



**UNITED STATES ELECTION
ASSISTANCE COMMISSION**

TESTIMONY

OF

HONORABLE GINEEN BRESSO BEACH, CHAIR

AND

HONORABLE GRACIA HILLMAN, VICE CHAIR

U.S. ELECTION ASSISTANCE COMMISSION

BEFORE THE

**HOUSE COMMITTEE ON HOUSE ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS**

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



Good morning Chairwoman Lofgren, Ranking Member McCarthy and Members of the Subcommittee. We are pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss our observations from the 2008 election and our efforts to continue assisting election officials in their efforts to improve election administration.

INTRODUCTION

The EAC is a bipartisan, independent Commission consisting of four members: [Gineen Bresso Beach](#), Chair; [Gracia Hillman](#), Vice Chair; and [Donetta Davidson](#). Former Commissioner Rosemary Rodriguez resigned on February 28, 2009, leaving one vacancy on the Commission. The EAC guides and assists States in the effective administration of Federal elections. In doing so, EAC focuses on fulfilling its obligations under the Help America Vote Act of 2002 (HAVA) and the National Voter Registration Act of 1993 (NVRA). Specific program areas include voting system certification, research and HAVA funds management. The EAC also works to identify potential election administration issues and to provide States with tools that they can use to conduct accurate, secure and accessible elections.

The title of today's hearing is *The 2008 Election: A look back on what went right and wrong*. As of today, most of the information collected about the 2008 election is anecdotal, but preliminary estimates indicate that during 2008 approximately 133 million Americans voted, 10 million more than the last presidential election. During the 2008 Federal election, technical glitches and administrative hiccups befell jurisdictions across the nation. These issues consisted primarily of technical problems that rendered voting equipment temporarily inoperable and fluctuations in turnout that resulted in long lines in some areas. Power outages also occurred.

We look forward to releasing our 2008 Election Day Survey this fall, which will contain a variety of key election data, including state-by-state information on the number of poll workers who served, and the number of jurisdictions that experienced poll worker shortages. These data will enable the election community to improve operations, identify voter needs and track progress. The EAC looks forward to an opportunity in the future to present these data to the Subcommittee.

In most cases, the two years of comprehensive and careful preparation by election officials were evident on Election Day. In order to continue to make improvements in election administration, we recommend a continued focus on the four key areas that were particularly successful this year: 1) contingency planning, 2) pre-election planning and testing, 3) poll worker recruitment and training, and 4) voter education.



CONTINGENCY PLANNING

Every election presents State and local officials with unexpected challenges, and 2008 was not an exception. Election officials demonstrated that they were prepared for unanticipated developments, having crafted contingency plans months or even years before Election Day that closely reflect best practices issued by the EAC. These plans generally focused on the following four areas:

- natural disasters (earthquakes, severe snow and rain storms, fires)
- technology disasters (power outages, system failures)
- political and social events (war, medical emergencies)
- and election-related emergencies (poll worker or ballot shortages, long lines)

Officials responded by making sure they had backup poll workers, extra voting equipment, registration lists and paper ballots. Anecdotal reports in the media show that quick responses by election officials and workers allowed voting to continue while issues were resolved. Below are a few examples of such incidents that occurred on Election Day and how they were resolved:

- In Los Angeles County, heavy rain caused power outages in a handful of polling places. Election workers moved voting booths outside so voting could continue until electricity was restored.
- Voters in Rockdale County, Georgia were able to keep voting during a power outage because voting machines were backed up with batteries. Voting continued until power was restored an hour later.
- Polling places in Connecticut were equipped with backup voting machines and memory cards. The backups were used in several jurisdictions on Election Day to quickly address minor problems with voting equipment.
- New Jersey resorted to paper ballots to keep voters voting until a glitch with an electronic voting machine was resolved.

At the EAC's July 2008 [workshop on contingency planning](#), election officials from Florida, Ohio and Kentucky discussed their approach to developing and implementing contingency plans. For example, Allen County, Ohio, Board of Elections Director Keith Cunningham presented an approach to develop contingency plans specifically for voting systems. Also, EAC staff discussed the Commission's [Election Management Guidelines](#) program and related best practices. The EAC provided a streaming video of the event and distributed materials from it to election officials throughout the nation.



ELECTION PREPARATION

Two of the biggest issues on the minds of election officials prior to November 4 were the anticipated high voter turnout and the functionality of voting systems, specifically in the areas of accuracy, security, accessibility and reliability. Officials took appropriate action to make sure they were prepared to meet anticipated record voter turnout. For some States, this meant making advance voting available to more voters through early voting and absentee voting. It also meant making difficult decisions on how to meet demand by allocating limited resources in the most effective way. In some cases it meant purchasing more equipment and making sure extra materials such as paper ballots (including provisional ballots) were on hand. Many jurisdictions also allocated more resources to the recruitment and training of poll workers. Officials in Maryland, Missouri and Michigan, for example, hired more poll workers than in previous years or allocated more funds to hire more poll workers.

To continue to ensure the accuracy and reliability of electronic voting equipment, many officials followed [EAC's management guidelines on pre-election testing](#). Pre-election testing, also called logic and accuracy testing, is the act of testing every ballot style and every component of the voting system prior to the election. These tests are central to making sure elections run smoothly by identifying issues before Election Day to reduce the risk of technical glitches and anomalies.

This testing is supplemental and completely separate from certification testing that is done on the Federal and State level to ensure voting machines purchased by States meet a minimum standard of security, usability, accessibility and reliability. Moreover, pre-election testing is not carried out by independent test labs, but by local officials and their staff before each election.

The States' efforts to conduct pre-election testing were evident in the series of workshops the EAC held in 2008. For instance, in an EAC [public workshop](#) on Election Day preparation and pre-election testing, the State of Michigan shared their best practices, including step-by-step test procedures for a general election and test procedures for AutoMARK voter assist terminals. Michigan's approach was shared with election officials throughout the nation through the meeting Webcast.

All of the materials issued through the EAC's [Election Management Guidelines](#) program are available at www.eac.gov. Training videos about polling place management, polling place accessibility and contingency planning are also available on the EAC Web site.

POLL WORKER RECRUITMENT AND TRAINING

Hundreds of thousands of citizen volunteers serve each Election Day as poll workers. The success of the election rests in large measure on the turnout and performance of this temporary workforce. Last year election officials employed innovative as well as more traditional methods to recruit and train poll workers. The EAC does not yet know the number of poll workers that



served on Election Day; however, anecdotal reports suggest that jurisdictions across the board had sufficient numbers of satisfactorily trained poll workers.

We commend Congress for funding [The Help America Vote College Program](#), which has certainly been instrumental in helping to recruit poll workers. As a result, one of the EAC's top priorities has been to increase poll worker involvement among younger citizens. The EAC has awarded a total of \$1.65 million for colleges and nonprofits to recruit students to serve as poll workers, and effective models for recruiting younger poll workers have emerged from this program that can be adopted and replicated by other communities. The EAC used the program to raise awareness leading up to the 2008 election for the need for poll workers and to encourage younger citizens to serve their community on Election Day. In addition, the EAC produced and distributed [manuals](#) about recruiting, training and retaining poll workers, including college students.

INFORMATION FOR VOTERS

Empowering voters to participate in the electoral process and making sure they had the information they needed to vote was also critical to the success of Election Day 2008. There has been an increase in the number of jurisdictions that provide information to voters online. These Web sites allowed voters to look up their polling place, view a sample ballot, learn about voting systems, and in some cases, verify their registration. Many election offices also provided information over the phone through dedicated voter hotlines or regular office phone lines.

The EAC joined election officials in their efforts to prepare and educate voters. The EAC conducted interviews targeted at voter education on major broadcast outlets such as CBS News, CNN, NPR and Fox News and local affiliates throughout the nation delivered our educational message to voters. Some of the themes the EAC and election officials throughout the nation focused on include:

- Reminder of registration deadlines
- What to do before and on Election Day
- Verifying registration
- Looking up polling place information
- Volunteering as a poll worker
- Early and absentee voting options

To further complement the public education efforts taking place in the States, the EAC posted key information for voters on the Commission's Web site, issued [A Voter's Guide to Federal Elections](#), available in seven languages, and created [The Glossary of Election Terminology](#) and translated it into Chinese, Japanese, Korean, Tagalog, Vietnamese and Spanish.



We also reached out to college students by holding a conference call on voter preparation with college print journalists, and EAC staff fluent in Spanish also provided information to voters through Hispanic media outlets.

Further examples of voter education activities were described at the EAC's [workshop about empowering voters](#). We heard from voter advocates and election officials about their efforts to educate voters about the process. Kristen M. Clarke of the NAACP Legal Defense and Educational Fund highlighted the important role provisional ballots play in elections. Doug Chapin of the Pew Charitable Trusts' Electionline.org discussed the Voting Information Project, an initiative providing an online resource for voters. National Association of Secretaries of State (NASS) President and Pennsylvania Secretary of State Pedro Cortés provided examples of voter education efforts taking place in the States. NASS designated September as National Voter Registration Month, a nationwide effort among secretaries of state to educate and prepare voters to successfully register to vote.

On Election Day, the Commissioners and the executive director were in the field, observing the election process. Chair Beach traveled to New Mexico and Colorado; Vice Chair Hillman was in Florida; Commissioner Davidson was on the ground in Kentucky, Indiana and Ohio; and Executive Director Tom Wilkey observed activities in Los Angeles County, the largest voting jurisdiction in the nation. The executive director observed occasional interruptions, such as flooding in Los Angeles County, but also observed contingency plans in place to quickly address the situation. Commissioner Davidson visited some of the new vote centers in Indiana. There were a few logistical issues, but they were quickly resolved. Vice Chair Hillman visited Miami-Dade County and watched the chain of custody process from the storage facility to the polling place unfold – a process that had been well planned. Commissioner Beach visited precincts in Albuquerque, New Mexico, and she watched the central count tally process in Denver, Colorado. Executive Director Wilkey observed some long lines during peak hours and Vice Chair Hillman observed the same conditions at some precincts during early voting, but both reported that voters waited patiently. These local observations are of great value to the EAC as we work to develop best practices and election management guidelines.

CONCLUSION

While the 2008 Federal election did not go perfectly, it had clear successes: election officials on a broad scale embraced election management practices that are critical to making sure voters are able to successfully participate in our electoral system. They also incorporated lessons learned from the 2008 primary elections. For example, as a result of line lines during the primaries, officials worked to address the equal distribution of voting equipment and poll workers throughout their jurisdictions. Planning for the unexpected will always be important in elections – having extra ballots, implementing a plan for troubleshooting voting system issues and setting up precincts to allow for maximum traffic flow. Aggressive voter education efforts must also continue to address State changes in their respective laws, procedures and polling place locations.



Looking forward, we anticipate that voter registration practices will be a key election administration topic during 2009 and beyond. HAVA requires each State to have a statewide voter registration database, which certainly impacts the registration process because it is the gateway to participation for the voter. The EAC has taken a lead role in assisting election officials, policy makers and voters to develop future guidance about the databases, including a recent [public hearing](#) about the databases and the research being conducted by the National Academies of Science (NAS). The EAC will rely upon the NAS research as we work to issue updated guidance that will address overall maintenance and administrative best practices.

The EAC appreciates the opportunity to participate in today's hearing, and we look forward to your questions.