

Supporting Statement A:
OMB Control Number: 3265-0006
U.S. Election Assistance Commission
2012 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.”

In October 2009, the President signed into law the MOVE Act (Military and Overseas Voter Empowerment) as part of the National Defense Authorization Act of FY 2010 (P.L. 111-84). MOVE is intended to make it easier for absentee military troops and other overseas citizen voters to register and vote, and to help ensure that their ballots arrive in time to be counted. The MOVE Act requires state election officials to provide a number of new services, including online access to registration and ballot request forms, electronic options for blank ballot delivery, downloadable write-in ballots in case of late ballot arrival and voter status tracking services. Many of these services were to have been implemented by the November 2010 election.

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

The information collected in the 2012 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 the period from the day after the November 2, 2010 Federal general elections until Election Day November 6, 2012 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 and overseas citizen 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). Congress also receives this report. Further, this collection standardizes 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 in collecting and submitting their data to EAC. It will also accommodate states with varying degrees of access to technology. In particular, the EAC will offer states, as it did in 2008 and 2010, the opportunity to submit their data via an Excel-or Word-based template, which can be uploaded to the project website or sent via email. States with more sophisticated capabilities will be able to work with EAC to provide their data in other electronic formats such as DBF or XML. Should some jurisdictions need paper-and-pencil templates, those can be submitted via email, fax, or postal mail.

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

Currently, the U.S Census Bureau's Current Population Survey (CPS) provides for a bi-annual supplement that collects information about the voting characteristics of U.S. households. However, the EAC's Election Administration and Voting Survey is a census of election administration practices and voter participation 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 regarding their voting behavior. The EAC has met with the U.S. Department of Defense's Federal Voting Assistance Program (FVAP) regarding the 2012 and 2014 survey processes and any proposed plans for changes to future military and overseas voting surveys. Discussions between EAC and FVAP will continue as both agencies work to determine the best ways to carry out our respective UOCAVA data collection responsibilities.

For 2012, EAC's 2012 survey will remain largely unchanged from the 2010 version (except for minor changes to some question wording for the purpose of clarifying the type of information EAC seeks). FVAP will delete from its survey the duplicative questions that already appear on EAC's survey and EAC will give FVAP the military and overseas voter quantitative data once they are submitted by the States. EAC and FVAP will work collaboratively on the marketing and messaging related to the administration of their respective 2012 surveys.

Additionally, EAC and FVAP will use the time between now and 2014 to prepare the States for the types of changes that will come with respect to military and overseas voting questions in 2014. For 2014, EAC and FVAP anticipate developing a combined survey so that election officials only have to answer one survey. EAC will administer the survey and provide FVAP with all of the data.

Minor language changes to the 2012 EAVS survey include:

Section A:

Question A4a: Adding "Same Day" in order to clarify that we want information about Same Day registrations → Total new **Same Day** registrations

Question A6-A9: Adding an asterisk mark with the following language → ***Sub-question "e" should include all forms handled through the public assistance agency process (i.e., paper, online).** This sentence will be added as a way to clarify for respondents what should be included in A6-9e regarding public assistance voter registration forms. With more and more states offering online voter registration we want to ensure that those numbers are included and that public assistance offices are not just including counts for paper forms.

Question A10: This edit involves changing “removal” to “confirmation” as a way of clarifying for respondents what EAC means. Both terms had been included previously to accommodate variation in states’ use of these terms. EAC noticed that some confusion resulted from this and would like to use “confirmation,” which is the term used in the National Voter Registration Act regulations. → **Enter the total number of confirmation removal notices sent to voters in the period between the close of registration...**

Section B:

Question C7: There is no change to the original question. The additional language in red text is to clarify for respondents the type of post-election audit information EAC is seeking. We noticed in the 2010 responses that states’ answers varied widely; we thought additional guidance might yield better responses from the states. →

Please describe your state’s laws regarding post-election audits, if any. **A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark. If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.**

Question E2: EAC would like to remove this question. It was included in 2010 order to get a sense of how states were planning to implement the new MOVE Act requirements for the 2010 election. EAC believes it can be removed because by 2012 all states should have implemented the various provisions of the MOVE Act. There is no need to ask them how they plan to comply with the Act.

E2. The Military and Overseas Voter Empowerment Act (MOVE) was signed into law on October 22, 2009. The MOVE Act contains, among other things, provisions regarding States’ methods of communication with UOCAVA voters and UOCAVA ballot transmission.

Please describe your State’s processes and procedures for implementing MOVE (including any changes in your State’s laws or regulations) as they relate to:

- Protecting the security and integrity of the voter registration and ballot application process, the privacy and personal information of the voter, and absentee ballots. (Sect. 577, 578)
- Designating a means of electronic communication for all voting-related materials to UOCAVA voters. (Sect. 577)
- Establishing a ballot tracking mechanism to allow voters to determine whether their ballots were received by the appropriate election official. (Sect. 580(d))

Also, please describe your State’s plans to capture data related to the number of registration applications, ballot applications, and blank ballots transmitted to UOCAVA voters via mail and electronic means (Internet, email, fax) *and* the number of registration applications, ballot applications, and completed ballots returned by UOCAVA voters via mail and electronic means (Internet, email, fax).

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 using the 2010 version of the survey with very minor edits introduced for 2012. For example, with the Statutory Overview (qualitative) Chief State Election Officials are being asked only to update the information submitted in 2010 if there have been changes in their election laws and regulations. There was one new question on the Statutory Overview added as a result of the MOVE Act; however, EAC would like to remove that question for 2012 since the MOVE Act requirements were to have been in place for the 2010 election. There is no need to ask this question in 2012. As was the case in 2008 and 2010, States will be provided with the Statutory Overview prior to the election so that they can complete it and submit it before starting on the more involved quantitative section, which is due after the election. Since States are already familiar with the survey as a result of having experienced the 2008 and 2010 versions, EAC expects States to have an easier time responding.

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.

Since EAC is requesting approval for non-substantive changes, EAC did not publish a notice in the Federal Registrar for the 2012 survey. EAC's interest is in reducing respondent burden and maintaining as much consistency as possible in the questions asked between 2010 and 2012. The survey is largely unchanged from the 2010 version and will be placed on EAC's website along with a list of the minor edits made. EAC did consult with its statutory boards and trade association members (comprised of State

and local election officials) regarding the intent to make no substantive changes to the 2012 survey. That decision was overwhelmingly supported by these stakeholders.

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.

Section A-Quantitative section; Section B-Statutory Overview

- 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 (1.5 hours for Section A; .5 hours for Section B)
 - ii. Adjusting to comply with any previously applicable requirements: 10.00 hours (Section A)
 - iii. Training personnel to respond to a collection of information: 20.00 hours (19 hours for Section A; 1 hour for Section B)
 - iv. Searching data sources: 50.00 hours (25 hours for Section A; 25 hours for Section B)
 - v. Completing and reviewing the collection of information: 60.00 hours (30 hours for Section A; 30 hours for Section B)
 - vi. Transmitting or otherwise disclosing the information: 5.00 (2.5 hours for Section A; 2.5 hours for Section B)
- 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 \$590,000. This estimate includes: \$495,500 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, technical assistance to the States, data analysis and production of various reports; \$45,000 for two (2) EAC personnel to manage the entire project (includes salary and benefits), and \$49,550 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) 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. This report will be released before June 30, 2013.

In addition, the EAC will make available to the public the information collected on the combined number of absentee ballots transmitted to uniformed and non-uniformed citizen voters and the combined number of such ballots which were returned by such voters and cast in the election as required by UOCAVA §102(c). The EAC expects to release its UOCAVA findings in October 2013. The Statutory Overview is tentatively scheduled to be released in April 2013. All of the data collected through this project will be made publicly available via EAC's website and Data.gov.

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.

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