

## Supporting Statement A:

OMB Control Number: xxxx-xxxx

U.S. Election Assistance Commission

2008 Election Administration and Voting Survey

### A. Justification

#### 1. Explain the circumstances that make the collection of information necessary.

The proposed information collection is necessary to meet requirements of the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301). HAVA §241 requires the U.S. Election Assistance Commission (EAC) to study and report on election activities, practices, policies, and procedures, including methods of voter registration, methods of conducting provisional voting, poll worker recruitment and training, and such other matters as the Commission determines are appropriate. In addition, HAVA §802 transferred to the EAC the Federal Election Commission's responsibility of biennially administering a survey on the impact of the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.). The information the States are required to submit to the EAC for purposes of the NVRA report are found under Title 11 of the Code of Federal Regulations (11 CFR 8.7).

HAVA §703(a) also amended §102 the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1) by requiring that "not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such a report available to the general public."

#### 2. Indicate how, by whom, and for what purpose the information is to be used.

The information collected in the 2008 EAC Administration and Voting Survey will be used by the EAC to report to Congress on the impact of the NVRA (42 U.S.C. 1973gg-1 et seq.) on the administration of elections for Federal office for the period from the close of registration for the November 7, 2006, Federal general elections until the close of registration for the November 4, 2008, Federal general elections. In addition, the EAC shall make available to the public the information collected on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election as required by UOCAVA §102(c). Further, this collection will standardize the format for the reports submitted by States under UOCAVA §102(c) as required by HAVA §703(b).

#### 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The EAC will make a variety of data collection tools and templates available to states to allow maximum flexibility to accommodate the way in which election information is collected and stored by states and local governments as well as to accommodate varying degrees of access to technology. In particular, the EAC will offer the states to submit their data via a web-based template and excel-based

template, which can be uploaded to the project website or sent via email, and paper-and-pencil templates that can be submitted via email, fax, mail.

**4. Describe efforts to identify duplication.**

Currently, the U.S Census Bureau's Current Population Survey (CPS) contains a bi-annual supplement that collects information about the voting characteristics of their households. However, the EAC Survey is a census of election administration practices and voter turnout as reported by the chief election officials for the states, the District of Columbia, and the U.S. territories; it does not collect information from voters or regarding characteristics of the voters. The EAC has included the U.S. Department of Defense's Federal Voting Assistance Program in the development of this information collection in order to minimize duplication efforts regarding UOCAVA voters.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

This information collection does not have a significant impact on small businesses or other small entities. The chief election officials for the states, the District of Columbia, and the U.S. territories may have to request information from their local election jurisdictions, but most of this information is already routinely collected from the local election officials to certify election results and report voter turnout. The EAC has made efforts to limit the information requested and burden on all participants. The information sought is limited to that information necessary to meet the requirements listed in response to Question 1 above.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the EAC does not collect this information it may be unable to comply with its statutory requirements under HAVA (42 U.S.C. 15301), NVRA (42 U.S.C. 1973gg-1 et seq.), and UOCAVA (42 U.S.C. 1973ff-1). This collection of information must be carried out every two years after each Federal general election as stipulated by NVRA and UOCAVA. The EAC has reduced the burden of responding to the information collection by developing a statutory overview (qualitative) that will be sent to the Chief State Election Officials in late summer, thereby allowing time for states to concentrate on the quantitative portion during the fall and after the election. In 2004, the EAC administered three separate surveys to collect the information, and respondents were burdened by different deadlines for submitting information and the lack of uniform definitions to describe the data requested. In 2006, the EAC administered one questionnaire with qualitative and quantitative questions mixed throughout the survey. This new collection for 2008 has clarified the data collection effort by splitting the survey into two parts (statutory overview and questionnaire), and reduced the overall number of questions being presented to respondents in an effort to reduce the burden associated with providing the information for the 2008 Election Administration and Voting Survey.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

There are no special circumstances applicable to this information collection.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically**

**address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE.**

The EAC published a notice in the Federal Register on March 20, 2008 Vol. 73, no. 55, page 14974 and received 53 substantively based comments covering all sections of the questionnaire. The EAC consulted a handful of research and elections specialist to help craft the most effective response to these comments. The public comments were generally very helpful and many of the comments were addressed directly by the changes made. In other cases, public comments made it clear the proposed approach in the original draft needed to be revised. In addition, the election and research specialists suggested some revisions to further clarify questions asked so as to make the process of filling out the survey easier for state and local governments.

One of the most noticeable changes made to the questionnaire was to the appearance and format of the survey. These changes were made to better organize the questionnaire and to accommodate for various data collection vehicles. To help better clarify, specify, and organize the questionnaire, many of the questions were revised or reworded to make sure there was absolutely no confusion on what the question was asking or the kind of information the respondent should enter. This included specification on the time frame, the type of data the question was asking and much more.

Revisions to the answer options were done as well. All revisions were done to more appropriately make sure that all questions have mutually exclusive and collectively exhaustive answer options. In several cases, "Other" categories were also added to make sure that no option was left out of the answering process. Additionally, comment boxes have been added to the bottom of every question so respondents can comment or express concerns.

Additional changes were made to the formatting of the questions, specifically, in certain cases, questions were broken up into multiple questions to avoid confusion. In other cases, questions were combined together into a well-organized chart to better simplify the questionnaire and expedite the response process. Certain questions were added and deleted as well. Three separate questions were removed after we received requests during the commenting period. Several other questions were added to gather slightly more information from existing questions or for directional purposes.

Changes to Section B, the Statutory Overview, were more limited in both type and scope. The open-ended, qualitative format of the questionnaire remains, although the section was re-organized and re-numbered to group questions more logically. The net number of questions is nearly the same, with six questions deleted and six new questions added. Efforts were made to eliminate duplication with questions in Section A, and to eliminate questions in which the data is available in reliable form from an external source. Most questions were re-worded slightly in order to be more specific or more clear, after consideration of public comments. In what is now question A2, the question was narrowed to significantly reduce the burden on the respondents.

Please see Attachment A for a more detailed description of the changes made to sections A and B.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

The EAC does not provide any payment or gift to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

There is no assurance of confidentiality.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.**

- a. Number of respondents = 55
- b. Number of responses per each respondent = 1
- c. Total annual responses = 1
- d. Hours per response = 147.00 hours
  - i. Reviewing instructions: 2.00 hours
  - ii. Adjusting to comply with any previously applicable requirements: 10.00 hours
  - iii. Training personnel to respond to a collection of information: 20.00 hours
  - iv. Searching data sources: 50.00 hours
  - v. Completing and reviewing the collection of information: 60.00 hours
  - vi. Transmitting or otherwise disclosing the information: 5.00
- e. Total annual reporting burden = 8,085 hours (*# of respondents x frequency of response x hours of response*)
- f. Estimated total annual cost burden = \$188,946.45 (*# of total annual reporting hours (8,085) x estimated hourly cost for responding to this information collection (\$23.37)*
  - i. The hourly cost factor was derived from dividing the estimated annual cost factor per respondent (\$3,435.39) by the estimated hours per response (147) = \$23.37

**13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

There are no capital or start-up costs associated with this information collection.

**14. Provide estimates of annualized cost to the Federal government.**

The estimated annual cost to the Federal Government is \$750,000. This estimate includes: \$595,500 for a contractor to develop and manage a database system to house the State's data; the contractor's personnel cost associated with survey instrument development, database development, data analysis and production of various reports; \$37,000 for contractor expenses related to provision of technical assistance and training to the States; \$80,000 for two (2) EAC personnel to manage the entire surveying process (includes salary and benefits), and \$37,500 for overhead.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.**

Not applicable.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The EAC is required by NVRA (42 U.S.C. 1973gg-7) to no later than June 30th of each odd-numbered year submit to Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period, including recommendations or improvements in Federal and State procedures, forms, and other matters affected by this Act. In addition, the EAC will make available to the public the information collected on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election as required by UOCAVA §102(c). Since the data required by these two Acts is being collected as part of this information collection, the EAC expects to release all of its findings as one publication no later than the date required by NVRA (42 U.S.C. 1973gg-7).

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not applicable to this collection.

**18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.**

- 1 The EAC does not request an exception to the certification of this information collection.