



**U.S. ELECTION ASSISTANCE COMMISSION  
1225 New York Ave. NW – Suite 1100  
Washington, DC 20005**

**Executive Summary of Testimony  
Senate Committee on Rules and Administration Hearing**

**Thursday, September 25, 2008**

**Commissioner Donetta Davidson**

Good afternoon, Chairman Feinstein, Senator Bennett, and Committee Members.

Thank you for the opportunity to testify before the Senate Committee on Rules and Administration. It has been an honor serving as an EAC Commissioner since August of 2005. This appointment has allowed me to continue working in the field of my passion. Election administration has been my profession for over 30 years.

In elections no matter whether I was the County Clerk in the State of Colorado or the Secretary of State, my goal has always been to deal with every citizen in a bipartisan manner. The Oath of Office which I took in each capacity required me to uphold the laws of the state and the Constitution; just as the Oath that I took as an Election Assistance Commissioner requires me to uphold the federal laws and the Constitution.

As a commission we have attempted to educate and work closely with all of our stakeholders. We produce effective materials by interacting with our stakeholders and developing the best practices that they have provided to us through the Commission's working groups.

As a commissioner, I will continue to strive to ensure election reform that reaffirms the right to vote and to have all votes counted as cast. I am committed to working with our stakeholders in conjunction with the Commissioners to achieving the goals of the Election Assistance Commission as stated in the Help America Vote Act.

Thank you for allowing me to appear before you today and I am happy to respond to any questions.



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**Commissioner Donetta Davidson**

Good Afternoon Chairman Feinstein, Ranking Member Bennett and Committee Members.

Thank you for the opportunity to testify before the Senate Committee on Rules and Administration. My name is Donetta Davidson and it has been an honor serving as a member of the Election Assistance Commission since August of 2005. This appointment has allowed me to continue working in the field of my passion. Election Administration has been my profession for over 30 years.

As you know the Election Assistance Commission is a bipartisan commission consisting of four members. It is an independent Federal agency that guides and assists states in the effective administration of Federal elections. In doing so, the Election Assistance Commission has focused on fulfilling its obligations under the Help America Vote Act. We work to identify potential election administration issues and to provide states with tools that they can use to avoid problems and serve their citizens by holding accurate and reliable elections.

Since its inception, the Commission has been consistently focused on its Congressional mandate to assist States with the administration of elections for Federal office and has also delivered a number of tools to assist states. We have also worked to provide assistance to election officials by providing them with management guidelines, and guidance on selecting voting equipment that fits the needs of the electorate.

The Election Assistance Commission has provided election officials with practical information on key election administration topics and with glossaries of election terminology for those with limited proficiency in the English language. During fiscal year 2008, the Election Assistance Commission has:

## **EAC Achievements**

### **Internal**

- Hired key personnel to help implement improvements, including a Chief Operating Officer and Contracting Officer.
- Drafted a strategic plan.
- Drafted policy on the roles and responsibilities of Commissioners and the Executive Director.
- Hired a contractor to help write policies and procedures and to document internal controls.

### **Clearinghouse, Communications and Outreach**

EAC, as part of its responsibility to maintain a clearinghouse of election administration information, ensures that key information from each EAC program is distributed to EAC stakeholders through electronic communication. In 2008:

- Since January, 519,777 people visited the EAC Web site; 1,409,781 pages were viewed; and visitors spent an average of almost two minutes on the EAC Web site.
- Integrated a *Real Simple Syndication* (RSS) news feed that enables EAC to feature the most current EAC tools, resources and events on its homepage. Most importantly, RSS allows EAC to automatically alert an unlimited number of subscribers of our feed with EAC program and event updates.
- Featured the following headlines, among others, on the news feed:
  - EAC issues two Funding Advisory Opinions
  - EAC Chair urges military and civilians abroad to register to vote now
  - Webcast of August 5 Public Meeting is available
  - EAC Chair urges recruitment of two million poll workers for presidential election
  - EAC releases report on HAVA spending by states
  - Now seeking public comment on proposed guidelines regarding Help America Vote Act Section 254(a)(11)
- Post nearly 1,000 documents and Web pages to our site. These documents and pages contain a variety of information, from voting system test plans and correspondence to testimony from EAC public meetings and hearings.
- More than 1,300 people subscribe to EAC's stakeholder database.
- Drafted and circulated 20 press releases and commissioner statements.

- Issued 10 e-mail alerts and newsletters summarizing any public meeting votes or decisions, and linking the alerts to sections of our Website for relevant documents, such as testimonies, policies or reports.
- Issued 25 email alerts to stakeholders alerts and newsletters summarizing any public meeting votes or decisions, and linking the alerts to sections of our Website for relevant documents, such as testimonies, policies or reports.
- Sent 14 EAC Newsletters to stakeholders. The EAC Newsletter is a comprehensive collection about EAC activities and program updates.
- Responded to approximately 250 inquiries from reporters. A large majority of these inquiries required directing reporters to information on our site, tracking down internal and external sources of election information, and setting up interviews between reporters and EAC spokespersons.

### Research

EAC is responsible for conducting studies and collecting information about election administration issues and sharing that information with Congress, election officials and the public. In FY 2008, the EAC:

- Issued a report entitled *UOCAVA Voters and the Electronic Transmission of Voting Materials in Four States*. Section 245 of HAVA requires EAC to conduct a study of issues and challenges, specifically including the potential for election fraud, that are presented by the incorporation of communications and internet technologies in the Federal, state and local electoral process.
- Released three case studies describing the unique experiences of states with transmitting ballots electronically, sending and accepting ballots electronically, and using internet voting.
- Issued a report entitled *Effective Designs for the Administration of Federal Elections*. The report addresses the design planning process, general best practices, implementation insights, limitations and more for the design of ballots and polling place materials. The report also includes a digital library containing hundreds of camera-ready images of ballots and polling place materials that can be easily and affordably customized and used by state and local election officials.
- Issued a report entitled *Voter Hotlines*. This study evaluates the effectiveness of different kinds of, and usages for, voter hotlines.
- Issued a report entitled *First-Time Voters*. Section 244 of HAVA requires the EAC to study and report on the impact of the law on first-time voters who register to vote by mail and cast their ballots in person. Through case studies and voter focus groups, this research provides insight into the administrative difficulties

imposed on election officials by this HAVA requirement and voters' perceptions of its efficacy.

- Issued six Quick Start Guides on the following topics:
  - absentee voting and vote by mail
  - acceptance testing
  - contingency and disaster planning
  - managing change in an election office
  - media and public relations
  - polling places and vote centers
- Issued a Voter's Guide to Federal Elections, a publication designed to provide voters with the information they need to successfully participate in Federal elections, from the essentials of ballot casting such as voter registration to details on resources available to help voters who live overseas or are in the military.
- Conducted six public meetings that were also webcast that also included workshops on ballot design, contingency planning and voter registration databases. Stakeholder Outreach
- Issued election terminology glossaries in five languages -- Chinese, Japanese, Korean, Vietnamese, and Tagalog, the most widely spoken Asian language in the United States.
- Convened a meeting of Native Americans and Alaska Natives to discuss their needs for information to help facilitate elections.

### Testing and Certification

EAC worked with its advisory committees and NIST to develop the first iteration of the voluntary voting system guidelines (VVSG), a set of specifications and requirements, against which voting systems will be evaluated. EAC completed the first iteration of the VVSG in 2005, and will regularly update the VVSG. In addition, EAC works with NIST to accredit laboratories to test voting equipment. Based on the tests of equipment and software conducted by laboratories, EAC will certify, decertify, or recertify voting systems, as appropriate. During 2008, EAC:

- Hosted six public roundtable discussions to talk about recommended improvements to the VVSG and to introduce a high level of transparency and accountability in the update process. The roundtables brought together election officials, voting advocates, usability and accessibility experts, voting system test laboratory representatives and voting system manufacturers.
- Received approximately 3200 comments on recommended improvements to the VVSG during a public comment period from November 6, 2007 to May 5, 2008. The EAC is currently working with the NIST to address the comments.

- Issued the Voting System Test Laboratory Program Manual. The Manual provides the procedural requirements of the EAC voting system Laboratory Accreditation Program.
- Issued the Voting System Testing and Certification Manual. The Manual contains comprehensive procedures for the voting system testing and certification program.
- Accredited one laboratory (Wyle Laboratories, Inc), and recommended a lab (CIBER) for the EAC lab accreditation program.
- Added Unisyn to the list of registered voting system manufacturers.
- Added Unisyn's OpenElection Voting System and updated versions of two existing voting systems, the Unity 3.0.1.0 and Unity3.0.1.1 w. ATS 1.3 and the Assure 1.2 to the list of systems applying for certification.
- Posted its very first voting system certification test report. The report is for the Premier Assure 1.2.
- Approved test plans for two voting machines: Premier Solutions Assure 1.2 and EMS Voting System v.4.0.0 Test Plan.
- Issued a contract for a voting system risk assessment.

#### Payments and Grants

EAC distributes, monitors, and reports on financial assistance programs authorized by HAVA to improve the administration of elections for Federal office, negotiates indirect cost rates with state election offices, and resolves audit findings on the use of HAVA funds.

- To date, EAC has awarded a total of \$2,321,630,962 in Section 251 Funds (Requirement Payments)
- Awarded grants of \$2 million each to Pennsylvania, Minnesota, Ohio, Illinois and Wisconsin for the collection of data related to the upcoming November 2008 general Federal election. The purpose of the grants is to identify improvements to types and nature of data collected about Federal elections.
- Awarded grants totaling \$750,000 to 27 colleges and nonprofit organizations from 18 states. The purpose of the grants is to recruit students to serve as poll workers during the November presidential election. Based on the grant proposals, roughly 8,800 additional college students will serve as poll workers.

- Awarded grants of about \$20,000 each to 10 organizations from nine states to educate secondary school students and their parents about the electoral process through mock national elections.
- Issued guidance (a policy clarification and advisory opinions) on the uses of and accounting for HAVA funds as follows:
  - Clarified that states may use HAVA funds to replace voting systems that were previously purchased with HAVA funds.
  - Explained the application of the requirement for maintenance of effort when using funds authorized by Section 251 of HAVA.
  - Clarified the HAVA provision that exempts the U.S. Territories from the matching requirement contained in Section 254 of HAVA.
  - Described how to allocate indirect costs to various HAVA-funded programs.
  - Identified the various voter registration activities that are eligible for HAVA funding.
  - Explained the requirements for the disposition of revenue from the sale of equipment purchased with HAVA funds.
- Negotiated indirect cost rates for Illinois and Michigan State election offices.
- Issued four management decisions to resolve findings in audit reports covering state use of HAVA funds in New Mexico, Delaware, Montana, and South Carolina.
- Issued a formal report to the Congress on states' use of approximately \$3 billion of election improvement funds distributed to states in fiscal years 2003 and 2004. The report shows that states spent about \$2 of the \$3 billion. And, states have \$1.2 billion remaining consisting of unspent funds and interest earned on fund deposits.

In response to the Help America Vote Act it has been my goal to provide guidance to state and local election officials on improving the election process nationwide.

## **Biography of Commissioner Donetta Davidson**

Ms. Donetta L. Davidson was nominated by President George W. Bush and confirmed by unanimous consent of the United States Senate on July 28, 2005 to serve on the U.S. Election Assistance Commission (EAC). Ms. Davidson served as Chair of the EAC in 2007. Her term of service extends through December 12, 2007. Ms. Davidson, formerly Colorado's secretary of state, comes to EAC with experience in almost every area of election administration - everything from county clerk to secretary of state.

Ms. Davidson began her career in election administration when she was elected in 1978 as the Bent County clerk and recorder in Las Animas, Colorado, a position she held until 1986. Later that year, she was appointed director of elections for the Colorado Department of State, where she supervised county clerks in all election matters and assisted with recall issues for municipal, special district and school district elections.

In 1994, she was elected Arapahoe County clerk and recorder and reelected to a second term in 1998. The next year, Colorado Governor Bill Owens appointed Davidson as the Colorado secretary of state, and she was elected to in 2000 and reelected in 2002 for a four year term.

She has served on the Federal Election Commission Advisory Panel and the board of directors of the Help America Vote Foundation. In 2005, Ms. Davidson was elected president of the National Association of Secretaries of State, and she is the former president of the National Association of State Elections Directors (NASSED). Prior to her EAC appointment, Ms. Davidson served on EAC's Technical Guidelines Development Committee (TGDC).

In 2005, Government Technology magazine named Ms. Davidson one of its "Top 25: Dreamers, Doers, and Drivers" in recognition of her innovative approach to improve government services. She was also the 1993 recipient of the Henry Toll Fellowship of Council of State Governments.

Davidson has devoted much of her professional life to election administration, but her first love is her family. Ms. Davidson was born into a military family in Liberal, Kansas and became a Coloradoan shortly thereafter when her family moved first to Two Buttes then to Las Animas where they settled. Whenever possible Ms. Davidson spends time with her family, son Todd, daughter, and son-in-law Trudie and Todd Berich and granddaughters Brittany and Nicole.