

**Supporting Statement A:
U.S. Election Assistance Commission
NVRA Regulations for Data Collection**

A. Justification

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

The proposed information collection is necessary to meet the requirements of the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301) and the National Voter Registration Act (“NVRA”) (42 U.S.C. 1973gg-1 et seq.). HAVA §802 transferred to the U.S. Election Assistance Commission (“EAC”) the Federal Election Commission’s (“FEC”) responsibility of biennially administering a survey on the impact of the NVRA (42 U.S.C. 1973gg-1 et seq.).

On July 29, 2009, a notice was published in the Federal Register, stating that the FEC and the EAC jointly took action to transfer regulations implementing NVRA from the FEC to the EAC. The FEC and the EAC, through this joint final rule, removed the regulations in 11 CFR part 8 and simultaneously recodified them in Chapter II of Title 11, which houses regulations created and administered by the EAC. Part 8 is simultaneously redesignated as Part 9428. Accordingly, 11 CFR 8.1 through 8.7 were redesignated as new 11 CFR 9428.1 through 9428.7.

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 9428.7).

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

The information collected will be used by the EAC to report to Congress on the impact of the NVRA (42 U.S.C. 1973gg-1 et seq.).

This information collection is using the same information from the 2008 Election Administration and Voting Survey, and we expect that the same information will appear in the 2010 survey. Approximately 1/3 of the information collected by the Election Administration and Voting Survey relates to NVRA data.

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, and mail.

4. Describe efforts to identify duplication.

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.

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 EAC has made efforts to minimize the burden on all participants.

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) and NVRA (42 U.S.C. 1973gg-1 et seq.). This collection of information must be carried out every two years after each Federal general election as stipulated by NVRA.

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.

No prior comments have been solicited, as this is an emergency request, pursuant to 44 USC 3507(j) (1). Furthermore, the EAC intends to solicit comments for the standard three (3) year request.

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.

The following numbers were determined by using the burden estimate from the Election Administration and Voting Survey, and dividing those figures by 1/3. This fraction was used as 1/3 of the data contained in the Election Administration and Voting Survey pertains to NVRA data. For purpose of this

question, the hours per response from the Election Administration and Voting Survey was estimated to be 115 hours.

- a. Number of respondents = 55
- b. Number of responses per each respondent = 1
- c. Total annual responses = 1
- d. Hours per response = 38.33 hours
 - i. Reviewing instructions: 0.67 hours
 - ii. Adjusting to comply with any previously applicable requirements: 3.33 hours
 - iii. Training personnel to respond to a collection of information: 5.00 hours
 - iv. Searching data sources: 15.00 hours
 - v. Completing and reviewing the collection of information: 13.33 hours
 - vi. Transmitting or otherwise disclosing the information: 1.00
- e. Total annual reporting burden = 2,108.15 hours (*# of respondents x frequency of response x hours of response*)
- f. Estimated total annual cost burden = \$62,970.44 (*# of total annual reporting hours (2,108.15) x estimated hourly cost for responding to this information collection (\$29.87)*
 - i. The hourly cost factor was derived from dividing the estimated annual cost factor per respondent ($1/3$ of \$3,435.05 = \$1,145.02) by the estimated hours per response (38.33) = \$29.87

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.

For the Election Administration and Voter Survey, the annual cost to the Federal government is approximately \$750,000. As was previously stated, the Election Administration and Voter Survey contains data collection relating to NVRA. The data that relates to NVRA makes up approximately $1/3$ of the total data collection. Therefore, the annual cost to the Federal government would be approximately $1/3$ of the cost incurred by the Federal government as it relates to the Election Administration and Voter Survey.

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.

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.