

SUPPORTING STATEMENT A

U.S. Election Assistance Commission

Voting System Testing and Certification Program

ICR Title: EAC Voting System Testing & Certification Program Manual

A. JUSTIFICATION

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

HAVA requires that the EAC certify and decertify voting systems (42 U.S.C. §15371). Section 231(a)(1) of HAVA specifically requires the EAC to "... provide for the certification, de-certification and re-certification of voting system hardware and software by accredited laboratories." The EAC will perform this mandated function through the use of its Voting System Testing and Certification Program. Voting systems certified by the EAC will be used by citizens to cast votes in Federal Elections. Therefore, it is paramount that the program operates in a reliable and effective manner. In order to certify a voting system, it is necessary for the EAC to (1) require voting system manufacturers to submit information about their organization and the voting systems they submit for testing and certification; (2) require voting system manufacturers to retain voting system technical and test records; and (3) to provide a mechanism for election officials and other members of the public to report events which may affect a voting system's certification.

Approval of this collection is essential in order to comply with Help America Vote Act of 2002 (42 U.S.C. §15371). HAVA requires that the EAC certify and decertify voting systems. This mandate represents the first time the Federal government will provide for the voluntary testing and certification of voting systems, nationwide. In response to this HAVA requirement, the EAC developed the Voting System Testing and Certification Program. This program requires the collection and retention of information by voting system manufacturers.

Until 2006, national voting system certification was conducted by a private membership organization, the National Association of State Election Directors (NASD). NASD certified voting systems for over a decade, using standards issued by the Federal government. The organization terminated its certification efforts on July 10, 2006.

EAC's Voting System Testing and Certification Program began in 2007. This Manual outlines the policies and procedures necessary to test and certify voting systems in the United States. This Manual, in conjunction with the Voluntary Voting System Guidelines, allows the EAC to test and certify voting systems at the Federal level.

2. 1Explain how, by whom, how frequently, and for what purpose the information will be used. 2If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information collected under the EAC Voting System Testing and Certification Program¹ will be used solely by EAC personnel to determine whether a voting system meets voluntary Federal voting system standards. Ultimately, EAC determination regarding whether a voting system is certified will be published. However, the information provided to the EAC to support a grant of certification will be made public subject to the requirements of the Freedom of Information Act and the Trade Secrets Act. A detailed guide regarding the publication of information collected for this program is found in Chapter 10 of the EAC's Voting System Testing and Certification Manual. A copy of the manual is provided.

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

The EAC will provide for the secure collection of information using its website and/or Virtual Review Tool (VRT). Submission will be accepted using a secure, automated, form-fillable web application. Information will also be accepted via e-mail from identified parties. The EAC is committed to making the submission of information to the agency secure, efficient, and as easy as possible through the use of technology. Ultimately, given the technical sophistication of the group from which we are collecting information; the limited nature of the collection and the small number of participants; electronic filing is ideal.

4. Describe efforts to identify duplication.

The Voting System Testing and Certification Program is the first Federal program of its type. As such, the information we seek is not available or collected by other Federal agencies. As for collection within the program itself, the amount of information sought in Paper Work Reduction Act collections is not significant. This fact, itself, reduces the potential for duplication. Further, in developing the program, the EAC was focused on efficiency. The EAC assigns each participant an identification number. This number can be used to pull all information submitted by the participant and prevent them from having to provide previously provided information in new contexts or collection efforts.

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

This collection of information does not have a significant economic effect on a substantial number of small entities; however, some small businesses or other small entities are among potential respondents. 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 certify and maintain a certification for voting systems.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

¹ The Certification Program's information collection activities are part of a currently approved information collection, Testing & Certification Program Manual, version 1.0, OMB No 3265-0004, exp. 6/30/2017.

If the EAC does not collect this information, it will be unable to provide for the certification and decertification of voting system hardware and software in accordance with the Help America Voting Act of 2002 (42 U.S.C. §15371). As no national body presently exists to perform this function, such a consequence could have a significant negative impact on the nation's election administration.

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

(a) Requiring respondents to report information to the agency more often than quarterly.

Not applicable in this collection.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

Not applicable in this collection

(c) Requiring respondents to submit more than an original and two copies of any document.

Not applicable in this collection.

(d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years.

Not applicable in this collection.

(e) In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study.

Not applicable in this collection.

(f) Requiring the use of statistical data classification that has been reviewed and approved by OMB.

Not applicable in this collection.

(g) That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use.

This collection does not include a pledge of confidentiality not supported by statute or regulation.

(h) requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This collection does require the collection of proprietary or trade secret information protected by agency procedures. Proprietary technical information on voting systems is necessary to make a determination on certification. The EAC set procedures and policy for the identification and protection of this information consistent with the requirements of the Freedom of Information Act and the Trade Secrets Act. These policies are laid out in Chapter 10 of the EAC Voting System Testing and Certification Manual. A copy of this manual has been provided.

8. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

On numerous occasions over the past ten years, the EAC met with representatives from the voting system manufacturers and the testing laboratories impacted by this information collection to discuss the burdens imposed by this collection and methods for improving it. In addition, the EAC made revisions to the collection based on comments received during a public comment period. A copy of the Federal Register notices, a summary of the comments received, and an explanation of the revisions made have been submitted with this ICR.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

We will not provide any payment or gift to respondents in this collection.

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

No assurance of confidentiality has been provided to respondents. Information provided will be made public consistent with the requirements of the Freedom of Information Act and the Trade Secrets Act.

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.

The collection does not include sensitive or private questions.

12. Provide an estimate in hours of the burden of the collection of information.

(a) Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.

(b) If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

(c) Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate. The cost of contracting out or paying outside parties for information collection activities should not be included here.

The EAC will be collecting information on voting systems and their manufacturers. The agency will use three forms to collect this information (1) a manufacturer registration form, (2) a voting system certification application form and (3) a field anomaly reporting form. The program requires the submission and retention of other information regarding the manufacturer and its business practices, the technical aspects of its voting systems and the testing of its voting systems. However this information is not part of this burden analysis as its creation is part of the industry's customary and usual business practices. Moreover, much of the information is and was required by state and local governments, independent of, and prior to, any federal requirement proposed by this voluntary program. The estimated total annual hourly burden on the voting system manufacturing industry and election officials is 105 hours. The estimated annual cost burden to these parties is \$3,405.

- **Manufacturer Registration Form:** The EAC estimates that there are approximately 13 potential respondents. This estimate reflects the number of known entities manufacturing and selling voting systems in the United States. This form is required to be submitted once for participation in the EAC's program. However, it is estimated that based upon organizational changes the form will be amended once every 4 years. Thus, submission is expected once every 4 years or .25 annually. Based upon discussions with industry, completion of this form is estimated to take approximately 3 hours. Therefore, the total estimated, annual, hourly burden for this form will be 9.75 hours (13 respondents X 3 hours X .25 annual rate). Based on an hourly cost factor of \$100, the total cost to the industry of this information collection is \$300.
- **Voting System Certification Application Form:** The EAC estimates that there are approximately 13 potential respondents. This estimate reflects the number of known entities selling and manufacturing voting systems in the United States. This form is required to be submitted each time a voting system is submitted for EAC certification. The number of submissions will vary significantly between respondents and from year to year. Based upon experience of the EAC, we estimate we will receive an average of 26 submissions per year. This averages 2 submissions per potential respondents, annually. Based upon discussions with industry, completion of this form is estimated to take approximately .5 hours. Therefore, the total annual hourly burden for this form will be 13 hours. Based on an hourly cost factor of \$80, the total cost to the industry of this information collection is \$2,080.
- **Field Anomaly Reporting Form.** This form may be used by election officials (state employees), in a purely voluntary capacity, to report problems with certified voting systems. Respondents are election officials who have witnessed a voting system anomaly. There are approximately 8,100 election officials in the United States.

Assuming an anomaly rate of 1% per election year, the EAC estimates the submission of 81 responses and respondents per election year. As Federal elections take place once every 2 years, the annual submission and respondent estimate is 41, annually. The EAC estimates that this form will take 2 hours to complete. Therefore, the total annual hourly burden for this form will be 82 hours a year. Based upon an average hourly cost factor of \$25 for election officials, the total estimated cost of such submissions is \$1,025.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

- (a) The cost estimate should be split into two components: (1) a total capital and start-up cost component (annualized over its expected useful life) and (2) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
- (b) If cost estimates are expected to vary widely, agencies should present ranges of cost burden and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- (c) Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

The EAC has identified no “non-hour” cost burdens for this collection of information that are not part of the effected industry’s customary and usual business practices.

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

The estimated annual cost to the Federal Government is \$349,100. This estimate includes \$249,600 for technical experts to review and accept collections, \$150,000 for personnel to administer and manage collections, \$46,000 in training costs, \$42,000 for program printing and website management and \$10,000 for equipment and overhead.

- We estimate \$249,600 to provide for technical experts to review and accept collections. These experts have an average pay of \$80 an hour. We expect to have three experts working half time (1040 Hrs a year).
- We estimate \$150,000 for personnel to administer and manage the collections. Two full time personnel will be assigned to this program. With an average cost (pay and benefits) of approximately \$75,000 a year.
- We estimate \$46,000 in training program costs. This includes travel costs, training program development costs and training personnel.
- We estimate \$42,000 for program printing and website development, maintenance and administration.
- We estimate \$10,000 for equipment costs and overhead.

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

The figures were adjusted for version 2.0 of the manual to reflect the realistic experience of those in this program area over the last 6 years. Changes from version 1.0 of the manual to version 2.0 of the manual and average costs for personnel based on program experience lowered the federal estimated costs of the program.

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

Information collected will be made public consistent with the requirements of the Freedom of Information Act and the Trade Secrets Act. Beyond the requirements of FOIA, the EAC intends to affirmatively publish program documents (or portions of documents) it believes will be of interest to the public. The policies and procedures for publishing this information are laid out in EAC Voting System Testing & Certification Program Manual.

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 the OMB 83-I.

To the extent that the topics apply to this collection of information, we are not making any exceptions to the “Certification for Paperwork Reduction Act Submissions.”