

## **Emergency Justification**

### **U.S. Election Assistance Commission**

The EAC is requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. The EAC is requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR Part 1320(a)(2)(ii). The information collection at issue is necessary in order to conduct a study of issues and challenges, specifically including the potential for election fraud, that are presented by the incorporation of communications and internet technologies in the Federal, State, and local electoral process, as mandated by the Help America Vote Act of 2002 (42 U.S.C. §15371). The EAC cannot reasonably comply with the normal clearance procedures because failure to implement this study in an expedited fashion is reasonably likely to prevent or disrupt the collection; as stated in 5 CFR 1320.13(a)(2)(i).

Approval of this emergency collection is essential in order to comply with Help America Vote Act of 2002 (42 U.S.C. §15371). Section 245 of the Help America Vote Act (HAVA) requires the United States Election Assistance Commission (EAC) to conduct a study of issues and challenges, specifically including the potential for election fraud, that are presented by the incorporation of communications and internet technologies in the Federal, State, and local electoral process. In delineating nine possible research topics, Congress specifically identified the need for further research in determining the requirements for authorization, collection, storing, and processing electronically generated messages permitting eligible voters to apply for an absentee ballot.

In response to this HAVA requirement, the EAC is developing a Survey of voters that are protected by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). UOCAVA voters are most likely to utilize communications and internet technologies in the Federal, State and local electoral process. The upcoming General Election of 2006 is the only Federal Election that will be conducted until 2008. This is the only election that will include Federal, State and local candidates and issues on one ballot until 2008, thus this election presents the only opportunity to collect the necessary data to comply with the HAVA requirement within the mandated time frame.

Statistical analyses on respondent behavior to voluntary surveys have shown that the interest level of potential respondents, and thus the response rate, drops dramatically as time passes after the event in question, which in this case, is the respondents' interaction and experience with the electoral system during the General Election of 2006. Furthermore, UOCAVA voters are a highly mobile group of voters. Their contact information will be gathered from local election officials, based on what the voter supplied as their contact preference for this election. As time passes from the date of the election, we will lose more potential respondents because we will not have current

contact information. Members of the military, for example, are often reassigned on short notice and their contact information for election purposes will not have to be updated until the next election in 2008. Both reasons will dramatically disrupt, or in fact prevent, the collection of a sufficient number of responses to constitute a large enough sample to provide statistically significant data that are representative of the population being studied. The quality of the data collected from respondents will also suffer if the collection is not undertaken close to election time. It is a well documented fact that respondents tend to forget or don't adequately recollect processes as time passes. The validity of the data will greatly suffer if the collection commences much after Election Day.