

ELECTION ASSISTANCE COMMISSION OPERATIONS AND 2012 BUDGET PROPOSAL

HEARING BEFORE THE SUBCOMMITTEE ON ELECTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES ONE HUNDRED TWELFTH CONGRESS FIRST SESSION

Held in Washington, DC, March 17, 2011

Printed for the use of the Committee on House Administration



Available on the Internet:

<http://www.gpoaccess.gov/congress/house/administration/index.html>

U.S. GOVERNMENT PRINTING OFFICE

67-268

WASHINGTON : 2011

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON HOUSE ADMINISTRATION

DANIEL E. LUNGREN, California, *Chairman*

GREGG HARPER, Mississippi

PHIL GINGREY, M.D., Georgia

AARON SCHOCK, Illinois

TODD ROKITA, Indiana

RICHARD B. NUGENT, Florida

ROBERT A. BRADY, Pennsylvania,

Ranking Minority Member

ZOE LOFGREN, California

CHARLES A. GONZALEZ, Texas

PROFESSIONAL STAFF

PHILIP KIKO, *Staff Director & General Counsel*

JAMIE FLEET, *Minority Staff Director*

SUBCOMMITTEE ON ELECTIONS

GREGG HARPER, Mississippi, *Chairman*

AARON SCHOCK, Illinois

RICHARD B. NUGENT, Florida

TODD ROKITA, Indiana

CHARLES A. GONZALEZ, Texas

ROBERT A. BRADY, Pennsylvania

ELECTION ASSISTANCE COMMISSION OPERATIONS AND 2012 BUDGET PROPOSAL

THURSDAY, MARCH 17, 2011

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

The subcommittee met, pursuant to call, at 11:00 a.m., in room 1310, Longworth House Office Building, Hon. Gregg Harper (chairman of the subcommittee) presiding.

Present: Representatives Harper, Nugent, Rokita, Brady, and Gonzalez.

Staff Present: Phil Kiko, Staff Director/General Counsel; Peter Schalestock, Deputy General Counsel; Kimani Little, Parliamentarian; Joe Wallace, Legislative Clerk; Yael Barash, Assistant Legislative Clerk; Salley Wood, Communications Director; Bob Sensenbrenner, Elections Counsel; Karin Moore, Elections Counsel; Jamie Fleet, Minority Staff Director; Kyle Andersen, Minority Press Secretary; Khalil Abboud, Minority Elections Staff; and Thomas Hicks, Minority Elections Counsel.

Mr. HARPER. I now call to order the Committee on House Administration Subcommittee on Elections for today's oversight hearing on the Election Assistance Commission. The hearing record will remain open for 5 legislative days so that members may submit any materials that they wish to be included therein.

A quorum is present, so we may proceed. And as we start, thank you for being patient as we had to work through that first series of votes. The Subcommittee on Elections has the important task of overseeing Federal elections and considering legislative means to improve and protect the integrity of our electoral system.

The Help America Vote Act, passed in 2002, improved our Nation's Federal elections systems and processes by requiring updated voting equipment and standardizing election-related procedures across the country. The legislation also established the Election Assistance Commission to assist States in their obligation to meet the requirements of HAVA.

Now in the ninth year of existence, nearly a decade after the passage of HAVA, the EAC is here to discuss its ongoing efforts to fulfill its legislative mission as well as its budget request for fiscal year 2012. I also want to discuss the EAC's mission, how it is accomplishing its directives and what more needs to be done to achieve these goals. Given that our recent CRs and the President's budget proposal for fiscal years 2010, 2011, and 2012 all zeroed out

the requirements payments function of the EAC, how has its core mission changed?

As many of you know, I have serious doubts about the Commission's purpose given that most States have met the major requirements of HAVA and little funding remains to be disbursed, which is why I recently introduced H.R. 672 to eliminate the Commission. At a time of \$1.5 trillion deficits, a \$14.3 trillion debt and a Federal discretionary spending budget which has increased enormously in the last 2 years, spending money on the EAC is very difficult to justify.

In front of us today, though, are two charts that I think will point out some of the more glaring problems in the Commission. The first shows the very steep increase in staff since the legislative cap was removed in 2007. This increase came without an increase in the authority or responsibilities set out in HAVA.

The other chart shows the EAC's fiscal year 2012 budget request by category with 51 percent devoted to management cost. I don't know how to justify an agency with \$5.4 million in overhead to support programs totaling \$3.5 million. These are both serious concerns of mine and something I hope our presenters will address in their testimony and in response to the questions today.

Nevertheless, until and unless H.R. 672 is enacted, the EAC is still obligated to assist States with compliance to HAVA, and this subcommittee is obligated to exercise its oversight responsibilities. Therefore, I welcome today's oversight hearing and look forward to discussing the EAC's mission, mandate and budget request. My colleagues and I are committed to rigorous oversight, and I want to thank each of them for being here.

I would like now to recognize my colleague, Mr. Brady, the ranking member of the committee and this subcommittee, for the purpose of providing an opening statement.

Mr. Brady.

Mr. BRADY. Thank you. And I want to thank the chairman for calling this very important hearing on the Election Assistance Commission and the 2012 budget request. It is our hope that we can learn from our witnesses steps the agency will take to maximize its use of valuable taxpayer resources and to ensure that the EAC is able to fully carry out its important mission.

The EAC was created in 2002 when Congress enacted the Help America Vote Act. The bipartisan legislation developed mandatory minimum standards for States to apply an election administration. Under the provision of that law, the EAC is charged with assisting States with the implementation and enforcement of these standards. While I acknowledge that the Commission has seen its share of administrative challenges, these issues I believe are fixable.

The EAC is the only Federal agency created exclusively for the purpose of aiding State and local elected officials with their responsibilities to administrate Federal elections. At first, that help came in the form of money, later in standards, as well as machine certifications and now information sharing and best practices, as well as monitoring the money and the standards.

It is my understanding that the chairman is planning to hold a number of hearings in the future devoted to reform. Last year we were able to work in a bipartisan manner on military voting and

ballot tracking. I hope that that will continue, and I look forward to hearing from all of our witnesses.

Mr. HARPER. Does any other member wish to be recognized for the purpose of making an opening statement?

Mr. GONZALEZ. Mr. Chairman.

Mr. HARPER. Yes, sir. Please proceed.

Mr. GONZALEZ. Thank you very much. And I appreciate you holding the hearing, Mr. Chairman.

I guess my only observation would be being here at the inception and the adoption of the legislation that created the Commission, of course we had great hopes and we understood the great need for the Commission. I will be honest with you, there were aspects of it I did not appreciate. We had a debate. We lost. But, overall, what it was attempting to accomplish—and I believe we have been on the road and have made significant progress in lending assistance to our local election officials.

The backdrop is a bill that obviously is out there that would dismantle and incorporate the Commission in other agencies or entities. I would oppose that bill. I would hope that we will be able—and I want to listen. I want to keep an open mind to everything that the chairman and other members may have to point out regarding areas of improvement, because I think we all can agree we can always do a better job, whether it is an individual Member of Congress or whether any commission or any other committee. But that is what I would hope, that we are on the road to improve that which we do but not necessarily dismantle and replace by simply getting it subsumed by other agencies that are out there that have their own issues, by the way. And if they were here before us, we probably would have charts indicating certain shortcomings.

So let us start the debate. Keep an open mind. And I look forward to the testimony. And I apologize. A member of my staff will be here. I apologize to my colleagues and to the chairman, but I have to chair a meeting at 11:30. So I will be excusing myself a little earlier than I would like. But again, thank you for the courtesy and I yield back.

Mr. HARPER. Thank you. I would like now to introduce our witnesses. The Honorable Donetta Davidson is a Commissioner on the EAC. Ms. Davidson was nominated by President Bush and confirmed by unanimous consent in the Senate in 2005. She was appointed to a second term in October of 2008. She has served as vice chair and chair of the EAC, as well as on its Technical Guidelines Development Committee. Ms. Davidson has extensive experience in election administration. She has been a county clerk recorder, the Director of Elections for the Colorado Department of State and Colorado Secretary of State. Ms. Davidson has served on the Federal Election Commission's advisory panel and the board of directors of the Help America Vote Foundation. She has been President of the National Association of Secretaries of State and President of the National Association of State Election Directors.

The Honorable Gineen Bresso is a Commissioner on the EAC, a former chair of EAC. She was nominated by President Bush and confirmed by the Senate in 2008. Prior to service on the EAC, Ms. Bresso was Minority Elections Counsel for this committee, the Committee on House Administration, Policy Advisor to former Gov-

ernor Ehrlich and Attorney Advisor for the U.S. Patent and Trademark Office. She holds a juris doctorate from Western New England College School of Law and clerked for the Maryland Court of Special Appeals.

Mr. Thomas Wilkey is the Executive Director of the EAC, a position he has held since 2005. He joined the Erie County Board of Elections as an election clerk, served as Senior Election Deputy, served on New York State Board of Elections, was involved in New York's Voting System Certification Program, served on the New York State Board of Elections from 1992 to 2003 and was the Executive Director in 2003. Mr. Wilkey has been Secretary, Treasurer, Vice President and President of the National Association of State Election Directors, served on the FEC's Voting System Standards Committee, has served on numerous commissions related to studying election reform and helped in developing the Help America Vote Act of 2002.

Ms. Alice Miller is the Chief Operating Officer of the EAC. She oversees the day-to-day operations involving voting systems testing and certification, administration and human resources, information technology and research, and programs and policy. Prior to joining the EAC, Ms. Miller was the Executive Director of the District of Columbia Board of Elections and Ethics. During her 12-year tenure, she was responsible for overseeing and managing all aspects of their elections. She also served as the board's General Counsel from 1996 to 1997. Ms. Miller holds a juris doctorate degree from Northeastern University School of Law.

Ms. Annette Lafferty is the EAC's first Chief Financial Officer. Since 2009, she has overseen the day-to-day financial operations, including grants management, accounting, budget and procurement. Ms. Lafferty has been in Federal financial management for over 15 years at the U.S. Department of Education, the Federal Aviation Administration, and the Corporation for National and Community Service. She has also worked as a contractor at the U.S. Department of Housing and Urban Development and the General Services Administration. Ms. Lafferty holds a master of business administration in finance and investments from the George Washington University and a master of arts in psychology from Marymount University.

It is our understanding that Mr. Wilkey will provide testimony on behalf of himself, Ms. Miller, and Ms. Lafferty. That being said, we appreciate all of you being here today. The committee has received written testimony from each of you. At the appropriate time, I will recognize each of you for 5 minutes to present a summary of that submission.

To help you keep that time, we have a timing device near the witness table. The device will emit a green light for 4 minutes and will turn yellow when 1 minute remains. When the light turns red, it means your time has expired.

Commissioner Davidson, we will begin with you. You may proceed.

STATEMENTS OF THE HON. DONETTA DAVIDSON, COMMISSIONER, U.S. ELECTION ASSISTANCE COMMISSION; THE HONORABLE GINEEN BRESSO, COMMISSIONER, U.S. ELECTION ASSISTANCE COMMISSION; THOMAS WILKEY, EXECUTIVE DIRECTOR, U.S. ELECTION ASSISTANCE COMMISSION; ALICE MILLER, CHIEF OPERATING OFFICER, U.S. ELECTION ASSISTANCE COMMISSION; AND ANNETTE LAFFERTY, CHIEF FINANCIAL OFFICER, U.S. ELECTION ASSISTANCE COMMISSION

STATEMENT OF THE HON. DONETTA DAVIDSON

Ms. DAVIDSON. Good morning, Mr. Chairman and Ranking Member Brady. I thank you for inviting me to be with you today. My name is Donetta Davidson. And as the chair said, I have a lifelong election experience. I won't repeat any of it. But I did serve at the same time as Congressman Rokita for part of my term, which was an honor.

Today I will speak to you primarily about EAC's work to test and certify voting systems, an area I have focused on since my arrival to the Commission. In the Help America Vote Act, it instructs EAC to establish a voting, testing and certification program. This program is voluntary. However, it provides valuable information to election officials throughout the Nation regardless of whether they participate. And the value comes from a unique role EAC assumes testing voting systems to high standards and also making that information available to election officials and the public and notifying the public up front when we discover an issue.

EAC's commitment to high standards and transparency on how voting systems are certified provides the following benefits. EAC saves States money and time. It offers a comprehensive testing program that thoroughly tests voting systems. The baseline information allows States to limit their testing to individual State requirements. Even partial use of the EAC program has potential to eliminate duplicate testing and save States millions of dollars as well as 6 to 12 months of testing time.

EAC holds voting system manufacturers accountable in two main ways, with a tough, thorough testing process; test plans must be approved before testing processes can even begin. Once voting systems have been certified, manufacturers must adhere to the EAC quality monitoring program, which requires manufacturers to report issues happening in the field. EAC also investigates issues experienced with our certified systems and notifies both public and election officials.

We operate in the sunshine. Accountability, transparency, and public confidence are crucial to the success of this program. That is why the methods used in accrediting laboratories and certifying voting systems are available to the public. Issues discussed and discovered during testing or in the field are proactively communicated to election officials and the general public.

EAC delivers information about certification and testing to election officials and the public in several ways. Information is automatically delivered to you if you sign up for the program alert, including those about voting systems. A quarterly report for voting system testing and certification, a newsletter is also provided with

technical updates, and information is included in our weekly e-mail alerts to stakeholders, which includes Congress.

As a former local and State Election Director, I expressly appreciate the EAC's understanding that tough standards and the public notifications are equally important. And not only share the information, but present it in plain language so that it is accessible and understandable to everyone.

EAC.gov provides a wealth of information about voting systems, everything from the original test plan to any anomaly report we may have issued about the system. And just as important, EAC brings a perspective of election officials to the process. We know that the work we do to develop voting system guidelines and certify voting systems must be applicable in the real world of elections. The best solution and technology won't help if they are too expensive or time consuming for locals to implement.

I have watched the evolution of this program since my arrival at the EAC, and at that time no voting systems had a certification by the Federal Government. Today, we have four voting systems and two modifications that have been certified. And we are working with jurisdictions throughout the Nation, sharing information on how to make voting systems operate more effectively. This combination, with election officials and the experts nationwide in our network, of support informing and sharing exactly what has happened is definitely what we think HAVA envisioned.

Commissioner Bresso will now tell you more about EAC's clearinghouse and the efforts to gather and share ideas and solutions in elections.

Thank you again for asking me to testify, and I am pleased to answer any questions.

[The statement of Ms. Davidson follows:]



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY

OF

**DONETTA DAVIDSON, COMMISSIONER
U.S. ELECTION ASSISTANCE COMMISSION**

BEFORE THE

**HOUSE COMMITTEE ON ADMINISTRATION,
Subcommittee on Elections**

THURSDAY, MARCH 17, 2011

*U.S. Election Assistance Commission
1201 New York Ave., NW – Suite 300
Washington, DC 20005
www.eac.gov*



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

Good morning Chairman Harper, Ranking Member Brady, and Members of the Subcommittee. I am pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss the Commission's activities and my initiatives as Commissioner.

I joined the United States Election Assistance Commission (EAC) in August of 2005 after serving as Colorado's Secretary of State. I was reappointed to the Commission in 2008, and I am currently serving the last year of my term. I began my career in election administration when I was elected in 1978 as the Bent County clerk and recorder in Las Animas, Colorado, a position I held until 1986.

Since my arrival at the EAC, I have been very involved in the work of our Voting System Testing and Certification division, and I serve as the designated officer to the Technical Guidelines Development Committee (TDGC). The Help America Vote Act (HAVA) mandates that the TDGC help EAC develop voluntary voting system guidelines (VVSG). The VVSG set the standards against which voting systems are tested. The director of the National Institute of Standards and Technology (NIST) serves as the chair of the TDGC and provides technical support to the Committee. In addition, NIST and the EAC jointly choose four members with specific technical expertise of the TDGC. The EAC uses the work product of the TDGC as the basis for all voluntary voting systems guidelines promulgated by the Commission as prescribed by HAVA.

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

Today I will focus on my activities as the EAC's most recent chair, as well as provide an overview of the Voting System Testing and Certification program.

2010 ACTIVITIES

During 2010 I served as chair of the EAC, and my top priority was to make sure the Commission was prepared to provide resources to both voters and election officials during this federal election year.

The 2010 federal election year included many new election administration initiatives. Ten years ago, early voting was rare. Absentee ballot tracking, vote centers and ballot on demand were unheard of in most jurisdictions. Live webcasts of the vote tabulation process were not available. In 2010, we saw many of these innovations become commonplace.

HAVA was a catalyst for many of these innovations. For instance, the HAVA-mandated move to statewide voter registration databases facilitated the migration from paper poll



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

books to digital poll books, which makes the voter check-in process faster and more accurate. We have observed poll workers using the poll books and commenting about how much easier the voter check-in process has become.

Jurisdictions were also electronically transmitting registration materials and blank ballots to military and overseas voters to help ensure they receive their ballots on time and to comply with the Military and Overseas Voter Empowerment (MOVE) Act, which Congress passed in 2009.

I chaired nine public meetings in 2010, and the topics included the Maintenance of Expenditure policy, which was adopted; the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA) Pilot Program; the Quality Monitoring Program and the successful partnership with Cuyahoga County, Ohio; and voter preparation and information using modern communication tools like social media. In December of 2010, we held a public meeting which included a review of the election, and a roundtable discussion featuring election officials, and representatives from voting system manufacturers and test laboratories. These meetings were planned to showcase topics and innovations that would be useful to both election officials and voters.

VOTING SYSTEM TESTING & CERTIFICATION PROGRAM

EAC Strategic Plan Fiscal Years 2009 Through 2014, Goal 4: Build public confidence in elections by testing and certifying voting systems to improve system security, operation and accessibility.

The anticipated outcome of the goal is that voting equipment operates more reliably and securely and provides greater accessibility to the disabled. States, the District of Columbia and territories use EAC's testing and certification program to ensure voting systems meet their respective standards and statutory requirements.

FY 2010 Enacted	FY 2011 CR	FY 2012 Request
\$1,861,008	\$1,704,685	\$1,307,493

Goal 4 consists of three strategic objectives:

- 1) develop and update the voluntary voting system guidelines (VVSG);



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

- 2) provide for the accreditation and revocation of accreditation of independent, non-Federal laboratories qualified to test voting systems to Federal standards; and
- 3) administer the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

The Voting System Testing and Certification Program

Under HAVA, EAC is responsible for assisting states with improvements to voting systems by providing a voluntary federal certification program. The Voting System Testing and Certification Program also provides the public with the opportunity to review every aspect of the certification process, such as voting equipment system information, test plans and reports, and reports on voting system anomalies in the field.

EAC accredits voting system test labs which, using the VVSG, evaluate voting systems, devices, and software to determine if they provide the functionality, accessibility, and security capabilities needed for reliable election results. The test labs provide recommendations to EAC, and the Commission's executive director determines whether to issue a certification.

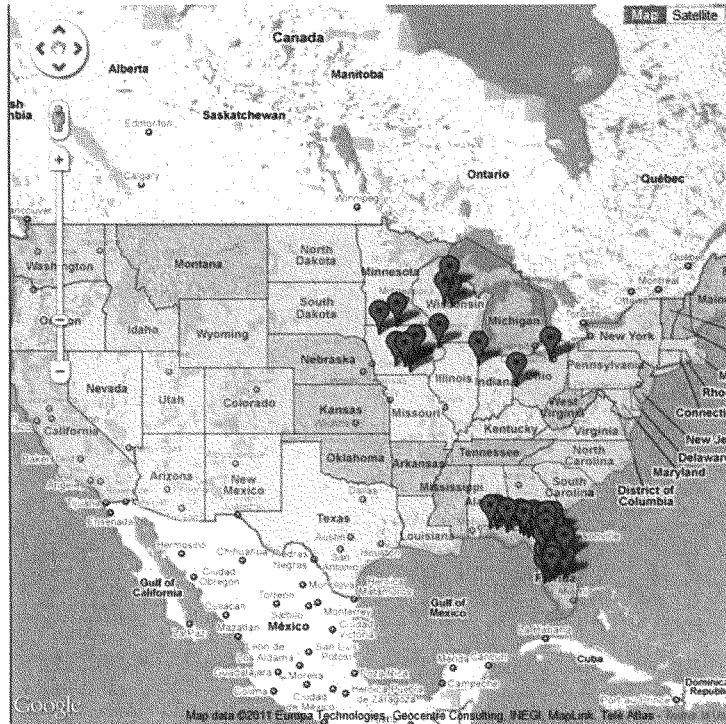
Participation by the states in EAC's Voting System Testing and Certification Program is voluntary. States use varying approaches for both the type of testing required and the language used to require testing. The following four categories illustrate the diverse approaches, including the degree states have mandated the use of EAC's Testing and Certification Program.

- Thirteen states require federal certification. Relevant state statutes and/or rules require that voting systems be certified by a federal agency.
- Nine states require testing to federal voting system standards. Thirteen states require testing by a laboratory accredited to federal standards.
- Twenty states do not have federal certification requirements. Relevant state statutes and/or regulations do not mention any Federal agency, certification program, laboratory, or standard.

These varying requirements of States, the District of Columbia, and territories as well as the location of EAC-certified systems, are available via an interactive map on www.eac.gov.



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011



Comprehensive procedures for the Program are detailed in EAC's Voting System Testing and Certification Program Manual. The program supports local elections officials in the areas of acceptance testing and pre-election systems. It also increases quality control in voting system manufacturing by means of periodic manufacturing facility audits of EAC-registered manufacturers, and provides clear procedures to manufacturers for the testing and certification of voting systems to specified Federal standards consistent with the requirements of HAVA.

In addition to its certification duties, the division works in a cooperative and coordinated manner with the National Institute of Standards and Technology (NIST) to evaluate and accredit voting system test laboratories (VSTLs). A condition for accreditation requires all VSTLs to possess a valid accreditation from NIST's National Voluntary Laboratory Accreditation Program (NVLAP). NVLAP accreditation is the primary means by which EAC ensures that each VSTL meets and continues to meet the technical requirements of



the EAC program. It sets the standards for each VSTL's technical, physical and personnel resources, as well as its testing, management, and quality assurance policies and protocols. EAC received the first two recommendations to accredit laboratories from NVLAP in January 2007. After NIST provides its list of recommended laboratories, EAC sends a letter to the laboratories inviting them to apply for EAC accreditation under the VSTL program. Procedural requirements for the VSTL Program are detailed in EAC's Voting System Test Laboratory Manual. Currently, six voting systems are certified, as are two laboratories. Laboratories apply for EAC accreditation by invitation from the Commission. A letter of invitation from EAC identifies the scope of accreditation for which the laboratory may apply. After a thorough review of the laboratory application, the Commissioners vote on whether to accredit each potential VSTL. EAC monitors VSTLs through a comprehensive compliance management program.

The Compliance Management Program

Program staff gather information on the procedures and practices of its VSTLs. There are three main sources of information:

- 1) VSTL Notifications of Changes;
- 2) EAC Requests for Documents or Information; and
- 3) EAC On-Site Reviews.

The information collected is reviewed by EAC to ensure that VSTLs meet all program requirements.

EAC staff has continued to improve the certification process by answering technical questions from election officials and manufacturers, helping VSTLs understand how to test specialized systems, reviewing test plans, tracking anomalies, and keeping the technical review and approval process moving forward.

Each VSTL is also required to provide to division staff a weekly update of the project timeline for all voting system testing engagements, and to promptly inform staff when testing discrepancies or other actions require changes to the project schedule. Staff continues to hold weekly teleconferences with the laboratories and manufacturers of all testing engagements underway and to hold kick-off meetings with the labs and manufacturers to give EAC staff and technical reviewers an opportunity to meet with the labs and manufacturers and ask technical questions about the systems submitted for testing.

In addition to voting system certification and laboratory accreditation, EAC along with its Standards Board, Board of Advisors, and Technical Guidelines Development Committee (TGDC) (chaired by the director of NIST and comprised of 14 other members) work together to update and implement voluntary testing guidelines for voting systems. Efforts continue into research and development of improved guidelines for the next iteration VVSG document. Issues in the VVSG include:



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

- Software Independence
- Common Data Format
- Accessibility
- Vote-by-Phone systems
- EPollBook
- Open Ended Vulnerability Testing

The Voting System Testing and Certification (T&C) Division

T&C consists of six full-time staff and five part-time technical experts. To save contractual overhead costs, EAC converted two contractor staff at a cost of \$350,000 per year to two half-time technical reviewer staff, taking advantage of the Part-Time Annuitants Act authority at a cost of \$220,500 in late FY 2010. Further, by the end of FY 2011, EAC plans on decreasing staff by one of the part-time reviewers.

The division's FY 2012 budget request includes \$201,700 for travel, \$15,000 for the purchase of voting systems for in-house use, \$3,500 for supplies, \$1,800 for printing, and \$1,500 for training.

Transfer to NIST

In 2012, EAC plans on transferring \$3,250,000 to NIST and entering into an interagency agreement for the activities specifically required under HAVA Sections 221 *Technical Guidelines Development Committee* (TGDC), 231 *Certification and Testing of Voting Systems*, and 245 *Study and Report on Electronic Voting and the Electoral Process*. EAC and NIST continue to work on the development of testable guidelines for remote electronic voting systems to assist voters covered under the Uniformed and Overseas Citizens Absentee Voting Act and the National Defense Authorization Act for Fiscal Year 2010.

EAC Voting System Testing & Certification Program **Voting Systems Status Report of Certified Voting Systems; Voting Systems Currently Under Testing**

Active Systems							
Manufacturer	Voting System (Name Version)	Testing Standard	VSTL	Testing Application	Test Plans (Status Current Version Date)	Test Reports (Status Current Version Date)	Certification Status
Dominion	Sequoia WinEDS 4.0	2002 VSS	SLI Global	08/09/2007	Approved Ver. 3.0 04/17/2009	Draft Ver. 2.0 11/30/2010	Currently under testing
Dominion	Democracy Suite 4.0	2005 VVSG	Wyle	04/19/2010	n/a	n/a	Currently under testing - Certification



**U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011**

ES&S	Unity 3.2.1.0 Previously Unity 3.0.1.0 & Unity 3.0.1.1 w. ATS 1.3	2002 VSS	Wyle	06/12/2007 REVISED 08/17/2009	Approved <u>Rev. B</u> 02/28/2011	Draft <u>Rev. A</u> 02/28/11	Currently under testing
ES&S	Unity 5.0.0.0	2005 VVSG	Wyle	02/18/2010	Draft <u>Rev 1.0</u> 12/21/10	n/a	Currently under testing - <u>Certification</u> <u>Testing Timeline</u> 02/28/11

Certified Systems							
Manufacturer	Voting System (Name Version)	Testing Standard	VSTL	Testing Application	Test Plans (Status Current Version Date)	Test Reports (Status Current Version Date)	Certification Status
MicroVote	EMS Ver. 4.0	2005 VVSG	iBeta	07/17/2007	Final <u>Ver. 3.0</u> updated version 4.0 submitted with Test Report V.4.0 12/19/2008	Final <u>Ver. 5.0</u> 03/02/2009	Certified Voting System <u>Final</u> <u>Decision</u> 02/06/2009 <u>Certificate of</u> <u>Conformance</u> <u>Initial Decision</u> <u>on Certification</u> made on 12/31/2008
ES&S	Unity 3.2.0.0 Rev 1 (Modification)	2005 VVSG & 2002 VSS	iBeta	06/22/2010	Final <u>Ver. 4.0</u> 09/23/2010	Final <u>Ver. 4.0</u> 10/12/2010	Certified Voting System <u>Final</u> <u>Decision</u> 09/24/2010 <u>Certificate of</u> <u>Conformance</u> <u>Initial Decision</u> <u>on Certification</u> made on 07/22/2010
ES&S	Unity 3.2.0.0	2002 VSS	iBeta	03/19/2007	Final <u>Ver. 2.0</u> (iBeta) 04/03/2009	Final <u>Ver. 4.0</u> 07/22/2009	Certified Voting System <u>Final</u> <u>Decision</u> 07/21/2009 <u>Certificate of</u> <u>Conformance</u> <u>Initial Decision</u> <u>on Certification</u> made on 07/20/2009
ES&S/ Dominion (Premier)	Assure 1.2	2002 VSS	iBeta	04/05/2007	Final <u>Ver. 2.0</u> (iBeta) 04/06/2009	Final <u>Ver. 3.0</u> 08/06/2009	Certified Voting System <u>Final</u> <u>Decision</u> 08/06/2009 <u>Certificate of</u> <u>Conformance</u> <u>Initial Decision</u> <u>on Certification</u> made on 08/03/2009



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

Unisyn	OpenElect 1.0	2005 VVSG	Wyle	06/03/2008	<u>Final Rev. B</u> 07/23/2009	<u>Final Rev. B</u> 01/14/2010	Certified Voting System <u>Final Decision</u> 01/13/2010 <u>Certificate of Conformance</u> <u>Initial Decision on Certification</u> made on 01/12/2010
MicroVote	EMS Ver. 4.0B (Modification)	2005 VVSG	Wyle	6/23/2009	<u>Final Modification</u> 09/09/2009	<u>Final Rev. C</u> 06/21/2010	Certified Voting System <u>Final Decision</u> 08/17/2010 <u>Certificate of Conformance</u> <u>Initial Decision on Certification</u> made on 08/12/2010

CONCLUSION

EAC's Voting System Testing and Certification program provides value to election officials, regardless of whether their jurisdiction requires EAC certification. The baseline information provided by EAC about these voting systems allows states to limit their testing to state specific issues. If a state chooses to only partially participate in EAC's certification program, the information has the potential to save the state millions of dollars and six to twelve months of testing time.

I have watched the evolution of this program since my arrival at the EAC in 2005. At that time, no voting systems had been certified by the federal government. Today, four voting systems are certified and we are working with jurisdictions throughout the nation, sharing information and collaborating on how to make voting systems operate more efficiently. Voting system manufacturers are held accountable through EAC's Quality Monitoring Program and the transparent process which includes posting on EAC.gov all test reports and plans so the public can review the process and the results. We issue system advisories, announcements of investigations and publicly display the location of all EAC-certified systems in the field. I believe the new level of accountability and transparency EAC has brought to the process of certifying voting systems will ultimately lead to an increase in voter confidence.



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

EAC staff has taken action to streamline the entire testing and certification process, including in-person kick-off meetings, weekly conference calls with all parties and daily communication with the test labs and the manufacturers. The Commission has taken strong steps to increase efficiency without sacrificing the program's high standards.

EAC has tasked NIST to create uniform test suites for the labs to use. These suites will help to ensure better consistency and efficiency in testing, ultimately saving time and money.

As a former election official, I know that the information provided by EAC and the expertise and support offered by the Voting System Testing and Certification program team is very valuable to the election administration community and to voters.

Mr. HARPER. Thank you, Commissioner Davidson. Commissioner Bresso.

STATEMENT OF THE HON. GINEEN BRESSO

Ms. BRESSO. Good morning, Chair Harper, Ranking Member Brady and other members of the subcommittee, and I want to thank you for asking me to be with you today.

One of the roles I have as an EAC Commissioner is to collect and share best practices from the field of elections, and I truly feel that the best ideas come directly from election officials. During my tenure at EAC, I have traveled across the country and witnessed many innovative and creative approaches in election administration, especially regarding the integration of technology into the administration of elections. I welcome this opportunity to tell you more about some of what I have seen.

Some of the practices I have witnessed in different States include the use of electronic poll books to check in voters, systems which offer all voters, in addition to military and overseas voters, the ability to track the status of their absentee ballot electronically, election offices that use technology to provide greater access to election night operations and the robust use of social media to communicate with voters and the news media about polling place hours, wait times and closures.

EAC has taken the lead in collecting these innovative and modern solutions and providing this information to election officials and the general public in a central location on our Website. The cooperation and feedback we get from election officials all across the country allows EAC to fulfill this important informational clearinghouse role.

We have different avenues available which allow us to leverage these resources. As the designated Federal officer for the EAC Standards Board, I have a built-in group of election officials willing to share their insight and ideas. The most recent Standards Board meeting featured panel discussions on cost-saving initiatives, commercial off-the-shelf hardware challenges, implementing the Military and Overseas Voter Empowerment Act, and how local media and election officials can work together to communicate with voters.

In an effort to utilize technology and save taxpayer dollars, I also worked with the membership of the Standards Board to conduct their summer 2010 meeting in a virtual format rather than in person. While it may not be recommended or effective to have virtual meetings in all instances, this format was successful, cost effective, and is a viable alternative for other meetings and programs in the future.

Contingency planning in elections is crucial. When I was chair, I observed that many local governments were preparing for the flu season, particularly with the threat of H1N1. I requested and received preventative plans which included commonsense ideas, like placing hand sanitizers in polling places, backup staffing strategies and coordination with local health departments. These contingency plans and others are posted on eac.gov.

During this past Federal election cycle, I continue to take the best ideas from the field and to highlight them after observing the

primaries in Maryland and D.C. and early voting in Georgia and Florida. For example, Maryland conducts parallel testing, which is a process that duplicates a portion of the election under conditions similar to the polling place. It informs election officials that the voting machines are working the way they should in the field and can also indicate whether malicious code has been introduced. EAC is in the final stages of a video about parallel testing, which is an example of a process that can increase voter confidence.

The District of Columbia opened up election night operations to the public. They could view the tabulation process and get updates in person or by video feed. The State of Georgia provides excellent customer service by providing many on-line features for voters, including the military and those overseas. Georgia's My Vote Page allows for the tracking of absentee ballot status, verification of registration status and the viewing of sample ballots.

In Florida, I saw a great community partnership like Move the Vote, which is a partnership between Clay County and the area realtors to help residents register to vote or update their status. And in my home county of Palm Beach, the supervisor of elections had volunteers from local scout troops at the warehouse to help bring in bags of ballots with memory cards and sort them according to precinct.

These are just a few examples that election officials can look to and determine if a same or similar practice could be applied for the benefit of voters in their community. All of the innovations and practices I observed are available on eac.gov.

EAC also plans to provide an on-line forum for seasoned and new election officials to exchange ideas and solutions. Helping election officials at both the State and local levels connect will create a network of experts who can support each other and achieve their goal of providing service to voters.

I will continue to encourage EAC stakeholders, especially election officials, to share their innovations and help EAC promote a national dialogue of how election officials can continue to serve voters during difficult budget times.

Thank you for asking me to be here today and I welcome any questions you may have.

[The statement of Ms. Bresso follows:]



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY

OF

**GINEEN BRESSO, COMMISSIONER
U.S. ELECTION ASSISTANCE COMMISSION**

BEFORE THE

**HOUSE COMMITTEE ON ADMINISTRATION,
Subcommittee on Elections**

THURSDAY, MARCH 17, 2011

*U.S. Election Assistance Commission
1201 New York Ave., NW – Suite 300
Washington, DC 20005
www.eac.gov*



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

Good morning Chairman Harper, Ranking Member Brady, and Members of the Subcommittee. I am pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss the Commission's operations and my observations as a Commissioner.

There have been changes in the way elections are administered since the implementation of the Help America Vote Act of 2002 (HAVA). Some of these changes include states purchasing voting equipment to meet the new standards, deploying a computerized statewide voter registration database, and implementing procedures for provisional voting.

During my tenure at EAC, I have witnessed many innovative and creative approaches in election administration. Some of the innovations I have seen at the state and local levels include the integration of technology into the administration of elections. For example, several states are using electronic poll books to check-in voters during an election which allows for this information to be updated instantly. Other states offer all voters, in addition to military and overseas voters, the ability to track the status of their absentee ballot electronically. Through a barcode on the ballot envelope, the ballot is scanned before it enters the mail system and after it is returned to the elections office. Election offices are also using technology to provide greater access to election-night operations such as, using the internet to provide a live video stream of vote tabulations and updates of election results on regular intervals.

Many election officials have also embraced social media to communicate with voters and the news media about polling place hours, wait times and closures. Douglas County, Kansas, used Twitter during a local election in 2009 to inform voters of a polling place closure due to a fire. News outlets saw the feed and broadcast the news within minutes. Broward County, Florida and Forsyth County, Georgia posted early voting wait times on their website so voters could avoid lines. Some jurisdictions have also used mobile phone text messaging to coordinate Election Day activities with poll workers.

As a Commissioner, one of my responsibilities is collecting these innovations and solutions from local and state jurisdictions and making them available to election officials throughout the nation in EAC's clearinghouse. Election officials work diligently year-round and strive to provide excellent customer service to voters, despite shrinking budgets and fewer resources. EAC will continue to collect those solutions and share them, and lead national discussions on cost saving initiatives, shared resources and other issues that may affect their ability to conduct accurate and secure elections.



COLLECTING AND SHARING SOLUTIONS

HAVA instructs the Commission to establish a “*national Clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections.*”

“...including the maintenance of a Clearinghouse of information on the experiences of State and local governments in implementing the guidelines and in operating voting systems in general; carrying out the duties described in subtitle B (relating to the testing certification, decertification, and recertification of voting system software and hardware; carrying out the duties in subtitle C (relating to conducting studies and carrying out other activities to promote the effective administration of Federal elections; carrying out the duties described in subtitle D (relating to election assistance), and providing information and training on the management of the payments and grants provided under such subtitle; carrying out the duties described in subtitle B of title III (relating to the adoption of voluntary guidelines); and developing and carrying out the Help America Vote College Program under title V.”

National Clearinghouse for Elections Categories

Clearinghouse Materials Defined by Section 202 of HAVA:

- I. Documented experiences of State and local governments implementing the voluntary voting system guidelines and general information about the operation of voting systems.
- II. Information generated by the EAC’s Voting System Testing and Certification Program.
- III. Best practices, guidance, election management materials and research findings
- IV. Advisory opinions, training materials, audits, updates on the use of HAVA funds and HAVA reporting documents and reports. –
- V. The Voluntary Voting System Guidelines (VVSG)
- VI. Application information, training materials, best practices and information about recipients of the Help America Vote College Program.

As tasked by HAVA to be the national clearinghouse of elections, EAC has taken the lead in collecting these innovative and modern solutions in elections, and providing this information to election officials and the general public in a central location at www.eac.gov.

Information for the clearinghouse does not have to be generated only through research by the EAC. As the designated federal officer for the EAC Standards Board, I have a built-in group of election officials willing to share their insight and ideas. The most recent Standards Board meeting in Oklahoma City featured panels on cost savings initiatives,



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

commercial-off-the-shelf hardware challenges, implementing the Military and Overseas Voter Empowerment (MOVE) Act and how local media and election officials can work together to communicate with voters. Panelists were selected directly from the Standards Board membership whenever possible, and represented election officials from the state and local levels. Their ideas fostered discussions with the audience, also election officials, on approaches that may be applicable to other jurisdictions.

In addition, during my tenure as chair, I observed that many local government entities were preparing for the flu season, particularly the threat of H1N1. Realizing that flu season could present challenges in staffing and preparing for an election, I asked election officials that had flu season contingency plans to submit them to EAC to be shared with their peers. EAC received preventative plans and approaches, which included common sense ideas like placing hand sanitizers in polling places, backup staffing strategies and coordination with local health departments. These contingency plans and others are posted on EAC.gov.

During this past Federal election cycle, I furthered my commitment to supplement EAC's clearinghouse, by taking the best ideas from the field and highlighting them after observing the primaries in Maryland and the District of Columbia and early voting in Georgia and Florida.

Maryland and District of Columbia 2010 Primary Elections

While in Maryland, I had the opportunity to learn more about Maryland's electronic poll book system. Election judges demonstrated how the poll books were synchronized to reflect real time information (Maryland refers to poll workers as election judges) and how the election judge could direct a voter appearing at the wrong precinct to the correct one. Many commented that with each election, the familiarity of the electronic poll books make them easier for the election judges to use. Another election judge showed an evaluation form provided by the Maryland Board of Elections to facilitate feedback and suggestions for future polling place improvements, including layout and training. This was the first time I had observed the use of such a form, but recognized it as a simple, but effective, idea.

During my visit to the Maryland State Board of Elections, staff and volunteers were conducting parallel testing, a process that duplicates a portion of the election under similar time and conditions as in the polling place. One person was casting ballots into the voting machine and two others were comparing those selections by hand counting the ballots. This process, which occurs on Election Day, informs election officials as to whether the voting system is operating the way it should in the field, as well as provides a method to determine whether malicious code may have been introduced into the voting system software. EAC is in the final stages of producing an online video designed to educate voters about parallel testing and how it contributes to making sure voting



**U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011**

equipment works accurately. This is an example of a step that some election officials can take to bolster voter confidence by evaluating the operation of the voting system.

In the District of Columbia, I stopped throughout the afternoon at polling places in different parts of the city not only to observe the voting process, and also to talk to poll workers about their role within the process. One poll worker explained the thought process that had gone into the arrangement of the polling place, to ease the traffic flow and ensure maximum privacy for the voters. At another polling location, the poll workers realized that the curbside voting bell was not easily heard and set up a relay system of workers to greet and assist those voters.

At the end of the day, I went to the D.C. Board of Ethics and Elections office to observe the Election Night tabulation process. D.C. Board staff had set up a process which encouraged the public to observe the activity after the close of the polls. Voting machine cartridges began to arrive from the polling places and were unloaded out in a room with an observation window which made the process more transparent. Additionally, an information center was available for the public from which one could access camera feeds of the election night activities. The spokesperson also provided regular updates to the public and the media about the process.

2010 Early Voting in Georgia

I traveled to Georgia to observe the state's early voting procedures as well as initiatives to assist military and overseas voters. Georgia is one of 32 states that offer some form of early voting. Early voting in Georgia begins at least 45 days before a general election or 21 days before a municipal general election.

I learned about the many ways Georgia is using technology to improve the process for voters. I visited the server farm, which supports Georgia's My Voter Page (MVP) and the delivery of voter registration information between the counties and the Secretary of State's office. Visitors to MVP can look up such information as their polling place location, status of their voter registration, or even view the sample ballot. There is a vote safe feature to offer anonymity to those voters who need to keep information confidential, such as victims of domestic violence. I was very impressed that the program was constructed internally requiring no additional funds.

Georgia's use of technology made for a smoother transition to implement the MOVE Act requirements, which include that all states provide military and overseas voters the ability to track the status of their voted ballot to ensure receipt by the election official's office and have the option of receiving blank ballots electronically. I learned about another technological solution, the Election Day Issue Tracing system, which processes calls from election officials, voters and the general public. Calls are routed to experts who can



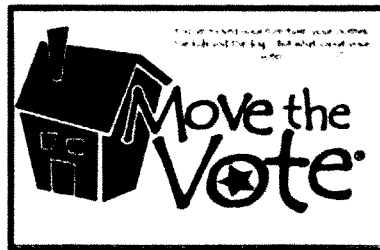
U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

answer questions and resolve issues. This year, there was a dedicated line established for people with disabilities who needed assistance during the voting process.

I had the opportunity to visit local election offices in Fulton, Bibb and Chatham counties while in Georgia. I learned that Fulton County applies the same hiring process for county employees when hiring poll workers. The philosophy of the Fulton County director of elections is "No excuses. Just results." Bibb County's philosophy is to "touch ballots as little as possible." Chatham County literally practices transparency by using a bag with a transparent back to store and seal memory cards. Election officials can verify the correct number of memory cards without ever breaking the seal or opening the bag. They follow the CASE process – Copy And Seal Everything. Each county's philosophy emphasizes the importance of having public confidence in the election results.

Early Voting and Election Day in Florida

I visited eight counties in Florida in five days and it was apparent that commitments to transparency and election office partnerships are prevalent. My first stops were in Duval and Clay counties. Duval uses a high-speed mail sorter system that encompasses tracking, sorting and verification of signatures for all vote-by-mail ballots similar to the system used in Fulton County, Georgia. The Duval County website is set up to provide information easily, lending to greater transparency. For instance, visitors can easily find a comprehensive schedule for the Canvassing Board, early voting locations, as well as information about voters' rights. Clay County, much like its neighbor, is committed to helping residents with the voting process. They partnered with area realtors to sponsor Move the Vote, which encourages county residents to register to vote or update registration after having moved. In addition to the office website, Clay County also uses Facebook and YouTube to share information.



In Seminole County voters can download sample ballots, get candidate biographies or request and check the status of an absentee ballot. As recipients of a 2010 mock election grant from the EAC, Seminole County partnered with Crooms Academy of Information Technology and was able to sponsor the only Congressional debate for the candidates seeking election to represent the third Congressional District of Florida. In Orange



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

County, a 2009 College Poll Worker grant from the EAC was used by the University of Central Florida, in partnership with Valencia Community College, to train poll workers through an online simulation on Second Life, a program recently highlighted on EAC's blog. Students who participated received three course credits in civic engagement. Orange County built their electronic poll books in-house, saving approximately \$3000 on the cost of each.

Lee County's absentee ballot tabulation process is similar to the one I observed in Fulton County, Georgia. Additionally, to familiarize voters with polling place locations, Lee County has an agreement with the Florida State Department of Transportation to place precinct signage throughout the county several weeks before Election Day. Comment cards are available at every early voting site to get voter feedback, as well as comment forms on Election Day.

Miami-Dade County and Broward County have various materials in Spanish and Creole. Broward County partners with county schools so that students can work at polling sites and assist with technical calls on Election Day. Palm Beach County uses volunteers from local scout troops at the warehouse to help bring in bags with ballots and memory cards and sort them according to precinct.



LOOKING FORWARD

I have appreciated having the opportunity to meet with election officials and poll workers, hear directly from them about the work that they do, and share their insights with others. These observations confirmed my belief that many of the best ideas in election administration come directly from election officials in the field. EAC's national clearinghouse is an excellent opportunity to keep election officials abreast of ideas in other jurisdictions. To that end, EAC is establishing an online tool that will pair seasoned election officials with the profession's newest members, providing an online exchange of



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

ideas and solutions. Helping election officials at both the state and local levels connect with each other will create a network of experts who can support each other and their goal to provide customer service to voters and fosters discussion of ideas that could be used to improve processes in other jurisdictions.

I will continue to encourage EAC stakeholders, especially election officials, to take advantage of the Commission's website and to promote a national dialog of how election officials can continue to serve voters during difficult budget climates.

Mr. HARPER. Thank you. Now I will recognize Mr. Wilkey for the purposes of his statement.

STATEMENT OF THOMAS WILKEY

Mr. WILKEY. Good morning, Chair Harper, Ranking Member Brady, and subcommittee members. Thank you again for asking me to be with you today.

The U.S. Election Assistance Commission is a small Federal agency with a big mission to improve the Federal administration of elections. EAC has a dual role. We provide resources to help States make improvements, and we assist election officials throughout the Nation, empower voters through access, collaboration and information.

Today I will briefly discuss our fiscal year 2012 budget and how we execute it to achieve our mission. The EAC's fiscal year 2012 budget request is \$13,715,665, which includes \$3.25 million for the National Institute of Standards and Technology. These funds are used to develop the voting system guidelines, the accreditation of voting system test laboratories, a uniform suite of test methods, and our work to improve services for military and overseas voters.

EAC's operating budget will be used to support these additional initiatives: More information for the national clearinghouse on elections; projects include an on-line information exchange tool for election officials, most interactive features like blogs to directly interact with election officials and voters; and the use of social media like Twitter to get the word out about issues relating to voting supports; fully execute our nationwide voting system certification and testing program. This includes expanding new efforts to track issues for EAC certified systems in the field, establishing a communications network with election officials using similar systems, and gathering and posting information about voting system performance submitted by election officials. And throughout 2012, EAC will continue to provide resources on a national platform to discuss issues that could impact the election, like the use of commercial off-the-shelf software and hardware, the lifecycle of voting systems, and how to effectively communicate the vote results and information about the election process to voters, with a particular focus on modern communication methods.

We have research coming in a few months about how, where and when Americans voted in 2010, including the latest, most comprehensive data about the ballot request and return rate for overseas and military voters. That will give us an initial indication about the impact of the MOVE Act.

I know that some members of this committee think that the EAC has outlived its usefulness. I respectfully disagree. In fact, in this challenging budget climate, local election officials have an even greater need for EAC's resources and support, and here is why. Local election officials do not have the resources to get the training, stay current on voting technology, and buy new voting or registration equipment. Local election officials cannot afford to go to conferences where solutions and best practices are shared. States and locals benefit from the EAC's tough certification program, saving millions of dollars in testing time. Voting machine manufacturers are held accountable so that election officials and voters are as-

sured of reliable systems. Mr. Chairman, EAC provides all of these valuable services to election officials throughout the Nation at a very low cost to the Federal Government. And while I may disagree with those who question EAC's value, I respect and share their deep concern about the budget challenges our Nation faces at every level of government. Every one has more to do with less, and the EAC is no exception. We are cutting back, too, and working harder than ever to become even more lean and efficient but still provide excellent customer service and support the taxpayers, election officials and voters throughout the Nation.

Elections are better because of EAC and what we do. But we can always do better and we will. I am very proud of the EAC, our employees, and the thousands of election officials we serve every day. In my 42 years in elections at the local, State and Federal level, I have seen tremendous changes. This is especially true in the last 10 years, since the 2000 election. There is an understanding now that elections are hard work on the part of our dedicated election administrators throughout the Nation at every level. Voting machines don't last forever. Technology is now a part of the process, and there is more scrutiny than ever. EAC's role is to support these hard working public servants, especially at the local level, and not with money, but to serve as their backbone of solutions, ideas and ways to improve customer service for all voters.

I thank you for asking me here today and I look forward to your questions.

[The statement of Mr. Wilkey follows:]



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY

OF

**TOM WILKEY, EXECUTIVE DIRECTOR,
U.S. ELECTION ASSISTANCE COMMISSION**

BEFORE THE

**HOUSE COMMITTEE ON ADMINISTRATION,
Subcommittee on Elections**

THURSDAY, MARCH 17, 2011

*U.S. Election Assistance Commission
1201 New York Ave., NW – Suite 300
Washington, DC 20005
www.eac.gov*



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

Good morning Chairman Harper, Ranking Member Brady, and Members of the Subcommittee. I am pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss our Fiscal Year 2012 budget request and the Commission's goals and activities.

INTRODUCTION

The EAC is a small federal agency with a big mission – improve the administration of federal elections. EAC is an independent, bipartisan agency that was created by the Help America Vote Act (HAVA) of 2002, a law passed by Congress after the 2000 presidential election. There are four full-time Commissioners, appointed by the President and confirmed by the U.S. Senate, and three federal advisory committees--the Standards Board, Board of Advisors, and the Technical Guidance Development Committee.

HAVA recognizes the need for states to invest in their election infrastructure and sets out a comprehensive program of funding to the states, voluntary guidance, and ongoing research into the improvement of federal elections.

EAC works to improve the administration of elections by administering the federal government's Voting System Testing and Certification Program, adopting voluntary voting system guidelines (VVSG), and serving as a national clearinghouse and resource of information regarding election administration. EAC also disburses and audits HAVA funds, administers the National Voter Registration Act and conducts important research on topics such as the request and return rates for ballots for overseas and military voters.

The EAC recognizes the responsibility it has to both election officials and voters to serve as a credible, federal resource about how, where and when Americans vote. Even though the Commission is small, our desire to meet the obligations and spirit of HAVA has led us to find creative ways to reach large audiences, and extend the impact of our resources. We believe our modern, inclusive approach to assist a very large audience that includes hundreds of millions of voters and almost 8,000 election officials on a very small budget is a model that other federal agencies can emulate.

ORGANIZATION AND STRUCTURE

Vision

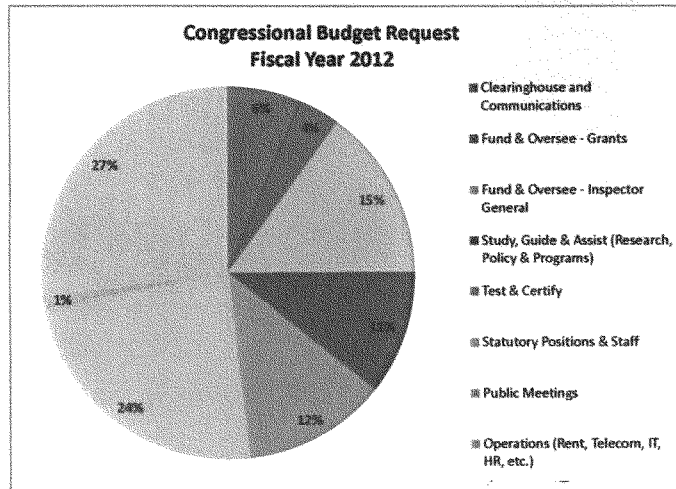
Lead election reform that reaffirms the right to vote and to have all eligible votes counted accurately.

Mission

Assist the effective administration of Federal elections.



Salaries and Expenses Resources Available for Obligation					
FY 2010 Enacted		FY 2011 Annualized Continuing Resolution Level		FY 2012 President's Budget	
FTE	Dollars	FTE	Dollars	FTE	Dollars
50	\$17,959,000	50	\$17,959,000	49	\$13,715,665



FY 2012 Priorities

- Serve as a clearinghouse and provide election officials and voters with information regarding the process for casting a vote in the 2012 federal elections.
- Provide election officials with technical assistance and information, as appropriate, to support poll worker training, educate the public, and help provide voters access to information on such topics as when and where to vote for the 2012 federal elections.
- Distribute materials designed to allow citizens who are not proficient in the English language to participate fully in federal elections to any jurisdictions covered by the Voting Rights Act Section 5 languages prior to and as a result of the 2010 Census.



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

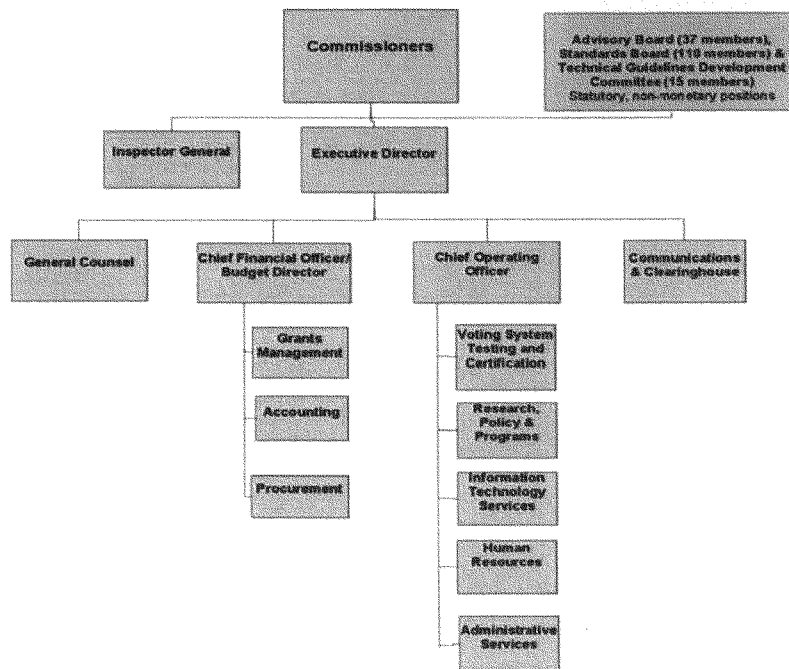
- Provide voluntary best practices for computerized statewide voter registration list requirements and registration by mail guidance to the States.
- Assist election officials by ensuring that voting systems and modifications of already-certified systems submitted to the U.S. Election Assistance Commission's (EAC's) program are successfully and efficiently tested to federal standards.

EAC's divisions are aligned to address the goals of the Strategic Plan: Goal 1, *Communicate*, is administered by the Office of Communications and Clearinghouse. Goal 2, *Fund and Oversee*, is administered by the Grants Management and Inspector General offices. Goal 3, *Study, Guide and Assist*, is administered by the Research, Policy and Programs unit. Goal 4, *Test and Certify*, is administered by the Voting System Testing and Certification Division. Goal 5, *Manage*, represents the statutory Boards, commissioners, executive director, general counsel, chief operating officer and chief financial officer.



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

**ELECTION ASSISTANCE COMMISSION
 ORGANIZATION CHART**



In Fiscal Year 2012, EAC has four high-performance priority (HPP) goals. HPP Goal One aligns with the *Communicate* goal; Goals Two and Three align with the *Study, Guide and Assist* goal; and HPP Goal Four aligns with *Test and Certify*.

FISCAL YEAR 2012 HIGH PRIORITY GOALS

As part of the process to prioritize tasks, maximize existing resources and focus on mission-specific goals, EAC defined a limited number of high-performance priority goals consistent with the Commission's Fiscal Years 2009-2014 *Strategic Plan*. The high-performance priority goals will help EAC measure its ability to provide assistance to the public and voters as well as meet the mandates of HAVA. Our focus in FY 2012 will be on the following high-performance priority goals:



High-Performance Priority Goal 1: Serve as a Clearinghouse and provide election officials and voters with necessary information regarding the process for casting a vote in the 2012 Federal elections. Provide States with funding, and election officials with technical assistance and information, as appropriate, to support activities such as poll worker training, educating the public, and helping provide voters with access to information such as when and where to vote for the 2012 Federal elections.

The first of the high-performance priority goals is aimed at assisting eligible voters so that they have the information on how to cast a ballot for a federal election, and providing a central resource about election administration for election officials. Part of the first high-performance priority goal is also to share information with the Public about EAC's budget, internal operations and structure, as well as other policies and procedures that impact the public.

In order to implement the goals, EAC will employ such strategies as:

- Using the latest technology and communication tools for www.eac.gov (recognized in the Top Five Federal Websites by Congress.org in December 2010)
- Complying with Open Government requirements and continue to operate transparently
- Providing more tools for the public to interact with and provide input to EAC
- Integrating various EAC operations, information and resources into the Clearinghouse

EAC's website will continue to be the platform to facilitate meeting this high priority goal. The new website, unveiled in 2010, is designed to support the Commission's efforts to increase transparency. It features leading-edge search, navigation and content-delivery tools that transformed the site into a more modern, dynamic and transparent source of information for the public and election officials.

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

High-Performance Priority Goal 2: Support jurisdictions covered by the Voting Rights Act Section 5 languages so that all jurisdictions have access to and use materials designed to allow citizens who are not proficient in the English language to participate fully in Federal elections.

The goal is to make available materials such as voter guides and glossaries for eligible voters that reside in jurisdictions covered under Section 5 prior to and as a result of the



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

2010 Census. These voters include persons who are Native American, Asian American, Alaskan Natives or are of Spanish heritage. These materials are intended to provide assistance and support to limited and non-English proficient voters who wish to register and vote. The lead EAC office responsible for implementing the goal is the Language Accessibility Program of the Research, Policy and Programs Division. Partners in the effort include State and local election officials, voter advocacy groups and other stakeholders.

EAC's strategy to achieve the goal is to receive the 2010 Census data and translate the EAC *Voter's Guide to Federal Elections* and other materials to any additional languages and jurisdictions determined to be covered under minority language provisions of the Voting Rights Act, and any other jurisdiction that may have a need based on their population. Resources needed to achieve the goal include funds for translations and publications and the ability to convene working groups and roundtables.

EAC is excited to announce its partnership with the Office of Citizenship within the U.S. Citizenship and Immigration Services. The goal of the partnership is to provide every new citizen a copy of EAC's *Voter's Guide to Federal Elections* brochure in the U.S. naturalization ceremony packet. Given the current naturalization rates, the Office of Citizenship estimates that they will print and distribute 750,000 to 800,000 copies of the guide each year. The Office of Citizenship will start with 650,000 brochures and reprint copies at their expense as needed. EAC will provide the Office of Citizenship with updated information contained in the *Guide* on a yearly basis.

High-Performance Priority Goal 3: Provide States with voluntary guidance on computerized voter registration lists and the national mail voter registration form.

The aim of Goal 3 is to encourage the 50 States, American Samoa, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands to utilize best practices that encourage increased voter participation. The lead EAC division for the effort is Research, Policy and Programs, in partnership with State and local election officials, voter advocacy groups and other stakeholders.

In order to achieve Goal 3, EAC, using in-house research, will help election officials educate voters on the need to update their registration status, and provide assistance regarding training poll workers on how to assist voters who have relocated within the same State (locating the new polling place, procedures for casting provisional ballots, acceptable forms of identification, etc.). EAC plans on issuing voluntary guidance that may include but is not limited to: voter registration database matching protocols, maintenance of accurate voter registration lists, data collection and storage, online functionality, identification requirements for first-time voters, and inter- and intra-operability of databases; and help States promote intergovernmental cooperation between their various agencies and departments such as Election Offices and Social Services.



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

High-Performance Priority Goal 4: Ensure that modifications of certified systems submitted to EAC's program are successfully and efficiently tested to Federal standards.

The goal is to ensure that new voting systems and modifications of certified systems submitted to EAC's testing and certification program are successfully and efficiently tested to Federal standards. The certifications provide a baseline level of conformity to assist election officials in maintaining the reliability and security of certified voting systems and the integrity of the overall election results. The lead office for implementation of the goal is the Voting System Testing and Certification division, with input from partners including the U.S. Department of Commerce National Institute of Standards and Technology (NIST) and the Technical Guidelines Development Committee (TGDC).

Continued support for the testing and certification program is needed, along with continued research and development, to support additional industry-wide solutions that allow voters with disabilities to vote privately and independently.

A MODERN, INCLUSIVE APPROACH

Like most federal agencies, for the past few years EAC has faced shrinking budgets. Yet, the Commission's obligations under HAVA continue, and some have expanded as a result of a program's success. For example, EAC has certified four voting systems. As part of its Quality Monitoring Program, voting machine manufacturers are required to report anomalies to EAC, which staff then investigates. As more voting systems are certified, the need to monitor their performance in the field will grow.

Federal government agencies must comply with a myriad of regulations, directives and other requirements. EAC has found its involvement with the Small Agency Council to be very beneficial, and would recommend the model of shared resources to be expanded throughout the federal government, allowing agencies to share expertise on administrative issues such as accounting and human resources, which would allow agencies to focus more intently on program goals.

In addition to EAC's involvement with the Small Agency Council, thanks to an innovative and creative staff EAC has implemented several initiatives to use contractors more efficiently, save money, leverage partnerships and increase productivity throughout the Commission.



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

Partnerships and Collaboration

The federal government consists of a wealth of valuable resources, including experts in the areas of policy, budget and technology. In recent years, federal agencies have experienced an increase in cross-agency collaboration, which has facilitated the sharing of resources and knowledge. For a small agency like EAC, these federal resource hubs are invaluable. EAC employees have joined federal organizations like the Small Agency Council, which offers ways for agencies to share training costs and ideas. Through the Council, the participants pooled resources to fund training classes through the Graduate School (formerly the United States Department of Agriculture [USDA] Graduate School). Participants even share physical training space. Due to the cost savings and the small agency perspective provided by the trainings, EAC intends to continue being an active participant.

EAC also participates in events sponsored by the Web Managers' Council, an interagency group of senior federal government web managers who collaborate to improve the online delivery of U.S. Government information and services. The Council offers training courses at reduced prices and hosts a list-serve in which federal employees exchange ideas, ask questions and share solutions. EAC recently participated in training sponsored by the General Services Administration for www.data.gov. Communications Division employees will continue to draw upon the expertise of the group of federal employees managing this new site, which is the designated location for high-value federal data sets.

An invaluable resource for EAC has been the Target Center at USDA. The Target Center's mission is to make sure that USDA employees have "safe and equal access to electronic and information technology by assessing, educating, and advocating for the integration of assistive technology and worksite accommodations." EAC reached out to the Target Center for assistance with making documents accessible. Consequently, the Center hosted a training session for the entire EAC staff and continues to be available to us if we need assistance.

PREPARING FOR THE 2012 FEDERAL ELECTIONS

As the nation prepares the 2012 federal elections, no one can predict all of the election administration challenges that may be on the horizon. Indeed, every federal election cycle a new challenge presents itself that takes election officials and voters by surprise. For example, in 2010 many college students were confused about where to casting their ballots. In 2008, voters were surprised by the rules surrounding campaigning in polling places, such as whether campaign clothing could be worn in the polling places. Of course, every federal election cycle includes challenges with voting technology, poll



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

worker recruitment and training and issues related to contingency planning, like weather events that impact voting.

In anticipation of the next federal election cycle, we can safely predict that due to the presence of presidential candidates on the ballot, there will be more voters and probably more candidates. Election officials throughout the nation will have smaller budgets and fewer resources, which will result in more mature voting machines in the field. The primary season will be longer. With the spread of early voting and vote by mail, Election Day will become Election Season, prompting election officials and voters to adapt to new voting behaviors and patterns.

EAC plans to lead national discussions on these topics, bringing together local and state election officials and other experts to share innovative solutions. EAC will also supplement election officials' efforts to educate the public about the 2012 elections through the EAC Clearinghouse, which will continue to be a credible, central source of information about elections in every state and U.S. territory that the public can rely upon. Also included in the Clearinghouse will be resources for election officials and voters. For example, EAC will launch the Election Official Info Exchange, an online tool in which experienced election officials can offer their expertise to their peers who have just entered the profession. Participants can offer or request assistance in five areas: contingency planning, poll workers, pre-election activities, post election activities and voting system performance. Voters will find helpful information in the multi-media section of EAC.gov, including new videos on student voting, registering to vote and parallel testing for voting systems.

These initiatives are high-impact and have national reach; however, they are low cost and can be achieved through technology and modern communication tools.

LOOKING FORWARD

EAC will continue to collect and share innovations in election administration, with a particular focus on low-cost, technology-driven solutions that elections officials can customize and emulate on behalf of their voters. These solutions and innovations covering topics such as contingency planning, poll worker training and pre-election testing will be provided directly by election officials in EAC's online Election Info Exchange Program and highlighted on EAC's blog at EAC.gov.

Staff will collect more resources for voters and post them at EAC.gov, including a collection of social media sites hosted by election officials, links to state and local election offices, voter guides and other educational information, including the National Voter Registration form. We anticipate that Web site enhancements will help us deliver



U.S. Election Assistance Commission
Testimony before the U.S. House Committee on Administration
Subcommittee on Elections
March 17, 2011

and provide information to a larger audience, enabling more voters to have a successful experience casting their ballot.

EAC's Voting System Testing and Certification Division will manage the responsibilities that will come from the EAC-certified voting systems operating in the field, many of them for the first time. Staff will also continue to notify election officials and the public of anomalies through the Quality Monitoring Program. Manufacturers are obligated under the terms of the program to report problems that occur in the field, and we must make sure we have the resources to thoroughly follow up. Efforts to work with the Federal Voting Assistance Program and NIST to develop a remote electronic voting system for overseas citizens and the military will continue.

Staff will release data from the 2010 election for EAC's Election Administration and Voting Survey, including data about the rate of participation for overseas citizens and military voters and the possible impact of the Military and Overseas Voter Empowerment (MOVE) Act. Work has already begun developing the survey instrument for the 2012 election.

EAC will continue to form strategic partnerships within the federal government, employ the use of technology to broaden our reach and deliver information to more people, and be responsible stewards of federal resources.

Mr. HARPER. I thank each of you for your statements. We now have time for committee members to ask questions of the witnesses. Each member is allotted 5 minutes to question the witnesses. To help each member track the time, we will use the timing device on the witness table, and we will alternate back and forth between the majority and the minority. To begin with, I recognize myself for 5 minutes.

And my first question that I have will be for Commissioners Davidson and Bresso. One of the responsibilities given to the Commissioners in the EAC roles and responsibilities policy is to approve the annual budget request. The transmittal for the 2012 request was signed by Mr. Wilkey, which I understand has to do with not having a quorum of Commissioners. Would each Commissioner please tell us whether or not you agree with the request as submitted and why?

Ms. DAVIDSON. With the letter that was attached to it, and knowing that the staff is looking at how we can save money and reporting back to the Commissioners, I agreed with the budget. It is down to \$13 million. I don't have the last part of the figures. But quite a cut. That includes the 3½ million for NIST, or 3.25 I think it is now for NIST, the National Institute for Standards and Technology. So that is quite a reduction and obviously we know that we need to take that further—the staff has talked about, and I am sure that they will add to this, working closer with the small agency community, all the other agencies to see if we can't share some of our responsibilities because obviously in the Federal Government—the requirements are far different than any other place. Coming from a State, I can tell you they are different from the States.

Mr. HARPER. Since we don't have a lot of time, if I can get Commissioner Bresso's input on that.

Ms. BRESSO. No, I do not support the budget. I believe the budget spends too much money on the bureaucratic infrastructure and not enough on agency activities and programs that assist State and local election officials and benefit voters. I believe that the EAC needs to be a good steward of Federal funds and to spend taxpayer dollars in an efficient and effective manner, and I don't believe this budget supports that goal.

Mr. HARPER. Thank you. And, Ms. Lafferty, if I could ask you a question. The chart that is before you, which is based on the totals of my category from the budget request, shows the EAC proposing to spend 51.7 percent of its budget on management. I just need you to help us justify a management budget of \$5.4 million to manage programs that total just \$3.4 million. That seems really out of kilter, and I would just like your explanation on that.

Ms. LAFFERTY. Chairman Harper, thank you for giving me the opportunity to discuss our presentation of the budget. The budget is aligned with the five goals of our strategic plans. The first four are our programs that come out of the Help America Vote Act. Goal 5 is actually manage, not management. It is to achieve organizational and management excellence. About half of that 51 percent is for statutory positions and the staff that supports those positions, four Commissioners, the General Counsel and the Executive Direc-

tor. So about 27 percent is pure administrative cost to support the agency, such as the rent and about 12 administrative personnel.

Mr. HARPER. Let us talk for just a minute about one of the items in your budget request that has a line item for travel of \$684,000. The request identifies \$7,000 for communications travel and I believe \$202,000 for testing and certification travel. Tell me what the other \$475,000 is for on the travel request. I believe the total is a little over \$684,000.

Ms. LAFFERTY. Our Inspector General's budget is included within this travel budget. He is not a separate line item or a separate appropriation. Part of that is for him.

Mr. HARPER. But not \$475,000.

Ms. LAFFERTY. No. About \$100,000 is for the Commissioners' travel, and I would be very happy to provide you with the detailed breakout.

Mr. HARPER. If you wouldn't mind, we would appreciate you providing that to the committee.

Ms. Miller, a question for you. According to the agency's budget request, in one recent year, you spent \$182,000 on personal computers, which my math as best I can tell works out to about \$3,600 per employee. I need to know what kind of personal computers cost \$3,600 a person. Can you explain that purchase of \$182,000?

Ms. MILLER. Those were not personal—those were for—we completely reassessed our whole infrastructure, technology infrastructure and individual laptops which the agency staff was using, which they have had since the beginning of the agency, were replaced with desktop tower computers. So that was for the whole agency and part of the IT infrastructure adjustment.

Mr. HARPER. Could you provide me with some additional information on that? And I will now recognize Ranking Member Brady for questions.

Mr. BRADY. Thank you, Mr. Chairman. My question would be to either of the Commissioners or maybe both. In 2009, the Government Accountability Office reported they found 72 percent of our polling places surveyed on election day to have impediments to private and dependent voters and for people with disabilities. In 2009 and 2010, this Congress appropriated \$7 million to research and develop ways to improve the accessibility for those voters. 2½ years later, the EAC still has not selected researchers to do this essential work. On March 1, 2011, the Commission received a number of proposals to do the research.

My question is, why is it taking so long with so many polling places still inaccessible and when will the researchers be selected? Will they have the funds to start doing their work when they are selected?

Ms. DAVIDSON. I can start with the question. Thank you. One of the reasons why is, States are definitely always having to change their polling locations and they have to meet the accessibility requirements, but many times they are public buildings, whether they are churches or whatever, if they are old buildings, they are not meeting the needs of accessibility. The States have to report that to us each year. And part of HAVA is to make that definitely—all of their precincts successful. What has taken place since we have had some, really, problems with our schools, the school

districts are cutting off a lot of the States from their ability to use the school districts. So they are having trouble finding locations which are accessible, knowing what we hear from the Secretary of State as well as our locals.

Mr. BRADY. When is this study going to start? The \$7 million we gave you, when are you going to start that research? Is that the research that you are giving me now? That the schools—in the city from where I am from, the schools have to allow us to use them for polling places. That doesn't mean it is true all over the country, but I know in Philadelphia they have to. They are public buildings. But still, when is the research going to start?

Ms. BRESSO. We had an RFP out for the \$7 million accessible technology grant, which the focus was on improvements to actual voting systems for accessibility. And that is currently under an independent peer review process.

As far as polling place setup, the EAC does offer election management guidelines and quick starts on how to set up polling places, particularly for accessibility purposes.

Mr. BRADY. You still have the \$7 million?

Ms. BRESSO. Yes. The \$7 million is still at EAC, yes.

Mr. BRADY. One more little quick question. I guess it is not even a question. It might be an observation. I heard everybody here mention the social media. That causes a little problem for me and I think—I am not speaking for the chairman—not this chairman—the chairman of the full committee. I know this causes a problem for him. Because my granddaughters help me with my social media a whole lot and I would hate to have to rely on them to tell me when the polling places are open or not open. But I think that it could very easily be accessed by people that could give out bad information. And I know you can't certify any social media, but I would hope that you don't play too much of a role, put too much respect into what they do because they can—I know in one instance from Chairman Lungren that they could declare his opponent as winning halfway through the race and it wasn't even over yet; the polling places weren't closed. And that can cause a lot of mischief.

I understand it is the way of the world. Probably not my world yet, but it is the way of the world. But I just hope you won't put too much emphasis on our social media to give out information for people that are trying to vote and, most importantly, where they are voting. So just look into that, please.

Thank you, Mr. Chairman.

Mr. HARPER. Thank you, Mr. Brady. I will now recognize the gentleman from Indiana, Mr. Rokita, for questions.

Mr. ROKITA. Thank you, Mr. Chairman. I appreciate you holding this hearing. And I thank the witnesses for attending today. I will say for those who will read this record later that in my former public role I was Indiana Secretary of State for 8 years. And first of all, I was part of a leadership team in 2005 in that organization that proposed a successful resolution to sunset the EAC and then was part of a unanimous group of Secretaries of State from across the Nation that renewed that resolution in 2010.

Having said that, I know each one of the folks before us, maybe except for Annette, Ms. Lafferty. Excuse me. And I want the record to reflect that my questions simply reflect the agency that they

work in and what the role of Federal Government should be. I personally enjoy each one of the witnesses and their personal friendship. In fact, I am personally friends with two of them here. One of them I consider my second mother. I won't say which one.

Ms. DAVIDSON. I think it is obvious.

Mr. ROKITA. It is not Wilkey, Mr. Chairman.

Mr. BRADY. You can get into a major problem.

Mr. ROKITA. Right. So having said that and getting all of that on the record, looking at some of the data here and looking at your budget, some questions have been asked already. But I would like to know perhaps from Ms. Bresso, why does an agency of 50 people need 11 chief officers and directors?

Ms. BRESSO. I don't believe the agency does and I am certainly committed to working with staff here to see where we can make consolidations with positions and experience and cost savings.

Mr. ROKITA. Thank you. Does anyone on the panel disagree with that? The record reflects no one nodding in the affirmative.

On April 14, 2005, a written testimony before the House appropriations subcommittee, the EAC Commissioner said at that time, quote, with a staff of only 22 persons, EAC efficiently executes its duties and responsibilities. Have the duties and responsibilities of the EAC increased since 2005 to justify the staff more than doubling? Ms. Davidson?

Ms. DAVIDSON. I think when that was stated, one of the things that has shown in our audit that came down was they were getting a lot of information out to the States and the locals, but they hadn't met any of the Federal requirements of anything that they needed to do and the record will show that in our hearings later. We worked really hard up front to meet the needs of getting the money out to the States and doing things like that. But we did not have any of our procedures and policies in place for the Federal Government.

Mr. ROKITA. So it would be fair that the 2005 testimony was a little bit of a misspeak? You are either doing your duties in 2005 or not.

Ms. DAVIDSON. Yes. I think that in 2005 when they testified, I think they thought that they were reaching that goal. But as we found out when we got audited and we had received about 82 infractions, that we found that we hadn't met the Federal requirements, it was only meeting our State and local requirements.

Mr. ROKITA. Thank you. Under EAC's rules and responsibilities policy, do the Commissioners have authority over the number of positions of EAC staff and their titles and responsibilities, setting the salaries; and if not, who does?

Donetta, since I cut you off, I will let you continue on with answering that.

Ms. DAVIDSON. No, the Commissioners do not have authority. That has been assigned to the Executive Director. Even in HAVA, he has the power of hiring staff. But I think if you ask the staff that, they can tell you what their plans are in the future.

Mr. ROKITA. Thank you. Commissioner Bresso, do you have a response to that?

Ms. BRESSO. No. I was just going to agree that the only authority commissioners have for hiring are the two statutory positions, the General Counsel and the Executive Director.

Mr. ROKITA. Is this a good way to run a ship? Is this a good way to run an agency?

Ms. BRESSO. No, I do not believe. I believe the commissioners should have more authority.

Mr. ROKITA. Thank you. Mr. Wilkey, seeing as there is a little bit of time left, can you cite the part of the Constitution that suggests the Federal Government should involve itself with local election officials? You mentioned local election officials not being able to go to conferences and things. I have been to a lot of those, and they come and they come to the bar afterwards. I know this. So tell me where in the Constitution—because we have a House rule now where we have to cite to the Constitution. So if this agency was to start off tomorrow and we were to file a bill, what part of the Constitution allows for this agency to interact with local election officials?

Mr. WILKEY. I am not a constitutional expert. So I couldn't quote that part of the Constitution. But what I can say is that a lot of the support that we give and that we get back are from local election officials. I think you yourself know having served as Secretary of State. While we had a role, and I served at the State level also, the real nitty gritty work of elections is done at the local level and it is there that we have tried our very best through our 19 sets of management guidelines, being assessed on a daily basis, the things that we are doing in our certification program that directly impact local election administrators. And I would believe that if they had the opportunity to appear before the committee, that many of them would certainly recognize that they receive a great deal of information from us and a great deal of support from us.

Mr. HARPER. At this time, I will recognize the gentleman from Texas, Mr. Gonzalez, for questions.

Mr. GONZALEZ. Thank you very much, Mr. Chairman. Mr. Wilkey, Ms. Miller, Ms. Lafferty, obviously there is disagreement as to whether this is the kind of budget that all commissioners would approve of. So I am just wondering, what goes into the budget-making process over at the Commission? Whose opinion, suggestions, recommendations do you seek? And whoever is in the best position to answer that.

Mr. WILKEY. Congressman, our budget process starts as all Federal agencies, usually year round. We have already put our 2012 budget request to bed by September. We will also already be talking about 2013. We sit and work with all of our divisions within our agency to develop our budget. Certainly that budget proposal is normally given to our commissioners for approval, but as was indicated in earlier testimony, this year was a little different because we don't have a quorum. And so I indicated in my cover letter to the various appropriations committees that we were unable at this time to present a formal budget because of the lack of a quorum on the Commission. But when the Commission is reconstituted fully, we will certainly bring this back to them. Because once we get a budget, the second step is doing an implementation plan for the money that we receive once the budget is finalized. And that

implementation plan will not only set the goals for the agency, but also show the intent of the commissioners and where they want to go.

Mr. GONZALEZ. Let me ask you, Mr. Wilkey, because I may be missing something in the process, protocol, maybe legalities or whatever. Because you don't have a quorum, does that mean that Commissioner Bresso or Commissioner Davidson doesn't have any input at all as you go through the budgetary process?

Mr. WILKEY. I don't believe so. And I think—and I know that Commissioner Bresso has expressed her opinion and I respect that. We have had many discussions about it and hopefully, and hopefully soon if we get a full Commission, we will go back to them. Hopefully at that point, we will also have a budget for the remainder of the fiscal year and then we can adopt—I can ask the commissioners to adopt an implementation plan that they see fits their needs.

Let me also, if I may, point out something that I alluded to in my testimony for you at the beginning of this hearing. I recognize that we need to become leaner. That is a goal I think that every agency in the Federal Government needs to be looking at. I talk to local and State election officials every day and listen to their situations where they are losing 20, 30, even in some cases I have heard 50 percent of their budget. And so we must also make ourselves leaner and still be able to meet our mandates under the Help America Vote Act. Many of those mandates are Federal regulations that we need to comply with. That takes up a great deal of our time. And I am hopeful that in looking across the board that Congress will look at that because we have to meet the same regulations, FISMA, right down the line, as the big boys do, which means we have to have additional staff to be able to meet those regulations.

Let me also point out that, and I think Commissioner Davidson alluded to this, that we have a very close association and work closely with the Small Agency Council. They are a group of small agencies similar to us in size. There aren't that many of them. But, yeah, we work to share in this situation many training opportunities. And as a resource to bounce issues off of one another, how do you handle this, how do you do this, I think that that relationship needs to be increased. I think we need to look at ways that we can share more resources. For example, just recently we had a vacancy in our procurement office. We chose not to fill that vacancy but instead to reach out to the Small Agency Council and see if they could help us in any way. And as a result of that, we are now going to be sharing a procurement officer with another small agency. I think there are excellent opportunities to be able to do that. So I have asked our CFO, our General Counsel, who has a wealth of experience coming from many years at OPM, and our CFO, our Chief Financial Officer, to work with me in taking a look at the agency as a whole, see what our mission is, see what we need to accomplish by statute and the good work that we want to continue to do for our State and locals, and find ways that we can reduce the cost, reduce the size of the number of personnel that we have and still be able to meet those obligations. And I think that we can do that if we are able to share resources with other agencies who are obvi-

ously going to have the same fiscal mandates as we do. And I think that—and hopefully that Congress will take a look at that and perhaps even make some incentives to small agencies to be able to do that.

Mr. GONZALEZ. And my time is up. I have exceeded it. Thank you, Mr. Chairman.

Mr. HARPER. Thank you. I will now recognize Mr. Nugent, the gentleman from Florida, for questions.

Mr. NUGENT. Thank you, Mr. Chairman. And thank you, commissioners and staff for being here. Mr. Wilkey, can you answer a question for me, particularly as it relates to former military, National Guard, Reserve members, how many do you have on the staff of EAC?

Mr. WILKEY. Until recently, I believe we had one and that was the procurement officer that just left us for another job and a warmer climate down in North Carolina.

Mr. NUGENT. So what steps are you going to take to recruit additional former military or currently reservists?

Mr. WILKEY. Certainly we have as part of our recruitment process for any position that comes vacant a recruitment effort that covers all areas, not only the disability community, the minority community and all of the other communities as well. Now, as I indicated in my earlier testimony just a few seconds ago, it is not likely that we are going to have that many positions open in the future. I have instituted a hiring freeze a couple of months ago and that any position that becomes vacant now will be looked at very carefully to see if there are other persons on staff that can do that or, as I previously mentioned, we can outsource it or work with another small agency or another agency to accomplish that goal. So we don't offer many opportunities now to fill positions in the near future.

Mr. NUGENT. It just seems like a rather small number if all you had was one. Obviously in your responsibility—particularly as it relates to military voting overseas, is that correct?

Mr. WILKEY. That is correct, although I think the bulk of that work is done by the Federal Voting Assistance Program, and I know that they have many former military personnel working for them as well as I believe some detailees. I cannot say that for sure.

Mr. NUGENT. Do you believe that they bring value, reservists and former military? Do you believe they bring value to your organization?

Mr. WILKEY. Absolutely. I think any people that have had that type of experience would bring valuable service. We certainly were very sad to lose our procurement officer because he brought a lot of that experience to his work in dealing with contracts. And so we were very happy to have him with us and sorry to see him go.

Mr. NUGENT. One of the things I read is that your last or your latest General Counsel hiring process, he asserted in a written statement that he was asked questions by former Commissioner Hillman in his interview that were an attempt to use his military service as a negative in the employment selection process by pointing out the potential for short-term and long-term absence as a reservist. If this is true, it may amount obviously to a violation of the

Uniform Services Employment and Re-employment Rights Act. Is there a pending investigation or claim that you know of?

Mr. WILKEY. There is a pending claim, Congressman, and we recently received some further information on that. The commissioners are looking at that now. They will be consulting with their counsel and since it is a confidential matter, we certainly would be glad to brief any member of the committee or brief committee staff on whatever information we can provide to them.

Mr. NUGENT. I am certainly concerned as a father of three currently serving military officers in the United States Army, I am a little concerned that that questioning would even go to that direction, much less the fact that you only had one prior service. One of the things that when these kids are serving overseas and they come back to this country for employment, their military service is supposed to mean something. And I would love to have any input from any commissioners on that, also, if you would like.

Ms. DAVIDSON. I feel that, like our Executive Director said, if you would like to be briefed, I would be more than happy to talk with you in private. I just think that right now with it being under review that it is best that we don't bring it up in a public forum.

Mr. NUGENT. I understand. We are going to request through letter to you with regards to the information that we would like to have presented back to us, Mr. Chairman, if you don't mind. And we would like to have you send us any related documents that we may request. I am a little concerned about the fact and go back to a prior—another conversation that you had and particularly Commissioner Bresso in the fact that you don't actually consult—I mean, you have a quorum—you have four members; is that correct? And to have a quorum, you have to have how many present?

Ms. BRESSO. You have to have three, three of the four.

Mr. NUGENT. But I am surprised you don't talk to, since you have such a small number, that you don't talk to your commissioners in regards to the actual budget process to get input. Particularly when you have a small agency of 50 employees. And I ran an agency of 500. So I am a little dismayed by the fact on the input aspect of it. But we are going to be asking those questions in a written format to you. So we appreciate your response. Thank you.

Mr. HARPER. This time I would like to introduce into the record the resolution from the National Association of Secretaries of State which was adopted on February 6, 2005 and was renewed at the 2010 summer conference in July 20, 2010, which recommended that the EAC could be eliminated.

[The information follows:]



NASS Position on Funding and Authorization of the U.S. Election Assistance Commission

Adopted on February 6, 2005
Extended Until the 2010 Summer Conference on February 1, 2010
Renewed at the 2010 Summer Conference on July 20, 2010

Dear Members of Congress:

The secretaries of state voted at the 2005 National Association of Secretaries of State winter conference to dissolve the U.S. Election Assistance Commission after the 2006 federal general election. The following position statement was passed by a majority of the secretaries in attendance:

Recognizing the U.S. Election Assistance Commission's (EAC) task as a limited one, Congress, in the Help America Vote Act of 2002 (HAVA), wisely authorized the EAC for only three years. Any duties assigned to the EAC can be completed by the National Institute of Standards and Technology or by the state and local election officials who make up the HAVA Standards Board and its Executive Committee. The National Association of Secretaries of State encourages Congress not to reauthorize or fund the EAC after the conclusion of the 2006 federal general election, and not to give rulemaking authority to the EAC.

The secretaries believe that allowing the EAC to evolve into a regulatory body is contrary to the spirit of HAVA, and that by 2006 the EAC will have served its purpose. Congress should preserve the states' ability to serve as independent laboratories of change through successful experiments and innovation in election reform.

Sincerely,

The National Association of Secretaries of State

###

Expires at the Summer Conference 2015

Hall of States, 444 N. Capitol Street, N.W., Suite 401, Washington, DC 20001
Phone (202) 624-3525 Fax (202) 624.3527
www.nass.org

Mr. HARPER. Also, I will introduce into the record a copy of the letter from the Social Security Administration dated October 13, 2010, which indicated that the agency, EAC, had failed to do its statutorily required report which is now more than 5 years past due.

[The information follows:]



SOCIAL SECURITY

The Commissioner

October 13, 2010

The Honorable Donetta Davidson
Chairwoman, U.S. Election Assistance Commission
1201 New York Avenue, NW – Suite 300
Washington, D.C. 20005

Dear Madam Chairwoman:

I have received your letter of October 4, 2010. Section 244(b) of the 2002 Help America Vote Act (HAVA) clearly requires the U.S. Election Assistance Commission (EAC) to do its own study and prepare its own report to Congress. Your staff has repeatedly, and inappropriately, asked us to write the report. We will not violate the statute by doing so.

We have done all that is reasonable to work with your agency within the consultative role assigned to us by Congress. We have repeatedly offered our consultative assistance and provided data. Your agency has yet to react. In fact, our Inspector General noted EAC's failure in its report "Quick Evaluation Response: Accuracy of the Help America Vote Verification Program Responses" (A-03-09-29115). That report stated, "the EAC had not prepared or submitted the mandated report, which was due to the Congress in July 2005. After consulting with the EAC and SSA, [the OIG] learned that the report had not been submitted to the Congress because the EAC had terminated a contract it awarded in 2006 to a vendor to conduct the feasibility study on its behalf." I have enclosed a copy of that report.

I must insist that you stop trying to shift your responsibilities onto this agency. I refuse to accept responsibility for your agency's failure to study this issue and produce the statutorily required report, which is now over five years past due.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Astrue".

Michael J. Astrue

Enclosure:

Mr. HARPER. And then also I will introduce into the record the Office of Special Counsel report discussing the settlement of the political discrimination case, which is dated December 2, 2009, which covers an issue that we have obviously covered in the previous term in hearings in here. But this covers a matter that resulted in the government being sued and paying out a settlement. And this is a report that we would submit to the record. Is there any objection to that? That is without objection.

[The information follows:]



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OFFICE OF SPECIAL COUNSEL SETTLES POLITICAL DISCRIMINATION CASE

FOR IMMEDIATE RELEASE

CONTACT: Darshan A. Sheth, (202) 254-3617; dsheth@osc.gov

WASHINGTON, DC/December 2, 2009 – Today, the U.S. Office of Special Counsel (OSC) announced the resolution of a prohibited personnel practice complaint filed against the U.S. Election Assistance Commission (EAC). The complaint alleged that the EAC Commissioners refused to approve an individual's appointment as General Counsel because of his political affiliation, in violation of civil service laws and regulations prohibiting discrimination based on political affiliation and discrimination based on non-merit grounds. Such action could also violate the appointee's Constitutional First Amendment right to freedom of association.

OSC's investigation uncovered evidence indicating that the EAC illegally refused to approve the complainant's appointment because he was a Republican. In late 2008, the four EAC Commissioners selected the complainant as the agency's General Counsel. Shortly after, two of the Commissioners refused to approve his appointment. After the complainant's selection, these Commissioners researched his off-the-job political activity or received contacts about his appointment. The same two Commissioners objected that the complainant's current employer was perceived as politicized or that he was a political appointee. The complainant provided the EAC with additional references and information. The two Commissioners, however, voted to disapprove his appointment.

While the investigation was ongoing, OSC negotiated an informal agreement between the complainant and the EAC. Without admitting fault, the EAC agreed to provide the complainant a substantial monetary settlement to resolve the issues that were the subject of his complaint.

OSC notes that the merit system instructs employers to only consider an individual's qualifications, not an employee's political affiliation. And the Constitutional right to associate with the political party of one's choice means very little if one cannot freely exercise this right. OSC also expressed its appreciation to the EAC for its cooperation in the investigation and willingness to resolve the complaint, thus avoiding the possibility of protracted litigation.

The U.S. Office of Special Counsel is an independent federal agency that investigates and prosecutes complaints alleging the commission of prohibited personnel practices. Pursuant to statute, OSC has authority to seek voluntary corrective action from federal agencies or through administrative litigation before the U.S. Merit Systems Protection

Board. OSC also has jurisdiction over the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act (USERRA). For more information please visit our web site at www.osc.gov or call (800) 872-9855.

Mr. HARPER. And I will recognize—and I also have one other report, which would be the IG report on one of my favorite topics, the purchase of the shirts and sweatshirts that were purchased. And in that report also it recognizes that there were 263 shirts remaining in inventory and that is something that you, Mr. Wilkey, you and I discussed in a previous hearing. So I won't beat a dead horse on that, but I would submit that also in the record. And that is also without objection.

[The information follows:]



**U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL**

FINAL REPORT

**PURCHASE OF SHIRTS AND SWEATSHIRTS USING
APPROPRIATED FUNDS**

**EVALUATION REPORT No.
I-EV-EAC-01-09**

OCTOBER 2009

U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL



HIGHLIGHTS

EVALUATION REPORT NO.
 I-EV-EAC-01-09

SUBJECT

We evaluated the U.S. Election Assistance Commission's (Commission) purchase of shirts and zip-hooded sweatshirts (shirts) as an award to its employees using appropriated funds because of concerns regarding the appropriateness.

Our evaluation objectives were to determine whether (1) the purchase of the shirts complied with federal requirements and other guidance, and (2) the use of appropriated funds was permissible.

RECOMMENDATIONS AND COMMISSION RESPONSE

We made a number of recommendations based on our observations to improve the Commission's incentive awards program and the use of funds to purchase award items. The steps taken by the Commission in response to this report will strengthen its award program.

OCTOBER 2009

EVALUATION REPORT

PURCHASE OF SHIRTS AND SWEATSHIRTS USING APPROPRIATED FUNDS

RESULTS IN BRIEF

Under the Government Employees' Incentive Awards Act, agencies have the authority to provide monetary and nonmonetary awards to its employees for acts and services related to their official employment and to incur necessary expenses in connection with the awards.

Using \$6,976.50 of FY 2008 funds, the Commission purchased 458 shirts and zip-hooded sweatshirts (shirts) as awards to staff scheduled to work an extended shift on Election Day and to foster improved morale among employees. The Commission distributed 195 shirts to 39 individuals (38 EAC employees and one contractor). Each person received a set of five shirts (three short-sleeved polo shirts, one long-sleeved polo shirt, and one zip-hooded sweatshirt) with a weighted average cost¹ of \$81 per set. The total cost of shirts distributed to employees and a contractor was \$3,159. There are 263 shirts, with an estimated value of \$3,817.50, remaining in inventory.

The Commission has policies and procedures that allow for nonmonetary awards to recognize its employees. In addition, the purchase of shirts generally complied with simple acquisition procedures as outlined by the Federal Acquisition Regulations. However, despite the fact that the purchase complied with the award and procurement provisions, it was excessive and created an appearance of misuse of federal funds. We observed that the Commission should address procurement and award program issues concerning (1) the quantity of items purchased, (2) the quantity awarded, and (3) the distribution of shirts to a contractor.

¹ Weighted average cost was used to account for differences in cost due to shirt size, type, and other related costs (digitizing, shipping and handling).



U.S. ELECTION ASSISTANCE COMMISSION
Office of Inspector General

October 1, 2009

TO: Thomas Wilkey
Executive Director

FROM: Curtis Crider *Curtis W. Crider*
Inspector General

SUBJECT: Final Report - Evaluation of the U.S. Election Assistance Commission's Purchase of Shirts and Sweatshirts Using Appropriated Funds (Assignment No. I-EV-EAC-01-09)

This memorandum transmits the report in connection with the evaluation of the U.S. Election Assistance Commission's (EAC) purchase of shirts and sweatshirts using Fiscal Year 2008 funds. Although, the Commission has policies and procedures that allow for an award of nominal value to recognize its employees and the purchase of the 458 shirts generally complied with simple acquisition procedures, the Commission's purchase was excessive and created an appearance of the misuse of federal funds. We observed that the Commission should address procurement and awards program issues concerning (1) the quantity of items purchased, (2) the number of shirts awarded, and (3) the appropriateness of the award recipient.

In its August 25, 2009 response to the draft report (Appendix 1) the EAC identified steps that it was taking to strengthen its award program. In a supplemental response dated September 30, 2009, (Appendix 2) the EAC provided its justification for providing the shirts to a contractor. Based on the EAC's response the OIG considers all of the recommendations closed.

The legislation as amended, creating the Office of Inspector General (5 U.S.C. § App. 3) requires semiannual reporting to Congress on all inspection and evaluation reports issued, actions taken to implement recommendations, and recommendations that have been implemented. Therefore, a summary of this report will be included in our next semiannual report to Congress.

If you have any questions regarding this report, please call me at (202) 566-3125.

cc: Chair, U.S. Election Assistance Commission
Commissioner Davidson
Commissioner Hillman

TABLE OF CONTENTS

Introduction	1
Objectives, Scope, and Methodology	2
Observations and Recommendations	3
Appendix 1 – Commission Response	13
Appendix 2- Supplemental Response	17
Appendix 2- Status of Recommendations	20

INTRODUCTION

The U.S. Election Assistance Commission (EAC or Commission) was created by the Help America Vote Act of 2002 (HAVA) to assist states² with improving the administration of federal elections and to provide funds to states to implement these improvements. In fiscal year (FY) 2008, the Commission received three appropriations of funds.

- \$16.53 million for salaries and expenses, of which \$3.25 million was for transfer to the National Institute of Standards and Technology, and \$200,000 for a competitive grant program for mock elections;
- \$115 million for distribution under the HAVA requirements payments program; and
- \$10 million to support a competitive grant program for a pilot program for collecting certain data related to the federal general election.

Under the Government Employees' Incentive Awards Act (GEIAA), an agency has the authority to provide monetary and nonmonetary awards to its employees—limited to federal employees—for acts or services related to their official employment. In addition, an agency can incur necessary expenses in connection with an incentive award. In making purchases for its award programs, the Commission is required to procure supplies in such quantities that will result in the total cost and unit cost most advantageous to the government, where practicable, and does not exceed the quantity reasonably expected to be required. (Federal Acquisition Regulations §§ 7.202 and 13.101)

The Commission used \$6,976.50³ in FY 2008 funds to purchase 458 shirts and zip-hooded sweatshirts (shirts) embroidered with "U.S. Election Assistance Commission" as awards to staff scheduled to work an extended shift on Election Day and to foster improved morale among all employees.

- 378 short-sleeved polo shirts in three colors (navy, red, and tan)
- 40 long-sleeved polo shirts
- 40 zip-hooded sweatshirts

On or about November 3, 2008, the Commission distributed 195 shirts to 38 employees and one contractor (a total of 39 persons). Each person received a set of five shirts (three short-sleeved polo shirts, one long-sleeved polo shirt, and one zip-hooded sweatshirt). The weighted average cost of shirts given to each person was \$81,⁴ for a total of \$3,159. There are 263 shirts, with an estimated value of \$3,817.50, remaining in inventory.

² "States" means the 50 states, the District of Columbia, Guam, Puerto Rico, American Samoa, and the U.S. Virgin Islands.

³ The \$6,976.50 includes a \$40 digitizing fee and a \$25 shipping and handling fee.

⁴ See footnote 1.

OBJECTIVES, SCOPE, AND METHODOLOGY

This is the first Office of Inspector General evaluation relating to the U.S. Election Assistance Commission's (Commission or EAC) awards program. The objectives of the evaluation were to determine whether (1) the purchase of the 458 shirts by the Commission complied with federal requirements and other guidance, and (2) the use of appropriated funds was permissible. To achieve our objectives we interviewed Commission management and staff. We requested and examined documentation related to the purchase and award of the shirts. We reviewed applicable federal requirements and other guidance, including the GEIAA and its regulations, the Federal Acquisition Regulations (FAR), and relevant Comptroller General opinions. We also reviewed the EAC's policies and procedures that affected the purchase and award.

We conducted our evaluation from February through April 2009 under the authority of the Inspector General Act of 1978, as amended. The evaluation was conducted in accordance with the "Quality Standards for Inspections," prescribed by the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency.

OBSERVATIONS AND RECOMMENDATIONS

The U.S. Election Assistance Commission (Commission or EAC) purchased 458 shirts and zip-hooded sweatshirts (shirts) for \$6,976.50. The Commission justified the purchase as an award to EAC employees who worked extended or irregular hours on Election Day. We considered two questions during our evaluation: (1) did the EAC use federal funds consistent with federal statutes, regulations and guidelines; and (2) did the EAC's purchase create an appearance of the improper use of federal funds. We found that the EAC's purchase was consistent with the provisions for making nonmonetary, incentive awards to federal employees and that the purchase was made in conformance with the FAR. However, we determined that the EAC's purchase and award did create the appearance of the improper use of federal funds in that the quantity purchased and awarded to employees and a contractor was excessive.

THE COMMISSION'S DISTRIBUTION OF SHIRTS WAS AN AWARD UNDER THE GEIAA

The Commission offered as justification for its purchase of 458 shirts that the purchase was made in order to provide employees who worked an extended shift on Election Day with an award for that activity. We tested the justification and found that the shirts could be considered an award under the GEIAA.

Generally speaking, an agency is not permitted to purchase clothing items for its employees. The Government Accountability Office (GAO) considers clothing to be an employee's personal expense and has stated that, "every employee of the government is required to present himself for duty properly attired according to the requirements of his position."⁵ There are several exceptions to this rule. First, an agency may have statutory authorization for the purchase of clothing items. There are three major statutes that permit this type of purchase: 5 U.S.C. § 7903 (Administrative Expenses Act), 5 U.S.C. § 5901 (Federal Employees Uniform Act), and 29 U.S.C. § 668 (Occupational Safety and Health Act). Second, if the piece of clothing is an "out-of-the-ordinary item," it may be purchased by the agency if it meets a two-part test. Third, the GAO has permitted purchases of clothing as employee awards under the GEIAA.

The GEIAA gives specific statutory authority for agencies to use appropriations for the purposes of providing monetary and nonmonetary awards to employees whose actions improve government operation, efficiency or economy.

- The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who—
- (1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork; or
 - (2) performs a special act or service in the public interest in connection with or related to his official employment.

⁵ 63 Comp. Gen. 245, 246 (1984)

OBSERVATIONS AND RECOMMENDATIONS

5 U.S.C. § 4503.

The authority to provide incentive awards is not unlimited, however. Incentive awards are limited to employees of an agency. *Id.*; 5 U.S.C. § 4501. Awards cannot be issued to contractors and other non-employees.

Pursuant to regulations promulgated by the Office of Personnel Management (OPM), the award must recognize individual or group achievement that contributes to meeting the organization's goals or improving its efficiency, effectiveness, and economy. 5 C.F.R. § 451.102. The basis of such award can be:

- (1) A suggestion, invention, superior accomplishment, productivity gain, or other personal effort that contributes to the efficiency, economy, or other improvement of Government operations or achieves a significant reduction in paperwork;
- (2) A special act or service in the public interest in connection with or related to official employment; or
- (3) Performance as reflected in the employee's most recent rating of record.

5 C.F.R. § 451.104(a).

The award must be distributed in accordance with an agency program which provides for documenting the justification for awards that are not based on a rating of record. 5 C.F.R. § 451.103.

GAO has rendered many opinions on the propriety of issuing incentive awards to employees. Awards are assessed under the necessary expense doctrine. In addition to the justification by the agency, GAO frequently considers the opinion of OPM in making its determination on the use of federal funds for incentive awards. Decisions are based on the facts of each of the cases presented to GAO.

We reviewed the EAC policies and procedures concerning nonmonetary awards along with the statutory and budgetary authorizations available to EAC. We found that the EAC has no specific statutory authority to purchase clothing for its employees nor do the three major statutes (5 U.S.C. § 7903, 5 U.S.C. § 5901, and 29 U.S.C. § 668) apply. Further, the shirts are not deemed an "out-of-ordinary item," and therefore, the two-part test for purchase of clothing does not apply.

We found that the EAC does have a policy and procedure in place for making nonmonetary, incentive awards to its employees. That policy generally complies with the statutory requirements of the GEIAA and the regulations promulgated by the OPM concerning incentive awards. See Observations 2 and 3 for needed changes to the EAC policy. We found that GAO, although not expressly, has held that the issuance of awards to a group of employees or even all employees in a division is permitted by the GEIAA.⁶ Further, the GAO has allowed the purchase and distribution of clothing items under the

⁶ B-270327, Defense Reutilization and Marketing Services Award Ceremonies (March 12, 1997)

OBSERVATIONS AND RECOMMENDATIONS

GEIAA.⁷ Thus, we concluded that the justification provided by the EAC, that shirts were provided to most EAC employees as an award for working extra or extended hours on Election Day, was a permitted nonmonetary award to a group of employees under the GEIAA.

EAC'S USED FAR SIMPLIFIED ACQUISITION PROVISIONS

The EAC used the provisions of the FAR for simplified acquisitions to purchase the shirts in question.⁸ The purchase was for a total of \$6,976.50, which did not exceed the simplified acquisition threshold. The EAC contract file contained sufficient documentation of the procedure used to acquire the shirts.

EAC'S PURCHASE WAS EXCESSIVE IN TERMS OF THE QUANTITY PURCHASED, QUANTITY AWARDED, AND PERSONS TO WHOM THE SHIRTS WERE DISTRIBUTED

As a part of our evaluation, we considered whether EAC's purchase⁹ and distribution of shirts was reasonable and supported by its justification. We found that the number of shirts purchased and awarded—to include the number of shirts remaining in inventory—was excessive. In addition, we determined that the EAC inappropriately distributed a set of shirts to a person who is not an EAC employee.

The observations below detail our evaluation results, observations, and recommendations for the improvement of EAC's process for making awards under its incentive awards program.

OBSERVATION 1 – QUANTITY OF ITEMS PURCHASED

The Commission lacked sufficient justification for the need to purchase 458 shirts. EAC spent \$6,976.50 for shirts to be distributed to staff scheduled to work an extended shift on Election Day and to foster improved morale among all employees. Of the 458 shirts purchased, the Commission distributed only 195 shirts to 38 employees and a contractor (a total of 39 persons). There are 263 shirts remaining in inventory with an estimated value of \$3,817.50.

QUANTITY AND JUSTIFICATION

To establish the quantity of shirts to order, Commission employees obtained shirt sizes from about 34 staff, including one contractor. One employee and the Office of Inspector General did not provide shirts sizes. The contracting officer received a written request from the chief operating officer to order two short-sleeved shirts per employee, and 24 extras

⁷ B-243025, Federal Aviation Administration – Incentive Awards Program – Presentation of Jackets (May 2, 1991)

⁸ FAR, Part 13.

⁹ Includes the quantity of shirts purchased.

OBSERVATIONS AND RECOMMENDATIONS

(varied by size), for a total of 90 shirts. Notations made to the instructions adjusted the number of shirts per employee to three, resulting in 126 shirts.

Short-Sleeved Polo Shirts

	<u>Staff</u>	<u>Extras</u>	<u>Quantity</u>
SM	7 x 3	+ 4	25
MED	15 x 3	+ 4	49
LG	2 x 3	+ 8	10
XL	5 x 3	+ 4	19
2XL	4 x 3	+ 3	16
3XL	1 x 3	+ 1	7
	34	102	24
			126

The contracting officer ordered 378 short-sleeved shirts or 126 in each color (navy, red, and tan) from the selected vendor. The procurement file did not contain justification for the need to increase the number of shirts for each employee to three or for tripling the order quantity. The 126 shirts alone would have provided a short-sleeved shirt in each color for the 34 staff that provided shirt sizes, with 24 extra to accommodate size exchanges or staff that did not provide a shirt size prior to order placement.

In addition to the 378 short-sleeved shirts, the order included 40 long-sleeved polo shirts and 40 zip-hooded sweatshirts. The chief operating officer's request did not contain instructions to order nor did the purchase file contain justification for the need to purchase the long-sleeved shirts and sweatshirts for each employee. Notations made to the instructions, along with notations on a separate sheet, indicated the order quantities.

The EAC explained that the quantity ordered was based on what could be purchased for under \$100, the amount in place for a nonmonetary token award.¹⁰ When asked about the remaining inventory, the EAC explained that they are for distribution to new employees as an incentive, to others working for the Commission (e.g., contractors), and to promote the Commission at engagements (e.g., conferences, workshops). Neither the executive director's authorization for the purchase nor the written request from the chief operating officer for order quantities justified the need for an inventory of shirts.

¹⁰ The Commission's established policies and procedures allow for an award of nominal value (in increments of \$50, with a maximum amount at any one time of \$150. The Commission's pending employee recognition policy limits the expenditure for nonmonetary awards to no more than \$250 on any one item.

OBSERVATIONS AND RECOMMENDATIONS

CRITERIA

In making purchases, agencies are permitted to buy a quantity reasonably expected to be required by the agency (FAR §§ 7.202 and 13.101) and for which a bona fide need can be established for the fiscal year in which the items are purchased.¹¹

CONCLUSION

The 458 shirts purchased using appropriated funds by the Commission for staff scheduled to work an extended shift on Election Day and to foster improved morale among all employees lacked sufficient justification. The documents contained in the procurement file did not support the purchase of 458 shirts. Furthermore, there was no justifying documentation for an inventory of 263 shirts. Though it is permissible to maintain an inventory of items for award purposes, it is not permissible to use the inventory as an incentive award to new employees or contractors working for the Commission. Without a clearly established need or requirement, the purchase of 458 shirts creates a perception of waste, that federal funds have been expended in a manner that does not further the mission and goals of the Commission.

The Commission should exercise due care in selecting and procuring appropriate items for nonmonetary awards and the quantity thereof.

RECOMMENDATIONS

We recommend that the U.S. Election Assistance Commission:

1. Ensure justifications for the purchase of items relating to the awards program are supported and documented.
2. Ensure the purchase of items for nonmonetary awards is reasonably necessary to carry out an authorized function or will contribute materially to the effective accomplishment of that function.

¹¹ The appropriate use of federal funds depends on: (1) whether the purpose of the obligation or expenditure is authorized; (2) whether the obligation occurs within the time limits applicable to the appropriation; and (3) whether the agency has sufficient funds to satisfy the obligation. The second element, timing of the obligation, depends upon the agency's ability to establish a "bona fide need" for the good or service. The "bona fide needs rule" is a fundamental principle of appropriations law. "A fiscal year appropriation may be obligated only to meet a legitimate, or bona fide, need arising in, or in some cases arising prior to but continuing to exist in, the fiscal year for which the appropriation was made." GAO-04-261SP Appropriations Law, Vol. 1, p. 5-11. When assessing "bona fide need," GAO has recognized the need to maintain a certain inventory of goods. Thus, an agency is not prevented from "...maintaining a legitimate inventory at reasonable and historical levels, the 'need' being to maintain the inventory level so as to avoid disruption of operations. The problem arises when the inventory crosses the line from reasonable to excessive." GAO-04-261SP Appropriations Law, Vol. 1, p. 5-13.

OBSERVATIONS AND RECOMMENDATIONS

3. Implement a quantity check of items prior to placing an order to avoid the purchase of excess items.
4. Establish limits to the quantity of items that can be retained in inventory for award purposes.

EAC's Response

The EAC generally concurs with Recommendations 1, 3 and 4. The EAC will ensure that justifications for the purchase of future awards are supported and documented and that a quantity check will be performed prior to the order being placed.

OIG's Response

The actions taken by the EAC are consistent with the intent of the recommendations. No further response to the OIG is required for these recommendations.

OBSERVATION 2 – QUANTITY OF SHIRTS AWARDED

On or about November 3, 2008, 38 employees and a contractor (a total of 39 persons) received a set of five shirts—three short-sleeved polo shirts, a long-sleeved polo shirt, and a zip-hooded sweatshirt. The weighted average cost per set of five shirts was \$81.¹² The total cost of shirts actually distributed was \$3,159. A nonmonetary award of five shirts to each employee and a contractor is excessive and creates the appearance that federal funds were misused. Furthermore, the fact that the award was distributed prior to the activity (working on Election Day) to be rewarded is inconsistent with the OPM regulations governing incentive awards.

DETERMINATION AND APPROPRIATENESS

The Commission's established policies and procedures allow for an award of a nominal value (in increments of \$50, with a maximum amount at any one time of \$150) recognizing employees for a one-time, short-term effort that results in service of exceptionally high quality or quantity. The Commission's pending employee recognition program specifically addresses nonmonetary extra effort awards, for use in recognizing an employee or private citizen for a specific outstanding accomplishment. This nonmonetary award can take the form of a memento, such as a token item, or an honorable mention in an employee newsletter. The Commission limits the expenditure for nonmonetary awards to no more than \$250 on any one item, reserving the higher amounts for high-level honorary awards or major accomplishments.

¹² See footnote 1.

OBSERVATIONS AND RECOMMENDATIONS

According to the EAC, the quantity of shirts ordered for the nonmonetary award was based on what the EAC could purchase for under \$100. Cost estimates were used to determine the quantity to order per person. There was no additional justification for the purchase of multiple shirts to reward employees. Justifications for purchasing multiple shirts as an award to Commission staff and a contractor were inadequate.

Further, the purpose of the shirts—a nonmonetary award—was not presented at the time the shirt sizes were obtained or at the time the shirts were distributed to the 39 recipients. The recipients were surprised to receive a set of five shirts as opposed to one shirt.

CRITERIA

Under the GEIAA, an agency has the authority to use appropriations for the purpose of providing monetary and nonmonetary awards to its employees for acts or services related to their official employment. An award to a federal employee can take many forms, for example, an informal recognition or nonmonetary award. An agency can grant the award to a federal employee, as an individual or member of a group. However, an employee cannot receive an award prospectively, that is before the act or service is performed. An agency is required to distribute the award in accordance with its program and to document the justification for awards that are not based on a rating of record.

GAO opinions on the use of federal funds for purposes of giving incentive-based awards to employees approve of the use of nonmonetary awards for individuals and groups. However, the facts of the opinions do not support giving multiple items to the employee and have not considered nonmonetary awards valued at more than \$50 each.¹³

CONCLUSION

The award of five shirts to each employee and a contractor is excessive and creates an appearance issue with the use of federal funds by the Commission for the otherwise permissible purpose of awarding employee behavior. The only support offered by the EAC for giving multiple shirts

¹³ See B-243025, Federal Aviation Administration – Incentive Awards Program – Presentation of Jackets (May 2, 1991); B-160464, Ruth L. Jerideau, United States Department of Agriculture, February 9, 1967; B-184306, Use of U.S. Army Criminal Investigation Command (USACIC) appropriate funds for purchase of marble paperweights and walnut plaques; B-271511, National Security Agency – Availability of Appropriations To Purchase Food as a Nonmonetary Award Under the Government Employees Incentive Award Act (March 4, 1997); B-227559, Awards – Telephones – Nonuse of Sick Leave (March 23, 1988); B-256399, (June 27, 1994); B-270327, Defense Reutilization and Marketing Services Award Ceremonies (March 12, 1997).

OBSERVATIONS AND RECOMMENDATIONS

to each employee was to give them something valued under \$100. There was no explanation, in accordance with the Commission's existing policies to justify this level of award to each of the employees. An agency should not grant an award based on the quantity that can be purchased for a given dollar amount. Even though an item is inexpensive, it does not mean that it is appropriate.

An award may not be presented in advance or in anticipation of a contribution that has yet to occur, such as scheduling to work extended hours. Distribution of the shirts before Election Day creates the appearance that the shirts were a gift and not an award.

RECOMMENDATIONS

We recommend that the U.S. Election Assistance Commission:

1. Consider the reasonableness and appropriateness of a nonmonetary award before making it. Determine whether the item being awarded would cause embarrassment to the Commission if made public or whether it creates an appearance issue with the use of federal funds.
2. Ensure procurement and award documentation clearly supports the justification for the item—the quantity and value thereof—being granted as a nonmonetary award.
3. Ensure awards are granted for efforts expended or results achieved, and not presented in advance or in anticipation of a contribution that has yet to occur.
4. Revise the pending policy on incentive awards to require distribution of awards only after the notable action.
5. Inform employees that they are being awarded and what efforts expended or results achieved as an individual, or member of a group initiated the award.

EAC's Response

In its response the EAC indicated that it considered the reasonableness and appropriateness of the monetary award before making it. The EAC concluded that the shirts were appropriate to recognize the employees with a nonmonetary award. The response also indicated that “[t]he notion that the shirts would cause any level of embarrassment to the Commission is unfounded.” The response further stated that “the Commission’s incentive award program is designed to recognize past performance and to encourage exemplary performance by the staff.”

OBSERVATIONS AND RECOMMENDATIONS

OIG's Response

The actions taken by the EAC are consistent with the intent of the recommendations. No further response to the OIG is required for these recommendations. However, the EAC should be cognizant of the appearance of such employee awards to the general public and to Congress. The OIG believes that awarding 5 shirts to each employee is excessive. An opinion apparently shared by at least one member of the EAC's oversight committee in the U.S. House of Representatives. The Member offered an amendment to the EAC's FY 2010 appropriation to reduce the appropriation by \$6,951. The explanation of the amendment stated that it "[w]ould reduce the amount appropriated for salaries and expenses of the Election Assistance Commission by \$6,951, the amount used to purchase t-shirts and sweatshirts for agency employees."

The EAC response stated that the "award program is designed to recognize past performance and to encourage exemplary performance by the staff." However, the justification offered by the EAC indicated that the awards were made in order to recognize employees who worked an extended shift on Election Day. The shirts were distributed on or about November 3, 2008, prior to Election Day. If the shirts were given for past performance, the award justification should clearly identify what past performance was being awarded.

OBSERVATION 3 – APPROPRIATENESS OF THE AWARD RECIPIENT

The Commission inappropriately awarded a set of five shirts as a nonmonetary award to a contractor. As a result, the Commission is susceptible to claims of unfair advantage when appropriated funds not considered in the competitive process are used to purchase an award for contract personnel. Further, the Commission's pending award policies and procedures permit nonmonetary awards to private citizens. Such policy is not consistent with the GEIAA or its implementing regulations.

NONMONETARY AWARD

A contractor received a set of five shirts from the Commission on or about November 3, 2008. The contractor was scheduled to work extended hours on Election Day. A Commission employee asked for the contractor's shirt size. The purpose of the shirts—a nonmonetary award—was not disclosed at the time the contractor's shirt size was obtained or at the time the shirts were delivered. Further, the contractor was surprised to receive five shirts as opposed to one shirt.

OBSERVATIONS AND RECOMMENDATIONS

CRITERIA

Under GEIAA, an agency is permitted to provide monetary and nonmonetary awards to its employees; however, the Act limits the awards to federal employees. The term “federal employees” does not include contractor personnel or private citizens. Further, there is no statutory authority for spending appropriated funds on awards—whether monetary or nonmonetary—for contractor personnel.

CONCLUSION

The Commission inappropriately awarded a contractor with a set of five shirts. Further, the Commission’s pending award policies and procedures are inconsistent with the GEIAA and OPM regulations in that they allow awards to private citizens and contractors.

RECOMMENDATIONS

We recommend that the U.S. Election Assistance Commission:

1. Seek payment for the shirts from the contractor or the employee(s) responsible for the purchase and award.
2. Amend its awards policies and procedures to comply with federal requirements by prohibiting awards to contractor personnel or private citizens. Advise Commission management and staff of the amendment to ensure awareness and compliance.

EAC’s Response

In its response, the EAC offered a new justification for giving shirts as an award to a contractor, stating that the contractor was a former Federal employee and that the award was for past service as a Federal employee. In its supplemental response dated September 30, 2009, the EAC determined that recognizing the former federal employee/contractor with a non-monetary award was appropriate. The response indicated that former employee/contractor was eligible for a nonmonetary award based on the fact that the contributions made by the individual as a federal government employee were substantial and benefited the agency’s overall mission.

OIG’s Response

No further response to the OIG is required for these recommendations.

Mr. HARPER. I will now recognize Ranking Member Brady.

Mr. BRADY. Thank you, Mr. Chairman. I ask unanimous consent to include the following in the record: A letter to the National Institute of Standards and Technology from me regarding H.R. 672 and the reply; a letter to the FEC from me regarding H.R. 672 and the reply; a letter from Leadership Conference of Civil and Human Rights to the President regarding the appointment of commissioners to EAC; letters from CCD regarding the EAC and voters with disabilities; a letter from the Public Citizens regarding staffing and funding of the EAC; a letter from the American Association of People with Disabilities regarding this hearing. And I thank you for having this hearing, Mr. Chairman. I also thank the witnesses for participating.

[The information follows:]

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, DC 20515-6157
(202) 225-8281
<http://cha.house.gov>

March 1, 2011

Patrick D. Gallagher, Ph.D.
Director
National Institute of Standards and Technology
U.S. Commerce Department
100 Bureau Drive
Mail Stop 1070
Gaithersburg, MD 20899-1070

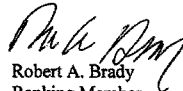
Dear Dr. Gallagher:

As you know the Help America Vote Act of 2002, authorized the creation of the Elections Assistance Commission and provides that the NIST establishes guideline for the testing of voting equipment but the actually testing is done by the EAC. This bright line allows for NIST to maintain wall of neutrality between the standards, development and testing of voting equipment. A recently introduced piece of legislation, HR 672, which would terminate the Election Assistance Commission (EAC) and revert many of its functions to the National Institute of Standards and Technology and the Federal Election Commission.

While the EAC has had a number of problems and issues in the past, it is unclear to me if now is the appropriate time to abolish the agency. I would like to know if your agency would be capable to absorb the added functions and personnel associated with the added responsibilities without compromising the core functions of your agency. Are there added cost to the agency by adding these functions and would the agency be able to serve as a clearinghouse to the many stakeholders?

I look forward to your response and should you have any questions or concerns please do not hesitate to contact me or my senior elections counsel, Thomas Hicks, at 202-225-2061.

Sincerely,


Robert A. Brady
Ranking Member



GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20230

March 17, 2011

The Honorable Robert A. Brady
Ranking Member
Committee on House Administration
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Brady:

Thank you for your recent letter to the Under Secretary of Commerce for Standards and Technology and Director of the National Institute of Standards and Technology (NIST), Dr. Patrick Gallagher, regarding H.R. 672, a bill to terminate the Election Assistance Commission (EAC) and to transfer EAC's duties to NIST and other agencies. I appreciate the opportunity to provide the views of the Department of Commerce.

The Department strongly supports the current relationship between the EAC and NIST. However, should the legislation be enacted into law, as currently drafted, the Department would have some serious concerns about the ramifications of the legislation for NIST.

NIST, through its National Voluntary Laboratory Accreditation Program, accredits laboratories in a number of fields of critical national importance, including voting systems. The bill proposes to transfer the EAC's testing and certification program to NIST. This would result in a conflict of interest for NIST because it would put NIST in the position of both accrediting private sector laboratories that test voting equipment and systems, and of certifying the equipment and systems tested by these same labs.

Were NIST to be in a position both to accredit labs and to certify their products, this conflict of interest would be in direct violation of the International Laboratory Accreditation Cooperation, and the Asia-Pacific Laboratory Accreditation Cooperation to which NIST is a signatory.

The legislation also does not provide the resources necessary to absorb the proposed transfer of personnel or the continued work for which NIST is currently funded by the EAC. The Department is concerned that if the EAC is terminated and additional resources are not provided for NIST to carry out EAC activities, NIST's ongoing critical work in voting standards could be compromised.

The Department remains committed to working with you and the members of the Committee as the legislation moves forward. The Office of Management and Budget has advised that there is no objection to the transmittal of these views from the standpoint of the Administration's program. If you have any questions, please contact me or April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at 482-3663.

Sincerely,

A handwritten signature in black ink, appearing to read "Cameron F. Kerry".

Cameron F. Kerry

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

ROBERT A. BRADY, PENNSYLVANIA
RANKING MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, DC 20515-6157
(202) 225-8281
<http://cha.house.gov>

March 1, 2011

The Honorable Cynthia L. Bauerly
Chair
Federal Election Commission,
999 E Street, NW,
Washington, DC 20463

Dear Chairwoman Bauerly:

Congratulations on your recent appointment to the Chairmanship. I look forward to working with you this coming year.

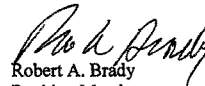
I am writing to you regarding HR 672, which would terminate the Election Assistance Commission and revert many of its functions to the Federal Election Commission and the National Institute of Standards and Technology.

As you know, the Help America Vote Act of 2002 authorized the creation of the EAC and moved some of the functions of the FEC to this new agency. The objective was to allow the FEC to continue to administer and enforce the Federal Election Campaign Act, while creating a new agency whose function would be to oversee the administration of elections. While both agencies have had their problems and issues over the years, it is my hope that both would continue to stand independently of each other while serving their two distinct roles for the betterment of all voters.

I would like to know if your agency would be capable in absorbing the added functions and personnel associated with the added responsibilities while being able to still successfully fulfill your mission. Would this result in greater costs to the FEC? Is the agency able to serve as a clearinghouse to the many stakeholders?

I look forward to your response and should you have any questions or concerns please do not hesitate to contact me or my senior elections counsel, Thomas Hicks, at 202-225-2061.

Sincerely,


Robert A. Brady
Ranking Member



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OFFICE OF THE CHAIRMAN

March 16, 2011

The Honorable Robert A. Brady
Ranking Member
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Brady:

Thank you for your letter of March 1, 2011, and especially for your kind wishes.

Your letter asks about H.R. 672, the bill to terminate the Election Assistance Commission ("EAC"). We have reviewed that bill, including specifically the transfer of many of the EAC's functions to this Commission. As you know, some of those functions were within the purview of the Federal Election Commission (the "FEC") prior to passage of the Help America Vote Act of 2002, while other functions have developed since then. Should Congress enact this bill and provide an appropriation that adequately reflects this change, we believe that the FEC could absorb the added functions and responsibilities, while continuing to fulfill our current mission successfully.

You have specifically inquired about one particular function that the bill would transfer to the FEC, which is the maintenance of a clearinghouse of information on the experiences of state and local governments in implementing voluntary voting system guidelines and the performance of voting machines. This function is similar to a responsibility of the FEC prior to 2002, and we expect the FEC would be able again to serve as a clearinghouse for this important information.

The bill would authorize the FEC to enter into contracts with private entities to carry out any of the duties that would be transferred from the EAC. Should H.R. 672 be enacted, the FEC would determine which of the new responsibilities could be assigned to current or new employees of the FEC and which would be carried out under contracts with private entities.

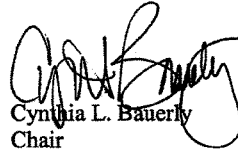
Any strategy to meet these new responsibilities would require additional resources. In addition, the EAC was assisted in its role of developing and adopting voluntary voting system guidelines through input from local and state officials and the Technical Guidelines Development Committee, and the FEC hopes that it would have similar assistance in carrying out its duties. The FEC recognizes the budget constraints that the

The Honorable Robert A. Brady
Page 2

federal government continues to confront and accordingly, we have confined our budget requests. In fact, for Fiscal Year 2012, our budget request was below the amount necessary to maintain current services. Therefore, performing additional duties, including those contemplated to be transferred by this bill, would require additional financial resources.

We appreciate your interest in our views on this bill, and your concern about the adequacy of resources to meet any new responsibilities. We would be pleased to continue to provide you with information on this or any other matter within our jurisdiction. Should you or your staff wish to communicate further, please do not hesitate to contact me directly at (202) 694-1020 or to contact Duane Pugh, the FEC's Director of Congressional Affairs, at (202) 694-1002.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

**The Leadership Conference
on Civil and Human Rights**

1629 K Street, NW Phone: 202.466.3311
10th Floor Fax: 202.466.3435
Washington, DC www.civilrights.org
20006



February 18, 2011

The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

The undersigned members of The Leadership Conference on Civil and Human Rights' Voting Rights Task Force urge you to quickly appoint commissioners to the U.S. Election Assistance Commission ("EAC" or "Commission"). These essential positions have been empty for an unacceptably long time. As organizations that are committed to supporting and expanding the civil and voting rights of all Americans, we have devoted substantial resources to the passage of both the National Voter Registration Act and the Help America Vote Act, and failing to appoint commissioners puts our work at jeopardy and risks reducing the voting and civil rights of our citizens -- rights for which many have given their lives

The EAC does valuable work to ensure the reliability and trustworthiness of our nation's election systems. The Commission plays a major role in collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizens' trust and confidence in election results. The Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators. Through its many working committees and convening of robust dialog among advocates, manufacturers and administrators, the Commission is improving the administration of elections. The EAC's award-winning web page has become the "go to" site for election administrators, advocates, and academics.

The Commission is charged with developing standards for voting systems, and this precedent-setting work has been recognized by nations around the world. Several countries are so impressed with our system that they have signed agreements with the EAC for technical assistance as they developed their own voting system standards and certification procedures. The EAC's certification program is helping state and local governments to save money by using its oversight role to coordinate with manufacturers and local election officials to ensure that the existing equipment meets its durability and longevity potential. This saves state and local governments from the unnecessary expense of new voting equipment.

The EAC has played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. We still have a way to go to achieve the Help America Vote Act's mandate to make voting accessible. The EAC's leadership is essential to continuing the effort to offer all Americans the right to vote "privately and independently."

Officers
Interim Chairperson
Judith L. Lichtman
National Partnership for Women
& Families
Vice Chairperson
Karen K. Narasaki
Asian American Justice Center
Secretary
Bary Rand
AARP
Treasurer
Lee A. Saunders
American Federation of State,
County & Municipal Employees

Executive Committee
Barbara Aronow
Lawyer's Committee For
Civil Rights Under Law
Ariane Holtzer
AFL-CIO
Marce Greenberger
National Women's Law Center
Linda D. Hallinan
American Association of
University Women
Mary Kay Henry
Service Employees
International Union
Andrew J. Imparato
American Association of People
with Disabilities
Benjamin Jealous
NAACP
Michael B. Keegan
People For The American Way
Floyd Mann
Japanese American Citizens
League
Marc H. Morial
National Urban League
Janet Murguia
National Council of La Raza
Debra Ness
National Partnership for Women
and Families
Terry O'Neill
National Organization for Women
Jacqueline Johnson Pata
National Congress of
American Indians
John Poyton
NAACP Legal Defense and
Educational Fund, Inc.
Dennis Van Rooyel
National Education Association
Anthony Romero
American Civil Liberties Union
Thomas A. Szasz
Mexican American Legal Defense
& Educational Fund
David Saperstein
Religious Action Center for
Reform Judaism
Shanna L. Smith
National Fair Housing Alliance
Joe Stiglitz
Human Rights Campaign
Randi Weingarten
American Federation of Teachers
Mary G. Wilson
League of Women Voters
Sara Mijag Wilson
American-Arab Anti-
Discrimination Committee

**Compliance/Enforcement
Committee Chairperson**
Karen K. Narasaki
Asian American Justice Center
President & CEO
Wade J. Henderson
Executive Vice President & COO
Karin McGill Lawson

February 18, 2011
Page 2 of 2



As we rapidly approach the 2012 elections, the EAC needs a full complement of commissioners. It takes time for new commissioners to settle in and develop relationships with the thousands of local election administrators, and accordingly, further delaying these appointments will set back the progress the country has made. We urge you to quickly fill these important positions.

We look forward to the speedy nomination of Election Assistance Commissioners. Thank you for your consideration of our position. If you have any questions about this letter, please contact Lisa Bornstein, Senior Counsel, Leadership Conference on Civil and Human Rights, at (202) 263-2856 or Bornstein@civilrights.org or Jim Dickson, Vice President of Organizing and Civic Engagement, American Association of People with Disabilities, at JDickson@aapd.com or (800) 840-8844.

Sincerely,

American Association of People with Disabilities
Common Cause
Demos
Fair Elections Legal Network
Lawyers' Committee for Civil Rights Under Law
League of Women Voters of the United States
National Urban League
NAACP Legal Defense and Educational Fund, Inc. (LDF)
Project Vote
The Leadership Conference on Civil and Human Rights



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

The Honorable Mr. Harper: Chair, House Committee on Administration

The Honorable Mr. Brady: Ranking Member, House Committee on Administration

We are writing on behalf of the Civil Rights Task Force of the Consortium for Citizens with Disabilities (CCD). CCD consists of more than 100 national disability organizations working to improve the quality of life for 56 million Americans with disabilities. We, the CCD's Civil Rights Task Force, focus specifically on civil rights and protections for people with disabilities. When Congress created the Help America Vote Act (HAVA), it did so with the understanding that there was a considerable voting participation gap for people with disabilities. Thanks to the promise of accessibility contained in HAVA, the voter participation of people with disabilities has improved.

In the 2008 presidential election, 14.7 million people with disabilities voted. Regrettably the lack of accessible voting results in people with disabilities still voting at a rate considerably below the participation rates of the general population. A 2009 government accountability office report found that 72% of polling places surveyed on Election Day 2008 had impediments to private and independent voting for people with disabilities.

http://www.aapd.com/site/c.pv11kNWJqE/b.6453009/k.3004/2008_Elections_Information.htm

<http://www.gao.gov/products/GAO-09-685>

The disability community is grateful to the Congress for recognizing the importance of making voting accessible. When Congress created HAVA, it understood that the goal of accessibility takes time and resources. Therefore, HAVA's Section 261 provides funds to reach this goal. The Protection and Advocacy for Voting Access Program (PAVA) offers expert and cost-effective assistance to local and state election officials. PAVA advocates are on the ground in every state providing advice, technical assistance, outreach and training.

Additionally, PAVA advocates address barriers such as lack of voting and registration materials in accessible formats, inaccessible polling places and other barriers. According to the GAO, roughly half of these inaccessible polling places can be easily and inexpensively made accessible. There are still election officials and many poll workers who do not understand what is accessible. One of PAVA's most important contributions is assisting election officials in training poll workers. Adequately funding the PAVA program will ensure that Americans with disabilities can exercise their fundamental right to vote and participate in the democratic process.

Our nation still has much ground to cover before it fulfills HAVA's mandate to make voting accessible. The EAC's leadership is essential to affording all Americans the right to vote "privately and independently". The Commission has made significant contributions toward the accessibility of voting. Regrettably, there's one aspect of the commission's work where their performance has been unnecessarily time-consuming. In 2009 and 2010, the Congress appropriated a combined seven million dollars to research and develop ways to improve the accessibility of voting, including making paper ballots accessible.

Two and half years later, the EAC still has not selected researchers to do this essential work. On March 1st 2011, the commission received a number of proposals to do the research. We believe the EAC needs to move quickly in order to improve the accessibility of voting for the 2012 election and beyond. Given the two and half years it has taken the commission to receive the proposals, we are concerned they will take so much time in issuing the research grants that the 2012 election will not benefit from this research.

The thought and wisdom which created the Help America Vote Act and the United States Election Assistance Commission demonstrates the very spirit that characterizes our great nation. The EAC has played an important role encouraging other countries to make their voting systems accessible. In order to fulfill our nation's promise of liberty and justice for all, it is crucial that we ensure every American, regardless of disability, has their voice heard on election day.

Thank you for your attention.

Sincerely,

Co-Chairs of the CCD Civil Rights Task Force:

Curt Decker, National Disability Rights Network, curt.decker@ndrn.org (202) 408-9514

Sandy Finucane, Epilepsy Foundation, afinucane@efa.org (301) 918-3760

Mark Richert, American Foundation for the Blind, mrichert@afb.net (202) 822-0833



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • www.citizen.org

The Hon. Daniel Lungren, Chairman
 The Hon. Robert Brady, Ranking Member
 Committee on House Administration
 House of Representatives
 Washington, D.C. 20515

March 11, 2011

**Invest in Our Democracy –
 Election Assistance Commission Must be Fully Staffed and Funded**

*Statement of Craig Holman, Ph.D.
 Government Affairs Lobbyist, Public Citizen*

The U.S. Election Assistance Commission (“EAC”) is designed to serve a critical role in ensuring the trustworthiness of our nation’s elections, even though it has been hampered by consistent shortfalls in funding and staff. It is long past time that Congress fulfill the pledge made in the Help America Vote Act (“HAVA”) to enhance citizen trust in our elections and provides the Election Assistance Commission with the resources necessary to fulfill its mandate. Public Citizen strongly encourages Congress to approve the 2012 budget request of the EAC and to oversee that all open positions on the Commission are filled and that the agency is properly staffed.

Following the ballot box fiasco of the 2000 presidential elections – during which the United States was unable to declare a president-elect, prompting Cuban president Fidel Castro facetious offer to send elections observers to Florida to help us out – Congress pledged swift action to help states upgrade long-neglected election systems and machinery. Two years later Congress approved HAVA for this purpose, which President Bush signed in October 2002.

The law established new standards for election equipment and voting requirements and set aside \$3.8 billion over four years to help states buy new equipment, create statewide voter registration databases, set minimum standards for provisional voting and make ballot boxes accessible to voters with disabilities. It also created the Election Assistance Commission to help states interpret the act, conduct studies, enforce the National Voter Registration Act, and certify and test election equipment standards.

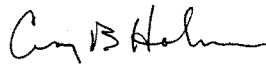
With about 8,000 separate election authorities managing approximately 175,000 polling places and perhaps as many as 150,000 different ballot forms that include choices for everyone from senator to dogcatcher, American elections are complex even when all goes well. Unfortunately, the EAC has not received sufficient funding to fully realize its mission and the President and Congress have both acted in a lackluster fashion when it comes to ensuring that the Commission is staffed and fully operational.

Nevertheless, the EAC has performed invaluable work improving our election systems. It has played a major role in collecting accurate election data; training the leagues of state elections officers; developing uniform standards for voting equipment; and improving accessibility of voting for the nation's 37 million voters with disabilities.

Our nation is in need of strong leadership from the Election Assistance Commission to standardize and coordinate the world's most complex election system. It is imperative that Congress properly invest in our democracy and fund the EAC, and that Congress work with the President to make sure the Commission has a full complement of commissioners and staff.

The greatest democracy in the world should never have to find itself in the situation where its election outcomes are in doubt.

Sincerely,



Government Affairs Lobbyist
Public Citizen
215 Pennsylvania Avenue SE
Washington, D.C. 20003
(202) 454-5182
cholman@citizen.org

The Honorable Mr. Harper: Chair, House Committee on Administration

The Honorable Mr. Brady: Ranking Member, House Committee on Administration

As Vice President of Organizing & Civic Engagement of the American Association of People with Disabilities, the country's largest cross-disability membership organization, I want to thank Chairman Harper and Ranking Member Brady and the rest of the committee for conducting this hearing. Founded in 1995, AAPD organizes the disability community to be a powerful force for change – politically, economically, and socially. Since the creation of the United States Election Assistance Commission, I have had the honor and privilege to serve on the EAC's Board of Advisors. This June, I will conclude my second year as chair of the EAC Board of Advisors. This has enabled me to be a very close observer of the commission's work. For Americans with disabilities, the EAC has served citizens with disabilities well since its inception.

The Commission's voluntary voting system standards are a model of accessibility regulation. The standards are recognized around the world as a model not only for accessibility, but for security and accuracy. The commission plays an essential role because our nation's election system is locally-controlled. In fact, it is much more accurate to say we have a series of election **systems**. The commission fosters communication amongst our hard-working election administrators. It provides a platform that allows election administrators to learn from each other, share best practices and most importantly, carry on a fact-based conversation about election administration. In the 29 years I have been privileged to work in elections, the Elections Assistance Commission has stimulated a robust and valuable conversation, over the past 8 years, the EAC has brought our election systems into the 21st century. It would be a loss to the nation if the Commission were to be terminated. While the Commission has its problems, it provides an invaluable service to our nation.

When Congress created the Help America Vote Act (HAVA), it did so with the understanding that there was a considerable voting participation gap for people with disabilities. Thanks to the promise of accessibility contained in HAVA and the hard work of the EAC, the voter participation of people with disabilities has improved. In the 2008 presidential election, 14.7 million people with disabilities voted. Regrettably, the lack of accessible voting results in people with disabilities still voting at a rate considerably below the participation rates of the general population. A 2009 government accountability office report found that 72% of polling places surveyed on Election Day 2008 had impediments to private and independent voting for people with disabilities.

http://www.aapd.com/site/c.pv11kNWJqE/b.6453009/k.3004/2008_Elections_Information.htm

<http://www.gao.gov/products/GAO-09-685>

The disability community is grateful to the Congress for recognizing the importance of making voting accessible. When Congress created HAVA, it understood that the goal of accessibility takes time and resources. Therefore, HAVA's Section 261 provides funds to reach this goal. The Protection and Advocacy for Voting Access Program (PAVA) offers expert and cost-effective assistance to local and state election officials. PAVA advocates are on the ground in every state providing advice, technical assistance, outreach and training. Another portion of Section 261 provides the Secretaries of State a modest 12 million dollars a year to improve the accessibility of voting. In his role as Secretary of State of Indiana, Congressman Rikita provided

the nation with an outstanding example how to improve the accessibility of voting. His use of these funds should be a model for the rest of the country.

Just as the Protection and Advocacy for Voting Access Program is essential in working towards HAVA's mission, ensuring that the Elections Assistance Commission is at full complement is also critical to fulfilling the promise of this legislation. The Commission develops and fosters the professional development of our nation's more than 8,000 election administrators. It improves the administration of elections through its many working committees and forums allowing multiple stakeholders to dialogue and problem solve together.

The unprecedented voting system standards it has developed have been recognized by nations around the world, many of whom have contracted with EAC for technical assistance on their own voting system standards and certification procedures. The EAC's certification program is helping state and local governments to save money. The agency, through its oversight role, coordinates with manufacturers and local election officials to ensure that the existing equipment meets its durability and longevity potential. The last thing states and local governments need in these tight budget times is to have to spend billions on new voting equipment.

In addition, the Commission has a major role to play collecting accurate and comparable election data. With our nation's complex and diversified election administration system, central data collection is essential if we are going to improve our citizen's trust and confidence in election results.

Our nation still has much ground to cover before it fulfills HAVA's mandate to make voting accessible. The EAC's leadership is essential to affording all Americans the right to vote "privately and independently". Running elections is not rocket science, it's harder than that. It involves human beings, with all our foibles, failures and achievements. There is a widely-felt concern that the Commission tends to be slow. The issues it deals with are undoubtedly complex and should not be rushed. Yet, a little more speed is desirable. For example, in 2009 and 2010, the Congress appropriated a combined seven million dollars to research and develop ways to improve the accessibility of voting, including making paper ballots accessible. We trust that the EAC will make the necessary steps to move forward with voting accessibility research in the imminent future.

The thought and wisdom which created the Help America Vote Act and the United States Election Assistance Commission demonstrates the very spirit that characterizes our great nation. In order to fulfill our nation's promise of liberty and justice for all, it is crucial that we ensure every American, regardless of disability, has their voice heard on election day.

Thank you for your attention.

Sincerely,

Jim Dickson, VP of Organizing and Civic Engagement
American Association of People with Disabilities
(202) 521-5304

Mr. HARPER. Thank you very much, Mr. Brady. I would ask, Mr. Wilkey, if you could in writing inform us of the whereabouts of those shirts just for my curiosity if you don't mind.

Mr. WILKEY. I would be happy to do so, Mr. Chairman.

Mr. HARPER. And I thank the witnesses for appearing today and for the members' participation. I now adjourn the subcommittee.

[The information follows:]



344 Churchill Circle • Sanctuary Bay • White Stone, Virginia 22578 • 804.435.8844 • Fax 804.435.8855
 Email: turtlecwh@aol.com • Website: www.cwhinesassociates.org

TO: Mr. Tom Wilkey, Executive Director
 Election Assistance Commission
 From: C. W. Hines and Associates, Inc.
 (Bill and Carolyn Hines, Herb McCre) *Carolyn Hines*
 Subject: Executive Summary-Teambuilding
 October 30, 2009

"If leadership were all that easy, everybody would be leaders. 'Tis not for the feint of heart!"
 (Eleanor Roosevelt)

You are indeed a man of both courage and vision. Again, we want you to know that the opportunity to work for you and your team is truly a personal and professional pleasure. From the feedback during and following the retreat, these initial efforts toward teambuilding are proving successful. We extend a special thank-you to Chairman Beach and Commissioners Hillman and Davidson for their feedback and support. Their recommendations certainly reinforce those submitted by the staff. Thanks also to Alice, Sheila, and the members of the Design Team for their exquisite attention to detail and their enthusiastic focus on positive outcomes.

We trust that you will find this executive summary helpful to you as you move forward. Please review it and let us know what areas may need clarifying. Should you wish, we are available for a briefing with the Commissioners and your executive team to discuss the recommendations in further detail, especially our concern regarding continued divisiveness in the workplace.

Several of the recommendations may be approached concurrently. You have a strong and committed team and the majority expressed confidence in you as their leader. During the preparation phase and the actual retreat, they worked hard and much of the time, through painful issues. While there still may be unresolved issues, you now have the foresight and fortitude to have those issues addressed successfully. Consider holding trust building sessions for each of the work teams individually. This could be done through establishing a team effectiveness baseline process allowing the team to continue to surface and address issues, problems, and concerns impacting team success.

Your staff, with the exception of just a few, clearly expressed eagerness to break from the past and set a more effective path, especially in the area of interpersonal relationships. No doubt, the EAC team can become even more effective by aggressively taking the action steps identified for sustaining success.

Again, we thank you. Please know that we will do all that we can to assist you with your organizational development needs. May 2010 prove to be your best year yet!

"These are changing times. The genius of leadership in these changing times resides in the courage of the leader." (Dolly Madison)

Alternate Dispute Resolution • Career Development • Conflict Management • Executive Coaching • Management Consulting and Training
 Mediation • Organizational Development • Team Building • Transformational Leadership • Workforce Diversity
Committed to Caring



Election Assistance Commission



TEAMBUILDING-EXECUTIVE SUMMARY

- Introduction and Preparation
- Report Purpose and Limitations
- Approach Data Analysis
- Strength Point
- Retreat Review
- Recommendations
- Summary

Introduction and Preparation

This report reviews and summarizes the results of teambuilding initiatives for the Election Assistance Commission. This report also includes recommendations from team members and the consultants helpful to the EAC moving forward.

C.W. Hines and Associates, Inc., a GSA MOBIS certified vendor, responded to a request for proposal from EAC to provide team development services following the results of an internal employee survey and the identification of organizational development concerns. Our approach addressed limited assessment through:

- a. Interviews with executive leadership team members
- b. Focus groups for all of EAC
- c. Phone calls (7) and follow-up emails (19) from EAC staff
- d. Review of organizational documents
- e. Analysis and synthesis of data collected
- f. Results from facilitating an executive leadership and full team retreat

Specifically, this executive summary:

- a. Identifies the major problems, issues, concerns, and recommendations
- b. Describes approaches to continued focus for team development
- c. Recommends actions that contribute to improved team effectiveness with short and long range goals

Report Purpose and Limitations

This report provides you a working paper to assist in making additional leadership decisions regarding the functioning of the EAC. It does not provide in-depth statistical leadership, management, nor organizational development analyses. Instead, we have attempted to identify broad issues that impact leadership success, staff morale, work-climate, and operations stability for the full EAC team. We have studied relevant documents and listened intently to staff members. These observations and recommendations represent our best professional judgments. With your leadership team members, including the managers, we strongly suggest that you share this report. Emphasize those selected areas in which you need specific help in carrying out recommendations. While the indicated dates suggest "tight targets", they are certainly flexible for your planning needs.

Data Analysis

The majority of team members expressed passion for the mission of the EAC and confidence in the leadership of the EAC. They also strongly expressed hopes for more positive and cohesive teamwork. These major factors persisted in blocking the overall team's effectiveness:

- a. Broken interpersonal relationships based on old and recurring negativity

precipitated mainly by 3-4 team members. These persistent behaviors contribute to an atmosphere of intimidation and lack of trust.

- b. The need for clear ground rules for teamwork, fairness, clarification of roles and responsibilities, and perceived undue interference from the IG

The focus group feedback revealed common themes that need to be addressed. These themes include:

- a. Building a more trusting team environment
- b. Skills in managing conflict and overcoming negativity
- c. Protocols that promote organizational efficiencies
- d. Valuing differences without regard to age, gender, race, background, sex, religion, national origin, physical or mental disability, sexual orientation, gender identity and expression, or political affiliation
- e. Rebuilding broken relationships

EAC Focus Groups (Fall, 2009)

1. What is working well here at the EAC that you want to see continued?

- a. The weekly program update done by e-mail; the staff meetings once a month for the full staff.
- b. The level of knowledge among the staff; people know what they're doing.
- c. The ED trying to build camaraderie. He wants us to "like" each other and many of us don't. But we don't have to like each other as long as we have professional respect for one another. Sometimes we don't know if we are being judged personally or professionally. I'm not here to win a popularity contest. I want to do my job well and provide a service.
- d. Open doors; I can talk to anyone I want; the work life balance here is good.
- e. Testing and Certification Division is moving forward well.
- f. We've added more professional staff lately and it's helping. The recent efforts to get better should be continued. The addition of some new professionals finally has us structured to allow for growth. The full-time finance and grants people are a good thing. The COO is really good and strong and that is what our ED needs to help him in his role. HR is very good.
- g. The level of knowledge and skill here is matched really well.
- h. The ED is really trying to bring us all together through these efforts and it seems to be working although some folks here will still resist. They need to go.
- i. The majority of us are passionate about what we do.
- j. The fact that this initiative is underway will help us work better together.
- k. We have finally been restructured so that we can really work well in the future.
- l. Good leadership at the top that we are learning to trust more.

2. What do you personally like about working here, as a member of the EAC team, and find especially rewarding?
--

- a. The work we do and the challenges that we have because we do exciting work.
- b. The people here in general seem really helpful; most people are fun people and supportive.
- c. Love start-ups; I can work in areas that I did not go to school for.
- d. We have autonomy. I like my boss. Like interacting with the States.
- e. I enjoy what I do and I get to show my character to others.
- f. Opportunities that we have and the support from people.
- g. Love to get to address the issues we deal with; enjoying the mission.
- h. Working on the policies and procedures; proud to see that what we do is helpful.
- i. You are not constrained by your schooling. You get to do a variety of things. Lawyers get to do a variety of things.

- j. Stepping up and answering the questions I used to ask when I was an end user.
- k. Our mission is so important. I felt proud when I saw one of our pamphlets when I went to vote.
- l. I love what I do, I love my job. It is my dream job. I'm familiar with the frustrations in other government agencies and I think things are great here.
- m. Learning is encouraged here and Tom is doing his best to build a true learning organization.
- n. This is my first full-time career job. It's refreshing to know I can contribute in a real way.
- o. Getting to be a part of this team building. Before where I worked nobody ever asked me anything. Here at EAC it feels like the employees are really important.

3. What interpersonal skills would you like to see more of?

- a. All of EAC to be friendly and sincere; need more straight talk between people, without anger.
- b. People should leave their personal problems at home.
- c. Improve our ability to handle conflict and resolve issues without personal repercussions.
- d. More skill around differences (without regard to age, gender, race, background, sex, religion, national origin, physical or mental disability, sexual orientation, gender identity and expression, or political affiliation.) Big problem here!
- e. Protocols for behavior are not understood. Early staff got very specific guidelines, but since then instructions have been inconsistent.
- f. Clear and good communication skills training; transparency; manage gossip
- g. People don't deal with things up front. They lack the confidence to confront problems.
- h. Professionalism. Realization that professional opinions are not necessarily personal.
- i. Knowing when to keep things in confidence.
- j. Focusing on solutions rather than on who to blame when things go wrong.
- k. Simple courtesies and good manners skills like speaking to people in the halls.
- l. Better channels for communication. A clearer delineation of who to go to with what.
- m. People here are aggressive, but don't know how to be assertive.
- n. The staff needs to feel more secure. People are afraid of making a mistake, or admitting a mistake, and it makes it harder to get our work done well.
- o. The trust issue is big. Trust in the sense that things will be held in confidence. Things always get spread around so you are careful about what you say.
- p. Staff working together without controversy. We would deal with each other professionally rather than personally. There would be more focus on EAC success, not personality.
- q. We need to be less defensive about stuff that happened a long time ago and let go of history.

4. If you could wave a magic wand and have the Election Assistance Commission function at its very best, what are the first 2 things you would do? (The responses to this question address the major themes identified in the expressed frustrations)

- a. Remove all glass ceilings or the perception allowing everyone their full potential; equitable opportunity for all; give myself a raise.
- b. That we all get behind our ED and our managers and help EAC get better and better.
- c. Refocus the energy of the agency back to doing work and the true EAC mission.

- d. Make us more consistent in how we operate from protocols.
- e. Change the entire leadership from commissioners on down.
- f. Stronger leadership and well trained leadership.
- g. Have everyone have integrity, professionalism and accountability.
- h. Make everyone understand that this is a commission and understand how it works.
- i. We need policies, procedure, strategic plan, etc. - getting the foundation in place.
- j. Build a culture of trust, recognition, and respect and make people happy.
- k. Eliminate all negativity and help problem employees to work elsewhere.
- l. Make people respond to communications (requests and emails); as a common practice, timely responses to questions so that other people can do their jobs.
- m. Make sure everyone is capable of using technology effectively.
- n. Stronger role for the COO in helping the Executive Director
- o. Change people's view of how we work and have much more of a team feeling.
- p. Make everyone put aside personal issues to do the work of the agency.
- q. Establish a better administrative foundation for the staff. All the pieces need to be present. We need a blueprint for how things are supposed to run.
- r. Establish a trust and accountability culture and trust that you won't be fired so you can be accountable for what you do.
- s. The Commissioners working more closely together as a team in helping the ED make all of EAC more successful. This would be a GREAT PLACE to work if that would happen.
- t. Inappropriate interference from the IG to go away for good.
- u. Sprinkle fairy dust on my department to spread happiness.
- v. Negativity is contagious. Please get rid of it. Help us to understand respect and to be humble.

5. What would you most want to see this organizational development initiative achieve?

- a. Leadership training for all managers and communication skills training for everyone here.
- b. We want to see something come out of this not like before when nothing happened; we want to see some follow through.
- c. Good coaching for our management team and to build a more EAC collegial team.
- d. If people feel empowered to want to change their environment then we will.
- e. More team focus and to work better as a full team; much more effective and efficient agency.
- f. We need to get to know each other better and relax and have at least a little bit more fun.
- g. Less negativity throughout all of EAC; a trusting and more respectful work environment.
- h. We understand and respect roles and responsibilities; loyalty to our leaders and to EAC team.
- i. Less interference from the IG—it is so distracting and undermining.

Based on the interviews and focus group feedback, these objectives were recommended for the first teambuilding:

- o. Define the future of the EAC work environment based on the NOW and NEXT model of team development (depicted through compelling pictures)
- o. Build more collaborative work practices which tap into individual and collective strengths of team members

- Learn and practice at least five Caring Competencies™, powerful communication skills based on emotional intelligence and designed to surface and move through tensions so that enhanced teamwork results
- Study critical areas from team feedback and set goals for moving EAC forward

Strength Point

EAC team members (with the exception of four) stated strong confidence in the Executive Director, Chief Operating Officer, the Chief Finance Officer, and the Director of Human Resources. Team members, (with the exception of four), expressed welcoming support for this team building initiative and stated strongly that they wanted “desperately” to move forward.

Recommendations (“Relighting the Fire creates excitement for our MISSION!”)

- a. Task a Work Environment Improvement team to solicit input and provide recommendations for establishing professional development models for the EAC. Individual development plans need to be completed for each EAC member to fully realize the potential of a learning organization. These plans would encourage more participation in local events like hearings, NASS and Election Center meetings, local elections, and staff protocols for attending these meetings to avoid the “entourage effect” Managers can interview each team member individually to further determine their skills, strengths, interests, areas for development, and cross training opportunities. Conduct a seminar on career development which would include individual development planning. (To be completed by May 1, 2010)
- b. Task managers to have their teams prepare presentations that clarify roles and responsibilities for their work units, and how single points of failure will be addressed. Hold an all-hands meeting to showcase these presentations. Communication needs to include what is expected, what is happening, what team members need to know in order to get their jobs done, hand-offs, and what “red flags” impact their productivity. Position descriptions need to be “scrubbed” to be sure they are updated. This recommendation applies to leadership team members. Link updated position descriptions, roles, and responsibilities directly to the mission. Create a new culture for Commissioners and staff enforcing the Roles and Responsibilities document. Do what is necessary to flesh this document out and what it means in practice. Be aggressive in getting this official document in place. Review chains of command (from Chair to interns) and standard operating procedures to assure that the EAC divisions are not promoting “division”. (To be completed by December 1, 2009)
- c. Periodically invite a Commissioner to staff meetings so that broader understanding around roles and responsibilities occurs. (Immediate and on-going)
- d. Communicate clearly to EAC members what behaviors you see as supportive to moving forward and what behaviors deliberately sabotage the work of the team. Encourage them to really listen to and act on the feedback they received. Leadership team members model the way. Require each leader to develop and act on a Leadership Development Plan. Offer them the opportunity for executive coaching and other developmental opportunities to include relevant training through the Center for Creative Leadership and the Center for Public Policy. (Plans in place by February 1, 2010)
- e. Establish a mentoring/succession plan for EAC that includes how new people are to be integrated onto the team, skill sets needed, training and developmental opportunities, assigned mentors, and mentoring agreements. (To be in place by March 30, 2010)
- f. In partnership with the Small Agency Council, hold a symposium with the single purpose of clarifying the role and responsibilities of the inspector general and staff, boundaries for the agency relationship, and what kind of communication is appropriate and/or inappropriate. (To be completed by April 1, 2010)

- g. The entire EAC team could further benefit from learning and practicing conflict management skills based on emotional intelligence. These skills will further help team members to take responsibility and ownership for their actions, how to confront each other in helpful ways, keeping professional and personal life separate, and how to address hot button issues. This could be done as a follow-up to teambuilding and in smaller work teams, culminating in a full team follow-up retreat. (To be completed by April 30, 2010)
- h. Remind each EAC team member to consciously contribute to building a safe work environment by taking care of each other and not "throwing people under the bus". Address issues directly, in the moment, especially those issues concerning respect, feeling disrespected, remembering simple courtesies ("good morning", "good afternoon" "good manners, period") (Immediate and on-going)
- i. Establish a Recognition and Reward team and conduct a staff training activity (definitely to include leadership team members) on building a recognition and reward culture. For this training, which can also be done as a follow-up to teambuilding, we recommend Rosalind Jeffries, President of the Performance Enhancement Group. Her number is (301) 275-9021. She is the author of 101 Recognition Secrets and she is considered one of the best in this subject area. (To be completed by June 15, 2010)
- j. Establish a Standards and Protocol task force to identify protocols that contribute to organization efficiencies and individual accountability. This group could also address email etiquette, customer service standards and metrics, what constitutes "common courtesies", team values, and team ground rules for working together. (to be completed by June 15, 2010)
- k. Consider scheduling decision based forgiveness sessions designed to surface and address lingering resentments, resistance to change, and hurtful grudges. (To be completed by April 30, 2010)

Evaluation Summaries (Study these responses from EAC team members for further recommendations)
--

1. The evaluations indicated that EAC team members rated this initial teambuilding experience 3.75 (*Helpful to Very Helpful*)
2. Overall this session was *fun, helpful, educational, and eye opening, a good first effort.*
3. What did you find the most helpful?
 - a. *The group and small team activities*
 - b. *Having everyone from the EAC provide feedback to include the Commissioners*
 - c. *Recommendations developed from the focus group feedback*
 - d. *The personal communication shared by all and feedback from the test scores (interpretation of the test scores by Dr. Hines—we definitely needed more time)*
 - e. *The feedback shared with us by our leaders; forum for honest conversations*
 - f. *The interaction within the group; everyone able to express themselves*
 - g. *Building camaraderie; changing the groups from one exercise to the next*
 - h. *The Emotional Intelligence book, the pictures (WOW!) for how we want the EAC to look and feel like one year from now*
 - i. *Open forum to learn about each other; getting everyone involved; the songs*
 - j. *The emphasis on feedback from the magic wand question*
 - k. *Our individual voices on our team's future*
4. The immediate next step for our team needs to be:
 - a. *For each member of our EAC team to take ownership for how we each can make the agency a better place to work and implement the strategies learned*
 - c. *Implementation, implementation, and follow-up teambuilding; retain and act*
 - d. *Practice the mental models we learned today; putting talk into tangible actions*

- e. *Keep the Design Team active to maintain our momentum*
 - f. *Focus on individual behavioral changes including management*
 - g. *More work on understanding this group's dynamics*
 - h. *Put the recommendations in place*
 - i. *Do the forgiveness work to get team members unstuck from the past*
 - j. *More skills on how to call each other out*
4. Recommendations for future sessions are:
- a. *More teambuilding; follow-up teambuilding sessions to further build trust*
 - b. *Conflict management and communication skill building*
 - e. *Emotional intelligence work with the individual EAC divisions and with team members who need individual coaching*
 - f. *Decision-based forgiveness (hash out specific issues between individuals)*
 - g. *Team building part 2; more time on the test results; more time on role plays*
 - h. *Monitor our progress; regular sessions like this one*
 - i. *Monthly staff meetings (work sessions) might be a good forum for continuing this work*
 - j. *Specific issues need to be addressed or mediated because some unresolved problems still need to be addressed (i.e., circumstances in which trust has been breached)*
 - h. *Follow-up on this retreat in three months*
 - i. *Design Team to implement a process for monthly progress updates*
 - j. *More time on the EI test results and how to put this information in practice*
 - k. *Diversity training; dealing with difficult people training; manners training*
 - l. *We definitely needed more than one-day; we would have loved to be able to practice through role plays*
 - m. *Best retreat to date—these facilitators are the best*
5. Other comments:
- a. *Thank you, Tom, for doing this for us; successful day and necessary*
 - b. *We are looking forward to practicing our new direction*
 - c. *Good food; good snacks; good location; awesome coffee; enjoyed the prizes*
 - d. *Make sure we do follow-up training; good job, thanks*
 - e. *Facilitators positive and very knowledgeable and concerned that we act on our suggestions; great group—you compliment each other; advice from the Hines and Herb is very helpful and pragmatic*
 - f. *We have to be diligent in opening the lines of communication and building our skills*
 - g. *The personal interaction was invaluable; nice to get out of the office*
 - h. *The process used was very good; encouraging to see good participation*
 - i. *Next time, how about a real retreat in a real retreat location; overnight*
 - j. *Too many cookies and I already ate my power bar*
 - k. *Not enough time—we were just getting started good and the day was over*

Continue to encourage openness, overcoming negativity, and receptivity to new ideas. Again, EAC team members expressed strong confidence in both your leadership courage and your vision. They are ready to move forward. We trust that you will find these recommendations helpful. Please remember to celebrate your successes, and often!

Summary

Self-examination presents intense challenge. However, to move forward, self-examination needs to occur. You deserve congratulations for taking those necessary steps. Together with your entire TEAM, celebrate your new beginning. Remember that:

<p>Vision without action is just a dream! Action without vision is a waste of time! Vision and action together produce awesome change!</p>
--

[Whereupon, at 12:00 p.m., the subcommittee was adjourned.]

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

July 7, 2011

The Honorable Gineen Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Ave. NW, Suite 300
Washington, DC 20005

Dear Commissioner Bresso,

Thank you for testifying during the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission. In order to obtain more complete information to effectively exercise our oversight responsibilities, the Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by Wednesday, April 6, 2011**.

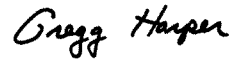
1. The EAC currently has two research grants that have yet to be awarded, and the commission has voted on grant approvals in the past. Without a quorum of commissioners that would not be possible now. Can the pending grants be awarded by staff, or is a vote of the Commissioners required to approve them?
2. What input did Mr. Wilkey solicit from the Commissioners in his preparation of the Fiscal Year 2012 budget? What input did you provide? Please provide the committee with any memoranda, emails, or other communications from you to EAC staff regarding preparation of the budget request.
3. Which, if any, of the Executive Director's powers allocated in the Commission's roles and responsibilities document from 2008 do you think should be returned to the Commissioners? Did the Commission discuss this document at a public meeting? Was there any consideration as to whether the roles and responsibilities ceded to the Executive Director were delegable under HAVA?
4. In the hearing, you spoke about your interaction with state election officials, characterizing it as some of the most valuable work you have done as an EAC

commissioner. From your perspective, what other Commissioner experiences or activities do you find most useful in supporting the mission of the EAC?

5. Despite the lack of a Commissioner quorum, does the Commission have thoughts on where the military internet voting/Defense Department pilot project should be placed?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

A handwritten signature in black ink that reads "Gregg Harper". The signature is written in a cursive, slightly slanted style.

Gregg Harper
Chairman, Subcommittee on Elections



U.S. ELECTION ASSISTANCE COMMISSION
1201 NEW YORK AVENUE, N.W., SUITE 300
WASHINGTON, D.C. 20005

April 20, 2011

The Honorable Gregg Harper
Chairman, Subcommittee on Elections
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairman Harper:

Thank you for the invitation to testify at the March 17, 2011 hearing on the "Election Assistance Commission Operations and 2012 Budget Request."

I also appreciate the opportunity to answer follow-up questions posed by the Committee. My responses are attached, and please contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Gineen Bresso".

Gineen M. Bresso
Commissioner



COMMITTEE ON HOUSE
ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS
HEARING

ON

Election Assistance Commission Operations
and 2012 Budget Request

Questions for the Record

for

U.S. Election Assistance Commission

Commissioner Gineen M. Bresso

April 20, 2011

**Questions for the Record
Submitted by Chair Gregg Harper**

- 1) **The EAC currently has two research grants that have yet to be awarded, and the commission has voted on grant approvals in the past. Without a quorum of commissioners that would not be possible now. Can the pending grants be awarded by staff, or is a vote of the Commissioners required to approve them?**

EAC's General Counsel has recently advised the Commissioners that notwithstanding past votes of the Commission on specific grants, the Roles and Responsibilities document adopted by the Commission on September 15, 2008, broadly delegates to the EAC Executive Director the ability to "[i]ssue, manage and oversee all Federal financial assistance consistent with statutory mandates, regulations and EAC policies and advisories[.]" The term *Federal financial assistance* is defined at 31 U.S.C. §7501(a)(5) as "assistance that non-Federal entities receive or administrate in the form of grants . . .[.]" Therefore, upon advice from the General Counsel, the Executive Director could proceed with awarding the two outstanding grants, despite the present lack of a quorum.

- 2) **What input did Mr. Wilkey solicit from the Commissioners in his preparation of the Fiscal Year 2012 budget? What input did you provide? Please provide the committee with any memoranda, emails, or other communications from you to EAC staff regarding preparation of the budget request.**

As a Commissioner, I provided input and comments to staff on the budget. I would be happy to follow up with your staff to discuss any specific issues or concerns.

- 3) **Which, if any, of the Executive Director's powers allocated in the Commission's roles and responsibilities document from 2008 do you think should be returned to the Commissioners? Did the Commission discuss this document at a public meeting? Was there any consideration as to whether the roles and responsibilities ceded to the Executive Director were delegable under HAVA?**

It is my opinion that many of the responsibilities delegated to the Executive Director in the 2008 Roles and Responsibilities document are in direct contravention with the Help America Vote Act (HAVA) of 2002. Powers delegated to the Executive Director that should be returned to the Commissioners include: establishing, maintaining and amending EAC's organizational structure; development of EAC's annual financial plan; interpreting policy directives, regulations, guidance, guidelines, manuals and other policies of general applicability; answering questions from stakeholders regarding the application of NVRA or HAVA; managing and answering questions from states and

other stakeholders regarding the use of HAVA funding; some aspects of managing Federal financial assistance; and sole authorization for filing or settling lawsuits or claims for the agency.

This is not to say that there is not a role for the Executive Director in accomplishing these tasks. However, the Commissioners should have the ability to determine the organizational structure – including whether new positions may be warranted or if old ones should be eliminated – and allow the Executive Director to implement that organizational structure. If reorganization needs to occur, Commissioners should determine where resources should be allocated, with the Executive Director taking the appropriate steps necessary to execute their vision. Developing the financial plan should have more direction and input from the Commissioners, particularly at the beginning of the process. Additionally, the Executive Director should not be in a position of interpreting a policy directive, regulation, guidance, guideline, manual or other policy of general applicability, at least without input from Commissioners, especially with regards to Commissioner-generated policy directives, guidelines, guidance, manuals or other policies. The Executive Director should not answer questions from stakeholders regarding the application of NVRA or the use of HAVA funds without consulting the Commissioners, as many of those interpretations are policy decisions. Further, the Executive Director should not have sole authority to issue, manage and oversee all federal financial assistance. Lastly, authorization to file or settle claims for the Commission should not be solely at the discretion of the Executive Director.

To my knowledge, the roles and responsibilities document was not discussed at a public meeting and was implemented prior to my tenure at the EAC. I was informed in January of 2009 that a Roles and Responsibilities document was created by the Commissioners in September of 2008. It is my understanding that this document was adopted via consensus vote in September of 2008 and that this information was, at least at one time, posted on our website. I cannot speak to any consideration that may or may not have occurred amongst the Commissioners regarding whether the roles and responsibilities ceded to the Executive Director were delegable under HAVA, as it occurred prior to my tenure. Additionally, I was not provided any information with regards to the creation or evolution of this important document upon joining the EAC.

- 4) **In the hearing, you spoke about your interaction with state election officials, characterizing it as some of the most valuable work you have done as an EAC commissioner. From your perspective, what other Commissioner experiences or activities do you find most useful in supporting the mission of the EAC?**

In addition to interacting with state election officials, other Commissioner experiences and activities that are most useful in supporting the mission of the EAC include accrediting laboratories that are in the Testing and Certification program, adopting advisory opinions, and working with our FACA boards and other stakeholders in developing the next iteration of the Voluntary Voting System Guidelines (VVSG). EAC roundtable discussions, public meetings and Standards Board meetings are also important for receiving input on commission activities in support of the EAC mission.

- 5) **Despite the lack of a Commissioner quorum, does the Commission have thoughts on where the military internet voting/Defense Department pilot project should be placed?**

I do not believe the Commission has a position on where the military internet voting/Defense Department pilot project should be placed.

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

March 23, 2011

Mr. Thomas Wilkey
Executive Director
U.S. Election Assistance Commission
1201 New York Ave. NW, Suite 300
Washington, DC 20005

Dear Mr. Wilkey,

Thank you for testifying during the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission. In order to obtain more complete information to effectively exercise our oversight responsibilities, the Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by Wednesday, April 6, 2011**.

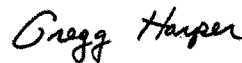
1. Why does the EAC still employ a special assistant for a commissioner position that has been vacant for over two years?
2. The EAC currently has two research grants that have yet to be awarded, and the commission has voted on grant approvals in the past. Without a quorum of commissioners that would not be possible now. Can the pending grants be awarded by staff, or is a vote of the Commissioners required to approve them?
3. How are the Chief Operating Officer's responsibilities different from the Executive Director's job responsibilities? Are both positions really necessary in a small agency?
4. Where are the 263 shirts that were left in inventory after the shirts were distributed to employees according to the EAC IG's report of Oct. 1, 2009?
5. As you agreed in response to Mr. Nugent's request, please provide to the Committee all correspondence and emails regarding the consideration of the candidate for the position of General Counsel who has asserted he was discriminated against under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Please include the following: any internal notes, meeting transcripts or recordings, copies of any letters sent

to or received from that candidate, and any votes of the commissioners regarding that candidate.

6. No one on the panel disagreed with the assertion that 11 chiefs or directors for an agency of 50 people was too many, so why are there 11 chiefs or directors and how many should the EAC have?
7. Commissioner Bresso testified to the importance of state and local election officials sharing their experiences and ideas for the betterment of election administration and the EAC's important role as facilitator in these exchanges. Is there another government agency that could currently assume this role?
8. What efforts were made to solicit input on the 2012 EAC budget from the current Commissioners? And how was their feedback incorporated into your 2012 budget request?
9. What has been done to improve the working environment at the EAC? Has there been any follow-up to the Hines report or the Inspector General's recommendations?
10. A 2009 government accountability office report found that 72% of polling places surveyed on Election Day 2008 had impediments to private and independent voting for people with disabilities. In 2009 and 2010, the Congress appropriated a combined seven million dollars to research and develop ways to improve the accessibility of voting. Two and half years later, the EAC still has not selected researchers to do this essential work. On March 1st 2011, the commission received a number of proposals to do the research.
 - a. Why has it taken so long when so many polling places are still inaccessible?
 - b. When will the researchers be selected and when will they have the funds to start doing this extremely important research?
11. What would be the impact of cutting nearly 30% of the testing and certification program?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,



Gregg Harper
Chairman, Subcommittee on Elections

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

July 7, 2011

The Honorable Donetta Davidson
Commissioner
U.S. Election Assistance Commission
1201 New York Ave. NW, Suite 300
Washington, DC 20005

Dear Commissioner Davidson,

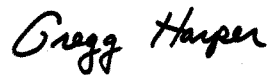
Thank you for testifying during the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission. In order to obtain more complete information to effectively exercise our oversight responsibilities, the Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by Wednesday, April 6, 2011**.

1. The EAC currently has two research grants that have yet to be awarded, and the commission has voted on grant approvals in the past. Without a quorum of commissioners that would not be possible now. Can the pending grants be awarded by staff, or is a vote of the Commissioners required to approve them?
2. What input did Mr. Wilkey solicit from the Commissioners in his preparation of the Fiscal Year 2012 budget? What input did you provide? Please provide the committee with any memoranda, emails, or other communications from you to EAC staff regarding preparation of the budget request.
3. Which, if any, of the Executive Director's powers allocated in the Commission's roles and responsibilities document from 2008 do you think should be returned to the Commissioners? Did the Commission discuss this document at a public meeting? Was there any consideration as to whether the roles and responsibilities ceded to the Executive Director were delegable under HAVA?
4. Despite the lack of a Commissioner quorum, does the Commission have thoughts on where the military internet voting/Defense Department pilot project should be placed?

5. What has been done to improve the working environment at the EAC? Has there been any follow-up to the Hines report or the Inspector General's recommendations?
6. While you were serving as Chair of the EAC in 2010, then-Chairman Brady sent an inquiry to you asking for details and recommendations for legislative action that may improve the ability of EAC to carry out its duties. The Committee was not able to find a record of any response. Please provide a written response.

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

A handwritten signature in black ink that reads "Gregg Harper". The signature is written in a cursive, slightly slanted style.

Gregg Harper
Chairman, Subcommittee on Elections



U.S. ELECTION ASSISTANCE COMMISSION
1201 NEW YORK AVENUE, N.W., SUITE 300
WASHINGTON, D.C. 20005

April 14, 2011

The Honorable Gregg Harper and Robert A. Brady
Committee on House Administration
Subcommittee on Elections
1309 Longworth House Office Building
Washington, D.C. 20515-6157

Dear Chairman Harper and Ranking Member Brady,

Enclosed are responses to follow up questions submitted to me following the March 17, 2011 hearing held by your subcommittee. Thank you for providing me the opportunity to furnish the additional information. If you have any further questions please feel free to contact me at 202-566-3100.

Sincerely,

A handwritten signature in cursive script that reads "Donetta Davison".

Commissioner Donetta Davison

Enclosures

DONETTA DAVIDSON
FOLLOW UP QUESTIONS FOR THE RECORD
FROM MARCH 17, 2011 COMMITTEE ON HOUSE ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS HEARING

1. The EAC currently has two research grants that have yet to be awarded, and the commission has voted on grant approvals in the past. Without a quorum of commissioners that would not be possible now. Can the pending grants be awarded by staff, or is a vote of the Commissioners required to approve them?

A: EAC's General Counsel has recently advised the Commissioners that notwithstanding past votes of the Commission on specific grants, the Roles and Responsibilities document adopted by the Commission on September 15, 2008, broadly delegates to the EAC Executive Director the ability to "[i]ssue, manage and oversee all Federal financial assistance consistent with statutory mandates, regulations and EAC policies and advisories[.]" The term Federal financial assistance is defined at 31 U.S.C. §7501(a)(5) as "assistance that non-Federal entities receive or administrate in the form of grants . . .[.]" Therefore, upon advice from the General Counsel, the Executive Director could proceed with awarding the two outstanding grants, despite the present lack of a quorum.

2. What input did Mr. Wilkey solicit from the Commissioners in his preparation of the Fiscal Year 2012 budget? What input did you provide? Please provide the committee with any memoranda, emails, or other communications from you to EAC staff regarding preparation of the budget request.

A: A description of the budget process is being provided by Mr. Wilkey and his staff in their response to your questions. As a Commissioner, I worked with other EAC Commissioners and staff to prioritize budget and programs.

As mentioned in my testimony, EAC staff has been working to find ways to maximize resources to improve efficiency and support the budget reductions. Ideas such as working with the Small Agency Council to identify areas where the unique needs for small agency administrative functions can potentially be combined. This could provide cost savings for all small agencies, not just EAC. EAC staff is taking a leadership role in this effort and we are happy to report back when we have more concrete information.

We would be happy to follow up with your staff to discuss any specific issues or concerns.

3. Which, if any, of the Executive Director's powers allocated in the Commission's roles and responsibilities document from 2008 do you think should be returned to the Commissioners?

A: None. At the time the document was adopted in 2008 there was great confusion and often conflicting direction from various Commissioners to the staff. This led to situations where EAC was unable to complete its mission and was accused of being politically partisan by Congressional oversight & Appropriations committees, press and public. EAC Commissioners requested a report containing recommendations from the EAC Inspector General (IG) who advised that the agency needed to create a roles and responsibilities document along with policies and procedures. A facilitator was hired to work with Commissioners, officers and staff to identify clearly defined roles, responsibilities and authorities for each to help insure the integrity of EAC's work by protecting officers and staff from partisan pressure and influence.

Experience has shown that when EAC Commissioners are involved in the decision process, it often takes months instead of days or weeks to resolve minor issues. This delay can keep states from being able to complete their work in a timely fashion, especially if an election is approaching.

Did the Commission discuss this document at a public meeting?

A: No. However, based on suggestions from the EAC IG's report, the agency hired a facilitator to work with Commissioners, management and staff to find an appropriate management system that would allow the agency to accomplish its mission more effectively.

Was there any consideration as to whether the roles and responsibilities ceded to the Executive Director were delegable under HAVA?

A: Yes

4. Despite the lack of a Commissioner quorum, does the Commission have thoughts on where the military internet voting/Defense Department pilot project should be placed?

A: The Commission has not discussed this issue.

5. What has been done to improve the working environment at the EAC? Has there been any follow-up to the Hines report or the Inspector General's recommendations?

A: No recommendations were made by the Inspector General at the conclusion of his October 1, 2009 – January 4, 2010 investigation. However, the FY 2010 Employee Survey results showed marked improvement in the morale and confidence in the work environment. We have worked to implement the recommendations applicable to an agency the size of the EAC and we are pleased that the results of the survey support the efforts that have gone to assist with this issue.

6. While you were serving as Chair of the EAC in 2010, then-Chairman Brady sent an inquiry to you asking for details and recommendations for legislative action that may improve the ability of EAC to carry out its duties. The Committee was not able to find a record of any response. Please provide a written response.

A: Attached please find a letter from me dated July 30, 2010 responding to Chairman Brady's July 13, 2010 letter acknowledging the agency's accomplishments toward resolving the EAC Inspector General's audit recommendations and requesting recommendations for legislative action. As noted in the letter, I mentioned that the Commissioners were reviewing ideas for those proposals at that time. Some of the proposals that were voted on and agreed to were included in our FY 2012 budget proposal. Unfortunately, when this was completed I was no longer Chair and was just recovering from major surgery so I was not able to make an appointment with Congressman Brady to review these prior to the March 17 hearing.

*Chair file copy
(to be filed w/incoming dated 7-13-10)*



OFFICE OF THE CHAIR

U.S. ELECTION ASSISTANCE COMMISSION
1201 NEW YORK AVENUE, N.W., SUITE 300
WASHINGTON, D.C. 20005

July 30, 2010

The Honorable Robert A. Brady
Chairman
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Brady:

Thank you for your letter of July 13, 2010 acknowledging our accomplishments as reflected in the monthly audit recommendation tracking reports. Your suggestion that the Election Assistance Commission provide recommendations for legislative action that will assist us in carrying out our mission is also appreciated.

The Commissioners are currently reviewing ideas for proposals that will help us further improve the EAC's operations. Please be assured that we will provide you with recommendations once they are identified, fully developed and finalized.

Like you, I believe that maintaining an open dialogue with Congress is important in achieving the goals of the agency. I would be happy to sit down and visit with you once these legislative ideas are finalized. In the meantime, if there are other subjects that come up I would welcome the opportunity to discuss them with you directly.

If you or your staff has any questions please feel free to contact me or my Special Assistant Mary Anne Bradfield at (202) 566-2256.

Sincerely,

A handwritten signature in cursive script that reads "Donetta Davidson".

Donetta Davidson
Chair, U.S. Election Assistance Commission

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

July 7, 2011

Mr. Thomas Wilkey
Executive Director
U.S. Election Assistance Commission
1201 New York Ave. NW, Suite 300
Washington, DC 20005

Dear Mr. Wilkey,

Thank you for testifying during the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission. In order to obtain more complete information to effectively exercise our oversight responsibilities, the Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by Wednesday, April 6, 2011.**

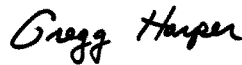
1. Why does the EAC still employ a special assistant for a commissioner position that has been vacant for over two years?
2. The EAC currently has two research grants that have yet to be awarded, and the commission has voted on grant approvals in the past. Without a quorum of commissioners that would not be possible now. Can the pending grants be awarded by staff, or is a vote of the Commissioners required to approve them?
3. How are the Chief Operating Officer's responsibilities different from the Executive Director's job responsibilities? Are both positions really necessary in a small agency?
4. Where are the 263 shirts that were left in inventory after the shirts were distributed to employees according to the EAC IG's report of Oct. 1, 2009?
5. As you agreed in response to Mr. Nugent's request, please provide to the Committee all correspondence and emails regarding the consideration of the candidate for the position of General Counsel who has asserted he was discriminated against under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Please include the following: any internal notes, meeting transcripts or recordings, copies of any letters sent

to or received from that candidate, and any votes of the commissioners regarding that candidate.

6. No one on the panel disagreed with the assertion that 11 chiefs or directors for an agency of 50 people was too many, so why are there 11 chiefs or directors and how many should the EAC have?
7. Commissioner Bresso testified to the importance of state and local election officials sharing their experiences and ideas for the betterment of election administration and the EAC's important role as facilitator in these exchanges. Is there another government agency that could currently assume this role?
8. What efforts were made to solicit input on the 2012 EAC budget from the current Commissioners? And how was their feedback incorporated into your 2012 budget request?
9. What has been done to improve the working environment at the EAC? Has there been any follow-up to the Hines report or the Inspector General's recommendations?
10. A 2009 government accountability office report found that 72% of polling places surveyed on Election Day 2008 had impediments to private and independent voting for people with disabilities. In 2009 and 2010, the Congress appropriated a combined seven million dollars to research and develop ways to improve the accessibility of voting. Two and half years later, the EAC still has not selected researchers to do this essential work. On March 1st 2011, the commission received a number of proposals to do the research.
 - a. Why has it taken so long when so many polling places are still inaccessible?
 - b. When will the researchers be selected and when will they have the funds to start doing this extremely important research?
11. What would be the impact of cutting nearly 30% of the testing and certification program?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,



Gregg Harper
Chairman, Subcommittee on Elections



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

April 14, 2011

DELIVERY VIA COURIER

Honorable Gregg Harper, Chairman
House Subcommittee on Elections
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

Honorable Robert A. Brady
Ranking Minority Member
House Subcommittee on Elections
Committee on House Administration
U.S. House of Representatives
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairman Harper and Congressman Brady,

Attached below are the responses to the Questions for the Record which as a follow up the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission.

1. Why does the EAC still employ a special assistant for a commissioner position that has been vacant for over two years?

Response: It has been the agency's practice to retain Commissioners' Special Assistants when a Commissioner departs and until a new Commissioner is approved. The agency did so in the past with the departure of Commissioners Martinez, DeGregorio, Hunter and Rodriguez.

While the current Commissioner vacancy has been longer than expected, the employee in question, has provided support in a variety of areas at EAC under the Executive Director's supervision. The responsibilities include setting up EAC's Equal Employment Opportunity Program, researching and assisting in the development of EAC's Employee Manual, and organizing and developing EAC's Record Management System with the National Archives and Records Administration.

Once the Commissioner position is filled, the employee in question will resume the duties as a Special Assistant.

2. The EAC currently has two research grants that have yet to be awarded, and the commission has voted on grant approvals in the past. Without a quorum of commissioners that would not be possible now. Can the pending grants be awarded by staff, or is a vote of the Commissioners required to approve them?

Response: EAC's General Counsel has recently advised the Commissioners that notwithstanding past votes of the Commission on specific grants, the Roles and Responsibilities document adopted by the Commission on September 15, 2008, broadly delegates to the EAC Executive Director the ability to "[i]ssue, manage and oversee all Federal financial assistance consistent with statutory mandates, regulations and EAC policies and advisories[.]" The term *Federal financial assistance* is defined at 31 U.S.C. §7501(a)(5) as "assistance that non-Federal entities receive or administrate in the form of grants . . .[.]" Therefore, upon advice from the General Counsel, the Executive Director could proceed with awarding the two outstanding grants, despite the present lack of a quorum.

3. How are the Chief Operating Officer's responsibilities different from the Executive Director's job responsibilities? Are both positions really necessary in a small agency?

Response: The position of Chief Operating Officer (COO) was created in response to an internal audit conducted by the Inspector General in 2008 where it was determined and recommended that the EAC needed to re-evaluate the agency's organizational structure and clearly define hierarchy as well as each position's areas of authority and responsibility. Given that recommendation, the EAC developed a new organization structure, identifying the position of Chief Operating Officer to assist with the management issues, staff direction, goals and performance.

The COO is responsible for overseeing the Testing and Research program areas in addition to Administration (Admin.), Human Resources (HR), Information Technology (IT), and the overall daily operations of the agency. Responsibilities associated with the position include coordinating the programmatic divisions of the agency and directing their performance, including developing and improving the strategic plan, ensuring program goals are aggressive and accurately measured, and assembling agency personnel to assess and improve performance efficiency. Essentially the COO works directly with the managers, by holding them accountable for focusing on program performance and allocating their budgets wisely.

The Executive Director is a statutory office holder created by HAVA. The Executive Director is responsible for interacting and coordinating directly with the Commissioners, Members of the House and Senate, stakeholders and outside organizations. The Executive Director also provides interviews and responses for members of the press, and interacts on a regular basis with numerous international delegations interested in learning about the election process in the United States. The Executive Director's duties extend to assisting EAC Boards in carrying out committee tasks and further performs supervisory functions at a high management level which includes overseeing the work of the General Counsel, the Chief Financial Officer, Chief Operating Officer, and the Director of Communications and Congressional Liaison. These positions are, for the most part, high level leadership positions, with whom the ED works closely to develop the overall mission and vision of the agency.

As was indicated by the Executive Director in the Transmittal of the FY2012 Interim Congressional Budget Request, EAC management is in the process of outlining structural reorganization scenarios. Currently, the COO performs in tangent with the ED, similar to positions such as a General Counsel and Deputy General Counsel or a Chief of Staff and Deputy Chief of Staff in other federal government agencies where there may be minor overlap with the duties but each performs separate and needed tasks in order to meet the mandates of the federal agency. The EAC is a small agency but it has similar responsibilities as larger federal agencies to support operations.

4. Where are the 263 shirts that were left in inventory after the shirts were distributed to employees according to the EAC IG's report of Oct. 1, 2009?

Response: A total of 178 shirts remain in inventory and will be distributed to interns and as award recognition to employees who currently work at EAC.

5. As you agreed in response to Mr. Nugent's request, please provide to the Committee all correspondence and emails regarding the consideration of the candidate for the position of General Counsel who has asserted he was discriminated against under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Please include the following: any internal notes, meeting transcripts or recordings, copies of any letters sent to or received from that candidate, and any votes of the commissioners regarding that candidate.

Response: Discussions with our attorney regarding the potential USERRA infringement are ongoing at this point. We would be happy to follow up with your staff and keep it informed as the issue is being settled.

6. No one on the panel disagreed with the assertion that 11 chiefs or directors for an agency of 50 people was too many, so why are there 11 chiefs or directors and how many should the EAC have?

Response: This question focuses on employee titles that are not always legally relevant to the employee's corresponding job responsibilities, position descriptions or pay levels. The title *chief* or *director* does not necessarily signify a specific level of management authority within the EAC, either in terms of budget responsibility or number of employees supervised, if any. It merely signifies that an individual is the EAC employee primarily responsible for whatever specific set of programmatic duties are indicated in the job title. *Chief* and *director* are synonymous with the common designation of *senior* before *analyst* or *officer*. In some circumstances the title is a courtesy given the employee in recognition of a job well done, and in lieu of a raise or bonus.

7. Commissioner Bresso testified to the importance of state and local election officials sharing their experiences and ideas for the betterment of election administration and the EAC's important role as facilitator in these exchanges. Is there another government agency that could currently assume this role?

Response: No. EAC was established by HAVA to carry out these responsibilities and has established a leadership role with state and local officials throughout the country in election administration.

8. What efforts were made to solicit input on the 2012 EAC budget from the current Commissioners? And how was their feedback incorporated into your 2012 budget request?

Response: Prior to submitting the 2012 EAC request to OMB, EAC Commissioners work with the staff, including the Executive Director, the CFO, the General Counsel and the COO to provide input and set agency priorities. The Commissioners adopted the 2012 agency budget and forwarded the request to Office of Management and Budget on September 20, 2010. As with all other agencies in government, EAC worked with OMB to prepare and present the FY 2012 President's Budget to Congress in February, 2011.

9. What has been done to improve the working environment at the EAC? Has there been any follow-up to the Hines report or the Inspector General's recommendations?

Response: No recommendations were made by the Inspector General at the conclusion of his October 1, 2009 – January 4, 2010 investigation. However, the FY 2010 Employee Survey results showed marked improvement in the morale and confidence in the work environment. We have worked to implement the recommendations applicable to an agency the size of the EAC and we are pleased that the results of the survey support the efforts that have gone to assist with this issue.

10. A 2009 government accountability office report found that 72% of polling places surveyed on Election Day 2008 had impediments to private and independent voting for people with disabilities. In 2009 and 2010, the Congress appropriated a combined seven million dollars to research and develop ways to improve the accessibility of voting. Two and half years later, the EAC still has not selected researchers to do this essential work. On March 1st 2011, the commission received a number of proposals to do the research.

a. Why has it taken so long when so many polling places are still inaccessible?

b. When will the researchers be selected and when will they have the funds to start doing this extremely important research?

Response: State and local election jurisdictions continue to work diligently on improving the accessibility of all polling places.

While the research grants in question covered research into a minimal area of polling place accessibility, the bulk of the research initiative is related to technology and voting system issues.

Staff spends considerable time meeting with disability advocates, technology experts and human factor researchers to develop a comprehensive Notice of Funding Availability (NOFA). A number of drafts were reviewed and commented on prior to final approval by the Commission.

Grant applications have been reviewed and are currently being evaluated and graded by an independent review panel. The grants are due to be awarded within the next two weeks.

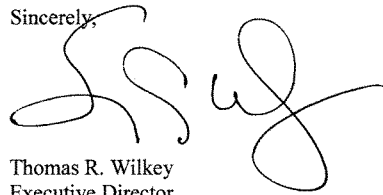
EAC has already awarded a significant portion of the research grant money to fund a Military Heroes Initiative which will study and make recommendations on voting accessibility in long-term care facilities for military personnel.

11. What would be the impact of cutting nearly 30% of the testing and certification program?

Response: While the FY12 request is nearly 30% lower than the FY10 allocation for the program, the cut is closer to 13% or \$232,994, from the actual FY10 costs. By converting a contractor to staff in FY10 under the Part-Time Retired Annuitants Act, EAC saves approximately \$70,000 in FY12. Plans are to release one part-time staff at the end of FY11 at a savings of approximately \$98,000. The remainder of the cut, or \$64,194 may result in a decrease in the number of part-time staff.

Should you require additional information or clarification to any of these questions, I would be happy to do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Wilkey', written in a cursive style.

Thomas R. Wilkey
Executive Director

Attachments

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

July 7, 2011

Ms. Annette Lafferty
Chief Financial Officer
U.S. Election Assistance Commission
1201 New York Ave. NW, Suite 300
Washington, DC 20005

Dear Ms. Lafferty,

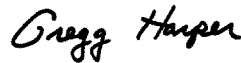
Thank you for testifying during the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission. In order to obtain more complete information to effectively exercise our oversight responsibilities, the Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee **by Wednesday, April 6, 2011**.

1. There is no money for grants of any kind in your 2012 budget request, but you request \$372,500 for grants management. What does the grants department do? How many individuals are employed in this department?
2. What is the status of the attempt to recover the funds from the college poll worker grants that were given to Project Vote?
3. How will your budget be affected if you have to pay another substantial monetary settlement to a General Counsel candidate?
4. Without including benefits, your FY12 budget request for full-time personnel salaries is \$4,889,436, 15 percent higher than the FY10 amount of \$4,234,324, an increase of \$655,112. The request shows only one more position in 2012 than in 2010. Please account for why the personnel salaries have changed so much. If this money was given in raises to employees, please account for how many people received raises, and the range of raises (both in percentage and dollar figure).

5. The 2012 budget request has a line item for travel of \$684,000. The request identifies \$7,000 for communications travel and \$202,000 for testing and certification travel. What is the other \$475,000 for? Please provide a detailed explanation.
6. With which small agency are you sharing a procurement officer? Does this present any potential conflicts of interest?
7. In these hard economic times, Congress and the American people are cutting back on a number of items, tightening belts and budgets. What cuts is the EAC making to get down from an operating budget of 14.5 million now to 10.6 million in 2012?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

A handwritten signature in black ink that reads "Gregg Harper". The signature is written in a cursive, slightly slanted style.

Gregg Harper
Chairman, Subcommittee on Elections



U. S. ELECTION ASSISTANCE COMMISSION
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

April 14, 2011

The Honorable Gregg Harper, Chair
House Administration Committee
Subcommittee on Elections
1309 Longworth House Office Building
Washington, DC 20515-6157

The Honorable Robert A. Brady
Ranking Member
House Administration Committee
Subcommittee on Elections
1309 Longworth House Office Building
Washington, DC 20515-6157

Dear Chairman Harper and Ranking Member Brady,

Thank you for providing me with the opportunity to testify during the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission operations and 2012 budget request. Below please find responses to additional questions that will be made part of the hearing record.

1. There is no money for grants of any kind in your 2012 budget request, but you request \$372,500 for grants management. What does the grants department do? How many individuals are employed in this department?

The grants management staff currently oversee the following existing grant awards:

- Fifty-five grant awards to states for the Help America Vote Act (HAVA) Section 251 Requirements Payments totaling \$2,606,150,000. (Disbursements have been made for 2003 and 2004 funds. We are still disbursing funds to some states for 2008, 2009 and 2010 payments.)
- Fifty-five grant awards to states for Section 101 Payments to States for Activities to Improve Administration of Elections totaling \$349,182,262.
- Five Election Data Collection grants totaling \$10 million (one is still active and we are in the process of closing out the other awards).

Page 2

- One accessible voting technology grant under our \$500,000 Military Heroes program.
- Fifteen Mock Election Grants totaling \$600,000.
- Twenty-eight College Poll Worker Grants totaling \$1,500,000 and
- Close out of \$300,317,737 in grants to 30 states under HAVA Section 102 (Replacement of Punch Card or Lever Voting Machines).

Additionally, staff:

- Are engaged in two grant proposal review processes—of the Pre-Election Logic and Accuracy Testing program at up to \$2 million in grant awards, and the Accessible Voting Technology Initiative grant program at up to \$7 million in funding.
- Are responsible for audit resolution (single audits and audits conducted by the EAC Office of the Inspector General)
- Provide technical assistance to grantees
- Review Federal Financial Reports and progress reports that are required to be submitted by all grantees
- Prepare guidance for grantees and make it available on the eac.gov website
- Process payment requests from grantees
- Review Move Act implementation steps taken by States
- Review State Maintenance of Expenditure (MOE) plans
- Draft and issue advisory opinions (when we have a Commissioner quorum)
- Review updated State Plan submissions and prepare them for publication in the Federal Register
- Prepare Grants Expenditure Reports and
- Oversee indirect cost rate negotiations with the States.

The 2012 request for grants management is for three full-time staff members.

2. What is the status of the attempt to recover the funds from the college poll worker grants that were given to Project Vote?

Project Vote has been put on a payment plan to collect the \$33,750 in costs that were disallowed. They are repaying \$3,750 in monthly installments, from January 2011 through September 2011, and have made two repayments to date totaling \$7,500. GAO stated to EAC staff that we are the only agency known to be collecting funds from an ACORN affiliate.

3. How will your budget be affected if you have to pay another substantial monetary settlement to a General Counsel candidate?

We anticipate that payroll funds generated by the current hiring freeze, along with cuts to future travel or contracts, will result in minimal impact to operations.

Page 3

4. Without including benefits, your FY12 budget request for full-time personnel salaries is \$4,889,436, 15 percent higher than the FY10 amount of \$4,234,324, an increase of \$655,112. The request shows only one more position in 2012 than in 2010. Please account for why the personnel salaries have changed so much. If this money was given in raises to employees, please account for how many people received raises, and the range of raises (both in percentage and dollar figure).

In FY10, EAC operated with only three Commissioners and one contractual special assistant. The FY12 request assumes four Commissioners and four special assistants for the entire fiscal year. This difference is approximately \$216,169.

The Inspector General's FY10 allocation for payroll was \$301,800, while the FY12 request is \$512,100; an increase of \$210,300.

EAC hired a General Counsel at the end of FY10. Full salary is accounted for in FY12, at a difference of about \$142,900.

EAC added a CIO in May 2010 to address Federal Information Security Management Act findings. His full salary is reflected in FY12 at a difference from FY10 of about \$86,625.

Raises given at the end of FY 10 for FY09 performance which are reflected in the FY12 request: eight staff received 3% pay increases, one received 1.6% of salary. Raises ranged from \$1,613 to \$3,588 and total \$23,816.

5. The 2012 budget request has a line item for travel of \$684,000. The request identifies \$7,000 for communications travel and \$202,000 for testing and certification travel. What is the other \$475,000 for? Please provide a detailed explanation.

Travel for meetings of the Advisory Board and Standards Board is estimated at \$226,065; Commissioners at \$105,000; Inspector General \$50,000; Public Meetings \$31,974; Executive Director \$25,000; Research, Policy and Program \$18,000; other staff travel \$19,000.

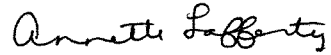
6. With which small agency are you sharing a procurement officer? Does this present any potential conflicts of interest?

We have entered into an agreement with the International Trade Commission (ITC) for procurement services. Any potential conflicts of interest should be addressed by the contracting officer being held to a Service Level Agreement regardless of end user (internal or external). Priorities will be assessed by ITC's Chief Procurement Officer on a daily basis.

7. In these hard economic times, Congress and the American people are cutting back on a number of items, tightening belts and budgets. What cuts is the EAC making to get down from an operating budget of 14.5 million now to 10.6 million in 2012?

Page 4

In order to cut nearly \$4 million from its budget, EAC proposes to decrease contracts by over \$2 million; discretionary grants by over \$1 million; printing by \$591,000 including submission of State Plans for publication in the Federal Register; travel by \$265,000; and payroll by \$94,000. We are looking at a reorganization of the agency that could further reduce payroll.

A handwritten signature in black ink that reads "Annette Lafferty". The signature is written in a cursive, flowing style.

Annette Lafferty
Chief Financial Officer

DANIEL E. LUNGREN, CALIFORNIA
CHAIRMAN

GREGG HARPER, MISSISSIPPI
PHIL GINGREY, GEORGIA
AARON SCHOCK, ILLINOIS
TODD ROKITA, INDIANA
RICH NUGENT, FLORIDA

PHILIP KIKO, STAFF DIRECTOR

Congress of the United States
House of Representatives
COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-8281
<http://cha.house.gov>

ROBERT A. BRADY, PENNSYLVANIA
RANKING MINORITY MEMBER

ZOE LOFGREN, CALIFORNIA
CHARLES A. GONZALEZ, TEXAS

ONE HUNDRED TWELFTH
CONGRESS

JAMIE FLEET, MINORITY STAFF DIRECTOR

July 7, 2011

Ms. Alice Miller
Chief Operating Officer
U.S. Election Assistance Commission
1201 New York Ave. NW, Suite 300
Washington, DC 20005

Dear Ms. Miller,

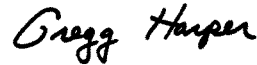
Thank you for testifying during the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission. In order to obtain more complete information to effectively exercise our oversight responsibilities, the Committee requests you respond to additional questions that will be made part of the hearing record. Please provide your responses to the following questions to the Committee by **Wednesday, April 6, 2011**.

1. Please provide a detailed accounting of the agency's recent expenditure of \$182,000 on personal computers. How many computers were purchased? What make and model? Were only computers purchased or was other equipment also purchased with this \$182,000?
2. How are the Chief Operating Officer's responsibilities different from the Executive Director's job responsibilities? Are both positions really necessary in a small agency?
3. Has the EAC completed all the studies that were required under HAVA?
4. What studies are currently still in progress and what is their planned date of completion?
5. Are there any Quick Start Guides or Election Management Guidelines that have not been completed? If so, which ones are they?
6. What is the status of the investigation into the ES&S DS 200 machines? What is the EAC's investigative plan going forward?

7. Please provide the name, title, and salary for every individual employed by the EAC on March 1, 2011. If a position description exists for the position, please include that as well.
8. Why has your rent gone up almost 25 percent in two years?
9. What has been done to improve the working environment at the EAC? Has there been any follow-up to the Hines' report or the Inspector General's recommendations?
10. What would be the impact of cutting nearly 30% of the testing and certification program?

If you have any questions concerning this matter, please feel free to contact Joe Wallace on the Committee staff at (202) 225-8281. Thank you again for your testimony, we look forward to hearing from you.

Sincerely Yours,

A handwritten signature in black ink that reads "Gregg Harper". The signature is written in a cursive, slightly slanted style.

Gregg Harper
Chairman, Subcommittee on Elections



April 14, 2011

The Honorable Gregg Harper, Chair
House Administration Committee
Subcommittee on Election
1309 Longworth House Office Building
Washington, DC 20515

The Honorable Robert A. Brady
Ranking Member
House Administration Committee
Subcommittee of Elections
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairman Harper and Ranking Member Brady:

Below are the Responses to the Questions for the Record which were requested as a follow up to the March 17, 2011, Committee on House Administration Subcommittee on Elections Hearing on the Election Assistance Commission.

1. Please provide a detailed accounting of the agency's recent expenditure of \$182,000 on personal computers. How many computers were purchased? What make and model? Were only computers purchased or was other equipment also purchased with this \$182,000?

Response: There were a total of 75 desk top computers purchased, which included, hard drive towers, screens and keyboards for Commissioners, EAC staff, and Inspector General (IG) staff and asset management, surveillance cameras, scanning, service desk, testing, and software application workstations. The total cost for each of the desktop workstations was \$1,913.31 for a total purchase price of \$143,498.25; this included software and configuration processing.

Letter to Mr. Chairman and Ranking Member Brady
April 14, 2011

Make and Model
Dell Optiplex 980 Minitower Base Up 90 Percent
Efficient
OptiPlex 980 Intel Core i7 Quad Core
Processor 870 with VT (2.93GHz, 8M)
4GB, Non-ECC, 1333MHz
DDR3, 4x1GB, Dell OptiPlex
980
Dell Smartcard Keyboard with Detachable
Palmrest, OptiPlex (330-
3944)
Dell Professional
P2211H, Wide
screen, 21.5in Viewable
Image
Windows 7 Professional, Media, 32-bit.

There were 15 laptops purchased for Commissioners and staff identified in the Continuity of Operations Plan (COOP). The cost for each of the laptops was \$2,142.09 for a total purchase price of \$32,181.35.

Make and Model
LATITUDE E4310, TAA (224-9924)
Intel Core i5-540M Dual Core 2.53GHz
3MB for TAA E4310 (313-9952)
4.0GB, DDR3-1066 SDRAM, 2 DIMM for
Latitude (311-3175)
Internal Backlit English Keyboard for
Latitude E4310 (330-9997)
Documentation (English) Latitude
E-Family/Mobile Precision (330-1652)
Integrated UMA Graphics for E4310 Windows 7 Professional, Media 32 Bit.

The original projected figure of \$182,000 was negotiated down resulting in the final cost for the equipment purchase of \$175,629.60. Please also note that this purchase represents the first time in 7 years that EAC has invested in new computer equipment. Prior to this, the equipment being used was the original equipment that was furnished by General Services Administration (GSA) when the EAC was created. As such, EAC's equipment was outside of the recommended life cycle for hardware and software as provided for by the Department of Information Technology in Public Act 161 of 2003 Sec. 579.

Letter to Mr. Chairman and Ranking Member Brady
April 14, 2011

2. How are the Chief Operating Officer's responsibilities different from the Executive Director's job responsibilities? Are both positions really necessary in a small agency?

Response: The position of Chief Operating Officer (COO) was created in response to an internal audit conducted by the Inspector General in February 2008; (*Final Report: Assessment of the U.S. Election Assistance Commission's Program and Financial Operations, No. I-EV-EAC 01-07(B)*), where it was determined and recommended that the EAC needed to re-evaluate the agency's organizational structure and clearly define hierarchy as well as each position's area of authority and responsibility. Given the recommendation, the EAC developed a new organization structure, identifying the position of Chief Operating Officer to assist with the management issues, staff direction, goals and performance.

The COO is responsible for overseeing the Testing and Research program areas in addition to Administration (Admin.), Human Resources (HR), Information Technology (IT), and the overall daily operations of the agency. Responsibilities associated with the position include coordinating the programmatic divisions of the agency and directing their performance, including developing and improving the strategic plan, ensuring program goals are aggressive and accurately measured, and assembling agency personnel to assess and improve performance efficiency. Essentially the COO works directly with the managers, by holding them accountable for focusing on program performance and allocating their budgets wisely.

The Executive Director is a statutory office holder created by HAVA. The Executive Director is responsible for interacting and coordinating directly with the Commissioners, Members of the House and Senate, stakeholders and outside organizations. The Executive Director also provides interviews and responses for members of the press, and interacts on a regular basis with numerous international delegations interested in learning about the election process in the United States. The Executive Director's duties extend to assisting EAC Boards in carrying out committee tasks and further performs supervisory functions at a high management level which includes overseeing the work of the General Counsel, the Chief Financial Officer, Chief Operating Officer, and the Director of Communications and Congressional Liaison. These positions are, for the most part, high level leadership positions, with whom the ED works closely to develop the overall mission and vision of the agency.

As was indicated by the Executive Director in the Transmittal of the FY2012 Interim Congressional Budget Request, EAC management is in the process of outlining structural reorganization scenarios. Currently, the COO performs in tangent with the ED; similar to positions such as a General Counsel and Deputy General Counsel or a Chief

Letter to Mr. Chairman and Ranking Member Brady
April 14, 2011

of Staff and Deputy Chief of Staff in other federal government agencies; where there may be minor overlap with the duties but each performs separate and needed tasks in order to meet the mandates of the federal agency. The EAC is a small agency but it has similar responsibilities as larger federal agencies to support operations.

3. Has the EAC completed all the studies that were required under HAVA?

Response: No, the EAC has not completed all the studies that were required under HAVA.

4. What studies are currently still in progress and what is their planned date of completion?

Response: The studies still in progress are as follows:

- a. Vote Count/ Recount pursuant to Section 241(b) (13) (A) of HAVA. Anticipated date of completion is 2011;
- b. Urban/Rural Study pursuant to Section 241(b) (15) of HAVA. Anticipated date of completion is within 15 months of budget approval.
- c. Best Methods for establishing Voting System Performance Benchmarks pursuant to Section 241(b) (17). Anticipated date of completion To Be Determined (TBD); staff is working with National Institute of Standards and Technology (NIST) and the Technical Development Guidelines Committee (TDGC).
- d. Broadcasting Practices pursuant to Section 241(b) (18). Anticipated date of completion TBD with EAC's statutory advisory boards.
- e. Feasibility and Advisability of using Social Security ID numbers to establish Voter Registration or other election law eligibility or ID requirements - Section 244 (b). Currently a draft plan for this study is underway by the Research Division. Anticipated date for completion is 2011; Commission adoption dependent on establishment of a quorum.

Letter to Mr. Chairman and Ranking Member Brady
April 14, 2011

5. Are there any Quick Start Guides or Election Management Guidelines that have not been completed? If so, which ones are they?

Response: No. To date, EAC has distributed 19 EMGs and 21 Quick Start Guides to over 6,000 election officials; no new chapters have been approved by the Commissioners.

6. What is the status of the investigation into the ES&S DS 200 machines? What is the EAC's investigative plan going forward?

Response: On March 1st, 2011 EAC opened a formal investigation of Election Systems and Software (ES&S) Unity 3.2.0.0 voting system. The purpose of the investigation, as outlined in the Notice of Formal Investigation (Attachment 1 dated 3/1/2011 to Steve Pearson) is to determine if the Unity 3.2.0.0 voting system as certified by EAC and fielded is in compliance with the Voluntary Voting System Guidelines (VVSG). As indicated in the Notice of Formal Investigation EAC expects the investigation to take approximately 10 weeks. During the 10 week period, EAC will work to collect information and data in order to determine the system's compliance with the Guidelines and identify any nonconformities that exist on the system. If nonconformities with the Guidelines are identified, EAC will issue ES&S Notices of Noncompliance. ES&S will then have an opportunity to cure the noncompliance before a decision on the future status of the system as an EAC certified system is made.

After the initiation of the investigation EAC sent ES&S, Wyle Laboratories, iBeta Quality Assurance, and Cuyahoga County, OH requests for additional information (Attachments 2 through 5 dated March 30, 2011). After EAC receives Responses to the requests it will make a determination on whether additional requests for information are necessary. If no additional requests for information are necessary EAC will use the information gathered through the requests, field studies, testing results, and other collection methods to determine the existence of nonconformity with the system as certified. At the conclusion of the investigation EAC will issue a Formal Investigation Report that will identify any nonconformity with the system. If nonconformities with the Guidelines are identified EAC will issue ES&S Notices of Noncompliance. ES&S will then have an opportunity to cure the noncompliance before a decision on the future status of the system as an EAC certified system is made.

Please note that because this is an on-going investigation, none of the investigatory information, including the requests for information, will be released to the public until the investigation is concluded and a report is issued. Once a Formal Investigation Report is issued all non-proprietary information will be made public.

Letter to Mr. Chairman and Ranking Member Brady
April 14, 2011

7. Please provide the name, title, and salary for every individual employed by the EAC on March 1, 2011. If a position description exists for the position, please include that as well.

Response: As requested the names, title and salary for individuals employed by the EAC on March 1, 2011 along with position descriptions are attached.

8. Why has your rent gone up almost 25 percent in two years?

Response: From April 2004 to December 2008, the U.S. Election Assistance Commission (EAC) had occupied GSA leased space at 1225 New York Avenue, N.W., Suites 150 and 1100, a total of 13,061 rentable square feet (rsf). The expiration date for the initial lease was March 2009. In May 2008, the EAC requested GSA's assistance in securing additional lease space at 1201 New York Avenue, N.W., Suite 300 (14,066 rsf) with the intent that EAC would vacate Suite 1100 (9,579 rsf), when occupancy of Suite 300 was established.

In December 2008, GSA secured additional space at 1440 New York Avenue, N.W., Suite 203 (2,354 rsf) and in December 2009, an additional 2,919 rsf was acquired at Suite 200 of the same address. The secured lease spaces at 1440 are considered "backfill" space.

An Occupancy Agreement for 1201 New York Avenue, N.W., Suite 300 was signed in May 2009. The EAC vacated 1225 New York Avenue, N.W., Suite 1100 (9,579 rsf) on March 19, 2010 and took occupancy of 1201 New York Avenue, N.W., Suite 300 (14,066 rsf) on March 20, 2010. On April 30, 2010, the EAC vacated the larger of the two (2) suites at 1440 New York Avenue, N.W.,--Suite 200 (2,919 rsf), retaining only Suite 203 (2,354 rsf), by relocating its Research, Policy and Programs Department to 1201 New York Avenue, N.W., Suite 300.

Therefore, the EAC increased lease space at 1201/1225 New York Avenue, N.W., from 13,061 to 17,548 rsf, and decreased lease space at 1440 New York Avenue, N.W., from 5,273 to 2,354 rsf. As such, the EAC currently occupies a total of 17,548 rsf at 1201/1225 New York Avenue, N.W. and 2,354 rsf at 1440 New York Avenue, N.W., Suite 203.

The rent for 1201/1225 New York Avenue, N.W., Suites 150 and 300 is \$48.31 per rsf, which is \$847,743.88 annually, plus GSA's 7% fee. Effective March 17, 2011, the rent for 1440 New York Avenue, N.W., Suite 203 is \$55.00 per rsf, which is \$129,470

Letter to Mr. Chairman and Ranking Member Brady
April 14, 2011

annually, plus GSA's 7% fee. Prior to that date, the rsf cost for 1440 New York Avenue, N.W. was \$52.55.

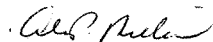
It must be noted that the increase and reduction in rsf at EAC leased spaces in March and April 2010, was only accurately adjusted in GSA's rent billing system in February 2011 (for 1201/1225 New York Avenue, N.W.). GSA has yet to adjust their rent billing system for the decrease in rsf for 1440 New York Avenue, N.W.

9. What has been done to improve the working environment at the EAC? Has there been any follow-up to the Hines' report or the Inspector General's recommendations?

Response: No recommendations were made by the Inspector General at the conclusion of his October 1, 2009 – January 4, 2010 investigation. However, the FY 2010 Employee Survey results showed marked improvement in the morale and confidence in the work environment. We have worked to implement the recommendations applicable to an agency the size of the EAC and we are pleased that the results of the survey support the efforts that have gone to assist with this issue.

10. What would be the impact of cutting nearly 30% of the testing and certification program?

Response: While the FY 12 request is nearly 30% lower than the FY10 allocation for the program, the cut is closer to 13% or \$232,994, from the actual FY 10 costs. By converting a contractor to staff in FY10 under the Part-Time Retired Annuitants Act, EAC saves approximately \$70,000 in FY12. Plans are to release one part-time staff at the end of FY11 at a savings of approximately \$98,000. The remainder of the cut or \$64,194 may result in a decrease in the number of part-time staff.



Alice P. Miller
Chief Operating Officer
U.S. Election Assistance Commission

Attachments: Question 6 - EAC Testing and Certification correspondence dated
March 1, 2011 and March 30, 2011(total of 5 documents)

Question 7 – Position description and salary information



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

March 1, 2011

Steve Pearson
Vice President, Certification
Election Systems & Software
11208 John Galt Blvd.
Omaha, NE 68137

Sent via mail and e-mail

RE: Notice of Initiation of Formal Investigation

Pursuant to section 7.4 of the Election Assistance Commission's (EAC) Voting System Testing and Certification Program Manual the Decision Authority (Executive Director, Tom Wilkey) has authorized (attached) the EAC's Certification Program Director (Brian Hancock) to open a formal investigation of Election Systems and Software's (ES&S) Unity 3.2.0.0 voting system. This formal investigation arises as a result of an issue reported by ES&S to the EAC on June 6, 2010 and is based on an informal staff investigation of the issues following county notification and public notice of the issues.

Facts

EAC first became aware of a possible issue with the Unity 3.2.0.0 voting system used in Cuyahoga County, Ohio as a result of an article published in the *Cleveland Plain Dealer* on April 10, 2010. This issue was later confirmed by Cuyahoga County in conversations with the EAC. ES&S then reported the issue to EAC in June of 2010. As a result of ES&S's report on the freeze/shutdown issue, EAC began an informal inquiry into the nature and cause of the problem. ES&S has worked with EAC throughout the informal inquiry to provide all information necessary to fully understand the issue, including a detailed root cause analysis. ES&S's cooperation was vital to EAC understanding the cause of the freeze/shutdown and proposed solutions to the issue.

Since identifying the freeze/shutdown issue EAC identified two additional possible non-conformities. These non-conformities arose as result of information gathered during the informal inquiry and testing conducted on the DS200 to evaluate proposed solutions to the freeze/shutdown issue. ES&S is aware of these additional issues and worked with EAC to inform all DS200 users of the issues and workarounds for them. None of the issues identified are likely to have had an impact on the integrity or results of an election or to impact the integrity of future elections. They do, however, represent possible non-conformities to the Voluntary Voting System Guidelines (VVSG).

ES&S identified and submitted possible fixes for each of the issues identified in the summary below. These fixes are part of the Unity 3.2.1.0 certification effort currently under test at Wyle Laboratories. EAC will closely monitor the progress of this testing and understands that ES&S plans on upgrading all Unity 3.2.0.0 customers to Unity 3.2.1.0, should the system pass testing.

Scope of Investigation

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. Specifically, the investigation will focus on the following possible non-conformities with the VVSG:

1. **Issue:** Freeze/shutdown. The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume 1 Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MTBF is defined as the value of the ratio of operating time to the number of failures which have occurred in the specified time interval. A typical system operations scenario consists of approx. 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement defined as any event which results in either the:

- *Loss of one or more functions*
- *Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds*

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. **Issue:** Failure to log. Cuyahoga County election officials provided EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1,000 DS200's; the August 8 election was smaller, providing logs from only 12 machines. Review of these records identified an additional issue. The freeze/shutdown issue does not result in any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume I 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes. To ensure system integrity, all systems shall:

g. Record and report the date and time of normal and abnormal events.

i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.

3. **Issue:** Ballot Skew. When a 17" ballot is inserted incorrectly into the unit the lower left and right hand corners of the ballot are not accurately read.

System Non-conformity:

2002 VSS Volume I 2.2.2.1 Common Standards:

To ensure vote accuracy, all systems shall:

2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.

4. **Issue:** Vote miscount. The DS200 accepts a voted ballot but does not record that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume I 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

- b. Records the number of ballots cast during a particular test cycle or election.*

Manufacturer Opportunity to Provide Information

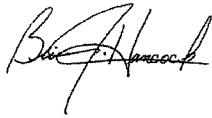
As stated in section 7.4.4.2 of the Certification Manual ES&S has the opportunity to provide any information it deems relevant to the scope of the investigation detailed above. ES&S is encouraged to provide any documents, testing data, or system specs it believes could help aid the EAC in making a determination. All information should be sent to the Program Director.

Estimated Timeline for Investigation

EAC estimates this investigation will take approximately 10 weeks to conduct. Several additional weeks may be necessary to compile the information and create the final report of investigation.

Conclusion

As you are aware, a formal investigation is concluded with the issuance of a formal report by the EAC. The purpose of the formal report is to document all relevant and reliable information gathered during the investigation and to document the conclusions reached by the Decision Authority. Per section 7.4.7 of the Certification Manual the Decision Authority can determine each allegation to be either substantiated or unsubstantiated. Please refer to section 7.0 of the Certification Manual for all of the details regarding the formal investigation, notices of non-compliance, and decertification. If you have any questions please do not hesitate to contact me.



Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

March 30, 2011

Mr. Steve Pearson
Vice President, Certification
Election Systems & Software
11208 John Galt Blvd.
Omaha, NE 68137

Sent via U.S. postal service and electronic mail

RE: Request for Information

On March 1, 2011, the U.S. Election Assistance Commission (EAC) provided Election Systems & Software (ES&S) with a Notice of Formal Investigation concerning ES&S' Unity 3.2.0.0 voting system. EAC initiated this Formal Investigation pursuant to Section 7.4.4 of EAC's Voting System Testing and Certification Manual (Program Manual) after a jurisdiction using the Unity 3.2.0.0 reported experiencing freezes/shutdowns, ballot skewing, and ballot presentation issues. As part of the Formal Investigation, please provide responses to the attached request for information. EAC anticipates requesting additional information as we continue our formal investigation, so please note that the attached questions are identified as the first set. See Section 7.4.5 of the Program Manual. Please remember Section 1.3 of the Program Manual states, "Although participation in the program is voluntary, adherence to the program's procedural requirements is mandatory for participants."

Please submit your written responses to my attention at the address listed above no later than April 13, 2011.

If you have any questions concerning your participation in the Formal Investigation, please feel free to contact me at 202-566-3122.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock".

Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission

Enclosures: Notice of Initiation of Formal Investigation
Authorization of Formal Investigation
Request for Information, 1

EAC Request for Information 1-ES&S**General**

1. Please define the term "DS200."
2. Please define the term "DS200(i)."
3. Describe the differences between the use of the terms "DS200" and the "DS200(i)" system.
4. Please provide any schematics or drawings of the DS200 that changed as a result of notification from jurisdictions experiencing the freeze/shutdown, ballot skew, ballot presentation, or accuracy issues.
5. Please provide documents relating to how ES&S was alerted to the ballot skew issue and the steps taken to resolve the issue.
6. Please provide information and documentation on how and when DS200 users were notified of the ballot skew issue.
7. Please provide any other documents, letters, testing, reports, notes, emails and any other information regarding the ballot skew issue.

Testing Conducted by ES&S

As a participant in the EAC Testing and Certification Program, ES&S is required to submit certain documentation regarding quality control to a VSTL prior to testing. The questions below refer to documents given to the VSTL prior to or during testing for the freeze/shutdown modification.

1. Quality Assurance
 - 1.1 Please provide all documentation related to Quality Assurance testing conducted on the DS200 by ES&S prior to submitting the fixes for all issues identified in the notice of formal investigation to iBeta and Wyle laboratories. This documentation includes, but is not limited to: ES&S created test cases, test data and logs, notes from testing, and any evaluations or reports created pertaining to this testing.
 - 1.2 Please provide information about ES&S personnel and contractors that participated in this process, including, but not limited to: name, title, date of employment, and any relevant technical expertise.
2. Configuration Management
 - 2.1 Please provide all documentation related to Configuration Management review and verification conducted on the DS200 by ES&S prior to submitting the fixes for all issues identified in the notice of formal investigation to iBeta and Wyle laboratories. This documentation includes, but is not limited to: tracking logs, policy, notes and any evaluations or reports created pertaining to this process.
 - 2.2 Please provide information about ES&S personnel and contractors that participated in this process, including, but not limited to: name, title, date of employment, and any relevant technical expertise.
3. Quality Conformance
 - 3.1 Please provide all documentation related to Quality Conformance procedures and verification conducted on the DS200 by ES&S prior to submitting the fixes for all issues identified in the notice of formal investigation to iBeta and Wyle laboratories. This documentation includes, but is not limited to: ES&S created test cases, test data and

logs, notes from testing, information about personnel or consultants conducting the tests, and any evaluations or reports created pertaining to outcomes and results of this testing.

- 3.2 Please provide information about ES&S personnel and contractors that participated in this process, including, but not limited to: name, title, date of employment, and any relevant technical expertise.
4. Issue Notification to System Users
 - 4.1 Please provide all documentation related to notification of DS200 users affected by the issues outlined in the Notice of Formal Investigation. Please include information regarding when the users were notified, how affected users were identified and all notification(s) sent to the users regarding these issues.
 - 4.2 Please provide information about ES&S personnel and contractors that participated in this process, including: name, title, date of employment, and any relevant technical expertise.
 - 4.3 Please provide any communications received from Counties experiencing the issues outlined in the Scope of Investigation. Provide all documents, correspondence and notices regarding these issues that were sent to Counties.



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

March 1, 2011

Steve Pearson
 Vice President, Certification
 Election Systems & Software
 11208 John Galt Blvd.
 Omaha, NE 68137

Sent via mail and e-mail

RE: Notice of Initiation of Formal Investigation

Pursuant to section 7.4 of the Election Assistance Commission's (EAC) Voting System Testing and Certification Program Manual the Decision Authority (Executive Director, Tom Wilkey) has authorized (attached) the EAC's Certification Program Director (Brian Hancock) to open a formal investigation of Election Systems and Software's (ES&S) Unity 3.2.0.0 voting system. This formal investigation arises as a result of an issue reported by ES&S to the EAC on June 6, 2010 and is based on an informal staff investigation of the issues following county notification and public notice of the issues.

Facts

EAC first became aware of a possible issue with the Unity 3.2.0.0 voting system used in Cuyahoga County, Ohio as a result of an article published in the *Cleveland Plain Dealer* on April 10, 2010. This issue was later confirmed by Cuyahoga County in conversations with the EAC. ES&S then reported the issue to EAC in June of 2010. As a result of ES&S's report on the freeze/shutdown issue, EAC began an informal inquiry into the nature and cause of the problem. ES&S has worked with EAC throughout the informal inquiry to provide all information necessary to fully understand the issue, including a detailed root cause analysis. ES&S's cooperation was vital to EAC understanding the cause of the freeze/shutdown and proposed solutions to the issue.

Since identifying the freeze/shutdown issue EAC identified two additional possible non-conformities. These non-conformities arose as result of information gathered during the informal inquiry and testing conducted on the DS200 to evaluate proposed solutions to the freeze/shutdown issue. ES&S is aware of these additional issues and worked with EAC to inform all DS200 users of the issues and workarounds for them. None of the issues identified are likely to have had an impact on the integrity or results of an election or to impact the integrity of future elections. They do, however, represent possible non-conformities to the Voluntary Voting System Guidelines (VVSG).

ES&S identified and submitted possible fixes for each of the issues identified in the summary below. These fixes are part of the Unity 3.2.1.0 certification effort currently under test at Wyle Laboratories. EAC will closely monitor the progress of this testing and understands that ES&S plans on upgrading all Unity 3.2.0.0 customers to Unity 3.2.1.0, should the system pass testing.

Scope of Investigation

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. Specifically, the investigation will focus on the following possible non-conformities with the VVSG:

1. **Issue:** Freeze/shutdown. The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume 1 Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MTBF is defined as the value of the ratio of operating time to the number of failures which have occurred in the specified time interval. A typical system operations scenario consists of approx. 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement defined as any event which results in either the:

- *Loss of one or more functions*
- *Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds*

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. **Issue:** Failure to log. Cuyahoga County election officials provided EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1,000 DS200's; the August 8 election was smaller, providing logs from only 12 machines. Review of these records identified an additional issue. The freeze/shutdown issue does not result in any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume 1 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes. To ensure system integrity, all systems shall:

- g. Record and report the date and time of normal and abnormal events.*
- i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.*

3. **Issue:** Ballot Skew. When a 17" ballot is inserted incorrectly into the unit the lower left and right hand corners of the ballot are not accurately read.

System Non-conformity:

2002 VSS Volume 1 2.2.2.1 Common Standards:

To ensure vote accuracy, all systems shall:

- 2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.*

4. **Issue:** Vote miscount. The DS200 accepts a voted ballot but does not record that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume I 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

- b. Records the number of ballots cast during a particular test cycle or election.*

Manufacturer Opportunity to Provide Information

As stated in section 7.4.4.2 of the Certification Manual ES&S has the opportunity to provide any information it deems relevant to the scope of the investigation detailed above. ES&S is encouraged to provide any documents, testing data, or system specs it believes could help aid the EAC in making a determination. All information should be sent to the Program Director.

Estimated Timeline for Investigation

EAC estimates this investigation will take approximately 10 weeks to conduct. Several additional weeks may be necessary to compile the information and create the final report of investigation.

Conclusion


As you are aware, a formal investigation is concluded with the issuance of a formal report by the EAC. The purpose of the formal report is to document all relevant and reliable information gathered during the investigation and to document the conclusions reached by the Decision Authority. Per section 7.4.7 of the Certification Manual the Decision Authority can determine each allegation to be either substantiated or unsubstantiated. Please refer to section 7.0 of the Certification Manual for all of the details regarding the formal investigation, notices of non-compliance, and decertification. If you have any questions please do not hesitate to contact me.



Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission



U. S. ELECTION ASSISTANCE COMMISSION
 OFFICE OF THE EXECUTIVE DIRECTOR
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Brian Hancock, *Director of Voting System Testing and Certification*
From: Thomas R. Wilkey, *Executive Director/Decision Authority* 
Date: February 25, 2011
Subject: **Authorization of Formal Investigation**

This memorandum constitutes the formal approval and authorization of formal investigation in response to your Recommendation to Refer for Formal Inquiry dated October 15, 2010 and your Addendum to the Recommendation to Refer for Formal Inquiry dated December 20, 2010 as required by §7.4.3 of the EAC's *Voting System Testing and Certification Program Manual, (Manual)*. The referral and addendum contain relevant information obtained during your Informal Investigation and show the progression of activities by the EAC, ES&S and the VSTLs since the initial discovery of the anomaly.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election. As you note in your memorandum of October 15, 2010, in addition to the freeze/shutdown anomaly, your Informal Inquiry revealed additional anomalies with the DS200 including issues related to ballot skew, ballot insertion, unlogged errors, logged system halts and TDP Errors. Further, the potentially more serious issue noted in the December 20, 2010 addendum which outlined the problem encountered when the DS200 accepted a voted test ballot without recording that ballot on its internal counter during testing at iBeta Quality Assurance should also be investigated for potential non-compliance with the 2002 Voting Systems Standards.

Following is a list of known non-conformities that ultimately will serve as the basis of any EAC determination on the certification status of this system.

1. Issue: The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume 1 Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MBTF is defined as the value of the ratio of operating time to the number of failures which have occurred in

the specified time interval. A typical system operations scenario consists of approximately 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement, a failure is defined as any event which results in either the:

- Loss of one or more functions
- Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. Issue: Ballot Skew. When a 17" ballot is not inserted correctly into the unit the lower left and right hand corners of the ballot are not accurately read.
System Non-conformity:
2002 VSS Volume I 2.2.2.1 Common Standards:
To ensure vote accuracy, all systems shall:
2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.
3. Issue: Failure to log. Cuyahoga County election officials also provided to the EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1000 DS200's. The August 8 election was smaller, providing logs from only 12 machines. Review of these records identified additional issues:
 - The freeze/shutdown issue does not result any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume I 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes.

To ensure system integrity, all systems shall:

- g. Record and report the date and time of normal and abnormal events.
- i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.

4. Issue: Vote miscount: DS200 accepting a voted ballot but not recording that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume I 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

- b. Records the number of ballots cast during a particular test cycle or election.

Attachments

October 15, 2010 Recommendation to Refer for Formal Inquiry

December 20, 2010 Addendum to Recommendation to Refer for Formal Inquiry



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*

From: Brian Hancock, *Director of Voting System Testing and Certification*

Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*

Date: October 15, 2010

Subject: **Recommendation to Refer for Formal Inquiry**

As required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual*, (*Manual*) this memorandum constitutes a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the *Manual*.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election.

The facts and findings from our Informal Investigation into this matter are contained in the attached Informal Inquiry Report. In summary, the report concludes that the claims made by Cuyahoga County are credible and may therefore serve as a basis for decertification of the Unity 3.2.0.0 voting system by the EAC. In addition to the freeze/shutdown anomaly, the Inquiry revealed additional anomalies with the DS200 and included the following:

- Ballot skew
- Ballot insertion problems
- Unlogged errors
- Logged system halts
- TDP Errors

Based upon the inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, the EAC has concerns with the results of the root cause analysis that was performed by ES&S regarding the anomaly. At this time, the EAC does not have confidence that the actual root cause of the anomaly was discovered nor remedied.

Attachments

EAC Informal Inquiry Report
Cleveland Plain Dealer Article
ES&S Notification to the EAC
EAC/Cuyahoga County Teleconference Minutes
ES&S DS200 System Lockup Analysis
EAC DS200 Freeze/Shutdown and XWindows Correlation



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*
From: Brian Hancock, *Director of Voting System Testing and Certification*
Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*
Date: December 20, 2010
Subject: **Addendum to Recommendation to Refer for Formal Inquiry**

On October 15, 2010, I forwarded to your office a memorandum constituting a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 as required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

The purpose of this addendum is to provide you with additional information regarding the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 voting system. Since the October memorandum, the following additional information has come to light:

As a results of the analysis and changes submitted by ES&S (See section 2.1.5.2 DS200 Field Issue –Freeze and Shutdowns in Appendix H Amended Test Plan) reliability testing of the DS200 was required at iBeta Quality Assurance (iBeta).

The test at iBeta was schedule to run eight days (64 hours) on three units. Testing required that the DS200's operate for the full period of time without a loss of one or more functions or degradation of performance such that the device was unable to perform its intended function for longer than ten seconds. On the third day execution of the DS200 Reliability test was halted due to an issue encountered during test script iteration #67. The following observation report was provided to the EAC:

- 1) *"After the first ballot was cast a second ballot was inserted in the DS200.*
- 2) *The ballot was an open primary with a vote in two parties (Cross Vote). This ballot issue was identified to the tester with the option to "Accept" or "Reject" the ballot. The tester selected "Accept" and the tester heard the ballot drop. (At this point the system has performed as "intended".)*
- 3) *The tester then observed the screen flash two messages. The first contained the word "issue". The second contained the word "return". The motor did not engage or attempt to return the ballot.*
- 4) *The voting system continued operation by resetting to the "Welcome" page. It was in a state to accept a new ballot.*
- 5) *The tester observed that the ballot counter did not increment (1 vote was displayed).*

- 6) *The tester, recorder, ESS and EAC representatives observed there were two ballots (voter 1 & voter 2) in the ballot box and the counter indicated a single vote.*
- 7) *The polls were closed. The reports were printed.*
- 8) *It was confirmed on the reports that only a single ballot was recorded. The Cross Vote audit log entry was not recorded, but a returned ballot entry was recorded in the audit log.*
- 9) *The system was shut down via the touch screen selection.*
- 10) *The system was restarted, polls were re-opened, and additional ballots were scanned and reported, without error.*

Based upon the previous inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, as well as the potentially more serious issue of the DS200 accepting a voted ballot but not recording that ballot on its internal counter, the EAC now has concerns not only with the results of the root cause analysis that was performed by ES&S regarding the Freeze/Shutdown anomaly, but has additional concerns regarding this latest anomaly which, as of the date of this memo, has not been addressed by ES&S. Because of the reasons stated above and in the previous memorandum, I reiterate my recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

Attachments

Appendix H of Amended Test Plan

Question 6: Attachment 3 dated 3/30/11 to
Frank Padilla - 11 pages



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

March 30, 2011

Mr. Frank Padilla
Wyle Laboratories, Inc.
7800 Highway 20 West
Huntsville, AL 35806

Sent via U.S. postal service and electronic mail

RE: Request for Information

On March 1, 2011, the U.S. Election Assistance Commission (EAC) provided Election Systems & Software (ES&S) with a Notice of Formal Investigation concerning ES&S' Unity 3.2.0.0 voting system. EAC initiated this Formal Investigation pursuant to Section 7.4.4 of EAC's Voting System Testing and Certification Manual (Program Manual) after a jurisdiction using the Unity 3.2.0.0 reported experiencing freezes/shutdowns, ballot skewing, and ballot presentation issues. As part of the Formal Investigation, please provide responses to the attached request for information. *See* Section 7.4.5 of the Program Manual; *see also* Section 2.11.5 of the EAC Voting System Test Laboratory Program Manual.

Please submit your written responses to my attention at the address listed above no later than April 13, 2011.

If you have any questions concerning your participation in the Formal Investigation, please feel free to contact me at 202-566-3122.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock". The signature is written in a cursive style.

Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission

Enclosures: Notice of Initiation of Formal Investigation
Authorization of Formal Investigation
Request for Information, 1

EAC Request for Information 1-Wyle Laboratories

As a participant in the EAC Testing and Certification Program, ES&S is required to submit certain documentation regarding quality control to a VSTL prior to testing. The questions below refer to documents received prior to or during testing for the freeze/shutdown modification.

1. Please provide all documentation ES&S supplied to Wyle Laboratories relating to testing ES&S conducted to diagnose and fix the freeze/shutdown issue, ballot skew issue, or ballot presentation issue. This documentation includes, but is not limited to: ES&S created test cases, test data and logs, notes from testing, and any evaluations or reports created pertaining to this testing.
2. Please provide all documentation ES&S submitted to Wyle Laboratories related to Configuration Management review and verification ES&S conducted on the DS200 prior to submitting the fixes to the freeze/shutdown issue, ballot skew issue, ballot presentation issue, or accuracy issue to Wyle Laboratories. This documentation includes, but is not limited to: tracking logs, policy, notes and any evaluations or reports created pertaining to this process.
3. Please provide all documentation ES&S submitted to Wyle Laboratories related to Quality Assurance process and verification ES&S conducted on the DS200 prior to submitting the fixes to the freeze/shutdown issue, ballot skew issue, or ballot presentation issue to Wyle. This documentation includes, but is not limited to: ES&S created test cases, test data and logs, notes from testing, information about personnel or consultants conducting the tests, and any evaluations or reports created pertaining to outcomes and results of this testing.



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

March 1, 2011

Steve Pearson
 Vice President, Certification
 Election Systems & Software
 11208 John Galt Blvd.
 Omaha, NE 68137

Sent via mail and e-mail

RE: Notice of Initiation of Formal Investigation

Pursuant to section 7.4 of the Election Assistance Commission's (EAC) Voting System Testing and Certification Program Manual the Decision Authority (Executive Director, Tom Wilkey) has authorized (attached) the EAC's Certification Program Director (Brian Hancock) to open a formal investigation of Election Systems and Software's (ES&S) Unity 3.2.0.0 voting system. This formal investigation arises as a result of an issue reported by ES&S to the EAC on June 6, 2010 and is based on an informal staff investigation of the issues following county notification and public notice of the issues.

Facts

EAC first became aware of a possible issue with the Unity 3.2.0.0 voting system used in Cuyahoga County, Ohio as a result of an article published in the *Cleveland Plain Dealer* on April 10, 2010. This issue was later confirmed by Cuyahoga County in conversations with the EAC. ES&S then reported the issue to EAC in June of 2010. As a result of ES&S's report on the freeze/shutdown issue, EAC began an informal inquiry into the nature and cause of the problem. ES&S has worked with EAC throughout the informal inquiry to provide all information necessary to fully understand the issue, including a detailed root cause analysis. ES&S's cooperation was vital to EAC understanding the cause of the freeze/shutdown and proposed solutions to the issue.

Since identifying the freeze/shutdown issue EAC identified two additional possible non-conformities. These non-conformities arose as result of information gathered during the informal inquiry and testing conducted on the DS200 to evaluate proposed solutions to the freeze/shutdown issue. ES&S is aware of these additional issues and worked with EAC to inform all DS200 users of the issues and workarounds for them. None of the issues identified are likely to have had an impact on the integrity or results of an election or to impact the integrity of future elections. They do, however, represent possible non-conformities to the Voluntary Voting System Guidelines (VVSG).

ES&S identified and submitted possible fixes for each of the issues identified in the summary below. These fixes are part of the Unity 3.2.1.0 certification effort currently under test at Wyle Laboratories. EAC will closely monitor the progress of this testing and understands that ES&S plans on upgrading all Unity 3.2.0.0 customers to Unity 3.2.1.0, should the system pass testing.

Scope of Investigation

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. Specifically, the investigation will focus on the following possible non-conformities with the VVSG:

1. **Issue:** Freeze/shutdown. The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume 1 Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MTBF is defined as the value of the ratio of operating time to the number of failures which have occurred in the specified time interval. A typical system operations scenario consists of approx. 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement defined as any event which results in either the:

- *Loss of one or more functions*
- *Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds*

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. **Issue:** Failure to log. Cuyahoga County election officials provided EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1,000 DS200's; the August 8 election was smaller, providing logs from only 12 machines. Review of these records identified an additional issue. The freeze/shutdown issue does not result in any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume 1 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes.

To ensure system integrity, all systems shall:

g. Record and report the date and time of normal and abnormal events.

i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.

3. **Issue:** Ballot Skew. When a 17" ballot is inserted incorrectly into the unit the lower left and right hand corners of the ballot are not accurately read.

System Non-conformity:

2002 VSS Volume 1 2.2.2.1 Common Standards:

To ensure vote accuracy, all systems shall:

2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.

4. **Issue:** Vote miscount. The DS200 accepts a voted ballot but does not record that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume I 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

- b. Records the number of ballots cast during a particular test cycle or election.*

Manufacturer Opportunity to Provide Information

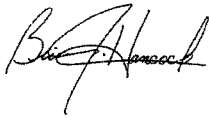
As stated in section 7.4.4.2 of the Certification Manual ES&S has the opportunity to provide any information it deems relevant to the scope of the investigation detailed above. ES&S is encouraged to provide any documents, testing data, or system specs it believes could help aid the EAC in making a determination. All information should be sent to the Program Director.

Estimated Timeline for Investigation

EAC estimates this investigation will take approximately 10 weeks to conduct. Several additional weeks may be necessary to compile the information and create the final report of investigation.

Conclusion

As you are aware, a formal investigation is concluded with the issuance of a formal report by the EAC. The purpose of the formal report is to document all relevant and reliable information gathered during the investigation and to document the conclusions reached by the Decision Authority. Per section 7.4.7 of the Certification Manual the Decision Authority can determine each allegation to be either substantiated or unsubstantiated. Please refer to section 7.0 of the Certification Manual for all of the details regarding the formal investigation, notices of non-compliance, and decertification. If you have any questions please do not hesitate to contact me.



Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission



U. S. ELECTION ASSISTANCE COMMISSION
 OFFICE OF THE EXECUTIVE DIRECTOR
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Brian Hancock, *Director of Voting System Testing and Certification*
From: Thomas R. Wilkey, *Executive Director/Decision Authority*
Date: February 25, 2011
Subject: **Authorization of Formal Investigation**

This memorandum constitutes the formal approval and authorization of formal investigation in response to your Recommendation to Refer for Formal Inquiry dated October 15, 2010 and your Addendum to the Recommendation to Refer for Formal Inquiry dated December 20, 2010 as required by §7.4.3 of the EAC's *Voting System Testing and Certification Program Manual, (Manual)*. The referral and addendum contain relevant information obtained during your Informal Investigation and show the progression of activities by the EAC, ES&S and the VSTLs since the initial discovery of the anomaly.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election. As you note in your memorandum of October 15, 2010, in addition to the freeze/shutdown anomaly, your Informal Inquiry revealed additional anomalies with the DS200 including issues related to ballot skew, ballot insertion, unlogged errors, logged system halts and TDP Errors. Further, the potentially more serious issue noted in the December 20, 2010 addendum which outlined the problem encountered when the DS200 accepted a voted test ballot without recording that ballot on its internal counter during testing at iBeta Quality Assurance should also be investigated for potential non-compliance with the 2002 Voting Systems Standards.

Following is a list of known non-conformities that ultimately will serve as the basis of any EAC determination on the certification status of this system.

1. Issue: The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume 1 Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MBTF is defined as the value of the ratio of operating time to the number of failures which have occurred in

the specified time interval. A typical system operations scenario consists of approximately 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement, a failure is defined as any event which results in either the:

- Loss of one or more functions
- Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. Issue: Ballot Skew. When a 17" ballot is not inserted correctly into the unit the lower left and right hand corners of the ballot are not accurately read.

System Non-conformity:

2002 VSS Volume 1 2.2.2.1 Common Standards:

To ensure vote accuracy, all systems shall:

2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce an accurate report of all votes cast.

3. Issue: Failure to log. Cuyahoga County election officials also provided to the EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1000 DS200's. The August 8 election was smaller, providing logs from only 12 machines. Review of these records identified additional issues:

- The freeze/shutdown issue does not result any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume 1 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes.

To ensure system integrity, all systems shall:

- g. Record and report the date and time of normal and abnormal events.
- i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.

4. Issue: Vote miscount: DS200 accepting a voted ballot but not recording that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume 1 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

- b. Records the number of ballots cast during a particular test cycle or election.

Attachments

October 15, 2010 Recommendation to Refer for Formal Inquiry

December 20, 2010 Addendum to Recommendation to Refer for Formal Inquiry



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*
From: Brian Hancock, *Director of Voting System Testing and Certification*
Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*
Date: October 15, 2010
Subject: **Recommendation to Refer for Formal Inquiry**

As required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual*, (*Manual*) this memorandum constitutes a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the *Manual*.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election.

The facts and findings from our Informal Investigation into this matter are contained in the attached Informal Inquiry Report. In summary, the report concludes that the claims made by Cuyahoga County are credible and may therefore serve as a basis for decertification of the Unity 3.2.0.0 voting system by the EAC. In addition to the freeze/shutdown anomaly, the Inquiry revealed additional anomalies with the DS200 and included the following:

- Ballot skew
- Ballot insertion problems
- Unlogged errors
- Logged system halts
- TDP Errors

Based upon the inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, the EAC has concerns with the results of the root cause analysis that was performed by ES&S regarding the anomaly. At this time, the EAC does not have confidence that the actual root cause of the anomaly was discovered nor remedied.

Attachments

EAC Informal Inquiry Report
Cleveland Plain Dealer Article
ES&S Notification to the EAC
EAC/Cuyahoga County Teleconference Minutes
ES&S DS200 System Lockup Analysis
EAC DS200 Freeze/Shutdown and XWindows Correlation



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*
From: Brian Hancock, *Director of Voting System Testing and Certification*
Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*
Date: December 20, 2010
Subject: **Addendum to Recommendation to Refer for Formal Inquiry**

On October 15, 2010, I forwarded to your office a memorandum constituting a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 as required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

The purpose of this addendum is to provide you with additional information regarding the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 voting system. Since the October memorandum, the following additional information has come to light:

As a result of the analysis and changes submitted by ES&S (See section 2.1.5.2 DS200 Field Issue –Freeze and Shutdowns in Appendix H Amended Test Plan) reliability testing of the DS200 was required at iBeta Quality Assurance (iBeta).

The test at iBeta was scheduled to run eight days (64 hours) on three units. Testing required that the DS200's operate for the full period of time without a loss of one or more functions or degradation of performance such that the device was unable to perform its intended function for longer than ten seconds. On the third day execution of the DS200 Reliability test was halted due to an issue encountered during test script iteration #67. The following observation report was provided to the EAC:

- 1) *"After the first ballot was cast a second ballot was inserted in the DS200.*
- 2) *The ballot was an open primary with a vote in two parties (Cross Vote). This ballot issue was identified to the tester with the option to "Accept" or "Reject" the ballot. The tester selected "Accept" and the tester heard the ballot drop. (At this point the system has performed as "intended".)*
- 3) *The tester then observed the screen flash two messages. The first contained the word "issue". The second contained the word "return". The motor did not engage or attempt to return the ballot.*
- 4) *The voting system continued operation by resetting to the "Welcome" page. It was in a state to accept a new ballot.*
- 5) *The tester observed that the ballot counter did not increment (1 vote was displayed).*

- 6) *The tester, recorder, ESS and EAC representatives observed there were two ballots (voter 1 & voter 2) in the ballot box and the counter indicated a single vote.*
- 7) *The polls were closed. The reports were printed.*
- 8) *It was confirmed on the reports that only a single ballot was recorded. The Cross Vote audit log entry was not recorded, but a returned ballot entry was recorded in the audit log.*
- 9) *The system was shut down via the touch screen selection.*
- 10) *The system was restarted, polls were re-opened, and additional ballots were scanned and reported, without error.*

Based upon the previous inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, as well as the potentially more serious issue of the DS200 accepting a voted ballot but not recording that ballot on its internal counter, the EAC now has concerns not only with the results of the root cause analysis that was performed by ES&S regarding the Freeze/Shutdown anomaly, but has additional concerns regarding this latest anomaly which, as of the date of this memo, has not been addressed by ES&S. Because of the reasons stated above and in the previous memorandum, I reiterate my recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

Attachments

Appendix H of Amended Test Plan

Question 6: Attachment 4 dated 3/30/11 to
Earl Wing - 11 pages



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

March 30, 2011

Mr. Earl Wing
Vice President and Chief Financial Officer
iBeta Quality Assurance **Sent via U.S. postal service and electronic mail**
2675 S Abilene Street
Suite 300
Aurora, CO 80014

RE: Request for Information

On March 1, 2011, the U.S. Election Assistance Commission (EAC) provided Election Systems & Software (ES&S) with a Notice of Formal Investigation concerning ES&S' Unity 3.2.0.0 voting system. EAC initiated this Formal Investigation pursuant to Section 7.4.4 of EAC's Voting System Testing and Certification Manual (Program Manual) after a jurisdiction using the Unity 3.2.0.0 reported experiencing freezes/shutdowns, ballot skewing, and ballot presentation issues. As part of the Formal Investigation, please provide responses to the attached request for information. See Section 7.4.5 of the Program Manual; *see also* Section 2.11.5 of the Voting System Test Laboratory Program Manual.

Please submit your written responses to my attention at the address listed above no later than April 13, 2011.

If you have any questions concerning your participation in the Formal Investigation, please feel free to contact me at 202-566-3122.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock".

Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission

Enclosures: Notice of Initiation of Formal Investigation
 Authorization of Formal Investigation
 Request for Information, 1

EAC Request for Information 1-iBeta Quality Assurance

As a participant in the EAC Testing and Certification Program, ES&S is required to submit certain documentation regarding quality control to a VSTL prior to testing. The questions below refer to documents received prior to or during testing for the freeze/shutdown modification.

1. Please provide all documentation ES&S supplied to iBeta Quality Assurance relating to the testing ES&S conducted to diagnose and fix the freeze/shutdown issue, ballot skew issue, or ballot presentation issue. This documentation includes, but is not limited to: ES&S created test cases, test data and logs, notes from testing, and any evaluations or reports created pertaining to this testing.
2. Please provide all documentation ES&S submitted to iBeta related to Configuration Management review and verification ES&S conducted on the DS200 prior to submitting the fixes to the freeze/shutdown issue, ballot skew issue, or ballot presentation issue to iBeta. This documentation includes, but is not limited to: tracking logs, policy, notes and any evaluations or reports created pertaining to this process.
3. Please provide all documentation ES&S submitted to iBeta related to Quality Assurance process and verification ES&S conducted on the DS200 prior to submitting the fixes to the freeze/shutdown issue, ballot skew issue, or ballot presentation issue to iBeta. This documentation includes, but is not limited to: ES&S created test cases, test data and logs, notes from testing, information about personnel or consultants conducting the tests, and any evaluations or reports created pertaining to outcomes and results of this testing.



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

March 1, 2011

Steve Pearson
 Vice President, Certification
 Election Systems & Software
 11208 John Galt Blvd.
 Omaha, NE 68137

Sent via mail and e-mail

RE: Notice of Initiation of Formal Investigation

Pursuant to section 7.4 of the Election Assistance Commission's (EAC) Voting System Testing and Certification Program Manual the Decision Authority (Executive Director, Tom Wilkey) has authorized (attached) the EAC's Certification Program Director (Brian Hancock) to open a formal investigation of Election Systems and Software's (ES&S) Unity 3.2.0.0 voting system. This formal investigation arises as a result of an issue reported by ES&S to the EAC on June 6, 2010 and is based on an informal staff investigation of the issues following county notification and public notice of the issues.

Facts

EAC first became aware of a possible issue with the Unity 3.2.0.0 voting system used in Cuyahoga County, Ohio as a result of an article published in the *Cleveland Plain Dealer* on April 10, 2010. This issue was later confirmed by Cuyahoga County in conversations with the EAC. ES&S then reported the issue to EAC in June of 2010. As a result of ES&S's report on the freeze/shutdown issue, EAC began an informal inquiry into the nature and cause of the problem. ES&S has worked with EAC throughout the informal inquiry to provide all information necessary to fully understand the issue, including a detailed root cause analysis. ES&S's cooperation was vital to EAC understanding the cause of the freeze/shutdown and proposed solutions to the issue.

Since identifying the freeze/shutdown issue EAC identified two additional possible non-conformities. These non-conformities arose as result of information gathered during the informal inquiry and testing conducted on the DS200 to evaluate proposed solutions to the freeze/shutdown issue. ES&S is aware of these additional issues and worked with EAC to inform all DS200 users of the issues and workarounds for them. None of the issues identified are likely to have had an impact on the integrity or results of an election or to impact the integrity of future elections. They do, however, represent possible non-conformities to the Voluntary Voting System Guidelines (VVSG).

ES&S identified and submitted possible fixes for each of the issues identified in the summary below. These fixes are part of the Unity 3.2.1.0 certification effort currently under test at Wyle Laboratories. EAC will closely monitor the progress of this testing and understands that ES&S plans on upgrading all Unity 3.2.0.0 customers to Unity 3.2.1.0, should the system pass testing.

Scope of Investigation

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. Specifically, the investigation will focus on the following possible non-conformities with the VVSG:

1. **Issue:** Freeze/shutdown. The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume 1 Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MTBF is defined as the value of the ratio of operating time to the number of failures which have occurred in the specified time interval. A typical system operations scenario consists of approx. 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement defined as any event which results in either the:

- *Loss of one or more functions*
- *Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds*

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. **Issue:** Failure to log. Cuyahoga County election officials provided EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1,000 DS200's; the August 8 election was smaller, providing logs from only 12 machines. Review of these records identified an additional issue. The freeze/shutdown issue does not result in any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume I 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes.

To ensure system integrity, all systems shall:

g. Record and report the date and time of normal and abnormal events.

i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.

3. **Issue:** Ballot Skew. When a 17" ballot is inserted incorrectly into the unit the lower left and right hand corners of the ballot are not accurately read.

System Non-conformity:

2002 VSS Volume I 2.2.2.1 Common Standards:

To ensure vote accuracy, all systems shall:

2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.

4. **Issue:** Vote miscount. The DS200 accepts a voted ballot but does not record that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume I 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

- b. Records the number of ballots cast during a particular test cycle or election.*

Manufacturer Opportunity to Provide Information

As stated in section 7.4.4.2 of the Certification Manual ES&S has the opportunity to provide any information it deems relevant to the scope of the investigation detailed above. ES&S is encouraged to provide any documents, testing data, or system specs it believes could help aid the EAC in making a determination. All information should be sent to the Program Director.

Estimated Timeline for Investigation

EAC estimates this investigation will take approximately 10 weeks to conduct. Several additional weeks may be necessary to compile the information and create the final report of investigation.

Conclusion

As you are aware, a formal investigation is concluded with the issuance of a formal report by the EAC. The purpose of the formal report is to document all relevant and reliable information gathered during the investigation and to document the conclusions reached by the Decision Authority. Per section 7.4.7 of the Certification Manual the Decision Authority can determine each allegation to be either substantiated or unsubstantiated. Please refer to section 7.0 of the Certification Manual for all of the details regarding the formal investigation, notices of non-compliance, and decertification. If you have any questions please do not hesitate to contact me.



Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission



U. S. ELECTION ASSISTANCE COMMISSION
 OFFICE OF THE EXECUTIVE DIRECTOR
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Brian Hancock, *Director of Voting System Testing and Certification*
From: Thomas R. Wilkey, *Executive Director/Decision Authority*
Date: February 25, 2011
Subject: **Authorization of Formal Investigation**

This memorandum constitutes the formal approval and authorization of formal investigation in response to your Recommendation to Refer for Formal Inquiry dated October 15, 2010 and your Addendum to the Recommendation to Refer for Formal Inquiry dated December 20, 2010 as required by §7.4.3 of the EAC's *Voting System Testing and Certification Program Manual, (Manual)*. The referral and addendum contain relevant information obtained during your Informal Investigation and show the progression of activities by the EAC, ES&S and the VSTLs since the initial discovery of the anomaly.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election. As you note in your memorandum of October 15, 2010, in addition to the freeze/shutdown anomaly, your Informal Inquiry revealed additional anomalies with the DS200 including issues related to ballot skew, ballot insertion, unlogged errors, logged system halts and TDP Errors. Further, the potentially more serious issue noted in the December 20, 2010 addendum which outlined the problem encountered when the DS200 accepted a voted test ballot without recording that ballot on its internal counter during testing at iBeta Quality Assurance should also be investigated for potential non-compliance with the 2002 Voting Systems Standards.

Following is a list of known non-conformities that ultimately will serve as the basis of any EAC determination on the certification status of this system.

1. Issue: The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume I Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MTBF is defined as the value of the ratio of operating time to the number of failures which have occurred in

the specified time interval. A typical system operations scenario consists of approximately 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement, a failure is defined as any event which results in either the:

- Loss of one or more functions
- Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. Issue: Ballot Skew. When a 17" ballot is not inserted correctly into the unit the lower left and right hand corners of the ballot are not accurately read.
System Non-conformity:
2002 VSS Volume 1 2.2.2.1 Common Standards:
To ensure vote accuracy, all systems shall:
2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.
3. Issue: Failure to log. Cuyahoga County election officials also provided to the EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1000 DS200's. The August 8 election was smaller, providing logs from only 12 machines. Review of these records identified additional issues:
 - The freeze/shutdown issue does not result any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume 1 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes.

To ensure system integrity, all systems shall:

- g. Record and report the date and time of normal and abnormal events.
 - i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.
4. Issue: Vote miscount: DS200 accepting a voted ballot but not recording that ballot on its internal counter.

System Non-conformity:
2002 VSS Volume 1 2.1.8 Ballot Counter:
For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:
 - b. Records the number of ballots cast during a particular test cycle or election.

Attachments

October 15, 2010 Recommendation to Refer for Formal Inquiry

December 20, 2010 Addendum to Recommendation to Refer for Formal Inquiry



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*
From: Brian Hancock, *Director of Voting System Testing and Certification*
Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*
Date: October 15, 2010
Subject: **Recommendation to Refer for Formal Inquiry**

As required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual*, (*Manual*) this memorandum constitutes a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the *Manual*.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election.

The facts and findings from our Informal Investigation into this matter are contained in the attached Informal Inquiry Report. In summary, the report concludes that the claims made by Cuyahoga County are credible and may therefore serve as a basis for decertification of the Unity 3.2.0.0 voting system by the EAC. In addition to the freeze/shutdown anomaly, the Inquiry revealed additional anomalies with the DS200 and included the following:

- Ballot skew
- Ballot insertion problems
- Unlogged errors
- Logged system halts
- TDP Errors

Based upon the inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, the EAC has concerns with the results of the root cause analysis that was performed by ES&S regarding the anomaly. At this time, the EAC does not have confidence that the actual root cause of the anomaly was discovered nor remedied.

Attachments

EAC Informal Inquiry Report
Cleveland Plain Dealer Article
ES&S Notification to the EAC
EAC/Cuyahoga County Teleconference Minutes
ES&S DS200 System Lockup Analysis
EAC DS200 Freeze/Shutdown and XWindows Correlation



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*
From: Brian Hancock, *Director of Voting System Testing and Certification*
Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*
Date: December 20, 2010
Subject: **Addendum to Recommendation to Refer for Formal Inquiry**

On October 15, 2010, I forwarded to your office a memorandum constituting a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 as required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

The purpose of this addendum is to provide you with additional information regarding the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 voting system. Since the October memorandum, the following additional information has come to light:

As a results of the analysis and changes submitted by ES&S (See section 2.1.5.2 DS200 Field Issue –Freeze and Shutdowns in Appendix H Amended Test Plan) reliability testing of the DS200 was required at iBeta Quality Assurance (iBeta).

The test at iBeta was schedule to run eight days (64 hours) on three units. Testing required that the DS200's operate for the full period of time without a loss of one or more functions or degradation of performance such that the device was unable to perform its intended function for longer than ten seconds. On the third day execution of the DS200 Reliability test was halted due to an issue encountered during test script iteration #67. The following observation report was provided to the EAC:

- 1) "After the first ballot was cast a second ballot was inserted in the DS200.
- 2) The ballot was an open primary with a vote in two parties (Cross Vote). This ballot issue was identified to the tester with the option to "Accept" or "Reject" the ballot. The tester selected "Accept" and the tester heard the ballot drop. (At this point the system has performed as "intended".)
- 3) The tester then observed the screen flash two messages. The first contained the word "issue". The second contained the word "return". The motor did not engage or attempt to return the ballot.
- 4) The voting system continued operation by resetting to the "Welcome" page. It was in a state to accept a new ballot.
- 5) The tester observed that the ballot counter did not increment (1 vote was displayed).

- 6) *The tester, recorder, ESS and EAC representatives observed there were two ballots (voter 1 & voter 2) in the ballot box and the counter indicated a single vote.*
- 7) *The polls were closed. The reports were printed.*
- 8) *It was confirmed on the reports that only a single ballot was recorded. The Cross Vote audit log entry was not recorded, but a returned ballot entry was recorded in the audit log.*
- 9) *The system was shut down via the touch screen selection.*
- 10) *The system was restarted, polls were re-opened, and additional ballots were scanned and reported, without error.*

Based upon the previous inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, as well as the potentially more serious issue of the DS200 accepting a voted ballot but not recording that ballot on its internal counter, the EAC now has concerns not only with the results of the root cause analysis that was performed by ES&S regarding the Freeze/Shutdown anomaly, but has additional concerns regarding this latest anomaly which, as of the date of this memo, has not been addressed by ES&S. Because of the reasons stated above and in the previous memorandum, I reiterate my recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

Attachments

Appendix H of Amended Test Plan

Question 6: Attachment 5 dated 3/30/11 to
Jane Platten - 11 pages



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program

1201 New York Avenue, NW, Suite 300

Washington, DC. 20005

March 30, 2011

Ms. Jane Platten
Director of Elections
Cuyahoga County Board of Elections Sent via U.S. postal service and electronic mail
2925 Euclid Avenue
Cleveland, OH 44115

RE: Request for Information

On March 1, 2011, the U.S. Election Assistance Commission (EAC) provided Election Systems & Software (ES&S) with a Notice of Formal Investigation concerning ES&S' Unity 3.2.0.0 voting system. EAC initiated this Formal Investigation pursuant to Section 7.4.4 of EAC's Voting System Testing and Certification Manual (Program Manual) after your county reported experiencing freezes/shutdowns, ballot skewing, and ballot presentation issues with the Unity 3.2.0.0 voting system. As part of the Formal Investigation, please provide responses to the attached request for information. See Section 7.4.5 of the Program Manual.

Please submit your written responses to my attention at the address listed above no later than April 13, 2011.

If you have any questions concerning this step in the Formal Investigation, please feel free to contact me at 202-566-3122.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Hancock".

Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission

Enclosures: Notice of Initiation of Formal Investigation
Authorization of Formal Investigation
Request for Information, 1

EAC Request for Information 1-Cuyahoga County, OH

1. General Questions
 - 1.1 When did you perform Logic and Accuracy Testing?
 - 1.2 If testing occurred on more than one day, what date(s) did you experience the freeze/shutdown issue?
 - 1.3 Did you contact ES&S regarding the freeze/shutdown issue prior to the election? If so, when and what was their response?
 - 1.4 In your testimony to EAC, you stated you contacted other states regarding the issues with the DS200. Please identify the states contacted.

2. Number of machines affected by the issues outlined in the Scope of Investigation.
 - 2.1 What is the total number of DS200s that experienced the freeze or shutdown issue during Logic and Accuracy Testing conducted in preparation for the May 2010 Primary Election?
 - 2.2 What is the total number of DS200s that experienced the freeze or shutdown issue during the May 2010 Primary Election?
 - 2.3 How many machines did Cuyahoga County, OH send to ES&S in Omaha, NE for testing and diagnosis of the freeze or shutdown issue? Please provide documentation that demonstrates the chain of custody and/or inventory control of these machines.

3. ES&S notification to DS200 users regarding issues identified in Cuyahoga County.
 - 3.1 Please provide dates and copies of all notifications received from ES&S pertaining to the issues cited in the Scope of Investigation (attached).
 - 3.2 Please provide any other documents provided by ES&S related to the issues outlined in the Scope of Investigation or proposed solutions for those issues.
 - 3.3 Please provide documents pertaining to the identification and reporting of the ballot skew issue from Cuyahoga County, OH to ES&S.
 - 3.4 Please provide any communications sent from ES&S to Cuyahoga County regarding the ballot skew issue.



U.S. ELECTION ASSISTANCE COMMISSION

Voting System Testing and Certification Program
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

March 1, 2011

Steve Pearson
Vice President, Certification
Election Systems & Software
11208 John Galt Blvd.
Omaha, NE 68137

Sent via mail and e-mail

RE: Notice of Initiation of Formal Investigation

Pursuant to section 7.4 of the Election Assistance Commission's (EAC) Voting System Testing and Certification Program Manual the Decision Authority (Executive Director, Tom Wilkey) has authorized (attached) the EAC's Certification Program Director (Brian Hancock) to open a formal investigation of Election Systems and Software's (ES&S) Unity 3.2.0.0 voting system. This formal investigation arises as a result of an issue reported by ES&S to the EAC on June 6, 2010 and is based on an informal staff investigation of the issues following county notification and public notice of the issues.

Facts

EAC first became aware of a possible issue with the Unity 3.2.0.0 voting system used in Cuyahoga County, Ohio as a result of an article published in the *Cleveland Plain Dealer* on April 10, 2010. This issue was later confirmed by Cuyahoga County in conversations with the EAC. ES&S then reported the issue to EAC in June of 2010. As a result of ES&S's report on the freeze/shutdown issue, EAC began an informal inquiry into the nature and cause of the problem. ES&S has worked with EAC throughout the informal inquiry to provide all information necessary to fully understand the issue, including a detailed root cause analysis. ES&S's cooperation was vital to EAC understanding the cause of the freeze/shutdown and proposed solutions to the issue.

Since identifying the freeze/shutdown issue EAC identified two additional possible non-conformities. These non-conformities arose as result of information gathered during the informal inquiry and testing conducted on the DS200 to evaluate proposed solutions to the freeze/shutdown issue. ES&S is aware of these additional issues and worked with EAC to inform all DS200 users of the issues and workarounds for them. None of the issues identified are likely to have had an impact on the integrity or results of an election or to impact the integrity of future elections. They do, however, represent possible non-conformities to the Voluntary Voting System Guidelines (VVSG).

ES&S identified and submitted possible fixes for each of the issues identified in the summary below. These fixes are part of the Unity 3.2.1.0 certification effort currently under test at Wyle Laboratories. EAC will closely monitor the progress of this testing and understands that ES&S plans on upgrading all Unity 3.2.0.0 customers to Unity 3.2.1.0, should the system pass testing.

Scope of Investigation

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. Specifically, the investigation will focus on the following possible non-conformities with the VVSG:

1. **Issue:** Freeze/shutdown. The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume 1 Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MBTF is defined as the value of the ratio of operating time to the number of failures which have occurred in the specified time interval. A typical system operations scenario consists of approx. 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement defined as any event which results in either the:

- *Loss of one or more functions*
- *Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds*

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. **Issue:** Failure to log. Cuyahoga County election officials provided EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1,000 DS200's; the August 8 election was smaller, providing logs from only 12 machines. Review of these records identified an additional issue. The freeze/shutdown issue does not result in any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume 1 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes.

To ensure system integrity, all systems shall:

- g. Record and report the date and time of normal and abnormal events.*
- i. Detect and record every event, including the occurrence of an error condition that the*

system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.

3. **Issue:** Ballot Skew. When a 17" ballot is inserted incorrectly into the unit the lower left and right hand corners of the ballot are not accurately read.

System Non-conformity:

2002 VSS Volume 1 2.2.2.1 Common Standards:

To ensure vote accuracy, all systems shall:

2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.

4. **Issue:** Vote miscount. The DS200 accepts a voted ballot but does not record that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume I 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

- b. Records the number of ballots cast during a particular test cycle or election.*

Manufacturer Opportunity to Provide Information

As stated in section 7.4.4.2 of the Certification Manual ES&S has the opportunity to provide any information it deems relevant to the scope of the investigation detailed above. ES&S is encouraged to provide any documents, testing data, or system specs it believes could help aid the EAC in making a determination. All information should be sent to the Program Director.

Estimated Timeline for Investigation

EAC estimates this investigation will take approximately 10 weeks to conduct. Several additional weeks may be necessary to compile the information and create the final report of investigation.

Conclusion

As you are aware, a formal investigation is concluded with the issuance of a formal report by the EAC. The purpose of the formal report is to document all relevant and reliable information gathered during the investigation and to document the conclusions reached by the Decision Authority. Per section 7.4.7 of the Certification Manual the Decision Authority can determine each allegation to be either substantiated or unsubstantiated. Please refer to section 7.0 of the Certification Manual for all of the details regarding the formal investigation, notices of non-compliance, and decertification. If you have any questions please do not hesitate to contact me.



Brian J. Hancock
Director
Testing & Certification Program
U.S. Election Assistance Commission



U. S. ELECTION ASSISTANCE COMMISSION
 OFFICE OF THE EXECUTIVE DIRECTOR
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Brian Hancock, *Director of Voting System Testing and Certification*
From: Thomas R. Wilkey, *Executive Director/Decision Authority*
Date: February 25, 2011
Subject: **Authorization of Formal Investigation**

This memorandum constitutes the formal approval and authorization of formal investigation in response to your Recommendation to Refer for Formal Inquiry dated October 15, 2010 and your Addendum to the Recommendation to Refer for Formal Inquiry dated December 20, 2010 as required by §7.4.3 of the EAC's *Voting System Testing and Certification Program Manual, (Manual)*. The referral and addendum contain relevant information obtained during your Informal Investigation and show the progression of activities by the EAC, ES&S and the VSTLs since the initial discovery of the anomaly.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election. As you note in your memorandum of October 15, 2010, in addition to the freeze/shutdown anomaly, your Informal Inquiry revealed additional anomalies with the DS200 including issues related to ballot skew, ballot insertion, unlogged errors, logged system halts and TDP Errors. Further, the potentially more serious issue noted in the December 20, 2010 addendum which outlined the problem encountered when the DS200 accepted a voted test ballot without recording that ballot on its internal counter during testing at iBeta Quality Assurance should also be investigated for potential non-compliance with the 2002 Voting Systems Standards.

Following is a list of known non-conformities that ultimately will serve as the basis of any EAC determination on the certification status of this system.

- I. Issue: The DS200 initiates the shutdown process whereupon it will complete approximately 90% of the shutdown process and then freeze. The screen saver will initiate after the appropriate time has elapsed. The DS200 Unit will not accept ballots in the frozen state.

System Non-conformity:

2002 VSS Volume I Section 2.2.1 & 3.4.3

2.2.1.b – Provide system functions that are executable only in the intended manner and order, and only under the intended conditions

3.4.3 – Reliability: The reliability of voting system devices shall be measured as Mean Time Between Failure (MTBF) for the system submitted for testing. MTBF is defined as the value of the ratio of operating time to the number of failures which have occurred in

the specified time interval. A typical system operations scenario consists of approximately 45 hours of equipment operation, consisting of 30 hours of equipment set-up and readiness testing and 15 hours of elections operations. For the purpose of demonstrating compliance with this requirement, a failure is defined as any event which results in either the:

- Loss of one or more functions
- Degradation of performance such that the device is unable to perform its intended function for longer than 10 seconds

The MTBF demonstrated during certification testing shall be at least 163 hours.

2. Issue: Ballot Skew. When a 17" ballot is not inserted correctly into the unit the lower left and right hand corners of the ballot are not accurately read.

System Non-conformity:

2002 VSS Volume I 2.2.2.1 Common Standards:

To ensure vote accuracy, all systems shall:

2.2.2.1.c – Record each vote precisely as indicated by the voter and be able to produce and accurate report of all votes cast.

3. Issue: Failure to log. Cuyahoga County election officials also provided to the EAC the logs from their May 4 and August 8, 2010 elections. The May 4 election used over 1000 DS200's. The August 8 election was smaller, providing logs from only 12 machines. Review of these records identified additional issues:

- The freeze/shutdown issue does not result any record of its occurrence in the system logs.

System Non-conformity:

2002 VSS Volume I 2.2.4.1 Integrity:

Integrity measures ensure the physical stability and function of the vote recording and counting processes.

To ensure system integrity, all systems shall:

g. Record and report the date and time of normal and abnormal events.

i. Detect and record every event, including the occurrence of an error condition that the system cannot overcome, and time-dependent or programmed events that occur without the intervention of the voter or a polling place operator.

4. Issue: Vote miscount: DS200 accepting a voted ballot but not recording that ballot on its internal counter.

System Non-conformity:

2002 VSS Volume I 2.1.8 Ballot Counter:

For all voting systems, each piece of voting equipment that tabulates ballots shall provide a counter that:

b. Records the number of ballots cast during a particular test cycle or election.

Attachments

October 15, 2010 Recommendation to Refer for Formal Inquiry

December 20, 2010 Addendum to Recommendation to Refer for Formal Inquiry



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*
From: Brian Hancock, *Director of Voting System Testing and Certification*
Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*
Date: October 15, 2010
Subject: **Recommendation to Refer for Formal Inquiry**

As required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual*, (*Manual*) this memorandum constitutes a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the *Manual*.

The focus of the Investigation shall be the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 EAC certified voting system. The scope of the Investigation shall include a conclusive determination of the root cause of the freeze /shutdown anomaly first experienced in Cuyahoga County, Ohio during pre-election logic and accuracy testing in preparation for the May 4, 2010 Primary Election.

The facts and findings from our Informal Investigation into this matter are contained in the attached Informal Inquiry Report. In summary, the report concludes that the claims made by Cuyahoga County are credible and may therefore serve as a basis for decertification of the Unity 3.2.0.0 voting system by the EAC. In addition to the freeze/shutdown anomaly, the Inquiry revealed additional anomalies with the DS200 and included the following:

- Ballot skew
- Ballot insertion problems
- Unlogged errors
- Logged system halts
- TDP Errors

Based upon the inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, the EAC has concerns with the results of the root cause analysis that was performed by ES&S regarding the anomaly. At this time, the EAC does not have confidence that the actual root cause of the anomaly was discovered nor remedied.

Attachments

EAC Informal Inquiry Report
Cleveland Plain Dealer Article
ES&S Notification to the EAC
EAC/Cuyahoga County Teleconference Minutes
ES&S DS200 System Lockup Analysis
EAC DS200 Freeze/Shutdown and XWindows Correlation



U. S. ELECTION ASSISTANCE COMMISSION
VOTING SYSTEM TESTING AND CERTIFICATION PROGRAM
 1201 New York Avenue, NW, Suite 300
 Washington, DC. 20005

To: Tom Wilkey, *Executive Director/Decision Authority*
From: Brian Hancock, *Director of Voting System Testing and Certification*
Cc: Matthew V. Masterson, *Deputy Director, Voting System Testing and Certification*
Date: December 20, 2010
Subject: **Addendum to Recommendation to Refer for Formal Inquiry**

On October 15, 2010, I forwarded to your office a memorandum constituting a recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 as required under §7.3.5 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

The purpose of this addendum is to provide you with additional information regarding the ES&S DS200 Precinct Count Optical Scanner (Firmware Version 1.3.10.0) contained in the ES&S Unity 3.2.0.0 voting system. Since the October memorandum, the following additional information has come to light:

As a result of the analysis and changes submitted by ES&S (See section 2.1.5.2 DS200 Field Issue -Freeze and Shutdowns in Appendix H Amended Test Plan) reliability testing of the DS200 was required at iBeta Quality Assurance (iBeta).

The test at iBeta was scheduled to run eight days (64 hours) on three units. Testing required that the DS200's operate for the full period of time without a loss of one or more functions or degradation of performance such that the device was unable to perform its intended function for longer than ten seconds. On the third day execution of the DS200 Reliability test was halted due to an issue encountered during test script iteration #67. The following observation report was provided to the EAC:

- 1) "After the first ballot was cast a second ballot was inserted in the DS200.
- 2) The ballot was an open primary with a vote in two parties (Cross Vote). This ballot issue was identified to the tester with the option to "Accept" or "Reject" the ballot. The tester selected "Accept" and the tester heard the ballot drop. (At this point the system has performed as "intended".)
- 3) The tester then observed the screen flash two messages. The first contained the word "issue". The second contained the word "return". The motor did not engage or attempt to return the ballot.
- 4) The voting system continued operation by resetting to the "Welcome" page. It was in a state to accept a new ballot.
- 5) The tester observed that the ballot counter did not increment (1 vote was displayed).

- 6) *The tester, recorder, ESS and EAC representatives observed there were two ballots (voter 1 & voter 2) in the ballot box and the counter indicated a single vote.*
- 7) *The polls were closed. The reports were printed.*
- 8) *It was confirmed on the reports that only a single ballot was recorded. The Cross Vote audit log entry was not recorded, but a returned ballot entry was recorded in the audit log.*
- 9) *The system was shut down via the touch screen selection.*
- 10) *The system was restarted, polls were re-opened, and additional ballots were scanned and reported, without error.*

Based upon the previous inconclusive information provided by the manufacturer regarding the freeze/shutdown anomaly, as well as the potentially more serious issue of the DS200 accepting a voted ballot but not recording that ballot on its internal counter, the EAC now has concerns not only with the results of the root cause analysis that was performed by ES&S regarding the Freeze/Shutdown anomaly, but has additional concerns regarding this latest anomaly which, as of the date of this memo, has not been addressed by ES&S. Because of the reasons stated above and in the previous memorandum, I reiterate my recommendation that you refer the ES&S DS200 Informal Inquiry for Formal Investigation under § 7.4 of the EAC's *Voting System Testing and Certification Program Manual (Manual)*.

Attachments

Appendix H of Amended Test Plan

7. Please provide the name, title, and salary for every individual employed by the EAC on March 1, 2011. If a position description exists for the position, please include that as well.

Response: As requested the names, title and salary for individuals employed by the EAC on March 1, 2011 along with position descriptions are attached.

U.S. Election Assistance Commission Employee and Salary Report

Report Date: March 1, 2011

Full Name	Position Title/Series	Organizational Title ¹	Salary
Anderson, Shelly L.	Management and Program Analyst AD-343	Deputy Director for Research	\$93,846.00
Banks, Sheila A.	Human Resources Specialist AD-201	Human Resources Director & Privacy Officer	\$116,042.00
Benavides, Bertha A.	Executive Assistant AD-301	Special Assistant to the Executive Director	\$91,735.00
Berger, Henry S	Miscellaneous ² Administration and Program Series AD-301	Consultant (Technical Reviewer)	\$95.00*
Boehm, William P.	Miscellaneous Administration and Program Series AD-301	Deputy Director for Policy	\$106,517.00
Botchway, Henry M	Information Technology Specialist (Customer Support), AD-2210		\$97,697.00
Bradfield, Mary Anne	Policy Analyst , AD-343	Special Assistant	\$91,218.00
Bresso, Gineen M.	Member		\$155,500.00
Caddy, Thomas J.	Miscellaneous Administration and Program Series AD-301	Technical Reviewer (consultant)	\$95.00*
Campos, Sonia E.	Management and Program Analyst, AD-343	Program & Grants Mgmt. Officer	\$82,000.00

* Intermittent employees are limited to 1040 hours per calendar year for a maximum salary of \$98,800.

¹ As per the OPM Classification and Compensation Study 2008, employees may use "organizational titles" as they see fit for purposes such as email, business cards, web pages, etc. that are informal in nature.

² Positions in the Miscellaneous Administration and Program series involve *specialized* work for which no appropriate occupational series has been established.

Full Name	Position/Series	Organizational Title	Salary
Chen, Debbie P.	Grants Specialist, AD-1101	Senior Grants Specialist	\$104,000.00
Crider, Curtis	Auditor, AD-511	Inspector General	\$145,700.00
Davidson, Donetta L.	Member		\$155,500.00
Edwards, Sharmili H,	Attorney-Advisor, AD-905	Special Assistant	\$93,955.00
Evans, Monica H.	Grants Management Specialist, AD-1101	Acting Grants Director	\$121,700.00
Fabre, Stacie M	Attorney-Advisor, AD 905	Special Assistant	\$97,333.00
Field, Anne M.	Accountant, AD-510	Accounting Director	\$145,682.00
Franklin, Joshua M.	Computer Engineer		\$72,873.00
Garza, Arnulfo G.	Auditor, AD-511	Assistant Inspector General for Audits	\$128,744.00
Gomez, Bianca M.	Attorney Advisor, AD-905	Staff Attorney	\$97,934.00
Hancock, Brian J.	Miscellaneous Administration and Program Series AD-301	Dir., Voting Systems Testing & Certification	\$124,290.00
Hines, Shirley E.	Legal Secretary, AD-318		\$61,452.00
Hodgkins, Juliet E.	Attorney-Adviser AD-905	Counsel to the Inspector General	\$145,700.00
Hood, Allison M A.	Management and Program Assistant AD-344	Program Support Specialist For Grants	\$43,616.00
Jones, Emily L	Miscellaneous Administration and Program Series AD-301	Meetings Coordinator	\$80,139.00
Lafferty, Georgia A.	Financial Manager AD-505	Chief Financial Officer	\$145,700.00
Layson, Jean A.	Public Affairs Specialist AD-1035	Director of Communications & Congressional Affairs Liaison	\$126,154.00

Full Name	Position/Series	Organizational Title	Salary
Leahy, Patrick R.	Miscellaneous Administration and Program Series AD-301	Senior Advisor	\$97,299.00
Litton, Sarah C.	Public Affairs Specialist, AD-1035	Deputy Director of Communications for Press	\$84,922.00
Long, James	Computer Engineer, AD- 854		\$72,873.00
Lynn-Dyson, Karen D.	Miscellaneous Administration and Program AD-301	Director for Research, Policy, Programs	\$124,290.00
Maeruf, Mohammed B.	Information Technology Manager, AD-2210	Chief Information Officer	\$138,600.00
Masterson, Matthew V.	Miscellaneous Administration and Program Series AD-301	Deputy Director, of Voting System Programs	\$94,739.00
Mehlhoff, Dawn M	Miscellaneous Administration and Program Series AD-301	Consultant (Technical Reviewer)	\$95.00*
Miller, Alice P.	Program & Operations Manager AD-340	Chief Operating Officer	\$145,700.00
Monroe, LaVeeda C.	Information Technology Specialist (Applications), AD-2210		\$75,121.00
Myers, Jessica C.	Management and Program Analyst AD-343	Certification Program Specialist	\$68,200.00
Nedzar, Tamar	Attorney-Adviser AD-905	Deputy General Counsel	\$109,027.00

* Intermittent employees are limited to 1040 hours per calendar year for a maximum salary of \$98,800.

Full Name	Position Title	Organization Title	Salary
Paquette, Carol A.	Miscellaneous Administration and Program Series AD-301	Technical Reviewer (consultant)	\$95.00**
Pennington, Che're J.	Staff Assistant AD-303		\$45,020.00
Reedy, Marcy A.	Management and Program Assistant, AD-344	Program Support Specialist For Research	\$56,331.00
Robbins, Mark A.	Attorney-Adviser, AD-905	General Counsel	\$145,700.00
Rosenberg, Laurie	Miscellaneous Administration and Program, AD-301	Consultant	\$48.00***
Russell, Beverly Y.	Human Resources Assistant, AD-203		\$49,269.00
Sargent, Robin I.	Management and Program Assistant AD-344	Program Support Specialist For Testing and Certification	\$56,723.00
Schmidt, Connie J	Miscellaneous Administration and Program, AD-301	Consultant	\$95.00*
Scott, Diana M.	Administrative Officer, AD-341	Administrative Services Director	\$114,469.00
Skall, Mark W.	Miscellaneous Administration and Program, AD-301	Technical Reviewer (consultant)	\$95.00**

* Intermittent employees are limited to 1040 hours per calendar year for a maximum salary of \$98,800.

** Retired annuitant. Rehired under the National Defense Authorization Act for FY2010, Public Law 111-84. Criteria for a Dual Compensation Reduction Waiver can be found in 5CFR 553.201(f). Limited to 1040 hours per calendar year for a maximum salary of \$98,800.

*** Intermittent employee limited to 1040 hours per calendar year for a maximum salary of \$49,920.

Full Name	Position Title	Organization Title	Salary
Smith, DeAnna M.	Human Resources Specialist, AD-201		\$61,954.00
Stanback, Berlinda D.	Financial Administration & Programs , AD-501	Financial Administrative Specialist	\$80,000.00
Watson, Thomas F	Miscellaneous Administration and Program, AD-301	Consultant (Technical Reviewer)	\$95.00*
Weil, Matthew	Management and Program Analyst AD-343	Research Program Specialist	\$67,073.00
Whitener, Robert B.	Public Affairs Specialist, AD-1035	Deputy Dir. of Communications Committee Mgmt Officer	\$71,296.00
Wilkey, Thomas R.	Program Management ES-340	Executive Director	\$145,700.00
Total Employees: 54			

* Intermittent employees are limited to 1040 hours per calendar year for a maximum salary of \$98,800.

**ACCOUNTING DIRECTOR
(Accountant)
AD-510**

Professional Track, Pay Band V

INTRODUCTION

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.

The incumbent of this position serves as the EAC Accounting Director and has managerial and supervisory oversight for the agency's Accounting Unit. The incumbent reports directly to the Chief Finance Officer. The Accounting Unit is responsible for planning, organizing, operating, and maintaining the accounting operations, payroll operations, and disbursing functions for the EAC. The Accounting Director is responsible for the management of the agency's financial operations, including the promulgation of agency policies, procedures and directives pertaining to those programs falling within his/her area of responsibility. The incumbent is also responsible for producing the agency's audited financial statements, ensuring that they comply with all federal accounting standards and requirements; leads the implementation, enhancement, and maintenance of the agency's automated accounting system and is responsible for the supervision of Division staff.

MAJOR DUTIES

In concert with the Chief Financial Officer (CFO), plans and administers the U.S. Election Assistance Commission's accounting program and all of the accounting systems servicing the agency with primary responsibility for the Commission's official accounting records, internal and external financial reports, funds control, certification of disbursements, and employee payroll services. Serves as first-line supervisor to unit staff.

Monitors and identifies effects of new requirements and legislation for financial issues and manages either the modification of existing systems or the design of new systems.

Ensures the integrity of the EAC accounting records and reports; and assures that the accounting system comports with Office of Management and Budget (OMB), Federal Accounting Standards Advisory Board (FASAB), and Joint Financial Management Improvement Program (JFMIP) standards.

Collaborates with the CFO in producing the EAC audited financial statements. The Tax Dollars Accountability Act of 2002 requires the EAC to prepare and publish annual audited financial

accounting standards and requirements. Serves as the leader to develop procedures and documentation required to allow the agency to attain an unqualified audit opinion with no material weaknesses.

Manages the audit process. Serves as the EAC management liaison with the Inspector General (IG) and the IG's contracted auditor. Responds and presents the agency position with respect to issues raised during the audit.

Advises managers on the accounting aspects of agency operations.

Participates in EAC management decisions through supporting and interpreting financial information produced by the accounting system. Assists in agency budget analysis and planning.

Collaborates with the CFO and the General Services Administration (GSA) in developing agency accounting policies and advises on the accuracy of disclosure documents and the financial condition of the Commission.

Provides advice on the effects of newly promulgated laws or the requirements or statements of central oversight agencies such as the Treasury Department, OMB, FASAB and JFMIP.

Ensures the Commission meets all Treasury Department, OMB, FASAB and JFMIP compilation and reporting requirements, as well as the specific financial information requirements established by legislation. Reconciles all registers, ledgers and outside agency reports.

Responsible for the internal controls of the financial operations of the agency, monitoring the financial records and reports, the timeliness, accuracy and risk assessments. Liaison for internal and external auditors, prepares audit response, and implements appropriate changes.

Establishes and maintains strong internal controls to prevent waste, fraud, and abuse and to discourage errors and irregularities. Responds to instances of waste, fraud, and abuse to ameliorate or correct the situation. Recommends improvements in controls and procedures as necessary to prevent similar occurrences.

Leads the implementation, enhancement, and maintenance of the EAC automated accounting system. Serves as the COTR on the contract and must ensure that the system conforms to all federal accounting standards and requirements. Works with the accounting system contractor and other consultants and contractors to ensure that upgrades and other maintenance updates provide the required functionality and that the contractors and consultants fulfill their contractual obligations.

In concert with the CFO, manages the development of an integrated financial system. In conjunction with other managers, plans and develops the EAC integrated financial management system. Ensures that interfaces with the accounting system are developed properly to ensure that the information obtained or transmitted is correct and that the integrity of the accounting system is maintained.

Reviews and reconciles payroll operations with the Office of Human Resources Director to ensure all elements of pay are processed in accordance with Federal pay regulations issued by OPM and approved authorizations from the Commission's Personnel Office. Works with the GSA Finance Center to ensure that correct accounting data can be obtained from the GSA payroll/personnel system to meet EAC reporting needs. Together with the EAC OHR, works with GSA to resolve complicated issues involving pay and compensation, time and attendance, leave, benefits, retirement, or other payroll/personnel matters

Manages agency automated accounting operations including travel advances, travel reimbursements, disbursements, receipts, and an imprest fund. The accounts include appropriated funds, civil penalty accounts, miscellaneous receipts, advance funds, suspense accounts, and deposit accounts.

Develops and maintains partnerships with other divisions and offices in the EAC.

Promotes cross-organizational efforts to improve work quality and make more effective use of human resources.

Implements and evaluates procedures and policies that promote program performance.

Ensures compliance with Federal and EAC policy in all phases of program and staff management.

Actively supports the Commission's EEO goals.

Assumes responsibility for special projects as the Chief Financial Officer may assign.

As required serves as backup to the Chief Financial Officer in his/her absence.

SUPERVISORY CONTROLS

The incumbent reports directly, and is accountable, to the Chief Financial Officer (CFO), who provides administrative and policy direction in terms of broadly defined mission/functions of the Commission. The incumbent defines objectives, interprets policy promulgated by top management, and determines their effect on program needs. The incumbent independently plans, designs, and carries out the work to be done. The CFO's review of the work covers such matters as fulfillment of accounting program objectives and the effect of advice, influence, or decisions on the overall program. Recommendations for new systems, methods, projects or program emphasis are usually evaluated in light of the availability of funds, personnel, equipment capabilities, priorities, and available resources.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.

- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- **Federal Accounting Procedures and Process:** understands the Federal accounting process, including principles and standards outlined by the Federal Accounting Standards Advisory Board (FASAB), Office of Management and Budget (OMB), U.S. Treasury Regulations, American Institute of Certified Public Accountants (AICPA), professional accounting organizations and the U.S. Comptroller General.
- **Reconciliation and Financial Reporting:** prepares, reviews and provides updated financial information for monthly, quarterly, and yearly reconciliation and financial statements, and other financial reports as required.
- **Financial Budget and Program Analysis:** obtains financial information from within and outside of an organization for relevant guidance or other information; reviews and evaluates the financial data and makes recommendations as appropriate.
- **Risk Analysis and Internal Control:** identifies and manages the risks of failing to detect a misstatement, caused by inadvertent error or fraud that is material to financial statements
- **Project Management:** creates and maintains an environment that guides a project to its successful completion.
- **Ability to lead and manage a diverse workforce** including professional personnel from a variety of backgrounds, points of view and skill levels.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**ADMINISTRATIVE SERVICES DIRECTOR
(Administrative Officer)
AD-0341**

Administrative Track, Pay Band IV

INTRODUCTION

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.

The incumbent of this position directs and manages the Administrative Services Division. In doing so, the incumbent has program responsibility and oversight for the program areas of space management, property management, facilities management, records management, support services, voice mail administration, emergency preparedness, health and safety, and miscellaneous administrative programs and services. As the Administrative Services Director, the incumbent is responsible for planning, designing, coordinating and executing agency-wide management analysis and program analysis studies involving the policies and operations of all EAC support services. The incumbent serves as a member of the management team.

MAJOR DUTIES

Administrative Services

Serves as the agency authority on administrative matters and provides expert advice to the executive level managers, the Office of the Inspector General, and other Commission staff. Oversees the issuance of supplies, furniture, telecommunications and directory services, copying and duplication services, mail management, and messenger services.

Develops and implements general administrative procedures and policies for EAC staff. Interprets and develops policies and procedures to implement federal laws and regulations enacted by Congress or issued by the Comptroller General, General Services Administration (GSA), Government Printing Office (GPO), National Archive Records, OMB, and SBA with respect to administrative matters. Empowered with authority to address EAC administrative operations and logistics problems and seeks appropriate solutions. Provides technical guidance necessary to resolve difficulties experienced by EAC staff when implementing administrative processes and provides pertinent information and analysis to the agency executives. Monitors and participates in special projects to include the follow-up on actions resulting from meetings.

Records Management: Manages the overall EAC's Records Management Program, involving the continuing implementation of the program in accordance with existing policies and regulations. Establishes and maintains an agency program that provides effective controls over the operation, organization, maintenance, and use of records within the EAC. Coordinates with NARA officials to ensure that all NARA policies and regulations are adhered to in the course of managing the EAC's records management program. Develops, initiates, proposes, and secures the funds necessary to implement various records management programs. Develops the implementation plans and programs for the proper disposition of EAC records, and for the initiative to cover EAC paper records to be included in the contract solicitation of various records management initiatives. Continually monitors the progress of the long-range goals of the records management program and its associated implementation process, and provides expert advice to various managers in implementing various systems and resolving problems. Participates with the Information Technology Division to develop and implement various E-records projects and initiatives to transform all of EAC's paper records to electronic records. Designs and implements controls over the operation, organization, and maintenance of EAC's records. Develops and applies standards, procedures, and techniques to improve the management of records. Assures the maintenance and security of records of continuing value, and facilitates the segregation and disposal of all records of temporary value. Attends various E-government initiative meetings, conferences, and forums.

Property, Space, and Facility Management: Plans and directs the agency's property, space, and facility management programs and initiatives. Develops short and long range plans for construction projects. Analyzes space requirements. Provides authoritative advice and direction concerning space requirements to architects, space planners, construction management officials, and GSA project managers. Coordinates move dates with EAC staff members. Directs contractors on various aspects of work projects and resolves project planning and invoicing problems. Monitors work progress; reviews completed work by contractors, and determines when contractor's invoices should be paid. Reviews invoices for accuracy and approves invoices if work is completed in a satisfactory manner. Coordinates the scheduling of building maintenance projects, and keeps staff informed of progress. Conducts property inventories, and assists managers in identifying and selecting new equipment and furniture for purchase. Monitors and manages leased equipment and furniture. Maintains EAC facility records (i.e., floor plans, space layouts, etc.) reflecting current space-plans. Recommends priorities for allocation of new and additional space based on analysis of requests. Makes site inspections of existing, available, and adequate space in response to space allocation requests. Oversees and coordinates with external contractor(s) on the built-out and furnishing of expansion space.

Inventory Control: Controls and maintains property accountability for all assets of the Commission and provides annual inventories in accordance with GSA regulations and requirements. Oversees transfer of excess property to GSA or otherwise disposes of property in accordance with GSA regulations. Reviews and approves requests for office

property, supplies, equipment, office furniture, replacement and movement, and some contractual services needed for the Commission. Ensures proper receipt, distribution, and transfer of supplies, and equipment for the Commission. Has extensive contact with EAC officials requesting supplies, equipment, and services with supply sources, government and commercial vendors. Administers the Commission's equipment and maintenance contracts and reviews requirements annually to determine if any changes are required.

Performs other duties as assigned.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in space management, property management, facilities management, records management, support services, telecommunications, mail administration, and emergency preparedness work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, assesses difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and approve performance awards; recommends pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

The incumbent reports to the Chief Operating Officer (COO) and works in partnership with the COO in establishing overall goals, objectives, priorities, and operational plans. The Executive Director and the COO provide administrative and policy direction. Within these parameters, the Administrative Services Director independently plans and carries out the work of the position, identifying issues and problems, initiating action to resolve them, providing guidance on administrative, management and operational problems, discussing with the COO controversial or sensitive issues that may significantly impact the EAC; and keeping the Chief Operating Officer/Executive Director informed of status. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.

- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Expert knowledge of a wide range of EAC administrative and management concepts, policies, and practices and program goals; mastery of advanced management, analytical and organizational principles and skill in integrating management services. Develops and recommends ways to improve the effectiveness, efficiency, and timeliness of work operations within the EAC.
- Comprehensive knowledge of the Federal Records Act and amendments, the Records Disposal Act, and pertinent National Archives Records Administration directives.
- Knowledge of , management analysis, procurement, space and property management policies and procedures to provide advice and support.
- Ability to interface administrative services/operations with emerging information technology applications and systems.

LEADERSHIP COMPETENCIES REQUIRED

- 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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**ASSISTANT INSPECTOR GENERAL FOR AUDITS
(Auditor)
AD-0511**

Professional Track, Pay Band IV

INTRODUCTION:

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.

This position is located within the immediate Office of the Inspector General. The incumbent reports to the Inspector General who is responsible for the development, direction, and implementation of a broad, comprehensive program consisting of:

- Performance audits of EAC programs and activities in terms of efficiency, economy and effectiveness; program results, and compliance with laws and regulations;
- Financial statement audits of the EAC to determine whether financial statements present fairly the financial position, results of operations, and cash flows in conformity with generally accepted accounting practices; and
- Attestation engagements concerning examining, reviewing, or performing agreed-upon procedures on a subject matter or an assertion about a subject matter and reporting on the results. Subjects of attestation engagements include an entity's internal control over financial reporting; an entity's compliance with requirements of specified laws, regulations, rules, contracts, or grants; the reliability of performance measures; and reasonableness of proposed contract costs.
- Evaluations and other appropriate services to the EAC.

Audits and evaluations are performed in accordance with Office of Inspector General, Office of Management and Budget, Government Accountability Office, American Institute of Certified Public Accountants, and the Presidents Council on Integrity and Efficiency guidelines and requirements as appropriate.

The incumbent serves as the senior professional auditor and assists the Inspector General in achieving the mission/strategic goals of the organization in coordinating the planning and performance of audits and evaluations.

MAJOR DUTIES:

The incumbent serves as an auditor directing or conducting performance audits, evaluations, inspections and reviews of EAC programs, functions, and operations. The incumbent may also be required to conduct investigations or assist in the conduct of investigations.

May Direct and supervise the efforts of a portion of a staff of professional and clerical personnel in conducting assigned audits.

Maintains personal contact with key senior officials within and outside of EAC, such as management and officials of OMB, GAO, other Federal and state agencies, contractors and educational or research groups.

Ensures the timely performance of a satisfactory amount and quality of work; may review work products of subordinates and accepts, amends or rejects their work.

Develops annual and long-range audit, evaluation and review plans, may provide technical advice and guidance to subordinate staff for audit, evaluation and review activities and coordination functions and maintains close liaison with EAC program and management officials in the areas of assigned responsibility.

Prepares or reviews audit, evaluation and review programs, workpapers, reports and audits, evaluations and reviews in process to ensure (a) adherence to the audit, evaluation and review plan and prescribed policies and standards, and (b) the quality and effectiveness of individual work products.

The incumbent participates with the IG in determining the scope of audit, developing and adjusting audit guides when necessary to meet special or unusual circumstances; and (b) participates in closeout audit conferences with auditees (city, county, state and/or EAC officials) to present the findings developed during the course of the audit..

The incumbent may be required to carry out personnel and audit management responsibilities, including:

- Providing training, guidance, and technical assistance to team leaders, and auditors/program analysts for completing work consistent with goals, standards, priorities and timeframes established by the OIG.
- Evaluating the technical ability and overall performance of subordinate staff; counsels team leaders and other staff persons; provides advice and instructions on work and administrative matters.
- Preparing annual performance evaluations; recommends development of staff through job rotation and training, and recommends deserving staff for awards

and promotions. Takes or recommends performance improvement or disciplinary action.

- Taking an active role in developing and implementing affirmative action goals and sets the pace in assuring equal treatment for minorities and women.
- Planning objectives and work to be accomplished and establishing target dates for completion.
- Ensuring timely performance of quality work by notifying the IG when the need arises for additional staff resources.
- Interviewing applicants for employment and making recommendations to the IG on who should be hired.

Assists the IG in overseeing public accounting contracts for services by:

- Establishing guidelines and directing auditor/program analysts providing technical assistance to non Federal audits to ensure uniform dissemination of information.
- Reviewing the work of the Independent Public Accountants (IPA) including testing IPA results controlling report findings, and maintaining liaison with IPAs.

Reviews onsite or by desk audit non Federal audit reports for adequacy.

Serves as a highly responsible advisor to the IG by:

- Assisting in the selection of programs in need of audit resources to be devoted to particular projects (including preparation and revision to the annual work plan).
- Recognizing significant trends which may have future impact on audit procedures and audit programs.
- Making adjustments to audit procedures and audit programs after careful consideration of all facts so that corrective factors can be made for achievement of audit goals.

Assists the IG in coordinating and maintaining OIG liaison on significant audit matters, including:

- Providing audit related testimony at hearings and court proceedings involving local and Federal criminal and civil prosecutive initiatives.

- Maintaining appropriate liaison with GAO, and other Federal agencies as required.
- Assisting in the preparation of the semiannual report to Congress and the annual audit work plan.
- Functions as Acting IG in his/her absence and performs other duties as assigned.

SUPERVISORY CONTROLS:

The incumbent is under the general supervision of the Inspector General. Incumbent exercises wide latitude of independent judgment and is responsible for determining personal work priorities within the overall mission as stated by the supervisor. Findings are generally reviewed only for adherence to broad program objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of the organization and responsibilities of the Office of the Inspector General and of the EAC.
- Comprehensive knowledge of auditing and accounting principles, procedures, and professional standards with particular emphasis on competence in performance and financial audits, areas of vulnerability to fraud, waste, and mismanagement in the operation of Federal Government programs.
- Ability to expeditiously reach sound conclusions, provide highly reliable advice, and accurately develop and finalize high quality data, reports, correspondence or other materials under pressures of tight deadlines.
- Skill in analyzing and interpreting audit findings and recommendations and existing and proposed legislation and regulations.

**CERTIFICATION PROGRAM SPECIALIST
(Management and Program Analyst)
AD-0343**

Administrative Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position serves as the Certification Program Specialist and reports to the Director of Voting System Testing and Certification. The incumbent assists in the development, implementation, and ongoing evaluation of the division's standard operating procedures, quality assurance/management program, and technical reviewer training program

MAJOR DUTIES

Develops EAC's IT management training program for election administrators, including working with the Director to develop a curriculum for the program and all program materials.

Assists in the development, implementation, and ongoing evaluation of the division's pilot certification program for new and innovative voting systems.

Assists in the development and maintenance of the Voluntary Voting System Guidelines.

Develops and completes writing assignments on complex technical topics that are written clearly, logically and persuasively for a diverse range of technical and non-technical audiences.

Drafts written products with minimal errors within specified deadlines.

Effectively organizes and expresses complex technical concepts.

Presents information in a tone and style commensurate with the target audience.

Explains clearly Testing and Certification policies attendant to technical findings or research.

Employs available technology and information resources in drafting written products.

Employs high-quality editorial skills in the review of written materials developed by the

Proofreads written products using standard proofreading symbols to produce documents with minimal errors within specified deadlines; follows the editorial style and format requirements specified for a given written product; employs high-quality visual presentation skills in page design and layout; and recommends edits and modifications to avoid misinterpretation by the target audience.

Rewrites technical information for new audiences while maintaining accuracy; and maintains strict control over all versions of documents under development.

As assigned, serves as Project Manager on voting system testing engagements and coordinates technical review team.

Interprets the division's programs, objectives, and results to agency staff, administrators, and Commissioners, other governmental bodies, and the general public.

SUPERVISORY CONTROLS

Assignments may be received either orally or through email notice although most assignments are generated based on ongoing responsibilities of the position. Assignments involving new issues are received with some degree of explanation. Items that are controversial or sensitive in nature are brought to the supervisor's attention. Work is reviewed for overall effectiveness in achieving goals and objectives. Some items, such as financial reports, are reviewed closely for accuracy due to the consequence of error.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of technical standards and testing of voting systems or comparable computer technology.
- Knowledge of and experience with election administration and procedures in the United States.
- Skill in objectively evaluating conformance to established guidelines. Give examples and
- Ability to communicate technical concepts to policymakers and other constituents with little or no technical expertise.

**CHIEF FINANCIAL OFFICER
(Financial Manager)
AD-0505**

Professional Track, Pay Band V

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.

As the Chief Financial Officer (CFO), the incumbent reports to the Executive Director and assists the Executive Director in overseeing critical management and core mission activities of the agency. The CFO advises the Executive Director on matters relating to all financial management functions, including strategic planning, business performance measures, accounting, contracting and budgeting. The Accounting Director, Grants Director and Contracting Officer report directly to the CFO and fall under his/her direct supervision. The CFO also serves as the Budget Director.

The incumbent ensures consistently excellent financial management practices, effective planning, budgetary and accounting policies and practices, and efficient delivery of financial reporting and other financial services functions. In this leadership role, the incumbent must demonstrate an awareness of and sensitivity to the role of the Commission in most effectively conducting its mission.

MAJOR DUTIES

Serves as a member of the Executive Director's policy and management group, participating with other senior EAC management officials in policy development and strategic planning for the Commission, in building broad consensus, and in successfully representing these policies and plans.

Serves as the primary technical and policy advisor to the Executive Director and other EAC management officials concerning the development of EAC's financial objectives, policies, and plans, including financial systems, budgeting and accounting, internal controls, cash management, credit and debt management, compliance guidelines, and corrective actions relating to audit recommendations.

Provides leadership and management to the EAC's budget, business planning, and financial management reporting program. Develops the management plan to execute the budget as appropriated and monitors expenditures throughout the fiscal year to ensure

assessment for transmittal to the President and the Performance and Accountability Report.

Provides direction for fiscal functions including the administration of the integrated financial management system, accounting, financial management and reporting, budgeting, and other financial issues.

Establishes and maintains internal controls to prevent waste, fraud, and abuse; develops financial statements that comply with Federal Accounting Standards Advisory Board, Joint Financial Management Improvement Program, and Office of Management and Budget requirements for submission to Congress and OMB; manages the financial statement audit process.

Leads the implementation, enhancement, and maintenance of the EAC automated accounting system and manages the payroll services contract with the General Services Administration National Finance Center.

Directs the formulation and establishment of strategic long-range and short-range financial and business management planning for the Commission's functions, with the objective of instituting a logical, integrated framework for financial management in support of all policy, planning and programmatic efforts.

Directs the assessment, development, implementation, maintenance and evaluation of Commission financial management policy systems and operations that are consistent with, and conform to, existing laws, regulations, and approved principles and standards.

Develops and maintains partnerships with other divisions in the EAC.

Provides guidance and coordinates EAC's financial management program and activities to ensure the adequacy of internal and management controls in compliance with the Federal Managers Financial Integrity Act, the Chief Financial Officers Act, and related OMB and GAO requirements.

Ensures that procedures and policies focus on enhancing customer service and program performance. Ensures compliance with Federal and EAC policy in all phases of program and staff management.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in budget, accounting, grants and procurement work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and recommends

performance awards; recommends pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility. Serves as the agency's financial authorizing official.

SUPERVISORY CONTROLS

The incumbent reports to the Executive Director or, in the absence of an Executive Director, will report directly to the Chairperson. Supervisory and managerial responsibilities require exceptional coordination and integration of a number of very important and complex program functions involving administrative and managerial work. Supervision and resource management involve major decisions and actions which have a direct and substantial effect on the CFO organization and program activities. The incumbent makes major recommendations and/or final decisions concerning such management areas as (a) determinations of projects to be initiated, dropped, or curtailed; (b) restructuring, reorienting, and recasting immediate and long-range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, and/or funding; (c) changes in organizational structure; (d) the optimum mix of reduced operating costs and assurance of program effectiveness, including automated processes, methods improvement, and similar initiatives; (e) the resources to devote to particular program activities; (f) policy formulation and long-range planning in connection with prospective changes in functions; and (g) compliance with laws and regulations, as deemed appropriate.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of Federal accounting procedures and process and understanding of the Federal accounting process, including principles and standards outlined by the Federal Accounting Standards Advisory Board (FASAB), Office of Management and Budget (OMB), U.S. Treasury Regulations, American Institute of Certified Public Accountants (AICPA), professional accounting organizations and the U.S. Comptroller General.
- Knowledge of current and emerging issues and developments in the financial and business fields, including a knowledge of and ability to apply innovative business management techniques.
- Knowledge of laws, regulations and procedures governing the administration of grants and cooperative agreements.
- Ability to manage multiple, high volume financial and accounting programs; to analyze, interpret and evaluate financial data; and to prepare financial reports/statements, audit reports and other required budgetary documents.
- Ability to serve as a key management advisor, interacting with court administrators, judicial officers and federal officials, and to assist in the presentation of oral and written budgetary reports before the Office of Management and Budget and the U. S. Congress.
- Ability to select, train, supervise and manage staff in the performance of budgetary, accounting, finance and audit functions.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**CHIEF INFORMATION OFFICER
(Information Technology Manager)
AD-2210**

Administrative Track, Pay Band IV

INTRODUCTION

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.

Serving as the agency's Chief Information Officer (CIO), the incumbent is responsible for developing, maintaining, and enhancing EAC's information, networking and telecommunications systems. The incumbent reports to the Chief Operating Officer and oversees the day-to-day operations in the Information Technology Division (ITD). The ITD provides overall IT management and direction and telecommunications systems support and is responsible for formulating and implementing proactive and comprehensive IT support programs, integrating the utilization of networks, personal computers, and office automation with the goals and mission requirements of EAC programs. The CIO is also the agency's Senior Agency Official for Privacy.

MAJOR DUTIES

Provides strategic leadership and oversight to EAC's information technology initiatives and investments impacting significant and complex databases/systems, involving millions in annual spending. Working under the general guidance of the Help America Vote Act (HAVA) and Paperwork Reduction Act (PRA), facilitates a progressive and dynamic information technology program to support EAC's mission and activities. Leads EAC's efforts to consolidate and streamline IT systems, processes, programs, and support services across the agency. Increases the public's access to and utility of safety information and ensure the security of systems and the privacy of relevant information. Employ the latest technologies to enhance program performance and workplace flexibilities; and increase the overall efficiency and effectiveness of all IT investments through the establishment and administration of a comprehensive IT program and governance structure.

Research, and integrate multiple network computer systems (hardware and software) to support the EAC mission and objectives. Evaluate the impact of new technologies on current systems and policies in terms of EAC requirements. Assess performance and

Monitor, evaluate, and coordinate IT customer service functions and provide reports to EAC leadership on program status. Conduct management surveys and research projects, and/or studies as it pertains to IT or communications and provide feedback to EAC leadership on problematic trends.

Provide IT and communications advice to EAC leadership in setting program goals and establishing IT priorities to support the EAC mission and objectives. Evaluate IT issues, summarize, and present findings to aid in the decision making.

Interpret policies, standards, and guidelines as they apply to the administration of the IT program for the EAC. As required, prepare formal written interpretations for the EAC staff members.

Interface with EAC leadership and staff members, vendors, other agencies, and stakeholders to prioritize IT needs for the EAC and to align needs with the product and service delivery capabilities of the IT office.

Analyze the effectiveness of the IT office in its ability to deliver products and services (e.g., network, web casting, audio/visual, and telecommunications) to the EAC staff members. Identify the issues affecting IT products and services and provide possible resolution pathways for various options.

Provides technological expertise and/or suggestions for policy development for a variety of topics, for example: compliance of Internet protocols by supporting contractors; and computer system security including risk assessment.

Creates and maintains a work environment that stimulates performance excellence, cooperation, and team work. Assign, review, and advise on work; establish performance standards and appraise performance; recommends personnel actions; resolves employee complaints or refers issue to higher level supervisor. Assures employees receive training, development, and the tools required to satisfactorily perform the duties of their position.

Perform other duties as assigned.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in information technology work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and recommend performance awards; recommend pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

The Chief Information Officer provides administrative direction and assigns the work in terms of the broadly defined mission and policies of the EAC. Most assignments are generated based on the technical responsibilities of the position, the employee's knowledge of EAC functions and issues, and the policies, perspectives, and IT priorities of the EAC leadership. The incumbent identifies IT issues and problems, initiates action to resolve them, and discusses with EAC leadership controversial or sensitive issues that may significantly impact the EAC mission and objectives; and keeping the Chief Operating Officer informed of progress. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

TECHNICAL COMPETENCIES

- Knowledge of, and skill in applying a wide variety of IT applications, operating systems, protocols, and equipment used by the EAC in order to delegate, oversee and manage the methods and practices for troubleshooting, recovering, adjusting, modifying, and improving IT systems within the EAC.

- Knowledge of computer techniques, requirements, methods, sources and procedures used for EAC IT systems to ensure compliance with the Privacy Act, Performance and Results Act, Paper Reduction Act, Paperwork Elimination Act and other national policies governing information management, including EAC policies.
- Ability to keep up-to-date on technological developments to make effective use of technology to achieve EAC mission, goals and objectives.
- Ability to develop technical specifications and other procurement documentation to include economic analyses in support of the acquisition of hardware and software for the EAC.
- Ability to prepare, justify and administer program budget.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**CHIEF OPERATING OFFICER
(Program and Operations Manager)
AD-340**

Professional Track, Pay Band V

INTRODUCTION

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.

As the Chief Operating Officer (COO), the incumbent reports to the Executive Director and is responsible for the smooth and efficient day-to day operations of the programmatic and administrative functions of the Commission. In this capacity, the incumbent serves as a consultant and advisor to the Executive Director in developing operational strategies which focus on achieving results through various programmatic and administrative system investments. Reviews the best practices in administrative management and integrates these practices into EAC's operational plans.

The incumbent carries responsibility for integrating the strategic plan of the agency with the operations of the agency. The COO provides management oversight to develop and implement EAC's plans to improve organizational and operational efficiencies; integrates organizational efficiencies into overall EAC goals and objectives; and develops operating policies and procedures. The Testing and Certification Director, Research, Policy and Programs Director, Administrative Services Director, Human Resources Director and Chief Information Officer report directly to the COO and fall under his/her direct supervision.

MAJOR DUTIES:

Serves as a member of the Executive Director's policy and management group, participating with other senior EAC management officials in policy development and strategic planning for the Commission, in building broad consensus, and in successfully representing these policies and plans.

Serves as a senior advisor to the Executive Director, the Commissioners, and other Commission management officials in matters relating to the agency's strategic planning and performance measurement of programs and operations while maximizing organization benefits from limited fiscal and human resources.

financial personnel to develop linkages between levels of funding and anticipated results. Develops budget projections, and participates in the budget analysis and program planning processes

Provides leadership and management to EAC program directors to produce timelines for execution of programs and the expeditious issuance of reports, guidance to states, best practices and other documents, including factoring in timelines to accommodate public review and comment of various draft documents. Recommends actions to alleviate conflicts within the timeline.

Provides direction to EAC program directors examine current programs and operations, and develop tactical and business plans that focus on improving organization efficiencies. Provides direction to senior staff in developing financial, personnel, and material requirements to ensure effective use of resources.

Collaborates with the EAC Executive Director in developing and maintaining sound organization structures. Ensures the effective use of resources and prepares and implements, based on the recently completed strategic plan, an annual agency performance plan that includes quantifiable outcomes and measures.

Provides direction for establishing processes that involve stakeholders and develops systems to align activities, core processes and resources to support the accomplishment of desired outcomes for administrative processes.

Collaborates with human resource management staff in developing solutions to a variety of workforce issues to ensure that the Commission attracts and retains first-rate talent throughout the organization.

Recommends action to ensure coordination and integration of activities of each division including meetings and activities of EAC advisory boards.

Ensures that the management of programs adheres to the federal policies, guidelines and processes.

Serves as a team member on ad hoc teams convened to provide quick responses to special projects and studies which may cut across organizational lines, disciplines and functions. Team participation is vital to effectively accomplish unit assignments. Successful participation in both routine and special assignments requires flexibility, effective interactive skills and willingness to cooperate to enhance team accomplishments.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in programmatic and administrative functions of the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and recommend performance awards; recommend step increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

The incumbent reports to the Executive Director or, in the absence of an Executive Director, will report directly to the Chairperson. Supervisory and managerial responsibilities require exceptional coordination and integration of a number of very important and complex program functions involving administrative and managerial work. Supervision and resource management involve major decisions and actions which have a direct and substantial effect on the COO organization and program activities. The incumbent makes major recommendations and/or final decisions concerning such management areas as (a) determinations of projects to be initiated, dropped, or curtailed; (b) restructuring, reorienting, and recasting immediate and long-range goals, objectives, plans, and schedules to meet substantial changes in legislation, program authority, and/or funding; (c) changes in organizational structure; (d) the optimum mix of reduced operating costs and assurance of program effectiveness, including automated processes, methods improvement, and similar initiatives; (e) the resources to devote to particular program activities; (f) policy formulation and long-range planning in connection with prospective changes in functions; and (g) compliance with laws and regulations, as deemed appropriate.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.

- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of Federal and State regulatory agencies and the Federal regulatory process, including promulgation of regulatory and enforcement of laws.
- Ability to exhibit confidence and professional diplomacy, while effectively relating to people at all levels internally and externally
- Ability to support organizational goals and objectives in accordance with strategic and/or operations plans.
- Ability to successfully integrate internal and external program and policy issues that take into account objectives, risks, implications, and agency and governmental regulations.
- Ability to manage a diverse workforce, to bring together key stakeholders, establish effective working groups, and define and delegate respective responsibilities that clearly motivate employees.
- Ability to maintain and apply a broad understanding of financial management principles to ensure decisions are fiscally sound and responsible.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**COMPUTER ENGINEER
AD-854**

Administrative Track, Pay Band III

INTRODUCTION

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.

The incumbent for this position serves as a Computer Engineer and is responsible for assisting with and consulting on technical reviews; and providing technical guidance and research in interpreting voting system standards, for decertification investigations and for EAC's Quality Monitoring Program.

MAJOR DUTIES

Assists with and consults on technical reviews of documentation submitted by manufacturers and test labs during the testing of voting systems applying for EAC certification. This includes reviewing (1) Technical Data Packages, (2) Test Plans, and (3) Test Reports.

Provides technical guidance, as needed, regarding the interpretation of EAC voting system standards that involve the application of standards to a particular voting system.

Provides technical guidance as needed for investigations required to determine if a voting system warrants decertification.

Provides technical guidance and conducts research, as needed, for EAC's Quality Monitoring Program to ensure that the voting systems sold by manufacturers are the same systems certified by the EAC. The program includes the inspection of fielded voting systems and manufacturing facilities producing electronic voting systems.

Provides research and technical guidance (i.e. recommendations, advice and other technical assistance as needed) to the EAC upon request.

SUPERVISORY CONTROLS

Receives general supervision from the Director of Voting System Testing and Certification who assigns work in terms of general requirements and priorities and acceptable time frames. Special assignments are normally accompanied by specific instructions as to content, format, deadlines, etc. Incumbent works independently to complete continuing and special assignments in accordance with established policies, applicable regulations, prescribed or locally developed procedures, and assignment specific instructions. Precedent setting, controversial, and sensitive issues and actions are referred to the supervisor for decision; however, the incumbent may provide recommendations based on thorough identification of the circumstances and comparison-with existing policies and precedents. Completed work is evaluated for conformance to established regulations and policies, accuracy, and soundness of judgment. Methods and procedures used in accomplishing specific assignments are not normally reviewed.

GENERAL COMPETENCIES

Interpersonal Effectiveness: Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.

Written and Oral Communication: Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.

Organizational Skill: Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

External Awareness: Skill in identifying and keeping abreast of critical legislation and public policies that affect the EAC guidance and NVRA regulatory process, along with EAC's research and program agendas.

TECHNICAL COMPETENCIES

Knowledge of computer science, computer and/or electronic engineering and testing, including, but not limited to, software coding conventions, hardware, computer security, and software.

Knowledge of technical standards and testing of voting systems or comparable technology.

Knowledge of and experience with election administration and procedures in the United States.

Demonstrated knowledge in dealing with technical standards and standards setting.

Skill in objectively evaluating conformance to established guidelines.

Ability to communicate technical concepts to policymakers and other constituents with little or no technical expertise.

**COUNSEL TO THE INSPECTOR GENERAL
(Attorney-Adviser)
AD-0905**

Professional Track, Pay Band V

INTRODUCTION

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.

This position is located in the Office of Inspector General (OIG). The incumbent is responsible for the executive direction of the OIG legal program and supervision of any legal staff assigned to the GC's office. The incumbent is responsible for providing administrative and legal advice and services to the IG with respect to: (1) audits and investigations of EAC's programs, operations, and employee conduct, (2) review of legislation, (3) investigation of employee complaints, (4) reporting to the Congress, and (5) administrative legal services.

MAJOR DUTIES

Serves as chief legal advisor to the IG, independently providing the full range of legal services and advice with respect to the formulation, coordination, revision, and execution of the entire OIG program. Consults with top management officials with respect to the legal implications of actions underway or proposed by the OIG. Offers recommendations and alternatives, in consideration of these implications and how they might affect policy or programs.

Represents the OIG in meetings, negotiations and conference with senior Executive Branch officials, Members of Congress, officials of state, territorial and local governments, and outside organizations. Speaks for the IG with regard to his/her legal opinion opposition in these settings. Serves as the OIG representative in formal administrative proceedings.

Determines the legal sufficiency of guidelines, standards, and policy direction for the conduct of audits and investigations, and the legal implications and conclusions to be drawn from them.

Provides oversight or direction, as appropriate, for all litigation handled by attorneys representing the OIG.

Formulates and coordinates the OIG position on legislative and regulatory matters, including OIG and EAC directives of interest to the IG. Advocates the IG's position with senior EAC officials, the

Office of Management and Budget, the Congress, etc. Prepares, or directs the preparation of various written documents to explain, justify, or advance the IG's legal position in these matters.

Reviews, makes recommendations for, or prepares Congressional testimony on OIG activities, or external developments that will affect those activities, e.g., proposed or existing legislation, judicial decisions, or regulations. Assist in the preparation of the semiannual report.

Provides legal interpretation and advice concerning the IG's authorities and obligations under the Inspector General Act of 1978, as amended, the Help America Vote Act, the Single Audit Act, the CFO Act, the Freedom of Information and Privacy Acts, legislation governing EAC programs, court decisions, the laws and regulations of the United States and EAC, and OIG policies.

Establishes and maintains relationships with key OIG personnel, counterparts in other OIGs and representatives of the Justice Department sufficient to facilitate an exchange of information and support for OIG objectives.

Participates in major planning and policy deliberations with the IG. In the absence of the IG, may be required to serve as Acting IG. As Acting IG, represents OIG in all matters involving audit and investigations between the EAC and other federal departments and agencies, including the GAO, OMB, Congressional Committees, and other executive and legislative organizations.

Conducts OIG investigations and for overseeing investigations conducted at the IG's request by another Office of Inspector General, and for providing legal advice on complex and difficult issues pertaining to criminal and administrative investigations conducted under the purview of the IG, including, but not limited to those involving investigative jurisdiction, law enforcement authorities, administrative and criminal allegations, subpoena duces tecum and other related matters. The incumbent works with federal, state, and local civil and criminal prosecution authorities, enforcement agencies and officials. Incumbent can have an important impact on major programs and operations of the EAC.

Performs special confidential projects on a variety of topics for the IG.

Along with the IG, provides oversight to the development of the OIG audit plan, defining audits and their scope, methodology and measurement criteria to be applied, and estimates of resources required.

Performs audits and inspections under the general supervision of the IG. Performs preliminary research/survey as the basis for the concept and design of performance audits or inspections.

- Documents audit or inspection work performed results, and conclusions following established documentation standards.
- Makes oral reports and presentations to management during and at the conclusion of audits or inspections, discussing audit findings and tentative recommendations to improve efficiency and effectiveness of program operations.

- Prepares written reports for the review and approval of the IG and presents final reports to the Chairman/CEO, other Board members and appropriate members of Agency management.
- Monitors and evaluates the implementation of report recommendations by management and reports progress in this area to the IG. Appraises the adequacy of corrective actions taken to improve programs and operations.
- Serves as the Privacy Act and Freedom of Information Officers of the EAC OIG and resolves Privacy Act and Freedom of Information Act of the EAC involving OIG.

Represents the OIG in administrative proceedings or courts of law on matters concerning enforcement or interpretation of the authorities given to the office by the Inspector General Act.

Supervises the work of professional and support personnel, reviewing it for success of actions taken. Develops, applies, and evaluates effective approaches to carry out the OIG's goals in achieving Workforce Diversity. Provides effective leadership and direction to focus recruitment efforts and supports training and development programs to further Workforce Diversity goals in accordance with EAC and OIG policy. Ensures equal opportunity in selecting subordinates for training, promotions, awards, and other career development opportunities.

Incumbent is responsible for effective implementation and ongoing conduct of assigned functions under the Drug-Free Workplace Program. He/she shows support for management efforts to maintain a work environment free from drug use. Incumbent attends training on substance abuse and related issues, as provided by management, and demonstrates knowledge of EAC and OIG substance abuse policies and procedures and employee assistance programs.

Serves as OIG contact with Members of Congress and their staffs and with the Government Accountability Office. Assists in coordinating the response to inquiries from individual congressmen, committee, and staff members. Assists in coordinating the preparation of testimony before Congress and is an OIG contact with the EAC's congressional liaison staff.

SUPERVISORY CONTROLS

The incumbent reports to the IG. Plans and carries out responsibilities and duties in line with the strategic objectives and priorities of the IG. Specific reviews, projects, etc., are defined by the incumbent and carried out with little or no direction. Consultation with the IG occurs as the incumbent deems appropriate, or in response to inquiries. The IG and other senior staff are kept apprised of major critical issues and controversies as they arise. The incumbent is expected to recognize precedent-setting events on future operations and present responsibilities of the EAC, and discuss these with appropriate officials.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Professional knowledge of and ability to interpret and apply: Federal, State and local laws and regulations governing election administration. Graduation from an accredited law school in the United States and a valid and current law license in at least one State is required.
- Thorough knowledge and understanding of the EAC mission, goals, and objectives, programs, and functions to identify significant issues requiring the attention of the Commissioners.
- Comprehensive knowledge of the Help America Vote Act and the National Voter Registration Act, pertinent regulations, policies, procedures, precedents, and directives affecting election administration.
- Expert knowledge in one or more functional areas of law (e.g., U.S. election law; information law and information sharing; and federal communications).

**DEPUTY DIRECTOR OF COMMUNICATIONS
COMMITTEE MANAGEMENT OFFICER**

**(Public Affairs Specialist)
AD-1035**

Administrative Track, Pay Band III

INTRODUCTION

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.

The Deputy Director of Communications (Committee Management Officer) reports to the Director of Communications and is the agency's principal liaison with constituents, external groups and organizations for all election reform issues. Assisting in the development and maintenance of an extensive network of federal, state, local and advocacy entities, the incumbent identifies election-related issues and/or political situations that affect the mission and goals of the Commission. The incumbent serves as the Commission's expert and agency-wide resource and consults the Chair, Commissioners, and agency senior management on the history of federal elections in the United States.

As the Committee Management Officer (CMO), the incumbent assists Commission Designated Federal Officers (DFOs) in managing advisory committees chartered under the Federal Advisory Committee Act (FACA) by overseeing the procedures and accomplishments of EAC Federal Advisory Committees.

MAJOR DUTIES

Provides authoritative consultation, assistance, and coordination in identifying, analyzing, and evaluating complex historical election issues and questions of national concern to the Commission and members of their staff and EAC stakeholders.

In coordination with the Director of Communications, selects from EAC records, topics suitable for agency articles to be published in historical or other professional journals.

Coordinates the integration of the election communications and education program with other EAC program areas.

Assists in the development and administration of a program that utilizes various collections of historical records from EAC, Federal Election Commission, National Association of Secretary of States, and the National Association of State Election Directors; University library collections; and other repositories to conduct research, analyze, and evaluate document significance to EAC's history. Provides access to Commission records in a secure, authorized manner.

Assists the Director of Communication in developing operational strategies and work plans to ensure consistency of day-to-day activities with long-term policy goals and objectives in the Communications Division.

Research various sources of pertinent information on election administration. Sources of information include, but are not limited to, updates from EAC program staff, topics discussed at senior staff meetings, Commissioner and Executive Director briefings and policy discussions, research products, pertinent legislation, Congressional deliberations, and other sources of official and reliable information regarding election administration. Sets up systems to assure information is gathered regularly.

Provides support to the Director of Communications in the coordination of Commission activities, including assisting with policy implementation, recording and documenting actions and policies taken by the Commission, and preparing Federal Register notices.

Continue to develop and maintain productive working relationships with members of the media, EAC stakeholders, other government officials, and community and advocacy groups. Enlist the cooperation of media representatives in providing accurate information to the public that furthers the goals and objectives of the EAC.

Identify new groups, organizations, associations, and other coalitions whose members may benefit from participation in EAC programs or through use of its products. Meet with representatives of the groups to identify needs of its members and present or coordinate presentations of EAC information to their memberships. As assigned, represent the Commission at public functions such as trade shows, specialized associations, annual conventions, or invitational functions.

Monitors responses to inquiries from the general public to insure that appropriate staff assistance is provided.

Assist DFO support staff with their responsibilities, how to establish, renew or terminate committees, procedures for appointment of committee members, the proper conduct of meetings, preparation of Federal Register notices, and compliance with other applicable laws, regulations, and policies; and develop and revise procedures and guidelines for the management of advisory

committees as necessary to ensure compliance with FACA.

Advise on advisory committee policy and procedural questions; review annual reports of committee activities; ensure that all committee activities are consistent with applicable laws, regulations and policies and initiate corrective action as appropriate.

Serves as the primary point of contact with the Government Printing Office on all Federal Register publication matters and/or issues. Prepares notices for publication in the Federal Register and ensure the publication of such notices.

Provide assistance with Communications tasks, including website maintenance, editorial support, stakeholder outreach and media and Congressional relations.

Perform special projects of agency wide impact as assigned by the Director of Communications and Congressional Affairs or the Executive Director that require departures from existing procedures and require expeditious resolution.

Serves as the agency's official Equal Employment Opportunity Manager for Lesbian, Gay, Bisexual and Transgender Employees (LGBT). Contributes to the prevention of barriers based on sexual orientation and/or gender identity in the recruitment, hiring, promotion, career development, leadership development and retention of EAC employees. Establishes working relationships with leaders and members of LGBT organizations to develop and utilize shared best practices among federal agencies and to better serve EAC's LGBT stakeholders.

SUPERVISORY CONTROLS

The incumbent is under the supervision of the Communications Director. The supervisor sets overall objectives and resources available, and the incumbent develops deadlines, projects, and assignment with the supervisor's concurrence. The incumbent plans and executes the assignment, resolves most conflicts that may arise, interprets policy, and coordinates the work with others as necessary. The incumbent keeps the supervisor informed of progress and potentially controversial matters. Completed work is reviewed for soundness, appropriateness, and conformance with policy.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.

- **Influencing/Negotiating:** Skill in influencing others to accept and implement recommendations and in building consensus. Ability to effectively resolve significant or controversial issues.
- **Written and Oral Communication:** Ability to communicate verbally and in writing to effectively convey and represent detailed information of a programmatic and/or policy nature to colleagues, peers, senior office and agency management, and representatives of other institutions, agencies, or organizations. Demonstrated skill in addressing, both in written and oral presentations, groups and individuals outside the EAC who have little or no knowledge of agency history.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of the Federal Advisory Committee Act (FACA) and other specific legislation governing Federal advisory committees such as the government in the Sunshine Act, Freedom of Information Act, the Ethics Act, pertinent Executive Orders, and OMB guidelines to ensure EAC FACA compliance.
- Knowledge of each advisory committee charter and its functions, responsibilities, and membership and knowledge of EAC's structure and programs to provide advice.
- Knowledge of the often conflicting interests of Congress, oversight agencies, agency officials, various interest groups and the public, and skillful use of tact and judgment in dealing with all of these separate.
- Knowledge of historical research methodology and progressively responsible professional experience in historical research, and writing.
- Knowledge of the EAC's mission, functions, organization, and best practices, as well as understanding of the relationship between the EAC and Congress, industry organizations, professional societies, and interest groups.
- General understanding of basic principles, terms, and concepts associated with election reform, and ability to absorb, integrate, and synthesize complex technical information in developing effective operational or management support programs and policies.
- Demonstrated ability to apply specialized knowledge and skills to the examination, evaluation, or resolution of complex programmatic, organizational, or policy issues; to

establish approaches to difficult problems; and to contribute to the effective fulfillment of the agency's mission.

- Maintain a highly effective level of knowledge of current developments in Web and Intranet technology.

**DEPUTY DIRECTOR OF COMMUNICATIONS FOR PRESS
(Public Affairs Specialist)
AD-1035**

Administrative Track, Pay Band III

INTRODUCTION

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.

As the Deputy Director of Communications, Press, the incumbent of this position plans and coordinates media events pertaining to the administration of Federal elections. In addition, the incumbent assists in Congressional relations, research, and FOIA requests.

MAJOR DUTIES

Media Relations

In consultation with the Director of Communications, plans and coordinates media events, such as media campaigns, press conferences, briefings and interviews. Provide background information to the media as required and, pending approval by the Director of Communications, speaks on record at times with attribution. Take action and verifies information to ensure that it is appropriate, accurate and complete. Develop and maintain productive relationships with members of the media in order to assist the Director of Communications

In consultation with the Director of Communications and Congressional Affairs, develop communications strategies involving a wide range of communications methods. Participate in developing communications and media initiatives, the planning and implementing of media events and maintaining a proactive media strategy.

Develop and maintain productive working relationships with members of the media. Enlist the cooperation of media representatives in providing accurate information to the public that furthers the goals and objectives of the EAC.

Develop, write and edit newsletter, reports, bulletins, letters and other materials; research and write press releases, fact sheets, feature articles, radio and television news and other materials that effectively communicate the Commissioner's goals to EAC stakeholders and a variety of public and internal audiences.

Design the Commission's monthly newsletter as the medium for disseminating EAC communication initiatives and information updates. Assures the information is updated regularly and that it is factual.

Research

Research various sources of pertinent information on election administration. Sources of information include, but are not limited to, updates from EAC program staff, topics discussed at senior staff meetings, Commissioner and Executive Director briefings and policy discussions, research products, pertinent legislation, Congressional deliberations, and other sources of official and reliable information regarding election administration. Sets up systems to assure information is gathered regularly. Evaluate information and determine its relevance and suitability for inclusion in the clearinghouse.

Attend staff briefings and policy discussions to gain knowledge of Commission activities in order to remain current on the latest developments of interest to the public, assist in preparing for and responding to media inquiries, and formulate recommendations regarding agency policies and programs.

Congressional Affairs

Attend committee hearings and meetings, and other congressional events related to EAC's work. Monitor election-related committee activity and legislation, and share it with commissioners and staff. Assist in preparing commissioner and staff testimony and presentations. Promptly respond to congressional staff requests for information. Ensure appropriate congressional representatives and staff are apprised of relevant agency activities. Employ a variety of communications tools to educate them on policy issues, including reports, memos, presentations, speeches and informal information conveyed through emails and phone calls.

Freedom of Information Act

Serve as the Freedom of Information Act Officer designated by the Chief FOIA Officer to carry out day-to-day implementation of the FOIA activities of the Commission. Assist the Chief FOIA Officer with FOIA requests. Gather and evaluate information to respond to requests. Assure decisions to release, redact, or withhold information are consistent with applicable laws and regulations.

Performs other related duties as assigned.

SUPERVISORY CONTROLS

The incumbent reports to the Director of Communications, who determines the overall objectives and resources available. The employee and supervisor jointly develop the approach, timelines and general framework and within these parameters, the employee independently plans and carries out the work involved in developing, maintaining, and managing media communication, coordinating with others as appropriate, interpreting and applying policy, determining the content and format for media communication, and consulting with the supervisor on questionable content or issues.

The Director assigns special projects and assignments, defining the nature of the assignment, objectives to be achieved, and resources available. The employee independently resolves most problems that arise, keeping the Director informed on unusual, sensitive or controversial matters. Completed work is reviewed for achievement of objectives and consistency with governing laws, regulations, policies, and the EAC strategic plan.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Influencing/Negotiating:** Skill in influencing others to accept and implement recommendations and in building consensus. Ability to effectively resolve significant or controversial issues.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of agency policies and programs.
- Knowledge of the principles, practices, methods and techniques of written and oral communications. Skill in applying such knowledge to perform assignments involving public information, internal information, and community relations activities for internal and external audiences; develop written information materials for dissemination through a variety of media; determine and effectively use the most appropriate means for transmitting information, and evaluate the effectiveness of the plans developed to communicate with targeted audiences.
- Skill and knowledge to develop innovative written communication materials such as news releases, feature stories, fact sheets, etc., and other products that effectively transmit information about EAC's programs and activities.

- Skill in responding orally to criticism of the organizations' functions or performance.
- Ability to effectively defend policies, programs, decisions, or points of view in the face of heavy criticism in unstructured settings.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on election related data.
- Knowledge of the Freedom of Information Act (FOIA) and the Privacy Act as well as other applicable laws, regulations, legal decisions, and precedent cases pertinent to FOIA. Knowledge is applied to analyze records and determine which records or portions of records may be released or denied to requesters.

**DEPUTY DIRECTOR FOR POLICY
AD – 0301****Administrative Track, Pay Band IV****INTRODUCTION**

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.

The Division of Research, Policy and Programs is responsible for carrying out studies to promote the effective administration of Federal elections specified in Title II, Subtitle C of HAVA, identifying and completing other relevant research projects, and developing policy and guidance as required by Title III, Subtitle B, and Title VIII, Subtitle A of HAVA. Principal policy development areas cover providing voluntary guidance for provisional voting, on voting information, on computerized voter registration list requirements, and providing support in the implementation of the National Voter Registration Act (NVRA). The Division also administers EAC's Language Accessibility Program.

The incumbent in this position serves as the Deputy Director for Policy for the EAC. In consultation with the Director of the Research, Policy, and Programs Division, the incumbent is responsible for managing agency projects related to Federal voter registration policies under the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA); developing EAC guidance to be provided to states regarding sections 302 and 303 of HAVA; assist with implementing the EAC Language Accessibility Program; and helping to develop certain election policy matters. The Deputy Director for Policy reports to the Director of the Research, Policy, and Programs Division.

MAJOR DUTIES

Serves as a staff resource regarding the complex requirements of Federal voting laws related to NVRA and HAVA, and on the procedures used by States and local jurisdictions in order to comply with those requirements.

Manages process for developing agency policies on voter registration matters, on HAVA Title III compliance, and on related election policy matters.

Communicates regularly with States regarding their responsibilities under NVRA, including providing guidance to them for properly implementing NVRA requirements.

Implements a process for updating the National Mail Voter Registration Form as required by the NVRA and create and maintain a process for updating the Federal regulations authorized by NVRA.

Develops and implements processes for updating guidance related to HAVA Sections 302 and 303, which are consistent with the requirements in HAVA Sections 311 and 312 related to issuing agency guidance.

Sets goals and objectives for creating EAC policy projects and activities that are consistent with the agency's strategic plan.

Develops and meets performance metrics and work plans related to implementing all relevant EAC strategic policy program goals and objectives.

Develops and implements various training and technical assistance efforts designed to assist States in meeting NVRA, HAVA, and related requirements.

Provides information to the Director of Research, Policy and Programs for presentations at meetings, conferences, or other official gatherings on matters pertaining to NVRA, HAVA guidance and other election policy matters.

Provides information to the Director of Research, Policy and Programs for dissemination to Congressional staff, Federal officials, foreign and state election officials, election activists, and voters on NVRA, HAVA guidance, and related election policy issues.

Writes briefing papers and required reports on relevant election policy issues.

When requested, advises the EAC leadership and senior staff on all matters pertaining to NVRA and HAVA policy and performs special projects related to such matters.

SUPERVISORY CONTROLS

The incumbent works under the direct supervision of the Director of the Research, Policy, and Programs Division. On special assignments, the incumbent may receive direction from the Executive Director or Chief Operating Officer of the Commission.

The incumbent exercises independent judgment in planning, organizing, and executing policy development projects.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of and skill in interpreting established laws, regulations and policies related to the administration of Federal elections.
- Ability to conduct and oversee complex technical studies or reviews, and to apply analytical and evaluative techniques in the process of reviewing, analyzing and/or interpreting information and data for the purpose of developing policy recommendations, reports or other documents.
- Comprehensive knowledge of the subject matter in order to review and write technical materials and policy documents.
- Skill in effectively communicating highly complex technical material and/or highly complex issues that may have controversial findings. An ability to use language appropriate to specialists and/or nonspecialists, facilitating the formulation of a policy or program decision.

- Knowledge of Federal government planning, programming, and budgeting regulations, guidelines and processes in order to prepare long-range and short-range program plans.
- Ability to exercise judgment in all phases of analysis, ranging from sorting out the most important issues when dealing with voluminous amounts of information to ensure that the many facets of a policy issue are explored, to developing feasible options or alternative proposals and anticipating policy consequences.
- Knowledge of computers and related office equipment. Uses Microsoft Office programs (Word, Excel, Internet Explorer, etc.), Lotus Notes, or other programs of like kind on a regular basis.

**DEPUTY DIRECTOR FOR RESEARCH
(Management and Program Analyst)
AD-0343**

Administrative Track, Pay Band III

INTRODUCTION

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 that the mission of the EAC is carried out.

The Division of Research, Policy and Programs is responsible for carrying out studies and programs that promote the effective administration of Federal elections specified in HAVA, for identifying and completing other relevant research projects, for developing policy and guidance as required by HAVA and for developing and promoting educational products designed to help improve the administration of elections. Principal policy development areas cover voluntary guidance for provisional voting, voting information, computerized voter registration list requirements, and providing support in the implementation of the National Voter Registration Act (NVRA). Principal research activities include conducting all research studies described in HAVA and related studies and reporting on and tracking key election and election administration data.

The incumbent serves as the Deputy Director for Research and provides critical analytical activities for EAC's HAVA-related research functions. The incumbent assists the Director for Research, Policy and Programs with administering and maintaining various research contracts and studies undertaken by the U.S. Election Assistance Commission and with the tasks related to the creation of new research studies and products.

MAJOR DUTIES

Implements and manages research, evaluation, and statistics activities carried out or funded by the agency or contractors.

Assists the Director for Research, Policy and Programs with monitoring research contracts for compliance with delivery schedules and "flagging" and addressing any potential challenges and problems.

Coordinates and prepares written briefing materials for various internal and external EAC research meetings including those with EAC Commissioners, research contractors and key election stakeholder groups and constituencies.

Conducts and reviews research, evaluation, and statistics plans and products; analyzes data and synthesizes information from election reform research and related areas.

Prepares written products to convey research-based knowledge and information to a variety of audiences.

Conduct evaluations of division research activities.

Engages in dissemination and outreach activities, such as the Annual Election Survey and attending scientific conferences.

Collaborates and consults with staff on matters related to elections.

SUPERVISORY CONTROLS

The incumbent reports to the Director for Research, Policy and Programs and works closely and collaboratively with the Deputy Director for Policy for Research on certain assignments. On special assignments, the incumbent may receive direction and guidance from the Executive Director of the Commission.

The incumbent exercises independent judgment in planning, organizing, and executing certain projects.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of and skill with interpreting and analyzing various established election laws (including HAVA), NVRA regulations and Title III provisions related to the administration of Federal elections.
- Knowledge and skill in applying analytical and evaluative methods and techniques to issues or studies concerning the efficiency and effectiveness of program operations.
- Knowledge of programming planning and contract management to assist with the EAC's long-range and short-range research planning.
- Knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant research issues. Related knowledge of Federal and State election laws and procedures.
- Ability to research and analyze complex public policies in order to assist with creating policy proposals and to help interpret legislative directives that will be converted to practical policies, processes and procedures.
- Ability to identify and keep abreast of legislation, public policies, and trends that affect the development of the research department's annual program goals and objectives.
- Skill in helping to effectively communicate technical material or highly complex issues that may have controversial findings, using language appropriate to specialists and/or non specialists.
- Skill in utilizing software associated with research and statistical analysis.

**DEPUTY DIRECTOR OF VOTING SYSTEM PROGRAMS
AD-0301**

Administrative Track, Pay Band III

INTRODUCTION

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.

As Deputy Director of the EAC's Voting System Testing & Certification Division, the incumbent serves as a Supervisory Program Manager. The Testing and Certification Division administers EAC programs related to the testing and certification of voting systems, accreditation of test laboratories, development and maintenance of voluntary voting system guidelines, and conducting research and other activities related to these general topics. The Deputy Director's general role is to support the division's Program Director in the development and implementation of the division's strategic plan and policies; provide leadership and direction to division staff; formulate policies and goals for and directs the effective and efficient operation of a major section within the division, acts for the division's Program Director in his/her absence.

The position is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

MAJOR DUTIES

- Assist in the development and implementation of the division's strategic plan and policies; provides managerial oversight and direction for the development, execution, and coordination of division program, activities, and budget
- Directs the development, implementation, and ongoing evaluation of the division's standard operating procedures, quality assurance/management program, technical reviewer training program, and an IT training certificate program for election administrators
- As assigned, directs the operation of a major section or program within the division, including development of policies and goals, supervision of staff, and responsibilities for the results achieved. (Current assignment: Voting System Test Laboratory Accreditation Program.)
- As assigned, serves as Project Manager on voting system testing engagements and supervises technical review team

- As assigned, serves as Contracting Officer's Technical Representative (COTR) on contract research performed in support of the division' goals, objectives, and priorities
- Ensures the division's compliance with the requirements of the Paperwork Reduction Act and serves as principal division liaison with the Office of Management and Budget
- Acts in an advisory capacity to the Program Director and other officials concerning proposed and newly enacted legislation, policies, or procedures affecting the division's operations
- Interprets the division's programs, objectives, and results to agency staff, administrators, and Commissioners, other governmental bodies, and the general public
- Acts as direct supervisor to the division's Program Support Specialist and any other staff assigned.
- In the Director's absence and unavailability, exercises full supervisory and managerial responsibility for the work and personnel of the division.
- Performs other related duties as assigned

SUPERVISORY CONTROLS

Work is performed independently with the supervisor assigning specific tasks and reviewing final products for accuracy and timeliness. Most assignments are generated based on ongoing responsibilities of the position. Items that are controversial or sensitive in nature are brought to the supervisor's attention. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.

- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Comprehensive knowledge of, and the ability to interpret, Federal and State election laws, regulations, procedures and practices with commensurate knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant election issues requiring the attention of more senior level.
- Comprehensive knowledge of contract administration principles, policies, regulations, practices, and procedures for contracts with technical specifications and special contract provisions in order to administer contracts or monitor the contractor's performance.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on election related data.
- Knowledge of Paperwork Reduction Act information clearances.
- Knowledge of and the ability to conduct and oversee complex technical studies or reviews, and to apply analytical and evaluative techniques in the process to review, analyze and/or interpret information and data for the purpose of developing recommendations, reports or other documents.
- Comprehensive knowledge of and skill in applying research methodologies and practices in project management and information dissemination as it pertains to Federal election administration.

**DIRECTOR FOR RESEARCH, POLICY AND PROGRAMS
AD-0301**

Administrative Track, Pay Band IV

INTRODUCTION

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.

As the Director for Research, Policy and Programs, the incumbent is responsible for carrying out studies to promote the effective administration of Federal elections specified in Title II, Subtitle C of HAVA, identifying and completing other relevant research projects, and developing policy and guidance as required by Title III, Subtitle B, and Title VIII, Subtitle A of HAVA. Principal policy development areas cover providing voluntary guidance for provisional voting, on voting information, on computerized voter registration list requirements, and providing support in the implementation of the National Voter Registration Act (NVRA). The Director is held accountable for project management, information dissemination, policy development and contract oversight as it pertains to Federal election studies. The incumbent also oversees EAC's Language Accessibility Program.

MAJOR DUTIES

Conduct surveys; manage research projects and/or studies as it pertains to Federal election administration. Coordinate and disseminate research study results in order to assist stakeholders with meeting the necessary HAVA legal and regulatory requirements. Monitor, evaluate, and coordinate research studies and provide reports to EAC leadership to determine the need for further federal election research studies. Respond to inquiries; interpret findings and implications of the research reports to EAC leadership and stakeholders.

Manage staff who perform research, studies, reviews, and analysis of federal election issues and federal election processes for the EAC. Write statements of work, review proposals, assemble technical evaluation team, and provide guidance on contract matters including feasibility of meeting requirements. Monitor contractor performance through telephone conversations, correspondence, and visits for compliance with applicable laws, delivery schedules, payment provisions, inspections and other requirements as stated in

the contract. Negotiate extensions of delivery schedules, price adjustments, labor hours, modifications to contracts, and similar agreements. Determine the need for and the termination of contracts. Serve as Contract Officer Technical Representative (COTR). Assure contracts comply with applicable laws and regulations.

Interpret policies, standards, and guidelines as they apply to the research program for the EAC. As required, prepare formal written interpretations for the Executive Director, Commissioners, and EAC stakeholders.

Interface with officials of other agencies, state and local election officials, advocacy groups, and other HAVA stakeholders to determine which studies to conduct. Assure studies comply with legal and regulatory compliance.

Directs the process for developing agency policies on voter registration matters, on HAVA Title III compliance, and on related election policy matters.

Oversees the dissemination of information to Congressional staff, Federal officials, foreign and state election officials, election activists, and voters on NVRA, HAVA guidance, and related election policy issues.

Attend meetings to provide or exchange information as it pertains to Federal election administration.

Provide leadership to assigned subordinate staff. Create and maintain a work environment that stimulates performance excellence, cooperation, and teamwork. Assign, review, and advise on work; establish performance standards and appraise performance; recommend personnel actions such as appointments, reassignments, promotions, awards, and disciplinary actions; resolved employee complaints or refer to higher level supervisor; assure employees receive training, development, and the tools required to satisfactorily perform the duties of their positions.

Perform other duties as assigned.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in research and policy work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and approve performance awards; recommends pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

The Executive Director provides administrative direction and assigns the work in terms of the broadly defined mission and policies of the EAC and the objectives of the research program. Most assignments are generated based on the responsibilities of the position, the employee's knowledge of EAC functions and issues, and the policies, perspectives, and priorities of the EAC leadership. The incumbent identifies election issues and problems, initiates action to resolve them, and discusses with EAC leadership controversial or sensitive issues that may significantly affect the EAC mission. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant election issues requiring the attention of the Executive Director or Commissioners.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on election related data.

- Ability to conduct and oversee complex studies or reviews.
- Comprehensive knowledge of and skill in applying research methodologies and practices in project management and information dissemination as it pertains to Federal election administration.
- Comprehensive knowledge of contract administration principles, policies, regulations, practices, and procedures for contracts with technical specifications and special contract provisions in order to administer contracts or monitor the contractor's performance.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**DEPUTY GENERAL COUNSEL
(Attorney-Adviser)
AD-0905**

Professional Track, Pay Band IV

INTRODUCTION

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.

As the Deputy General Counsel for EAC, the incumbent is responsible for analysis of legal issues, development of policy recommendations, drafting legal opinions and communicating or drafting and delivering of the completed analysis of legal issues. At this level, the incumbent typically deals with the General Counsel, Commissioners and the EAC Senior policy staff as well as senior management.

The position is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

MAJOR DUTIES:

The incumbent works on administrative issues which may include freedom of information and privacy, ethics and conflicts of interest, grants, procurement, personnel matters, appropriations, and legislative drafting and interpretation. The incumbent also works on issues related to the administration, interpretation and implementation of HAVA and the National Voter Registration Act.

Assists General Counsel with ensuring that the Commission meets all Federal, state, and local legal and regulatory requirements, which are administered by or effect the operation of the EAC reviews proposed policies and procedures to ensure compliance with Federal, state, and local laws and regulations; keeps key staff informed of changes in Federal, state, and local laws and regulations that may affect EAC's operations.

Conducts legal research; drafts legal opinions; and provides written and oral advice to the General Counsel, the Commissioners, and EAC staff in the areas of election administration, freedom of information and privacy, ethics and conflicts of interest, grants, procurement, personnel matters, appropriations, and legislative drafting and fiscal law.

Provides legal research and participates in the development of agency policies, guidance, guidelines, advisories, directives, and procedures regarding EAC operations and the implementation of HAVA and NVRA; provides interpretative guidance on the meaning of HAVA; proposes reform of existing law and Federal regulations;

Reviews pending legislation; evaluates proposed legislation and regulations proposed by others for foreseeable effect on the EAC's programs, policies, regulations, and operations, and on existing legislation; develops the EAC's position; works with appropriate officials, as needed, to bring about a satisfactory result; drafts response to Congressional inquiries.

Meets, consults and coordinates with officials of other agencies, members of Congress and their staffs, state and local election officials, and representatives of interested groups; communicates, coordinates and interacts with officials at all levels within the EAC, industry, the Office of Management and Budget, Department of Justice, States, private industry, advocacy groups and other identified stakeholders.

Supports EAC staff in the development and management of EAC programs; develops procedures for certification programs; reviews and consults with staff on all proposed responses to requests under the Freedom of Information Act.

Reviews statements of work, contracts, memoranda of understanding, and cooperative agreements to assure that these actions and agreements comply with law and protect the interests of the Commission.

Assists General Counsel with representing the EAC and its staff in their official capacities in all litigation, arbitration, mediation, and settlement negotiations; managing representation by the United States Attorney, when appropriate; and when necessary, securing and managing outside legal services for the Commission. The legal work involves extremely complex and difficult issues such as agency jurisdictional issues that fundamentally affect EAC. Resolution of the legal issues facing EAC may alter the state of law and affect significantly the charter of the EAC.

Provides the full range of advice and services to the EAC staff. In coordination with other attorneys, provides advice on questions of law and regulations, recognizing those questions which require an interpretation by appropriate legal authority, and preparing a recommended interpretation outlining the facts and applicable law. Legal services provided by the incumbent include drafting of, or review of proposed legal documents, assistance in the negotiation of contracts and the settlement of claims or disputes; preparation of documentation required to respond to protests or litigation; and representation, as appropriate.

Performs other duties as assigned.

SUPERVISORY CONTROLS

The General Counsel provides administrative direction and assigns the work in terms of the broadly defined mission and policies of the EAC. The Attorney-Adviser independently plans and carries out the work of the position, investigates facts, searches legal precedents, and develops conclusions and recommendations. Discuss with the General Counsel controversial or sensitive issues that may significantly impact the EAC. Work is reviewed for overall legal accuracy, application of legal principles, and consistency with governing policies, procedures, and regulations of the EAC.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Influencing/Negotiating:** Skill in influencing others to accept and implement recommendations and in building consensus. Ability to effectively resolve significant or controversial issues.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Professional knowledge of and ability to interpret and apply: Federal, State and local laws and regulations governing election administration. Graduation from an accredited law school in the United States and a valid and current law license in at least one State is required.
- Thorough knowledge and understanding of the EAC mission, goals, and objectives, programs, and functions to identify significant issues requiring the attention of the Commissioners.
- Comprehensive knowledge of the Help America Vote Act and the National Voter Registration Act, pertinent regulations, policies, procedures, precedents, and directives affecting election administration.
- Expert knowledge in one or more functional areas of law (e.g., U.S. election law; information law and information sharing; and federal communications).
- Ability to serve as the General Counsel when needed and serve in an authoritative capacity.

**DIRECTOR OF COMMUNICATIONS AND
CONGRESSIONAL AFFAIRS LIAISON
(Public Affairs Specialist)
AD-1035**

Administrative Track, Pay Band IV

INTRODUCTION

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. The law also requires that on an ongoing basis the EAC disseminate information to the public on the activities it carries out under the Help America Vote Act.

As the Director of Communications and Congressional Affairs, the incumbent of this position plans, develops, manages, and advises on all aspects of the EAC communications program and the Congressional liaison program. Primary responsibilities include creating a strategic communications plan; assuring compliance with the requirements to disseminate information to the public and maintain a national clearinghouse; developing communications and media initiatives and materials; serving as the principal EAC spokesperson in dealings with the media; developing and managing an internal communications program; developing, reviewing, and/or drafting informational materials for use by the Executive Director and Commissioners; and providing leadership to assigned staff. For Congressional relations, provides expert, technical, and managerial advice for the development of a comprehensive agency congressional affairs strategy. Assists the Executive Director in formulating agency programs, policies, and procedures as they pertain to Congressional and legislative issues.

MAJOR DUTIES

Program Planning And Management

Develop the Commission's communications strategic plan. Formulate and recommend to the Executive Director and Commissioners policies, programs, and procedures governing information functions. Plan, organize and evaluate communication strategies, programs, and materials.

Provide leadership to assigned subordinate staff. Create and maintain a work environment that stimulates performance excellence, cooperation, and team work. Assign, review, and advise on work; establish performance standards and appraise performance; recommend personnel actions such as appointments, reassignments, promotions, awards, and disciplinary actions; resolve employee complaints or refer to higher level supervisor; assure employees receive training, development, and the tools

required to satisfactorily perform the duties of their positions. Prepares, justifies and administers the budget for the program area

Serve as the Chief Freedom of Information Act Officer, who has Commission-wide responsibility for the efficient and appropriate compliance with FOIA. Gather and evaluate information to respond to requests. Assure decisions to release, redact, or withhold information are consistent with applicable laws and regulations.

External Communication

Plan, initiate, and implement comprehensive public affairs campaigns to enhance the understanding of the EAC's programs among the general public, election officials, and specialized groups and organizations.

Cultivate productive working relationships with members of the media, state and local election officials, community and advocacy groups, and others interested in the EAC's programs. Enlist the cooperation of media representatives in providing accurate information to the public that furthers the goals and objectives of the EAC.

Develop and disseminate a wide range of information and data concerning the nature, objectives, and activities of EAC programs. Based on an assessment of the target audience and the nature of information to be disseminated, determine the appropriate media outlets, considering all types of media, including radio, television, newspapers, magazines, Internet, newsletters, etc.

Provide technical assistance and guidance to EAC staff members responsible for external communications. Review and edit written communication and approve all public messages, written and verbal, before their release. Consult with appropriate parties, such as Congressional and Executive Branch representatives, when necessary to ensure adherence to communications and media protocol and policies.

Media Relations

Advise on the potential reaction of media representatives, stakeholders, and the public to proposed policies or Commission actions. Recommend strategies to mitigate anticipated negative reactions.

Serve as the chief spokesperson for the EAC, consulting with the Executive Director and Commissioners to assure information released and opinions offered reflect their views. Provide detailed explanations on controversial or negative comments regarding the decisions made, activities or performance of the Commission.

Manage the development and distribution of media tools such as news releases and op-ed articles, and coordinate broadcast and public appearances. Recommend and initiate projects such as video productions and Internet presentations to inform audiences and enhance the public image of the EAC.

Design the Commission's Internet site as the medium for disseminating information. Develop and implement policies to update and regularly audit the contents of the site. Organize the information and determine how to present it on the web site in an attractive and user-friendly format. Determine strategy for releasing data and research results.

Internal Communication

Create and maintain internal structures such as staff meetings, newsletters, and Intranet to ensure the entire staff is well informed and to stimulate information sharing, coordination, and team spirit across the organization.

Clearinghouse

Through subordinate staff, manage the establishment and maintenance of the national clearinghouse. Provide consultation and advice on developing clearinghouse policies and procedures, determining resources to be made available, and communicating clearinghouse contents to the public. Ensure that all public inquiries are routed to the appropriate staffer.

Congressional Affairs

Performs a wide variety of functions for EAC involving congressional liaison and external affairs to include:

- Serving as the primary source of all congressional inquiries and coordinating responses to such inquiries
- Collecting information from specific staff to respond to congressional requests.
- Receiving, tracking and responding to congressional correspondence (in coordination with the Office of the Chair)
- Assisting in the preparation of congressional testimony (review of drafts generated by Legal)
- Coordinating and preparing briefings for members of Congress and Commissioners on legislative issues
- Assisting professional congressional staff members with researching issues relating to the EAC

Perform other duties as assigned.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in communications work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and approve performance awards; recommends pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

CONDITIONS OF EMPLOYMENT:

The incumbent travels on official business, as required. Occasional evening and weekend travel may be required.

SUPERVISORY CONTROLS

The Executive Director provides administrative direction and assigns the work in terms of the broadly defined mission and policies of the EAC and the objectives of the communications program. The Director of Communications independently plans, develops, and carries out the communications program, keeping the Executive Director and Commissioners informed of sensitive or controversial issues. Results achieved are considered technically authoritative and are normally accepted without significant change. Recommendations for new projects are evaluated in terms of resources available, program goals, and organizational priorities.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Mastery of communications principles, methods, practices and techniques. Skill in applying such knowledge to developing and applying new approaches to difficult and complex public affairs problems.
- Skill in establishing and maintaining effective working relationships with media representatives, special interest groups, and a variety of individuals and groups, some of whom have opposing views or conflicting interests.
- Ability to effectively defend policies, programs, decisions, or points of view in the face of heavy criticism in unstructured settings.
- Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on election related data.
- Comprehensive knowledge of the Freedom of Information Act (FOIA) and the Privacy Act as well as other applicable laws, regulations, legal decisions, and precedent cases pertinent to FOIA. Knowledge is applied to analyze records and determine which records or portions of records may be released or denied to requesters.
- In-depth knowledge of the workings of the United States Congress and its various committees including protocol, policies and procedures applicable when dealing with staff members. Ability to stay abreast of EAC policies and issues; historic and current proposed policies; and plans and programs sufficient to allow the employee to recognize the sensitivity of topical inquiries received.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**DIRECTOR, VOTING SYSTEMS TESTING AND CERTIFICATION
AD-0301**

Administrative Track, Pay Band IV

INTRODUCTION

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.

The incumbent of this position serves as the Director of the Voting System Testing and Certification Program. 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. Major duties and responsibilities include directing efforts toward accrediting independent test laboratories, testing and certifying voting systems, maintaining technical standards, and oversight of guidelines.

MAJOR DUTIES

Primarily manages and supports testing and certification for voting systems. Oversees testing of voting systems developed by registered manufacturers to determine whether the systems provide required basic functionality, accessibility, and security capabilities. Certifies systems that meet requirements; provides assistance to election officials who purchase voting systems; reviews testing laboratories and determines whether they meet requirements to be accredited. Maintains vigilance to support voting fairness and system integrity.

Oversees the development and maintenance of voting system technical standards. Coordinates with the National Institute of Standards and Technology (NIST) to develop standards for testing voting systems. Standards are exacting and must be compliant with the spirit and the intent of HAVA concerning security and transparency; human factors and privacy; and meeting core technical requirements and testing demands.

Directs efforts to update and maintain the Voluntary Voting System Guidelines (VVSG). In this capacity, the individual will directly, or through subordinates:

- Meet and coordinate with National Institute of Standards and Technology (NIST) and the Technical Guidelines Development Committee (TGDC) to develop strategies and establish timelines for the drafting, editing, and dissemination of the VVSG.
- Serve as the overall senior contact with NIST and the TGDC to facilitate drafting the guidelines.
- Review and approve the dissemination of the first draft of VVSG updates to EAC stakeholders, receiving comments, and assisting with incorporating edits into the draft version. Stakeholders include varied parties such as NIST, laboratories, manufacturers, state and local election officials, academics, and congressional staffs to provide or seek input.
- Serves as senior reviewing official of presentations to EAC stakeholders of the version of the VVSG that incorporates public comments. Following stakeholder comments and recommendations, approves edits into the final version of the document and formally presents the final version of the VVSG to the EAC Commissioners and key EAC personnel.

Provides oversight for the EAC Technical Reviewers under the Testing and Certification Program. Implements requirements of the Program Manual relating to quality monitoring of voting systems. These requirements include manufacturer site reviews, the review and testing of fielded voting systems and the investigation and disposition of reported field anomalies in EAC certified voting systems.

Provides oversight and direction to the EAC laboratory accreditation program. Staff members or the incumbent work 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. Incumbent and staff review NVLAP recommended laboratories to the requirements of the EAC Laboratory Accreditation Manual prior to recommending any lab for EAC Commission accreditation. Performs the necessary EAC administrative functions related to both technical and non-technical issues.

Develops and/or approves Notices of Clarification (NOC) and Requests for Interpretations (RFI). NOC's pertain to a host of topics related to the testing and certification program manual. Such notices clarify to all parties a range of issues from technical matters to administrative procedures. RFI's provide interpretation of the relevant Standards document to voting system manufacturers and test laboratories.

Performs other duties as assigned.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in voting systems testing and certification work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and approve performance awards; recommends pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

Commissioners identify the general direction of EAC programs. The incumbent develops the Certification Division Strategic plan outlining the goals and objective measurement criteria for division success on an annual basis, at minimum. Because there is often a lack of specifically applicable guidelines to work from, the incumbent develops work plans and receives approval of such plans from commissioners. At that point work is largely independent with work assignments being self-generated using experienced judgment. Initiates action to resolve most problems that arise. Contact with commissioners is made as policy issues arise. Work is reviewed on completion for consistency with policy and practices and for meeting objectives. When appropriate, works through others, such as contractors, to develop work products.

CONDITIONS OF EMPLOYMENT:

The incumbent travels to manufacturing and laboratory sites on official business as required. Occasional evening and weekend travel may be required.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.

- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- 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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**EXECUTIVE DIRECTOR
ES-0340****Executive Schedule, Level V****INTRODUCTION**

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. The Commissioners appoint an Executive Director to oversee the Commission's programmatic, financial management and administrative functions.

The incumbent serves as the Executive Director of the U.S. Election Assistance Commission (EAC). As such, the position serves as a senior official in a line capacity that is responsible for overseeing the direction of the agency, including the services of supporting Federal agencies (i.e., GSA, NARA, SAC, etc.). Exercises wide latitude with directing agency goals and resources to achieve desired results. Senior agency leaders - General Counsel, Chief Operating Officer, and Chief Financial Officer - report to the Executive Director along with the Director of Communications and Congressional Affairs Liaison, Meetings Coordinator and a Special Assistant.

MAJOR DUTIES

The incumbent provides executive leadership to the Office of the Chief Operating Officer (COO), Office of the Chief Financial Officer (CFO), Office of the General Counsel (OGC) and the Communications Division for the full interoperability of EAC functions and programs. The Executive Director is responsible for the management of the agency in accordance with the federal law, regulations and policies in order to achieve intended program results efficiently and economically. In this capacity, the Executive Director provides oversight of EAC activities necessary for achieving results through planning and issuing pertinent guidelines to successfully achieve desired goals. The incumbent coordinates directly with the Commissioners to make short and long range managerial decisions required to support the agency mission and goals.

Through management and oversight of subordinate staff exercises leadership over EAC operations. This includes program planning/budgeting, cost studies, contract and detail design, evaluation, and subsequent support. Reviews detailed objectives for COO, CFO, OGC and Communications Division, in compliance with Federal requirements. In conjunction with subordinate staff assesses risks and benefits of alternative approaches

for achieving objectives. Generates and executes plans to control risks, and develops fall-back plans to ensure reduction of risks.

On a continuing basis, monitors status of agency activities. Balances organizational results with the needs and perspectives of employees and customers. Through subordinate staff, assesses and guides efforts of supporting activities, including contractors; appraises costs, schedules, and performance; approves and releases procurement and contract modification requests; budgets for and manages efforts; develops and maintains policies to increase effectiveness of the agency; assists the commissioners in the development and drafting of policies; and implements EAC policy in support of EAC's day-to-day operations. Serves as a liaison with the Office of Management and Budget (OMB) to ensure current and future funding for EAC.

Incumbent maintains awareness of, and sensitivity to, Federal election issues while building strategic alliances and collaborations with state and local election officials, advocacy groups and other stakeholders. Responds to correspondence from many diverse sources; speaks before various groups including international delegations in order to promote EAC initiatives; and has final approval for release of information concerning policy procedures to news media or by direct verbal or written correspondence.

The incumbent is the agency representative on Capitol Hill and serves as the primary source of all congressional inquiries, coordinates responses to such inquiries, and is the point-of-contact for professional congressional staff members with researching issues relating to EAC. Utilizes expertise to secure executive and legislative support and is responsive to Congressional requests and needs.

Holds subordinate managers and supervisors accountable for the performance of their delegated authorities and responsibilities by periodically reviewing and evaluating program direction and accomplishments and making appropriate adjustments, to include organizational changes, as needed. Encourages an environment that fosters equal employment opportunity (EEO) goals, and the responsibilities outlined in the organization's affirmative action plan. Ensures equality in selections, training, promotions, details, discipline, and awards.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC's most senior level managers who oversee the legal, programmatic, financial management and administrative functions of the Commission. Plans and prioritizes work to be accomplished by subordinates; delegates work to subordinates based on priorities and relevancy of the work; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and recommend performance awards; recommend step increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

Reports to the Chairperson of EAC, who provides administrative direction. Major policy and program issues are discussed and resolved jointly. Many important decisions are made independently by the incumbent, with cursory discussion or none at all. Contacts are initiated and maintained independently, including those with high level state, local, and government officials. Has authority to commit the project/program on technical and management issues, and the incumbent's decisions and recommendations are accepted as authoritative. Review is to assess effectiveness as a manager, and to determine effectiveness of assigned programs in helping to achieve EAC's overall objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Executive level skill in long range planning and for acquisition, physical and financial resources, and policy and strategic development.
- Comprehensive knowledge of applicable laws, regulations, legal decisions, and precedent cases pertinent to the EAC mission.

- In-depth knowledge of the workings of the United States Congress and its various committees including protocol, policies and procedures applicable when dealing with staff members. Ability to stay abreast of EAC policies and issues; historic and current proposed policies; and plans and programs sufficient to allow the employee to recognize the sensitivity of topical inquiries received.
- Comprehensive knowledge of technical and program management requirements associated with acquisition, in-service support, and modernization programs.
- Knowledge of specific systems associated with the project/program.
- Ability to determine the impact of advances in technology, and to keep up-to-date with relevant social, political, economic and technological developments.
- Ability to effectively defend policies, programs, decisions, or points of view in the face of heavy criticism in unstructured settings.
- Skill in establishing and maintaining effective working relationships with media representatives, special interest groups, and a variety of individuals and groups, some of whom have opposing views or conflicting interests.

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.
- Business acumen skills to acquire and administer human, financial, material, and information resources to accomplish the organization's mission, support program objectives, and promote the strategic vision.
- Skill in building coalitions and in communicating to explain, advocate and negotiate with individual and groups internally and externally. Ability to develop an expansive professional network with other organizations, to represent and speak for the Agency and organization, and to gain understanding and support from higher level management.
- Ability to establish program/policy goals and the structure and processes necessary to implement the organization's strategic vision and mission, to ensure that programs and policies are being implemented and adjusted as necessary, that the appropriate results are being achieved, and that a process for continually assessing the quality of the program activities is in place.

- Knowledge of basic human resource management programs, rules, policies, and procedures to effectively carry out responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**FINANCIAL ADMINISTRATIVE SPECIALIST
(Financial Administration and Programs)
AD-0501**

Administrative Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position serves as a Financial Administrative Specialist responsible for performing administrative tasks related to accounting in the Office of the Chief Financial Officer and providing management support in the Office of the Chief Operating Officer. Duties include examining accounts for the accuracy of financial data, reconciling budget and financial records, and researching information to help compile, develop, and prepare operation reports. The incumbent reports to the Chief Financial Officer and the Chief Operating Officer.

MAJOR DUTIES

Manages purchase orders, contracts, travel authorizations, government transportation requests, and other source documents and assures they are obligated against the proper appropriated and non-appropriated funds. Reviews documents for coding accuracy and ensures accurate and timely submission to the General Services Administration (GSA), EAC's financial service provider, for entry into the on-line accounting system.

Maintains automated obligation records and source documents on a daily basis. Assists the Accounting Director with preparation and reconciliation of obligation accruals, adjusts accruals in the month and quarter in which the obligation is incurred and ensures the entry was performed accurately by GSA in the automated accounting system. The recording of the obligations into undelivered orders and/or accounts payable is performed in accordance with GAO Title 7 and other government-wide accounting standards and in conformance with applicable auditing standards.

Completes GSA Form 300 *Order for Supplies and Services* for purchase orders, contracts and invoices for vendors and other government agencies, determining the proper coding, and ensuring accurate accounting information, appropriate signatures and complete descriptions. Follows up on past due billings and payments.

Analyzes obligation documents to determine the proper obligation type: Non-recurring, recurring, or annual obligation. As disbursements are made, analysis of the obligations is conducted to determine if accruals are accurate and properly classified as undelivered orders or accounts payable. Incumbent assists the Budget Director in ensuring that funding is adequate for all obligations, and assists the Accounting Director with tracking invoices and ensuring that funding is adequate for payments. Advises management personnel when funding inadequacies are noted.

Assists the Accounting Director in reconciling all obligation transactions and unliquidated obligations with the general ledger control account as indicated in computerized output reports. Reviews all obligations to ensure accuracy, validity and compliance with GAO Title 7, and other government-wide accounting standards.

Prepares vendor invoices and other fiscal documents for payment. Verifies the amount shown on documents with original obligation document. Ensures payments are in accordance with Treasury Financial Manual and Federal Appropriations Law. Notes discrepancies and follows up with vendors or storeroom to classify and correct discrepancy. Prepares voucher, creates and submits vouchers for sub-certification and creates reports. Vouchers must be prepared and payment made in compliance with the Prompt Payment Act.

Obligates Travel Authorizations and reconciles travel vouchers when submitted.

Prepares monthly account reconciliations and adjustment of accounts for prior year appropriations. Reconciles and recaps accounts monthly to assure that the accounts data and the miscellaneous obligations record and reimbursement reports are in balance. Compiles and examines reports to confirm that transactions are accepted into the computerized system and that discrepancies are identified and corrected.

Conducts and provides a variety of office administrative operational support functions such as information management, documents and reports preparations, record/files, and/or other related administrative activities.

Assists in preparing reports and briefings. Reviews documents for accuracy and responds to staff request on accessing, coordinating, consolidating, or formatting. Monitors, tracks, edits, and responds to actions.

Gathers, compiles, and coordinates information in order to support the organization.

Performs other duties as assigned

SUPERVISORY CONTROLS

Receives general supervision from the Chief Financial Officer or the Chief Operating Officer who assigns work in terms of general requirements and priorities and acceptable time frames. Special assignments are normally accompanied by specific instructions as

to content, format, deadlines, etc. Incumbent works independently to complete continuing and special assignments in accordance with established policies, applicable regulations, prescribed or locally developed procedures, and assignment specific instructions. Precedent setting, controversial, and sensitive issues and actions are referred to the supervisor for decision; however, the incumbent may provide recommendations based on thorough identification of the circumstances and comparison-with existing policies and precedents. Completed work is evaluated for conformance to established regulations and policies, accuracy, and soundness of judgment. Methods and procedures used in accomplishing specific assignments are not normally reviewed.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

TECHNICAL COMPETENCIES

- Knowledge and understanding of budget and accounting procedures, terminology, systems and codes to apply these to the resolution of accounting issues or problems.
- Ability to analyze financial data and produce financial reports.
- Skill in conducting detailed analyses of administrative functions and work processes to include recommendations and improvements. Demonstrated ability to manage division repositories and record keeping systems for storage, tracking and retrieval of information and materials.
- Skill in providing responsive, courteous, and accountable customer service.
- Skill in preparing papers, reports, correspondence and other written documents utilizing available technology and office equipment

**GENERAL COUNSEL
(Attorney-Adviser)
AD-0905**

Professional Track, Pay Band V

INTRODUCTION

The incumbent of this position serves as an Attorney-Adviser and the General Counsel of the U.S. Election Assistance Commission (EAC) which was established under the Help America Vote Act (HAVA) of 2002. HAVA was enacted to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist States with the administration of Federal elections, to otherwise provide assistance with the administration of certain Federal election laws and programs, and to establish voluntary voting system guidelines and guidance for States and units of local government with responsibility for the administration of Federal elections. EAC serves as a National clearinghouse and resource for information with respect to the administration of Federal elections.

MAJOR DUTIES

Serves as the Chief Legal Officer for the EAC and provides legal advice and counsel to the EAC and its staff on a wide variety of legal matters; provides advice to all of EAC's Federal Advisory Committees, including the Technical Guidelines Development Committee, EAC Board of Advisors, and EAC Standards Board. The General Counsel also serves as the Designated Agency Ethics Official (DAEO) and is responsible for agency ethics training, financial disclosure and reporting obligations, and communication with the U.S. Office of Government Ethics.

Responsible for ensuring that the Commission meets all Federal, state, and local legal and regulatory requirements, which are administered by or effect the operation of the EAC; reviews all proposed policies and procedures to ensure compliance with Federal, state, and local laws and regulations; keeps key staff informed of changes in Federal, state, and local laws and regulations that may affect the operations of the EAC.

Prepares legal opinions; researches constitutions, statutes, rules, regulations and cases to form an opinion; drafts written opinions; communicates oral opinions. Issues encountered may be resistant to change requiring new approaches and departure from traditional techniques.

Meets, consults and coordinates with high level Federal, state, and local officials, and attorneys, on matters with legal or policy implications; coordinates and/or consults with the Department of Justice and other Federal agencies regarding legal matters. Meets with entities, associations, advocacy groups and/or individuals to exchange information with

them and promote an understanding of the Commission's scope of work, policies and practices, as well as necessary changes in those policies and practices. Parties encountered may be uninformed, uncooperative, or hostile to the EAC mission.

Develops and drafts guidance, guidelines, rules and regulations to govern the Commission's operations and programs; reviews Federal Register publication notices for these and other documents; reviews and assesses comments made by members of the public, stakeholders, vendors and others on guidance, guidelines, policies, rules and regulations proposed by the Commission; reviews proposed and final guidance, guidelines, policies, rules and regulations for compliance with the law. Assures due process is maintained concerning parties interacting with EAC. Develops appropriate internal procedures to sustain fairness and equity among all interests.

Reviews and approves all statements of work, contracts, memoranda of understanding, cooperative agreements to assure that these actions and agreements comply with law and protect the interests of the Commission.

As a member of the Commission's Senior, assists the organization with strategic planning; prepares and monitors the annual budget for the office of General Counsel; manages the office of General Counsel; makes staffing recommendations to the Executive Director; assigns and oversees work of three subordinate attorney/legal support positions including the Deputy General Counsel. Plans work activities based on short and long-term needs. Resolves problems, sets priorities, and allocates resources. Develops performance plans, evaluates employees, and recommends compensation for superior performance. Deals effectively with employee issues and promotes management-sponsored policies and goals. Assures the work environment is free of safety hazards and takes appropriate corrective action when needed. Maintains an awareness of evolving issues and supports training to assure employee competencies meet job demands. Utilizes computer oriented workload tracking and researching techniques.

Represents the EAC and its staff in their official capacities in all litigation, arbitration, mediation, and settlement negotiations; arranges for and manages representation by the United States Attorney, when appropriate; and when necessary, secures and manages outside legal services for the Commission.

Serves as the White House liaison for the Commission; reviews and comments on proposed legislation; provides counsel regarding responses to Congressional inquiries and requests; utilizes expertise in the development and drafting of all Congressional testimony; and serves as a point of contact for both Members of Congress and White House offices.

Serves as the Interim Executive Director when there is a vacancy in the position of Executive Director.

Performs other duties as assigned.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in the legal work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and recommends performance awards, pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

The incumbent reports to the Executive Director or, in the absence of an Executive Director, will report directly to the Chairperson. The supervisor makes assignments by defining the overall objectives, priorities and deadlines. The incumbent plans the work, resolves problems, and carries out responsibilities with a great deal of independence. The incumbent exercises considerable independent judgment in determining the appropriate course of action to take in carrying out the responsibilities of the position. Assignments are commonly issue-driven based on the needs of the Executive Director, the Chairperson, or the Commissioners.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.

- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Professional knowledge of and ability to interpret and apply: Federal, State and local laws and regulations governing election administration. Graduation from and accredited law school in the United States and a valid and current law license in at least one State is required.
- Thorough knowledge and understanding of the EAC mission, goals, and objectives, programs, and functions to identify significant issues requiring the attention of the Commissioners.
- Comprehensive knowledge of the Help America Vote Act and the National Voter Registration Act, pertinent regulations, policies, procedures, precedents, and directives affecting election administration.
- Expert knowledge in one or more functional areas of law (e.g., U.S. election law; information law and information sharing; and federal communications).

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**GRANTS DIRECTOR
(Grants Management Specialist)
AD-1101**

Administrative Track, Pay Band IV

INTRODUCTION

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.

The incumbent of the supervisory grants management specialist position serves as the director of the HAVA Payments and Grants Unit and reports to the Chief Financial Officer. As the Grants Director, the incumbent manages all aspects of the award, oversight, and closing of EAC Federal financial assistance and the supervision of unit staff. The incumbent provides expert advice and guidance related to Federal grants management, helps resolve complex issues related to the financial and administrative characteristics of grant programs and HAVA, and coordinates with other units of the EAC as applicable.

MAJOR DUTIES

- Serves as the principal point of contact concerning EAC grant funds management.
- Manages and supervises the overall operations of the HAVA Payments and Grants Unit. This includes supervising employees within the unit; establishing Unit goals, objectives, measures and budgets, and directing overall office assignments and projects.
- Works in a cooperative manner with EAC officials and state and other recipients to encourage sound program administration and to enforce program and financial compliance with the provisions of HAVA, Office of Management and Budget (OMB) guidance, EAC policies, and recipient agreements and plans.
- Establishes and maintains liaison with other Federal agencies on matters related to grants.
- Coordinates with other EAC offices to make sure EAC grant management practices are integrated in the EAC goals and procedures regarding effective and efficient financial management of Federal funds.

- Reviews Federal grant proposals, state plans, and state certifications; analyzes financial and performance reports submitted by grantees; and reviews reimbursement requests for appropriateness.
- Performs site visits to measure grantee performance and compliance; resolves findings and tracks status of audit reports.
- Develops recommended policy on the uses of EAC grant funds; and prepares special reports and presentations.
- Manages indirect cost rates negotiations with state government agencies.
- Presents training on HAVA assistance programs and on Federal financial management standards for grantees.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in grants and HAVA funding work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and approve performance awards; recommends pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

Incumbent receives broad direction from the Chief Financial Officer, who initially outlines general policies, program objectives, scope of objectives, and overall responsibility for the assigned work. Incumbent is expected to exercise independent judgment in the review, analysis, and discussion of a wide range of program and procedural matters as they relate to EAC and other Government-wide groups and functions concerned with federal grants. Incumbent is responsible for keeping the supervisor informed on the status of all grants, including any significant problems. Refers only unusual matters of a policy nature to the supervisor. Performance is evaluated in terms of attainment of objectives, soundness of judgment, and for compliance with policy and regulatory requirements.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.

- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- **Process Management:** develops and monitors processes and organizes resources to achieve desired results.
- **Quantitative Analysis:** examines and evaluates numerical data to manage and achieve results.
- **Financial Analysis:** acquires and applies critical financial concepts and practices, based upon a thorough understanding of the Federal Government.
- **Grants Administration:** administers grants and cooperative agreements, applying knowledge of organizational needs and deadlines.
- **Procedural and Regulatory Compliance Management:** maintains standards and adheres to regulatory guidelines and requirements with regard to processes and procedures.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**HUMAN RESOURCES DIRECTOR, PRIVACY OFFICER
(Human Resources Specialist)
AD-0201**

Administrative Track, Pay Band IV

INTRODUCTION

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.

The incumbent of this position serves as the primary Human Resource (HR) point of contact and advisor to the Executive Director and Chief Operating Officer in all areas of HR management for the U.S. Election Assistance Commission. Plans and implements continuing personnel management services and/or programs in areas of specialty. Assignments are varied and complex, covering a broad range of personnel issues and requiring in-depth analysis. Using a high degree of technical skill, the incumbent develops the overall plans, procedures and operating methods for assignments. Proposes and implements alternative solutions to solve problems of a unique or precedent setting nature. Provides management advisory services involving a high degree of technical skill.

The incumbent also serves as EAC's Privacy Officer and has the responsibility to ensure the protection of privacy is appropriately incorporated in EAC policies and procedures. To achieve this goal, the Privacy Officer works through the agency's protection infrastructure and recommends improvements where needed to ensure privacy issues are identified and addressed as early as feasible, and that safeguards are formulated and implemented to protect privacy.

MAJOR DUTIES

Serves as the senior point of contact for all human resource issues. Acts as an advisor to management and employees concerning topics that range from routine information to advanced HR concepts. Maintains credentials through professional contacts such as the International Public Management Association – HR. Researches best practices and renders expert-level consultative services to EAC including develop of policy issues.

Provides advice on the advantages and disadvantages of varied staffing methods and recruitment sources to assist the agency in identifying and planning to meet strategic recruitment needs. This includes development of the Human Capital Plan and the Succession Management Framework for both short and long-term HR planning efforts.

Conducts job analyses of various positions to establish job-related qualifications by gathering information through interviews and through observation and analyses of duties and responsibilities; documents findings and results of analyses. Directly assists in the recruitment process by consulting with management officials concerning the nature of the vacancy, required competencies, rating criteria, and resulting position description.

Coordinates formal job announcement with GSA for public posting. Reviews applicants for rating and ranking, develops interview questions as needed, performs reference checks, assures merit principals are upheld and prohibited personnel practices are avoided. Notifies all applicants in a timely manner concerning their selection or non-selection, coordinates employment start dates with GSA for selected candidates, and performs employee orientation for new hires. Validates compliance with all required procedures.

Researches, compiles, analyze and evaluate general and statistical information regarding personnel practices; may conduct special studies as needed.

Develops solutions to management problems that take into consideration management objectives and goals as well as legal and regulatory limitations.

Administers and maintains the Performance Management System to assist the agency with meeting goals and objectives by utilizing a systematic process designed to articulate individual standards, measure employee performance, help each employee reach his/her full performance potential in his or her current position, and help prepare each employee to progress in his or her career field.

Provides outreach services that may include workshops, training and counseling for employees to sustain personal and professional well being. Coordinates managerial retreats.

Provides advisory HR services, drafts personnel policies, maintains the EAC Administrative Manual; writes memos, correspondence and reports; and maintains employee records. Assignments are varied and complex. Researches appropriate guidelines that may be general or conflicting in approach. Uses initiative in researching and implementing new methods and procedures. Solutions to problems encountered require a high level of analytical and technical skill, knowledge, and judgment.

Stays abreast of the best practices and latest technologies in the HR area and provides training to Human Capital employees and managers to ensure their personnel transactions are carried on effectively. Shares HR information with all EAC members through periodic publications that are composed and distributed by the incumbent.

Performs liaison work with GSA for personnel services being provided under a Memorandum of Agreement concerning issues such as payroll, personnel files, retirements, job announcements, and employee relations. Maintains local informal files on such topics for ready reference.

Administers the employee development program. Assist in identifying job competencies and how they are linked to Individual Development Plans (IDPs). Seeks formal or informal training opportunities commensurate to the level of experience that may range from entry level to advanced levels of expertise. Tracks related costs and maintains necessary records.

Identifies and addresses privacy issues and changes impacting EAC policies, programs, and activities.

Conducts privacy assessments and provide structured recommendations for policies, procedures, and standards of operations

Develops privacy policies and procedures and manages the conception of business development models to incorporate privacy into the development of systems and programs.

Oversees compliance with legal and policy requirements relating to privacy issues

Reviews and assesses complaints of possible abuses of privacy regarding the administration of EAC programs and operations, investigates any such complaints or information, and formulate strategies to address complaints.

Privacy Act Officer Duties

Interprets Privacy Act requirements and rules and implements EAC's Privacy Act Program;

Serves as EAC's adviser for all aspects of the Privacy Act of 1974;

Serves as the single point of contact for all Privacy Act regulatory and compliance initiatives; develops policy, provides program oversight, and serves as the focal point for EAC Privacy Act matters;

Reviews new and existing EAC policies, procedures, program memoranda, interagency agreements and other written arrangements (both inter and intra) which may impact on the personal privacy of an individual;

Advises and assists with the development and coordination of Privacy Act computer matching agreements between CMS components and other Federal or State agencies; Finalizes, reviews, coordinates, clears and submits for publication in the Federal Register, Privacy Act System of Record (SOR) notices;

Prepares and coordinates applicable EAC submissions for the biennial U.S. Election Assistance Commission (EAC) Reports to Congress as required by Office of Management and Budget (OMB) Circular A-130;

Manages the Agency Privacy Act training and/or awareness programs;
Coordinates with all system owner/managers to ensure that they understand the Privacy Act requirements and their related responsibilities;

Reviews requests and concurs with the need to establish a new Privacy Act SOR or to modify an existing Privacy Act SOR;

Assists system owners/managers in preparing Privacy Act SORs and Computer Matching Agreements in accordance with established procedures;

Ensures that SORs and CMAs comply with the Privacy Act; and

Provides day-to-day policy guidance and assistance to the EAC components in their implementation and execution of their programs.

Performs other duties as assigned.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in staff assistant work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and approve performance awards; approves step increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

Within a framework of priorities, funding and overall project objectives, the employee works with a marked degree of technical authority and is responsible for planning, designing, and carrying out the work independently. Completed projects, reports, or recommendations are reviewed by the supervisor for compatibility with organizational goals, guidelines, and effectiveness in achieving intended objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Influencing/Negotiating:** Skill in influencing others to accept and implement recommendations and in building consensus. Ability to effectively resolve significant or controversial issues.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of agency policies and programs and how they relate to the concepts, principles, and regulations of the Human Capital program in the Federal Service. Ability to read and interpret related HR laws, rules, and regulations.
- Expert level knowledge of the advanced principles, practices, methods and techniques of human resource management. Skill in applying such knowledge to perform assignments involving issues such as: staffing and recruitment; special hiring situations, position classification and compensation; performance management; employee relations; time and attendance and leave issues; and employee training and self-development. A working knowledge is required of employee benefits and retirement issues.
- Ability to reconcile the often conflicting HR interests and needs of the organization with the interests and needs of employees. Skill in maintaining a dispassionate and objective approach to such endeavors to preserve the integrity and fairness of all HR processes.
- Skill in establishing and maintaining working HR network with parties inter/intra the Commission. Ability to use such a network to obtain authoritative guidance

and to foster an environment of cooperation between parties. Related ability to communicate effectively with people at differing levels of HR authority.

- Skill in analyzing and developing HR recommendations from a wide array of conflicting and divergent input from many stakeholders and arriving at a position acceptable to most of the participants. Ability to exercise sound judgment, to evaluate alternative courses of action, to perform effectively in stressful situations, and work under critical deadlines.
- Knowledge of human resource information gathering and analysis techniques to gather, analyze, summarize, and report or present pertinent data. Skill in attention to detail.
- Knowledge of the Freedom of Information Act (FOIA) and the Privacy Act as it pertains to the HR function. Ability to maintain the privacy and confidentiality of sensitive information pertaining to personnel records and personnel actions.

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.

**HUMAN RESOURCES ASSISTANT
AD-0203****Administrative Track, Pay Band II****INTRODUCTION**

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.

The incumbent of this position is a Human Resources Assistant assigned to the Office of Human Resources (OHR) and reports to the Human Resources Director. The OHR provides the full range of human resources advisory services in the areas of personnel and payroll processing, management information reporting, position classification, staffing, recruitment, and workers compensation. The HR Assistant supports the work of the OHR, its HR Director and HR Specialist. The incumbent performs a wide range of clerical and administrative tasks in support of OHR, its programs, activities and presentations. Duties include assistance work in procedures, operations, functions, regulatory policy and procedural requirements applicable to HR transactions.

All OHR staff is required to maintain confidentiality and only share information with authorized individuals. Failure to maintain confidentiality will result in disciplinary action.

MAJOR DUTIES**Staffing and Recruitment Activities**

Assists the HR Director and HR Specialist with recruitment program activities. Mails or faxes information to interested applicants. Informs applicants of accessibility of announcements electronically on the EAC web page or OPM's web page USAJobs.

Maintains agency's mailbox for receiving electronic resumes. Requests additional information or assistance from applicants when problems occur in accessing electronic information. Prepares and mails or e-mails acknowledgment letters. Routes applications for advertised vacancy announcements to the HR Director or Specialist for initial qualifications review. Sends standard letter for unsolicited applications providing information on how to locate and apply to posted announcements. As requested, contacts

newspapers and professional magazines to secure costs for proposed advertisements. Once approved, faxes information and maintains log of all active advertisements.

Employee Benefit Assistance

Maintains records (electronic and hard copy) of participants in the Transit Subsidy Benefit program. Reviews subsidy applications for completeness and eligibility. Updates records on a real-time basis so monthly distribution is accurate. Transmits information to the agency's Finance Office. Answers routine questions when problems occur.

Human Resources Development Processing

Provides general information to employees concerning employee development and training such as approval required for training, changes in schedules, course availability, and course dates. Maintains training files, manual and/or electronic training records, and maintains course catalogues and announcements, keeping information up-to-date.

Authenticates travel orders in conjunction with training, conference attendance and candidate interviews and coordinates travel arrangements. Processes and tracks all training requests. As required, prepares SF-182. Routes SF-182 to appropriate agency officials for signature and approval. Upon approval, registers employees in courses. Coordinates notification of employees approved for training. Verifies training was completed.

Office Support Duties

Where appropriate, searches and assembles requested information from files and other sources and transmits via letter, fax, or e-mail. Establishes and maintains control records on items requiring action and follows up to insure timely response. As appropriate, explains nature of request or documentation and conveys information to the HR Specialist or HR Director.

Provides telephone and reception support to the EAC front desk. Receives visitors and screens telephone calls, referring calls and visitors to other staff members as needed.

Prepares routine correspondence, for review by the HR Director, on own initiative and provides administrative and program information (where applicable) to authorized personnel regarding the Office's programs. Types letters, reports, and memoranda for HR Specialist and HR Director.

Makes arrangements for OHR meetings and conferences including notifying participants, preparing materials, and following up as needed.

Produces a wide range of documents using a variety of office automation technology. Applies advanced word processing software to materials involving complex formats such as automatic generation of indices and tables of contents; importation of graphics, charts, or special symbols; or precise alignment of multiple columns. In addition, may use data base or spreadsheet software; transmit and receive documents and messages electronically; perform information searches on the World Wide Web; and performs various tasks using on-line systems in a client-server systems environment.

Orders office supplies as required by OHR staff.

Serves as the designated timekeeper for assigned divisions. Assists the HR Specialist with EAC time and attendance (T&A). Organizes and maintains (T&A) filing system. Monitors annual, family and sick leave, and advises HR Specialist of appropriate leave balances.

Assists in conducting new employee orientation.

Ensures that privacy is considered within the OHR programs and business processes through the review and evaluation of activities related to personally identifiable information collected and maintained by OHR.

Researches, compiles, analyze and evaluate general and statistical information regarding personnel practices; may conduct special studies as needed.

Performs other duties as assigned.

SUPERVISORY CONTROLS

The incumbent works under the supervision of the Human Resources Director who defines overall objectives, priorities, and deadlines. The incumbent may also receive assignments from the office's Human Resources Specialist. Approaches to handle assignments are often discussed together with the supervisor or HR Specialist to determine the best approach to take. The incumbent's input is taken into account and often influences how the work will be carried out. The incumbent plans and carries out the work independently and resolves most problems in accordance with established instructions, policies, and commitments. New, complex, sensitive or controversial issues are referred to the supervisor or Human Resources Specialist for direction and assistance. The work is reviewed for technical soundness, appropriateness, and conformity to policies and requirements.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Customer Service:** Ability to maintain credibility with the public, customers, and co-workers and convey a positive attitude when interacting with customers and staff. Skill in setting, committing to, and maintaining high standards for quality work and responsiveness in providing administrative services

- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

TECHNICAL COMPETENCIES

- Knowledge of agency policies and programs and how they relate to the concepts, principles, practices, methods and regulations to human resources management in the Federal Service. Ability to understand related HR laws, rules, and regulations.
- Skill in maintaining a dispassionate and objective approach to such endeavors to preserve the integrity and fairness of all HR processes.
- Related ability to communicate effectively with people at differing levels of HR authority.
- Knowledge of the Freedom of Information Act (FOIA) and the Privacy Act as it pertains to the HR function. Ability to maintain the privacy and confidentiality of sensitive information pertaining to personnel records and personnel actions.
- Expected to show initiative when handling non-routine HR assignments. Complex, difficult or sensitive HR matters are viewed as learning opportunities. As appropriate, the HR Assistant will be given greater responsibility for handling such situations in the future. In response to frequently-shifting demands, the incumbent is often required to re-prioritize personal workload and that of others.
- Identify and understand the relationships between various procedures and tasks, between the various HR operations and programs within the Office, and between the Office's operations and various EAC offices interested in those operations. The work requires an ability to deal with people on day-to-day matters, ensuring that the office workload runs smoothly and that administrative details are not overlooked.

**HUMAN RESOURCES SPECIALIST
AD-0201****Administrative Track, Pay Band III****INTRODUCTION**

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.

The incumbent of this position is a Human Resources Specialist assigned to the Office of Human Resources (OHR) and reports to the Human Resources Director. The OHR provides the full range of human resources advisory services in the areas of personnel and payroll processing, management information reporting, position classification, staffing, recruitment, and workers compensation. The incumbent performs assigned personnel management duties for a specified functional or organizational area in two or more human resource areas. Assignments are varied, covering a broad range of personnel issues and requiring analysis.

MAJOR DUTIES

Assists in Human Resources management issues for the agency. Serves as recognized point of contact on personnel issues. Answers inquiries concerning all aspects of employment including, but not limited to, benefits, availability and types of training, pay schedules, job opportunities, leave programs, EEO, Worker's Compensation, Occupational Health physicals, thrift savings, and employee assistance programs.

Oversees the EAC time and attendance function with particular emphasis on the interface between personnel administration and payroll functions and systems. Trains new employees as they enter into duty.

Performs liaison work with GSA for personnel services being provided under a Memorandum of Agreement concerning issues such as payroll, personnel files, retirements, and employee relations. Maintains local informal files on such topics for ready reference.

Assists in the recruitment process by preparing job announcements, writing ads, reviewing applications, consulting with management officials concerning the nature of the vacancy, required competencies, rating criteria, and resulting position description.

Assists in administering and maintaining the Performance Management System. Prepares materials for distribution to staff and assists with annual training.

Prepares, or assures the accurate and timely preparation of, personnel and supporting documents. As needed, conducts new employee orientation and assures accurate employee records are maintained. Authenticates travel orders in conjunction with training and conference attendance and coordinates travel arrangements. Monitors annual, family and sick leave, and advises appropriate supervisors of leave balances.

Assists in implementing the Employee Development Program by researching training resources to address job competencies and their link to Individual Development Plans (IDPs). Seeks formal or informal training opportunities commensurate to the level of experience that may range from entry level to advanced levels of expertise. Tracks related costs and maintains necessary records.

Ensures that privacy is considered within the OHR programs and business processes through the review and evaluation of activities related to personally identifiable information collected and maintained by OHR.

Researches, compiles, analyze and evaluate general and statistical information regarding personnel practices; may conduct special studies as needed.

With supervision, provides advice and assistance to employees and managers in matters related to conduct, performance, and attendance.

Performs other duties as assigned.

SUPERVISORY CONTROLS

The incumbent is under the direction of the Human Resources Director, who provides general instructions as to objectives, priorities, and deadlines. Work is performed independently with assistance available as needed. Work is reviewed for technical soundness and conformity with agency policy and established objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Influencing/Negotiating:** Skill in influencing others to accept and implement recommendations and in building consensus. Ability to effectively resolve significant or controversial issues.

- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of agency policies and programs and how they relate to the concepts, principles, and regulations of the Human Capital program in the Federal Service. Ability to read and interpret related HR laws, rules, and regulations.
- Knowledge of the principles, practices, methods and techniques of human resource management. A working knowledge is required of employee benefits and retirement issues.
- Skill in maintaining a dispassionate and objective approach to such endeavors to preserve the integrity and fairness of all HR processes.
- Skill in establishing and maintaining working HR network with parties inter/intra the Commission. Ability to use such a network to obtain guidance and to foster an environment of cooperation between parties. Related ability to communicate effectively with people at differing levels of HR authority.
- Ability to exercise sound judgment, to evaluate alternative courses of action, to perform effectively in stressful situations, and work under critical deadlines.
- Knowledge of human resource information gathering and analysis techniques to gather, analyze, summarize, and report or present pertinent data. Skill in attention to detail.
- Knowledge of the Freedom of Information Act (FOIA) and the Privacy Act as it pertains to the HR function. Ability to maintain the privacy and confidentiality of sensitive information pertaining to personnel records and personnel actions.

**INFORMATION TECHNOLOGY SPECIALIST
(Applications)
AD-2210**

Administrative Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position is an Information Technology Specialist (Customer Support), and provides direct, customer oriented computer support to EAC personnel. There are a range of duties and individual responsibilities which includes the proper operation of peripheral devices.

MAJOR DUTIES AND RESPONSIBILITIES

Responsible for the diagnosis and remediation of any and all impediments to access of services and resources whether they reside on a personal computer, the EAC's core network, or on the Internet. Work also includes responsibilities for the initial and periodic configuration of lead all EAC personnel personal computers. There are a range of duties and individual responsibilities which includes the proper operation of peripheral devices.

Work involves assisting clients, both on campus and at remote locations (VPN), with a host of problems that range from simple and routine to obscure and complex. Creates images on laptops for EAC personnel to assure a uniform approach to the needs of the EAC. Provides instruction on common issues and troubleshoots software, hardware, or networking issues. Maintains a pool of loaner laptops should student or faculty members require system access while their computer is undergoing examination and repair. Performs repairs such as recovering data from faulty hard drives and repairing hard drives. As necessary, contacts manufacturers and makes arrangement for site visits, such as warranty repairs, signs associated paperwork for completed service.

Uses advanced techniques on various platforms to return the functionality of computer systems or related devices to proper operating condition. Issues such as malware, spy

environment. Troubleshoots and assists in the service delivery for Lotus Notes. Assures the sustainability and reliance of all functionalities of systems assigned. Utilizes a Help Desk ticketing system to track user requests/establish priorities.

Assist faculty or other staff members at their site to investigate complaints. Works with other department members to resolve issues such as network problems and access difficulties including problems with systems hosted by other agencies. Provides the training necessary to resolve user problems.

Exercises judgment and discretion when reviewing the usage of Academy computers and the related material found on storage devices. Reports clear violations of policy to appropriate personnel. Safeguards privacy information and maintains confidentiality at all times. As required, conducts computer forensics to track inappropriate utilization of data processing equipment or to track technical issues.

Configures Personal Digital Assistants and Smart Phones for electronic mail. Supports video and sound systems for instructors or management meetings. Supports video streaming of special Academy events.

Creates custom reports or programs for internal usage by the IT service center.

Provide after-hours technical on-call support to EAC personnel.

Installs and maintains printers, scanners and fax machines.

Performs other duties as assigned.

SUPERVISORY CONTROLS

The Chief Information Officer (CIO) provides administrative direction and assigns the work in terms of the broadly defined mission and policies of the EAC. The work is generally well known without the need for individual task assignment and most assignments are generated based on the shared technical responsibilities of the position and that of the Lead IT Specialist. The incumbent works without direct supervision during the workday but is expected to provide a daily summary of activities and outstanding issues to keep the CIO informed of progress. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.

- **Influencing/Negotiating:** Skill in influencing others to accept and implement recommendations and in building consensus. Ability to effectively resolve significant or controversial issues.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.

TECHNICAL COMPETENCIES

- Knowledge of, and skill in applying a wide variety of IT applications, operating systems, protocols, and equipment used by the EAC; and methods and practices for troubleshooting, recovering, adjusting, modifying, and improving IT systems within the EAC.
- Knowledge of computer techniques, requirements, methods, sources and procedures in the following specialty areas: desktop hardware, applications, peripherals, operating systems, communications, and software distribution.
- Knowledge of computer diagnostic techniques, computer performance measurement tools, help-desk procedures, and computer security policies and procedures used by the EAC.
- Ability to learn software, applications and new technologies for the overall effectiveness in achieving EAC goals and objectives.
- Ability to learn EAC IT policies and procedures in order to identify, evaluate and recommend technological advancements having a major impact on the mission and objectives of the EAC.
- Ability to develop technical specifications and other procurement documentation to include economic analyses in support of the acquisition of hardware and software for the EAC.

**INFORMATION TECHNOLOGY SPECIALIST
(Customer Support)
AD-2210**

Administrative Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position is an Information Technology Specialist (Customer Support), serving as an information technology (IT) advisor to the Director of Administration of the EAC. Primary responsibilities include supporting and assisting with internal and external information technology matters for the EAC.

MAJOR DUTIES

Provide technical IT support and guidance to EAC staff members in the operation of the EAC core network. Work closely with EAC staff members to identify and resolve problems as they relate to the functioning and integrating of hardware (laptop PC's, desktops, printers, scanners, etc.) or with the use of software, both commercial off-the-shelf and EAC developed software. Research, install, configure, and integrate multiple network computer systems (hardware and software) to support the EAC mission and objectives. As required, provide technical training and instruction to EAC staff members utilizing functions and features of supported systems and applications.

Evaluate the impact of new technologies on current systems and policies in terms of EAC requirements. Assess performance and effectiveness of new or substantially modified systems in meeting EAC requirements. Monitor, evaluate, and coordinate IT customer service functions and provide reports to EAC leadership on program status. Conduct management surveys and research projects, and/or studies as it pertains to IT or communications and provide feedback to EAC leadership on problematic trends.

Provide IT and communications advice to EAC leadership in setting program goals and establishing IT priorities to support the EAC mission and objectives. Evaluate IT issues, summarize, and present findings to aid in the decision making.

Interpret policies, standards, and guidelines as they apply to the administration of the IT program for the EAC. As required, prepare formal written interpretations for the EAC staff members.

Interface with EAC leadership and staff members, vendors, other agencies, and stakeholders to prioritize IT needs for the EAC and to align needs with the product and service delivery capabilities of the IT office.

Analyze the effectiveness of the IT office in its ability to deliver products and services (e.g., network, web casting, audio/visual, and telecommunications) to the EAC staff members. Identify the issues affecting IT products and services and provide possible resolution pathways for various options.

Provides technological expertise and/or suggestions for policy development for a variety of topics, for example: computer system administration backup cycle and recovery capability; compliance of Internet protocols by supporting contractors; coordination of email services with GSA; computer system security including risk assessment; audio-visual equipment utilization; and technical computer assistance to visitors.

Perform other duties as assigned.

SUPERVISORY CONTROLS

The Chief Information Officer (CIO) provides administrative direction and assigns the work in terms of the broadly defined mission and policies of the EAC. Most assignments are generated based on the technical responsibilities of the position, the employee's knowledge of EAC functions and issues, and the policies, perspectives, and IT priorities of the EAC leadership. The incumbent identifies IT issues and problems, initiates action to resolve them, and discusses with the CIO controversial or sensitive issues that may significantly impact the EAC mission and objectives. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Influencing/Negotiating:** Skill in influencing others to accept and implement recommendations and in building consensus. Ability to effectively resolve significant or controversial issues.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in

listening and appropriately responding to the ideas, points of view, or concerns of others.

TECHNICAL COMPETENCIES

- Knowledge of, and skill in applying a wide variety of IT applications, operating systems, protocols, and equipment used by the EAC; and methods and practices for troubleshooting, recovering, adjusting, modifying, and improving IT systems within the EAC.
- Knowledge of computer techniques, requirements, methods, sources and procedures in the following specialty areas: desktop hardware, applications, peripherals, operating systems, communications, and software distribution.
- Knowledge of computer diagnostic techniques, computer performance measurement tools, help-desk procedures, and computer security policies and procedures used by the EAC.
- Knowledge of EAC IT policies and procedures in order to identify, evaluate and recommend technological advancements having a major impact on the mission and objectives of the EAC.
- Ability to develop technical specifications and other procurement documentation to include economic analyses in support of the acquisition of hardware and software for the EAC.

**INSPECTOR GENERAL
(Auditor)
AD-0511**

Professional Track, Pay Band V

INTRODUCTION

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.

The incumbent of this position serves as the Inspector General for the agency. The Office of Inspector General (OIG) conducts audits and investigations of commission programs and operations in order to promote their efficiency and effectiveness and to detect and prevent fraud, waste, and abuse involving the U.S. Election Assistance Commission or Help America Vote Act Funds. Through courts and administrative procedures, this office seeks to recover misused federal funds when appropriate.

MAJOR DUTIES

Performs a combination of compliance investigations and financial and performance auditing. Investigates routine issues or allegations of improprieties or legal violations by States receiving federal funds for election administration. Findings from queries are of high interest to senior EAC officials. Reports with positive findings may go to the Department of Justice for legal action if the violation is considered criminal. Conducts internal EAC investigations to assure various program areas are functioning within the requirements of the law and regulations. Internal investigations include investigating allegations of administrative misbehavior such as employee relations issues.

For financial and performance audits, the incumbent develops the statements of work and task orders for contracted audit services, evaluates contractor proposals, monitors the work of contractor staff, and reviews their reports. Contractors are CPA firms whose services are engaged for onsite reviews at local or remote sites.

Prepares financial reports after analyzing all necessary budgeting and accounting data and examination of accounts. Coordinates with staff members and/or GSA Finance Center staff, to obtain budget and/or financial information or status. Utilizes and reviews the Financial Management Information System (FMIS) to extract needed financial data

for other parties who may not be conversant in financial matters. Uses information from FMIS to determine the status of transactions and to judge internal controls. Identifies errors, inaccurate records and reports, and judges the correctness of information on which critical findings may be based.

Fraudulent transactions or misspent funds may include considerable dollar amounts. Unflattering audit findings may place states or staff members in a defensive posture. Sensitivity to such issues is paramount. Utmost care must be given to the accuracy of the findings, resulting recommendations, and any entangling issues. Addresses matters of vital importance to the agency and recommends changes to systems when needed to bring policies and practices into compliance with governing laws and regulations.

Maintains contacts with other Government audit organizations to keep current on Inspector General Community initiatives and projects; to exchange information; and to comment on developing or changing policies, procedures, guidelines, and standards.

Performs a host of duties associated with the OIG function. Authors responses to Congressional inquiries on audit and investigative matters. Reviews proposed and existing legislation and regulations to determine their impact on OIG matters and priorities. And assists in the preparation of reports to the Congress and the Chairman of EAC about conditions disclosed by audits and investigations.

SUPERVISION/OVERSIGHT

Provides the full range of supervisory responsibilities to EAC personnel engaged in audit and investigative work for the Commission. Plans and prioritizes work to be accomplished by subordinates; assigns work to subordinates based on priorities, difficulty of the work and capabilities of the employees; exercises the full range of supervisory personnel management responsibilities and authority to select, reassign, promote, set performance standards, conduct evaluations and approve performance awards; recommends pay increases and extensive overtime and travel for employees; assures that position descriptions are current, accurate, and designed to ensure optimum efficiency and effectiveness; promotes affirmative action and upward mobility.

SUPERVISORY CONTROLS

The Executive Director provides administrative direction and assigns the work in terms of the broadly defined mission and policies of the EAC. The Inspector General independently plans and carries out the work of the position, investigates facts, searches legal precedents, and develops conclusions and recommendations. Discuss with the Executive Director controversial or sensitive issues that may significantly impact the EAC or governmental units. Work is reviewed for overall financial accuracy, application of accounting and auditing principles, and consistency with governing policies, procedures, and regulations of the EAC. By nature, the Inspector General must work in a

highly independent manner and with such authority that the supervisor rarely makes significant changes to the employee's work.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others.
- **Process Management:** Attentive to detail, ability to work under tight deadlines, flexibility in assignments, self-motivation, and the ability to work as part of a cohesive team.

TECHNICAL COMPETENCIES

- Professional and authoritative knowledge of auditing and accounting principles, procedures, and professional standards with particular emphasis on competence in performance audits of federal funds expended by state, territorial, and local units of government, and areas of vulnerability to fraud, waste, and mismanagement in the operation of Federal Government programs.
- Mastery level ability to analyze financial data and use judgment when producing financial reports and findings in a manner that is understandable to the intended recipient.
- Expert level ability to expeditiously reach sound conclusions, provide highly reliable advice, and accurately develop and finalize high quality data, reports, correspondence or other materials under pressures of tight deadlines.
- Ability to work with a professional contracted workforce.
- Experienced knowledge of the procedures and techniques involved in carrying out the work of the U.S. Election Assistance Commission.
- Skill in working with Federal investigators.

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 responsibilities such as interviewing and recommending selections, developing performance standards and appraising performance, identifying training needs and arranging for appropriate training for staff, resolving grievances and complaints, effectively managing disciplinary issues, and handling a variety of other human resource management responsibilities.

**LEGAL SECRETARY
AD-0318**

Clerical Track, Pay Band III

INTRODUCTION

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.

The incumbent provides a wide variety of legal support to administrative and transactional attorneys in the performance of complex administrative duties for the Office of the General Counsel (OGC).

MAJOR DUTIES

Provides clerical support to the OGC staff in matters relating to EAC legal matters and activities; and performs a wide variety of typing assignments, which includes document research, preparation, editing and file indexes.

Assembles materials for courier/hand delivery packages and ensures that packages are complete and enclosures are included.

Researches, develops, drafts, edits, and/or compiles data or other material from various sources such as office files, records, reports, library publications, internet searches or from other offices for use by OGC staff.

Material searches require discernment of related subject matter or type of documents, and require detailed knowledge of legal documents and procedures utilized in the office.

Assembles packages for financial disclosure reports and tracks responses to ensure EAC compliance with submission requirements which includes working with senior level officials of EAC.

Prepares time sensitive Tally votes for transmission to the Commissioners. Edits lengthy and detailed documents, some of which are time sensitive.

Arranges for teleconferences using teleconferencing facilities and equipment.

Establishes documentation and paperwork required and prepares/processes to complete all logistical arrangements for travel. Prepares travel orders and vouchers for attorneys.

Performs website research as requested to provide information for attorneys with respect to legal matters and activities.

Serve as OGC's timekeeper. Sets up and/or breaks down meeting rooms for meeting and conferences.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demand.

TECHNICAL COMPETENCIES

- Knowledge of the functions and procedures of the OGC office.
- Knowledge of basic filing systems and references.
- Knowledge of correspondence procedures.
- Skill in using various software systems, i.e., word processing.
- Ability to operate office machines, i.e., FAX, copier.
- Basic knowledge of basic Federal regulations for payroll (timekeeping) procedures.
- Ability to complete basic travel documents following established guidelines.
- Ability to follow guidelines/procedures for the preparation of administrative forms

**MEETINGS COORDINATOR
AD-0301**

Administrative Track, Pay Band III

INTRODUCTION

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.

Reporting to the Executive Director, the incumbent serves as the EAC Meetings Coordinator and is responsible for providing a wide range of administrative and management support in the coordination of meeting logistics for the Commission, advisory boards, and working groups. Playing a key role in the coordination of the EAC meetings, the incumbent brings people together for common purpose and ensures that the purpose is achieved seamlessly,

MAJOR DUTIES

Serves as the logistics expert in the planning and execution of EAC meetings and events and plays a key role in facilitating the purpose, message, or impression that Commission wants to communicate.

Conducts site research, inspections and sourcing for meetings of anywhere from 5 – 180 people, including review of all proposed meeting spaces for appropriateness to venue.

Issues requests for proposals to all the sites in which there is interests and ensures that needs for the meeting – exhibit space, lodging, food and beverages, telecommunications, audio-visual requirements, transportation, stenographer, and any other necessities. Reviews proposals, weighs pros and cons, and makes recommendations to management.

Serves as liaison between EAC and contracting agencies while overseeing all elements of event logistics including the day of activities, event layout, and event set-up/breakdown.

Works closely with EAC's Designated Federal Officers (DFOs) in tracking expenses and budget management for EAC Advisory Boards.

Arranges support services, coordinates with the facility, prepares EAC staff serving at the site for the meeting, and sets up all forms of electronic communication needed for the meeting such as video and online communication.

Manages the details of meetings such as labor and materials. Creates registration sites and issues name badges; coordinates lodging reservations and arranges transportation; and ensures that supplies are ordered and transported to the meeting site on time, meeting rooms are equipped with sufficient seating and audio-visual equipment, and all materials are printed; and works with properties to review and approve banquet event orders and invoices.

Prepares all travel authorizations and completes vouchers for payment for meeting attendee; and ensures compliance with Federal Travel Regulations (FTR) and EAC fiscal policies and procedures.

Develops systems for tracking requests from meeting attendees; screens, directs, and follows through on all inquiries as appropriate

SUPERVISORY CONTROLS

The incumbent reports to the Executive Director and works in partnership with EAC Designated Federal Officers and program directors. The Executive Director provides administrative and policy direction and assigns special projects. Within these parameters, the Meetings Coordinator independently plans and carries out the work of the position, identifying issues and problems, initiating action to resolve them, discussing with the Executive Director controversial or sensitive issues that may significantly impact the EAC; and keeping the DFOs and program directors informed of progress. Work is reviewed for overall effectiveness in achieving goals and objectives.

The Executive Director assigns special projects and assignments, defining the nature of the assignment, objectives to be achieved, and resources available. The employee independently resolves most problems that arise, keeping the Executive Director informed on unusual, sensitive or controversial matters. Completed work is reviewed for achievement of objectives and consistency with governing laws, regulations, policies, and the EAC strategic plan.

CONDITIONS OF EMPLOYMENT:

The incumbent travels on official business, as required. Occasional evening and weekend travel may be required

GENERAL COMPETENCIES REQUIRED

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining

flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.

- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

TECHNICAL COMPETENCIES

- Knowledge and understanding of internal resources (e.g., systems, budgets, contracts) to foster productivity and deliver solutions for Event and Travel Program.
- Knowledge of Federal Travel Regulations, policies, procedures, precedents, and directives affecting the management of federal travel.
- Knowledge of EAC contracting policies to ensure compliance with internal controls.
- Ability to establish and maintain relationships with a variety of people.
- Skill sufficient to organize, prioritize and manage complex tasks to meet deadlines; and complete procedures, documents, forms, and reports and that are essential to the day-to-day operations of the Event and Travel Program.
- Skill in influencing others to accept and implement recommendations and in building consensus. Demonstrated ability to effectively resolve significant or controversial issues

PROGRAM AND GRANTS MANAGEMENT OFFICER
(Management and Program Analyst)
AD-343

Administrative Track, Pay Band III

INTRODUCTION

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.

The Division of Research, Policy and Programs is responsible for carrying out studies to promote the effective administration of Federal elections specified in Title II, Subtitle C of HAVA, identifying and completing other relevant research projects, and developing policy and guidance as required by Title III, Subtitle B, and Title VIII, Subtitle A of HAVA. Principal policy development areas cover providing voluntary guidance for provisional voting, on voting information, on computerized voter registration list requirements, and providing support in the implementation of the National Voter Registration Act (NVRA). The Division also administers EAC's Language Accessibility Program.

The Program and Grants Management Officer at the U.S. Election Assistance Commission is responsible for managing and coordinating three critical functions within the organization: providing program support to the agency's grantees, managing the Election Management Guidelines program and, executing activities related to the minority language accessibility program. The incumbent will utilize his or her background and expertise in program management and election administration in order to develop and execute annual program goals and objectives for the commission. The incumbent will be able to balance the programmatic demands of each area and will focus on creating the maximum number of successful products or outcomes possible. With a background in public administration the incumbent will also understand the unique skills and capabilities required to successfully perform in a Federal agency. The position is perfect for an experienced professional who is seeking an opportunity to create and enhance a series of programs and initiatives for this relatively new Federal commission.

MAJOR DUTIES

Serving as the agency's primary point of contact for all grantee and public inquiries related to Election Assistance Commission's discretionary grant program activities. Activities include providing programmatic support and guidance, collecting and disseminating key learnings from the grantees and, creating new grant programs. The incumbent has primary responsibility for

monitoring all relevant legislation and election community activities which may affect the grants program and works with the grants department to manage a portfolio of discretionary grants.

Serving as the agency's primary point of contact for the Commission's Election Management Guidelines (EMG) program. Activities include researching and identifying new topics and consulting with the elections community on these issues. Incumbent is responsible for developing, updating and broadly disseminating (marketing) EMG program materials.

Serving as the primary point of contact for the agency's language accessibility program.

Develops and executes annual program goals and objectives which include identifying and interacting with key stakeholder groups, researching relevant issues and, monitoring relevant minority language and election community laws, statutes, and activities. Incumbent is responsible for updating and broadly disseminating (marketing) various minority language educational materials.

Develop and execute annual performance objectives related to the grants program, the Election Management Guidelines Program and the language accessibility program, in consultation with EAC's senior management. Also assist with ensuring that the Division's annual program goals and objectives are met.

Provide information to the Director of Research, Policy and Programs and to the Director of Grants, for presentations at Commission meetings, conferences, or other official gatherings. Incumbent may also make presentations at these functions.

SUPERVISORY CONTROLS

The incumbent works under the direct supervision of the Director for Research, Policy and Programs and works closely and collaboratively with the Deputy Director for Policy and the Deputy Director for Research on certain assignments. On special assignments, the incumbent may receive direction and guidance from the Executive Director or Chief Operating Officer of the Commission.

The incumbent exercises some independent judgment in planning, organizing, and executing certain projects.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.

- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Knowledge of grantsmanship, preferably at the Federal level.
- Extensive technical knowledge of election administration.
- Ability to develop and manage programs for a government agency.
- Demonstrated ability to broker relationships, develop networks and create collaborative relationships with key constituencies and stakeholder groups.

**PROGRAM SUPPORT SPECIALIST FOR GRANTS
(Management and Program Assistant)**

AD-344

Administrative Track, Pay Band II

INTRODUCTION

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.

As the Grants Program Specialist, the incumbent supports the work of senior staff by performing a range of administrative and office automation duties including conducting research of grant information, creating spreadsheets from collected data, creating documents such as memoranda, letters, reports, correspondence, and administrative forms, and organizing all logistics for meetings. The incumbent assists the division team with records management, coordinating activities for program consultants, processing payment requests, providing technical assistance to grantees, and tracking and reviewing grantee reports.

MAJOR DUTIES

Participates in the planning and business management of assigned grants.

Assists in carrying out a variety of tasks related to reviewing grant proposals using a variety of standard guidelines.

Reviews applications for adequacy and accuracy and compliance with requirements.

Assists with activities related to monitoring grants, including receiving and reviewing progress reports, assisting with preparation for on-site visits, and preparation of various reports.

Keeps supervisor and staff informed of administrative issues and developments.

Performs other duties as assigned.

SUPERVISORY CONTROLS

Receives general supervision from the Grants Director who assigns work in terms of general requirements and priorities and acceptable time frames. Special assignments are normally accompanied by specific instructions as to content, format, deadlines, etc. Incumbent works independently to complete continuing and special assignments in accordance with established policies, applicable regulations, prescribed or locally developed procedures, and assignment specific instructions. Precedent setting, controversial, and sensitive issues and actions are referred to the supervisor for decision; however, the incumbent may provide recommendations based on thorough identification of the circumstances and comparison with existing policies and precedents. Completed work is evaluated for conformance to established regulations and policies, accuracy, and soundness of judgment. Methods and procedures used in accomplishing specific assignments are not normally reviewed.

General Competencies

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

Technical Competencies

- Knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify grant issues and to provide information to inquirers.
- Ability to apply guidance from HAVA and OMB circulars to grant work performed.
- Ability to coordinate multiple projects simultaneously
- Skill in conducting detailed analyses of administrative functions and work processes to include recommendations and improvements. Demonstrated ability to manage division repositories and record keeping systems for storage, tracking and retrieval of information and materials.

- Skill in providing responsive, courteous, and accountable customer service.
- Skill in preparing papers, reports, correspondence and other written documents.
- Skill in utilizing LotusNotes, MS Word, PowerPoint, Excel, and Internet Explorer to perform daily tasks such as reporting, presentations, and tracking.

**PROGRAM SUPPORT SPECIALIST FOR RESEARCH
(Management and Program Assistant)**

AD-344

Administrative Track, Pay Band III

INTRODUCTION

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.

As the principle administrative support for the Research, Policy and Programs Division, the incumbent of this position reports to the Director of Research, Policy and Programs and provides a wide range of clerical and administrative actions necessary for the program functions of the Division. The Program Support Specialist assists the division team with records management, coordinating activities for program consultants, travel management, document control, drafting correspondence and other communications, and budget maintenance.

MAJOR DUTIES

Drafts responses to general correspondence for signature of the Director of Research, Policy and Programs; types and prepares documents and reports received from the Director

Establishes, organizes and maintains division files; arranges material in a readily accessible control system, to include electronic filing systems; and maintains a records retention schedule.

Maintains the day-to-day operations of the Division to include travel reservations, calendar appointments, filing of vouchers and organizing timesheets.

Serves as the initial point of contact for all program documents received. Maintains record of dates of receipt, actions required, and EAC responses.

Maintains control systems for the accountability of special communications. This includes maintaining follow-up systems on incoming communications to insure timely action.

Maintains supportive systems such as communication's distribution lists, program directories, and work tracking databases.

Works with the agency's Meetings Coordinator to meet lodging, meeting space, and lodging needs for meeting participants.

Prepares travel authorizations, travel vouchers, and other contract related documentation for the Certification Program's Technical Reviewers and other program consultants.

Serves as the Division timekeeper.

Communicates with program stakeholders as required by the Program Director.

SUPERVISORY CONTROLS

Receives general supervision from the Director of Research, Policy and Programs who assigns work in terms of general requirements and priorities and acceptable time frames. Special assignments are normally accompanied by specific instructions as to content, format, deadlines, etc. Incumbent works independently to complete continuing and special assignments in accordance with established policies, applicable regulations, prescribed or locally developed procedures, and assignment specific instructions. Precedent setting, controversial, and sensitive issues and actions are referred to the supervisor for decision; however, the incumbent may provide recommendations based on thorough identification of the circumstances and comparison-with existing policies and precedents. Completed work is evaluated for conformance to established regulations and policies, accuracy, and soundness of judgment. Methods and procedures used in accomplishing specific assignments are not normally reviewed.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

TECHNICAL COMPETENCIES

- Knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify election administration issues and to provide information to inquirers.
- Ability to coordinate multiple projects simultaneously
- Skill in conducting detailed analyses of administrative functions and work processes to include recommendations and improvements. Demonstrated ability to manage division repositories and record keeping systems for storage, tracking and retrieval of information and materials.
- Skill in providing responsive, courteous, and accountable customer service.
- Skill in preparing papers, reports, correspondence and other written documents.
- Skill in utilizing LotusNotes, MS Word, PowePoint, Excel, and Internet Explorer to perform daily tasks such as reporting, presentations, and tracking.

**PROGRAM SUPPORT SPECIALIST FOR TESTING AND CERTIFICATION
(Management and Program Assistant)**

AD-344

Administrative Track, Pay Band III

INTRODUCTION

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.

As the principle administrative support for the Voting Systems Program Division, the incumbent of this position reports to the Director of Voting Systems Programs and provides a wide range of clerical and administrative actions necessary for the program functions of the Division. The Program Support Specialist assists the division team with records management, coordinating activities for program consultants, travel management, document control, drafting correspondence and other communications, and budget maintenance.

MAJOR DUTIES

Drafts responses to general correspondence for signature of the Director of Voting Systems Programs; types and prepares documents and reports received from the Director Counsel; and develops, edits, maintains, and distributes the monthly Voting Systems Program E-Newsletter.

Establishes, organizes and maintains division files; arranges material in a readily accessible control system, to include electronic filing systems; and maintains a records retention schedule.

Maintains the day-to-day operations of the office to include travel reservations, calendar appointments, filing of vouchers and organizing timesheets.

Serves as the initial point of contact for all program documents received. Maintains record of dates of receipt, actions required, and EAC responses.

Maintains control systems for the accountability of special communications. This includes maintaining follow-up systems on incoming communications to insure timely action.

Ensures all required program materials are posted on the EAC's website in accordance with the *Testing and Certification Program Manual* procedures, and maintains program information current and updated on the website.

Serves as the division liaison to the Communications & Congressional Liaison Division to ensure that Voting System Program staff is kept up-to-date on relevant news and articles from the web, journals, studies, news articles, and other published works that have an impact on the program area.

Maintains supportive systems such as communication's distribution lists, program directories, and work tracking databases.

Works with the agency's Meetings Coordinator to meet lodging, meeting space, and lodging needs for meeting participants.

Prepares travel authorizations, travel vouchers, and other contract related documentation for the Certification Program's Technical Reviewers and other program consultants.

Serves as the Division timekeeper.

Communicates with program stakeholders as required by the Program Director.

SUPERVISORY CONTROLS

Receives general supervision from the Deputy Director, Testing and Certification who assigns work in terms of general requirements and priorities and acceptable time frames. Special assignments are normally accompanied by specific instructions as to content, format, deadlines, etc. Incumbent works independently to complete continuing and special assignments in accordance with established policies, applicable regulations, prescribed or locally developed procedures, and assignment specific instructions. Precedent setting, controversial, and sensitive issues and actions are referred to the supervisor for decision; however, the incumbent may provide recommendations based on thorough identification of the circumstances and comparison with existing policies and precedents. Completed work is evaluated for conformance to established regulations and policies, accuracy, and soundness of judgment. Methods and procedures used in accomplishing specific assignments are not normally reviewed.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.

- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

TECHNICAL COMPETENCIES

- Knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify testing and certification issues and to provide information to inquirers.
- Ability to coordinate multiple projects simultaneously
- Skill in conducting detailed analyses of administrative functions and work processes to include recommendations and improvements. Demonstrated ability to manage division repositories and record keeping systems for storage, tracking and retrieval of information and materials.
- Skill in providing responsive, courteous, and accountable customer service.
- Skill in preparing papers, reports, correspondence and other written documents.
- Skill in utilizing LotusNotes, MS Word, PowerPoint, Excel, and Internet Explorer to perform daily tasks such as reporting, presentations, and tracking.

**RESEARCH PROGRAM SPECIALIST
(Management and Program Analyst)
AD-343**

Administrative Track, Pay Band III

INTRODUCTION

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 that the mission of the EAC is carried out.

The Division of Research, Policy and Programs is responsible for carrying out studies and programs that promote the effective administration of Federal elections specified in HAVA, for identifying and completing other relevant research projects, for developing policy and guidance as required by HAVA and for developing and promoting educational products designed to help improve the administration of elections. Principal policy development areas cover voluntary guidance for provisional voting, voting information, computerized voter registration list requirements, and providing support in the implementation of the National Voter Registration Act (NVRA). Principal research activities include conducting all research studies described in HAVA and related studies and reporting on and tracking key election and election administration data.

The incumbent serves as the Research Specialist for research and policy and provides critical analytical and administrative support to the Division's staff responsible for EAC's HAVA-related policy and research functions. The incumbent assists with the planning, development, and execution of EAC's HAVA Section 302 and 303 guidance program, the development and implementation of NVRA regulations and the development and execution of the EAC's annual research plan and the studies included in the plan. The Research Specialist reports directly to the Director for Research, Policy and Programs and coordinates closely on projects with the Deputy Director for Policy and the Deputy Director for Research.

MAJOR DUTIES

Undertakes, under the guidance and supervision of the Deputy Director for Policy, research and analysis on key policy issues, including gathering background information for the development of Section 302, 303 guidance and updating NVRA regulations.

Assists with creating and implementing the Federal regulations authorized by NVRA and with updating the National Mail Voter Registration Form as required by NVRA.

Assists the Deputy Director for Policy with creating and implementing processes that are required to develop guidance under HAVA Sections 311 and 312.

Assists with developing and implementing technical assistance and training materials designed to aid states in meeting NVRA requirements.

Assists with developing and implementing a technical assistance program related to the voluntary guidance including building relationships and maintaining contact with EAC stakeholders critical for developing Section 311 and 312 voluntary guidance.

Assists, under the guidance and supervision of the Deputy Director for Research, with research and analysis on key election issues required for developing and executing the EAC research plan.

Assist with the drafting, editing and review of all approved research studies.

Assist with the review of the Election Administration and Voting Survey reports.

Drafts policy, reports, briefing papers, and fact sheets for review by the Deputy Director for Policy and the Deputy Director for Research.

Provides information to the Director of Research, Policy and Programs, the Deputy Director for Policy and the Deputy Director for Research, for presentations at the Commission's meetings, conferences, or other official gatherings.

SUPERVISORY CONTROLS

The incumbent works under the direct supervision of the Director for Research, Policy and Programs and works closely and collaboratively with the Deputy Director for Policy and the Deputy Director for Research on certain assignments. On special assignments, the incumbent may receive direction and guidance from the Executive Director or Chief Operating Officer of the Commission.

The incumbent exercises some independent judgment in planning, organizing, and executing certain projects.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in interacting appropriately and strategically with a variety of individuals involved with the policymaking process and with issues related to the electoral process. Skill with interacting with Division colleagues to aid with meeting performance goals and objectives in a timely and accurate manner.

- **Written and Oral Communication:** A demonstrated ability to effectively and accurately communicate, in writing, technical information to various publics, in a manner that is readily understandable. Demonstrated ability to also effectively and accurately verbally communicate technical information to variety of publics, in a manner that is readily understandable.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of critical legislation and public policies that affect the EAC guidance and NVRA regulatory process, along with EAC's research and program agendas.

TECHNICAL COMPETENCIES

- Knowledge of and skill with interpreting and analyzing various established election laws (including HAVA), NVRA regulations and Title III provisions related to the administration of Federal elections.
- Ability to research and analyze complex public policies in order to assist with creating policy proposals and to help interpret legislative directives that will be converted to practical policies, processes and procedures.
- Skill in helping to effectively communicate technical material or highly complex issues that may have controversial findings, using language appropriate to specialists and/or non specialists.
- Ability to identify and keep abreast of legislation, public policies, and trends that affect the development of the research department's annual program goals and objectives.
- In-depth knowledge of the electoral process and the Federal regulatory process..
- General knowledge of statistical and research methodologies.

**SENIOR ADVISOR
AD-0301****Administrative Track, Pay Band IV****INTRODUCTION**

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.

As Senior Advisor, the incumbent furthers the EAC's efforts in new policy initiatives; disability policy and compliance; and federal, state and local relations with regard to elections. The incumbent provides strategic guidance to senior staff on various issues pertaining to elections.

MAJOR DUTIES

Provides expert analysis, advice, and guidance to EAC personnel on advancing the principles of comprehensive national election reform legislation and HAVA. Assists with overall HAVA implementation.

Monitors, analyzes and advises on pending or potential legislative actions affecting election reform. Promotes EAC through new policy initiatives for possible Congressional consideration.

Identifies educational and informational outreach opportunities with Federal agencies, program stakeholders, the private sector and other outside groups in order to promote the EAC's accomplishments and increase its national profile. Makes recommendations on current and pending EAC educational and informational activities.

Researches, analyzes, and develops information on disability activities, which are of great importance to the EAC, particularly those that could result in adverse criticism, and recommends corrective action that may be warranted under the circumstances.

Helps in leading a competitive grant competition to establish the Accessible Voting Technology Initiative and provides direction on use for \$7,200,000 appropriated funds for the

initiative. Develops the Notice of Funds Available and conducts outreach for Commissioners and interested outside entities.

Guides new grant initiatives targeted at improving voting processes and technology, such as the Military Heroes Initiative, for the Commission. Helps with the drafting of the Notice of Funds Available and conducts outreach to interested outside entities.

Works closely with other outside entities such as the Federal Voting Assistance Program (FVAP), U.S. Access Board to further coordinate voting process and access efforts.

Assists with Section 508 compliance initiatives for the EAC.

Performs other duties as deemed necessary.

SUPERVISORY CONTROLS

Work is performed independently with the supervisor assigning specific tasks and reviewing final products for accuracy and timeliness. Most assignments are generated based on ongoing responsibilities of the position. Items that are controversial or sensitive in nature are brought to the supervisor's attention. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant election issues requiring the attention of the Executive Director or Commissioners.

Knowledge of information gathering and analysis techniques to gather, analyze, summarize, and report on election related data.

In-depth knowledge of the electoral process and the Federal regulatory process.

Ability to research and analyze complex public policies in order to assist with creating policy proposals and to help interpret legislative directives that will be converted to practical policies, processes and procedures.

Ability to identify and keep abreast of legislation, public policies, and trends that affect the development of the research department's annual program goals and objectives.

Skill in helping to effectively communicate technical material or highly complex issues that may have controversial findings, using language appropriate to specialists and/or non specialists.

**SENIOR GRANTS SPECIALIST
(Grants Specialist)
AD-1101**

Administrative Track, Pay Band IV

INTRODUCTION

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.

The incumbent of this position serves as the Grants Specialist in the Grants and HAVA Funding Division. Major duties and responsibilities include administration of HAVA funding, administration of the grants program, and providing assistance with HAVA Title III issues.

The position is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

MAJOR DUTIES

- Participates in the planning and business management of assigned grants.
- Assists in carrying out a variety of tasks related to reviewing grant proposals using a variety of standard guidelines.
- Reviews applications for adequacy and accuracy and compliance with requirements.
- Assists in coordinating funding actions that begin the grant/agreements awards process. These funding actions are continuous and require attention to detail and expedience in handling to avoid delays and errors and to meet deadlines. The incumbent researches numerous criteria, laws, rules, and regulations to determine what is legal and applicable in formulating agreements.
- Assists in evaluating budget justifications and financial arrangements, including cost analysis, review of accounting systems, adequacy of resources, acceptability of milestones, and techniques proposed to ensure responsible stewardship of funds.

- Provides assistance in the administration of the portfolio including setting appropriate work priorities, applying knowledge of organizational needs and deadlines, and consistent follow-up to assure receipt of required documentation.
- Prepares award notices for approval by the Grants Director and assists in ensuring that the awardee is in compliance with established administrative and financial policies, procedures, and sound business practices.
- Reviews grant/agreement applications for clarity and completeness.
- Participates in the post-award monitoring of grants and cooperative agreements similar to those noted above under pre-award activities.
- Ensures compliance with terms and conditions of grants/agreements and monitors assigned program allowances to track the pace of expenditures and prevent lapse of funds or over expenditures.
- Stays abreast of changes in policy regulations, and legal authorities affecting agreements.
- Assists with activities related to monitoring grants, including receiving and reviewing progress reports, assisting with preparation for on-site visits, and preparation of various reports.
- Checks reports of expenditures to ensure compliance with all agencies involved and other Federal government fiscal and administrative policies and regulations.
- Establishes and maintains professional relationships with staff at all levels of the agency.
- Keeps supervisor and staff informed of administrative issues and developments.
- Performs other duties as assigned.

SUPERVISORY CONTROLS

Assignments may be received either orally or through email notice although most assignments are generated based on ongoing responsibilities of the position. Assignments involving new issues are received with some degree of explanation. Items that are controversial or sensitive in nature are brought to the supervisor's attention. Work is reviewed for overall effectiveness in achieving goals and objectives. Some items, such as financial reports, are reviewed closely for accuracy due to the consequence of error.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- **Process Management:** develops and monitors processes and organizes resources to achieve desired results.
- **Quantitative Analysis:** examines and evaluates numerical data to manage and achieve results.
- **Financial Analysis:** acquires and applies critical financial concepts and practices, based upon a thorough understanding of the Federal Government.
- **Grants Administration:** administers grants and cooperative agreements, applying knowledge of organizational needs and deadlines.
- **Procedural and Regulatory Compliance Management:** maintains standards and adheres to regulatory guidelines and requirements with regard to processes and procedures.

**SPECIAL ASSISTANT TO COMMISSIONER
(Policy Analyst)
AD-343**

Administrative Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position serves as a Special Assistant to an EAC Commissioner, providing both administrative and program support. Primary responsibilities include researching and analyzing facts and issues related to the EAC mission, advising the Commissioner on such issues, monitoring the administration of national elections and keeping the Commissioner informed of significant issues, developing background information to assist the Commissioner in formulating policies, and managing administrative details such as travel, appointments, and speaking engagements.

This position involves a close and confidential working relationship with an EAC Commissioner, a key appointed official. It is, therefore, excepted from the competitive service. The position is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). The incumbent serves at the pleasure of the Commissioner.

MAJOR DUTIES

Program Responsibilities – 85%

Works with the Commissioner to establish overall goals, objectives, priorities, and operational plans for the Commissioner and continually assesses and adjusts them accordingly.

Plans and conducts studies on the administration of elections, voter participation, and initiatives and referenda. Maintains awareness of significant election administration developments, prepares analyses of the implications of these developments, and makes program or policy recommendations to the Commissioner to address problems or improve election administration.

Identifies issues that may require clarification and drafts such clarifications for the Commissioner's review and approval. Evaluates policy alternatives related to elections.

Reviews, summarizes, and presents findings to aid the commissioner in examining complex policy proposals.

Drafts policy statements, complex opinion editorials, speeches, agency or programmatic planning documents for the Commissioner's review and use. Researches a variety of sources to identify and evaluate information needed to respond to questions. Drafts correspondence and decision documents on policy or ethical issues facing the Commissioner.

Interfaces with state and local election officials, advocacy groups, federal officials and other HAVA stakeholders on policy matters related to the Commissioner's responsibilities and priorities. As requested by the Commissioner, speaks on behalf of the Commissioner to constituency groups on the issues of election reform, and election administration.

As assigned, represents the Commissioner at various functions, public appearances and meetings. Attends meetings with the Commissioner to provide support and information and to assist in responding to questions. Prepares for meetings by conducting research and developing briefing and/or presentation materials for the Commissioner. Identifies the issues to be discussed, participant perspectives, possible resolution pathways, and historical precedents for various options. Recommends and justifies a preferred option, including cost and staffing implications. Serves as liaison for the Commissioner with various constituency groups.

Administrative Support Responsibilities – 15%

Manages the commitments and schedules of the Commissioner, setting priorities, reminding of commitments, and responding to invitations for the Commissioner to attend various meetings, conferences, and other affairs. Makes or assigns others to make travel arrangements and prepare travel documents for the Commissioner. Performs records management responsibilities, assuring official records required to meet EAC and/or federal government rules and regulations are properly maintained.

Performs other related duties as assigned by the Commissioner.

SUPERVISORY CONTROLS

The incumbent works in partnership with the assigned Commissioner, assisting in establishing overall goals, objectives, priorities, and operational plans. The Commissioner provides administrative and policy direction and assigns special projects. Within these parameters, the Special Assistant independently plans and carries out the work of the position, identifying issues and problems, initiating action to resolve them, discussing with the Commissioner controversial or sensitive issues that may significantly impact the EAC; and keeping the Commissioner informed of progress. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant issues requiring the attention of the Commissioner
- Comprehensive knowledge of the Help America Vote Act, pertinent regulations, policies, procedures, precedents, and directives affecting election administration.
- Knowledge of Federal and State election laws and skill sufficient to apply statistical methods to the analysis of voting patterns as related to variables such as election law requirements and socioeconomic factors.
- Skill sufficient to provide research and analytical information on voter registration and participation, voting systems, testing laboratories, and other relevant aspects of election administration and to identify and discuss with the Commissioner and EAC stakeholders the impact of alternative policy proposals on election laws.

- Skill sufficient to conduct probing, innovative analyses involving complex variables that impact significantly on the effective development, interpretation, or implementation of election administration policies.

**SPECIAL ASSISTANT
(Attorney Adviser)
AD-0905**

Professional Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position is an attorney adviser, serving as a Special Assistant to an EAC Commissioner. Primary responsibilities include providing professional legal advice to the Commissioner on a variety of issues; researching, identifying and analyzing facts and issues related to the EAC mission, advising the Commissioner on such issues, monitoring the administration of national elections and keeping the Commissioner informed of significant issues, developing background information to assist the Commissioner in formulating policies, and managing administrative details such as travel, appointments, and speaking engagements.

The work requires a valid and current law license in at least one State. This position involves a close and confidential working relationship with an EAC Commissioner, a key appointed official. It is, therefore, excepted from the competitive service. The position is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). The incumbent serves at the pleasure of the Commissioner.

MAJOR DUTIES

Program Responsibilities – 90%

Plans and conducts studies and provides advice to the Commissioner regarding legal and public policy related issues associated with elections. Reviews legislation, regulations, and policies that potentially impact the mission and objectives of the EAC, researching issues involved, and rendering interpretive opinions on the implications of legislative or policy changes on the programs and policies of the EAC.

Interprets the legal requirements and provisions of the HAVA and other pertinent laws and regulations as they apply to questions, practices, and issues referred by the Commissioner. As required, prepares formal written interpretations and recommends a course of action.

Reviews policies, issuances, and decisions considered by the Commissioner to assure consistency with relevant laws and regulations. May draft such issuances for the review and approval of the Commissioner.

Maintains awareness of significant election administration developments, prepares analyses of the implications of these developments, and makes program or policy recommendations to the Commissioner to address problems or improve election administration. Identifies issues that may require clarification and drafts such clarifications for the Commissioner's review and approval. Evaluates policy alternatives related to elections. Reviews, summarizes, and presents findings to aid the commissioner in examining complex policy proposals.

Drafts policy statements, complex opinion editorials, speeches, agency or programmatic planning documents for the Commissioner's review and use. Researches a variety of sources to identify and evaluate information needed to respond to questions. Drafts correspondence and decision documents on policy or ethical issues facing the Commissioner.

Interfaces with state and local election officials, advocacy groups, federal officials and other HAVA stakeholders on policy matters related to the Commissioner's responsibilities and priorities. As requested by the Commissioner, speaks on behalf of the Commissioner to constituency groups on the issues of election reform, and election administration.

As assigned, represents the Commissioner at various functions, public appearances and meetings. Attends meetings with the Commissioner to provide support and information and to assist in responding to questions. Prepares for meetings by conducting research and developing briefing and/or presentation materials for the Commissioner. Identifies the issues to be discussed, participant perspectives, possible resolution pathways, and historical precedents for various options. Recommends and justifies a preferred option, including cost and staffing implications. Serves as liaison for the Commissioner with various constituency groups.

Administrative Support Responsibilities – 10%

Manages the commitments and schedules of the Commissioner, setting priorities, reminding of commitments, and responding to invitations for the Commissioner to attend various meetings, conferences, and other affairs. Makes or assigns others to make travel arrangements and prepare travel documents for the Commissioner. Performs records management responsibilities, assuring official records required to meet EAC and/or federal government rules and regulations are properly maintained.

Performs other related duties as assigned by the Commissioner.

SUPERVISORY CONTROLS

The incumbent works in partnership with the assigned Commissioner, assisting in establishing overall goals, objectives, priorities, and operational plans. The Commissioner provides administrative and policy direction and assigns special projects. Within these parameters, the Special Assistant independently plans and carries out the work of the position, identifying issues and problems, initiating action to resolve them, discussing with the Commissioner controversial or sensitive issues that may significantly impact the EAC; and keeping the Commissioner

informed of progress. Work is reviewed for overall effectiveness in achieving goals and objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Professional knowledge of, and ability to interpret and apply: Federal, State and local laws and regulations governing election administration. Graduation from an accredited law school in the United States and a valid and current law license in at least one State is required.
- Thorough knowledge and understanding of the EAC mission, goals and objectives, programs, and functions to identify significant issues requiring the attention of the Commissioner
- Comprehensive knowledge of the Help America Vote Act, pertinent regulations, policies, procedures, precedents, and directives affecting election administration.
- Expert knowledge of Federal and State election laws and skill sufficient to identify methods to the analysis of voting patterns as related to variables such as election law requirements and socioeconomic factors.

- Skill sufficient to provide research and analytical information on voter registration and participation, voting systems, testing laboratories, and other relevant aspects of election administration and to identify and discuss with the Commissioner and EAC stakeholders the impact of alternative policy proposals on election laws.
- Skill sufficient to conduct probing, innovative analyses involving complex variables that impact significantly on the effective development, interpretation, or implementation of election administration policies.

**SPECIAL ASSISTANT TO THE EXECUTIVE DIRECTOR
(Executive Assistant)
AD-0301**

Administrative Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position serves as the Special Assistant to the Executive Director, U.S. Election Assistance Commission, responsible for providing policy analysis and background summaries on a wide variety of programs, issues, and initiatives. Monitors national election administration issues, conduct Internet and other research to keep the Executive Director informed of topical issues with background information. Also provides calendar management, screens calls, coordinates cross-functional meetings, manage department expenses, handles confidential and/or sensitive information, and coordinates travel arrangements to facilitate the Executive Director's management and oversight responsibilities.

MAJOR DUTIES

Represents or assists the Executive Director or the EAC at various functions, public appearances and meetings as required, and provide summary and analysis documentation. Serves as liaison for the Executive Director with various constituency groups.

Takes active leadership role in ensuring that the Executive Director is provided with top quality briefing materials, including conducting adequate research to identify the issues to be discussed, participants perspectives, possible resolution pathways, historical and/or legal precedents for various options, recommendations regarding preferred option, cost and staffing implications and/or presentation materials as required.

Interfaces with local election officials, jurisdictional representatives, federal and state agencies and the media regarding issues related to the Executive Director's responsibilities.

support the Executive Director's oversight responsibilities. Assists with the development of research projects and review of proposals. Arrange for, and schedules, appointments for the Executive Director, including interviewing callers and making proper referrals.

Maintains coordination of Executive Director's schedule and activities with those of the Commissioners. Supervises the preparation of materials and equipment for meetings.

Works with the agency's Meetings Coordinator to meet lodging, meeting space, and lodging needs for meeting participants.

Maintains the Executive Director's financial and accounting records to meet EAC requirements. Responsible for records management for the Executive Director and ensuring that any such documents considered official Commission records are appropriately maintained.

Monitors scheduling, coordinates travel arrangements, processes expense reports, creates and maintains a filing system. Implements overall goals, objectives, priorities, and operational plans as specified by the Executive Director and assesses and adjusts them as required.

Maintains awareness of significant election community and legislative developments related to the EAC, prepares analysis of the implications, and recommends programmatic or policy modifications.

Performs other duties as assigned.

SUPERVISORY CONTROLS

Within a framework of priorities, funding and overall project objectives, the employee and the supervisor develop a mutually acceptable project plan which typically includes identification of the work to be done, the scope of the project, and the deadlines for its completion. The employee is responsible for planning and organizing the work and coordinating with staff and management personnel. The employee informs the supervisor of potentially controversial findings, issues, or problems that could have widespread impact. Completed projects, reports, or recommendations are reviewed by the supervisor for compatibility with organizational goals, guidelines, and effectiveness in achieving intended objectives.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.

- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Comprehensive knowledge of pertinent laws, regulations, policies, and procedures applicable to administration and management within EAC and the area of responsibility.
- Knowledge of the mission, programs, organization, and functions of the EAC and of administrative rules, regulations and procedures related to contracting and travel. Knowledge is used to respond to inquiries, and provide information to State and local election officials.
- Comprehensive knowledge of research techniques and the ability to locate, gather, analyze and organize information for use in preparing informational materials for meetings, briefings and developing and/or editing presentations for the Executive Director.

**STAFF ASSISTANT
AD-303**

Clerical Track, Pay Band II

INTRODUCTION

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.

The incumbent of this position serves as a Staff Assistant and under general supervision, performs a variety of clerical and administrative duties related to front office coverage, supply acquisition, mail distribution, office equipment maintenance and mail processing.

MAJOR DUTIES

Answers telephone, screens and directs calls to appropriate staff; takes and relays messages; and provides information to callers.

Greets persons entering organization; directs persons to correct destination; and deals with queries from the public.

Ensures knowledge of staff movements in and out of organization.

Reports all phone related problems to appropriate department at Verizon; receives and briefs technician when onsite. Follows up to ensure satisfactory completion of service.

Prepares request for new service or discontinuation of service for Administrative Officer's signature; follows through to ensure satisfactory completion of service request.

Prepares supply order requests for supervisor's signature; calls in, receives, verifies orders for completeness, and restocks supply room.

Receives and distributes incoming mail from all mail carriers; date stamps US Postal mail. Processes all outgoing mail.

Performs routine maintenance and updates on postal machine. Adds postage as needed. Generates monthly postage report and submits to Administrative Officer

Contacts vendors to ensure scheduling of their services for EAC events, including generating paperwork for supervisor signature.

Inputs entries into databases using Microsoft Excel or Word.

Operates a variety of office equipment to include computer, postage meter, and multi-function copier and fax machine). Researches topics online having to do with the work of the EAC. Assembles material from this research and gives to the appropriate staff member.

Performs other duties as assigned.

SUPERVISORY CONTROLS

The incumbent's immediate supervisor is the Administrative Services Director of EAC. The supervisor makes assignments by defining overall objectives, priorities, and deadlines. The incumbent plans and carries out the successive steps and handles problems or deviations in the work assignment in accordance with instructions, policies, or established procedures. The work of the incumbent is usually reviewed for appropriateness and conformity to established policy and requirements.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Customer Service:** Ability to maintain credibility with the public, customers, and co-workers and convey a positive attitude when interacting with customers and staff. Skill in setting, committing to, and maintaining high standards for quality work and responsiveness in providing administrative services
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.

TECHNICAL COMPETENCIES

- Knowledge and skill to recognize the problem, to collect the necessary information, establish the facts, and take or recommend action.
- Knowledge of the operations, regulations and principles of the EAC to answer routine questions from the staff or general public;
- Knowledge and understanding of a multi-button telephone equipment.
- Skill in using Microsoft Word applications.

**STAFF ATTORNEY
(Attorney-Adviser)
AD-0905**

Professional Track, Pay Band III

INTRODUCTION

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.

The incumbent of this position is an Attorney-Adviser, serving the needs of General Counsel of the EAC. Primary responsibilities include a range of legal research, advice, and services concerning matters falling within the purview of EAC.

MAJOR DUTIES

Conducts legal research and provides advice and opinions to General Counsel based on the nature of the assignment. Duties include but are not limited to: performing legal research; drafting memorandums explaining policy and legal decisions; provide guidance on legal implications of agency policy; communicating with stakeholders on policy issues; interpret the law; and provide policy support to commissioners.

Accepts assignment on a case-by-case basis. Fully develops the assignment based on legal research of election laws, regulations, policies, and procedures. Explores new issues by searching automated data bases or searching traditional legal sources. Performs some work based on prior experience with the same or similar topic. Consults with other staff members as needed to ascertain all relevant material and viewpoints. Renders interpretive opinions on the issue at hand and reports findings to the General Counsel. Opinions and recommendations are expected to be technically accurate and reflect best administrative or legal practices.

Perform other duties as assigned.

SUPERVISORY CONTROLS

The General Counsel provides administrative direction and assigns the work on a case – by-case basis. Assignments are generally individual in nature with direction received concerning completion of the assignment, timeframes, and expected outcomes. Many assignments are developmental in nature and subject to close review and approval.

GENERAL COMPETENCIES

- **Interpersonal Effectiveness:** Skill in responding appropriately to a diversity of groups and individuals in a variety of challenging situations. Demonstrated ability to be tactful and to treat others with respect. Skill in developing networks, achieving cooperation, and collaborating with others when appropriate, including parties outside of EAC.
- **Critical Thinking:** Skill in purposeful, self-regulatory judgment that results in interpretation, analysis, and evaluation of all relevant considerations while remaining flexible, fair-minded in evaluation, prudent in making judgments, diligent in seeking relevant information, and persistent in seeking results.
- **Written and Oral Communication:** Demonstrated ability to clearly, succinctly and convincingly express facts and ideas both in writing and orally. Skill in listening and appropriately responding to the ideas, points of view, or concerns of others. Skill in public speaking.
- **Organizational Skill:** Demonstrated understanding of priorities, deadlines, administrative systems and resources needed to gather and synthesize information while balancing workload demands.
- **External Awareness:** Skill in identifying and keeping abreast of legislation, policies and economic, political, and social trends that affect the EAC.

TECHNICAL COMPETENCIES

- Professional knowledge of and ability to interpret and apply: Federal, State and local laws and regulations governing election administration. Graduation from and accredited law school in the United States and a valid and current law license in at least one State is required.
- Thorough knowledge and understanding of the EAC mission, goals, and objectives, programs, and functions to identify significant issues requiring the attention of the Commissioners.

- Comprehensive knowledge of the Help America Vote Act and the National Voter Registration Act, pertinent regulations, policies, procedures, precedents, and directives affecting election administration.
- Developmental knowledge in one or more functional areas of law (e.g., U.S. election law; information law and information sharing; and federal communications) and the ability to expand experience and knowledge base.

CHARLES A. GONZALEZ
 MEMBER OF CONGRESS
 20TH DISTRICT, TEXAS
 1430 LONGWORTH HOUSE OFFICE BUILDING
 WASHINGTON, DC 20515-4320
 (202) 225-3238 PHONE
 (202) 225-1915 FAX
 B-124 FEDERAL BUILDING
 127 EAST DURANGO
 SAN ANTONIO, TEXAS 78205-1286
 (210) 472-6195 PHONE
 (210) 472-4009 FAX

Congress of the United States
 House of Representatives
 Washington, DC 20515-1520

March 28, 2011

COMMITTEE ON
 ENERGY AND COMMERCE
 SUBCOMMITTEE ON COMMERCE,
 MANUFACTURING AND TRADE
 SUBCOMMITTEE ON
 ENERGY AND POWER
 SUBCOMMITTEE ON HEALTH
 COMMITTEE ON
 HOUSE ADMINISTRATION
 SUBCOMMITTEE ON ELECTIONS
 SUBCOMMITTEE ON OVERSIGHT
 CHAIR
 CONGRESSIONAL MEXICAN CALOCUS
 SENIOR WIFE

The Honorable Commissioners and Executive Director of the
 Election Assistance Commission
 1201 New York Ave NW, Suite 300
 Washington, D.C. 20005-3999

Dear Commissioners Bresso & Davidson and Executive Director Wilkey:

The promptness of my colleagues on the Committee on House Administration allowed them to provide you with questions for the record following up on our 17 March, 2011, hearing entitled "Election Assistance Commission Operations and 2012 Budget Request" before I had fully formulated my own questions. I regret providing my own questions under separate cover but have provided a copy to the Committee and trust that this will not significantly add to your labors in responding.

1. I would like each Commissioner to provide a short summary of your typical daily interaction with the professional staff at EAC. Without getting into every issue, with whom do you work most closely on the three or four management issues that take up most of your managerial time and energy? In the past month, for example, how many times have you sat down with Mr. Wilkey, Ms. Miller, or Ms. Lafferty to discuss the budget for the current year or future years, past expenses or future expenses?

Commissioner Bresso said, in response to Chairman Harper's question, "No, I do not support the budget." and described the limits of her input into the process of creating it. I want to get a better sense of how the Commissioners were involved in the budget's creation and what limits they faced.

2. Please provide a rough outline of the official steps taken in the creation of EAC's budget, with as well as without a quorum of commissioners, in any given year. This should include but need not be limited to estimates of the dates of: budget submission; any official votes taken; input from commissioners, both individually and collectively; input from the Executive Director; input from other staff; and submission to OMB, congressional committees, and any other relevant agencies; also, any statutory or formal barriers to participation.
3. Mr. Wilkey mentioned that EAC has "already put our 2012 budget request to bed by September. We [are] already talking about 2013." Since former-Commissioner Hillman's tenure extended through December, 2010, this would suggest that the FY12 budget request was completed while there was still a quorum, allowing full input from the Commissioners. Was this the case? What input did the Commissioners have into the FY12 budget? What official steps were taken? What documentation is available of debate among the commissioners? Were recorded votes taken on these budget requests?

Page 2
March 28, 2011

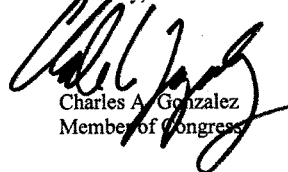
4. According to the attached memorandum of 22 September, 2010, on the tally vote of 21 June, 2010, "Commissioners Bresso, Davidson, and Hillman approved the recommendation" approving the FY2012 OMB Budget Justification. Commissioner Bresso added a note about a correction on page 39 regarding a position title, which indicates her awareness of her ability to comment. If she does not support the budget, why did she approve the justification and fail to express her reasons for not supporting it last year? Is the budget as it exists different from that included in the OMB Budget Justification? If so, How? If Commissioner Bresso's views changed since approving the budget or since 22 September, Why?

Statutory and constitutional obligations and responsibilities, including personnel:

5. The Help America Vote Act makes it the Executive Director's responsibility to "appoint and fix the pay of such additional personnel as the Executive Director considers appropriate." The Roles and Responsibilities of the Commissioners and Executive Director of the U.S. Election Assistance Commission, unanimously adopted in 2008 in explicit response to a report from the Inspector General, similarly charges the Executive Director with overseeing "day-to-day management and the implementation of agency policy." Commissioner Bresso told Mr. Rokita, in response to his asking, "Is this a good way to run a ship?", "No. I believe the Commissioners should have more authority" over personnel. Is it generally felt that the Commissioners' responsibilities for election assistance leave them with sufficient time and that we should amend the Executive Director's statutory responsibilities to allow more personnel decisions to be handled by the Commissioners?
6. There have been several disturbing reports of anti-minority bias at EAC over the past years, particularly against Hispanic staff. Does the absence of Hispanics among EAC leadership contribute to creating or allowing a less than welcoming work environment for Hispanic or other minority staff? Are any steps being taken to ensure that this problem is permanently addressed?

I thank you for your attention to these questions and await your responses with great interest.

Sincerely,



Charles A. Gonzalez
Member of Congress

CAG: cr

cc: The Honorable Gregg Harper, Chairman, Committee on House Administration,
Subcommittee on Elections
The Honorable Bob Brady, Ranking Member, Committee on House Administration,
Subcommittee on Elections



U.S. ELECTION ASSISTANCE COMMISSION
1201 NEW YORK AVENUE, N.W., SUITE 300
WASHINGTON, D.C. 20005

June 10, 2011

The Honorable Charles Gonzalez
1436 Longworth House Office Building
Washington, DC 20515

Dear Congressman Gonzalez:

I appreciate the opportunity to answer follow-up questions posed by you from the March 17, 2011 hearing on the "Election Assistance Commission Operations and 2012 Budget Request." My responses are attached, and please contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Gineen Bresso".

Gineen M. Bresso
Commissioner



COMMITTEE ON HOUSE
ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS
HEARING
ON
Election Assistance Commission Operations
and 2012 Budget Request

Questions for the Record from Congressman Gonzalez
for
U.S. Election Assistance Commission
Commissioner Gineen M. Bresso

June 10, 2011

**Questions for the Record
Submitted by Representative Charles A. Gonzalez**

1) I would like each Commissioner to provide a short summary of your typical daily interaction with the professional staff at EAC. Without getting into every issue, with whom do you work most closely on the three or four management issues that take up most of your managerial time and energy? In the past month, for example, how many times have you sat down with Mr. Wilkey, Ms. Miller, or Ms. Lafferty to discuss the budget for the current year or future years, past expenses or future expenses?

Commissioner Bresso said, in response to Chairman Harper's question, "No, I do not support the budget." and described the limits of her input into the process of creating it. I want to get a better sense of how the Commissioners were involved in the budget's creation and what limits they faced.

In most cases, I work directly with Mr. Wilkey with regards to general management issues, although specific briefings may come directly from Ms. Lafferty and Ms. Miller. Commissioner-staff briefings generally are held once a month with reports from all agency divisions, with occasional follow-up staff briefings later in the month as issues arise and schedules permit.

Since the budget justification was sent to Congress, there has been no further work on the FY2012 budget. Work on the FY2012 Budget request was done most closely with Ms. Lafferty as the agency's Chief Financial Officer (CFO). She provided a draft of the budget justification to Commissioners for comment and input. Please see the responses to questions 2 and 3 with regards to the input and involvement of the Commissioners in the agency's budget.

2) Please provide a rough outline of the official steps taken in the creation of the EAC's budget, with as well as without a quorum of commissioners, in any given year. This should include but need not be limited to estimates of the dates of: budget submission; any official votes taken; input from commissioners, both individually and collectively; input from the Executive Director; input from other staff; and submission to OMB, congressional committees, and any other relevant agencies; also, any statutory or formal barriers to participation.

3) Mr. Wilkey mentioned that EAC has "already put our 2012 budget request to bed by September. We [are] already talking about 2013." Since former-Commissioner Hillman's tenure extended through December, 2010, this would suggest that the FY12 budget request was completed while there was still a quorum, allowing full input from the Commissioners. Was this the case? What input did the Commissioners have into the FY12 budget? What official steps were taken? What documentation is available of debate among the commissioners? Were recorded votes taken on these budget requests?

Pursuant to HAVA, for an official budget submission to be adopted it must be approved by three affirmative votes of Commissioners.

During the formulation of a budget, Commissioners traditionally vote on the Budget Request to OMB in September, approximately 13 months before that fiscal budget will take effect.

Commissioners then vote on the congressional budget justification, which is included in the President's Budget for EAC the following January/February. During the formulation of the FY 2012 Budget, the CFO of EAC solicited Commissioner input for EAC's budget in August, 2010.

I provided comments and on September 16, 2010 received a tally vote for the 2012 OMB budget justification. The vote approving the Budget was certified on September 22, 2010 and EAC submitted its FY 2012 Budget to OMB, consistent with the requirements in OMB Circular A-11.

The Executive Director submitted the agency's request for the President's FY 2012 Budget that was sent to Congress in February, 2011.

4) According to the attached memorandum of 22 September, 2010, on the tally vote of 21 June, 2010, "Commissioners Bresso, Davidson and Hillman approved the recommendation" approving the FY 2012 OMB Budget Justification. Commissioner Bresso added a note about a correction on page 39 regarding a position title, which indicates her awareness of her ability to comment. If she does not support the budget, why did she approve the justification and fail to express her reasons for not supporting it last year? Is the budget as it exists different from that included in the OMB Budget Justification? If so, How? If Commissioner Bresso's views changed since approving the budget or since 22, September, Why?

During the process for drafting the 2012 EAC request to OMB, I provided input and comments to EAC staff.

Without a quorum, an official vote on EAC's Budget request for the FY 2012 President's Budget cannot be taken. The Executive Director submitted EAC's FY 2012 Congressional Budget Justification in February, 2011.

With regards to the tally vote in question, please note that it has a typographical error on the certification page and it has since been corrected in the official Commission tally vote record to reflect that the tally vote closed on September 21, 2010, and not June. As a Commissioner, I am committed to implementing the FY 2012 budget when it is enacted and will work with my colleagues to continue prioritizing both programmatic and staffing needs at the Commission as we move forward.

5) The Help America Vote Act makes it the Executive Director's responsibility to "appoint and fix the pay of such additional personnel as the Executive Director considers appropriate." The Roles and Responsibilities of the Commissioners and Executive Director of the U.S. Election Assistance Commission, unanimously adopted in 2008 in explicit response to a report from the Inspector General, similarly charges the Executive Director with overseeing "day-to-day management and the implementation of agency policy."

Commissioner Bresso told Mr. Rokita, in response to his asking, "Is this a good way to run a ship?", "No. I believe the Commissioners should have more authority" over personnel. Is

it generally felt that the Commissioners' responsibilities for election assistance leave them with sufficient time and that we should amend the Executive Director's statutory responsibilities to allow more personnel decisions to be handled by the Commissioners?

HAVA states that the Executive Director "may appoint and fix the pay of such additional personnel as the Executive Director deems appropriate," but provides for that authority "subject to rules prescribed by the Commission." (HAVA Section 204(a)(5)) It is the Commissioners' duty to have prescribed those rules, and I do not believe the Roles and Responsibilities document gives adequate guidance to the Executive Director as to those rules. Commissioners should have a role in this process, providing input on the direction of the agency and its priorities.


During the hearing, Congressman Rokita asked, "Is this a good way to run a ship? Is this a good way to run an agency?" This was in response to my previous statement, "No. I was just going to agree that the only authority commissioners have for hiring are the two statutory positions, the General Counsel and the Executive Director." My comment regarding Commissioners having more authority meant simply that I believe Commissioners need to be more involved than they are currently allowed under Roles and Responsibilities. In my opinion, as the agency has evolved, the Commissioners have more time to provide input and guidance on carrying out the mission of the agency. Commissioners should have a greater role with general personnel decisions – such as whether or not to create additional positions, and at what level; or whether a position requires certain qualifications or skill sets. While the Commissioners should not be micromanaging all the tasks of staff, it is not unreasonable to allow the Commissioners to provide greater input with regards to decisions of the agency.

6) There have been several disturbing reports of anti-minority bias at EAC over the past years, particularly against Hispanic staff. Does the absence of Hispanics among EAC leadership contribute to creating or allowing a less than welcoming work environment for Hispanic or other minority staff? Are any steps being taken to ensure that this problem is permanently addressed?

As a Commissioner, I am not involved with the staff hiring process, so I will have to defer to Mr. Wilkey with regards to questions regarding hiring processes.

352

Gineen M. Bresso/EAC/GOV
01/24/2011 02:15 PM

To Annette Lafferty/EAC/GOV@EAC
cc Alice Miller/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, Mark Robbins/EAC/GOV@EAC,
bcc
Subject Re: Draft FY 2012 Congressional Budget Justification and FY 2010 Annual Performance Report for review by Jan. 24 

Annette,

I will get my edits to you tonight but it will likely be after COB. Thanks

Gineen

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100
Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
01/07/2011 04:04 PM

To Donetta L. Davidson/EAC/GOV@EAC, Gineen M. Bresso/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Mark Robbins/EAC/GOV@EAC, Alice Miller/EAC/GOV@EAC, Jeannie Layson/EAC/GOV@EAC, Mary Anne Bradfield/EAC/GOV@EAC, Sharmili Edwards/EAC/GOV@EAC
cc
Subject Draft FY 2012 Congressional Budget Justification and FY 2010 Annual Performance Report for review by Jan. 24

Attached please find the confidential draft Interim FY 2012 Congressional Budget Justification and Interim FY 2010 Annual Performance Report for your review. The documents are currently due to Congress on February 7. I would like to receive comments back by Monday, January 24 to allow time for the revision process, OMB review, and reproduction before February 7. Much of the information in the documents comes from excellent submissions from the directors, and borrows from the FY 2012 OMB Justification and the FY 2010 Agency Financial Report, so hopefully the review won't be too time-consuming.

I will work on making the charts, such as some of the performance measure charts and the organization chart, look better while you are doing the review. We are working on Appendix B, the Grant Expenditure Report, and will get that to you for review asap.

Thank you in advance for your input into these documents. As always, I am happy to meet with you to discuss issues and comments. Annette

202-566-0355

FYI, OMB asked for additional substantive legislative proposals to streamline operations and increase effectiveness by February 11. The current due date for the Congressional Budget Justification is February 7. Thanks, Annette

355

Annette Lafferty/EAC/GOV
12/07/2010 01:00 PM

To Gineen M. Bresso/EAC/GOV@EAC
cc Sharmili Edwards/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc
Subject Re: OMB Passback [1]

Commissioner, I got a call late last week from our OMB examiner, George. Passback has been pushed back and a new date has not been set yet. I'll let you know as soon as I get new information. Thanks,
Annette

Gineen M. Bresso/EAC/GOV

Gineen M. Bresso/EAC/GOV
12/07/2010 12:41 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Annette
Lafferty/EAC/GOV@EAC
cc Sharmili Edwards/EAC/GOV@EAC
Subject OMB Passback

Tom and Annette:

Have we received the passback for FY 2011 from OMB? If so, what is our budget? I recall that you both said we would receive it by December 6.

Thank you,

Gineen

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100

356

Annette Lafferty/EAC/GOV
11/22/2010 03:52 PM

To Gineen M. Bresso/EAC/GOV@EAC
cc Sharmili Edwards/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc
Subject Re: FY 2012 Budget [1]

Commissioner, we received word on Friday that Passback is delayed until December 6. Thanks, Annette
Gineen M. Bresso/EAC/GOV

Gineen M. Bresso/EAC/GOV
11/22/2010 03:45 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Annette
Lafferty/EAC/GOV@EAC
cc Sharmili Edwards/EAC/GOV@EAC
Subject FY 2012 Budget

Tom & Annette,

Have we heard anything from OMB regarding our FY 2012 budget? I recall from our last meeting you indicated that we may hear something on or before Thanksgiving.

Thanks,
Gineen

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100

357

Gineen M. Bresso/EAC/GOV
09/16/2010 04:49 PM

To: Annette Lafferty/EAC/GOV@EAC
cc
bcc
Subject: Re: Fw: FY 2012 OMB Justification and Legislative
Proposals for tomorrow's tally vote [1]

Good. Thanks

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100
Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
09/16/2010 04:40 PM

To: Gineen M. Bresso/EAC/GOV@EAC
cc
Subject: Fw: FY 2012 OMB Justification and Legislative Proposals for
tomorrow's tally vote

Commissioner, here is the revision to the last paragraph of page 9:

EAC will continue to achieve its goal of serving as the trusted source for information about elections and election administration. In 2012, EAC's stakeholders will access a new, separately identifiable Clearinghouse on the EAC website. The fixed price for the website contract in FY 2012 is \$141,660 with optional time and materials task orders requested at \$50,000. The request also includes \$7,000 for staff travel, \$12,000 for printing, \$30,000 for supplies and subscriptions, and \$21,000 for production of training videos and for staff training, and \$137,000 for voter outreach activities related to the 2012 Presidential election including a satellite media tour. Goal 1 is administered by a staff of three full-time employees. The unit spends approximately \$26,000 to produce the mandated EAC Annual Report.

----- Forwarded by Annette Lafferty/EAC/GOV on 09/16/2010 04:42 PM -----

Gineen M. Bresso/EAC/GOV
09/16/2010 10:54 AM

To: Annette Lafferty/EAC/GOV@EAC
cc
Subject: Re: FY 2012 OMB Justification and Legislative Proposals for
tomorrow's tally vote [1]

I understand the Chair's point and agree. I had a similar concern of having videos mentioned 3 times and having 2 different allocations for it. How about just keeping it something simple like voter education and outreach including a satellite media tour?

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100
Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
09/16/2010 10:50 AM

To Gineen M. Bresso/EAC/GOV@EAC
cc Sharmili Edwards/EAC/GOV@EAC
Subject Re: FY 2012 OMB Justification and Legislative Proposals for tomorrow's tally vote

Commissioner, you raise a good point. The reason for the insert was the Chair's concern about putting 137K into a PR-type contract. I was trying to come up with other types of voter outreach activities in addition to the satellite media tour. Thanks, Annette
Gineen M. Bresso/EAC/GOV

Gineen M. Bresso/EAC/GOV
09/16/2010 10:37 AM

To Annette Lafferty/EAC/GOV@EAC
cc Sharmili Edwards/EAC/GOV@EAC
Subject Re: FY 2012 OMB Justification and Legislative Proposals for tomorrow's tally vote

Annette,

I don't see the need for Mary Anne's suggested language "...such as possible educational videos for voters." on page 9. It is my understanding that voter education and training videos are already covered under the Communication's budget for 2012 and should not come out of the 2010 election day voter education and awareness funds. I think the new language may cause some confusion. Thanks

Gineen

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100
Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
09/16/2010 09:06 AM

To Sharmili Edwards/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC

Subject Re: FY 2012 OMB Justification and Legislative Proposals for tomorrow's tally vote

Sharmili, I made two changes yesterday--deleted the status paragraph at the beginning of the Legislative Proposals which was FYI for the Commissioners, and added the phrase, "...such as possible educational videos for voters." to page 9 of the budget justification, third line from the bottom, at Mary Anne's suggestion. Thanks, Annette
Sharmili Edwards/EAC/GOV

Sharmili Edwards/EAC/GOV
09/15/2010 08:50 PM

To Annette Lafferty/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV
Subject Re: FY 2012 OMB Justification and Legislative Proposals for tomorrow's tally vote

Annette,

Are there any changes in these documents from the budget document you sent previously or the legislative proposals as discussed with the Commissioner the week before last?

Thank you,

Sharmili
Annette Lafferty

----- Original Message -----

From: Annette Lafferty
Sent: 09/15/2010 06:08 PM EDT
To: Donetta Davidson; Gracia Hillman; Gineen Bresso
Cc: Thomas Wilkey; Mary Bradfield; HGrigsbyeac@gmail.com; Sharmili Edwards
Subject: FY 2012 OMB Justification and Legislative Proposals for tomorrow's tally vote
Commissioners, attached please find the proposed FY 2012 OMB Budget Justification and Legislative Proposals. We will issue the tally vote tomorrow for your approval of both. Because of the confidential nature of the documents, which cannot be released outside of EAC and OMB until the President's Budget in February, I am sending the documents separately from the tally vote at the suggestion of Mary Anne and Andy. Thanks, Annette

[attachment "FY 2012 OMB Justification September 16 2010.doc" deleted by Sharmili Edwards/EAC/GOV]

[attachment "Legislative proposals September 16 2010.doc" deleted by Sharmili Edwards/EAC/GOV]

360

Annette Lafferty/EAC/GOV
08/27/2010 06:59 PM

To Gineen M. Bresso/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Alice Miller/EAC/GOV@EAC, Mary
bcc
Subject Re: 2012 Budget Justification Comments

I have a clarification on my email of a few minutes ago. Thursday morning may be a time when Commissioner Hillman could have a consensus meeting on the changes to the 2012 Budget Justification. I thought it might be a good time before the Labor Day weekend. Thanks, Annette
Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
08/27/2010 06:46 PM

To Gineen M. Bresso/EAC/GOV
cc Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Alice Miller/EAC/GOV@EAC, Mary Anne Bradfield/EAC/GOV@EAC, HGrigsbyeac@gmail.com, Sharmili Edwards/EAC/GOV@EAC
Subject Re: 2012 Budget Justification Comments

Commissioner, many thanks for getting this to me so quickly. I had planned on meeting one on one with each of the Commissioners on September 1, 2 and 3. Since you have completed comments on the Budget Justification and will be out beginning September 7, I would like to propose the following:

I will work with the directors on Monday to address many of your questions and comments. Could you and I meet sometime on Tuesday, August 30?

I will see about setting up times to meet with the Chair and Commissioner Hillman on August 30 through September 1. Harriet mentioned that Thursday morning, September 2, may be a good slot for a meeting of all of the Commissioners.

Does this timeline work? If not, I am open to other ideas.

Thank you and have a super weekend. Annette

Gineen M. Bresso/EAC/GOV

Gineen M. Bresso/EAC/GOV
08/27/2010 05:37 PM

To Annette Lafferty/EAC/GOV@EAC
cc
Subject 2012 Budget Justification Comments

Annette,

Thanks for all of your hard work on this document. Attached are my comments, edits and questions for the 2012 Budget Justification. Please let me know if you have any questions. Will we be meeting to discuss this next week individually or with the Commissioners all at once? Just a reminder, I leave for the

Republic of Georgia on September 7th and will return on Sept 12.

Thanks,
Gineen




FY 2012 OMB Justification August 13 2010.doc-gmbedits.doc

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100

362

Annette Lafferty/EAC/GOV
08/27/2010 06:46 PM

To Gineen M. Bresso/EAC/GOV@EAC
cc Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Alice Miller/EAC/GOV@EAC, Mary
bcc
Subject Re: 2012 Budget Justification Comments 

Commissioner, many thanks for getting this to me so quickly. I had planned on meeting one on one with each of the Commissioners on September 1, 2 and 3. Since you have completed comments on the Budget Justification and will be out beginning September 7, I would like to propose the following:

I will work with the directors on Monday to address many of your questions and comments. Could you and I meet sometime on Tuesday, August 30?

I will see about setting up times to meet with the Chair and Commissioner Hillman on August 30 through September 1. Harriet mentioned that Thursday morning, September 2, may be a good slot for a meeting of all of the Commissioners.

Does this timeline work? If not, I am open to other ideas.

Thank you and have a super weekend. Annette

Gineen M. Bresso/EAC/GOV

Gineen M. Bresso/EAC/GOV
08/27/2010 05:37 PM

To Annette Lafferty/EAC/GOV@EAC
cc
Subject 2012 Budget Justification Comments

Annette,

Thanks for all of your hard work on this document. Attached are my comments, edits and questions for the 2012 Budget Justification. Please let me know if you have any questions. Will we be meeting to discuss this next week individually or with the Commissioners all at once? Just a reminder, I leave for the Republic of Georgia on September 7th and will return on Sept 12.

Thanks,
Gineen



FY 2012 OMB Justification August 13 2010.doc-gmbedits.doc

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100

363

Sharmili Edwards/EAC/GOV
02/07/2011 11:03 AM

To Annette Lafferty/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC
bcc
Subject Re: Request to add additional impact language to the FY
2012 Congressional Budget Justification

Thanks for letting me know.

Sharmili

Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
02/07/2011 10:40 AM

To Sharmili Edwards/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC
Subject Re: Request to add additional impact language to the FY
2012 Congressional Budget Justification

Sharmili, I'm thinking Friday so we can make copies over the weekend.
Sharmili Edwards

----- Original Message -----

From: Sharmili Edwards
Sent: 02/07/2011 10:41 AM EST
To: Annette Lafferty
Cc: Gineen Bresso
Subject: Re: Request to add additional impact language to the FY 2012
Congressional Budget Justification
Annette,

What is the drop dead date for edits to the justification?

Sharmili

Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
02/04/2011 02:59 PM

To Gineen M. Bresso/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Mark Robbins/EAC/GOV@EAC,
Alice Miller/EAC/GOV@EAC, Mary Anne
Bradfield/EAC/GOV@EAC, Sharmili
Edwards/EAC/GOV@EAC
cc
Subject Request to add additional impact language to the FY 2012
Congressional Budget Justification

Good afternoon. If approved by the reviewers of the FY 2012 Congressional Budget Justification (CBJ), I would like to add some impact information to the Testing and Certification section, to the last paragraph of

page 27, bolded in the paragraph below:

"Comprehensive procedures for the Program are detailed in EAC's Voting System Testing and Certification Program Manual. The program supports local elections officials in the areas of acceptance testing and pre-election systems. It also increases quality control in voting system manufacturing by means of periodic manufacturing facility audits of EAC-registered manufacturers, and provides clear procedures to manufacturers for the testing and certification of voting systems to specified Federal standards consistent with the requirements of HAVA Section 231(a)(1)."

Further, EAC assists local election officials in working with voting system manufacturers in diagnosing the root causes of voting system malfunctions, implementing workaround solutions to mitigate the issues, and posting system advisory notices on eac.gov so counties across the nation using the same system can identify and resolve system anomalies.

I would like to add the EAC vs. NIST responsibilities information attached immediately below. It did not copy as a side-by-side chart when I inserted the information into the CBJ, so I propose to list EAC's responsibilities followed by a list of NIST's responsibilities in the testing, certification, and standards setting processes as follows:

[attachment "EAC vs NIST responsibilities in T&C and Standards setting.docx" deleted by Annette Lafferty/EAC/GOV]

Finally, I propose to add some impact language from Karen to the RPP section of the Congressional on page 23 highlighted in gray on the attached.

[attachment "RPP impact language p 23.docx" deleted by Annette Lafferty/EAC/GOV]

Thanks, Annette

365

Sharmili Edwards/EAC/GOV
02/02/2011 12:23 PM

To: Donetta L. Davidson/EAC/GOV@EAC, Annette Lafferty/EAC/GOV@EAC
cc: Alice Miller/EAC/GOV@EAC, Gineen M. Bresso/EAC/GOV@EAC, Mark Robbins/EAC/GOV@EAC, Mary Anne Bradfield/EAC/GOV@EAC, Thomas R.
bcc:
Subject: Re: Latest Congressional Budget Justification and meeting request [1]

Will the meeting be in Suite 300 or Suite 150? Commissioner Bresso is available at that time as well.

Sharmili
Donetta L. Davidson

----- Original Message -----
From: Donetta L. Davidson
Sent: 02/02/2011 10:42 AM EST
To: Annette Lafferty
Cc: Alice Miller; Gineen Bresso; Mark Robbins; Mary Bradfield; Sharmili Edwards; Thomas Wilkey
Subject: Re: Latest Congressional Budget Justification and meeting request
3 is fine with me

Donetta Davidson
Commissioner
United States Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100
(202) 566-1392 (fax)
ddavidson@eac.gov

THIS MESSAGE IS FOR ITS INTENDED RECIPIENT ONLY and may contain privileged or confidential information covered by the Electronic Communications and Privacy Act 18 U.S.C. § 2510 or other applicable law. If the reader of this message is not the intended recipient, any unauthorized disclosure, dissemination, distribution, copying or the taking of any action in reliance on the information herein is strictly prohibited. If you have received this communication in error, please immediately notify the sender and delete this message.

366

Sharmili Edwards/EAC/GOV
01/31/2011 03:07 PM

To Annette Lafferty/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: FY 2012 Congressional Budget Justification

History: This message has been replied to.

How does 10:00 am work?

Sharmili

Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
01/31/2011 03:04 PM

To Sharmili Edwards/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: FY 2012 Congressional Budget Justification

Sharmili, Wednesday morning would be great. I appreciate it. Annette

Sharmili Edwards/EAC/GOV

Sharmili Edwards/EAC/GOV
01/31/2011 02:32 PM

To Annette Lafferty/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: FY 2012 Congressional Budget Justification

Annette,

Due to the possible weather issues tomorrow, can we schedule something for Wednesday morning?

Sharmili

Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
01/31/2011 01:06 PM

To Gineen M. Bresso/EAC/GOV@EAC
cc Sharmili Edwards/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC
Subject Re: FY 2012 Congressional Budget Justification

Commissioner, Debbie is helping me make the edits. I put out a request to some of the directors for

additional information based on your review and need to get that back.

On Friday, I found out after a question from NIST's budget analyst that OMB is expecting the FY 2011 columns of the Congressional to reflect a year-long CR (at \$18M) rather than the FY 2011 President's Budget (at \$16.8M). I requested and received the written guidance from George on Friday. Making that modification will take me a little while, and will obviously affect the chart of budgetary changes I drafted.

Will you be available tomorrow to walk through responses to your questions? I don't think it will take too long. There are a couple of spots I'd like to talk to you about, especially implications of presenting the CR amount and payroll decreases reflected in the COO budget. Then I'd like to Tom about maybe getting the Executive team together.

Thank you for your help. Annette

Gineen M. Bresso/EAC/GOV

Gineen M. Bresso/EAC/GOV

01/31/2011 12:37 PM

To Annette Lafferty/EAC/GOV@EAC

cc Thomas R. Wilkey/EAC/GOV@EAC, Sharmili Edwards/EAC/GOV@EAC

Subject FY 2012 Congressional Budget Justification

Annette,

When will the next draft of the FY 2012 Congressional Budget be ready for review?

Thanks,
Gineen

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100

368

Sharmili Edwards/EAC/GOV
09/01/2010 09:30 AM

To Annette Lafferty/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC
bcc
Subject Re: 2012 Budget Justification Comments [1]

History: [1] This message has been replied to.

Annette,

Is it possible to send the document by this evening? That way, the Commissioner can look it over before the meeting.

Sharmili

Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
08/31/2010 05:59 PM

To Sharmili Edwards/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC
Subject Re: 2012 Budget Justification Comments [1]

Sharmili, I wrote on Monday that I would get responses back by today. I was able to collect information from Jeannie, Brian and Karen and have the information I need to respond. I was able to meet with both the Chair and Commissioner Hillman (by telephone) today. If OK with you, I would like to try and work all of the information into one document tomorrow and get that to you before our Thursday meeting. Thanks,
Annette
Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
08/30/2010 12:56 PM

To Sharmili Edwards/EAC/GOV
cc Gineen M. Bresso/EAC/GOV@EAC
Subject Re: 2012 Budget Justification Comments [1]

Sharmili, Thursday would be terrific. So far, I have nothing scheduled for that day, so any time is good for me. I will try to get written responses back tonight or tomorrow. Thanks, Annette
Sharmili Edwards/EAC/GOV

Sharmili Edwards/EAC/GOV
08/30/2010 12:30 PM

To Annette Lafferty/EAC/GOV@EAC
cc Gineen M. Bresso/EAC/GOV@EAC
Subject Re: 2012 Budget Justification Comments [1]

Annette,

Providing review in comments, and then also meeting would be most helpful. As you may recall, Commissioner Bresso will be unavailable from September 7-12 due to her trip to the Republic of Georgia. She may have limited blackberry access, but probably will be unable to review any documents.

Is there a time on Thursday we could meet to discuss the written review you will provide?

Sharmili

Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV

08/30/2010 11:55 AM

To Sharmili Edwards/EAC/GOV@EAC

cc Gineen M. Bresso/EAC/GOV@EAC

Subject Re: 2012 Budget Justification Comments [1]

Sharmili, Tom reminded me that we need to go over the legislative proposals as well (attached below). Thanks, Annette

[attachment "Legislative proposals August with GC edits 08192010 1.doc" deleted by Sharmili Edwards/EAC/GOV]

Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV

08/30/2010 11:07 AM

To Sharmili Edwards/EAC/GOV

cc Gineen M. Bresso/EAC/GOV@EAC

Subject Re: 2012 Budget Justification Comments [1]

Sharmili, I just checked in with Tom on having a meeting with all of the Commissioners to discuss comments on the Budget Justification. He said he would like to do what we did last year--take comments from everyone and address them in the justification, then put the justification up for a tally vote.

I can either reply in writing to the Commissioner's comments, or we can have a meeting to review them. Whatever is most comfortable for both of you. Tom suggests we can delete the section on consolidating the IG function with another agency if that is OK.

Many thanks for the careful review. I will get back as soon as I can on responses to questions. Annette

Sharmili Edwards/EAC/GOV

Sharmili Edwards/EAC/GOV

08/27/2010 08:08 PM

To Annette Lafferty/EAC/GOV@EAC, Gineen M. Bresso/EAC/GOV@EAC

cc

Subject Re: 2012 Budget Justification Comments [1]

370

Matthew
Masterson/EAC/GOV
02/01/2011 10:52 AM

To Annette Lafferty/EAC/GOV@EAC
cc
bcc
Subject Fw: Request for suggested language for the Congressional
Budget Justification

Annette,
I am responding from Matt's computer.

1.The EAC uses the work product of the TGDC as the basis for all voluntary voting systems guidelines promulgated by the Commissions as prescribed by HAVA. In addition, NISt and the EAC jointly choose 4 members of the TGDC.

2.Not even entirely sure where this second item is going, but here goes: The EAC's work to develop testable guidelines and test procedures and criteria for UOCAVA pilot voting systems directly relates to the agencies mission to test, certify and decertify voting systems as prescribed under HAVA.

Brian

Matthew V. Masterson
Deputy Director
Testing and Certification Program
U.S. Election Assistance Commission
1201 New York Ave. NW, Washington, D.C.
(202)566-2365

----- Forwarded by Matthew Masterson/EAC/GOV on 02/01/2011 10:45 AM -----



Brian Hancock/EAC/GOV
02/01/2011 10:11 AM

To Matthew Masterson/EAC/GOV@EAC
cc
Subject Fw: Request for suggested language for the Congressional
Budget Justification

Sent from my BlackBerry Wireless Handheld
Annette Lafferty

----- Original Message -----

From: Annette Lafferty
Sent: 01/28/2011 05:23 PM EST
To: Brian Hancock
Cc: Alice Miller

Subject: Request for suggested language for the Congressional Budget
Justification

Brian, could you please address a couple of Commissioner Bresso's suggestions below? I see that you flagged them when you reviewed the Congressional. Many thanks, Annette

The Standards Board and the Board of Advisors provide advice and input to EAC on Voluntary Voting System Guidelines (VVSG) and other election administration issues. In addition, the Technical Guidelines Development Committee (TGDC) assists EAC in the preparation of the VVSG. The VVSG set the standards against which voting

systems are tested. The Director of the National Institute of Standards and Technology (NIST) serves as the Chair of the TGDC and provides technical support to the Committee.

I suggest we add language that demonstrates EAC's role with the TGDC.

As States look to new technology and practices in voting -- including remote access voting for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, vote by phone and accessible technology for disabled voters and any new voting systems manufacturers market in the future EAC must be in a position to test these new systems against rigorous Federal standards in a timely, efficient and high-quality manner.

I would suggest language to tie together how this language aligns with our HHP goals.

Annette,

Thanks for all of your hard work on this document. Attached are my comments, edits and questions for the 2012 Budget Justification. Please let me know if you have any questions. Will we be meeting to discuss this next week individually or with the Commissioners all at once? Just a reminder, I leave for the Republic of Georgia on September 7th and will return on Sept 12.

Thanks,
Gineen

[attachment "FY 2012 OMB Justification August 13 2010.doc-gmbedits.doc" deleted by Sharmili Edwards/EAC/GOV]

Gineen M. Bresso
Commissioner
U.S. Election Assistance Commission
1201 New York Avenue, NW
Suite 300
Washington, DC 20005
(202) 566-3100

Annette,

Would there be deliberations during that meeting on Thursday? If so, I am not sure we could have all three Commissioners meet as there would not be enough notice.

Sharmili
Annette Lafferty

----- Original Message -----

From: Annette Lafferty
Sent: 08/27/2010 06:59 PM EDT
To: Gineen Bresso
Cc: Donetta Davidson; Gracia Hillman; Thomas Wilkey; Alice Miller; Mary Bradfield; HGrigsbyeac@gmail.com; Sharmili Edwards
Subject: Re: 2012 Budget Justification Comments

I have a clarification on my email of a few minutes ago. Thursday morning may be a time when Commissioner Hillman could have a consensus meeting on the changes to the 2012 Budget Justification. I thought it might be a good time before the Labor Day weekend. Thanks, Annette
Annette Lafferty/EAC/GOV

Annette Lafferty/EAC/GOV
08/27/2010 06:46 PM

To: Gineen M. Bresso/EAC/GOV
cc: Donetta L. Davidson/EAC/GOV@EAC, Gracia Hillman/EAC/GOV@EAC, Thomas R. Wilkey/EAC/GOV@EAC, Alice Miller/EAC/GOV@EAC, Mary Anne Bradfield/EAC/GOV@EAC, HGrigsbyeac@gmail.com, Sharmili Edwards/EAC/GOV@EAC
Subject: Re: 2012 Budget Justification Comments

Commissioner, many thanks for getting this to me so quickly. I had planned on meeting one on one with each of the Commissioners on September 1, 2 and 3. Since you have completed comments on the Budget Justification and will be out beginning September 7, I would like to propose the following:

I will work with the directors on Monday to address many of your questions and comments. Could you and I meet sometime on Tuesday, August 30?

I will see about setting up times to meet with the Chair and Commissioner Hillman on August 30 through September 1. Harriet mentioned that Thursday morning, September 2, may be a good slot for a meeting of all of the Commissioners.

Does this timeline work? If not, I am open to other ideas.

Thank you and have a super weekend. Annette

Gineen M. Bresso/EAC/GOV

Gineen M. Bresso/EAC/GOV

08/27/2010 05:37 PM

To: Annette Lafferty/EAC/GOV@EAC
cc:
Subject: 2012 Budget Justification Comments



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

June 13, 2011

The Honorable Charles A. Gonzalez
303 Cannon House Office Building
Washington, D.C. 20515-4320

Dear Congressman Gonzalez,

Enclosed are responses to follow up questions submitted to me following the March 17, 2011 hearing held by your subcommittee. Thank you for providing me the opportunity to furnish the additional information. If you have any further questions please feel free to contact me at 202-566-3100.

Sincerely,


Commissioner Donetta Davison

Enclosures

DONETTA DAVIDSON RESPONSES

**HOUSE ADMINISTRATION ELECTIONS SUBCOMMITTEE
MACH 17, 2011 HEARING FOLLOW UP QUESTIONS
FROM CONGRESSMAN CHARLES A. GONZALEZ**

1) I would like each Commissioner to provide a short summary of your typical daily interaction with the professional staff at EAC. Without getting into every issue, with whom do you work most closely on the three or four management issues that take up most of your managerial time and energy? In the past month, for example, how many times have you sat down with Mr. Wilkey, Ms. Miller, or Ms. Lafferty to discuss the budget for the current year or future years, past expenses or future expenses?

A: As a lifelong election official who served as the head of several offices of varying size (including a large state agency), I have found that it is best to keep an open door policy and be available to staff as needed. On average I speak with one or more officers or senior level management almost daily. One of my primary functions since joining the EAC in 2005 has been serving as Designated Federal Officer (DFO) for the Technical Guidelines Development Committee (TGDC). I maintain close communication with EAC staff, the National Institute of Standards and Technology (NIST) and members of the TGDC and others as it relates to our Testing and Certification Division and the development of Voluntary Voting System Guidelines (VVSG). I also make sure I am available to lend my expertise to staff as a former state and local election official.

During the FY2012 Budget process, I met with EAC senior staff frequently to discuss our overall budget. Since FY2011 operations have been funded by a series of Continuing Resolutions the Commissioners have had to communicate even more frequently with agency staff. As COO, Ms. Miller has responsibility for program areas and I meet with her frequently to review programmatic progress. Additionally, senior staff maintains the same open door policy and ensures they are available to answer my questions as needed.

2) Please provide a rough outline of the official steps taken in the creation of EAC's budget, with as well as without a quorum of commissioners, in any given year. This should include but need not be limited to estimates of the dates of: budget submission; any official votes taken; input from other staff; and submission to OMB, congressional committees, and other relevant agencies; also, any statutory or formal barriers to participation.

A: Combined with Question #3 Response

3) Mr. Wilkey mentioned that EAC has “already put our 2012 budget request to bed by September. We [are] already talking about 2013.” Since former-Commissioner Hillman’s tenure extended through December, 2010, this would suggest that the FY 12 budget request was completed while there was still a quorum, allowing full input from the Commissioners. Was this the case? What input did the Commissioners have into the FY 12 budget! What official steps were taken? What documentation is available of debate among the Commissioners? We recorded votes taken on these budget requests?

A: In response to questions 2 and 3, the EAC Roles and Responsibilities document dictates that the agency’s budget request must be approved by the Commissioners’ vote when a quorum (three of four Commissioners) is present.

During the formation of the FY 2012 Budget, the Executive Director and the CFO of EAC solicited Commissioner input for EAC’s Fiscal Year 2012 budget in August, 2010. Commissioners Davidson, Bresso and Hillman provided comments and on September 16, 2010 received a tally vote for the 2012 OMB budget justification. The vote approving the Budget was completed on September 20, 2011 and certified on September 22, 2010. EAC submitted its FY 2012 Budget to OMB, consistent with the requirements in OMB Circular A-11. In the absence of a quorum and in accordance with HAVA, the Executive Director provided final input for the FY 2012 Budget that was submitted by the President in February, 2011.

As mentioned in my testimony EAC’s staff has been working to find ways to maximize resources to improve efficiency and support the budget reductions. Ideas such as working with the Small Agency Council to identify areas where the unique needs for small agency administrative functions can potentially be combined. This could provide effective cost savings for all small agencies, not just EAC. EAC staff is taking a leadership role in this effort and we are happy to report back when we have more concrete information.

4) The Help America Vote Act makes it the Executive Director’s responsibility to “appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.” The Roles and Responsibilities of the Commissioners and Executive Director of the U.S. Election Assistance Commission, unanimously adopted in 2008 in explicit response to a report from the Inspector General, similarly charges the Executive Director with overseeing “day-to-day management and the implementation of agency policy.” Commissioner Bresso told Mr. Rokita, in response to his asking, “Is this a good way to run a ship?”, “No. I believe the Commissioners’ responsibilities for election assistance leave them with sufficient time and that we should amend the Executive Director’s statutory responsibilities to allow more personnel decisions to be handled by the Commissioners?”

A: It has been my experience that when Commissioners are involved in personnel decisions it has taken far too long to make a final decision on a qualified candidate. The hiring process for non-statutory positions must remain out of the influence of partisan politics and must adhere to federal hiring practices.

5) There have been several disturbing reports of anti-minority bias at EAC over the past years, particularly against Hispanic staff. Does the absence of Hispanics among EAC leadership contribute to creating or allowing a less than welcoming work environment for Hispanic or other minority staff? Are any steps being taken to ensure that this problem is permanently addressed?

A: As a Commissioner, I am not involved with the staff hiring process, so I will have to defer to Mr. Wilkey with regards to questions regarding hiring processes.



U. S. ELECTION ASSISTANCE COMMISSION
OFFICE OF THE EXECUTIVE DIRECTOR
1201 New York Avenue, NW, Suite 300
Washington, DC. 20005

June 10, 2011

Congressman Charlie Gonzalez
Member, Subcommittee on Elections
Congress of the United States
House of Representatives
Committee on House Administration
1409 Longworth House Office Building
Washington, DC 20515-6157

DELIVERY VIA COURIER

Dear Congressman Gonzalez,

The following are responses to your March 28, 2011 letter regarding Questions for the Record which were requested from me as a follow up to the March 17, 2011, Committee on House Administration, Subcommittee on Elections Hearing on the Election Assistance Commission.

Question 3. Mr. Wilkey mentioned that EAC has "already put our 2012 budget request to bed by September. We [are] already talking about 2013." Since former-Commissioner Hillman's tenure extended through December, 2010, this would suggest that the FY12 budget request was completed while there was still a quorum, allowing full input from the Commissioners. Was this the case? What input did the Commissioners have into the FY12 budget? What official steps were taken? What documentation is available of debate among the commissioners? Were recorded votes taken on these budget requests?

Response:

During the formation of the FY 2012 Budget, the Executive Director and the CFO of EAC solicited Commissioner input for EAC's Fiscal Year 2012 budget in August, 2010. Commissioners Davidson, Bresso and Hillman provided comments and on September 16, 2010 received a tally vote for the 2012 OMB budget justification. The vote approving the Budget was certified on September 22, 2010 and EAC submitted its FY 2012 Budget to OMB, consistent with the requirements in OMB Circular A-11. In the absence of a quorum and in accordance with HAVA, the Executive Director provided final input for the FY 2012 Budget that was submitted by the President in February, 2011.

Question 6. *There have been several disturbing reports of anti-minority bias at EAC over the past years, particularly against Hispanic staff. Does the absence of Hispanics among EAC leadership contribute to creating or allowing a less than welcoming work environment for Hispanic or other minority staff? Are steps being taken to ensure that this problem is permanently addressed?*


Response: EAC is a small agency with 47 employees. Minority employees represent 46 percent of the workforce and there is one minority, an African American female serving as the Chief Operating Officer, at the leadership level. As reported in the Tenth Annual Report to the President on Hispanic Employment that was submitted to the Office of Personnel Management (OPM), EAC's workforce includes two Hispanic females who are employed as the Special Assistant to the Executive Director and the Program & Grants Management Officer in the Research, Policy and Program Division. The Special Assistant to the Executive Director has been with EAC since 2005. The Programs & Grants Management Officer was hired in FY2010 and has election experience as a poll worker trainer and is CERA certified through the Election Center, a professional organization for government employees serving in voter registration and elections administration positions.

EAC is currently under a hiring freeze but when vacancies occur, the agency will continue with the strategies identified in the Fiscal Year 2011 Federal Equal Opportunity Recruitment Plan submitted to OPM. They are as follows:

- Human capital needs will include EAC's diversity recruitment goals are identified in the Human Capital Plan that is linked to the agency's Strategic Plan.
- Reach out to minorities at colleges and universities, specifically Hispanic-Serving Institutions, and professional organizations in order to build a diverse talent pool.
- Increase awareness of the benefits of a diverse workforce at EAC's manager/supervisor training and encourage upward mobility of minorities and women.

Should you require additional information or clarification to any of these questions, I would be happy to do so.

Sincerely,



Thomas R. Wilkey
Executive Director

Attachments

ccs: Chairman Gregg Harper, Subcommittee on Elections
Representative Robert A. Brady