projects.
- Familiar with Federal voting system standards and comfortable with discussing standards in public forums.
- Expertise in interpreting and translating technical documentation and other communications to a multitude of audiences, and aptitude for translating technical information into policy or legal communications.
- General knowledge and understanding of information security principles and standards to election technologies.
- Proficiency in international and/or other industry standards for quality assurance and quality management systems, including configuration management.

Background checks and security clearance

Security clearance

Not Required
(https://www.usajobs.gov/Help/faq/job-announcement/security-clearances/)

Drug test required

No

Required Documents

Resume and supporting documents.

Benefits

https://www.opm.gov/healthcare-insurance/healthcare/

How to Apply

You must submit your application so that it will be received by the closing date of the announcement.

Your application package must include the following:
A resume or an Optional Application for Federal Employment (OF 612) or any other format. Although we do not require a specific format, certain information is required to determine if you are qualified;

If you are a current or former federal employee with reinstatement eligibility, you must submit a copy of your last Notification of Personnel Action (SF50) showing your position, title, series, grade and eligibility;
A copy of your most recent performance appraisal. If you do not have a recent performance appraisal, please explain why.

All APPLICATION MATERIALS MUST BE SENT TO: resumes@eac.gov
(mailto:resumes@eac.gov)

Agency contact information

Corliss Jackson

Phone

202-853-4780
(tel:202-853-4780)

Email

Resumes@eac.gov
(mailto:Resumes@eac.gov)

Address

US Election Assistance Commission
1335 East West Hwy
Suite 4300
Silver Spring, MD 20910
US

Learn more about this agency
(#agency-modal-trigger)

The United States Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA). The agency is charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, accrediting testing laboratories, certifying voting systems, maintaining the national mail voter registration form, auditing the use of HAVA funds, and serving as a national clearinghouse of information about election administration. Four commissioners, appointed by the president and confirmed by the U.S. Senate, are responsible for setting policy and assuring the mission of the EAC is carried out.

Next steps

Please read the "How You Will be Evaluated" section.

Fair & Transparent

The Federal hiring process is setup to be fair and transparent. Please read the following guidance.

Equal Employment Opportunity Policy

The United States Government does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy And gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, membership in an employee organization, retaliation, parental status, military service, or other non-merit factor.

- Equal Employment Opportunity (EEO) for federal employees & job applicants
  (http://www.eeoc.gov/eeoc/internal_eeo/index.cfm)

Reasonable Accommodation Policy

Federal agencies must provide reasonable accommodation to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application process should follow the instructions in the job opportunity announcement. For any part of the remaining hiring process, applicants should contact the hiring agency directly. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. Under the Rehabilitation Act of 1973 the Equal Employment Opportunity Commission (EEOC) must provide reasonable accommodations:

- An applicant with a disability needs an accommodation to have an equal opportunity to apply for a job.
- An employee with a disability needs an accommodation to perform the essential job duties or to gain access to the workplace.
- An employee with a disability needs an accommodation to receive equal access to benefits, such as details, training, and office-sponsored events.
- Disability Employment - Reasonable Accommodations

(https://www.opm.gov/policy-data-oversight/disability-employment/reasonable-accommodations/)

- How to contact an agency
(https://www.usajobs.gov//Help/how-to/application/agency/contact/)

Legal and regulatory guidance

Financial suitability
(https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/financial-suitability/)

Social security number request
(https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/social-security-number/)

Privacy Act
(https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/privacy-act/)

Signature & False statements
(https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/signature-false-statements/)

Selective Service
(https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/selective-service/)

New employee probationary period
(https://www.usajobs.gov//Help/working-in-government/fair-and-transparent/probationary-period/)

Attachment G

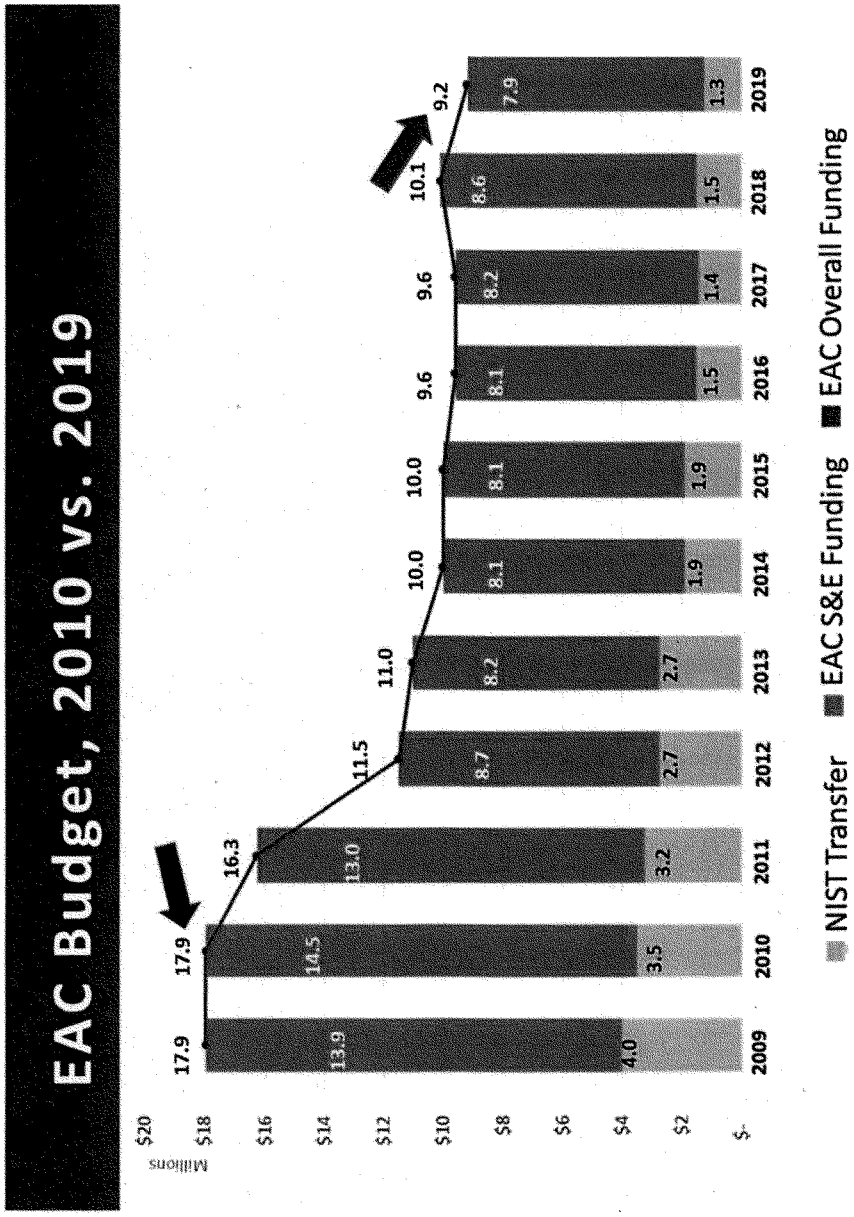
Attachment G

Name	Title	Job Description	Date of hire	End Date	Duty station from where they conducted their work	TOTAL AMOUNT PAID	Any other position, and place such position was held, while also working for the EAC
Ann Jackson	Consultant/Contractor	Administrative Assistant	11/19/2016	5/1/2018	Silver Spring, MD	$22,397	unknown
Bernard Powell	Consultant/Contractor	IT Specialist	12/17/2016	12/31/16	Silver Spring, MD	$2,198	unknown
Naseem Hasan	Consultant/Contractor	IT Specialist	1/14/2017	12/10/2017	Silver Spring, MD	$59,307	unknown
Margaret Hood	Consultant/Contractor	Grants Management Specialist	4/14/2018	5/4/2019	Silver Spring, MD	$88,730	unknown
Steve Uyak	Consultant/Contractor	IT Specialist	4/30/2018	2/28/2019	Silver Spring, MD	$81,763	unknown
Sheila Banks	Consultant/Contractor	HR Specialist	5/12/2018	5/4/2019	Silver Spring & Vacaville, CA	$23,726	unknown
Annette Lafferty	Consultant/Contractor	Financial Specialist	7/7/2018	9/29/2018	Silver Spring, MD	$9,919	unknown
Cynthia Hoffman	Consultant/Contractor	Communications Specialist	8/22/2018	5/4/2019	Silver Spring, MD	$30,788	unknown
Sean Greene	Consultant/Contractor	Research Program Specialist	9/22/2018	3/30/2019	Silver Spring, MD	$14,025	unknown
Lida Anderson	Consultant/Contractor	Administrative Assistant	10/13/2018	5/4/2019	Silver Spring, MD	$47,622	unknown
Pam Price	Consultant/Contractor	Administrative Assistant	2/9/2019	2/23/2019	Silver Spring, MD	$2,259	unknown
Jennene Nibblett	Consultant/Contractor	Administrative Assistant	11/1/2019	5/7/2019	Silver Spring, MD	$22,724	unknown

Name	Title	Job Description	Date of hire	End Date	Duty station from where they conducted their work	Total Annual Salary	Any other position, and place such position was held, while also working for the EAC
Patricia Layfield	Inspector General	Inspector General	2/22/2016	N/A	Silver Spring, MD	$156,000	
Simona Jones	Digital Communications & Media Specialist	Website Management & Social Media	10/17/2016	N/A	Silver Spring, MD	$81,165	
Ashley Williams	Financial Manager	Financial Manager	1/8/2017	N/A	Silver Spring, MD	$99,171	
Bob Sweeney	Staff Associate	Staff Associate/Research Program Specialist	1/9/2017	N/A	Silver Spring, MD	$78,459	
Brenda Soder	Director of Communications	Communications and Public Affairs	1/9/2017	N/A	Silver Spring, MD	$150,803	
Jerome Lovato	Director, Voting Systems Certification	Director, Voting Systems Certification	9/5/2017	N/A	Centennial, CO	$139,760	
Natalie Longwell	Writer / Editor	Communications and Public Affairs	9/5/2017	N/A	Silver Spring, MD	$91,356	
David Kuennen	Senior Research Program Specialist	Senior Research Program Specialist	10/16/2017	N/A	Silver Spring, MD	$99,904	
Cerliss Jackson	HR Director	HR Director	4/16/2018	N/A	Silver Spring, MD	$132,817	CEO, Freedom International Inc.
Mona Harrington	CIO/CISO	CIO/CISO	9/17/2018	N/A	Silver Spring, MD	$147,542	
Michelle Williams	Director of Research	Director of Research	11/26/2018	N/A	Silver Spring, MD	$99,908	
Steve Uyak	IT Specialist	IT Specialist	2/19/2019	N/A	Silver Spring, MD	$96,000	
Paul Aumayr	Senior Election Technology Specialist	Senior Election Technology Specialist	5/28/2019	N/A	Silver Spring, MD	$95,000	
Jessica Bowers	Senior Election Technology Specialist	Senior Election Technology Specialist	5/30/2019	N/A	Aurora, CO	$106,012	
Ryan Macias	Acting Director-Testing and Certification	Senior Election Technology Specialist	5/2/2016	5/17/2019	Silver Spring, MD	$112,000	Owner/President/SM Election Solutions
Sean Greene	Director of Research	Research Program Specialist/Dir of Research	6/13/2016	6/8/2018	Silver Spring, MD	$123,406	
Mark Listes	Director of Policy	Director of Policy	8/22/2016	12/14/2019	Silver Spring, MD	$114,186	
Brandes Daniel J	Computer Engineer	Computer Engineer	11/14/2016	9/30/2017	Silver Spring, MD	$80,000	
Sam Jones	Staff Associate	Staff Associate	1/9/2017	7/14/2017	Silver Spring, MD	$75,000	
Antoine Wilson	IT Specialist	IT Specialist	1/12/2017	5/27/2018	Silver Spring, MD	$65,000	
Mia Forgy	Assistant Inspector General	Assistant Inspector General	5/13/2019	N/A	Silver Spring, MD	$125,005	

Name	Title	Job Description	Date of hire	End Date	Duty station from where they conducted their work	TOTAL AMOUNT PAID	Any other position, and place such position was held, while also working for the EAC
Sarah Litton	Public Affairs Specialist	Part-Time Employee	10/30/2016	1/31/2017	Silver Spring, MD	$1,170	
Kimberly Leon	Law Clerk	Part-Time Employee	6/3/2017	9/1/2017	Silver Spring, MD	$8,440	
Mofetoluwa Obadina	Law Clerk	Part-Time Employee	6/3/2017	9/1/2017	Silver Spring, MD	$8,440	
Aaron Yi	Law Clerk	Part-Time Employee	6/3/2017	9/1/2017	Silver Spring, MD	$8,440	
Donald Palmer	Senior Adviser	Part-Time Employee	1/8/2018	2/4/2019	Silver Spring , MD	$73,946	Bipartisan Policy Center

Attachment H


EAC Budget, 2010 vs. 2019
Millions
$20
$18
$16
$14
$12
$10
$8
$6
$4
$2
$-
17.9
17.9
16.3
11.5
11.0
10.0
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9.6
9.6
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14.5
13.0
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7.9
4.0
3.5
3.2
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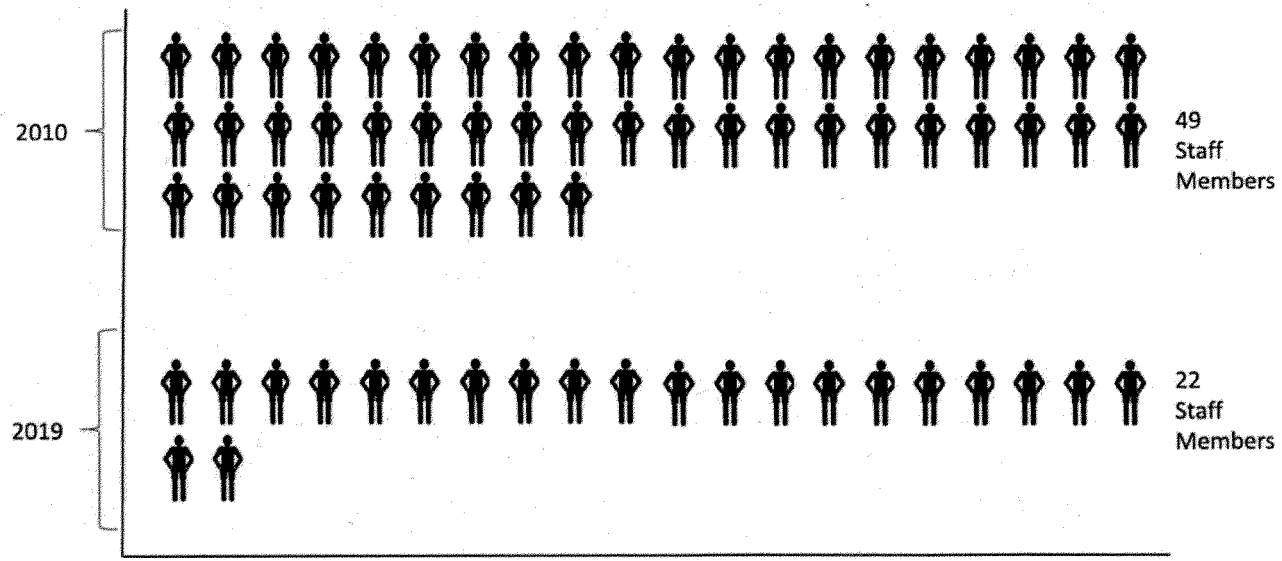
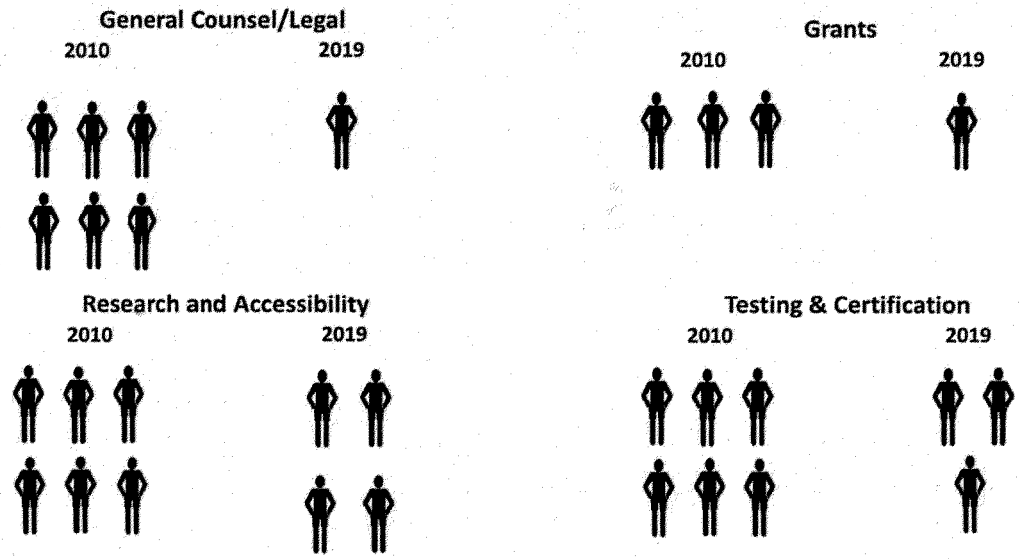
2.7
1.9
1.9
1.5
1.4
1.5
1.3
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
NIST Transfer
EAC S&E Funding
EAC Overall Funding

EAC Staff, 2010 vs. 2019



Key EAC Teams Are Reduced



The following positions in the agency are unfilled:

- Chief Operating Officer
- Procurement Specialist
- Commissioners' Special Assistants

U.S. ELECTION ASSISTANCE COMMISSION
1335 EAST-WEST HIGHWAY, SUITE 4300
SILVER SPRING, MD 20910

August 12, 2019

Representative Zoe Lofgren
Chairperson
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairperson Lofgren,

This letter responds to your July 18 correspondence seeking additional information about the U.S. Election Assistance Commission's responses to the Questions for the Record that followed the Committee on House Administration's May 21 Oversight hearing.

Unless otherwise noted, the following responses are respectfully jointly submitted by all four EAC Commissioners; however, because Commissioners are not involved in day-to-day operational and personnel activities, answers to many of the questions were developed by relevant staff under the direction of the Executive Director and General Counsel. Answers jointly submitted by all Commissioners are so designated at the end of the answer with (C). Answers provided by a particular Commissioner are noted in the body of the answer.

Sincerely,

Christy A. McCormick
Chairwoman
U.S. Election Assistance Commission

Ben Hovland
Vice Chair
U.S. Election Assistance Commission

Thomas Hicks
Commissioner
U.S. Election Assistance Commission

Donald Palmer
Commissioner
U.S. Election Assistance Commission

Tel: (301) 563-3919 www.eac.gov Fax: (301) 734-3108
Toll free: 1 (866) 747-1471

Question 8. Your answers to Parts a. and b. are nonresponsive, as there is no HAVA Section 205(a)(3)(C). Please clarify.

We believe you may have been referring to HAVA Section 204(a)(3)(C). If this is the case, you note that the General Counsel will serve as Acting Director in the event of a vacancy in the Executive Director position. While your QFR answers reflect that you are unsure of the dates of expiration of the terms of both your Executive Director and General Counsel, it appears that their concomitant appointment suggests their terms will expire simultaneously, such that the General Counsel could not take over as Acting Executive Director. As you noted, your 2015 Policy Statement only refers to a succession plan when there are no Commissioners. We would like to understand the succession plan in other circumstances.

a. **If there are four Commissioners, and a vacancy arises in the Executive Director position, and there is a deadlock among the Commissioners, what is the succession plan, title by title? Who would make the decision about who becomes the Executive Director?**
   We apologize for the incorrect HAVA citation. The only succession plan in HAVA establishes that the General Counsel will serve as Acting Executive Director until that position is filled by the Commission.
b. **If there are four Commissioners, and a vacancy arises in the General Counsel position, and there is a deadlock among the Commissioners, what is the succession plan, title by title? Who would make the decision about who becomes the General Counsel?**
   In this circumstance, there is no succession plan. The Executive Director can appoint an attorney as the lead attorney or "Acting General Counsel" until the Commissioners select a General Counsel.
c. **If there are four Commissioners, and vacancy arises in both the Executive Director position and the General Counsel position, and there is a deadlock, what is the succession plan, title by title?**
   In this circumstance, there is no succession plan established by HAVA. Additionally, the Commission has not previously adopted a succession plan to address this scenario, but it is an issue that should be considered.
d. **What document or authority is the source for each of the aforementioned succession plans?**
   Not applicable.
e. **Given the high number of unfilled positions at the EAC, should a vacancy in both the Executive Director and General Counsel position arise, as of today, what is the name of the individual who would then fill the Acting Executive Director title, and what is that person's current title?**
   Should a vacancy in both the Executive Director and General Counsel position arise, as of today, the agency does not have a provision for someone to fill the Acting Executive Director title.

Your answer to Part c. is similarly nonresponsive. You answer with your 2015 Policy Statement document, which establishes a succession plan if there are "no Commissioners."

f. **Per the question, please provide the succession plan when there is no quorum of Commissioners.**
In this circumstance, there is no succession plan established by HAVA. Additionally, the Commission has not previously adopted a succession plan to address this scenario, but it is an issue that should be considered.

g. **Please provide the source for this succession plan.**
Not applicable.

In Part d., you state that, in the event there were no quorum of Commissioners and no General Counsel, the Executive Director can appoint a General Counsel.

h. **With a specific citation, under what authority would the Executive Director appoint an Acting General Counsel?**
Under Section 204(a)(5), the Executive Director is authorized to appoint and fix the pay of such additional personnel as considered appropriate. Therefore, it would be appropriate for the Executive Director, if the Executive Director determined, to appoint an attorney as the lead attorney or "Acting General Counsel" until the Commissioners select a General Counsel.

i. **If there is a quorum and no General Counsel, and no agreement among Commissioners on the appropriate candidate to serve as General Counsel, are you suggesting the authority to choose an Acting General Counsel would similarly fall to the Executive Director?**
The Executive Director can appoint an attorney as the lead attorney or "Acting General Counsel" until the Commissioners select a General Counsel.

j. **Under what specific authority?**
HAVA Section 204(a)(5).

In Part e., you note HAVA does not provide for a succession plan for the General Counsel.

k. **You have some authority to develop, or oversee the development of, internal personnel policy. Can you commit to developing a succession plan for the General Counsel?**
The Executive Director can appoint an attorney as the lead attorney or "Acting General Counsel" until the Commissioners select a General Counsel. However, the Commissioners could discuss a formalized succession plan for an interim General Counsel should the scenario present itself.

Question 9. This question relies on statutory requirements under HAVA, which Commissioners initially pointed to as barring them from starting an executive search process prior to the announcement of a vacancy.

As you note, the EAC's practice has "historically" been to post a vacancy announcement and then have the advisory boards begin their search process, but given the circumstances, we were pleased to see that you agree that the EAC should create a policy that would make preliminary inquiries "a few months" prior to a potential vacancy to determine if the incumbent Executive Director and/or General Counsel are interested in being retained for an additional term, and to ascertain if other parties are interested.

You did refer to your concern that this "may not be possible" for two reasons: your Notice and Comment Policy and the conflict with your current General Counsel. First, your Notice and Public Comment Policy states "To that end, this policy requires EAC to provide the public an opportunity to comment on any proposed policy or rule of general applicability (those impacting outside parties), even when such public comment is not otherwise required by law." Per the Notice and Public Comment Policy, the definition of a "policy of general applicability" addresses issues such as program manuals for testing and certification, and guidance on implementation or administration of HAVA or NVRA—the personnel matter of establishing an informal inquiry to discern the potential intentions of your incumbent Executive Director and General Counsel, and the interest of outside parties in those positions, are not of the same type of matter contemplated in the "policy of general applicability." Neither do those informal inquiries fall under the definition of "proposed policy or rule," as defined in the Notice and Public Comment Policy, as such rule is simply "Any policy, advisory, manual, procedure, regulation or rule covered hereunder that the Commission has voted affirmatively to post for public comment." Pursuant to the second part of the definition, the Commission would have to affirmatively vote to post the informal inquiry for public comment, and is not required to do so. Thus, your policy obligations to provide notice and comment would not be present in this instance, and the policy's own definitions suggest you may proceed with the inquiries you mention, and may even set up preliminary efforts to begin collecting candidates for consideration in the event of a vacancy. We additionally reference your own conclusion, per Question 8 Part d., that when there is no quorum of Commissioners and no General Counsel, the Executive Director can appoint a General Counsel. This circumstance is not addressed in HAVA, and is not addressed in your 2015 Policy Statement either, yet to our knowledge, the policy you reference was not subject to Notice and Comment. Your conclusion about this authority of the Executive Director, absent a Notice and Comment period per your policy, further suggests Notice and Comment is not required of personnel matters.

To your second concern, while we agree your General Counsel is conflicted out of this consideration, it is our understanding you have recently hired a second attorney. This attorney would not be conflicted out and would be available to serve should any legal questions arise concerning this preliminary inquiry a few months before the potential vacancy escalates into a crisis.

Finally, while the above demonstrates how a preliminary search satisfies your policy obligations, we agree it is important to address your statutory obligations as well. Per Sec. 204(a)(3)(A), HAVA requires the advisory boards to begin a search "When a vacancy exists." Additionally, HAVA does not expressly preclude the Commission or the Advisory Boards from beginning such a process immediately, perhaps even at your direction. (As you note, the Boards are merely advisory and are bound by the advisory boards' statutory mandates in HAVA, so regardless of whether the advisory boards started an informal or formal search immediately at your direction or at the House's request, they would still be bound by statute to "each appoint a search committee to recommend at least three nominees for the position" when a vacancy exists, in addition to any preliminary action they had already taken.) Thus, it is absolutely possible to meet your statutory obligations with respect to the Standards Board and Board of Advisors while also directing a formal or informal search to begin immediately.

a. **Having resolved your concerns regarding the EAC's Notice and Public Comment Policy obligations, your legal advisor capacity, and your statutory obligations through the above, can you commit to begin making the inquiries you mention in your QFR responses (specifically inquiring "if the incumbent Executive Director and/or General Counsel are interested in being retained for an additional term, as described in HAVA, and to ascertain if other parties are interested in the positions") by August 12, 2019, which is within "a few months" of any potential vacancies in November 2019?**
   Please note, the EAC has not hired a second attorney. This continues to be a personnel matter that would suggest deliberations and one that cannot be answered here. The EAC is committed to following a process consistent with HAVA. The EAC's General Counsel is in consultation with the Department of Justice regarding the options available to the Commission. (C)

Question 10. In your answer to this question regarding the availability of holdover status for staff, you note you "do not anticipate a legal opinion from [your] General Counsel," likely because he would be conflicted out on this question. It is our understanding that you just hired a new attorney who would not be conflicted out of providing a legal opinion on this question. We request that you allow this nonconflicted counsel to handle this question, which should allow you to proceed on this critical issue.

a. **Can you commit to having a legal opinion on this matter provided by your new counsel by August 12, 2019?**
   As previously mentioned, the EAC has not hired a new attorney. Unfortunately, years of budget cuts have left the agency with only one staff member in a number of departments. We raised this issue at our hearing and with Appropriators as it has real consequences on the agency's ability to function as designed by HAVA. However, we have asked the Department of Justice to review these issues and provide a non-binding opinion. (C)

In your answer to Question 10, you reference questions you have asked to "federal personnel authorities."

b. **Who are these authorities?**
Staff has discussed the matter with the Government Accountability Office, with the Merit System Protection Board, and with the Department of Justice.

c. **What is their authority to answer this question?**
The above agencies have routinely provided interpretations regarding personnel and employment status inquiries.

d. **What specific questions did you ask them?**
Our General Counsel asked for input regarding the term appointment, tenure interpretation, and general statutory construction as it relates to holdover status for term appointments. These discussions and consultation are ongoing.

e. **When do you anticipate this answer?**
We have asked the Department of Justice to provide input as soon as practical.

f. **Given the term expiration likely in November, we request that you submit the answers from the "federal personnel authorities" by August 12, 2019, to provide ample time for planning in the event of a transition.**
Once feedback is received from the Department of Justice, we then will determine how to proceed and a potential further course of action.

Question 11. We appreciate your privacy concerns.

g. **Please provide the total number of individual candidates whose names were ranked by the each of the respective boards, the Board of Advisors and the Standards Board.**
30 individuals applied for the position.

h. **For each list, please note what rank your current Executive Director was on each of those lists.**
Commissioners received an unranked list of three candidates recommended by the Board of Advisors and a ranked list of candidates from the Standards Board. The current Executive Director was not among the three names from the Board of Advisors, but was tied with the current General Counsel for first in the rankings from the Standards Board, which represents 110 election officials from 55 states and territories.

i. **Please note if your current Executive Director did or did not appear on each of the respective lists.**
The current Executive Director's name appeared on the list from the Standards Board, but not on the list from the Board of Advisors.

Question 12. In your answer, you reference questions you have asked to "federal personnel authorities."

a. **Who are these authorities?**
Staff has discussed the matter with the Government Accountability Office, with the Merit System Protection Board, and with the Department of Justice.
b. **What is their authority to answer this question?**
The above agencies have routinely provided interpretations regarding personnel and employment status inquiries.
c. **What specific questions did you ask them?**
Our General Counsel asked for input regarding the term appointment, tenure interpretation, and general statutory construction as it relates to holdover status for term appointments.
d. **When do you anticipate this answer?**
We have asked the Department of Justice to provide input as soon as practical.
e. **Given the term expiration likely in November, we request that you submit the answers from the "federal personnel authorities" by August 12, 2019, to provide ample time for planning in the event of a transition.**
Once feedback is received from the Department of Justice, we then will determine how to proceed and a potential further course of action.

Question 13. In your answer, you reference questions you have asked to "federal personnel authorities."

a. **Who are these authorities?**
Staff has discussed the matter with the Government Accountability Office, with the Merit System Protection Board, and with the Department of Justice.
b. **What is their authority to answer this question?**
The above agencies have routinely provided interpretations regarding personnel and employment status inquiries.
c. **What specific questions did you ask them?**
Our General Counsel asked for input regarding the term appointment, tenure interpretation, and general statutory construction as it relates to holdover status for term appointments.
d. **When do you anticipate this answer?**
We have asked the Department of Justice to provide input as soon as practical.
e. **Given the term expiration likely in November, we request that you submit the answers from the "federal personnel authorities" by August 12, 2019, to provide ample time for planning in the event of a transition.**
Once feedback is received from the Department of Justice, we then will determine how to proceed and a potential further course of action.

Question 14. Given the analysis provided in Question 8, and the Commission's interest in beginning preliminary inquiries so as to avoid an inopportune vacancy in November, it

would be appropriate for the Commission to begin the "require[d] deliberation and a consensus of the Commissioners on how to proceed."

a. **Can you commit to arriving at a consensus on how to proceed by August 12, 2019, allowing sufficient time to begin an informal or formal search process?**
The Commission has not reached consensus on how to proceed beyond the statutory conditions. However, conversations among Commissioners are ongoing. (C)

Question 17. In your discussion of the hiring process for Election Technology Specialists as additions to the Testing and Certification staff, you note you received a total of 76 applications, and interviewed exactly 2 candidates.

a. **Were Paul Aumayr and Jessica Bowers among those 76 candidates who applied for this specific position?**
With apologies, in looking at the timeline closer after our initial response, Ms. Bowers applied directly to the Testing and Certification Director, making the total candidate pool 77. The Testing and Certification Director inquired regarding Ms. Bowers' interest, she expressed an interest, she applied, the Testing and Certification Director and Executive Director discussed her candidacy, and the Testing and Certification Director and the Human Resources Director interviewed Ms. Bowers. Mr. Aumayr's process was similar except that he applied for the position in 2018.
b. **On what date did the interview occur for Paul Aumayr?**
May 10, 2019
c. **On what date did you offer him the position?**
May 13, 2019
d. **On what date did you publicly announce he had been hired?**
The EAC did not make a public announcement. The Executive Director sent an internal email to EAC staff on May 14.
e. **On what date did the interview occur for Jessica Bowers?**
May 9, 2019
f. **On what date did you offer her the position?**
May 10, 2019
g. **On what date did you publicly announce she had been hired?**
The EAC did not make a public announcement. The Executive Director sent an internal email to EAC staff on May 14.
h. **On what basis did you decide to interview only 2 out of 76 candidates?**
The Office of Human Resources compared all candidates against the requirements of the position. EAC's previous Testing and Certification Director, Brian Hancock, reviewed candidates who had applied in 2018. Executive Director Brian Newby reviewed all candidate materials, as did the current Testing and Certification Director, Jerome Lovato. Mr. Newby and Mr. Lovato discussed the specific skill sets desired for these positions, were aware of Ms. Bowers' experience, and had observed her capabilities while working

with her in other settings. Mr. Lovato reached out to Ms. Bowers to determine interest in applying as the 77th candidate.

Both individuals hired possess vast voting systems certification experience and familiarity with the EAC's testing and certification program. There are relatively few people across the U.S. with more than a decade of voting systems certification expertise, and Mr. Aumayr and Ms. Bowers each have over a decade of experience in this field.

i. **Is the EAC committed to considering and hiring a diverse pool of candidates? If yes, how did you incorporate this commitment in your hiring process for these openings?**
Of course. Ms. Bowers is a bi-lingual veteran of the U.S. Air Force and has a strong background in software development. Mr. Aumayr is a naturalized U.S. citizen with a strong background in engineering and 15 years of public service in the State of Maryland. They form a small team with Mr. Lovato, who is regarded as one of the foremost experts in post-election audits in the country, has an Electrical Engineering degree, and is pursuing a Master's Degree in cybersecurity. For such a small team, the EAC is proud of the diverse strength of talent, expertise, background, and experience this team possesses.

j. **If you do have a diversity policy or plan, please share it.**
This is enclosed as **Attachment A**.

Overall, for the Director of Testing and Certification and the two open Testing and Certification positions, you received 96 total applications, and the EAC interviewed only three people (one internal) and hired exactly those three people.

k. **This does not suggest a robust process. Please explain.**
Testing and certification of voting systems involves special skills that few possess. In this case, the EAC was able to identify candidates who each had approximately a decade of certification experience. The EAC was able to recruit and hire extremely qualified individuals with this background.

l. **How does this process overall meet diversity best practices in hiring?**
Over the last four years, many stakeholders, including some Members on this committee, have complimented the EAC for positive changes in the agency. The EAC has a track record of recruiting high-achieving, results-oriented professionals, and the recent hires in Testing and Certification represent excellent talent and diversity.

Question 19. In Part g, you note that "when individuals travel on EAC business, travel expenses are paid by the EAC," yet in Part h you note that for Fiscal Year 2018 and the first half of Fiscal Year 2019, "the cost of travel covered by the agency in this regard was $0." These two facts do not seem compatible unless no employee with a duty station outside of Silver Spring, Maryland travelled to EAC headquarters on EAC business in that entire time period.

a. **Are the five individuals with duty stations outside of Silver Spring, Maryland reimbursed by the EAC when they travel to and from the Silver Spring office for EAC business?**
   These employees are eligible for travel reimbursement by the EAC to and from the Silver Spring office for EAC business.
b. **Does the $0 figure for the period of Fiscal Year 2018 and the first half of Fiscal Year 2019 indicate that there has been no travel for any of the individuals with a duty station outside of Silver Spring, Maryland to and from EAC headquarters for EAC business in that entire time period?**
   The information provided was correct. The EAC used its latest financial data available when preparing our answers. This data was through the first half of Fiscal Year 2019 (March 31). The EAC had only one person with a duty station outside of Silver Spring through that period.
c. **If not, please explain the $0 figure.**
   The information provided was correct. Other responses here have updated numbers when appropriate.

In Part f, you note two Commissioners and three employees have duty stations away from EAC headquarters in Silver Spring, Maryland, which raises concerns about how much of taxpayer money is being used to accommodate travel between duty stations and agency headquarters when the agency is avowedly struggling with its current funding levels.

d. **When Chairwoman McCormick travels to Silver Spring, Maryland from her duty station in Williamsburg, Virginia and back, has the EAC ever reimbursed her for this travel?**
   Yes.
e. **If not, at whose expense does this travel occur?**
   Commissioner McCormick has been reimbursed $267.79 for travel to Silver Spring.
f. **Since her duty station was established in Williamsburg, Virginia, how much in total has the EAC covered or reimbursed Chairwoman McCormick for travel between Silver Spring, Maryland and her duty station in Williamsburg, VA?**
   $267.79, since joining the EAC through the third quarter of FY 2019
g. **Since establishing her duty station in Williamsburg, Virginia, how many times would you estimate Chairwoman McCormick has actually been present at EAC headquarters?**
   Commissioner McCormick travels extensively to meet with election administrators nationwide. The Commissioners have collectively traveled to more than 25 states for activities in 2019 alone. Each Commissioner comes to the EAC office as their schedules allow, but has contact with some members of staff, usually the Executive Director or General Counsel, on a daily basis. However, day-to-day operations of the agency and oversight of agency employees does not rest with one Commissioner or all Commissioners, all political appointees. The EAC Operation Management Policy

Statement adopted in 2015 delineates the policymaking responsibilities of each Commissioner and the responsibility of the Executive Director for day-to-day operations of the agency. (Commissioner McCormick)

h. **When Commissioner Palmer travels to Silver Spring, Maryland from St. Johns, Florida and back, has the EAC ever reimbursed him for this travel?**
Yes

i. **If not, at whose expense does this travel occur?**
Commissioner Palmer has been reimbursed $1,436.67 for travel to Silver Spring.

j. **Since his duty station was established in St. Johns, Florida, how much has the EAC covered or reimbursed Commissioner Palmer for travel between Silver Spring and his duty station in St. John's Florida?**
$1,436.67, since joining the EAC through the third quarter of FY 2019

k. **Since establishing his duty station in St. Johns, Florida, how many times would you estimate Commissioner Palmer has actually been present at EAC headquarters?**
Commissioner Palmer travels extensively to meet with election administrators nationwide. The Commissioners have collectively traveled to more than 25 states for activities in 2019 alone. Each Commissioner comes to the EAC office as their schedules allow, but has contact with some members of staff, usually the Executive Director or General Counsel, on a daily basis. However, day-to-day operations of the agency and oversight of agency employees does not rest with one Commissioner or all Commissioners, all political appointees. The EAC Operation Management Policy Statement adopted in 2015 delineates the policymaking responsibilities of each Commissioner and the responsibility of the Executive Director for day-to-day operations of the agency. (Commissioner Palmer)

l. **Please provide the total the EAC has spent on each of the following respective individuals travelling between their duty station and Silver Spring, Maryland:**

Margaret Ollove
$0
Jessica Bowers
$0
Jerome Lovato
$334.88 through the third quarter of FY2019

m. **On what grounds were certain individuals allowed to establish their duty stations a far distance from the EAC's headquarters?**
The Executive Director based his duty station determinations on reasonable accommodation issues, situations where a staff member's duty station outside of Silver Spring was for the convenience or in the best interest of the agency, and after discussions with OPM, GSA, EAC's Human Resources Director and EAC's General Counsel related to 5 CFR 531.605.

n. **Is there an internal policy on the establishment of duty stations away from EAC's headquarters? If so, please share.**

No

o. **Who signed off on the establishment of these duty stations?**
The Executive Director signed off on the establishment for duty stations since 2016; before 2016 it is assumed that the person signing off was either the Chief Operating Officer or the Executive Director.

p. **Under what authority did the individual signing off on these duty stations sign off on the distant duty stations?**
5 CFR 531.605

q. **Are travel costs for distant duty stations automatically paid, or are they reviewed and approved by someone? Who is that individual?**
Staff travel is discussed and pre-approved by the Executive Director prior to any staff traveling on behalf of the agency. Travel cost then goes through the standard travel process, which requires input into the Concur travel system and the necessary sign offs for the expense to be incurred. However, this does not imply that staff approves or disapproves Commissioner travel.

Question 23. In Attachment G of your responses, Current Commissioner Donald Palmer is listed as an individual hired during Executive Director Brian Newby's tenure at the EAC. Donald Palmer was paid $73,946 for part-time work at the EAC.

a. **What work was Mr. Palmer then doing for the EAC? Please provide a detailed list of deliverables and major accomplishments in this part-time role.**
The EAC posted a position to conduct a national search for an expert on the National Voter Registration Act (NVRA) and, even more specifically, the challenges election officials have in understanding and executing the requirements of this law. A number of candidates across the nation applied for the position, and Mr. Palmer was selected as the most qualified candidate. He is an attorney with past experience in enforcing the NVRA and HAVA at the Department of Justice, advising counties on compliance with the NVRA at DOJ and state election offices, and implementing the NVRA at the state level as an election administrator. He served as the chief election official in Virginia and the NVRA Coordinator in both Virginia and Florida. As an attorney and former chief election official, his legal experience with the NVRA and election administration was extremely valuable to the EAC. He is one of the few experts on the NVRA in the country who has both legal and practicable experience. Compared to the cost of outside attorneys without specific expertise in this area or other non-attorney experts available, his advice and research on this voting rights law was of significant value to the agency.

b. **Please provide Mr. Palmer's contract, or multiple contracts, for the period of his employment with the EAC as a part-time employee, and as a Commissioner.**
Mr. Palmer worked as a part-time employee for the EAC. He did not work as a contractor in any capacity; thus, there are no contracts.

c. **Besides the Bipartisan Policy Center, what additional clients if any did Mr. Palmer work for during his time as a part-time employee with the EAC?**

Mr. Palmer also consulted under the business Palmer Squared Inc. for the following clients while Mr. Palmer worked as a part-time employee with the EAC: Lawyers Democracy Fund and American Civil Rights Union. (Commissioner Palmer)

Other part-time employees you noted in Attachment G were paid in the range of $1,170 to $8,440, and had assignments that lasted for about three months, while not working for any other employers.

a. **Please explain the choice to retain Mr. Palmer for over a year as a part-time employee, as compared to other short-term part-time employees.**
The previous response that showed Mr. Palmer as a part-time employee related to a question for persons hired during the tenure of Executive Director Brian Newby. There were other part-time employees who have worked or are working in this period, but they were not hired by Mr. Newby.

These employees are listed below so that Mr. Palmer's tenure can be viewed in a fuller context:

Years	Employee	Total Compensation (through July 6, 2019)*
2016-Current	Mark Abbott	$ 372,019.33
2016-2018	Thomas Caddy	$ 234,555.00
2016	Denise Lamb	$ 4,012.50
2016-2019	Margaret Ollove	$ 25,402.74
2016	Connie Schmidt	$ 2,062.00
2016-2018	Thomas Watson	$ 219,260.00

*All of these employees worked part-time for the EAC before Mr. Newby's tenure, previous to 2016, but the compensation only reflects the years stated above.

b. **Please explain the relative pay disparity between Mr. Palmer and other part-time employees (as even accounting for the fact that Mr. Palmer worked a longer period, his rate of pay seems significantly higher).**
Mr. Palmer is an attorney and his hourly rate, for example, was the same as paid to Ms. Lamb and Ms. Schmidt, was $20/hour per hour less than Mr. Caddy and Mr. Watson.

c. **Please provide your conflict of interest assessment for Mr. Palmer maintaining employment at the Bipartisan Policy Center while also being paid by the EAC.**
The General Counsel reviewed the **Conflict of Interest** (18 U.S.C. § 208(a) & 5 C.F.R. § 2635.402) provisions, the Impartiality **in Performing Official Duties** (5 C.F.R. § 2635.502) provisions and the **Outside Activities** (5 C.F.R. § 2635.802) provisions regarding Mr. Palmer's employment.

The analysis involved whether the outside employment would create a conflict of interest

(18 U.S.C. §208(a) & 5 C.F.R. § 2635.402) or the appearance of a conflict of interest (5 C.F.R. § 2635.502) such that "it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired."

Because the Bipartisan Policy Center does not contract with the EAC, is not a grantee of the EAC, nor is it a prohibited source of the EAC, it was determined that the employee would not have a conflict of interest with the outside employment.

d. **What work was Mr. Palmer doing with the Bipartisan Policy Center?**
Mr. Palmer's projects at the Bipartisan Policy Center related to recommendations from the Presidential Commission on Election Administration (PCEA) created by executive order by President Obama: Projects included a national line data collection program with analysis of the voter wait times in 2014 and 2016; Online voter registration briefings; ERIC registration modernization and data-sharing briefings; Large County meeting preparation for general elections; Voting Technology Meetings. (Commissioner Palmer)

Mr. Palmer's nomination to the EAC is noted as received in the Senate on July 18, 2018. Attachment G notes that Mr. Palmer was in the employ of the EAC at this time, having served as a part-time employee from January 1, 2018, to February 4, 2019. In fact, Mr. Palmer's part-time work appears to have ended on February 4, 2019, more than a month after he was confirmed to become a Commissioner by the Senate on January 2, 2019. Thus, it seems that while Mr. Palmer was awaiting confirmation (for a position in which he would have the power to extend the term of the current Executive Director), and even after he was confirmed, he was being paid by the same Executive Director, via the EAC, for part-time employment. This raises at least the appearance of impropriety, if not impropriety itself.

e. **Who approved Mr. Palmer's part-time employment contract?**
Mr. Palmer did not have a part-time employment contract. He was an EAC employee, hired by the Executive Director.

f. **How was his pay decided?**
His pay was commensurate with other part-time employees and recommended by EAC's HR manager. Mr. Palmer is an attorney, but was paid at the same hourly rate, for instance, as Connie Schmidt and Denise Lamb. He was paid $20 per hour less than Thomas Caddy and Thomas Watson.

g. **Who approved his pay?**
The Executive Director approves all hourly pay and salary levels for employees.

h. **At any time, was there any internal deliberation or discussion about the propriety of these multiple roles for Mr. Palmer—as part-time employee, nominee, and then confirmed appointee?**
Until he was sworn in as Commissioner, Mr. Palmer had only one role with the EAC and that was as an employee. The EAC is not involved with the decision to nominate a

potential Commissioner. Some nominees never received Senate confirmation. The U.S. Government was "shut down," due to a lapse in funding when Mr. Palmer was confirmed and no employee could process any paperwork related to a change in roles until a funding solution was reached. There were brief deliberations between the EAC, OPM, and GSA to determine if the Commissioners could be on-boarded during this time but neither GSA nor the EAC considered this activity to qualify as an excepted staff activity in times of government shutdown. Further, during the nomination and clearance process, discussions were held involving the General Counsel and Mr. Palmer that, once confirmed, Mr. Palmer would cease serving as an employee of the agency and cease all other outside employment activities. This understanding was set forth in an ethics agreement.

i. **If they did occur, please describe the content of the discussions, and between what parties did they occur?**
The Executive Director, the General Counsel, Human Resources Director, and the Office of Government Ethics engaged in discussions at some point. Part of the discussion involved the likelihood of the confirmation, the wrapping up of any projects that he was working on and the ceasing of activities after confirmation. It is also important to note that while Mr. Palmer remained listed as a part-time employee until February 4, 2019, he was not added as a Commissioner because the EAC was in a furlough period. All HR activities were suspended; the agency had not designated human resource employees as essential excepted employees, except for activities related to unemployment benefits of employees who had requested unemployment benefits. GSA emailed the EAC's HR Director on January 17 to explain that GSA could not perform work for the EAC while furloughed.

As you are aware, the Committee is concerned about the possibility of a vacancy in the Executive Director position when Mr. Brian Newby's term expires some time in November 2019. As you correctly noted during the EAC's Oversight Hearing, HAVA Sec. 204(a)(2) provides that "An Executive Director may serve for a longer period only if reappointed for an additional term or terms by a vote of the Commission."

Commissioner Palmer will serve as an important vote in the decision of whether to continue your existing Executive Director's term. Yet Commissioner Palmer was hired to the EAC by the current Executive Director, and received at least $73,946 from the agency during the current Executive Director's term, raising questions about the appearance of a quid pro quo and a conflict of interest with regard to voting on Mr. Newby's continuance.

j. **Does Commissioner Palmer have an ethics waiver to vote on continuing Mr. Newby's tenure as Executive Director since he was being paid by Mr. Newby as a part-time employee while Mr. Newby was Executive Director?**
The agency has not discussed an ethics waiver with the Office of Government Ethics (OGE) as the General Counsel is not certain that a waiver is necessary. However, he has broached

the subject with the OGE and anticipates continued discussions with OGE. Any waiver, if necessary would involve a consult with the OGE prior to a waiver being granted.

k. **Should he recuse himself from this vote?**
It is the EAC's General Counsel's position that no Commissioner is in a position to be recused from this vote at this time without further consultation with OGE.

l. **Please provide the Committee with a formal ethics opinion on this question by August 12, 2019.**
A formal opinion is not available at this time. However, an opinion may be provided after our consultation with OGE.

We appreciate the agency's willingness to be forthcoming about its personnel decisions. Per Question 23, the Committee requested information on "all staff, consultants, or any other person paid any amount during Executive Director Brian Newby's tenure at the EAC." Responding to our question, you noted in Attachment G that Mr. Palmer's employment with the EAC as a part-time employee ran from January 1, 2018, to February 4, 2019. Yet in an e-mail from Cristy McCormick to Andrew Kossack dated July 30, 2017 and recommending that "we consider hiring Don Palmer to oversee/consultant [sic] on the data project," of the Presidential Advisory Commission on Election Integrity (or the "Kobach Commission") Ms. McCormick referenced that Mr. Palmer is "currently working on an NVRA project for the EAC as a contractor." Mr. Newby was appointed in November 2015, so the contract referenced here by Ms. McCormick would have been awarded during Mr. Newby's tenure. Yet this contractor position was not reflected in your answers to the Committee.

m. **Please provide clarity on the dates of Mr. Palmer's employment with the EAC.**
Mr. Palmer worked for the EAC beginning January 1, 2018, until he was confirmed by the U.S. Senate as a Commissioner. The EAC was not operating at this time due to a lengthy government shutdown. His paperwork was changed to reflect his start date when he and Ben Hovland began service as EAC Commissioners in the first pay period following the end of the government shutdown.

n. **Ms. McCormick referred to Mr. Palmer as an EAC consultant as of July 2017. Please provide his contract for this specific position.**
Mr. Palmer did not work as a consultant to the EAC in July 2017 and, in fact, never worked as a consultant for the EAC.

o. **Please provide clarity on whether Mr. Palmer was initially a consultant, and subsequently hired as a part-time employee. If so, please provide the total amount paid for his initial consultancy distinct from the $73,946 you mentioned in Attachment G.**
Mr. Palmer did not work as a consultant to the EAC in July 2017 and, in fact, never worked as a consultant for the EAC.

p. **What were Mr. Palmer's major deliverables and accomplishment during his consultancy?**

Mr. Palmer provided regular advice to EAC on the NVRA and election administration best practices. For example, he monitored NVRA litigation across the country, including the Supreme Court case of *Husted v. A. Philip Randolph Institute* that defined the parameters of address list maintenance permissible under the NVRA. He researched and provided a briefing at the EAC Data Summit proposing a summary of new technological options available to states and counties in conducting list maintenance. In that appearance, he participated on a panel of experts to highlight local best practices in voter registration maintenance. In the course of his research, he interviewed a number of state and local election officials in the development of best practices in list maintenance to supplement the FEC former guidance on the NVRA, and provided written content to staff for the future development of a number of quick start guides designed to be used by state and local election officials.

q. **In that email, Ms. McCormick refers to Mr. Palmer as "a believer in the cause" while referring him to work in elections oversight. Please explain Ms. McCormick's statement.**
The EAC was created with the passage of the Help America Vote Act (HAVA) under the premise that all voting-age Americans should be able to freely and conveniently vote in a an independent, secure, and private manner. Chairwoman McCormick, like her fellow EAC Commissioners, are committed to these values. Ms. McCormick worked for the Department of Justice on assignment in Iraq and saw first-hand the difficulty members of the military encountered to vote, and she knew that Mr. Palmer, a military veteran, had experienced this as well and like his election administrator peers, also had a commitment to the values protected by HAVA. (Commissioner McCormick).

Additional Questions.

Supplemental Question 1. Committee on House Administration staff have twice privately requested a copy of the OPM Report referenced during the Committee's Oversight hearing. EAC staff has not provided a copy to this Committee and has not responded to either of the two requests.

a. **Please provide a copy of the OPM report with your answers to these questions.**
We apologize for this oversight. Upon reading these questions, our General Counsel realized the report had not been sent and has since responded to staff of both parties with the report as provided to Senate Committee on Rules and Administration staff.

Supplemental Question 2. On July 14, 2019 the AP reported that voting machines provided by two of the three major vendors (ES&S and Hart) run on dated versions of Microsoft Windows. On January 14, 2020—the 10-year anniversary of the release of Windows 7—Microsoft will stop supporting security updates for Windows 7. That Microsoft will cease support is not a new revelation. As early as 2012 it was well known that in 2020 Microsoft would stop supporting security patches for Windows 7. The AP story also reported that the EAC has recently certified voting machines that run on Windows 7 (as recently as the

spring of 2019) and will not have security updates from Microsoft within 6 months of certification.

a. **Does the EAC certification process evaluate the underlying software the machine runs on? If so, how?**
Yes, the EAC's testing and certification process evaluates the underlying software of a voting system. In order to be certified by the EAC, a voting system must meet all of the requirements of the applicable voting system standard (i.e. Voluntary Voting System Guidelines 1.0). Section 5 of VVSG 1.0 Volume I describes software requirements.

b. **Does the EAC de-certify machines that run on Windows (or other operating systems) when the parent company ceases to put out security patches?**
Decertification of an election system has wide-reaching consequences, affecting manufacturers, election administration at the state and local levels, as well as voters. The EAC takes the matter of decertification very seriously and has a specific policy in place to handle such action. Per that policy, when there is credible information presented to the EAC that a system is not in compliance with the VVSG, the agency begins the process of decertifying that system in accordance with the policy detailed in Section 7 of the Voting System Testing and Certification Manual. The decertification policy is included as **Attachment B** for your information.

Based on the decertification policy detailed in the Voting System Testing and Certification Manual, the EAC does not have grounds to decertify any ES&S product that uses software that is no longer supported by a third-party vendor. These products have been previously certified to be in compliance with the VVSG and this certification continues to the present.

c. **Would a machine fail certification if it were running an operating system that was no longer being supported for security patches?**
Yes.

d. **Is there a cut-off for how far into the future the operating system needs to support security patches to pass certification?**
No. Neither the Voluntary Voting System Guidelines nor the EAC's Testing & Certification Program Manual determine a cut-off.

e. **Would a machine pass if the operating system was not going to be supported in one month? Six months?**
All voting systems must meet applicable voting systems standards. A voting system would be certified if it meets these standards.

f. **How will the EAC handle ES&S products running on Windows 7 after patches are discontinued on January 14, 2020?**
The EAC has independently reached out to Microsoft to request information about its plan to support aging software and whether vendors and election officials will have access to software support that protects their systems. We learned that Microsoft had already announced that it would offer extended security updates for Windows 7 for a nominal cost per license through 2023. Microsoft advised the EAC directly that it "made

a commitment to provide 10 years of product support for Windows 7 when it was released on October 22, 2009. When this 10-year period ends, Microsoft will discontinue Windows 7 support. The specific end of support day for Windows 7 will be January 14, 2020. Microsoft's goal however is to keep people secure. For this reason, Microsoft has not only provided long lead times in notifying customers of the end of life for Windows 7, but has also offered low price paid extended security updates through 2023."

g. **Would the EAC decertify those machines? If not, why not?**
Based on the decertification policy detailed in the Voting System Testing and Certification Manual, the EAC does not have grounds to decertify any ES&S product that uses software that is no longer supported by a third-party vendor. These products have been previously certified to be in compliance with the VVSG and this certification continues to the present.

h. **For ES&S machines that run Windows 7, does the EAC need to recertify a machine if ES&S subsequently upgrades to Windows 10? If so, are there any machines currently in the certification process? What is the best estimate of when the machines will be certified?**
In May 2019, ES&S submitted for certification a modification to its EVS system. This modification includes the use of Windows 10, as well as Windows Server 2016 for its election management system. The test plan has been approved by the EAC and testing is underway. The best estimate for this voting system to be certified is mid-October 2019.

Attachment A

U.S. ELECTION ASSISTANCE COMMISSION
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

2019 Election Assistance Commission Statement on Non-Discrimination and Equal Employment Opportunity

The U.S. Election Assistance Commission (EAC) is firmly committed to promoting and maintaining a work environment that ensures equality of opportunity for all of its employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, genetic information, sexual orientation, gender identity, political affiliation, marital status, parental status, or retaliation for participating in equal employment opportunity activity. Therefore, in accordance with Title VII of the Civil Rights Act of 1964, as amended; the Civil Rights Act of 1991; the Age Discrimination Act, as amended; the Rehabilitation Act of 1973, as amended, the Genetic Information Nondiscrimination Act of 2008, Presidential Executive Orders, and all other relevant laws, regulations, and agency practices, it is the intent of the EAC to prohibit discrimination in the terms, conditions, and privileges of employment.

Our mission is to serve all voters and to work with states and other federal agencies to improve the administration and conduct of elections and to insure confidence and integrity in the election process. Given our mission, it is appropriate that we ensure that our own employees are afforded a fair opportunity to develop and to contribute fully to the achievement of the EAC mission. If we are to succeed in helping a diverse population of voters from all over America, EAC's workforce must reflect the very best that our county has to offer, and maximize the use of diverse employees and their talents. Our human resources programs must reflect equal opportunity in areas of hiring, professional growth, promotion, leadership development and training. Not only do we seek the most qualified persons to perform our tasks, but we also seek a workforce that is representative of America. This principle is not only based in law; it is the right thing to do.

The EAC prohibits discrimination in all aspects of its personnel and employment practices and procedures and management practices and decisions, including, but not limited to, recruitment/hiring, merit promotion, transfer, reassignments, training and career development, benefits, and separation. We promote programs of affirmative recruitment and employment at all levels of the EAC. The EAC subscribes to, and will implement to the full extent, all applicable laws that promote equality of opportunity. The EAC expects all employees, supervisors, managers, and senior leadership to commit and adhere to sharing the responsibility of maintaining a work environment that is free of discrimination,

retaliation, and harassment. The EAC takes allegations of discrimination, retaliation, and harassment seriously. Therefore, if any employee or applicant believes he or she has been discriminated against, you may pursue your claim through EAC's Employment Discrimination Process. All allegations will be immediately investigated and handled with the appropriate level of confidentiality. Where allegations are substantiated, appropriate action will be taken. All EAC staff will be held accountable for their conduct and performance as public servants. Employees are expected to promptly bring any concerns about discrimination, retaliation, or harassment, in any form, to the attention of management. Managers are expected to promptly identify and correct any discriminatory practices and behavior.

The EAC is firmly committed to fostering a culture that values diversity and complies with our nation's equal employment opportunity and civil rights laws. Diversity enhances EAC's ability to accomplish its mission by bringing people together with a wide range of skills, approaches and experience. The EAC is also committed to creating and maintaining both a high quality work environment for all employees and an Agency that delivers programs and services to all people with utmost fairness, integrity, and equality.

Dated this 3 day of May 2019

Brian D. Newby, Executive Director

Attachment B

7. Decertification

7.1. **Overview.** Decertification is the process by which the EAC revokes a certification previously granted to a voting system. It is an important part of the Certification Program because it serves to ensure the standards of the program are followed and certified voting systems fielded for use in Federal elections maintain the same level of quality as those presented for testing. Decertification is a serious matter. Its use will significantly affect Manufacturers, State and local governments, the public, and the administration of elections. As such, the process for Decertification is complex. It is initiated when the EAC receives information that a voting system may not be in compliance with the Voluntary Voting System Guidelines or the procedural requirements of this Manual. Upon receipt of this information, the Program Director may initiate an Informal Inquiry to determine the credibility of the information. If the information is credible and suggests the system is non-compliant, a Formal Investigation will be initiated. If the results of the Formal Investigation demonstrate non-compliance, the Manufacturer will be provided a Notice of Non-Compliance. Before a final decision on Decertification is made, the Manufacturer will have the opportunity to remedy any defects identified in the voting system and present information for consideration by the Decertification Authority. A Decertification of a voting system may be appealed in a timely manner.

7.2. **Decertification Policy.** Voting systems certified by the EAC are subject to Decertification. Systems shall be decertified if (1) they are shown not to meet applicable Voluntary Voting System Guidelines standards, (2) they have been modified or changed without following the requirements of this Manual, or (3) the Manufacturer has otherwise failed to follow the procedures outlined in this Manual and the quality, configuration, or compliance of the system is in question. Systems will be decertified only after completion of the process outlined in this chapter.

7.3. **Informal inquiry.** An Informal Inquiry is the first step taken when information is presented to the EAC that suggests a voting system may not be in compliance with the Voluntary Voting System Guidelines standards or the procedural requirements of this Manual.

7.3.1. Informal Inquiry Authority. The authority to conduct an Informal Inquiry shall rest with the Program Director.

7.3.2. Purpose. The sole purpose of the Informal Inquiry is to determine whether a Formal Investigation is warranted. The outcome of an Informal Inquiry is limited to a decision on referral for investigation.

7.3.3. Procedure. Informal Inquiries do not follow a formal process.

7.3.3.1. *Initiation.* Informal Inquiries are initiated at the discretion of the Program Director. They may be initiated any time the Program Director receives

attributable, relevant information that suggests a certified voting system may require Decertification. The information shall come from a source that has directly observed or witnessed the reported occurrence. Such information may be a product of the Certification Quality Monitoring Program (see Chapter 8). Information may also come from State and local election officials, voters or others who have used or tested a given voting system. The Program Director may notify a Manufacturer that an Informal Inquiry has been initiated, but such notification is not required. Initiation of an inquiry shall be documented through the creation of a Memorandum for the Record.

7.3.3.2. *Inquiry*. The Informal Inquiry process is limited to inquiries necessary to determine whether a Formal Investigation is required. In other words, the Program Director shall conduct such inquiry necessary to determine (1) the accuracy of the information obtained; and (2) if the information, if true, would serve as a basis for Decertification. The nature and extent of the inquiry process will vary depending on the source of the information. For example, an Informal Inquiry initiated as a result of action taken under the Certification Quality Monitoring Program will often require the Program Director merely to read the report issued as a result of the Quality Monitoring action. On the other hand, information provided by election officials or by voters who have used a voting system may require the Program Director (or assigned technical experts) to perform an in-person inspection or make inquiries of the Manufacturer.

7.3.3.3. *Conclusion*. An Informal Inquiry shall be concluded after the Program Director determines the accuracy of the information that initiated the inquiry and whether that information, if true, would warrant Decertification. The Program Director may make only two conclusions: (1) refer the matter for a Formal Investigation or (2) close the matter without additional action or referral.

7.3.4. Closing the Matter without Referral. If the Program Director determines, after Informal Inquiry, a matter does not require a Formal Investigation, the Program Director shall close the inquiry by filing a Memorandum for the Record. This document shall state the focus of the inquiry, the findings of the inquiry and the reasons a Formal Investigation was not warranted.

7.3.5. Referral. If the Program Director determines, after Informal Inquiry, a matter requires a Formal Investigation, the Program Director shall refer the matter in writing to the Decision Authority. In preparing this referral, the Program Director:

7.3.5.1. State the facts that served as the basis for the referral.

7.3.5.2. State the findings of the Program Director.

7.3.5.3. Attach all documentary evidence that served as the basis for the conclusion.

7.3.5.4. Recommend a Formal Investigation, specifically stating the system to be investigated and the scope and focus of the proposed investigation.

7.4. **Formal Investigation.** A Formal Investigation is an official investigation to determine whether a voting system warrants Decertification. The end result of a Formal Investigation is a Report of Investigation.

7.4.1. Formal Investigation Authority. The Decision Authority shall have the authority to initiate and conclude a Formal Investigation by the EAC.

7.4.2. Purpose. The purpose of a Formal Investigation is to gather and document relevant information sufficient to make a determination on whether an EAC-certified voting system warrants Decertification consistent with the policy put forth in Section 7.2.

7.4.3. Initiation of Investigation. The Decision Authority shall authorize the initiation of an EAC Formal Investigation.

7.4.3.1. *Scope.* The Decision Authority shall clearly set the scope of the investigation by identifying (in writing) the voting system (or systems) and specific procedural or operational non-conformance to be investigated. The non-conformance to be investigated shall be set forth in the form of numbered allegations.

7.4.3.2. *Investigator.* The Program Director shall be responsible for conducting the investigation unless the Decision Authority appoints another individual to conduct the investigation. The Program Director (or Decision Authority appointee) may assign staff or technical experts, as required, to investigate the matter.

7.4.4. Notice of Formal Investigation. Upon initiation of a Formal Investigation, notice shall be given to the Manufacturer of the scope of the investigation, which shall include:

7.4.4.1. Identification of the voting system and specific procedural or operation non-conformance being investigated (scope of investigation).

7.4.4.2. An opportunity for the manufacturer to provide relevant information in writing.

7.4.4.3. An estimated timeline for the investigation.

7.4.5. Investigation. Investigations shall be conducted impartially, diligently, promptly, and confidentially and shall utilize appropriate techniques to gather the necessary information.

7.4.5.1. *Fair and Impartial Investigation.* All Formal Investigations shall be conducted in a fair and impartial manner. All individuals assigned to an investigation must be free from any financial conflicts of interest.

7.4.5.2. *Diligent Collection of Information.* All investigations shall be conducted in a meticulous and thorough manner. Investigations shall gather all relevant information and documentation that is reasonably available. The diligent collection of information is vital for informed decision making.

7.4.5.3. *Prompt Collection of Information.* Determinations that may affect the administration of Federal elections must be made in a reasonable, yet expedited manner. The EAC's determinations on Decertification will affect the actions of State and local election officials conducting elections and as such, all investigations regarding Decertification must proceed with an appropriate sense of urgency.

7.4.5.4. *Confidential Collection of Information.* Consistent with Federal law, information pertaining to a Formal Investigation should not be made public until the Report of Investigation is complete. The release of incomplete and unsubstantiated information or predecisional opinions that may be contrary or inconsistent with the final determination of the EAC could cause public confusion or could unnecessarily negatively affect public confidence in active voting systems. Such actions could serve to impermissibly affect election administration and voter turnout. All predecisional investigative materials must be appropriately safeguarded.

7.4.5.5. *Methodologies.* Investigators shall gather information by means consistent with the four principles noted above. Investigative tools include (but are not limited to) the following:

7.4.5.5.1. Interviews. Investigators may interview individuals (such as State and local election officials, voters, or manufacturer representatives). All interviews shall be reduced to written form; each interview should be summarized in a statement that is reviewed, approved, and signed by the interviewee.

7.4.5.5.2. Field audits.

7.4.5.5.3. Manufacturer site audits.

7.4.5.5.4. Written interrogatories. Investigators may pose specific, written questions to the Manufacturer for the purpose of gathering information relevant to the investigation. The Manufacturer shall

respond to the queries within a reasonable timeframe (as specified in the request).

7.4.5.5.5. System testing. Testing may be performed in an attempt to reproduce a condition or failure that has been reported. This testing will be conducted at a VSTL as designated by the EAC.

7.4.5.6. *Report of Investigation.* The end result of a Formal Investigation is a Report of Investigation.

7.4.6. Report of Investigation. The Report of Investigation serves primarily to document: (1) all relevant and reliable information gathered in the course of the investigation; and (2) the conclusion reached by the Decision Authority.

7.4.6.1. *When Complete.* The report is complete and final when certified and signed by the Decision Authority.

7.4.6.2. *Contents of the Report of Investigation.* The following shall be included in the written report:

7.4.6.2.1. The scope of the investigation, identification of the voting system and specific matter investigated.

7.4.6.2.2. Description of the investigative process employed.

7.4.6.2.3. Summary of the relevant and reliable facts and information gathered in the course of the investigation.

7.4.6.2.4. All relevant and reliable evidence collected in the course of the investigation that documents the facts shall be documented and attached.

7.4.6.2.5. Analysis of the information gathered.

7.4.6.2.6. Statement of the findings of the investigation.

7.4.7. Findings, Report of Investigation. The Report of Investigation shall state one of two conclusions. After gathering and reviewing all applicable facts, the report shall find each allegation investigated to be either (1) substantiated or (2) unsubstantiated.

7.4.7.1. *Substantiated Allegation.* An allegation is substantiated if a preponderance of the relevant and reliable information gathered requires the voting system in question

to be decertified (consistent with the policy set out in Section 7.2). If any allegation is substantiated a Notice of Non-Compliance shall be issued.

7.4.7.2. *Unsubstantiated Allegation.* An allegation is unsubstantiated if the preponderance of the relevant and reliable information gathered does not warrant Decertification (see Section 7.2). If all allegations are unsubstantiated, the matter shall be closed and a copy of the report forwarded to the Manufacturer.

7.4.8. Publication of Report. The report shall not be made public nor released to the public until final.

7.5. Effect of Informal Inquiry or Formal Investigation on Certification. A voting system's EAC certification is not affected by the initiation or conclusion of an Informal Inquiry or Formal Investigation. Systems under investigation remain certified until a final Decision on Decertification is issued by the EAC.

7.6. Notice of Non-Compliance. If an allegation in a Formal Investigation is substantiated, the Decision Authority shall send the Manufacturer a Notice of Non-Compliance. The Notice of Non-Compliance is not, itself, a Decertification of the voting system. The purpose of the notice is to (1) notify the Manufacturer of the non-compliance and the EAC's intent to Decertify the system; and (2) inform the Manufacturer of its procedural rights so that it may be heard prior to Decertification.

7.6.1. Noncompliance Information. The following shall be included in a Notice of Non-Compliance:

7.6.1.1. A copy of the Report of Investigation to the Manufacturer.

7.6.1.2. The non-compliance, consistent with the Report of Investigation.

7.6.1.3. Notification to the Manufacturer that if the voting system is not made compliant, the voting system will be decertified.

7.6.1.4. State the actions the Manufacturer must take, if any, to bring the voting system into compliance and avoid Decertification.

7.6.2. Manufacturer's Rights. The written Notice of Non-compliance shall also inform the Manufacturer of its procedural rights under the program, which include the following:

7.6.2.1. *Right to Present Information Prior to Decertification Decision.* The Manufacturer shall be informed of its right to present information to the Decision Authority prior to a determination of Decertification.

7.6.2.2. *Right to Have Access to the Information That Will Serve as the Basis of the Decertification Decision.* The Manufacturer shall be provided the Report of Investigation and any other materials that will serve as the basis of an agency Decision on Decertification.

7.6.2.3. *Right to Cure System Defects Prior to the Decertification Decision.* A Manufacturer may request an opportunity to cure within 20 calendar days of its receipt of the Notice of Non-Compliance.

7.7. **Procedure for Decision on Decertification.** The Decision Authority shall make and issue a written Decision on Decertification whenever a Notice of Non-Compliance is issued. The Decision Authority will not take such action until the Manufacturer has had a reasonable opportunity to cure the non-compliance and submit information for consideration.

7.7.1. Opportunity to Cure. The Manufacturer shall have an opportunity to cure a non-conformant voting system in a *timely* manner prior to Decertification. A cure shall be considered timely when the process can be completed before the next Federal election, meaning that any proposed cure must be in place before *any* individual jurisdiction fielding the system holds a Federal election. The Manufacturer must request the opportunity to cure and if the request is approved, a compliance plan must be created, approved by the EAC, and adhered to. If the cure process is successfully completed, a Manufacturer may modify a non-compliant voting system, remedy procedural discrepancies, or otherwise bring its system into compliance without resubmission or Decertification.

7.7.1.1. *Manufacturer's Request to Cure.* Within 10 calendar days of receiving the EAC's Notice of Non-Compliance, a Manufacturer may request an opportunity to cure all defects identified in the Notice of Non-Compliance in a *timely* manner. The request must be sent to the Decision Authority and outline how the Manufacturer intends to modify the system, update the technical information (as required by Section 4.3.2), have a VSTL create a test plan and test the system, and obtain EAC approval before the next election for Federal office.

7.7.1.2. *EAC Action on Request.* The Decision Authority will review the request and approve it if the defects identified in the Notice of Non-Compliance may reasonably be cured before the next election for Federal office.

7.7.1.3. *Manufacturer's Compliance Plan.* Upon approval of the Manufacturer's request for an opportunity to cure, the Manufacturer shall submit a compliance plan to the Decision Authority for approval. This compliance plan must set forth the steps to be taken (including time frames) to cure all identified defects in a timely manner. The plan shall describe the proposed changes to the system, provide for modification of the system, update the technical information required by Section 4.3.2, include a test plan delivered to the EAC by the VSTL (testing the system

consistent with Section 4.4.2.3), and provide for the VSTL's testing of the system and submission of the test report to the EAC for approval. The plan shall also include a schedule of periodic progress reports to the Program Director.[2]

7.7.1.4. *EAC Action on the Compliance Plan.* The Decision Authority must review and approve the compliance plan. The Decision Authority may require the Manufacturer to provide additional information and modify the plan as required. If the Manufacturer is unable or unwilling to provide a Compliance Plan acceptable to the Decision Authority, the Decision Authority shall provide written notice terminating the "opportunity to cure" process.

7.7.1.5. *VSTL's Submission of the Compliance Plan Test Report.* The VSTL shall submit the test report created pursuant to the Manufacturer's EAC-approved Compliance Plan. The EAC shall review the test report and any other necessary or relevant materials. The report will be reviewed by the EAC in a manner similar to the procedures described in Chapter 4 of this Manual.

7.7.1.6. *EAC Decision on the System.* After receipt of the VSTL's test report, the Decision Authority shall issue a decision within 20 working days.

7.7.2. Opportunity to Be Heard. The Manufacturer may submit written materials in response to the Notice of Non-Compliance and Report of Investigation. These documents shall be considered by the Decision Authority when making a determination on Decertification. The Manufacturer shall ordinarily have 20 calendar days from the date it received the Notice of Non-Compliance (or in the case of a failed effort to cure, the termination of that process) to deliver its submissions to the Decision Authority. When warranted by public interest (because a delay in making a determination on Decertification would affect the timely, fair, and effective administration of a Federal election), the Decision Authority may request a Manufacturer to submit information within a condensed timeframe. This alternative period (and the basis for it) must be stated in the Notice of Non-Compliance and must allow the Manufacturer a reasonable amount of time to gather its submissions. Submissions may include the following materials:

7.7.2.1. A written argument responding to the conclusions in the Notice of Non-Compliance or Report of Investigation.

7.7.2.2. Documentary evidence relevant to the allegations or conclusions in the Notice of Non-Compliance.

[2] Manufacturers should also be cognizant of State certification procedures and local pre-election logic and accuracy testing. Systems that meet EAC guidelines will also be impacted by independent State and local requirements. These requirements may also prevent a system from being fielded, irrespective of EAC Certification.

7.7.3. Decision on Decertification. The Decision Authority shall make an agency determination on Decertification.

7.7.3.1. *Timing*. The Decision Authority shall promptly make a decision on Decertification. The Decision Authority may not issue such a decision, however, until the Manufacturer has provided all of its written materials for consideration or the time allotted for submission (usually 20 calendar days) has expired.

7.7.3.2. *Considered Materials*. The Decision Authority shall review and consider all relevant submissions by the Manufacturer. To reach a decision on Decertification, the Decision Authority shall consider all documents that make up the record and any other documented information deemed relevant.

7.7.3.3. *Agency Decision*. The Decision Authority shall issue a written Decision on Decertification after review of applicable materials. This decision shall be the final decision of the agency. The following shall be included in the decision:

7.7.3.3.1. The agency's determination on the Decertification, specifically addressing the areas of non-compliance investigated.

7.7.3.3.2. The issues raised by the Manufacturer in the materials it submitted for consideration.

7.7.3.3.3. Facts, evidence, procedural requirements, and/or voting system standards (VVSG or VSS) that served as the basis for the decision.

7.7.3.3.4. The reasoning for the decision.

7.7.3.3.5. Documented information, identified and provided as an attachment, that served as a basis for the decision and that was not part of the Manufacturer's submission or the Report of Investigation.

7.7.3.3.6. Notification to the Manufacturer of its right to appeal.

7.8. Effect of Decision Authority's Decision on Decertification. The Decision Authority's Decision on Decertification is the determination of the agency. A Decertification is effective upon the EAC's Publication or Manufacturer's receipt of the decision (whichever is earlier). A Manufacturer that has had a voting system decertified may appeal that decision.

7.9. Appeal of Decertification. A Manufacturer may, upon receipt of a Decision on Decertification, request an appeal in a timely manner.

7.9.1. Requesting Appeal.

7.9.1.1. *Submission*. Requests must be submitted by the Manufacturer in writing to the Chair of the U.S. Election Assistance Commission.

7.9.1.2. *Timing of Appeal*. The Manufacturer may request an appeal within 20 calendar days of receipt of the Agency Final Decision on Decertification. Late requests will not be considered.

7.9.1.3. *Contents of Request*. The following actions are necessary for the Manufacturer to write and submit a request for appeal:

7.9.1.3.1. Clearly state the specific conclusions of the Final Decision the Manufacturer wishes to appeal.

7.9.1.3.2. Include additional written argument, if any.

7.9.1.3.3. Do not reference or include any factual material not previously considered or submitted to the EAC.

7.9.1.4. *Effect of Appeal on Decertification*. The initiation of an appeal does not affect the decertified status of a voting system. Systems are decertified upon notice of Decertification in the agency's Decision on Decertification (see Section 7.8).

7.9.2. Consideration of Appeal. All timely appeals will be considered by the Appeal Authority.

7.9.2.1. The Appeal Authority shall consist of two or more EAC Commissioners or other individual(s) designated by the Commissioners who has not previously served as an investigator, advisor, or decision maker in the Decertification process.

7.9.2.2. All decisions on appeal shall be based on the record.

7.9.2.3. The decision of the Decision Authority shall be given deference by the Appeal Authority. Although it is unlikely that the scientific certification process will produce factual disputes, in such cases, the burden of proof shall belong to the Manufacturer to demonstrate by clear and convincing evidence that its voting system met all substantive and procedural requirements for certification. In other words, the determination of the Decision Authority will be overturned only when the Appeal Authority finds the ultimate facts in controversy highly probable.

7.9.3. Decision on Appeal. The Appeal Authority shall issue a written, final Decision on Appeal that shall be provided to the Manufacturer. Each Decision on Appeal shall be final and

binding and no additional appeal shall be granted. The following shall be included in a Decision on Appeal:

7.9.3.1. The final determination of the agency.

7.9.3.2. The matters raised by the Manufacturer on appeal.

7.9.3.3. The reasoning behind the decision.

7.9.3.4. Statement that the decision on appeal is final.

7.9.4. Effect of Appeal.

7.9.4.1. *Grant of Appeal.* If a Manufacturer's appeal is granted in whole, the decision of the Decision Authority shall be reversed and the voting system shall have its certification reinstated. For purposes of this program, the system shall be treated as though it was never decertified.

7.9.4.2. *Denial of Appeal.* If a Manufacturer's appeal is denied in whole or in part, the decertification decision of the Decision Authority shall be upheld. Therefore, the voting system shall remain decertified and no additional appeal shall be made available.

7.10. **Effect of Decertification.** A decertified voting system no longer holds an EAC certification under the EAC Certification Program. For purposes of this Manual and the program, a decertified system will be treated as any other uncertified voting system. As such, the effects of Decertification are as follows:

7.10.1. The Manufacturer may not represent the voting system as certified.

7.10.2. The voting system may not be labeled with a Mark of Certification.

7.10.3. The voting system will be removed from the EAC's list of certified systems.

7.10.4. The EAC will notify State and local election officials of the Decertification.

7.11. **Recertification.** A decertified system may be resubmitted for certification. Such systems shall be treated as any other system seeking certification. The Manufacturer shall present an application for certification consistent with the instructions of this Manual.

THE ROLES AND RESPONSIBILITIES OF THE COMMISSIONERS AND EXECUTIVE DIRECTOR OF THE U.S. ELECTION ASSISTANCE COMMISSION

The purpose of this policy is to identify the specific roles and responsibilities of the U.S. Election Assistance Commission (EAC) Executive Director and its four Commissioners in order to improve the operations of the agency. While the Commissioners serve as the authority to approve EAC policy, HAVA provides for an Executive Director and staff in order to carry out the administration of the agency, its day-to-day management and the implementation of agency policy. The following policy outlines the general roles and responsibilities of the Commissioners and delegates certain authorities to the EAC Chair and Executive Director. Specific areas of responsibility, processes and prohibitions are also identified.

I. Roles – Generally.

EAC is a collegial body headed by four commissioners. HAVA requires that any action of the commissioners be carried out only with the approval (vote) of at least three. (42 U.S.C. §15328). In addition, as a collegial body, the EAC is subject to the procedural requirements of the Government in the Sunshine Act (5 U.S.C. §552b). This requires that any deliberations of three or more commissioners concerning the conduct of official agency business be noticed and take place in public.[1] (5 U.S.C. §552b(a)(2)). Ultimately, if all functions of the Commission (large and small) were performed by the commissioners, the onerous public meeting process would make the agency unable to function in a timely and effective matter. Recognizing these facts, HAVA provides the EAC with an Executive Director and staff. (42 U.S.C. §15324).

While HAVA says little about the roles of the Executive Director and the Commissioners, a review of the statute, the structure of the EAC and EAC's mission suggest a general division of responsibility as follows:

1. **Commissioners shall take action in areas of policy.** Policy is a high-level determination, setting an overall agency goal/objective or otherwise setting rules, guidance or guidelines at the highest level. Policy makers set organizational purpose, or the ends the agency seeks to achieve. They leave the means by which the ends are achieved or policy is implemented to the discretion of the Executive Director. The EAC only makes policy through the formal voting process.

2. **The Executive Director is expected to: (1) prepare policy for commissioner approval, (2) implement policies once made, and (3) take responsibility for administrative matters.** The Executive Director may carry out these responsibilities by delegating matters to staff. Individual commissioners shall not direct EAC staff.

What follows is (1) a listing of those matters that must be decided by a vote of the commissioners, (2) a delegation of authority for the Chair or Vice Chair (when acting as Chair) of the EAC, and (3) a delegation of authority for the Executive Director and staff.

[1] There are exceptions to the requirement, allowing the Commission's meetings to be closed. (5 U.S.C. §552b(c)(1) – (10)). However, this must be done only after proper notice.

II. Roles – Commissioners.

The following identifies policy issues requiring a vote of the commissioners. Also discussed is a description of how to document these decisions and the roles of staff in the policy process.

Matters Requiring a Vote of the Commissioners. Overall, the Commissioners establish policy regarding the mission, goals and objectives of the EAC. The following may only be accomplished by vote of the Commissioners.

1. Matters of agency strategic planning, objective and policy:

   - Adoption of NVRA regulations, voluntary guidance under HAVA Section 311, Voluntary Voting System Guidelines, program manuals and other policies of general applicability that impact parties outside of the EAC;
   - Adoption of an annual EAC research plan;
   - Issuance of EAC advisories; and
   - Issuance of Policy Directives. A policy directive is a document which states agency goals and objectives or sets the scope of an EAC program. It is a means by which the commissioners may make a policy statement or determination in any area of EAC operations. A policy directive is a short, simple document that informs staff of the high-level goals or objectives for a particular EAC program or operation. This tool provides the commissioners with a means to set and document policy in a transparent way, which provides clear guidance to implementing staff.

2. Executive operational matters:

   - Adoption of reports to be submitted to Congress (except Inspector General reports);
   - Adoption of public meeting or hearing agendas;
   - Appointment of the Executive Director, General Counsel, and Inspector General;
   - Appointment of the Chair and Vice Chair of the Commission;
   - Adoption of EAC annual budget request. In the event that the budget appropriated by Congress provides funds for EAC operations in an amount which differs by more than 10% from the budget request originally approved by the commissioners, the annual budget execution plan shall also be approved by vote of the commissioners;
   - Adoption of EAC strategic plan;
   - Adoption or acceptance of EAC research;

- Accreditation of EAC Voting System Test Laboratories; and
- Action on appeals of audit resolutions and other matters as set forth in approved manuals or regulations.

Policy Documentation. Each of the actions noted above must be accomplished by an affirmative vote of three or more commissioners. This action will be documented either through a vote to adopt a specified document (such as a report to Congress or a budget), take a stated action or issue a Policy Directive. Votes shall be taken consistent with the voting procedures adopted by the EAC.

Executive Director Responsibilities. Matters subject to a vote of the commissioners require active participation by the Executive Director and staff. The Executive Director and staff shall provide research, prepare draft policies and otherwise assist the commissioners in developing policy documents. The Executive Director shall develop written procedures concerning the process by which agency policy or executive operational matters are researched, developed, reviewed and finally approved. For issues identified above as *matters of agency strategic planning, objective and policy*, each procedure shall have (at a minimum) the following elements: (1) An initial presentation at a staff briefing where particular issue(s) or question(s) associated with the policy are presented to commissioners; (2) An initial discussion at a public meeting to introduce the issue to the public, set priorities, allow for early commissioner discussion, and display initial commissioner viewpoints; (3) a staff team, led by a subcommittee of two commissioners, to develop a proposed policy; (4) additional briefings, public meetings and public hearings if necessary to collect and share information and keep the public and commission informed; and (5) final action at a public meeting to allow additional commissioner dialog and vote on any proposed policy. The procedure shall also provide a means for the commissioners to expedite the policy making process when necessary.

III. Roles – EAC Chair.

In order to promote the effective administration of agency business, it is recognized that some matters must be managed promptly by a single individual.

Matters Delegated to the Chair. The following roles and responsibilities of the commissioners are delegated to the Chair of the commission or, in the event the Chair is not able to act, the Vice Chair.

1. Preside over all public meetings, hearings or other official EAC functions;

2. Serve as the primary spokesperson of the EAC;

3. Schedule, notice and call EAC public meetings, hearings and other events;

4. Create and assign commissioners to subcommittees;

5. Assign commissioners or staff to serve as Designated Federal Officers to EAC Advisory Committees.

6. Serve as the reporting official for and provide administrative direction to the Executive Director. In this capacity the Chair shall form an Executive Director Performance Evaluation Subcommittee composed of the Chair and Vice Chair. This subcommittee shall be responsible for:

   a. Identifying and documenting performance expectations for the Executive Director. The subcommittee shall draft written performance goals and measures. In doing so, the subcommittee shall request and consider written input from each commissioner. Upon completion, the subcommittee shall provide each commissioner with the proposed performance goals and measures for review and comment, before a final document is issued to the Executive Director.

   b. The Executive Director's performance evaluation (including—at a minimum—a midterm review and annual review). The subcommittee shall request written feedback from each of the commissioners regarding the Executive Director's performance. Each commissioner's feedback shall be made available to the Executive Director. In the event the written feedback of the four commissioners is inconsistent, the Chair (or Vice Chair) shall meet with each commissioner to further clarify and document (in writing) their feedback. The subcommittee shall consider the input of each commissioner in the drafting of the Executive Director's performance evaluations. Upon completion, the subcommittee shall provide each commissioner with the proposed final performance evaluation for review and comment, before a final performance evaluation is issued to the Executive Director.

7. Represent the EAC as head of agency (or delegates this role) when a single representative or signatory is necessary;

8. Certify all agency votes consistent with EAC procedures and policy.

Obligation of the Chair to Keep Commissioners and Executive Director Informed. It is the responsibility of the Chair (or Vice Chair when acting as Chair) to keep each commissioner and the Executive Director timely informed of all significant issues presented and action taken pursuant to the authorities delegated above.

Obligation of the Chair to Consider Input from Commissioners. The Chair (or Vice Chair when acting as Chair), shall seek and consider input from each commissioner before taking action on items 3, 4, 5, and 6, above.

IV. Roles – Executive Director.

In addition to assisting the commissioners in the development and drafting of policies, the Executive Director shall be responsible for implementing EAC policy and administering EAC's day-to-day operations. The following is a description of roles and duties that the commissioners have determined to be the responsibility of or otherwise delegated to the Executive Director. Also discussed below is a description of the Executive Director's obligation to keep the commissioners informed of significant action and the roles of the commissioners regarding these matters.

Responsibilities of the Executive Director. The following responsibilities are hereby delegated to the Executive Director. Any responsibility delegated, below, may be further delegated by the Executive Director unless otherwise noted. All further delegation shall be made in writing. The Executive Director shall have full and sole responsibility for all duties delegated and shall exercise said roles at his or her discretion. The Executive Director shall:

1. Provide for the overall administration of the EAC consistent with the agency's strategic plan and any applicable commissioner adopted policies. This includes but is not limited to the following:

   - Establish, maintain and amend EAC's organizational structure and staffing as necessary to implement EAC's mission, goals, objectives, and policies;
   - Develop and adopt EAC annual performance plans, consistent with EAC's Strategic Plan;
   - Develop and execute the internal operational policies and procedures of EAC;
   - Manage the daily operations of EAC consistent with Federal statutes, regulations and EAC policies;
   - Coordinate, staff and plan EAC events, meetings and conferences;
   - Maintain and account for all property, records, and space and administer EAC safety and emergency management programs, consistent with Federal statutes and regulations;
   - Oversee EAC's information technology programs and systems consistent with Federal statutes and regulations.
   - Manage the distribution, publication and inventory of official EAC documents;
   - Manage, develop and oversee EAC's annual financial plan and financial programs, consistent with EAC's annual budget request, Federal statutes and applicable regulations. In the event that the budget appropriated by Congress provides funds for EAC operations in an amount which differs by more than 10% from the budget request approved by the commissioners, the annual financial plan shall be approved by vote of the commissioners;

- Implement all applicable administrative, programmatic and reporting requirements imposed upon independent Federal agencies pursuant to Federal statute or regulation;
- Manage all aspects of EAC's personnel programs consistent with EAC policy and all applicable Federal statutory and regulatory requirements;
- Manage all aspects of EAC's government procurement program consistent with EAC policy and all applicable statutory and regulatory requirements;
- Maintain liaison with other Executive Branch organizations, Congress and the White House; and
- Authorize the filing or settlement of law suits or claims. This authority may not be delegated further, except with respect to (1) the settlement of liabilities in amounts equal to or less than $100,000; or (2) particular matters for which the Executive Director is unable to act because of a conflict of interest or similar prohibition.

2. Provide for the overall direction and administration of EAC's operating units and programs, consistent with the agency's strategic plan and any applicable commissioner adopted policies. This includes but is not limited to the following:

- Implement and interpret policy directives, regulations, guidance, guidelines, manuals and other policies of general applicability issued by the commissioners;
- Conduct research and draft reports according to approved annual research plan;
- Issue, manage and oversee all Federal financial assistance consistent with statutory mandates, regulations and EAC policies and advisories;
- Manage and answer questions from states and other stakeholders regarding the use of HAVA funding consistent with EAC advisories and policies;
- Answer questions from stakeholders regarding the application of NVRA or HAVA consistent with EAC's published Guidance, regulations, advisories and policy;
- Provide for the testing and certification of voting systems to Federal standards consistent with EAC manuals and policies;
- Provide for the accreditation of voting system test laboratories consistent with EAC manuals and policies;
- Manage EAC Clearinghouse program consistent with EAC policies;
- Manage the timely dissemination of EAC information to stakeholders, the media and the public consistent with EAC polices;
- Maintain the Federal Voter Registration Form consistent with the NVRA and EAC Regulations and policies; and

- Manage the collection of election information from states consistent with the requirements of the NVRA, HAVA, UOCAVA, EAC Regulations, and EAC policy.

Obligation of the Executive Director to Keep Commissioners Informed. It is the responsibility of the Executive Director to keep each commissioner timely informed of all significant issues presented and actions taken pursuant to the authorities delegated above. The Executive Director must provide for appropriate briefings, memoranda or similar means to routinely and timely provide commissioners important information on staff actions. While the commissioners will not directly act on these matters, it is important that they are informed (1) in order to provide accurate information to the media and stakeholders and (2) to have sufficient information to know when the issuance of a Policy Directive is needed to clarify or set policy.

Role and Responsibility of the Commissioners. Commissioners shall ensure that they establish clear policies to appropriately guide the Executive Director in the execution of his or her duties. Each commissioner shall keep informed about these activities and provide oversight at the policy level through the clarification or issuance of policy. This shall be accomplished through Policy Directives adopted by vote of the commissioners. Commissioners shall not individually direct the actions the Executive Director or EAC staff regarding the responsibilities delegated, above.

V. Policy Implementation.

This policy shall be effective upon a vote of the Commissioners. This policy supersedes and replaces any existing EAC policy that is inconsistent with its provisions. Any existing policies (not inconsistent with this policy) issued by an authority no longer responsible for the matter covered, shall be treated as if issued by the authority identified in this policy. In implementing this policy, the Executive Director shall issue internal procedures which provide for the further delegation of responsibilities among program staff and set procedures (from planning to approval) for all program responsibilities. The Executive Director shall provide a monthly progress report to the commissioners regarding his or her progress, until all internal EAC policies are in place.

Adopted 2/24/15

Election Assistance Commission
Organizational Management Policy Statement

Purpose: The purpose of this statement is to define the Election Assistance Commission ("EAC" or "Commission") organizational management policy with regard to leadership definition and statutory duties, policymaking and day-to-day operations, an order of succession in case of vacancy, and a procedure for ongoing operation of the Commission's Boards and Technical Committee.

Effect on Other Documents: This document supersedes the Roles and Responsibilities Statement dated September 15, 2008; the EAC Order of Leadership Succession Memorandum dated January 3, 2012; the EAC FACA Board Activity Suspension Memorandum of January 12, 2012, and replaces any existing EAC policy or document that is inconsistent with its provisions.

Effective Date: February 24, 2015

Summary: Part I defines the Commission and its duties; Part II provides for the division of duties with regard to policy making and day-to-day operations; Part III establishes an order of succession in case of vacancy/ies in leadership and/or executive management; Part IV provides a procedure for ongoing operation of the Commission's Standards Board, Board of Advisors and Technical Guidelines Development Committee.

I. The Election Assistance Commission

The U.S. Election Assistance Commission was established as an independent entity by the Help America Vote Act of 2002 ("HAVA") 42 U.S.C. § 15321. The Commission consists of four members appointed by the President, by, and with the advice and consent of the U.S. Senate. 42 U.S.C. §15323.

The duties of the Commission are to serve as a national clearinghouse and resource for compiling information on and reviewing procedures with respect to the administration of Federal elections. 42 U.S.C. §15322. The Commission has no regulatory or rulemaking authority, nor is it authorized to impose any action or requirement on any State or unit of local government, except to the extent permitted under the National Voter Registration Act of 1993 (for the purpose of developing the mail voter registration application form for elections for Federal office). 42 U.S.C. §1973gg-7(a).

Any action of the Commission authorized by HAVA requires approval of at least three of its members. 42 U.S.C. §15328. As an agency defined by the Government in the Sunshine Act, 5 U.S.C. §522(b), deliberations resulting in official agency business must be properly noticed and conducted in public (with specific exceptions). 5 U.S.C. §522(b)(a)(2), (c)(1)-(10).

HAVA provides the Commission with a staff, including an Executive Director, General Counsel and other staff. 42 U.S.C. §15324. The Executive Director is appointed by the Commissioners, following the procedures established by HAVA, including taking into

consideration the recommendations of candidates nominated by the Standards Board and by the Board of Advisors (each established by HAVA, 42 U.S.C. §15341). 42 U.S.C. §15324. The General Counsel is appointed by the Commission and serves under the Executive Director. Id. Other Staff may be appointed by the Executive Director as he or she considers appropriate subject to rules prescribed by the Commission. Id.

II. Division of authority regarding policymaking and day-to-day operations

1. **The Commissioners shall make and take action in areas of policy.** Policymaking is a determination setting an overall agency mission, goals and objectives, or otherwise setting rules, guidance or guidelines. Policymakers set organizational purpose and structure, or the ends the agency seeks to achieve. The EAC makes policy through the formal voting process.

2. **The Executive Director in consultation with the Commissioners is expected to:** (1) prepare policy recommendations for commissioner approval, (2) implement policies once made, and (3) take responsibility for administrative matters. The Executive Director may carry out these responsibilities by delegating matters to staff.

III. Order of succession upon vacancy of all the Commissioners and the Executive Director

Pursuant to National Security Presidential Directive-51/Homeland Security Presidential Directive-20 (May 2007), and Department of Homeland Security Federal Continuity Directive (FCD) 1 (February 2008), an agency "is responsible for establishing, promulgating, and maintaining orders of succession to key positions . . . . As a minimum, orders of succession must do the following: 1. Establish an order of succession for the position of agency head. There should be a designated official available to serve as acting head of the agency until that official is appointed by the President or other appropriate authority, replaced by the permanently appointed official, or otherwise relieved." (FCD 1 p. E-1)

Under the present organizational structure, upon a vacancy of all Commissioners and the Executive Director, the head of the agency shall assume the responsibilities of the Executive Director and the order of succession shall be as follows:

1. General Counsel
2. Chief Operating Officer
3. Chief Financial Officer
4. Communications & Clearinghouse Director
5. Voting Systems Certifications Director
6. Election Administration Research & Programs Director
7. Grants Administrator

Should any position in the order of succession be held by an individual in an "acting" capacity, that position is passed over in favor of the next in line. Once

position has been designated head of the agency in the order of succession, the succession does not revert back up the line when a vacant position (or position previously held by an individual in an acting capacity is replaced by a permanent employee in that position) is filled. Filling vacant positions passed over in the line of succession will only retroactively alter the exercise of the acting Executive Director responsibilities if done so by a majority vote of a quorum of Commissioners in the absence of a full time Executive Director.

IV. Procedure for ongoing operation of the Commission's Boards and Technical Committee

HAVA created two advisory boards and a committee ("boards") that serve to help inform and comment on various aspects of the EAC's policy development. 42 U.S.C. §§15341-15362. These boards were created because Congress recognized the importance of the Commission receiving feedback from the various stakeholder groups represented on the boards throughout the policy development and implementation processes.

The three boards are as follows:

1. Standards Board
2. Board of Advisors
3. Technical Guidelines Development Committee

Should the EAC again find itself in a position where a Commissioner departs the agency or all Commissioner positions become vacant, it is imperative that the boards remain constituted and functional. The following procedure shall be used to ensure the continued operation of the boards:

- The Chair of the Commission shall assign Commissioners to serve as Designated Federal Officers ("designee") to each of the boards.

- Prior to the departure of the Commissioner assigned as the EAC designee to a specific board, that Commissioner may designate another Commissioner to be the EAC required designee to the board. If there are no Commissioners remaining, then the departing Commissioner may designate the Executive Director or an appropriate staff member to serve as the official EAC designee to the board.

- Should a departing Commissioner assigned to a board fail to assign a replacement EAC designee to the board then the duties shall be assigned by the Chair to a remaining Commissioner. If all four Commissioner positions become vacant, and a designee has not been assigned to a board or boards, then the Executive Director may assign an appropriate designee to be the official EAC designee to a board or boards.

- If after a period when all Commissioner positions are vacant, the President appoints one or more Commissioners to fill a vacancy or vacancies on the Commission, the new Chair of the Commission may replace the Executive Director or staff member designee to a board with a Commissioner as the official designee.

- Membership of the Boards and Committee should continue within the parameters as defined by HAVA, 42 U.S.C. §15323 & 42 U.S.C. §15343.

Biannually, the Executive Director shall work with the Office of Personnel Management in consultation with the Commission to do an assessment of the agency's staffing needs to accomplish HAVA's requirements.

Should there be a change in the law that invalidates one provision of this document, the rest of the document remains in effect unless or until the Commission votes on a new document.

Adopted 2/24/15

Election Assistance Commission
Organizational Management Policy Statement

Purpose: The purpose of this statement is to define the Election Assistance Commission ("EAC" or "Commission") organizational management policy with regard to leadership definition and statutory duties, policymaking and day-to-day operations, an order of succession in case of vacancy, and a procedure for ongoing operation of the Commission's Boards and Technical Committee.

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Biannually, the Executive Director shall work with the Office of Personnel Management in consultation with the Commission to do an assessment of the agency's staffing needs to accomplish HAVA's requirements.

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THE ROLES AND RESPONSIBILITIES OF THE COMMISSIONERS AND EXECUTIVE DIRECTOR OF THE U.S. ELECTION ASSISTANCE COMMISSION

The purpose of this policy is to identify the specific roles and responsibilities of the U.S. Election Assistance Commission (EAC) Executive Director and its four Commissioners in order to improve the operations of the agency. While the Commissioners serve as the authority to approve EAC policy, HAVA provides for an Executive Director and staff in order to carry out the administration of the agency, its day-to-day management and the implementation of agency policy. The following policy outlines the general roles and responsibilities of the Commissioners and delegates certain authorities to the EAC Chair and Executive Director. Specific areas of responsibility, processes and prohibitions are also identified.

I. Roles – Generally.

EAC is a collegial body headed by four commissioners. HAVA requires that any action of the commissioners be carried out only with the approval (vote) of at least three. (42 U.S.C. §15328). In addition, as a collegial body, the EAC is subject to the procedural requirements of the Government in the Sunshine Act (5 U.S.C. §552b). This requires that any deliberations of three or more commissioners concerning the conduct of official agency business be noticed and take place in public.[1] (5 U.S.C. §552b(a)(2)). Ultimately, if all functions of the Commission (large and small) were performed by the commissioners, the onerous public meeting process would make the agency unable to function in a timely and effective matter. Recognizing these facts, HAVA provides the EAC with an Executive Director and staff. (42 U.S.C. §15324).

While HAVA says little about the roles of the Executive Director and the Commissioners, a review of the statute, the structure of the EAC and EAC's mission suggest a general division of responsibility as follows:

1. **Commissioners shall take action in areas of policy.** Policy is a high-level determination, setting an overall agency goal/objective or otherwise setting rules, guidance or guidelines at the highest level. Policy makers set organizational purpose, or the ends the agency seeks to achieve. They leave the means by which the ends are achieved or policy is implemented to the discretion of the Executive Director. The EAC only makes policy through the formal voting process.

2. **The Executive Director is expected to: (1) prepare policy for commissioner approval, (2) implement policies once made, and (3) take responsibility for administrative matters.** The Executive Director may carry out these responsibilities by delegating matters to staff. Individual commissioners shall not direct EAC staff.

What follows is (1) a listing of those matters that must be decided by a vote of the commissioners, (2) a delegation of authority for the Chair or Vice Chair (when acting as Chair) of the EAC, and (3) a delegation of authority for the Executive Director and staff.

[1] There are exceptions to the requirement, allowing the Commission's meetings to be closed. (5 U.S.C. §552b(c)(1) – (10)). However, this must be done only after proper notice.

II. Roles – Commissioners.

The following identifies policy issues requiring a vote of the commissioners. Also discussed is a description of how to document these decisions and the roles of staff in the policy process.

Matters Requiring a Vote of the Commissioners. Overall, the Commissioners establish policy regarding the mission, goals and objectives of the EAC. The following may only be accomplished by vote of the Commissioners.

1. Matters of agency strategic planning, objective and policy:

   - Adoption of NVRA regulations, voluntary guidance under HAVA Section 311, Voluntary Voting System Guidelines, program manuals and other policies of general applicability that impact parties outside of the EAC;
   - Adoption of an annual EAC research plan;
   - Issuance of EAC advisories; and
   - Issuance of Policy Directives. A policy directive is a document which states agency goals and objectives or sets the scope of an EAC program. It is a means by which the commissioners may make a policy statement or determination in any area of EAC operations. A policy directive is a short, simple document that informs staff of the high-level goals or objectives for a particular EAC program or operation. This tool provides the commissioners with a means to set and document policy in a transparent way, which provides clear guidance to implementing staff.

2. Executive operational matters:

   - Adoption of reports to be submitted to Congress (except Inspector General reports);
   - Adoption of public meeting or hearing agendas;
   - Appointment of the Executive Director, General Counsel, and Inspector General;
   - Appointment of the Chair and Vice Chair of the Commission;
   - Adoption of EAC annual budget request. In the event that the budget appropriated by Congress provides funds for EAC operations in an amount which differs by more than 10% from the budget request originally approved by the commissioners, the annual budget execution plan shall also be approved by vote of the commissioners;
   - Adoption of EAC strategic plan;
   - Adoption or acceptance of EAC research;

- Accreditation of EAC Voting System Test Laboratories; and
- Action on appeals of audit resolutions and other matters as set forth in approved manuals or regulations.

Policy Documentation. Each of the actions noted above must be accomplished by an affirmative vote of three or more commissioners. This action will be documented either through a vote to adopt a specified document (such as a report to Congress or a budget), take a stated action or issue a Policy Directive. Votes shall be taken consistent with the voting procedures adopted by the EAC.

Executive Director Responsibilities. Matters subject to a vote of the commissioners require active participation by the Executive Director and staff. The Executive Director and staff shall provide research, prepare draft policies and otherwise assist the commissioners in developing policy documents. The Executive Director shall develop written procedures concerning the process by which agency policy or executive operational matters are researched, developed, reviewed and finally approved. For issues identified above as *matters of agency strategic planning, objective and policy*, each procedure shall have (at a minimum) the following elements: (1) An initial presentation at a staff briefing where particular issue(s) or question(s) associated with the policy are presented to commissioners; (2) An initial discussion at a public meeting to introduce the issue to the public, set priorities, allow for early commissioner discussion, and display initial commissioner viewpoints; (3) a staff team, led by a subcommittee of two commissioners, to develop a proposed policy; (4) additional briefings, public meetings and public hearings if necessary to collect and share information and keep the public and commission informed; and (5) final action at a public meeting to allow additional commissioner dialog and vote on any proposed policy. The procedure shall also provide a means for the commissioners to expedite the policy making process when necessary.

III. Roles – EAC Chair.

In order to promote the effective administration of agency business, it is recognized that some matters must be managed promptly by a single individual.

Matters Delegated to the Chair. The following roles and responsibilities of the commissioners are delegated to the Chair of the commission or, in the event the Chair is not able to act, the Vice Chair.

1. Preside over all public meetings, hearings or other official EAC functions;

2. Serve as the primary spokesperson of the EAC;

3. Schedule, notice and call EAC public meetings, hearings and other events;

4. Create and assign commissioners to subcommittees;

5. Assign commissioners or staff to serve as Designated Federal Officers to EAC Advisory Committees.

6. Serve as the reporting official for and provide administrative direction to the Executive Director. In this capacity the Chair shall form an Executive Director Performance Evaluation Subcommittee composed of the Chair and Vice Chair. This subcommittee shall be responsible for:

   a. Identifying and documenting performance expectations for the Executive Director. The subcommittee shall draft written performance goals and measures. In doing so, the subcommittee shall request and consider written input from each commissioner. Upon completion, the subcommittee shall provide each commissioner with the proposed performance goals and measures for review and comment, before a final document is issued to the Executive Director.

   b. The Executive Director's performance evaluation (including—at a minimum—a midterm review and annual review). The subcommittee shall request written feedback from each of the commissioners regarding the Executive Director's performance. Each commissioner's feedback shall be made available to the Executive Director. In the event the written feedback of the four commissioners is inconsistent, the Chair (or Vice Chair) shall meet with each commissioner to further clarify and document (in writing) their feedback. The subcommittee shall consider the input of each commissioner in the drafting of the Executive Director's performance evaluations. Upon completion, the subcommittee shall provide each commissioner with the proposed final performance evaluation for review and comment, before a final performance evaluation is issued to the Executive Director.

7. Represent the EAC as head of agency (or delegates this role) when a single representative or signatory is necessary;

8. Certify all agency votes consistent with EAC procedures and policy.

Obligation of the Chair to Keep Commissioners and Executive Director Informed. It is the responsibility of the Chair (or Vice Chair when acting as Chair) to keep each commissioner and the Executive Director timely informed of all significant issues presented and action taken pursuant to the authorities delegated above.

Obligation of the Chair to Consider Input from Commissioners. The Chair (or Vice Chair when acting as Chair), shall seek and consider input from each commissioner before taking action on items 3, 4, 5, and 6, above.

IV. Roles – Executive Director.

In addition to assisting the commissioners in the development and drafting of policies, the Executive Director shall be responsible for implementing EAC policy and administering EAC's day-to-day operations. The following is a description of roles and duties that the commissioners have determined to be the responsibility of or otherwise delegated to the Executive Director. Also discussed below is a description of the Executive Director's obligation to keep the commissioners informed of significant action and the roles of the commissioners regarding these matters.

Responsibilities of the Executive Director. The following responsibilities are hereby delegated to the Executive Director. Any responsibility delegated, below, may be further delegated by the Executive Director unless otherwise noted. All further delegation shall be made in writing. The Executive Director shall have full and sole responsibility for all duties delegated and shall exercise said roles at his or her discretion. The Executive Director shall:

1. Provide for the overall administration of the EAC consistent with the agency's strategic plan and any applicable commissioner adopted policies. This includes but is not limited to the following:

   - Establish, maintain and amend EAC's organizational structure and staffing as necessary to implement EAC's mission, goals, objectives, and policies;
   - Develop and adopt EAC annual performance plans, consistent with EAC's Strategic Plan;
   - Develop and execute the internal operational policies and procedures of EAC;
   - Manage the daily operations of EAC consistent with Federal statutes, regulations and EAC policies;
   - Coordinate, staff and plan EAC events, meetings and conferences;
   - Maintain and account for all property, records, and space and administer EAC safety and emergency management programs, consistent with Federal statutes and regulations;
   - Oversee EAC's information technology programs and systems consistent with Federal statutes and regulations.
   - Manage the distribution, publication and inventory of official EAC documents;
   - Manage, develop and oversee EAC's annual financial plan and financial programs, consistent with EAC's annual budget request, Federal statutes and applicable regulations. In the event that the budget appropriated by Congress provides funds for EAC operations in an amount which differs by more than 10% from the budget request approved by the commissioners, the annual financial plan shall be approved by vote of the commissioners;

- Implement all applicable administrative, programmatic and reporting requirements imposed upon independent Federal agencies pursuant to Federal statute or regulation;
- Manage all aspects of EAC's personnel programs consistent with EAC policy and all applicable Federal statutory and regulatory requirements;
- Manage all aspects of EAC's government procurement program consistent with EAC policy and all applicable statutory and regulatory requirements;
- Maintain liaison with other Executive Branch organizations, Congress and the White House; and
- Authorize the filing or settlement of law suits or claims. This authority may not be delegated further, except with respect to (1) the settlement of liabilities in amounts equal to or less than $100,000; or (2) particular matters for which the Executive Director is unable to act because of a conflict of interest or similar prohibition.

2. Provide for the overall direction and administration of EAC's operating units and programs, consistent with the agency's strategic plan and any applicable commissioner adopted policies. This includes but is not limited to the following:

- Implement and interpret policy directives, regulations, guidance, guidelines, manuals and other policies of general applicability issued by the commissioners;
- Conduct research and draft reports according to approved annual research plan;
- Issue, manage and oversee all Federal financial assistance consistent with statutory mandates, regulations and EAC policies and advisories;
- Manage and answer questions from states and other stakeholders regarding the use of HAVA funding consistent with EAC advisories and policies;
- Answer questions from stakeholders regarding the application of NVRA or HAVA consistent with EAC's published Guidance, regulations, advisories and policy;
- Provide for the testing and certification of voting systems to Federal standards consistent with EAC manuals and policies;
- Provide for the accreditation of voting system test laboratories consistent with EAC manuals and policies;
- Manage EAC Clearinghouse program consistent with EAC policies;
- Manage the timely dissemination of EAC information to stakeholders, the media and the public consistent with EAC polices;
- Maintain the Federal Voter Registration Form consistent with the NVRA and EAC Regulations and policies; and

- Manage the collection of election information from states consistent with the requirements of the NVRA, HAVA, UOCAVA, EAC Regulations, and EAC policy.

Obligation of the Executive Director to Keep Commissioners Informed. It is the responsibility of the Executive Director to keep each commissioner timely informed of all significant issues presented and actions taken pursuant to the authorities delegated above. The Executive Director must provide for appropriate briefings, memoranda or similar means to routinely and timely provide commissioners important information on staff actions. While the commissioners will not directly act on these matters, it is important that they are informed (1) in order to provide accurate information to the media and stakeholders and (2) to have sufficient information to know when the issuance of a Policy Directive is needed to clarify or set policy.

Role and Responsibility of the Commissioners. Commissioners shall ensure that they establish clear policies to appropriately guide the Executive Director in the execution of his or her duties. Each commissioner shall keep informed about these activities and provide oversight at the policy level through the clarification or issuance of policy. This shall be accomplished through Policy Directives adopted by vote of the commissioners. Commissioners shall not individually direct the actions the Executive Director or EAC staff regarding the responsibilities delegated, above.

V. Policy Implementation.

This policy shall be effective upon a vote of the Commissioners. This policy supersedes and replaces any existing EAC policy that is inconsistent with its provisions. Any existing policies (not inconsistent with this policy) issued by an authority no longer responsible for the matter covered, shall be treated as if issued by the authority identified in this policy. In implementing this policy, the Executive Director shall issue internal procedures which provide for the further delegation of responsibilities among program staff and set procedures (from planning to approval) for all program responsibilities. The Executive Director shall provide a monthly progress report to the commissioners regarding his or her progress, until all internal EAC policies are in place.

Performance Audit

Johnson County Audit Services

Johnson County, Kansas

Johnson County Election Office Transition Audit

March 17, 2016

Report No. 2016 - 01

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Johnson County Audit Services
PERFORMANCE AUDIT

March 17, 2016

To: The Johnson County Board of County Commissioners
County Manager
Johnson County Election Commissioner

As requested by the Board of County Commissioners, we performed a transition audit of the Johnson County Election Office. This audit focused on management practices in the areas of travel, purchase card use, discretionary spending, inventory control, special election billing, cash collection and deposit activity, grant management, contract management, physical security and business continuity planning.

Following is our audit entitled *Johnson County Election Office Transition Audit*. Our audit found an overall weakness in the Election Office's system of internal control which impeded organizational performance. We recommend the recently appointed Election Commissioner seize the opportunity and accept our audit recommendations to strengthen the Election Office's internal control program which will ultimately lead to improved effectiveness and efficiency of operations.

This performance audit was conducted in accordance with generally accepted government auditing standards with the exception Peer Review has not been performed. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

I appreciate the cooperation received from the Kansas Secretary of State's Office and Johnson County Election Office staff.

I would like to acknowledge the following staff who contributed to this effort: Michelle Cleveland, CFE; John Halliday; Harry Heflin, CPA; and Lynn Smith, CIA.

Please don't hesitate to contact me if you have any questions. Thank you.

K. L. Kleffner, CIA
County Auditor

CC: Kansas State Election Director

111 South Cherry Street
Suite 1050
Olathe, KS 66061-3441
(913) 715-1833

Johnson County Election Office Transition Audit

Executive Summary

Why We Did This Audit

The Johnson County Board of County Commissioners (BOCC) directed a transition audit be performed to identify operational risks, review management practices and assess the adequacy of internal controls.

What We Found

The Transition Audit found internal control weaknesses in the following areas:

- Payment of business travel expense
- Compliance with P-Card guidelines
- Inventory control records
- Invoicing jurisdictions for special election cost
- Cash collection and deposit activity
- Procurement activity

The Transition Audit found the Election Office's spending behavior to be inconsistent with the County's stewardship values. To illustrate, the audit questioned costs incurred for discretionary products and services in the amount of $39,601. The Transition Audit also discovered improper payments were made to, or on behalf of, the previous Election Commissioner in the amount of $5,478. As a result, Johnson County taxpayers did not receive reasonable value for these incurred expenses.

The BOCC lacks assurance the Election Office obtains goods and services "...at the lowest ultimate cost consistent with appropriate standards of quality and continuity of service, while establishing and maintaining a reputation for openness, fairness and integrity."

These weaknesses may have been avoided had previous Election Office leadership developed and adopted an effective system of internal control which followed County policy and procedures and encompassed County values.

What We Recommended

The Election Commissioner:

Design and implement an effective system of internal control ensuring proper stewardship of County resources and achievement of program objectives.

Develop office procedures in support of County's Policies and Procedures, leveraging each department's expertise and resources in the following areas:

- Purchase Card Activity
- IT Asset Management
- Billing special election costs
- Cash handling and deposit activity
- Grant management
- Procurement and contract practices

Re-evaluate the Knight Foundation grant to determine if the project has merit and is worth pursuing.

Assess Election Office's procurement activity; designate and assign staff financial and contract management responsibilities.

Strengthen physical security measures of the Election Office.

Revitalize business continuity planning efforts.

The County Manager:

Request reimbursement from the previous Election Commissioner in the amount of $5,478.

Implement a process to prevent unallowable mileage from being paid or reimbursed.

Modify County Policy and Procedure to:

- Clarify Kansas City metropolitan area and
- Designate approving authority for business expenses.

JOHNSON COUNTY
KANSAS

Johnson County Election Office Transition Audit

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RESULTS AND RECOMMENDATIONS

1. A System of Internal Control Will Improve Organizational Performance

The Johnson County Election Office should develop a system of internal control to achieve optimum organizational performance and operate within the parameters of County Policy. We found the following weaknesses in the Election Office:

- Improper payments of business travel expenses. (See page 5)
- Non-compliance with County Purchase Card (P-Card) guidelines resulting in questionable spending. (See pages 11 & 15)
- Outdated and inaccurate inventory control records resulting in the risk of misappropriation of assets. (See page 23)
- Instances of jurisdictions not accurately billed for special election costs. (See page 25)
- Inadequate controls in cash collection and deposit activity resulting in the risk of misappropriation of assets. (See page 29)
- Inactive grant activity and ineffective grant management procedures potentially resulting in grant noncompliance. (See page 31)
- Procurement activity in conflict with County procurement policy. (See page 35)

These weaknesses may have been avoided had previous Election Office leadership developed and adopted an effective system of internal control which followed County policy and procedures and encompassed County values. We attribute this condition to previous Election Office leadership's failure to focus on the administrative activities in support of the mission of the Office.

Recommendation

We recommend the Johnson County Election Commissioner:

1.1 Request assistance from the Director, Treasury and Financial Management, in concert with Audit Services, to assist with the design and implementation of an effective system of internal control and convey its requirements to all Election Office personnel. This system of internal control should follow the COSO model and address the five interrelated components: Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring. (See Appendix IV for a high level overview of COSO Internal Control.)

Management Comments

1.1 I will address the issue of Internal Control in a moment, but first, I seek to lay the overall groundwork for the management response with some background and general notes.

I, Ronnie Metsker, was appointed as the Johnson County Election Commissioner and began serving on February 1, 2016. Upon my appointment, I learned the Election Office was under a full transition audit. It is my understanding the audit process began in the latter part of

November, 2015. On February 25, 2016, I was presented the completed audit draft, requesting me to write a management response.

In my first meeting with the staff of the Election Office, I shared my leadership approach, to join together as a team and engage in shared mission, vision and values. I stated I will have an open door with honest communication, that together, we would plan our work, and work our plan; that there would not be silos of power, insulated and isolated from the rest of the team, but that I aspired to build a shared trust, upon which we will make our department better. I encouraged them to see the audit as a wonderful opportunity to work together to make our organization even better. Nearly six weeks have now passed and we are on a path of openness, teamwork, systemic thinking, learning, understanding, trust and respect.

It is in the spirit of TEAM that I am approaching this management response. I chose to share the issues of this report first with our team leadership and together, we have drafted our response. In this way, the entire team will develop ownership of attaining the end result of this journey. I am committed to lead the process with skillful hands and a heart of integrity.

In my third week in the Election Office, I was introduced to the Johnson County Pillars of Performance and the county's pursuit of becoming a High Performing Organization. I embrace the Pillars and envision developing a transformational culture in the Election Office, as we strive to become a High Performing Organization. I will guide the team as we build systems, strategies, and structures that are documentable, repeatable, and accountable.

Regarding a system of Internal Control, the Election Office acknowledges the audit's findings. We will work with Treasury and Financial Management to document and implement policies and procedures that will improve internal controls. In fact, to ensure immediate progress toward these improvements, we met with the Director of Treasury and Financial Management and his leadership team on March 7, 2016.

Discussion

Introduction

Johnson County Government is entrusted with great responsibility to use resources efficiently and effectively. Internal controls assist Johnson County employees, at all levels, in their stewardship role to responsibly manage resources and achieve the County's objectives. The Board of County Commissioners, County Manager, elected and appointed officials, and all senior leaders in County government establish the presence of integrity, ethics, competence and a positive control environment.

An effective internal control system provides reasonable, but not absolute assurance, for safeguarding assets, reliable financial information, and compliance with laws and regulations. An effective internal control system helps Johnson County government adapt to shifting environments, evolving demands, changing risks, and new priorities.

Internal Control defined[1]

Internal control is broadly defined as a process, affected by an entity's board of directors, management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives relating to operations, reporting and compliance.

Internal control consists of five integrated components described as follows:

- Control Environment – The control environment is the foundation for all other components. It is the set of standards, processes, and structures providing the basis for carrying out internal control across the organization. It establishes the "tone at the top" and comprises the integrity and ethical values of the organization.

- Risk Assessment – Risk assessment is the identification and assessment of risks to the achievement of organizational objectives and forms a basis for determining how those risks should be managed.

- Control Activities – Control activities are the actions established through policies and procedures that help ensure management directives are carried out. Control activities are performed at all levels of the activities and at various stages within the business processes. Control activities may be preventive or detective in nature and may encompass a range of manual and automated activities such as authorizations and approvals, verifications, reconciliations, and business performance reviews.

- Information and Communication – Information must be identified, captured and communicated in a form and timeframe that enable people to carry out their responsibilities timely and effectively. Effective communication is a continual process of providing, sharing and obtaining information and must occur in a broader sense, throughout the organization, flowing up, down, and across the organization.

- Monitoring – Monitoring is a process that assesses the quality of the system's performance over time. It is built into business processes at different levels within the activity, providing timely information and designed to identify which controls are present and functioning.

What did the transition audit reveal?

Internal Control weaknesses contribute to the risk of fraud, waste and abuse. In a recent Report to the Nations on Occupational Fraud and Abuse, the Association of Certified Fraud Examiner's reported 15% of the reported fraud cases were committed within government. The primary internal control weaknesses contributing to nearly 80% of the frauds committed were:

- Lack of Internal Controls (32%),
- Lack of Management Review (20%),
- Override of Existing Internal Controls (19%), and

[1] Committee of Sponsoring Organizations (COSO), Internal Control – Integrated Framework

- Poor Tone at the Top (8%).

We found evidence indicating all four of the top contributing internal control weaknesses existed within the Election Office.

This transition audit reveals an overall weakness in the Election Office's system of internal control and identifies areas within the Election Office that can be strengthened. We recommend the newly appointed Election Commissioner seize the opportunity and accept our audit recommendations to strengthen the Election Office's internal control program – ultimately leading to improved effectiveness and efficiency of operations in the Election Office.

2. Business Travel Expenses Led to Improper Payments

The previous Election Commissioner and Election Office staff took 86 trips incurring $86,868 in related expenses from January 2010 through August 2015. We found 36 of those trips contained improper payments totaling $5,288 (6%) made to, or on behalf of, the previous Election Commissioner. Improper payments included:

- Per diem overpayments ($274)
- Unjustified flight and hotels upgrades ($396)
- Travel expenses lacking documentary support ($883), and
- Unallowable transportation expenses ($3,735).

Also, the previous Election Commissioner erroneously claimed personal mileage in the Kansas City metropolitan area totaling $191 while in receipt of a monthly car allowance. In our opinion, the travel impropriety was caused by the previous Election Commissioner's disregard of the County's Business Expense Policy & Procedures.

Recommendations

We recommend the County Manager:

2.1 Request reimbursement from the previous Election Commissioner in the amount of $5,478.33 for overpayments Johnson County government made to him, or on his behalf.

2.2 Implement a process which prevents unallowable mileage and vehicle expense claims from being paid/reimbursed. Ensure appropriate County officials, who process, review and approve travel and purchasing card expenses have a list of County officials in receipt of a vehicle allowance.

2.3 Initiate action to modify County Administrative Business Expense Procedures, 120.120, paragraph A.4. to add "appointed" County Officials within the purview of the County Manager approval.

2.4 Revise the following County Procedures addressing Vehicle Allowances to ensure they are complete and in agreement with one another, specifically in their description of the Kansas City metropolitan area:
- Administrative Business Expense Procedures 120.125 (H.4.2.1 Exceptions)
- Administrative Business Expense Procedures 120.130 (E.4.4 Vehicle Allowance)
- Human Resources Procedures 301-9 (Standards, 2nd paragraph)

Management Comments

2.1 The County Manager will coordinate with Legal on a letter from the County requesting reimbursement of overpayments paid to the former Election Commissioner.

2.2 The County Manager's Office will ensure that County Manager's Office staff and other departmental staff that process i-expense requests have a current and updated list on

employees and elected and appointed officials that receive a vehicle allowance. Furthermore, the County Manager's Office will communicate to the appropriate parties that mileage within the metropolitan area is not reimbursable.

2.3 The County Manager's Office will initiate this modification which in theory would apply to the Election Commissioner. It should be noted that under Kansas State Statute, the Election Commissioner is appointed by the Secretary of State (K.S.A. 19-3419). Conversations with the previous Election Commissioner and staff for the Secretary of State revealed a strong viewpoint that oversight of the Election Commissioner and his/her office is under the sole discretion of the Secretary of State. Therefore, the County Manager's Office will start a dialogue with the Secretary of State's Office and Election Commissioner to create a procedure for reviewing the Election Commissioners expenses in the future.

2.4 The County Manager's Office will initiate modifications to these procedures to ensure they are consistent with the Kansas City Metro area and will be specially called out in each of these documents.

Discussion

What are improper payments?

The US Office of Management & Budget (OMB) defines an "Improper Payment" as follows:

"Improper Payments" occur when either:

- Federal funds go to the wrong recipient,
- The recipient receives the incorrect amount of funds (either an underpayment or overpayment),
- Documentation is not available to support a payment, or
- The recipient uses federal funds in an improper manner.[2]

Absent state or local definition, OMB's definition was used as audit criteria in this review; with the exception "County funds" is used in lieu of the term federal funds. We consider travel overpayments to the previous Election Commissioner to be improper payments.

The previous Election Commissioner took 45 of the 86 trips for the Election Office and was the traveler during all 36 trips containing improper payments. In essence, 80% of all his travel events contained improper payments. In total, there were 50 instances where the OMB criteria for improper payments was applicable to payments made to, or on behalf of, the previous Election Commissioner during his travel events.

[2] Improper Payments Elimination and Recover Act of 2010 (P. L. 111-204) and the Office of Management and Budget Circular A-123, Appendix C (OMB M-15-02).

Per Diem overpayments

The previous Election Commissioner claimed longer travel times than he actually traveled resulting in overpayments totaling $273.50. On three occasions, he claimed a full day of travel when he was not traveling at all. Other claims were made for a full day of per diem when, based on travel times, he was entitled to only a partial day per diem. He did not return any of the overpayments to the County as required by the County's Business Expense policy.

When asked why these overpayments occurred, the previous Election Commissioner responded per diem requests were completed with best efforts to assumptions related to arrival and departure times. All per diem requests were made before travel commenced, so it is understandable mistakes or travel changes could occur even when he had the flight itinerary available when submitting his request for per diem. However, when asked why overpayments were not returned to the County, the previous Election Commissioner rationalized there were times when he didn't claim per diem to his detriment, therefore his overpayments were balanced and he didn't think he needed to return them.

During a trip to San Francisco in August 2014, the previous Election Commissioner changed his flight arrangements to return to Kansas City a day early. He stated he did not return the overpaid per diem ($71) because he thought he was saving the County the additional night in the hotel, so it was a "wash". His logic was inaccurate. Flight changes alone resulted in airline "change fees" that exceeded the cost of the extra night at the hotel.

Transportation and lodging upgrades

The previous Election Commissioner paid for several flight and hotel room upgrades, the cost of which was passed along to Johnson County totaling $396.50. When asked, the previous Election Commissioner did not provide sufficient and appropriate justification for the upgrades. County expense procedures[3] state:

> G. Lodging: ...The County will pay up to the standard (or government, if available), single occupancy rate of the conference hotel. Upgrades are not reimbursed. If the traveler receives a government rate, they should verify what is required as appropriate government identification at the time of reservation or check-in.
>
> H. Air Travel: Airplane fare will be allowed in an amount that is considered a reasonable amount available for round trip fare, except in those instances in which only a higher fare is available and timing is such that the schedule cannot be altered. Air travel shall be in coach class when available and should be at non-refundable ticket rates. All upgrades will be at the traveler's personal expense.

[3] Johnson County, KS Administrative Expense Procedure 120.125

Ineligible transportation expenses

There were 34 instances of the previous Election Commissioner using a limousine service to travel from his residence to the Kansas City airport and vice versa totaling $3,735. The previous Election Commissioner received a car allowance of $300 per month. County Procedure 301-9 states in part:

> When a car allowance is approved, the County official or employee shall then not be eligible for the payment of normal, in-county or in-area reimbursement of mileage and other automobile expenses under the financial policies of the County.

The Kansas City airport is located in Clay County, Missouri and is considered to be "in-area". The previous Election Commissioner considered his car allowance as an additional form of compensation and claimed he did not know the above restriction applied to him.

We found six instances where the previous Election Commissioner claimed personal mileage for travel in the KC Metropolitan area totaling reimbursements of $190.72.

Intentional override of P-Card Guidelines

The previous Election Commissioner rationalized the impropriety of his travel P-Card expenses stating he assumed the County Manager's approval of his P-Card statements signified he approved of his travel expenses. We found the County Manager had, in fact, questioned the previous Election Commissioner about some of his purchases. However, the County Manager reviewed only a small portion of the actual expenses. We found 31 transactions made for the previous Election Commissioner's travel expenditures were actually made using a former Assistant Election Commissioner's P-Card. Our review noted there were times when the previous Election Commissioner was traveling alone and charges appeared on the former Assistant Election Commissioner's P-Card.

When questioned about these charges, both the previous Election Commissioner and former Assistant Election Commissioner confirmed both their P-Card accounts were saved to his travel accounts, as well as, other online accounts he used often. The Johnson County Purchasing Card guidelines prohibit saving the County P-Card information to any online or other vendor accounts[4].

The previous Election Commissioner reviewed and approved the former Assistant Election Commissioner P-Card expenses. By charging his travel expenses to the Assistant Election Commissioner's P-Card he was reviewing and approving his expenses, thus, circumventing the County Manager's review. We found Treasury and Financial Management personnel who review and process travel reimbursements and County officials, who approve, in Oracle, were not aware the previous Election Commissioner was receiving a car allowance. Therefore, they were not in position to deny charges and seek reimbursement for the County for the improper payments.

---

[4] Johnson County, KS Government Purchasing Card Guidelines

Conclusion

In our opinion, business, travel and miscellaneous expenses incurred by the Johnson County Election Commissioner are governed by the County's Administrative Business Expense policy which applies to:

> County elected and **appointed officials** (emphasis added), County employees, members of appointive commissions and boards, and certain others representing the County's interest who are required to travel or incur miscellaneous expenses to transact official County business.[5]

We also believe all P-Card usage within the Johnson County Election Office is subject to the County's Government Purchasing Card Guidelines. All improper payments made to the previous Election Commissioner, or on his behalf, were expended with County dollars; the County should request the previous Election Commissioner reimburse the County for all improper payments he received.

[5] Johnson County Administrative Business Expense Policy 120.115

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3. Purchasing Card Guidelines Were Ignored

The previous Election Commissioner and a former Assistant Election Commissioner ignored the County's Purchasing Card (P-Card) guidelines when making purchases. Examples of usage not consistent with County's guidelines include:

- Circumventing review and approval procedures (discussed in previous travel section),
- Storing P-Card payment information to online vendor accounts,
- Making purchases without sufficient business justification, and
- Submitting expenses without adequate supporting documentation.

As a result of P-Card misuse, Johnson County government lacks reasonable assurance purchases made by P-Card were appropriate and satisfied a bona fide need of Johnson County government.

Recommendation

We recommend the Johnson County Election Commissioner:

3.1 Develop and implement appropriate controls to ensure the County's Government Purchasing Card Administrative Guidelines are followed in the administration of purchases with the County P-Card, including:
- Providing current and sufficient business justification for purchases,
- Providing all supporting documentation for purchases,
- Ensuring supporting documentation contains detailed information including flight itinerary and hotel expense detail to provide the who, what, when, and where of expenses, and
- Ensuring only the assigned cardholders are making purchases with the accounts.

Management Comments

3.1 The Election Office acknowledges the audit's findings. We will work with Treasury and Financial Management to educate our staff on proper purchasing card policies and procedures to protect against inappropriate spending and insufficient documentation.

Discussion

Background

From June 2013 through October 2015, the previous Election Office Commissioner and staff used their County P-Cards for 1,324 transactions totaling $322,403.22. The former Assistant Election Commissioner's account was used to make 72% of all the P-Card expenditures. As previously noted, the previous Election Commissioner had access to the former Assistant Election Commissioner's P-Card account number saved online through various accounts. Throughout our review we could not determine who actually authorized these purchases.

We also noted 348 of the former Assistant Election Commissioner's 957 purchases totaling $38,111.73 were made to Amazon. The previous Election Commissioner confirmed he used one Amazon account to make both personal and business-related purchases. He also confirmed the online Amazon.com account had credit card numbers saved and it was possible he could have selected the former Assistant Election Commissioner's purchase card number when selecting the payment option.

Johnson County Government Purchasing Card Guidelines

The Purchasing Card Administrative Guidelines[6] provide employees with instructions on the proper use of the Johnson County, Kansas Government Purchasing Card. The guidelines are intended for Cardholders who are responsible for making purchases and for those involved in the administration of the purchasing card program.

All P-Card holders sign an application and cardholder agreement before receiving a County P-Card. The cardholder agreement requires the cardholder comply with all appropriate Johnson County accounting and purchasing policy, procedures, statutes and regulations. Furthermore, when signing the cardholder agreement the cardholder agrees that:

> ...the County may withhold any purchases made with the Purchasing Card for the personal use or benefit of Cardholder from Cardholder paycheck or other Johnson County check which may be payable to Cardholder.

The P-Card Administrative guidelines prohibit allowing a merchant or supplier maintaining P-Card account numbers on file. This includes online travel accounts and merchants such as Amazon. The guidelines also require only the cardholder the account is assigned to may use the card.

Sufficient business justification

In many instances, the previous Election Commissioner and the former Assistant Election Commissioner did not include sufficient business justification and supporting documentation for P-Card purchases. According to Purchasing Card Administrative Guidelines[7], cardholders should justify the purchase when using public funds. Specifically, explanations shall include:

> the "who, what, when, where, and why" of the purchase.

This means cardholders are required to submit a detailed merchant invoice, receipt or missing receipt declaration. The following examples illustrate the type of documentation found during our review not meeting this guideline:

- General booking documents from websites such as Expedia, Travelocity, or Southwest Airlines that did not include detailed expenses for hotel stays and/or flight information,

[6] Johnson County, Kansas, Government Purchasing Card Administrative Guidelines, October 2014.
[7] Johnson County, Kansas, Government Purchasing Card Administrative Guidelines, Guideline 110.505, October 2014.

- Receipts and/or invoices that did not include required information such as date, time, expense detail or vendor,
- Duplicate receipts submitted for more than one purchase, and
- Misleading and/or vague justification (reason) for purchase or expense.

Purchases made without supporting documentation

The former Assistant Election Commissioner made 73 additional P-Card purchases, totaling $24,005, lacking any supporting documentation, 36 of which were "forced" (processed) without any review, and 37 of which (totaling $15,072) were approved by the previous Election Commissioner without any supporting documentation.

Cardholders have a responsibility to be good stewards of County funds. They have an obligation to ensure all purchases are supported and have justifiable business use. They also have an obligation to follow through and ensure that the County receives the goods and services paid for.

Absent supporting documentation, reviewers and approvers are unable to determine if purchases had appropriate and justified business purposes and that County funds were expended appropriately.

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4. Questionable Spending

The Election Office's spending behavior is inconsistent with the County's stewardship values. Costs incurred for certain discretionary products and services were unreasonable and do not reflect what a prudent person would exhibit in similar circumstances. Our audit found at least $39,600.76 questioned cost in the following purchases/activities:

- Equipment
- Books, Subscriptions and Periodicals
- Chevrolet Traverse
- Management consulting
- Midwest Election Officials Conference

We believe this can be attributed to a lack of oversight of the Election Office and the Election Office leadership not being held accountable, fiscally or otherwise, for these purchases. As a result, Johnson County taxpayers did not receive reasonable value for the dollars spent.

Recommendation:

We recommend the Johnson County Election Commissioner:

4.1 Develop office policies and procedures which follow the County's Administrative Policy and Procedure for Purchasing (110) and Business Expenses (120). Election Office policies and procedures should address, at a minimum, the following requirements:
    - Each purchase will support the mission of the Election Office and have a bona fide need/requirement,
    - Good judgment must be exercised when obtaining goods and services at the lowest reasonable cost,
    - The Oracle record for each purchase will include supporting documentation for the purchase,
    - Established management authorization/approval levels.

Questioned costs

$ 2,976.33 – Purchase of equipment items – Items purchased not required in the course of carrying out the mission of the Election Office.

$ 8,925.37 – Purchase of books, subscriptions and periodicals – Items purchased were unsupported and/or not required in the course of carrying out the mission of the Election Office and unsupported.

$ 5,784.00 – Purchase of Chevrolet Traverse – Election Office did not procure vehicle at the lowest reasonable cost, thus increasing overall cost to the County in the amount of $5,784.

$ 3,500.00 – Obtaining management consulting services – Election Office obtained management consulting services that could have been provided in-house.

$18,415.06 – 2015 Midwest Election Officials Conference – Expenses in support of conference.

Management Comments

4.1 The Election Office acknowledges the audit's findings. On the advice of Treasury and Financial Management, we will seek the example of other county departments in improving and implementing our own purchasing policies and procedures. Potential contacts include Public Health, Sheriff's Office, Wastewater, and Facilities.

Discussion

Nature of questioned spending

We questioned the propriety of certain spending and the value Johnson County taxpayers received for certain discretionary expenses incurred. In making this determination, we relied on Office of Inspector General, Department of Defense, criteria which define "Fraud, Waste, and Abuse" as follows:

> Waste – involves the taxpayers not receiving reasonable value for money in connection with any government funded activities due to an inappropriate act or omission by players with control over or access to government resources (e.g., executive, judicial or legislative branch employees, grantees or other recipients). Importantly, waste goes beyond fraud and abuse and most waste does not involve a violation of law. Rather, waste relates primarily to mismanagement, inappropriate actions and inadequate oversight.
>
> Abuse – involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse also includes misuse of authority or position for personal financial interests or those of an immediate or close family member or contract or grant agreement.

We also relied on Office of Management and Budget Circular No. A-133[8], criteria which defines *Questioned Costs* as follows:

> Questioned cost means a cost that is questioned by the auditor because of an audit finding:
>
> (1) Which resulted from a violation or possible violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the use of Federal funds, including funds used to match Federal funds;
>
> (2) Where the costs, at the time of the audit, are not supported by adequate

[8] OMB Circular No. A-133, Audit of States, Local Governments and Non-Profit Organizations, Subpart A, Section 105.

documentation; or

(3) Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

Questionable purchases

The spending identified below is evidence of spending not consistent with our operational stewardship values and what a prudent person would exhibit in similar circumstances.

Equipment

The items reported in Table 4.1 below identifies equipment we believe to be non-essential to carrying out the mission of the Election Office.

Table 4.1: Questioned Cost - Equipment

Item #	Vendor	Description	Cost
1	Amazon	Google Glass Explorer Edition XE V2	$1,506.99
2	Amazon	Garmin Virb Elite Action Camera	$245.38
3	Amazon	GoPro Hero4 Camera	$479.98
4	Amazon	GoPro Hero4 Remote Control	$79.99
5	Amazon	Amazon Fire Phone	$649.00
6	Amazon	iSnap Pro 2-in-1 Self-portrait Extendable Selfie Stick with Built-in Bluetooth Remote	$14.99
		Total	**$2,976.33**

Source: Audit Services Analysis

We discussed these purchases with the previous Election Commissioner. He informed us the purchases were made to determine the item's "impact on the election process". Due to his departure, we were unable to confirm if the "impact assessments" were documented or performed. The previous Election Commissioner stated these purchases were part of his "IT expedition" which was to buy items to learn how they work, then find a use for them at the Election Office. These purchases did not serve a bona fide purpose and were purchased without an end-use business requirement in mind. In our opinion, Johnson County taxpayers did not receive reasonable value from the cost incurred for these purchases; therefore, we are questioning these costs.

Books, Subscriptions and Periodicals

Table 4.2 below identifies the amount spent from January 2010 through October 2015 to purchase books, subscriptions and periodicals. On average, approximately $580 was spent each month.

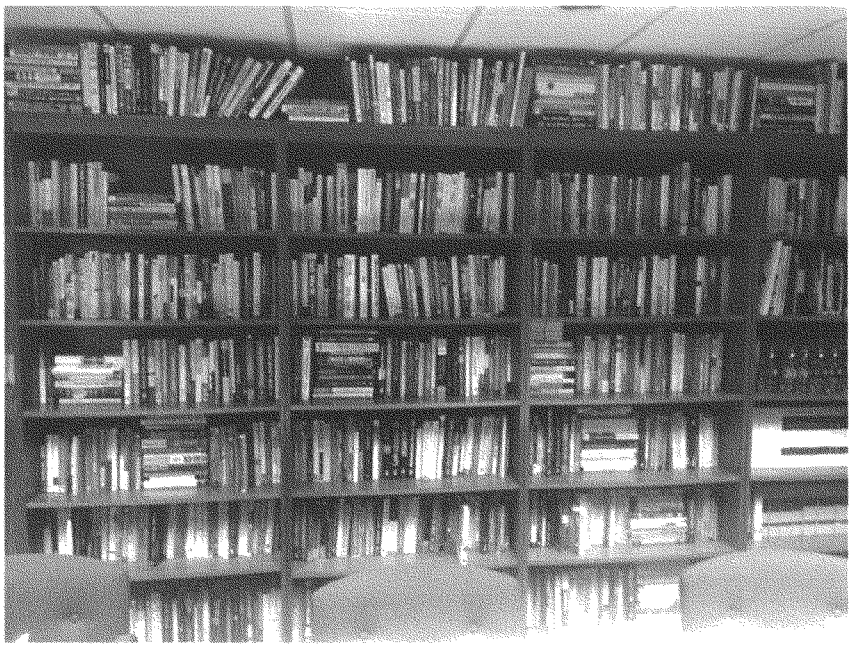
Table 4.2: Dollars Spent for Books, Newspapers, Periodicals

2010	2011	2012	2013	2014	2015	Total
$6,914.28	$8,240.68	$3,805.13	$8,251.01	$8,990.06	$4,706.96	$40,908.12

Source: Oracle natural account Books, Newspapers, and Periodicals.

Purchases consisted of a variety of magazine subscriptions, such as, *Inc. Magazine*, *Fortune,* and the *Economist,* and hundreds of books. Our audit revealed multiple yearly subscriptions of the same periodical. For example, in October 2014, the Election Office procured three subscriptions to the Harvard Business Review for $208.00. The renewal notice requested two of the subscriptions be mailed to the Election Office and the third was requested to be mailed to the previous Election Commissioner's home address. Sometimes, both a hardcopy and Kindle version of the same book was purchased. A complete listing of book and other periodical titles purchased from June 2013 through July 2015[9] is provided in Appendix II, beginning on page 49.

The previous Election Commissioner referred to the Election Office's conference room as the Center of Excellence. The picture below shows some of the more than 900 books located in the Center of Excellence available to office staff. The previous Election Commissioner estimated 90% of these books were purchased with County funds to educate staff on emerging topics; remaining books were his personal books.



During our review, we found multiple books were purchased covering the same subject matter. When asked, the previous Election Commissioner stated he "wanted to know everything" and

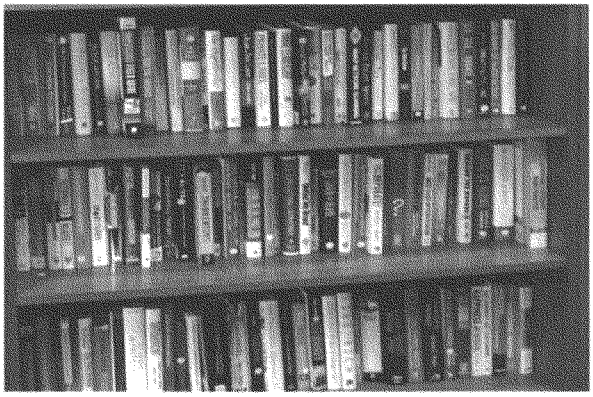
[9] Scope period was limited to those titles verified through receipt documentation in Oracle.

with elections, "you have to know everything". He stated it was fair to say he may purchase five books rather than two over the same subject. He also stated he would purchase some books based on titles or authors he liked in support of his effort to be educated about everything.

A physical inventory of books at the Election Office accounted for nearly 99% of all books purchased during June 2013 through July 2015 timeframe. We noted the following while conducting the inventory:

- Most books purchased after June 2013 were not in the Center of Excellence,
- Most books were in "brand-new" condition as they were notably stiff to open,
- Many books had yellow dots on the spine

The picture below represents three typical bookshelves within the Center of Excellence. Note the yellow dots on the spine of some of the books. The previous Election Commissioner explained the yellow dots were applied to books he hadn't read. There are approximately 100 books shown in the picture with at least 25 yellow dots indicating these books were not read.



We reviewed all book purchases from June 2013 through early July 2015[10] to determine the extent to which they supported the mission of the Election Office. We reviewed: the publication title; management's justification when available; and, multiple purchases of the books focusing on the same or similar subject matter (leadership, management, strategic planning, etc.) Table 4.3 on the next page identifies the costs we questioned as a result of this review.

[10] In June 2013, the Election Office started recording supporting documentation in Oracle which permitted us to review all books purchased from June 2013 through early July 2015. Suppporting documentation recorded in Oracle was the source of information to determine Questioned Cost in Table 4.3.

Table 4.3: Questioned Cost – Books, Subscriptions and Periodicals

Book Type	Reasonable Cost	Questioned Cost
Digital		$58.95
Digital Magazine		$64.99
Ebook		$67.45
Hardcover	$90.92	$1,982.04
Kindle	$87.84	$535.68
Paperback	$547.26	$859.19
Subscription	$438.00	$2,941.65
(Unknown) - Not evident on receipt	$72.29	$663.40
(Unknown) - No receipt provided		$1,752.02
Grand Total	**$1,236.31**	**$8,925.37**

Source: Audit Services Analysis

Chevrolet Traverse

The Election Office entered into a lease/purchase agreement on January 31, 2011, for a Chevrolet Traverse. Three lease payments were made, each in the amount of $10,680, in January 2011, March 2012, and December 2012, for a total cost to the County in the amount of $32,040.

In December 2010, prior to entering into the lease agreement, quotes were obtained from three local Chevrolet dealers to purchase a Chevrolet Traverse. The lowest bid to purchase a similarly equipped Traverse was $26,256, from a Chevrolet dealer in Independence, Missouri. Instead of purchasing the Traverse, the previous Election Commissioner decided to enter into a lease/purchase arrangement, which increased the overall cost to the County in the amount $5,784 (total lease/purchase cost $32,040 less Chevrolet dealer bid of $26,256). In our opinion, Johnson County taxpayers did not receive any value for the additional cost of $5,784 to purchase this vehicle and the additional cost of $5,784 is questioned cost.

Management consultant

The previous Election Commissioner entered into a contract (undated) with a management consultant to:

> Plan, execute, and summarize results of Johnson County Election Office (JCEO) workshops to facilitate identification of strengths and areas for improvement, team building, and use of basic problem solving and process improvement tools.

Election Office leadership team of 5 employees attended a workshop held on February 21, 2015. The workshop was scheduled from 10:30 AM – 3:00 PM which included a working lunch. The consultant's fee for facilitating the 4 ½ hour workshop was $3,500. Each Election Office team member received training valued at $700 per employee[11].

[11] Total cost of $3500 divided by number of attendees (5) = $700.

We question the management consultant cost of $3,500. In our opinion, Johnson County taxpayers did not receive reasonable value for the cost incurred for the following reasons:

- The $3,500 expense is excessive when compared to the value received.
- The requirement for organizational and/or leadership training for staff could have been facilitated by the previous Election Commissioner, at no cost to the County, since he taught leadership courses to graduate students at Baker University.
- As noted earlier, the Election Office had a considerable collection of books in the Center of Excellence. Over 900 books, many pertaining to leadership & management, were available to educate and train staff.
- The informally written contract identified anticipated outcomes that were not clear and did not materialize. We subsequently learned the management consultant hired was a former co-worker of the previous Election Commissioner.

2015 Midwest Election Officials Conference (MEOC)

The Election Office provided financial and non-financial support to host the MEOC in Kansas City, Missouri, during the period September 30, 2015, through October 2, 2015. Financial support consisted of procuring audio visual and staging equipment, supplies and providing travel and transportation. Table 4.4 below identifies financial support provided to the MEOC that is questioned.

Table 4.4: MEOC Expenses Financed by Johnson County

Expense Type	Questioned Cost
Travel	$1,217.92
Conference Space Rental	$4,381.00
Staging Equipment Purchases	$4,487.86
Audio Visual Equipment Purchases	$6,729.28
Audio visual Equipment Rental	$180.00
Supplies Expense	$1,419.00
Grand Total	**$18,415.06**

Source: Oracle financials

Typically, conference hotels provide conference space and staging and audio visual equipment, the cost of which is embedded in the price of attendance and recouped via the conference registration fees. Other expenses such as travel, transportation and lodging for speakers, and supplies are generally funded by the organization hosting the conference and recouped via the conference registration fees. The recently appointed Election Commissioner was unable to provide an explanation why these expenses were financed by Johnson County. He noted "The two persons responsible for making all of the decisions related to MEOC are no longer working here." In our opinion, Johnson County taxpayers did not receive reasonable value for the expenses incurred to support the MEOC conference.

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5. Office Equipment Inventory Controls Are Deficient

Information technology inventory records for the administrative side of the Election Office were outdated and not auditable. The previous Election Commissioner cited lack of staffing as the reason for not maintaining accurate and current inventory records. Establishing and maintaining internal controls needed to safeguard County assets is an inherent management responsibility and cannot be abandoned due to perceived staffing shortages. The lack of accurate and current inventory records does not provide the information required to manage the lifecycle of technology equipment assets and poses a significant risk to the County for the misappropriation of equipment assets through loss or theft.

Recommendations

We recommend the Johnson County Election Commissioner:

5.1 Adopt Department of Technology and Innovation's (DTI) County-wide IT Hardware Asset Management Practice, and related policies, procedures and standards, for ensuring proper stewardship of County IT resources.

5.2 Develop office policies and procedures in support of DTI's IT Hardware Asset Management Practice, and related policies, procedures and standards.

Management Comments

5.1 The Election Office acknowledges the audit's findings. In response, our Warehouse and Technology Manager has updated an inventory of office equipment using Microsoft Excel. We are exploring options for a new election management system, which is likely to include an asset management tool. We will work with the Department of Technology and Innovation to determine that system's compatibility with the county's policies, procedures, and standards for asset management, then work toward developing and implementing our policies and procedures.

5.2 See 5.1

Discussion

Department of Technology and Innovation Policies, Procedures and Standards

DTI has established countywide policies, procedures and standards addressing all aspects of life cycle management for information technology (IT) equipment. Specifically, the *IT Hardware Asset Management Practice* states:

> The IT hardware asset management practice defines the strategy used to ensure the effective planning, acquisition, deployment, use, maintenance, and disposal of IT hardware assets. IT hardware asset management ensures maximum benefit from IT hardware investments at minimal cost and with acceptable risk. This strategy is

> necessary to ensure the proper stewardship of County resources that ultimately belong to County residents. These established procedures clearly define methods used to inventory hardware assets maintained and supported by DTI.

This countywide initiative assists County departments/agencies manage their investments in IT hardware. We recommend the Election Commissioner adopt DTI's policies and procedures and incorporate them into Election Office procedures.

Outdated and inaccurate record keeping

The IT Inventory listing maintained by the Election Office is not current. The inventory listing does not have a complete, clear picture of all computing devices being maintained. In addition to outdated information, purchases made by the previous Election Commissioner were never communicated to the Technology Coordinator so they could be recorded and accounted for. This lack of documentation prevents staff from making informed decisions about future technological needs of the office and presents an unnecessary risk to Johnson County.

Excessive IT equipment accumulated in Election Commissioner's private office

A physical inventory was conducted of the Election Commissioner's private office. Inventory results revealed an assortment of IT equipment, including:

- Laptops (16)
- Tablets (14)
- Book readers (2)
- GPS navigators (4)
- Apple iWatch
- Video cameras (2)
- Amazon Echo
- Baby monitor
- Wireless TV Adapters (7)
- Wireless Routers (4)

A complete listing of IT items we inventoried is located in Appendix III on page 55. None of the IT equipment items inventoried were recorded on the office inventory record and were "off book". The previous Election Commissioner could not provide an adequate response regarding the appropriateness of not accounting for these items. He did, however, share his computer purchasing philosophy – which is to purchase two or three computers at a time because he drops them often and wants to have a spare if needed. A review of Appendix III will provide the reader an appreciation of the excessive IT purchasing practices.

The process of recording, identifying and establishing accountability of equipment is a basic, fundamental internal control designed to mitigate asset misappropriation. Not recording IT equipment items of the magnitude reported in Appendix III promotes an atmosphere of unaccountability and represents a significant risk to Johnson County government.

6. The Process for Billing Special Elections Costs Can be Improved

The Election Office's lack of written policy and procedures regarding how to track and bill local jurisdictions for 'direct costs' resulted in inaccurate billings and does not provide reasonable assurance for:

- Accountability (jurisdictions are properly billed),
- Consistency (consistent tracking of, accounting for, and billing of vendor costs),
- Sustainability of operations (process continuity for unexpected staff loss).

The method used to bill jurisdictions for direct costs associated with special elections is based on institutional knowledge passed from one employee to another. While human error is an inherent risk in operational environments, having written policy, procedures, reasonable controls and appropriate management oversight will help reduce the risk of inaccurately billing local jurisdictions.

Recommendations

We recommend the Johnson County Election Commissioner:

6.1 Request assistance from the Director, Treasury and Financial Management to utilize capabilities within Oracle to enhance and streamline accounting for special elections direct costs.

6.2 Use Oracle's Receivable module as the tool to invoice local jurisdictions.

6.3 Develop an office policy addressing broad objectives regarding tracking and billing direct costs associated with special elections.

6.4 Develop office procedures that will provide assurance local jurisdictions are billed in a timely and accurate manner to include:
- Effective recording, tracking and reporting all vendor costs,
- Establishing relevant rates for office costs/services, and
- Reviewing and updating procedures periodically.

6.5 Review previous billings for the January 2015 special election and all special elections in 2014 to ensure they were billed accurately and take appropriate action if errors are detected.

Management Comments

6.1 The Election Office acknowledges the audit's findings. We will work with Treasury and Financial Management to educate our staff on Oracle's function as an accounting and invoicing tool to improve our billing of jurisdictions for non-countywide elections.

6.2 See 6.1

6.3 The Election Office acknowledges the audit's findings. We will work with Treasury and Financial Management and Budget and Financial Planning to assess the pricing, tracking, recording, and reporting of election costs. In addition, we will work with the Kansas Secretary of State's Office to review relevant statutes. To ensure transparency, accountability, and continuity, we will adequately document the revised policies and procedures.

6.4 See 6.3

6.5 The Election Office acknowledges the audit's findings. Using our policies and procedures as a guide, we will review the billings and reconcile errors.

Discussion

Special Elections and related direct costs

Kansas Election Standards, Chapter II, pages 6-9 define 'question submitted elections' as special elections, which may not be used to elect officials. These may be either a polling place election or a 'mail ballot' election. In addition, Chapter II also provides authority for reimbursement of all 'direct' expenses for the special election by citation of Kansas Statutes Annotated (KSA), 25-2201 and Kansas Administrative Regulations (KAR), 6-1-1 and 6-1-2. Direct costs associated with Special Elections include:

- Publication of legal notices,
- Printing of ballots and preparation of voting machines,
- Transportation of voting machines,
- Postage,
- Rental of polling places (to include clean-up),
- Poll books, summary sheets, and clerical supplies used at the polling places,
- Transportation of ballots and delivery of supplies to polling places, and
- Election judges and clerks, etc., needed to run the special election.

Indirect costs (which shall not be reimbursed or apportioned) include: costs of regular and temporary election office workers, charges for use of voting machines, and preparation and/or furnishing of maps.

Lack of policy and procedures

The Election Office does not have a written policy, nor written desk procedures, on how to track and bill 'direct costs' considered additional and attributable to special elections. When asked about written policy and procedures, office staff stated the Election Office follows KSA 25-2201: KAR 6-1-1 and 6-1-2. This guidance is broad in scope, providing what direct costs may be billed, and what indirect costs may not be billed, to local jurisdictions. It does not provide guidance on how to track, prepare, and verify direct costs being billed to the local jurisdictions.

Current office procedure regarding the billing of direct costs to local jurisdictions consists solely of verbal guidance and direction. The office does not track direct costs by election or

jurisdiction. In addition, the process lacks management oversight regarding the accuracy of bills prepared and submitted to local jurisdictions for direct costs.

Jurisdictions overbilled

There were four special elections held during 2015. We reviewed billings for three of these and discovered erroneous billings in two. These two elections represented four jurisdictions as follows:

- Three jurisdictions were over-billed in the amount of $5,339.57 for the election held on March 3, 2015.
- One jurisdiction was over-billed in the amount of $150.80 for the election held on August 18, 2015.

In addition, KAR 6-1-2 states maps are an indirect expense and the election office shall not bill local jurisdictions for the preparation and/or furnishing of maps. The election office billed a total of $1,860.00 to three local jurisdictions for maps in the March 3, 2015 special election, and it billed $420.00 for maps in the August 18, 2015 special election.

Current billing process lacks reasonable assurance

The Election Office's lack of written policy and procedures regarding how to track and bill local jurisdictions for 'direct costs' resulted in inaccurate billings and does not provide reasonable assurance for:

- Accountability (jurisdictions are properly billed),
- Consistency (consistent tracking of, accounting for, and billing of vendor costs),
- Sustainability of operations (process continuity for unexpected staff loss).

We recommend the Election Office develop office policy and procedures, and appropriate management oversight, to mitigate the risk associated with over/under billing local jurisdictions.

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7. Cash Collection and Deposit Activity Controls Need Strengthening

Election Office management does not have assurance a proper control environment exists over the collection, custody, and deposit of cash receipts. The Election Office has a limited and incomplete policy addressing basic separation of duties in collection and deposit activity. Written procedures outlining necessary and appropriate controls over all aspects of cash collections and deposits do not exist. As a result, county cash assets are at a significant risk to theft or loss.

Recommendations

We recommend the Johnson County Election Commissioner:

7.1 Request assistance from the Director, Treasury and Financial Management to develop and implement needed procedures and controls over cash receipts and deposits.

7.2. Revise current office policy (No. 1 – 102, Accounts Receivable, Front Office) to reflect sound cash handling objectives, including:
- Segregation of duties,
- Restrictively endorsing all checks immediately upon receipt,
- Assigning responsibility for the fund to a single employee and a designated backup,
- Performing periodic surprise cash counts, and
- Reconciling the fund at least monthly.

Management Comments

7.1 The Election Office acknowledges the audit's findings. We will work with Treasury and Financial Management to educate our staff on proper procedures for cash collections, receipts, deposits.

7.2 The Election Office acknowledges the audit's findings. Once the work referenced above with Treasury and Financial Management is complete, we will implement the revised procedures and controls.

Discussion

The Election Office does not have written office policy and related procedures to address sufficient and appropriate controls over cash receipts, separation of duties, custody of funds, deposits of cash, reconciliation, and management oversight.

Due to the inherent risk associated with cash (coins, currency and checks), written office policy and related procedures for cash receipts and deposits can help prevent mishandling of funds and safeguard Johnson County assets. Johnson County's Treasury and Financial Management has established Cash Handling Guidelines, which require a separation of duties for collecting, recording, depositing, and reconciling cash receipts. In addition, these guidelines recommend offices:

- Develop and maintain written procedures,

- Restrictively endorse checks upon receipt,
- Secure funds,
- Conduct routine cash reconciliation, and
- Make deposits as soon as practicable.

Compensating controls, to include periodic management oversight and reviews, should exist when staffing levels do not permit appropriate segregation of duties. Good business practice also calls for surprise cash counts of funds maintained in the office. Johnson County also has a policy in place pertaining to petty cash (Administrative Policy 120.400 Petty Cash). Petty cash funds provide for the expenditure of county funds for a broad variety of goods, services, and activities related to the conduct of official county business. Petty cash guidelines require:

- The fund be placed under sole custody of a department employee who is responsible for the fund,
- The dollar amount be small as possible, and
- The fund is reconciled at least monthly.

Petty Cash and cash receipts

The Election Office maintains a small petty cash fund totaling $300.00, the primary purpose of which is to make change when customers make purchases—there are no purchases made from this fund. A portion of this fund ($100.00) is kept in a locked cash drawer located near to the front office staff (this drawer is also used also to secure daily cash collections); the remainder of the fund ($200.00) is kept in a safe located in the Election Commissioner's office.

The Election Office does not have sufficient written office procedures regarding cash receipts and deposits; and due to the lack of written policy and procedures, the office does not follow Johnson County cash receipts procedures. The office receives cash (coins, currency and checks) at the front counter, as well as checks through the mail. A pre-numbered cash receipt is prepared for all monies received; all customers receive the original receipt including checks received through the mail. The exception is checks received for special election billings—according to office staff, the original bill serves as the payee's receipt. A separate daily listing of all cash received is not prepared, and the Election Office does not restrictively endorsed checks upon receipt. A locked register drawer secures all cash received until the weekly deposit is prepared. Only a few employees have access to the register drawer, and the key is not co-located with the register. Individuals who receive cash are not involved in preparation of weekly cash deposits.

Conclusion

Without appropriate written policy and procedures that address cash controls, Election Office management does not have reasonable assurances that County assets are protected from loss or theft. In addition, management does not have appropriate processes documented to protect the continuity of operations should staff leave.

8. Grant Management Activities Have Not Satisfied Grant Requirements

The Election Office was awarded a $35,000 Knight Foundation Prototype grant in August 2015. The grant period of six months expired in February 2016 and staff have not met all grant agreement deliverables. Staff turnover, lack of oversight and inadequate grant management procedures contributed significantly to the deliverables not being completed. The Election Commissioner should consider requesting more time to complete the project or returning the funds to the Knight Foundation.

Recommendations

We recommend the Johnson County Election Commissioner:

8.1 Re-evaluate the Knight Foundation grant and determine if the project is worth continued pursuit.
- If the project has merit, then resources need to be dedicated to the initiation and development of the software application.
- If the project is not pursued, return the funds to the Knight Foundation.

8.2 Should the Election Office decide to pursue future grant opportunities, develop grant management procedures, to include the following:
- Defined roles
- Detailed objectives
- Periodic evaluations
- Financial transparency
- Reporting requirements
- Record retention

Management Comments

8.1 The Election Office acknowledges the audit's findings. To ensure immediate evaluation of the Knight Foundation grant, we spoke with a representative from the Knight Foundation on February 12, 2016. The representative, like the audit, encouraged us to evaluate the project and consult our staff before making a final decision. We are working toward and will consider the audit recommendations.

8.2 The Election Office acknowledges the audit's findings. We will work with the Grants Compliance Officer in Budget and Financial Planning to educate our office's staff on grant management and implement proper policies and procedures before pursuing future grant-related opportunities.

Discussion

John S. and James L. Knight Foundation Grant Agreement

A review of the prototype grant agreement revealed the following sections of the grant:

- Non-deliverable Compliance Components
- Grant Activities
- Grant Financial Management
- Reporting Requirements
- Record Retention

These sections were reviewed and compared against the activities performed by the Election Staff to ensure all aspects of the grant agreement are examined.

Non-Deliverable compliance components

The Knight Foundation grant identified the following non-deliverable compliance components:

- Grant term August 15, 2015 to February 15, 2016.
- Must remain IRS tax exempt during grant term.
- Comply with IRS rules regarding grant funds.
- Grant fund payment mailed within 60 days after signed agreement.
- Parties agree all intellectual property rights owned by grantee.

This review confirmed that all non-deliverable components are understood and followed by the Election Staff and/or the Knight Foundation.

Grant activities

The Knight Foundation grant deliverables and corresponding status includes:

- Selection of a technological partner – incomplete.
- Inventory of data; Assessment of needs/wants; Initiate development – incomplete.
- Plan the application rollout – incomplete.
- Grant orientation/workshop – complete.
- Learnings and insights to date – complete.
- Present findings at funds review session – to be determined.

This review revealed that three activities listed in the grant agreement are incomplete. These activities are the crucial foundation of the entire application being initiated. The activities not being completed have halted all development of this application.

Grant financial management

We reviewed how the grant was established in Oracle. It took five months to set up the grant in Project Accounting within Oracle. The check from the Knight Foundation was dated September 24, 2015 but not deposited until January 6, 2016. The revenue side of the Project Accounting wasn't finalized until January 21, 2016, which is over five months from the time the grant agreement was signed. As of January 28, 2016, the Election Office has not utilized any funds related to the Knight Foundation grant.

Reporting requirements

Both the programmatic and financial report were due February 15, 2016. This current status report will be provided to the Knight Foundation by February 15, 2016 along with a listing of all the expenses used to date.

Record retention

The Election staff stated they have maintained communication with perspective technological partners and with the Knight Foundation regarding this grant award. These records will be made available for at least four years in compliance with the terms of the grant agreement.

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9. Professional Guidance Is Needed In Procurement Activities

Procurement activity – the process which results in obtaining goods and services – requires immediate management attention. The audit found procurement activity was not always consistent with the County's values and procurement policy. Our concerns regarding purchasing activity include:

- The office receiving recurring services, over a period of time, from the same vendors not under contract,
- The former Assistant Election Commissioner inappropriately entering into a contract and binding Johnson County government to host a Midwest Election Officials Conference,
- The previous Election Commissioner entering into an agreement with a management consultant which created an appearance of a conflict of interest,
- Current staff's lack of an awareness and understanding of active procurement and contracting initiatives.

As a result, the Board of County Commissioners lacks assurance the Election Office obtains goods and services "at the lowest ultimate cost consistent with prevailing economic conditions, appropriate standards of quality and continuity of service, while establishing and maintaining a reputation for openness, fairness and integrity."[12]

Recommendations

We recommend the Johnson County Election Commissioner:

9.1 Request the County's Purchasing Manager to conduct an assessment of the Election Office's procurement activity.

9.2 Designate office staff to be assigned appropriate and necessary financial responsibilities, as well as, contract management responsibilities. Financial and contract management responsibilities and actions would be an outcome from the assessment performed by the Purchasing Manager.

9.3 Develop written procedures for procurement and contract management practices to ensure the Election Office complies with the County's purchasing policies. Written procedures would be based, in part, from the assessment performed by the Purchasing Manager.

9.4 Identify, review, and catalogue all current contracts and recurring office expenses to determine if:
- Purchasing thresholds warrant solicitation of bids via the competitive procurement process, or if,
- benefit would be received by contractually binding recurring expenditures.

[12] Administrative Purchasing Policy No. 110.110

Management Comments

9.1 The Election Office acknowledges the audit's findings. We will initiate contact with the Purchasing Manager in Treasury and Financial Management to assess our procurement activities.

9.2 The Election Office acknowledges the audit's findings. We will work with the Purchasing Manager and Treasury and Financial Management to assign responsibilities and educate our staff on policies and procedures related to contract management and procurement.

9.3 The Election Office acknowledges the audit's findings. We will consider the Purchasing Manager's assessment and Treasury and Financial Management's training to implement and document procedures related to contract management, procurement, when soliciting bids and purchasing voting machines in 2017.

9.4 The Election Office acknowledges the audit's findings. We will document current office contracts and recurring expenses, then work with Treasury and Financial Management to review the findings and, as needed, take action.

Discussion

Responsible management of procurement activity is needed to ensure the Election Office is operating in a fiscally responsible manner and in accordance with County purchasing policy and procedures. With recent turnover in leadership positions, it's an opportune time to remedy circumstances noted during our review of recurring expenditures, contracts and general procurement activity.

Recurring services provided by vendors should be reviewed

We reviewed recurring expenses and found a consistent payment pattern existed for janitorial services. Election Office staff thought the services were paid on a month-to-month basis, not on contract, but were unsure. We consulted the Purchasing Division and in their opinion, a contract for janitorial services, regardless of the cost associated, is desired because it establishes the following:

- Bonding
- Insurance
- Employee background checks
- Equal Opportunity Employment expectation
- Defined tasks and expectations
- Contract terms
- Clear cancellation terms
- Expectations for resolving issues – example – meetings to define the issue with a timeframe for improvement

Similarly, we found recurring payments were made for communication expenses. In 2015, we noted single payments to Sprint in excess of $5,000. Election Office staff were unable to advise if these services were contractually bound. Payments to Sprint were both inconsistent in amount and showed evidence that previous balances were sometimes paid. It is an opportune time to assess recurring and non-recurring services and determine if the most effective and efficient contracting tool is being used to obtain those services.

County Purchasing Policy not followed

A former Assistant Election Commissioner entered into a contract with the Hilton President Kansas City, to be the venue for the Midwest Election Official's Conference held during the period September 30, 2015, through October 2, 2015. She "accepted and agreed to" terms and conditions of the contract which bound Johnson County government to specific performance requirements (guaranteed minimum revenue). We consulted the County's purchasing department to obtain their opinion regarding the appropriateness of Election Office personnel acting as a party to the contract and binding Johnson County government. The Purchasing Division estimated the contract value at approximately $40,000. In their opinion, given the estimated contract value, the Election Office should have:

- maintained documentation indicating "the appropriate method of competition" and
- obtained approval by the Purchasing Manager[13].

Current Election Office staff recalled five hotels were considered as options for the MEOC conference; however, documentation to substantiate the competition was not available. The Purchasing Division was not consulted prior to the execution of the contract. Purchasing officials identified two other issues related to this contracting action of concern.

> First, the contract should not have been written "binding Johnson County" government. Procurement officials believe the contract should have listed the Midwest Election Officials as the party to the contract with Hilton President hotel.
>
> Second, the contract states "Event planner points will be provided to (name of the previous Election Commissioner)" and cites a Hilton Honors card number. We presume the card number is the previous Election Commissioner's Hilton Honors card. Purchasing officials believe the Hilton Honor points were given to the previous Election Commissioner for personal gain. We consulted the County's Ethics Official who stated "receipt of the points would be in violation of the Code of Ethics and is clearly personal gain if he accepted them and used them." This audit was unable to determine if the previous Election Commissioner received any benefit from the Hilton President hotel resulting from the contract with Hilton.

Management consulting fees created the appearance of a conflict of interest

As noted in Section 4 of this report, the previous Election Commissioner entered into a written contract with a management consultant to facilitate "identification of strengths and areas for

[13] Purchasing Procedure #110.135: Authority to Purchase, Contract, section E

improvement, team building, and the use of basic problem solving and proves improvement tools." The one-page contract was informally written and identified anticipated outcomes that were not clear and did not materialize. The consultant hired was identified to be a former co-worker of the former Election Commissioner.

The County's Purchasing Policy and Procedures are designed to guide Johnson County employees involved in the procurement process. The process shall "foster honesty and truth in buying and to avoid conflicts of interest, unethical practices and the appearance of same."[14]

The contract was written identifying the consultant on a first-name basis. We learned from one attendee the deliverables identified in the contract's "Action Items and Next Steps" were not clearly identified at the end of the workshop, nor was a documented presentation provided to conference attendees. A total of five attendees, including the previous Election Commissioner, attended the one workshop in February 2015. The "take-away" or product from this training was limited to a half-page of hand-written notes for the one attendee we interviewed.

[14] Purchasing Procedure #110.110: Goals, Objectives, Principles, C.5.

10. Physical Security of the Election Office Requires a Coordinated Approach

Election Office management was not aware 24 non-Election Office personnel had access to the Election Office, including the warehouse. The authority to grant and terminate physical access to the Election Office is performed by both the Election Office and the Sheriff's Office. Access to the Election Office building was not reviewed by management on a periodic basis to ensure only appropriate personnel had access. Also, policies and procedures regarding authorizing or terminating access to the Election Office did not exist. The lack of management attention and oversight can lead to loss or damage to supplies and equipment and is potentially a personal safety risk.

Recommendations

We recommend the Johnson County Election Commissioner:

10.1 Coordinate with the Sheriff's Office and the Facilities Director to arrive at a consensus regarding access to the Election Office.

10.2 Develop policy and procedures addressing the physical access to the Election Office, including documenting an employee's job function and listing out all the necessary access required for that position.

10.3 Periodically review the listing of individuals who have access to the existing facility and determine whether or not continued access is warranted.

10.4 Develop a method to track all the part time / temporary employees who have access to the Election Office.

10.5 Update and maintain on a recurring basis the door and equipment key inventory (per Election Office Administrative Policy 1.13) detailing the possession of office keys to cabinets, safes, vaults, carts, files, drop boxes, padlocks, flag pole, cash register and vehicles.

Management Comments

10.1 The Election Office acknowledges the audit's findings. We will initiate contact with the appropriate representatives in the Sheriff's Office and Facilities to examine each access point and scrutinize each permission associated with them.

10.2 The Election Office acknowledges the audit's findings. We will utilize the findings from our assessment with the Sheriff's Office and Facilities to document and implement access-related policies, procedures, and permissions. Our Office Administrator has already documented and submitted each employee's access permissions for review by management.

10.3 See 10.2

10.4 See 10.2

10.5 The Election Office acknowledges the audit's findings. We will work to create an up-to-date inventory of keys that includes the employees in possession of them.

Discussion

Employee verification and access

We obtained an 'Active Credential' report supplied by the Sheriff's Office identifying all personnel having access to the Election Office and verified all Election Office employees having access to the Election Office. The 'Active Credential' list identified other non-Election Office personnel with access. Twenty-four non-election office employees had access to the Election Office and warehouse from the following organizations:

- Facilities employees - (15)
- Department of Information and Technology (DTI) employees – (6)
- Faith Technology employees – (3)

Part time or temporary access

The review of the 'Active Credential' report also revealed management at the Election Office does not track all of the temporary codes or swipe card access issued to temporary or part time election staff. The Northeast office allows for six swipe cards to be used when their facilities are being used since these cards allow employees access to the voting room and lunchroom. Management is not aware of the location of these cards and presumed they are at the Northeast office. Formal documentation of all access would allow the Election Office to have better control and awareness of the access to their building. If the keypad access number were to be changed or if one code was deactivated, they would know who to contact for a replacement code if the situation should arise.

Policy and procedures

Although the Election Office has an Election Office Administrative Policy 1.113 dealing with access and security matters, we found the last revision dated April 2009 and last reviewed and approved by the previous Election Commissioner in 2012. Consequently, we could not review individual employee access levels for appropriateness. We also note this policy does not address *add, delete* or *modify* access rights for Election Office employees. Finally, the Key Inventory which was supposed to be maintained according to the same policy was last updated in 2007.

Conclusion

Election Office management doesn't perform a formal, periodic review of access. The lack of management oversight over the physical security can potentially lead to loss or damage to supplies and equipment and is potentially a personal safety risk.

11. Business Continuity Plan Is Not Viable

The Election Office's Business Continuity Plan (BCP) is outdated and incomplete. The current BCP references:

- County positions/departments that no longer exist,
- Employees no longer employed with the Election Office,
- Dependencies on third parties without supporting agreements.

In addition, the BCP was not coordinated with Emergency Management and does not contain the necessary attributes of a reliable plan such as:

- Business impact analysis,
- Delegation of authority,
- Identification of critical functions, and
- Plan testing.

In January 2014, staff initiated work to revise their BCP, but never completed the process. Employee turnover in key positions has been cited as the reason for not completing this process. The Election Office will be unable to react to a business interruption in an effective and efficient manner.

Recommendation

We recommend the Johnson County Election Commissioner

11.1 Request assistance from Emergency Management to develop a Continuity of Operations Plan (COOP) that is tied to the overall County plan and addresses aspects of the Election Office's operational requirements regarding voter registration and holding elections.

Management Comments

11.1 The Election Office acknowledges the audit's findings. We will contact Emergency Management and Communications to initiate work on a Continuity of Operations Plan (COOP) for our office.

Discussion

Continuity of Operations

Continuity of Operations Plan (COOP), is a planning process designed to identify the people, places and activities necessary to ensure a Department's ability to continue mission essential functions during a wide range of emergencies. This planning is essential for each department as well as being part of the countywide business continuity efforts.

Review of Election Office Business Continuity Plan

We reviewed the Election Office's BCP and asked questions designed to ensure it had all the appropriate attributes of a viable plan in place. The results of this review are:

- The BCP is not up-to-date,
- No procedures exist for updating the plan,
- The plan is not fully documented,
- Roles and responsibilities are not clearly defined,
- The plan has not been tested and revised based on the results of the testing,
- Dependencies have not been contacted or coordinated, and
- Critical resources are not identified.

These are just a few of the immediate results missing from the review of the BCP. COOP program planning is good business practice, and without it, organizations may not fulfill their missions in the face of crises that disrupt essential functions.

KansasPlanner.com

The County utilizes KansasPlanner.com as an on-line source for developing and maintaining each department's COOP. It was designed to create a standardized planning environment and produces and maintains the COOP as a 'living plan'. Emergency Management utilizes this on-line tool to maintain the consistency of COOP between agencies and departments. It also allows the County to align with all standards, guidance, and current best practices.

Audit Comments

Physical Inventory of Voting Equipment

Voting machines used in the election process are kept in the Election Office warehouse. A physical inventory of equipment used in the election process was performed and all equipment was accounted for. Other ancillary equipment such as iPads and mobile phone devices are also stored in the warehouse. The iPads used at each polling location during elections were inventoried and properly secured with no issues noted. Additionally, all the mobile phones issued to the polling locations during elections were reviewed and documented with no exceptions.

Voter Registration List

As of January 8, 2016, the Johnson County KS voter registration list contained 377,522 records. Using 2014 US Census Bureau information for Johnson County, KS, we estimate the list was 96% complete. We performed limited testing of the voter registration list looking for the following:

- Duplications in registered voters,
- Cancellation of registered voters with local obituaries,
- Improper or future dated registration dates, and
- Improper addresses (leaving blank precinct assignments)

We found only 15 questionable records. These were brought to management's attention and successfully resolved.

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APPENDIX I

OBJECTIVES, SCOPE AND METHODOLOGY

Objectives

The transition audit reviewed the overall management practices of the Election Office leadership and the status of the department after a management change. The objectives are designed to advise the incoming Election Commissioner and the Board of County Commissioners of any risk management, governance or internal control issues that need to be addressed. Specific audit objectives include:

a. Review Election Office operating policies and procedures for completeness and clarity.
b. Review Election Office compliance with County policy and procedures.
   - ✓ Purchasing Policy and Procedures (Administrative Policy #110); P Card Guidelines 110: Government Purchasing Card Administrative Guidelines;
   - ✓ Business Expense Policy (Administrative Policy #120);
   - ✓ County Cash Handling Guidelines.
c. Review appropriateness of financial transactions related to non-payroll commodities.
d. Election Office IT, to include voting equipment.
   - ✓ Assess adequacy of inventory records and procedures – separate IT equipment in support of administrative operations and voting equipment.
e. Assess and perform limited testing of voter registration Ch. 1.
f. Assess physical security.
   - ✓ Access key card levels of responsibility.
   - ✓ Assess physical security of access/egress to voting equipment.
g. Review the effectiveness of billing and collecting costs associated with conducting special elections.
h. Review the effectiveness of cash receipts and deposit activity.
i. Review contract management procedures and practices.
j. Review grant and project management.
k. Review and assess the Election Office overall system of Internal Control framework.
l. Review and assess the Election Office Business Continuity Plan.

Background

The Johnson County Election Office serves over 370,000 registered voters in Johnson County, KS. There are more than 1,900 elected positions in over 540 voting districts in the county. Comprised of 16 full-time staff members, the Election Office is responsible for voter registration and conducting all federal, state and local elections in the county. Local jurisdictions for our voters include County Commissioners, Sheriff, Precinct Committee People, incorporated cities, seven townships, eight unified school districts, two drainage districts, Water District #1 of Johnson County, and Johnson County Community College.

In accordance with KS Statute 19-3419, the Election Commissioner is a position appointed by the Kansas Secretary of State.

APPENDIX I

This audit was performed pursuant to Board Resolution No. 080-94 which authorizes the Auditor "To have full, free and unrestricted access to any of the COUNTY's records, physical properties, and personnel relevant to any internal audits being conducted." At the conclusion of their Business Session on November 19, 2015, the Board of County Commissioners authorized and directed Audit Services to perform a full transition audit of the Johnson County Election Office.

Audit field work was completed on February 19, 2016.

Scope

The scope of the audit included an assessment of internal controls in the Election Office to determine if they are appropriate to affect an orderly transition. Tests of financial transactions used during this audit were initially focused on data between January 1, 2010 and July 2015, unless noted otherwise.

Methodology

In order to accomplish all the objectives we:

- Reviewed Johnson County Financial, Administrative and Human Resource:
  - Policies and procedures
  - Guidelines
- Reviewed Election Office practices and administrative procedures.
- Reviewed Secretary of State Election Standards to compare to Election Office practices.
- Reviewed Kansas Statutes related to Election administration.
- Interviewed key leadership and staff of:
  - Election Office,
  - County Departments and Agencies, and
  - State of Secretary Office..
- Obtained and reviewed existing contract agreements between the Election Office and third parties.
- Reviewed project documentation.
- Reviewed grant agreement.
- Reviewed existing Business Continuity Plan.
- Reviewed invoices to local jurisdictions for three special elections in 2015.

Additionally the following methodologies were utilized for the specific areas:

Travel Expenses

- Obtained and reviewed all Oracle accounting records related to travel.
- Reviewed all P-Card expenses as related to travel.
- Reviewed all iExpense reimbursement claims (per diem and mileage reimbursements).
- Reviewed supporting documentation (when available).
- Recreated travel events based on expenses available in Oracle from January 2010 – September 2015.

APPENDIX I

P-Card Administration

- Obtained all P-Card expenditures from June 2013 – October 2015.
- Reviewed whether supporting documentation was attached in Oracle for all P-Card expenditures for scope.
- Performed data analysis on P-Card expenditures to determine total percent and count of purchases made per P-Card cardholder, etc.
- Reviewed County Government Purchasing Card Administrative Guidelines and compared to Election Office practices.

Voter Registration List

- Obtained and performed data analysis and testing on the Johnson County Voter Registration list as of January 8, 2016.
- Performed obituary discovery on Kansas Obits to test registration list for deceased voters remaining on the list. (Judgmental sampling of 30 Johnson County obituaries)

Computer Inventory

- Obtained all P-Card expenditures from January 2010 – September 2015 related to Computer Devices.
- Conducted an inventory of the computer/gadget related items in the Election Commissioner's office.

Physical Access

- Obtained a list of current employees out of the County's outlook email system.
- Obtained a current active access report out of Velocity and compared it against a list of active employees.
- Toured facilities to verify access and general conditions.

Limitations to audit work performed

We found a general lack of written policies and procedures impacting the following audit objectives:

- Election Office IT (to include voting equipment).
- Physical security access.
- Billing and collecting costs associated with conducting special elections.
- Contract management procedures and practices.
- Cash receipts and deposits.

In addition, with the departure of both the Election Commissioner on November 13, 2015 and an Assistant Election Commissioner on January 18, 2016, we were unable to determine the root cause of some conditions noted in our audit.

APPENDIX I

Computer Data

We used data from various computer systems in performing this audit including, but not limited to: The County's Oracle financial and human resources system (Oracle), ELVIS (voter registration), and Velocity (building access), to gather information and report on operations.

Statistical Sampling

We used statistical and judgment sampling to select items for review. We used statistical sampling to select testing samples in the review of physical inventory of voting equipment. Where statistical sampling was used, we designed our sample to provide 90 percent assurance with a 5 percent margin of error. Both sample size and items to be reviewed were generated by commercial statistical software.

When statistical sampling was not performed, judgment sampling was utilized. This type of sampling was primarily used for attribute testing – procedural compliance for the following areas:

- Review the effectiveness of billing and collecting costs associated with conducting special elections ,
- Obituaries selected to test Voter Registration List, and
- Review contract management procedures and practices.

APPENDIX II
Books, Periodicals Purchased June 2013 through July 2015

Book or Publication Title
.net magazine: Practical Web Design
1 of: Print (1 year)
1 of: Web Designer - England - Inlcs CD-ROM
12: The Elements of Great Managing
435 Magazine
A Concise Guide to Macroeconomics, Second Edition: What Managers, Executives, and Students Need to Know
A More Beautiful Question: The Power of Inquiry to Spark Breakthrough Ideas
A Team of Leaders: Empowering Every Member to Take Ownership, Demonstrative Initiative, and Deliver Results
A Web for Everyone: Designing Accessible User Experiences
Absentee and Early Voting
Absolute Value: What Really Influences Customers in the Age of (Nearly) Perfect Information
Accelerate: Building Strategic Agility for a Faster-Moving World
Act Like a Leader, Think Like a Leader
Actionable Intelligence: A guide to Delivering Business Results with Big Data Fast!
Advanced Electoral Integrity
Advertising Age
Albania (Brandt Travel Guides)
Alignment: Using the Balanced Scorecard to Create Corporate Synergies
Android Book 00701989319509
Balanced Scorecards and Operational Dashboards with Microsoft Excel
Barron's
BDMS PC Knowledge Series
Becoming the Boss: New Rules for the Next Generation of Leaders
Being Mortal: Medicine and What Matters in the End
Better Than Before: Mastering the Habits of Our Everyday Lives
Beyond the Idea: How to Execute Innovation in Any Organization
Big Bang Disruption: Strategy in the Age of Devastating Innovation
Big Data at Work: Dispelling the Myths, Uncovering the Opportunities
Bloomberg Businessweek
Bloomberg Markets
Bloomberg Markets
BOM Android App Reviews 072574866465
Bringing Strategy Back: How Strategic Shock Absorbers Make Planning Relevant in a World of Constant Change
Build, Borrow, or Buy: Solving the Growth Dilemma
Building High-Performance Local Governments: Case Studies in Leadership at All Levels
Bush's Brain: How Karl Rove Made George W. Bush Presidential
Business Ethics: Readings and Cases in Corporate Morality
Business Model Generation: A handbook for Visionaries, Game Changers, and Challengers
Business Strategy: Managing Uncertainty, Opportunity, and Enterprise
Business without the Bullsh*t: 49 Secrets and Shortcuts You Need to Know
Buyer Personas: How to Gain Insight into Your Customer's Expectations, Align your Marketing Strategies, and Win More Business
Calculating Success: How the New Workplace Analytics Will Revitalize Your Organization
Capital in the Twenty-First Century
Centered Leadership: Leading with Purpose, Clarity, and Impact

APPENDIX II
Books, Periodicals Purchased June 2013 through July 2015

Changing Minds: The Art and Science of Changing Our Own and Other People's Minds
Clinton, Inc: The Audacious Rebuilding of a Political Machine
Commit to Win: How to Harness the Four Elements of Commitment to Reach Your Goals
Compensation
Contagious: Why Things Catch On
Conversational Intelligence: How Great Leaders Build Trust & Get Extraordinary Results
Creating Innovators: The Making of Young People who Will Change the World
Creative Conspiracy: The New Rules of Breakthrough Collaboration
Dashboarding and Reporting with Power Pivot and Excel: How to Design and Create a Financial Dashboard with PowerPivot-End to End
Data Science for Business: What you need to know about data mining and data-analytic thinking
David and Goliath: Underdogs, Misfits, and the Art of Battling Giants
Decide: Better Ways of Making Better Decisions
Discover
Discover? 0009281013723
Disrupting Digital Business: Create an Authentic Experience in the Peer-to-Peer Economy
Do Lead: Share your vision, Inspire others, Achieve the impossible
Dog Whistles, Walk-Backs, and Washington Handshakes: Decoding the Jargon, Slang, and Bluster of American Political Speech
Don't make Me Think, Revisited: A Common Sense Approach to Web Usability
Double Down: Game Change 2012
Driven to Distraction at Work: How to Focus and Be More Productive
EGO vs. EQ: How Top Leaders Beat 8 Ego Traps with Emotional Intelligence
E-Government and Websites: A Public Solutions Handbook
Election Administration Reports
Elevate: The Three Disciplines of Advanced Strategic Thinking
Employment Law: The Essential HR Desk Reference
Engaging Government Employees: Motivate and Inspire Your People to Achieve Superior Performance
Engaging Imagination: Helping Students Become Creative and Reflective Thinkers
Entrepreneur Magazine
Entrepreneurial Strengths Finder
Essential Guide to Android 0074470890362
Essential Guide to Workplace Investigations, The: How to Handle Employee Complaints & Problems
Everything Connects: How to Transform and Lead in the Age of Creativity, Innovation, and Sustainability
Execution IS the Strategy: How Leaders Achieve Maximum Results in Minimum Time
Facilitative Leadership in Local Government: Lessons from Successful Mayors and Chairpersons
Fail Better: Design Smart Mistakes and Succeed Sooner
Failure to Communicate: How Conversations Go Wrong and What You Can Do to Right Them
Fast Company
Feeling Smart: Why Our Emotions Are More Rational Than We Think
Fifty Quick Ideas to Improve your User Stories
Five Frogs on a Log
Focus: The Hidden Driver of Excellence
Fortune Magazine
Fortune Magazine (3 years)
Foundation of Public Service
Georgian-English/ English-Georgian Dictionary and Phrasebook

APPENDIX II
Books, Periodicals Purchased June 2013 through July 2015

Get the Truth: Former CIA Officers Teach You How to Persuade Anyone to Tell All
Google Glass for Dummies
Handbook of Unethical Work Behavior: Implications for Individual Well-Being
Harvard Business Review (1) subscriptions
Harvard Business Review (3) subscriptions
Hawver's Capitol Report
HBR Guide to Building Your Business Case EBook + Tools
Helping America Vote: The Limits of Election Reform (Controversies in Electoral Democracy and Representation)
How Google Works
How to Deliver a TED Talk: Secrets of the World's Most Inspiring Presentations
How to Fail at Almost Everything and Still Win Big: Kind of the Story of My Life
How to Sweet-Talk a Shark: Strategies and Stories from a Master Negotiator
How We Learn: The Surprising Truth About When, Where, and Why it Happens
Icreate - England
Icreate Magazine
Inc Magazine
Information Doesn't Want to Be Free: Laws for the Internet Age
Inside the Box: A Proven System of Creativity for Breakthrough Results
It's Not the How or the What but the Who: Succeed by Surrounding Yourself with the Best
Joy Inc: How We Built a Workplace People Love
Kansas City Star
KC Business Journal
Keeping up with the Quants: Your Guide to Understanding and Using Analytics
Lead Positive: What Highly Effective Leaders See, Say, and Do
Leaders eat Last: Why Some Teams Pull Together and Others Don't
Leadership Vertigo: Why Even the Best of Leaders Go Off Course and How They Can Get Back On Track
Leading with Conviction: Mastering the Nine Critical Pillars of Integrated Leadership
Learn or Die: Using Science to Build A Leading-Edge Learning Organization
Left Brain, Right Stuff: How Leaders Make Winning Decisions
Let's Stop Meeting Like This: Tools to Save Time and Get More Done
Linux Journal (12 Digital issues)
Lonely Planet Georgia, Armenia, & Azerbaijan (Travel Guide)
Mac/Life Magazine (24 Print Issues)
MacWorld Magazine
Making Conflict Work: Harnessing the Power of Disagreement
Managers as Mentors: Building Partnerships for Learning
MIT Technology Review
Moments of Impact: How to Design Strategic Conversations That Accelerate Change
MSDN Magazine
Multipliers: How the Best Leaders Make Everyone Smarter
Nice Companies Finish First: Why Cutthroat Management is Over - and Collaboration Is In
No Ordinary Disruptions: The Four Global Forces Breaking All the Trends
Numbersense: How to use Big Data to Your Advantage
On the Edge: The Art of High Impact Leadership

APPENDIX II
Books, Periodicals Purchased June 2013 through July 2015

Opposable Mind: Winning Through Integrative Thinking
Our Iceberg is Melting: Changing and Succeeding under Any Conditions
Personal Intelligence: The Power of Personality and How it Shapes Our Lives
Power Cues: The Subtle Science of Leading Groups, Persuading Others, and Maximizing Your Personal Impact
Power, Influence, and persuasion: Sell Your Ideas and Make Things Happen
Present Yourself: Using Slideshare to Grow Your Business
Profit Patterns: 30 Ways to Anticipate and Profit from Strategic Forces Reshaping Your Business
Programming the Mobile Web
Public Administration: An Introduction
Public Program Evaluation: A Statistical Guide
Public Service Values
Reinventing Project Management: The Diamond Approach to Successful Growth & Innovation
Responsible Leadership: Lessons from the Front Line of Sustainability and Ethics
Risk Savvy: How to Make Good Decisions
Risk/Reward: Why intelligent Leaps and Daring Choices Are the Best Career Moves You Can Make
Scaling Up Excellence: Getting to More Without Settling for Less
Scientific Amer Spec Edi
Scientific American
Seeing what's Next: Using the Theories of Innovation to Predict Industry Change
Shifting Your Strategy from Products to Customers
Shine: Using Brain Science to Get the Best from Your People
Show Your Work: 10 Ways to Share Your Creativity and Get Discovered
Six Simple Rules: How to Manage Complexity without Getting Complicated
Smart Cities: Big Data, Civic Hackers, and the Quest for a New Utopia
Smarter: The New Science of Building Brain Power
Social Physics: How Good Ideas Spread-The Lessons from a New Science
Solving Problems with Design Thinking: Ten Stories of What Works
Soundview Executive Book Summaries - Online Subscription
Start at the End: How Companies Can Grow Bigger and Faster by Reversing Their Business Plan
Strategy + Business
Strategy Maps: Converting Intangible Assets into Tangible Outcomes
Strategy: A History
Subscription to Washington Post
Take Command: Lessons in Leadership: How to Be a First Responder in Business
Talent Magnetism: How to Build a Workplace That Attracts and Keeps the Best
Team Turnarounds: A Playbook for Transforming Underperforming Teams
Technical Impact: Making Your Information Technology Effective, and Keeping it That Way
Technology Review Magazine (1-Yr sub)
Thanks for the Feedback: The Science and Art of Receiving Feedback Well
The Accidental Creative: How to Be Brilliant at a Moment's Notice
The Alliance: Managing Talent in the Networked Age
The Art of Social Media: Tips for Power Users
The Attacker's Advantage: Turning Uncertainty into Breakthrough Opportunities
The Best Place to Work: The Art and Science of Creating an Extraordinary Workplace
The Big Disconnect: Why the Internet hasn't transformed Politics (yet)

APPENDIX II
Books, Periodicals Purchased June 2013 through July 2015

The Big Pivot: Practical Strategies for a Hotter, Scarcer, and More Open World
The Book on Healthcare Reform: The Economic Truth of Healthcare in America
The Circle
The Doodle Revolution: Unlock the Power to Think Differently
The Economist Magazine
The End of Competitive Advantage: How to Keep Your Strategy
The Essential Guide to Workplace Investigations: How to Handle Employee Complaints & Problems
The Fall of the Alphas: The New Beta Way to Connect, Collaborate, Influence -and Lead
The First 90 Days in Government: Critical Success Strategies for New Public Managers at all Levels
The First 90 Days, Updated and Expanded: Proven Strategies for Getting Up to Speed Faster and Smarter
The First Mile: A Launch Manual for Getting Great Ideas into the Market
The Four Obsessions of an Extraordinary Executive: A Leadership Fable
The Goal: A Process of Ongoing Improvement
The Good Jobs Strategy: How the Smartest Companies Invest in Employees to Lower Costs and Boost Profits
The Great Inversion and the Future of the American City
The Hard Thing About Hard Things: Building a Business When There Are No Easy Answers
The Idea-Driven Organization: Unlocking the Power in Bottom-Up Ideas
The Innovator's Method: Bringing the Lean Start-up into Your Organization
The Job Description Handbook
The Laws of Disruption: Harnessing the New Forces that Govern Life and Business in the Digital Age
The Laws of Simplicity: (Simplicity: Design, Technology, Business, Life)
The Lead Product Playbook: How to Innovate with Minimum Viable Products and Rapid Customer Feedback
The Mac Book 0070989319158
The Measure of American Elections
The Moment of Clarity: Using the Human Sciences to Solve Your Toughest Business Problems
The Moment You Can't Ignore: When Big Trouble Leads to a Great Future
The Myths of Creativity: The Truth about How Innovative Companies and People Generate Great Ideas
The Open Organization: Igniting Passion and Performance
The Organized Mind: Thinking Straight in the Age of Information Overload
The Other "F" Word: How Smart Leaders, Teams, and Entrepreneurs Put Failure To Work
The Oz Principle: Getting Results Through Individual and Organizational Accountability
The Power of Noticing: What the Best Leaders See
The Power of Storytelling
The Public Administrators Companion: A Practical Guide
The Public Budgeting and Finance Primer: Key Concepts in Fiscal Choice
The Race to 270: The Electoral College and the Campaign Strategies of 2000 and 2004
The Reinventor's Fieldbook: Tools for Transforming Your Government
The Righteous Mind: Why Good People are Divided by Politics and Religion
The Rise: Creativity, the Gift of Failure, and the Search for Mastery
The Risk - Driven Business Model: Four Questions That Will Define Your Company
The Road to Reinvention: How to Drive Disruption and Accelerate Transformation
The Sense of Style: The Thinking Person's Guide to Writing in the 21st Century
The Soft Edge: Where Great Companies Find Lasting Success
The Strategist: Be the Leader Your Business Needs
The Talent Code: Greatness Isn't Born, It's Grown. Here's How

APPENDIX II

Books, Periodicals Purchased June 2013 through July 2015

The Three Rules: How Exceptional Companies Think
The Unfinished Leader: Balancing Contradictory Answers to Unsolvable Problems
The Up Side of Down: Why Failing Well is the Key to Success
The Upside of Turbulence: Seizing Opportunity in an Uncertain World
The Village Effect: How to Face-to-Face Contact Can Make Us Healthier, Happier, and Smarter
The Wisdom of Teams: Creating the High-Performance Organization
Think Like a Freak: The Authors of Freakonomics Offer to Retrain Your Brain
Think Smarter: Critical Thinking to Improve Problem-Solving and Decision-Making Skills
Thinking in New Boxes: A New Paradigm for Business Creativity,
Thinking: The New Science of Decision-Making, Problem-Solving, and Prediction
Tilt: Shifting your Strategy from Products to Customers
Time Magazine
Touchpoints: Creating Powerful Leadership Connections in the Smallest of Moments
Triggers: Creating Behavior That Lasts - Becoming the Person You Want to Be
Triple Crown Leadership: Building Excellent, Ethical, and Enduring Organizations
Tweet Naked: A Bare-All Social Media Strategy for Boosting Your Brand and Your Business
Twenty-one Trends for the 21st Century: Out of the Trenches and into the Future
Ultimate Guide to YouTube for Business
Uncommon Service: How to Win by Putting Customers at the Core of Your Business
Understanding Michael Porter: The Essential Guide to Competition and Strategy
Unthink: Rediscover Your Creative Genius
Value Proposition Design: How to Create Products and Services Customers Want
Web Designed - England (Includes CD-ROM)
What You're Really Meant to Do: A Road Map for Reaching Your Unique Potential
Who Gets What and Why: The New Economics of Matchmaking and Market Design
Who Votes Now? Demographics, Issues, Inequality, and Turnout in the U.S.
Why Good Companies Go Bad and How Great Managers Remake Them
Why Government Fails So Often: And How it Can
Work Rules!: Insights from Inside Google That Will Transform How You Live and Lead
World Future Society
Write Your Business Plan: Get Your Plan in Place and Your Business off the Ground
Your First 100 Days in a New Executive Job: Powerful First Steps on The Path to Greatness
Your Next Move: The Leader's Guide to Navigating Major Career Transitions
Your Practical Guide 0074470866497
Your Strategy Needs a Strategy: How to Choose and Execute the Right Approach
Zig Zag: The Surprising Path to Greater Creativity

APPENDIX III
Inventory of the Election Commissioner's Office

Item	Description
LaCie External Drive	2 TB External Drive
Levana Era Baby Monitor	Baby monitor
Kindle Reader	Book Reader
Barnes and Noble NOOK	Book Reader
Digital Voice Recorder	Digital Voice Recorder
Epson Laptop Docking Station	Docking Station
Swivel Docking Station	Docking Station
7" Portable DVD Player	DVD Player
Voyager External Drive	External Drive
iDsonix	External Hard Drive
Garmin Nuvi	GPS Navigator
Garmin Nuvi	GPS Navigator
Garmin Nuvi	GPS Navigator
Garmin Nuvi	GPS Navigator
Garmin GTU10 GPS Locator	GPS Tracking Device
Samsung Hard Drive	Hard Drive
Samsung Hard Drive	Hard Drive
Sandisk UltraPlus Hard Drive 250 GB	Hard Drive
Hitachi Hard Drive	Hard Drive
IPEVO Video Stand	iPhone tripod
Surface Pro Laptop 512 GB	Laptop
Samsung Chrome Notebook	Laptop
Lenovo Idea YOGA	Laptop
HP Touchpad	Laptop
MacBook Pro	Laptop
Lenovo Think Pad	Laptop
iBook G4	Laptop
MacBook Air Laptop 11"	Laptop
MacBook Air Laptop 11"	Laptop
MacBook Rose Gold	Laptop
Dell Bronze Laptop	Laptop
HP Stream Laptop	Laptop
Samsung Notebook	Laptop
Toshiba Laptop (broken) Satellite	Laptop
Samsung Notebook	Laptop
HP LaserJet Pro MFP	Laser Printer
Fire Phone - Firefly	Mobile Phone
Samsung Galaxy S4 Phone	Mobile Phone
iPhone 6+ 128GB	Mobile Phone
iPhone 6+ 128GB	Mobile Phone
iPhone 6 128GB	Mobile Phone

APPENDIX III
Inventory of the Election Commissioner's Office

Item	Description
iPhone 6 128GB	Mobile Phone
Bluetooth Earpiece w/remote	Mobile Phone
iPhone 6S 128GB	Mobile Phone
iPhone 5 64GB	Mobile Phone
iPhone 6 128GB	Mobile Phone
Sprint HTC Mobile Phone	Mobile Phone
Sprint HTC Mobile Phone	Mobile Phone
Sprint HTC Mobile Phone	Mobile Phone
Sprint Blackberry	Mobile Phone
Sprint Blackberry	Mobile Phone
Cingular Motorola	Mobile Phone
Kyocera Torque	Mobile Phone
Sprint Palm	Mobile Phone
Samsung Galaxy S III	Mobile Phone
3M Mobile Projector	Mobile Projector
Logitech Broadcaster	Mobile Projector
Sony VAIO Micro PC	PC
Sprint Portable Projector	Portable Projector
Ambir Portable Scanner	Portable Scanner
FOXL Portable Speakers	Portable Speaker
JBL Portable Speaker	Portable Speakers
Bose Portable Speaker	Portable Speakers
FUJITSU ScanSnap	Scanner
LUK Security Camera	Security Camera
Logitech Alert Camera Security System	Security System
Logitech WiLife Digital Video Security System	Security System
Logitech WiLife Digital Video Security System	Security System
Logitech WiLife Digital Video Security System	Security System
Logitech WiLife Digital Video Security System	Security System
Miscellaneous Box of Video Security System Cameras - Logitech, WiLife, LUK , (approx. 20 cameras)	Security System
iSnap Selfie Stick	Selfie Stick
HP Mediasmart Server	Server
ASUS Transformer Book	Tablet
Kindle Fire	Tablet
Samsung Galaxy Tablet	Tablet
Fire HD6	Tablet
Kindle Fire	Tablet
iPad Mini 16GB Black	Tablet
iPad Mini 128GB Silver	Tablet
iPad	Tablet
iPad Air 128 GB	Tablet

APPENDIX III
Inventory of the Election Commissioner's Office

Item	Description
Samsung Galaxy Tab S	Tablet
Lenovo YOGA Tablet 2 Pro	Tablet
Surface Pro Tablet 64GB	Tablet
Kindle Fire Tablet HD6 8GB	Tablet
HP Tablet	Tablet
Belkin TV Plus Wireless Router	TV Plus Router
IPEVO USB Camera	USB Camera
Flip Digital Video Camera	Video Camera
Veho Muvi Micro DV Camcorder	Video Camera
Amazon Echo Tower	Voice Activated SIRI (external)
iWatch Sport	Watch /Blue Tooth Phone Accessory
Sprint Air Card	Wireless HotSpot
Sprint Air Card	Wireless HotSpot
Philips PicoPix	Wireless Projector
Airwave 2. 5 Wireless router	Wireless Router
Airvana Wireless Router	Wireless Router
D-Link Wireless Pocket Router & Access Point	Wireless Router
EnGenius 11Gb Wireless Router	Wireless Router
Netgear Push2TV	Wireless Display Adapter
Apple TV Adapter	Wireless Display Adapter
Roku2	Wireless Media Streaming Adapter
Elgato HomeRunHD	Wireless Media Streaming Adapter
Google Chromecast	Wireless Media Streaming Adapter
Slingbox Pro HD	Wireless Media Streaming Adapter

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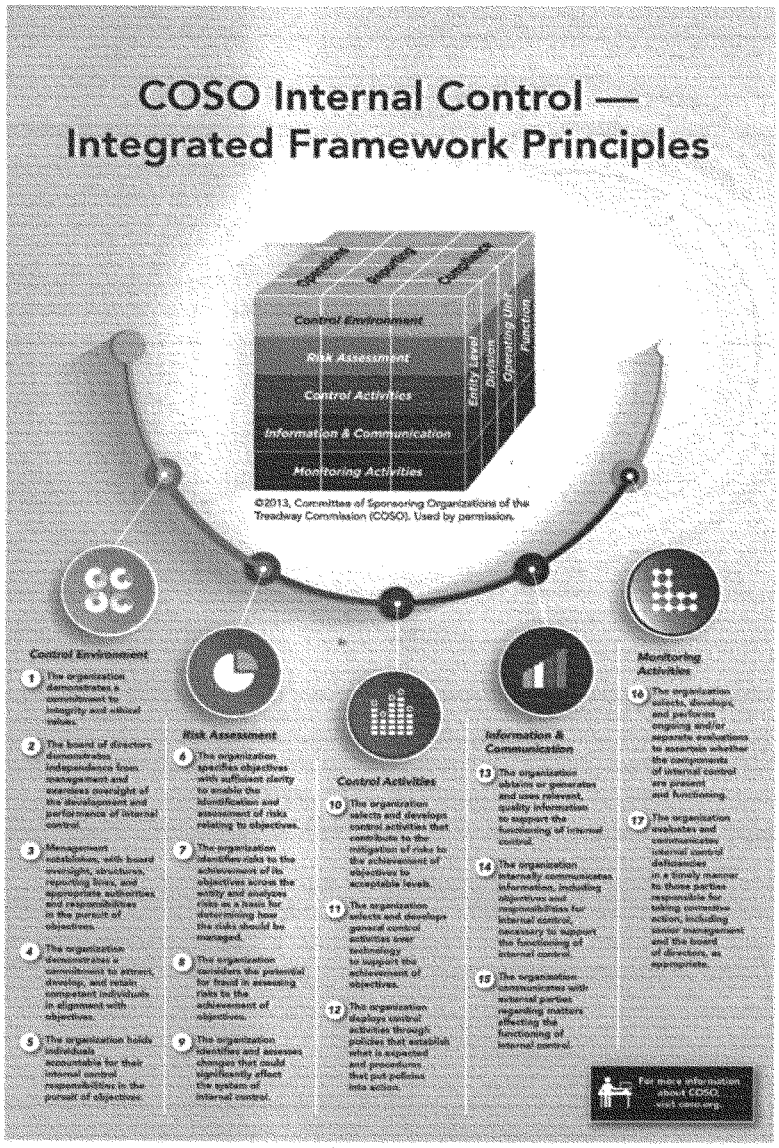
APPENDIX IV
COSO Internal Control Framework



Source: Committee of Sponsoring Organizations of the Treadway Commission (COSO) ©2013