



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY
BEFORE THE HOUSE
ADMINISTRATION COMMITTEE

FEBRUARY 9, 2005

*U.S. Election Assistance Commission
1225 New York Ave., NW – Suite 1100
Washington, DC 20005*



Good morning Mr. Chairman and Members of the Committee. Seated before you today are the four members of the U.S. Election Assistance Commission (EAC): Gracia Hillman, Chair; Paul DeGregorio, Vice Chairman; Ray Martinez, III; and DeForest B. Soaries, Jr. Our biographies are attached to this statement. (Appendix 1)

We are pleased to be here this morning to discuss our conclusions about the November 2004 election and the role that the Help America Vote Act of 2002 (HAVA) played in that election. In our testimony, we will review the progress and accomplishments of HAVA leading up to the November 2004 Election and our plans to continue the implementation of HAVA in 2005.

HAVA marks the first Federal program of its kind in the history of voting in this country. HAVA's changes to the voting process in Federal elections are substantial. Although the EAC has been engaged in this election reform effort for only just over a year, we will endeavor in our comments today to inform you of the successes, the frustrations and the work that is left to be done under HAVA.

We appreciate the vested interest that this Committee has in our work. We recognize the importance of what you have done for America as the authorizers of HAVA and look forward to today's discussions.

INTRODUCTION

In October 2002, Congress, with the leadership and overwhelming support of the members of this Committee, passed the Help America Vote Act (HAVA). HAVA represents an unprecedented effort by Congress to enhance the administration of Federal elections through funding, guidance and policies. Previously, this country has relied exclusively on the resources and efforts of the States to conduct Federal elections without assistance and direction from the Federal Government. HAVA recognizes the important role of the States in conducting Federal elections while at the same time providing funding and guidance to the States in a nation-wide effort to make the administration of Federal elections more uniform and consistent.

HAVA was not contemplated as a short-term or partial solution to the issues and problems with the administration of Federal elections that came to the forefront during the 2000 Presidential Election. Rather, HAVA sets out a comprehensive program of funding, guidance, and ongoing research that spans the course of many years. HAVA's primary funding program (Title II) was authorized for three consecutive fiscal years (through 2005). Congress recognized that election reform efforts would go on beyond the 3-year authorization of funds. Therefore, Congress did not apply a fiscal year restriction on the use of the Title II funds. Likewise, HAVA created a Federal commission, the Election Assistance Commission¹, which it authorized initially for a period of three fiscal years. HAVA also contemplated the creation and maintenance of

¹ EAC Organizational Chart is attached as Appendix 2.



Federal guidance on voting systems, provisional voting, voter identification, voter registration databases, and voter information. Congress knew that these important policies and guidance not only would take some time to develop, but also, due to the nature of ever evolving technologies and voting processes, would need revision and updating in keeping with those changes.

Many of the HAVA implementation efforts began in earnest in January 2004 immediately following the formation and appointment of the Election Assistance Commission. To their great credit, States used the limited Federal resources distributed by the General Services Administration (GSA) under Title I and their own state funding to implement those HAVA requirements with deadlines of January 1, 2004, including provisional voting and voter information. But, to put the proper context on HAVA implementation, it is, at best, just crossing into the second year of its multi-year election reform scheme.

All of this having been stated, HAVA has already proven to be a success in revamping the voting process in Federal elections. Provisional voting offered over one million voters the opportunity to cast a ballot in Federal elections in 2004. Prior to HAVA, these persons would have been turned away. HAVA funding has already permitted some States to upgrade their voting systems to comply with HAVA. Other States have used HAVA funds to implement or improve their state-wide voter registration databases to manage voter lists and prevent the fraud that has surrounded voter registrations in the past. These are just a few of the success stories of HAVA that will be discussed more fully below.

The House Administration Committee will hear, if it has not already, from detractors that say that HAVA has not lived up to its billing and has failed to meet their expectations of election reform. In one respect, they are correct. To the extent that HAVA implementation is not complete, we cannot yet realize the totality of its intended benefits and reforms. Furthermore, the States have expressed understandable frustration with trying to meet HAVA requirements within the prescribed deadlines. To address these concerns, the Election Assistance Commission has taken an aggressive approach to its work in 2004 and will continue that pace and determination in 2005 to assist the States in their implementation of HAVA. With the much needed funding that the Election Assistance Commission received in its 2005 budget, EAC is embarking upon an accelerated research agenda to develop and publish guidance on voting systems, provisional voting, voter registration databases, and voter identification. Some of this work is already well underway. For example, the Technical Guidelines Development Committee (TGDC) met on January 18 and 19 to pass resolutions tasking the National Institute for Standards and Technology (NIST) with developing voluntary voting system guidelines. In December 2004, EAC received testimony regarding voter registration databases and has scheduled an initial hearing on the issue of provisional voting on February 23, 2005. However, there is a great deal of work to be done to fully implement HAVA and all of its intended election administration reforms.



HAVA SUCCESSES IN 2004

The beginnings of HAVA’s significant influence could be felt throughout the country in 2004. States implemented the Title III requirements for provisional voting, voter information and voter identification by January 1, 2004 and used these new principles in their Federal elections in 2004. As with any new statute and new requirements, there were varying interpretations of these mandates and substantial media and public attention to the legal battles that ensued. The results of the first Federal elections conducted under HAVA were a populace that was more engaged in the political process, a surge in voter registration, an opportunity for voters who would previously have been turned away to vote provisionally, an unprecedented amount of information available to voters regarding the voting process and their voting rights, improving voting technology, and the promise of more reform and reflection on the voting process to come in the following years. There can be no question that HAVA positively influenced the 2004 elections.

Federal Funding Programs

Prior to the enactment of HAVA, Federal funds had not been committed to the improvement of the administration of Federal elections. Other Federal legislation was enacted to impose limitations and requirements on the administration of elections, but never before had those expectations been backed by Federal funding. Congress has appropriated over \$3,000,000,000 to help States meet the requirements of HAVA and improve the administration of Federal elections. Other HAVA programs such as the College Poll Worker program, the National Parent-Student Mock election, and the program to assure access for individuals with disabilities have been funded by Congress in the amounts of \$950,000, \$400,000, and \$33,000,000, respectively.

EAC, GSA, and HHS have distributed a total of \$2,213,847,325 to the States, the District of Columbia and the Territories since the enactment of HAVA. The following table shows the amounts that have been distributed to each of the States and Territories for their use to implement the provisions of HAVA.

State	Title I "Early Money"		Title II Requirements Payments (Section 251)		Title II Disability Access Grants (Section 261)		Total Disbursed to State**
	Section 101 Payments*	Section 102 Payments*	Fiscal Year 2003 Funds*	Fiscal Year 2004 Funds*	Fiscal Year 2003 Funds*	Fiscal Year 2004 Funds*	
AL	\$4,990	\$51	\$12,835	\$23,031	\$185	\$130	\$41,222
AK	\$5,000	\$0	\$0	\$0	\$100	\$100	\$5,200
AS	\$1,000	\$0	\$830	\$1,489	\$100	\$100	\$3,519
AZ	\$5,451	\$1,564	\$14,523	\$26,061	\$210	\$153	\$47,962
AR	\$3,593	\$2,570	\$7,729	\$13,869	\$109	\$100	\$27,970
CA	\$27,341	\$57,322	\$94,559	\$0	\$1,372	\$986	\$181,580
CO	\$4,860	\$2,177	\$12,362	\$22,183	\$178	\$129	\$41,889



State	Title I "Early Money"		Title II Requirements Payments (Section 251)		Title II Disability Access Grants (Section 261)		Total Disbursed to State**
	Section 101 Payments*	Section 102 Payments*	Fiscal Year 2003 Funds*	Fiscal Year 2004 Funds*	Fiscal Year 2003 Funds*	Fiscal Year 2004 Funds*	
	CT	\$5,000	\$0	\$9,920	\$17,780	\$143	
DE	\$5,000	\$0	\$4,150	\$0	\$100	\$100	\$9,350
DC	\$5,000	\$0	\$4,150	\$7,447	\$100	\$100	\$16,797
FL	\$14,448	\$11,581	\$47,417	\$85,085	\$687	\$493	\$159,711
GA	\$7,816	\$4,740	\$23,171	\$41,578	\$335	\$242	\$77,882
GU	\$1,000	\$0	\$0	\$0	\$100	\$100	\$1,200
HI	\$5,000	\$0	\$4,150	\$0	\$100	\$100	\$9,350
ID	\$5,000	\$0	\$4,150	\$7,447	\$100	\$100	\$16,797
IL	\$11,129	\$33,806	\$0	\$0	\$511	\$359	\$45,805
IN	\$6,230	\$9,522	\$17,372	\$31,173	\$251	\$175	\$64,723
IA	\$5,000	\$0	\$8,495	\$15,244	\$122	\$100	\$28,961
KS	\$5,000	\$0	\$7,662	\$13,748	\$110	\$100	\$26,620
KY	\$4,699	\$469	\$11,773	\$21,126	\$170	\$121	\$38,358
LA	\$4,911	\$7,352	\$12,549	\$22,518	\$181	\$127	\$47,638
ME	\$5,000	\$0	\$4,150	\$0	\$100	\$100	\$9,350
MD	\$5,637	\$1,638	\$15,201	\$27,277	\$220	\$157	\$50,130
MA	\$6,590	\$1,519	\$18,688	\$33,534	\$270	\$191	\$60,792
MI	\$9,207	\$6,531	\$28,257	\$0	\$409	\$287	\$44,691
MN	\$5,314	\$0	\$14,020	\$25,158	\$202	\$145	\$44,839
MS	\$3,673	\$1,778	\$8,023	\$14,396	\$115	\$100	\$28,085
MO	\$5,875	\$11,473	\$16,073	\$28,842	\$232	\$164	\$62,659
MT	\$5,000	\$0	\$4,150	\$0	\$100	\$100	\$9,350
NE	\$5,000	\$0	\$4,920	\$0	\$100	\$100	\$10,120
NV	\$5,000	\$0	\$5,785	\$10,381	\$100	\$100	\$21,366
NH	\$5,000	\$0	\$4,150	\$7,447	\$100	\$100	\$16,797
NJ	\$8,141	\$8,696	\$24,358	\$0	\$352	\$248	\$41,795
NM	\$5,000	\$0	\$5,110	\$9,170	\$100	\$100	\$19,480
NY	\$16,494	\$49,604	\$0	\$0	\$796	\$559	\$67,453
NC	\$7,888	\$893	\$23,431	\$42,046	\$339	\$240	\$74,837
ND	\$5,000	\$0	\$4,150	\$0	\$100	\$100	\$9,350
OH	\$10,385	\$30,668	\$32,562	\$58,430	\$143	\$328	\$132,516
OK	\$5,000	\$0	\$0	\$0	\$472	\$101	\$5,573
OR	\$4,204	\$1,823	\$9,962	\$0	\$143	\$102	\$16,234
PA	\$11,323	\$22,917	\$35,993	\$64,586	\$521	\$364	\$135,704
PR	\$3,151	\$0	\$0	\$0	\$151	\$104	\$3,406
RI	\$5,000	\$0	\$4,150	\$7,447	\$100	\$100	\$16,797
SC	\$4,652	\$2,168	\$11,602	\$20,819	\$167	\$120	\$39,528
SD	\$5,000	\$0	\$0	\$0	\$100	\$100	\$5,200
TN	\$6,005	\$2,474	\$16,546	\$29,690	\$241	\$169	\$55,125
TX	\$17,207	\$6,270	\$57,505	\$0	\$834	\$602	\$82,418
UT	\$3,091	\$5,727	\$5,893	\$10,574	\$100	\$100	\$25,485



State	Title I "Early Money"		Title II Requirements Payments (Section 251)		Title II Disability Access Grants (Section 261)		Total Disbursed to State**
	Section 101 Payments*	Section 102 Payments*	Fiscal Year 2003 Funds*	Fiscal Year 2004 Funds*	Fiscal Year 2003 Funds*	Fiscal Year 2004 Funds*	
VT	\$5,000	\$0	\$4,150	\$7,447	\$100	\$100	\$16,797
VA	\$7,106	\$4,527	\$20,573	\$0	\$298	\$212	\$32,716
VI	\$1,000	\$0	\$0	\$0	\$100	\$100	\$1,200
WA	\$6,098	\$6,799	\$16,889	\$30,307	\$244	\$175	\$60,512
WV	\$2,977	\$2,349	\$5,476	\$9,827	\$100	\$100	\$20,829
WI	\$5,694	\$1,309	\$15,411	\$27,653	\$185	\$158	\$50,410
WY	\$5,000	\$0	\$4,150	\$7,447	\$100	\$100	\$16,797
Total	\$349,180	\$300,317	\$719,125	\$822,257	\$12,998	\$9,941	\$2,213,818

* Figures rounded to nearest thousand.

** Excludes payments made under section 291 by the U.S. Department of Health and Human Services to States for protection and advocacy systems.

As can be seen from the Table above, all States, Territories and the District of Columbia have received Title I, Section 101 funds for use in improving the administration of Federal elections. Thirty States received Section 102 for replacing punch card and lever voting systems. Thirty-five States have requested and received all of the Title II funds available to the State under HAVA. Twenty States have received no or partial Title II funding and have the opportunity to receive additional funds upon providing the certification required by HAVA and requesting those funds.

HAVA funds have already enhanced the election process, touching various aspects of the election administration process. This money has been used by States to develop their state plans detailing how they would comply with HAVA; to develop their administrative complaint procedures; to institute provisional voting; to recruit, educate and train poll workers; and to inform voters of the changes in the voting process. Probably the most tangible effect of HAVA dollars for voters was the use of HAVA funds to improve voting technology.

Voting System Procurement

In States like Georgia, Maryland, Florida and the District of Columbia, voters in the November 2004 election used new electronic or optical scan voting equipment funded by HAVA. Nevada spent a portion of its HAVA funds not only to upgrade voting equipment to touch screen voting systems but also to outfit its voting units state-wide with devices that would produce a contemporaneous paper record of the votes cast on each voting machine. EAC research, as well as reports by other sources such as media, trade associations, and non-governmental research agencies, shows that five of the States have used HAVA money to either fund or reimburse state-wide purchase and implementation of updated voting equipment to meet the requirements of Title III. Many more are in the process of issuing Requests for Proposals (RFP) or other solicitation methods for the procurement of updated voting equipment. The



States are well underway with their efforts to purchase HAVA compliant voting systems to meet the 2006 deadlines.

State	Voting System Procurement Status as of 1/24/05
AL	No procurement status reported
AK	Procurement complete
AS	No procurement status reported
AZ	RFP to be issued February 2005
AR	RFP to be issued March 2005
CA	Feasibility study completed; RFP to follow
CO	RFP being prepared for issue
CT	RFP issued; Due February 2005
DE	Procurement complete
DC	Procurement complete
FL	Procurement in process
GA	Procurement complete
GU	No procurement status reported
HI	Procurement planned for June 2005
ID	RFP to be issued March 2005
IL	Awaiting decision on whether to issue RFP or provide a list of certified equipment from which the counties can purchase
IN	No statewide procurement. Counties will purchase state certified machines.
IA	Procurement planned for 2005
KS	RFP to be issued March 2005
KY	A qualified vendor list has been established; counties will purchase from that list
LA	RFP to be issued March 2005
ME	RFP to be issued by Summer 2005
MD	Procurement complete
MA	Cities will purchase voting equipment approved by the State
MI	Michigan communities are in the process of purchasing optical scan systems from a qualified vendors list established and contracts negotiated by the Secretary of State
MN	Awaiting legislation to develop a procurement process or strategy
MS	RFP issued
MO	New Secretary of State is considering various options for procurement
MT	No procurement status reported
NE	Awaiting budget finalization to determine a procurement strategy
NV	Procurement complete
NH	No procurement status reported
NJ	No procurement status reported
NM	Awaiting legislation to determine procurement strategy
NY	Awaiting legislation to determine procurement strategy
NC	RFP to be issued spring 2005
ND	RFP complete; Contract signed; Certification due March 2005
OH	Change to purchase of optical scan equipment versus DREs
OK	Procurement complete
OR	RFP to be issued summer 2005
PA	Pennsylvania counties will purchase from a list of voting systems certified by the state.
PR	Awaiting action by the legislature to identify procurement process
RI	No procurement status reported
SC	RFP complete; Procurement planned for 2005



State	Voting System Procurement Status as of 1/24/05
SD	Procurement planned for Spring 2005
TN	Pending decision on procurement process
TX	Negotiating contracts with approved vendors from which counties will select and purchase their voting equipment.
UT	Utah has received responses to its RFP. With the change in administration we are awaiting direction as to how to proceed with the procurement process.
VT	Procurement planned for Spring 2005
VI	No procurement status reported
VA	RFP issued in 2004
WA	RFP issued; RFP withdrawn due to inadequate response
WV	Considering procurement options
WI	No procurement status reported
WY	Procurement planned using negotiated contracts

HAVA funds further influenced the 2004 election through the development and use of state-wide voter registration databases in 17 States. Twenty-one other States have entered into agreements for the development of a database and that process is ongoing. Nine others have RFPs pending, but have not made final decisions on those proposals.²

Initial reports from the States regarding the use of Title II funds and expenditure of Title I funds since January 1, 2004 are expected to be received from the States on or before March 31, 2005 and will further inform EAC of the States' uses of HAVA funds. HAVA funds have influenced the administration of Federal elections and will continue to have a positive effect as States spend those funds to acquire voting machines, implement databases, train poll workers, and educate and inform the public about the beneficial changes involving Federal elections.

Provisional Voting

Provisional voting was a response to the number of persons who believed that they were registered to vote in 2000 but who were turned away from the polling places when their names did not appear on the poll lists. Provisional voting was not a new concept to all States. Some, such as California and New Mexico, have been administering some form of provisional voting for many years. As with most of the provisions of HAVA, the details of the implementation and many of the interpretations have been left to the States. Understandably, this resulted in various positions on what HAVA meant by "jurisdiction" and how provisional voting should be implemented. This lack of uniformity in implementation strategy is what caused provisional voting to be such a lightning rod in the 2004 elections. Despite the attention, both positive and negative, that was given to provisional voting, overall it can be seen as one of the great successes of HAVA.

To understand the impact of provisional voting, one must first recognize the climate in which it was introduced. Voter registration increased significantly in 2004. On the average,

² Electionline.org Briefing: The 2004 Election (December 2004), p 12.



voter registration was up approximately 9% since the November 2000 election. Many of these registrations came late in the cycle and close to the deadlines for submitting voter registration applications. These voluminous registrations at the end of the cycle taxed local election officials in their efforts to ensure that all eligible voters' names appeared on the precinct lists. The solution to that problem, envisioned by the framers of HAVA, was provisional voting. Even if those names were not entered in time to appear on the voter registration list, those persons would be able to vote by provisional ballot and have their eligibility verified after the election. In the November 2004 election more than 1,500,000 voters took advantage of the opportunity to cast a provisional ballot. More than 1,000,000 (68.4%) of those provisional ballots were counted. In simplest terms, more than 1,000,000 eligible voters voted in November 2004 who would have been disenfranchised were it not for HAVA.

The percentage of ballots that were counted varied from State to State. The following table shows available data regarding the number of provisional ballots cast and counted:

State	Total Provisional Ballots Cast	Total Provisional Ballots Counted	% Provisional Ballots Counted
Alabama	6,478	1,865	28.8%
Alaska	23,285	22,498	96.6%
Arizona	101,536	73,658	72.5%
Arkansas	7,675	3,678	47.9%
California	668,408	491,765	73.6%
Colorado	51,529	39,086	75.9%
Connecticut	1,573	498	31.7%
Delaware	384	24	6.3%
District of Columbia	11,212	7,977	71.15%
Florida	27,742	10,007	36.1%
Georgia	12,893	4,489	34.8%
Hawaii	347	24	6.9%
Idaho			
Illinois	43,137	17,000	39.4%
Indiana	1,287	175	13.6%
Iowa	15,406	8,038	52.17%
Kansas			
Kentucky	1,499	221	14.7%
Louisiana	5,880	2,312	39.3%
Maine			
Maryland	48,936	31,860	65.1%
Massachusetts	10,060	2,319	23.1%
Michigan			
Minnesota			
Mississippi			
Missouri	2,203	519	23.6%
Montana	688	378	54.9%
Nebraska	17,421	13,788	79.1%



State	Total Provisional Ballots Cast	Total Provisional Ballots Counted	% Provisional Ballots Counted
Nevada	6,153	2,446	39.8%
New Hampshire			
New Jersey			
New Mexico	5,246	2,728	52.0%
New York			
North Carolina	77,469	50,370	65.0%
North Dakota			
Ohio	157,714	123,912	78.6%
Oklahoma	2,615	201	7.7%
Oregon	8,298	7,077	85.3%
Pennsylvania			
Rhode Island			
South Carolina	4,930	3,207	65.1%
South Dakota	533	66	12.4%
Tennessee	8,778	3,298	37.6%
Texas	25,743	5,662	22.0%
Utah	26,389	18,575	70.4%
Vermont	121	30	24.8%
Virginia	4,127	728	17.6%
Washington	86,239	69,273	80.3%
West Virginia	13,367	8,378	62.7%
Wisconsin	374	119	31.8%
Wyoming	95	24	25.3%
American Samoa			
Guam			
Puerto Rico	14,706		
Virgin Islands	254	197	77.6%
TOTAL U.S.	1,502,730	1,028,470	68.4%

In Alaska, 22,498 of the 23,285 (96.6%) provisional ballots were counted. Conversely, in Hawaii, only 24 of the 347 (6.9%) provisional ballots were counted. The variance in the percentage of ballots counted from State to State is reflective of a number of factors, including the definition of “jurisdiction” for purposes of provisional voting as well as the facts surrounding the individual provisional ballot applications, such as whether the person submitted a timely voter registration application.

It was the diverging definitions of “jurisdiction” that drew national attention. Litigation over provisional voting occurred in at least five States, including most notably Ohio, Michigan, and Missouri. While this may seem like negative and unwanted attention, the reality is that these lawsuits produced a reasonable, workable rule of law regarding provisional voting. The Sixth Circuit Court of Appeals was the highest court to consider issues related to provisional ballots in *The Sandusky County Democratic Party, et al. v. J. Kenneth Blackwell*, 387 F.3d 565 (6th Cir. 2004). Each case considered several common questions: 1) is there a private right of action



under HAVA, 2) who is eligible to receive a provisional ballot, and 3) when should a provisional ballot be legally counted? In each case, including the opinion of the Sixth Circuit, the courts found that there is a private right of action under HAVA using the provisions of 42 U.S.C. § 1983. Second, the opinions resolved that HAVA dictates the availability of provisional ballots. A person is entitled to receive a provisional ballot when his/her name does not appear on the voter registration list, regardless of whether the person is attempting to vote in the precinct to which he should be assigned by virtue of his address. Third, a provisional ballot should be counted when it meets the laws, rules or regulations for such counting established by the state. Thus, if state law or regulation has defined the jurisdiction for counting provisional ballots to be the “precinct,” then a voter’s provisional ballot will only be counted if he/she casts that provisional ballot in the proper precinct. These decisions preserve the intent of HAVA to work with the States, allowing them to implement HAVA in light of the various State laws and rules governing elections and allowing them to continue practices such as precinct-based voting that they have followed for years.

At the end of the November 2004 election, provisional voting was successful in allowing eligible voters to participate in the electoral process. It allowed eligible voters to cast ballots when they previously would have been turned away. Furthermore, it is better refined and understood thanks to the interpretations of HAVA by the courts of this country.

Voter Information

Section 302(b) of HAVA requires each polling place to display informational posters and sample ballots. These posters must include information regarding:

- the date and hours of the election
- instructions on how to vote
- special instructions for first time voters and voters who registered by mail
- general information regarding voting rights and state and Federal laws prohibiting fraud and misrepresentations in elections.

States were required to implement the use of these pieces of voter information as of January 1, 2004.

For the first time in 2004, voters could anticipate the type of information that would be made available to them at the polling places. They could expect not only to have a sample ballot with the names and offices of the candidates, but also information on how to vote using the voting equipment in place in that precinct. Persons who were first time voters or who registered by mail were given information on the types of identification that were accepted to verify the voter’s identity. Further, if a voter experienced a problem in voting, the informational posters identified their voting rights, the laws that governed fraud and misrepresentation, and how to contact appropriate election officials if the voter felt his/her rights had been violated.



An example of the types of information displayed in our nation's voting precincts was provided by the State of Pennsylvania and is attached. (Appendix 3) Similar posters and pamphlets were developed by all of the States. These informational pieces were printed in dozens of languages so that persons whose primary language is not English could understand them. In addition, accommodations were made for sight impaired voters by printing these pamphlets in Braille and in some cases by making an audio recording of the text. It is evident from a review of these documents that where these posters were properly displayed, voters were more informed about their franchise and how to exercise it.

Administrative Complaint Procedures

HAVA required States to establish an administrative complaint procedure that allows voters to report and file complaints regarding voting and violations of HAVA. Most States developed these complaint procedures as a part of their state plans. The procedures must include a process whereby voters make complaints that are notarized for validity, have the opportunity to request and have a hearing of the complaint, and can expect a resolution to the complaint within 90 days of the date of filing. If resolution cannot be reached, the complaint must be referred to a process of alternative dispute resolution and completed within 60 days.

While some States previously had some type of formal or informal dispute resolution regarding election complaints, HAVA created the requirement for a uniform procedure that would cause voter complaints to be taken seriously and resolved in a timely manner. These administrative complaint procedures were not specifically designed to adjudicate complaints of fraud or ill practice, but this forum will undoubtedly shed light on past and future frauds on the election system and will hopefully prevent these acts from being ignored. At the time of this hearing, the 90-day period for resolution of early-filed complaints is just ending. Now that the hearing phase has ended, EAC will collect data regarding the number, types and resolutions to administrative complaints that were filed under this procedure.

Election Day Surveys

HAVA funding and the establishment of EAC has given the Federal Government an opportunity to collect and study a wide range of data related to the November 2004 election. EAC's research agenda contains three survey pieces: the Election Day Survey, the Military and Overseas Absentee Ballot Survey, and a revised National Voter Registration Act (NVRA) Survey. These survey instruments collect data on both a county and state level regarding a litany of voting administration issues, including:

Ballots Cast and Counted

- the number of ballots cast and counted
- the number of absentee ballots requested and counted
- the reasons that absentee ballots were rejected
- the number of provisional ballots cast and counted



- the reasons that provisional ballots were rejected

Voting Systems

- the number and types of voting equipment
- the number and types of voting machine malfunctions that occurred

Military Voting

- the number of military and overseas voters who requested ballots
- the number of military and overseas voters who cast and returned ballots
- the method of transmitting military and overseas ballots

Voter Registration

- the number of registered voters
- the number of voter registration applications received and processed
- the reasons for rejecting voter registration applications
- the form of voter registration applications accepted
- the means of storing voter registration data
- the number of voters who were removed under NVRA purging provisions
- the means of comparing voter registration applications to existing data to prevent duplicate and fraudulent registrations

Copies of the Election Day Survey and Military and Overseas Absentee Ballot Survey are attached. (Appendixes 4 and 5) The NVRA survey is in the final stages of development and has not yet been released to the States.

EAC has experienced a notable response to the Election Day Survey. Forty-one States have responded. EAC expects to receive an equal or greater response to its Military and Overseas Absentee Voter Survey, which was due on January 31, 2005. Once the final data from the NVRA survey is received by EAC (due March 31, 2005), EAC will compile a comprehensive report detailing the happenings of the November 2004 election as revealed by the survey data.

This information will in some cases serve as the basis on which we evaluate future elections and future election administration. Data from previous elections will further inform us of the improvements that have been achieved and the work yet to be done. Further, the data gathered through these surveys will be an invaluable addition to EAC's work as a clearinghouse of information to be shared among the States.

Poll Worker Recruitment Programs

Under Title V of HAVA, EAC developed the first Federal program to recruit and train poll workers. The HAVA College Poll Worker Program was designed to encourage students at institutions of higher education to assist local governments in the administration of elections by



...serving as nonpartisan poll workers or assistants and to encourage local governments to use the services of students participating in the program. In fiscal year 2004, the HAVA College Program received \$750,000 for the purpose of issuing grants to institutions of higher learning and associated organizations for use in the development of recruitment and training programs.

Following the announcement of the grant program, the Commission reached out to almost 40 organizations and associations, encouraging them to advertise the program within their networks. EAC staff fielded over 150 inquiries from around the country, regarding the grant application process. Ultimately, 88 organizations applied for a HAVA college poll worker grant.

Because of the overwhelming interest in the program, EAC had to make tough choices as to which applicants would share in the available grant funds. An independent panel of 18 experts reviewed the eligible applications and gave each a score. EAC staff closely reviewed the top scorers and EAC ultimately chose 15 finalists. These 15 grantees shared the \$630,000 of available grant funds. The 15 grants went to a variety of community colleges, four year colleges and universities, and non-profit organizations with a national and regional focus. A breakdown of the grant awards is shown in the table below.

Grantees	Location of Grantees	Amount Requested	Amount Awarded
Asnuntuck Community College	Enfield, CT	\$91,344	\$30,000
Assoc. Students, Inc. (Cal State Univ.)	Long Beach, CA	\$41,912	\$25,000
Eastern Michigan University	Ypsilanti, MI	\$54,356	\$25,000
Florida Memorial College	Miami Gardens, FL	\$149,911	\$50,000
Golden Key International Honor Society	Atlanta, GA	\$148,250	\$130,000
Illinois Central College	East Peoria, IL	\$14,785	\$12,000
Los Angeles Conservation Corps	Los Angeles, CA	\$22,310	\$20,000
Northampton Community College	Bethlehem, PA	\$26,857	\$25,000
Northern Kentucky University	Highland Heights, KY	\$45,273	\$25,000
Roxbury Community College	Boston, MA	\$70,470	\$30,000
Rural Ethnic Institute	Rapid City, SD	\$149,537	\$50,000
University of Baltimore	Baltimore, MD	\$149,350	\$70,000
University of Maryland College Park	College Park, MD	\$67,270	\$25,000



Grantees	Location of Grantees	Amount Requested	Amount Awarded
University of North Texas	Denton, TX	\$149,280	\$80,000
Wiley College	Marshall, TX	\$31,978	\$30,000
Totals:		\$1,212,883	\$627,000

Combined, the 15 grantees estimated that over 5,300 students would be recruited into the poll worker program. Student recruitment goals were met. Over 5,300 students were recruited, 2,000 students were trained, and 1,700 students were recruited and placed as poll workers or poll assistants.

To further assist States and local election officials in recruiting poll workers, EAC launched a National Poll Worker Initiative in June 2004. EAC sought and gained the involvement of corporations, private organizations and private citizens in encouraging people to serve as poll workers on November 2. To further shed light on the need to recruit, train and retain poll workers, EAC used its September 2004 meeting to focus the attention of the country on the shortage of poll workers. EAC's efforts spurred corporations like CitiGroup and agencies like the Department of Agriculture to encourage their employees to participate in the electoral process as nonpartisan poll workers by adding that activity to its list of community involvements. In some cases, employers agreed to allow employees to serve as poll workers using approved, paid leave other than the employee's vacation.

These poll worker recruitment programs were first-time Federal initiatives. Never before had national attention been focused on the important work of those who serve democracy at the polling place or on the shortage of persons willing to help. The EAC poll workers recruitment programs were a beginning in an effort to assure that America's polling places are fully staffed with trained and knowledgeable poll workers. EAC continues to receive pledges of interest and assistance with its continued efforts to aid States and local jurisdictions in recruiting and training poll workers.

Election Day 2004 Findings

On Election Day 2004, the EAC Commissioners traveled to Florida, Ohio, California, New York, New Jersey, Illinois and Missouri to observe first-hand the events, successes and problems that occurred in the polling places of America. While the Commissioners saw many of HAVA's successes such as persons casting provisional ballots, they also witnessed poll workers who were not always so clear on when a provisional ballot should be offered to a voter. They saw polling places where informational signs were posted and polling places where the required signage was missing. They saw voters enjoying the benefits of upgraded and technologically advanced voting machines as well as voters who cast their ballots on machines that were decades

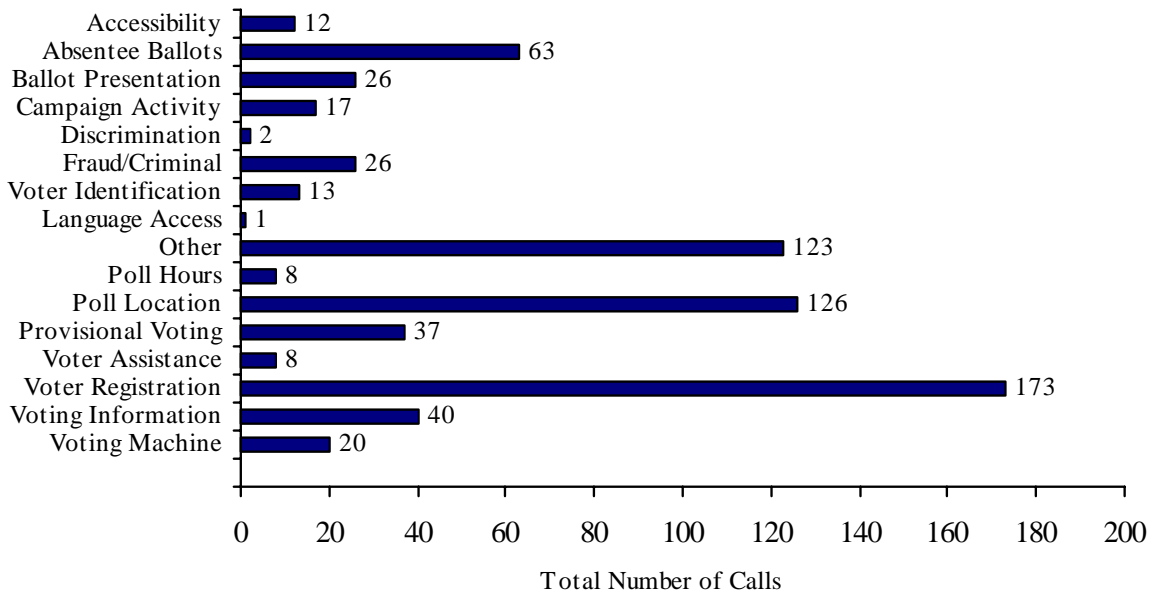


old. They saw polling places that operated with the utmost of efficiency and precincts where voters stood in line for hours to exercise their right to vote.

Even prior to Election Day, the EAC Commissioners were in touch with State and local election officials to discuss issues and concerns with the upcoming election. EAC, as a part of its clearinghouse role, hosted a telephone conference which gave election officials an opportunity to share problems and solutions that they experienced in preparing for the election. These calls revealed significant concerns about the administration of provisional voting and the ability of election officials to timely process the high volume of voter registrations.

While the Commissioners observed the November 2004 election in the field, the EAC office was manned by their trained staff to answer the calls of Americans who had questions about voting. Nearly 700 calls were fielded by the Election Assistance Commission staff from 6:00 a.m. until 10:30 p.m. on November 2, 2004. The vast majority of the calls involved questions regarding the location of a polling place, the hours of voting, and the status of voter registration. Conversely, relatively few calls involved allegations of improper activity.

Total Calls Received by EAC:
Election Day 2004





BUILDING THE FRAMEWORK FOR EXCELLENCE IN 2005

EAC's observations from the November 2004 election suggest that many things were done right, but there is much to be done. Parts of HAVA have been implemented, yet questions and confusion persist about these new voting practices. In the coming months, many States will purchase vast quantities of voting equipment using the funding provided by HAVA. Those States need guidance on which voting machines meet the requirements of HAVA and what the next generation of voting system standards will require. Likewise, state-wide voter registration lists will be implemented in the next 10 months and States need guidance on what constitutes a single, uniform, interactive voter list. Confusion over when and how to administer provisional voting must be eliminated. EAC's 2005 research and guidance agenda seeks to alleviate and respond to a lot of the uncertainty that surrounds HAVA implementation.

EAC is committed to providing the guidance, assistance and information necessary to aid the states in their implementations of HAVA. EAC's priorities for 2005 are its research agenda and its efforts to assure that HAVA funds are spent properly and in keeping with the spirit of the law. EAC will inform the election reform process with its guidance and police the stewardship of HAVA funds.

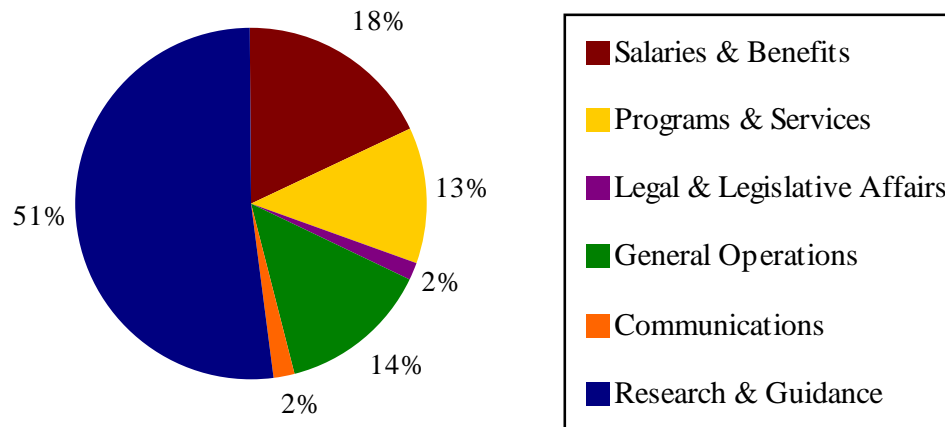
EAC Research and Guidance Agenda for 2005

The Election Assistance Commission has set forth an aggressive research and guidance agenda for 2005. HAVA requires EAC to conduct a number of studies and allows the Commission considerable latitude to identify other election administration issues for review and research. The objective of these efforts is to provide information and guidance to election officials and others to promote the overall HAVA goal of improving the administration of U.S. Federal elections.

EAC's theme message for FY2004 was "Getting America Ready to Vote Under HAVA," to reflect the Commission's formation and the initial actions taken to assist the States in meeting the HAVA requirements for the first Federal election after the passage of the Act. The Commission's theme for FY2005 is "Building the Framework for Excellence." Now that the first Federal elections have occurred under HAVA, we will be focusing our efforts on identifying what elements of HAVA worked well and where improvements might be needed. With the appropriation of its 2005 budget, EAC has received the money it needs to make a financial as well as a programmatic commitment to providing research and guidance to the States. EAC was able to allocate more than 50% of its 2005 budget to research and guidance efforts.



EAC Budget Allocation: Fiscal Year 2005



A key element of this research effort is the collection of data from States and counties on a number of election administration topics, including the use of provisional ballots, absentee voting, voter registration, voting equipment performance, and availability and training of poll workers. This data collection involves the use of three survey documents:

- [Election Day Data Survey](#)
- [Military and Overseas Absentee Ballot Survey](#)
- [National Voter Registration Act Survey](#)

This will be the first comprehensive data collection effort ever conducted and is expected to yield many useful insights regarding the current state of election administration. EAC will continue to refine its data collection effort in the coming years as a means to assess progress against HAVA's goals.

In addition, the Commission has identified a number of specific areas requiring research for the purpose of developing Title III guidance to the States, based principally on the experiences of the November 2004 election. This includes guidance on:

- [Voluntary Voting Systems Standards](#)
- [Provisional Voting](#)
- [Impact of Voter Identification Requirements](#)
- [Voting Information](#)

This work will involve review and analysis of State legislation and administrative procedures, identification of issues, and development of recommendations for application in the 2006 elections. In addition, EAC will conduct studies, as mandated by HAVA, regarding



- [Free absentee ballot postage](#)
- [Electronic \(internet\) voting](#)

Finally, EAC will review and update the [National Voter Registration form](#) and the instructions that accompany that form.

EAC's priority for informing and assisting the reform of elections is its guidance on voting systems and voter registration databases. Many States are directing major efforts this year to meeting the January 2006 deadline for implementation of state-wide voter registration databases and the replacement or upgrade of voting systems to meet HAVA requirements. The EAC will be issuing voter registration database guidance and expects to receive initial recommendations for voting system standards from the TGDC and NIST for use in the voting system procurements. Both of these efforts will be laying essential groundwork to build on for future technical assistance to the States.

Voluntary Voting System Guidelines

One of EAC's most important mandates is the testing, certification, decertification and recertification of voting system hardware and software. Fundamental to implementing this key function is the development of revised voluntary voting systems standards, which will prescribe the technical requirements for voting system performance, security, and auditability; and identify testing protocols to determine how well systems meet these requirements. Another important element is the certification of testing laboratories to ensure that competent resources are available to perform testing. The final element is the process of reviewing the system test reports to validate that systems have met the standards and therefore can be declared qualified for use in Federal elections. Each of these elements is discussed below.

Technical Guidelines Development Committee and the Standards Development Process

HAVA Section 221 calls for the establishment of a Technical Guidelines Development Committee (TGDC)³ to assist the Commission in the development of voluntary voting system guidelines (also referred to as voluntary standards). These guidelines, or standards, are characterized as voluntary because EAC does not have the regulatory authority to issue

³ The Chairman of the TGDC is the Director of the National Institute of Standards and Technology (NIST). The committee is comprised of the Director and fourteen other individuals appointed jointly by the Commission and the Director. HAVA Section 221 prescribes the composition of the TGDC membership to include members of the EAC Standards Board, members of the EAC Board of Advisors, members of the Architectural and Transportation Barrier Compliance Board, a representative of the American National Standards Institute, a representative of the Institute of Electrical and Electronics Engineers, two representatives of the National Association of State Election Directors, and other individuals with technical and scientific expertise relating to voting systems and voting equipment.



mandatory standards. Consequently, each State retains the prerogative of deciding whether to adopt these standards for the procurement of voting systems.

The first meeting of the TGDC was held on July 9, 2004. The focus of this meeting was getting the committee organized and defining working procedures. Commissioner Paul DeGregorio was named as the Federal Officer of the TGDC, as required by the Federal Advisory Committee Act. The members created three sub-committees: Computer Security and Transparency, Core Requirements and Testing, and Human Factors and Privacy. This meeting marked the beginning of TGDC's 9-month process for developing initial voting system guidelines.

Each of these sub-committees is responsible for developing high level resolutions or guiding principles regarding the scope and content of the voting system standards. These resolutions are then debated and finalized by the entire TGDC and, if approved, passed to NIST with tasking to conduct research, evaluate existing standards, or revise or write new standards as required to implement each resolution. The resulting NIST work product will be standards statements or a specification for a standard that needs to be developed, as well as a description of the test protocols for verifying compliance. The TGDC met again on January 18 and 19 and passed 31 resolutions guiding the development of voluntary voting system standards in the areas of security, core requirements and human factors. (Appendix 6)

The TGDC will deliver an initial set of voluntary voting system standards to EAC in April 2005 for consideration and adoption. The standards presented in April will be a start in developing a comprehensive approach to guidelines for voting systems and procedures for implementing the use of those voting systems. However, these standards will not be final. Additional standards work will be required not only to develop these comprehensive standards, but also to update those standards to keep pace with the ever-advancing technology.

Accreditation of Voting System Testing Laboratories

HAVA Section 231 requires EAC and NIST to develop a national program for accrediting voting system testing laboratories. On June 23, 2004, NIST published a notice in the Federal Register announcing the establishment of this program, which will be operated as part of the overall National Voluntary Laboratory Accreditation Program (NVLAP). This program will provide for initial accreditation of testing laboratories as well as periodic re-examination and re-certification that they continue to meet the criteria. NIST will begin accepting applications in April 2005. At this time, the test lab certification process will formally transition from the National Association of State Election Directors (NASSED), which has been doing this work since 1992.

NVLAP provides an internationally-recognized, independent evaluation of laboratory competence. Labs wishing to receive accreditation will submit an application describing their facilities and staff qualifications in relation to the relevant standards. In this instance, NVLAP will be examining the applicant's ability to test systems using the voluntary voting system standards, based on their written documentation supplemented with a site visit to inspect their



facilities. Laboratories that successfully complete the accreditation process will be recommended by NIST to the EAC for designation as an approved voting system testing laboratory. EAC will maintain a register of qualified laboratories for vendors and election officials to reference in identifying resources to fulfill their system testing requirements.

Voting System Qualification Process

Accredited testing laboratories will test vendor systems for conformance with the voluntary voting system standards. Once this testing has been completed the results must be reviewed and a determination made of whether the system is eligible to be designated as a qualified voting system. This review process has been conducted by NASED since 1992. HAVA directs that the EAC assume this responsibility. Preliminary planning for this transition began in FY04. This process will fully transition to the EAC in FY05.

National Software Reference Library

In July 2004, EAC and NIST jointly established a part of the National Software Reference Library (NSRL) specifically for voting systems. The Commission encouraged voting system vendors to submit copies of their certified system software to NSRL so that election officials could validate that the software they were using matched the certified version. Five vendors subsequently provided their software for this purpose. Currently, election officials can validate that the software, prior to installation, is the version that was submitted to NSRL. In the coming year, EAC and NIST will work to broaden the scope of this project so that election officials can confirm that the version of software that is installed on a particular voting machine is the same as the original version submitted to NSRL.

State-wide Voter Registration Databases

Section 303 of HAVA requires States to develop a single, uniform, interactive voter registration list. States must have these systems in place by January 1, 2006. Many States have already begun the acquisition and development of these databases, but many others would benefit from guidance issued by EAC. EAC began its efforts toward developing voluntary guidance on state-wide voter registration databases by holding a meeting on December 14, 2004, wherein election officials who have implemented a state-wide voter registration databases testified about their experiences. In addition, EAC has empanelled a voter registration database working group to identify questions, issues and problems that should be addressed by the final guidance. EAC plans to have guidance available to the States by summer 2005.

Reporting and Auditing

EAC must assure that States are good stewards of the Federal funds with which they have been entrusted. States have already received nearly \$2.2 billion in Federal funds. To monitor the use of these funds, EAC and GSA made certain restrictions applicable to these funds which require regular reporting and annual auditing. What is more, HAVA armored EAC with



additional, special audit authority. EAC will use these tools to review the States' spending of HAVA funds.

Reporting

Reports on Title II Funds

HAVA Section 258 requires States to submit reports to EAC on the activities conducted with requirements payments provided under HAVA Title II during the Federal fiscal year. This report must include:

- a list of expenditures made with respect to each category of activities described for the use of funds;
- the number and type of articles of voting equipment obtained with the funds; and
- an analysis and description of:
 - the activities funded to meet HAVA requirements; and
 - how such activities conform to the submitted State plan.

This report covers the Federal fiscal year and is due no later than six months after the end of each fiscal year. Accordingly, each State that received a requirements payment by September 30, 2004 should file its first report on these funds with EAC no later than March 30, 2005.

EAC notifies the States of this reporting requirement when the funds are disbursed and reminds States of this reporting requirement in letters and conversations throughout the year. The States are required to submit Standard Form 269 as part of this report.

Reports on Title I Funds

Unlike the reporting required for Title II requirements payments, HAVA does not explicitly require reports from the States on HAVA Title I funds. Nevertheless, given the reporting and audit responsibilities of the EAC, it is prudent and necessary for the EAC to request information on the use of Title I funds.

In a July 2003 letter to the States, GSA noted that the first reports on HAVA Title I "early money" were due to GSA by January 21, 2004. The vast majority of the States submitted their first reports to GSA using a short version of Standard Form 269, known as Standard Form 269A. The financial reports from seven of the 55 States (including the District of Columbia, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands) that received section 101 funds disclosed that no disbursements were made from those funds during the reporting period. Also, 20 of the 30 States that received section 102 funds reported making no disbursements from those funds during the period. Of the States that did report disbursements of section 101 or 102 funds, few provided the verification of actual purchases and expenditures requested by GSA.



Since its formation, EAC has assumed the responsibility for receiving reports regarding these Title I funds, in accordance with the agency's assumption of its audit responsibilities under HAVA, Title IX, Section 902. As such, EAC has taken steps to obtain additional information regarding reports given to GSA that were sparse on details. In addition, EAC has taken steps to put the States on notice of the type of reporting that EAC will expect in the future. In January 2005, EAC sent a letter to the chief state election officials, directing the State to:

- file all subsequent reports regarding Title I funds with EAC, annually, beginning February 28, 2005;
- disclose, in separate reports for section 101 and 102 funds, the financial activity for the previous calendar year on a Standard Form 269; and
- provide the same detail on the expenditures that is required for the reports on Title II requirements payments.

The reporting requirements put forth in this letter differ from the reporting provisions for the requirements payments in two ways:

- the reports on the Title I funds will disclose financial activity during the previous *calendar* year, rather than the previous *fiscal* year; and
- the reports on the Title I funds will be due annually at the end of February, while requirements payments reports are to be filed not later than six months after the end of the Federal fiscal year (March 30).

This approach continues the reporting period originally established by GSA for Title I funds and allows EAC earlier access to information on HAVA Title I financial activity than for requirements payments. In addition to the letter instructing the States on reporting requirements, EAC will provide information and training to States through special sessions at conferences of State and local election officials on how and when to report expenditures of HAVA funds.

Auditing

Section 902 of HAVA sets forth EAC and other agencies' audit authority over funds disbursed under its provisions. A regular audit of Federal funds is contemplated in Section 902(b)(1). This audit will be accomplished through the Single Audit program, wherein state auditing agencies conduct a single audit of all Federal funds expended by covered state and local entities. HAVA also provides for two other means of extraordinary audit power. First, HAVA establishes that the funds shall be subject at least once during the term of the program to an audit by the Comptroller General. Second, section 902(b)(6) of HAVA allows EAC to conduct a "special audit" or "special examination" of the funds which are subject to regular audit under Section 902(b)(1). This special audit covers every HAVA program, including funds distributed



under Section 101, 102, Title II, and programs administered by the Department of Health and Human Services.

While HAVA grants audit authority to various agencies, HAVA grants the Comptroller General the sole authority to recoup funds on behalf of the United States. Funds can be recouped when the Comptroller General finds that the recipient is out of compliance with the requirements of the program under which the funds are provided or when an excessive payment has been made to the recipient.

HAVA offered no guidelines under which a special audit should be conducted. Thus, on January 27, 2005, EAC adopted a policy and procedure for exercising its special audit authority. That policy included the following elements:

- Regularly review single audits and reports filed by States as well as other credible information on States' HAVA spending.
- When a discrepancy or potential lack of compliance is revealed, analyze the risk to HAVA funds. The analysis should identify the source of any threat as well as the severity of the threat.
- Determine the need for additional review and information. If additional information is needed, consider conducting a special audit. If the discrepancies are evident and are sufficiently identified by the existing information, then EAC will refer the discrepancy to the appropriate enforcement agency, whether that is the U.S. Department of Justice, the Comptroller General, or other appropriate State or Federal enforcement agency.
- When a decision is made to conduct a special audit, EAC will define the scope and type of audit. The audit may take on one or more of the three types of audits: financial, compliance, and/or agreed-upon terms. The scope of the audit should include the term of the audit (e.g., from the time of receipt to present, a particular fiscal year, or other terms established by the Commission) and the funds that will be audited (e.g., Section 101, Section 102, Title II).
- Develop a plan for the audit through a scope of work for the IG, a contractor, or another Federal Government agency who will conduct the audit on behalf of EAC.
- Upon completion of the audit and report, if the findings reveal that the recipient is out of compliance with the requirements of the HAVA program(s), then EAC should refer the audit and the recipient to the Comptroller General with a request to take action to recoup funds on behalf of the United States. If potential voting rights, civil rights, or criminal violations are identified by the special audit report, EAC should refer the audit and recipient to the Department of Justice or another appropriate state of Federal law enforcement agency.

In 2005 and beyond, EAC will use its resources and its authority under HAVA to validate the proper uses of HAVA funds by States and grantees. The money that EAC distributes under HAVA belongs to the United States. EAC will regularly review Single Audit reports as well as state-filed reports on the uses of HAVA funds to assure that HAVA funds are properly spent. In



addition, where the circumstances warrant, EAC will consider the use of its special audit authority to protect the public fisc.

CONCLUSION

Mr. Chairman, as we conclude today's testimony, we observe that HAVA is improving the Federal election process. Election reform is not a process of immediate gratification. In our "fast food" and "real time" society, it is easy to expect a quick fix to any given problem. Elections are complex and dynamic events that require years of advance planning and careful thought. Changing and improving that process likewise takes planning, careful thought, and, most importantly, time.

HAVA has effectuated substantial change in a climate of intense scrutiny. Voting technology has improved. More eligible voters have been able to cast a ballot. Voters are better informed of their rights and how to exercise them. However, a vast amount of work is left to complete. More than half of the country is in the process of upgrading its voting technology, implementing state-wide voter registration databases, and perfecting their processes for provisional voting and voter identification. These States need guidance, and EAC will provide it.

The substantive reforms of HAVA are well underway and EAC is playing its role in implementing those changes. HAVA has proved beneficial to the election process, even in the early days of its implementation. The coming months and years will be critical in reaching a full implementation of HAVA's principles and reforms. With the continued support from Congress, EAC will work to assure that HAVA's potential is realized. EAC, Congress and the nation look forward to the next chapter of HAVA's success story.

Mr. Chairman, thank you for the opportunity to address this Committee today. We will be happy to answer any questions that you may have.