

Supporting Statement A:
OMB Control Number: #####-####
U.S. Election Assistance Commission
2022 Election Administration and Voting Survey

A. Justification

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

The proposed information collection is necessary for several reasons. First, the Help America Vote Act (HAVA) of 2002 (52 U.S.C. § 20901), especially §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.

Second, 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) (52 U.S.C. § 20508). 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).

Third, HAVA §703(a) amended §102 of the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (52 U.S.C. §20302(c)) 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.”

Fourth, the EAC and the Federal Voting Assistance Program (FVAP), an agency of the Department of Defense, have worked together to combine their requirements to collect data about voting by UOCAVA citizens. Starting in 2014, the EAC added questions from FVAP’s Post-Election Survey of Local Election Officials to the Election Administration and Voting Survey (EAVS). This consolidation of surveys reduced the paperwork burden on state and local election offices and also made FVAP a primary consumer of the EAVS. As a part of this consolidation, the EAC and FVAP worked with the chief state election official of each state and developed standards for reporting the number of absentee ballots requested and received, and other data as FVAP determines appropriate and for FVAP to store the data reported, as required under the MOVE Act (Military and Overseas Voter Empowerment), enacted as part of the National Defense Authorization Act of FY 2010 (P.L. 111-84).

The primary use of these data by FVAP is to identify areas where the electoral process can be improved by providing an accurate picture of the UOCAVA absentee voting process. These data permit FVAP to evaluate the extent to which FVAP is achieving its mission and the actions it can take to improve the process. In addition, FVAP uses these data to evaluate if legislative changes have been successful in removing barriers for absentee voting and identify any remaining obstacles to voting by those populations covered by the UOCAVA.

Finally, it is important to note that other federal agencies rely on data collected through the EAVS, including the Department of Justice, Department of Homeland Security, the Census Bureau, and the U.S. Postal Service. This is discussed in further detail below under question 2.

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

These data are used by several sources. First, the EAC will use the data collected by the 2022 EAVS to meet its statutory requirements related to (1) the impact of the NVRA (52 U.S.C. § 20508) on the administration of elections for the period from the day after the November 3, 2020 Federal general elections until Election Day November 8, 2022; (2) the required HAVA information regarding 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; and (3) information required by the Help America Vote Act (HAVA) of 2002 (52 U.S.C. § 20901), especially §241, that is used in the EAC biennial report to Congress. The EAC also uses these data for various reports and guidance for state and local election officials.

Second, FVAP is a primary user of these data; it is required to submit a report to Congress reflecting a statistical analysis of uniformed services and overseas citizen participation in each federal general election, and also uses these data for policy-specific analyses. The EAC shares all relevant EAVS data with FVAP now that the EAC collects all local election official quantitative data for FVAP.

Third, additional users of these data include other federal agencies. For example, the Voting Section of the Department of Justice's Civil Rights Division uses EAVS data to inform its monitoring and enforcement of federal voting laws, including HAVA, the NVRA, and UOCAVA. The Election Security Initiative at the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, which leads federal efforts to protect U.S. election infrastructure following its designation as critical infrastructure in January 2017, uses EAVS data to inform its analyses of election infrastructure, including election technology cybersecurity threat modeling for different types of election jurisdictions. Other examples include the Census Bureau, which has used EAVS data on turnout and voter registration to help validate data collected through the Voting and Registration Supplement to the American Community Survey, and the U.S. Postal Service, which has used EAVS data to inform trend analyses on voting by mail.

Finally, EAVS data are also used by an array of public users, including academic and

public policy researchers, in an effort to understand the conduct of American election administration.

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.

In 2016, the EAVS data collection was modified so that states had much greater flexibility in collecting and reporting data. The data were collected primarily using an Excel template, but modifications were made so that states with more sophisticated capabilities could report their data as an export from their state election management system. States who needed to collect data directly from their local jurisdictions were provided with a simple Excel-based template, and these data could be easily combined into a single state report. Some localities were allowed to report their data on a paper form, or via a telephone interview-style data collection format. The reported data were also validated using human-assisted machine learning techniques.

In 2018, the EAC created an online data collection system to supplement the Excel-based template that accommodated state-level data exports; this online system replaced the Excel template that allowed for item-by-item data entry. This online system was used by more than a dozen states, especially those that rely heavily on local election offices to provide EAVS data. The state and local election offices that used the online system reported positive feedback and indicated that it reduced the time spent filling out the survey. The online system also increased data integrity by incorporating data validation checks throughout the online survey and by reducing the amount of manipulation that state officials needed to do with local-level submissions; the Excel template had the capability of automatically porting online survey submissions into a single Excel file.

The EAC plans to use the online data collection system again in 2022 to supplement the Excel-based template and will introduce additional capabilities that will allow local election offices to edit their data prior to certification and better track their local jurisdictions' progress through the survey. It is expected that these additional functionalities will further reduce the response burden associated with the survey and will lead to higher-quality and more accurate data submissions.

4. Describe efforts to identify duplication.

In 2014, FVAP and the EAC combined their survey questions about UOCAVA voting to lessen the burden on states and localities associated with federal reporting of these data. By asking the questions once, in a single survey, both organizations have obtained higher-quality data and higher compliance with data reporting requirements. Under the memorandum of understanding between the two agencies, FVAP provided the EAC with the survey questions, which were added to the EAVS, and the EAC provided FVAP with all UOCAVA data after the survey had been administered.

In 2015, FVAP created a working group that reviewed all UOCAVA questions contained in the EAVS. The group identified all redundant questions and recommended changes to

other questions so that the questions could be more easily understood and data reporting improved. The 2018 survey questions related to UOCAVA voting were reduced based on this effort, and this reduction in questions continues in the 2020 survey. In 2019 and 2022, the EAC launched a similar working group to examine the voter registration questions in the EAVS, including efforts to streamline questions where redundancy may exist. It is anticipated that any changes recommended by this group will be implemented no earlier than the 2024 EAVS.

To further identify and mitigate against duplication of effort, EAC staff maintain regular communication with federal agencies known to conduct data collections on similar topics, such as the Census Bureau and FVAP. For example, when modifying questions regarding UOCAVA voters for the 2020 Policy Survey, a component of the EAVS data collection formerly called the Statutory Overview, EAC staff discussed potential revisions with FVAP and reviewed existing FVAP data collections to ensure that duplication was avoided. Similarly, when considering a potential new question for the 2020 EAVS on election jurisdiction employment, the EAC engaged officials at the Census Bureau who administer the Annual Employment Survey and Census of the Governments to inform question design and make sure there would be no duplicated effort.

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 much 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.

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 will be unable to comply with its statutory requirements under HAVA (52 U.S.C. § 20901), NVRA (52 U.S.C. § 20508), and UOCAVA (52 U.S.C. §20302(c)). This collection of information must be carried out every two years after each Federal general election as stipulated by NVRA and UOCAVA. In addition, FVAP will be unable to meet its congressional reporting requirements related to UOCAVA voting if the EAC does not collect this information.

Because the core questions in the EAVS will not change for 2022 and have not changed dramatically since 2006, state and local election offices are well-positioned to answer the questions contained in the survey. Many election offices already have developed data

collection methods for the EAVS data or developed system queries to extract data from election management systems, which also reduces the burden of the EAVS moving forward.

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 of EAC.

The EAC published a Federal Register Notice soliciting comments on the information collection on November 29, 2021, Vol. 86, No. 226, pgs. 67694-67695. A copy of the notice as published is provided as Attachment A. In addition to publication in the Federal Register, the EAC sought to maximize the public comments received by advertising the public comment period on its social media channels and by encouraging election officials, scholars, and other stakeholders in the elections community to review the documents and submit comments. Prior to submission to the Federal Register, the EAC consulted with the EAVS committee on its Standards Board (a federal advisory committee to the EAC) and members of a working group to solicit their input on potential modifications to the data collection.

EAC received 12 comments that were submitted by 12 individuals in 7 states. Comments were made regarding both the EAVS and the Policy Survey. Four comments were received from academics, three were received from non-governmental organizations focused on elections or individual election advocates, one from an election official, one from a member of the general public, and one from an unknown person. Two comments were not germane to the EAVS. Table 1 shows the number of persons providing comments by state.

State	Number of Persons Commenting
California	1
Connecticut	1
Colorado	1
Mississippi	1
Texas	1
Washington, D.C.	2
Wisconsin	1
Unknown	4
Total	12

The EAC analyzed the content of the comments for the EAVS and the Policy Survey separately; Table 2a categorizes the requests related to the EAVS and Table 2b categorizes the requests related to the Policy Survey. The total number of requests by content type may be greater than 12 (the number of persons submitting comments) because some comments contained multiple requests and some comments pertained to both the EAVS and the Policy Survey.

Table 2a: Requests on the EAVS		
Content Type	Number of Requests	Percent of Total
Requests to add additional questions	19	45.2
Request for clarification of survey instructions	6	14.3
Requests relating to survey administration and survey tools	8	19.0
Requests for adjustments to existing questions	9	21.4
Totals	42	100.0
Table 2b: Requests on the Policy Survey		
Content Type	Number of Requests	Percent of Total
Requests to add additional questions	10	55.6
Requests for adjustments to existing questions	6	33.3
Request for clarification of survey instructions	2	11.1
Total	18	100.0

The EAC’s responses to the suggestions for the EAVS are below:

- Requests to add additional questions:** There were many suggestions for additional questions, including questions on voter wait time, e-poll book systems, election administration budgets, poll worker pay/training/demographic data, the quality of poll workers, UOCAVA data on continental voters, ballot markings, and backup paper poll books. However, the EAC is not certain that (a) all jurisdictions collect the data to be able to answer these questions, or that (b) the questions were too subjective, (c) or were outside the scope of the survey, (d) lastly other agencies such as FVAP are needed to be consulted before changes can be made to Section B of EAVS. Additionally, the EAC is reticent to increase response burden by adding questions to an already lengthy survey. The EAC also wishes to conduct more rigorous question design and user testing of these potential questions. The EAC will not add most of these additional questions in the 2022 EAVS but will work with the EAC Standards Board and other stakeholders to determine if these items are appropriate to consider for the 2024

EAVS. The EAC decided to add one question in Section D based on the public comments on the number of new poll workers for the current election cycle. This question will be helpful to the agency’s National Poll Worker Recruitment Day initiative which encourages the recruitment of poll workers across the country.

- **Request for clarification of survey instructions:** Commenters raised issue with question A3f specifically that the choice should be clear that it’s not just asking for only changes to the three existing items but rather any updates to a voter’s record. These changes are scheduled to occur for the 2024 EAVS, because election offices need advance time to prepare to track changes in Section A of the EAVS. Commenters also request clarification in Sections B and C on terms such as “UOCAVA voter”, “domestic” voters, “foreign” voters, and “mail ballots”. The EAC has not encountered any EAVS respondents who had trouble with these terms. Also, any major changes to Section B and C must first be discussed with FVAP and working groups of election officials, respectively. The phrase “nor replaced by another ballot” was added to the C1f description based on a public comment.
- **Requests relating to survey administration and survey tools:** Commenters requested several modifications to the survey administration and tools such as: allowing more states to respond to the EAVS as opposed to local jurisdictions; the minimization of data irregularities and missingness; combining the data of multiple survey years together; and advising caution when using the term “ballot”. Many of these requests are outside of the scope of the EAVS or are questions that the EAC has not encountered in past administrations of the survey.
- **Requests for adjustments to existing questions:** Commenters requested adjustments to the “Equipment Use” choices for BMDs (F7d), creating a separate category for hybrid BMDs; creating separate categories for polling place scanners and central scanners; adding other voting equipment outside of the current ones in F5-F9; adjust the F5c-F8c so that it also asks for version information of each voting equipment; distinguish between missing and non-matching signatures in rejected UOCAVA ballots; adding an option of FWABs that are returned by voters electronically; adding an option of mail ballots that were rejected because the ballot was not in an envelope. The EAC wishes to undertake more study on these requests and will work with the EAC Standards Board and other stakeholders to consider making these changes in the 2024 EAVS.

The EAC’s responses to the suggestions for the Policy Survey are below:

- **Requests to add additional questions:** Commenters requested adding a number of additional questions to the Policy Survey, including questions about: provisional ballots, how states report election results by method, and authentication for remote mail voting. Like the requests for the EAVS some of these requests need further study, were outside of the scope of the survey, or were too complicated and burdensome. Because the primary purpose of the Policy Survey is to collect data that is relevant to and provides context for states’

responses to EAVS, the EAC has added questions on accessible absentee voting (Q24a, Q24b, and Q24c of the Policy Survey, to provide context to Section C of EAVS), entities that review provisional ballots (Q33d and Q33e of the Policy Survey, to provide context to Section E of EAVS), how recounts are conducted (Q35a of the Policy Survey) and will work with the EAC Standards Board and other stakeholders to determine if other items are appropriate to consider for the 2024 Policy Survey.

- **Requests for adjustments to existing questions:** In responses to comments, Q8a has been clarified by adding the term “in-person” before “early voting” in the third option; added an “Other” option to Q38a; added the “varies by jurisdiction” option to Q19 question and sub questions; underlined “manually counted” and “machine-counted” in Q36b; added two options to Q36: “*Ballot reconciliation audit: a comparison of the published election results with the number of voters who signed poll books during in-person voting or whose mail ballot envelopes were checked in*” and “*Eligibility audit: a process to verify that the ballots that were counted were legally cast*”.
- **Request for clarification of survey instructions:** One request was made to clarify the instructions in Q8a. The requested clarifications were made. Another request for Q34 asked that results be reported by precinct and be useful for auditing purposes. The EAC did not make any change because this is outside of the scope of the Policy Survey.

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 information collection has two parts: The Election Administration and Voting Survey (EAVS), and the Policy Survey. The estimated response burden is based on feedback provided in 2019 from thirty-four individual states on the estimated total number of hours spent on gathering the necessary information and on entering the data

into the electronic template. The thirty-four states represented a mix of the number of reporting local jurisdictions (from 8 to 300), and of different record-keeping database architectures (i.e., top-down, bottom-up, and hybrid). The median response was 80 hours. To estimate conservatively and be cognizant of the fact that several states reported a considerably higher response burden plus the addition of new questions since the 2020 EAVS, we use 102 hours per respondent in our calculations below. It should be noted that this estimated response burden is slightly higher than 2020 but still lower than the years pre-2020. This reduction is likely due to multiple factors, including EAC efforts to streamline questions and improve data collection mechanisms over time, as well as state efforts to modify their systems and processes to accommodate this biennial collection, which has remained largely unchanged since the 2008 iteration of the survey.

Under the online method of completing the Policy Survey, where States select pre-determined response options, we estimate that the new burden for completing the Policy Survey is, on average, 2.1 hours. This represents a slight increase from 2020 but still reflects a dramatic reduction in estimated burden in previous years (pre-2018) when the Statutory Overview was still in use. In 2018, the Statutory Overview survey was overhauled from an essay-answer survey to a multiple-choice survey.

The table below summarizes the burden estimates for the EAVS and the Policy Survey. Because this data collection occurs every two years, we have calculated and provided the annualized burden.

Collection Component	Number of Respondents	Respondent Burden	Total Burden	Annualized Burden
EAVS	56	102	5,712	2,856
Policy Survey	56	2	112	56
Total		104	5,824	2,912

Note: Decimals are rounded to the nearest whole number.

The estimated cost of the annualized cost of this burden is: \$78,274.56, which is calculated by taking the annualized burden (2,912 hours) and multiplying by an hourly rate of \$26.88 (GS-8/Step 5 hourly basic rate).

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 \$551,500.

The information is collected biennially. For each data collection iteration, the cost includes: a) approximately \$615,000 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, b) \$216,000 for FVAP data processing, and report development, c) \$260,000 for EAC personnel to manage the entire project (including salary and benefits); and d) \$12,000 for Government Printing Office (GPO) report design and development. These figures sum to \$1,103,000 for two years, bringing the annualized cost to \$551,500.

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

The EAC requests a decreased number of burden hours in Item 13 of OMB Form 83-I. As noted in the response to item 12 of this justification, the decreased burden is due to multiple factors, including respondents' increased familiarity with the EAVS survey, a more accurate estimate of the states' burden after several iterations of the data collections documented in prior years, streamlined questions and instructions, improvements to the data collection mechanisms, and the transition from the Statutory Overview survey to the Policy Survey.

The decreased burden hours entail decreased reporting on the part of the states and their respective jurisdictions. We document the cost of that burden in Item 14 of OMB Form 83-I.

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

The EAC is required by the NVRA (52 U.S.C. § 20508) no later than June 30th of each odd-numbered year to submit to Congress a report assessing the impact of the Act on the administration of elections for Federal office during the preceding two-year period and outlining major findings about the administration of Federal general elections. This report for the 2022 Federal general election will be delivered to Congress and publicly released on the EAC's website by June 30, 2023.

The EAC will also 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 will release its UOCAVA findings concurrently with the release of the NVRA report. All of the data collected through this project will be made publicly available via EAC's website.

In addition to the report issued by the EAC, FVAP will also make the analysis of its data public from questions contained in Section B of the EAVS once its biennial Report to Congress is submitted in July 2023.

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.