Organización de los
Estados Americanos

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES ELECTION ASSISTANCE COMMISSION
AND
THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES

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THE PARTICIPANTS TO THIS MEMORANDUM OF UNDERSTANDING, the General Secretariat of the Organization of American States (hereinafter "GS/OAS") a public international organization, with headquarters at 1889 F. St. N.W., Washington, D.C. 20006, represented by its Secretary General, Mr. José Miguel Insulza, and the United States Election Assistance Commission (hereinafter "EAC"), an independent, bipartisan commission of the United States of America, located at 1225 New York Avenue, N.W., Suite 1100, Washington, D.C., 20005, represented by Commissioner Donetta Davidson.

CONSIDERING:

That as stated in Article 2(b) of the Charter of the OAS, one of the main purposes of the Organization is: "To promote and consolidate representative democracy, with due respect for the principle of nonintervention";

That in accordance with Article 3(d) of the Charter of the OAS, "The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy";

That as stated in Article 3 of the Inter-American Democratic Charter, the "Essential elements of representative democracy include, *inter alia*, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government";

That as declared in Article 4 of the Inter-American Democratic Charter: "Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy";

That as stated in Article 23 of the Inter-American Democratic Charter, "Member states are responsible for organizing, conducting, and ensuring free and fair electoral processes," and that "...in the exercise of their sovereignty, may request that the Organization of American States provide advisory services or assistance for strengthening and developing their electoral institutions and processes, including sending preliminary missions for that purpose";

That in accordance with Article 27 of the Inter-American Democratic Charter, "The objectives of the programs and activities will be to promote good governance, sound administration, democratic values, and the strengthening of political institutions and civil society organizations. Special attention shall be given to the development of programs and

activities for the education of children and youth as a means of ensuring the continuance of democratic values, including liberty and social justice";

That in agreement with the Quebec Plan, which represents the Plan of Action of the Third Summit of the Americas, the Heads of State and Government stated that they would "[c]ontinue to enhance electoral mechanisms, using information and communications technologies where possible, to effectively guarantee the impartiality, promptness and independent action of agencies, tribunals or other bodies responsible for the conduct, supervision and verification of elections at national and sub-national levels, and strengthen and facilitate, with the support of the Organization of American States (OAS) and other regional and international organizations, hemispheric cooperation and exchange of legislative and technological experiences in these areas, and the deployment of election observers when so requested";

That as stated in AG/RES. 2119 (XXXV-O/05), the General Assembly of the OAS resolved "[t]o support member states in their efforts to strengthen democratic institutions, values, practices, and governance," and to request the GS/OAS to "[s]trengthen its initiatives in the area of electoral observation and technical assistance, by promoting horizontal cooperation";

That in accordance with AG/RES 2254 (XXXVI-O/06), the General Assembly resolved "[t]o urge the General Secretariat to support member states that so request, in such a way as to enable their electoral bodies to join together in a horizontal cooperation effort to adopt new electoral technologies under the auspices of the OAS, within the resources available;"

That the GS/OAS is the central and permanent organ of the OAS and is authorized to carry out relations of cooperation in accordance with Article 112(h) of the Charter and OAS General Assembly Resolution AG/RES. 57 (I-O/71); and

That in accordance with the Help America Vote Act of 2002 (HAVA), the United States of America established the EAC (42 U.S.C. §15321);

That, as established by HAVA (42 U.S.C. §15301 *et. seq.*), the EAC was created "to assist in the Administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs" (Pub. L. No. 107-252 (introduction));

That, as established by HAVA, the EAC serves as a national clearinghouse and resource for the compilation of information and proceedures concerning the administration of Federal elections within the United States (42 U.S.C §15322);

That, as established by HAVA, the EAC is responsible for creating voluntary voting system standards (42 U.S.C. §15362);

That, as established by HAVA, the EAC is mandated to provide for the voluntary testing and certification of voting systems to Federal standards (42 U.S.C. §15362);

That, as established by HAVA, the EAC is responsible for accrediting independent laboratories to perfrom conformance testing of voting systems (42 U.S.C.§15371);

That, as established by HAVA, the EAC is mandadated to provide Voluntary Guidance to states concerning the HAVA's requirements regarding voting systems, provisional voting, voting information at the polling place, voter registration databases, and identification requirements for first time voters who register by mail (42 U.S.C. §15501);

That, as established by National Voter Registration Act (NVRA)(as amended by HAVA), the EAC is responsible for providing states information concering their responsiblities under the NVRA and reporting to Congress on the impact of the statute and its recommendations to improve the administration of elections (42 U.S.C. §1973gg-7);

That it would be in the interest of both the GS/OAS (and its Member States) and the EAC to work together to improve each participant's adminstration of elections, including work in the following areas: voting system technology, voting system testing and certification, voting administration, election official training, and voter education. In this way, the EAC and GS/OAS expect to collaborate in order to ensure modern, transparent and credible elections;

RECOGNIZING that a cooperative relationship could be beneficial to both participants;

DESIRING to strengthen mutual cooperation in the area of election administration in order to promote fair and transparent elections;

HAVE REACHED the following understandings:

SECTION I
PURPOSE

1.1 The purpose of this MOU is to document the participant's desire to carry out cooperative activities in areas of mutual interest and to provide sound opportunities for the exchange of information, technology and experiences as they relate to the administration of elections.

SECTION II
AREAS OF MUTUAL COOPERATION

2.1 The Participants expect to cooperate in the following areas:

a) The Development, standardization, testing, auditing, and implementation of electronic voting initiatives that promote secure, accessible, and effective voting systems;

b) Election administration quality management systems and certification programs (especially under internationally recognized norms like those developed by the International Standards Organization);

c) The training of election administrators and managers;

d) The development of manuals and other documents related to the implementation of electronic voting initiatives and quality management programs;

e) The development of voter education materials and programs; and

f) Other fields of mutual interest.

2.2 Cooperative activities under this MOU may include the following:

a) The exchange of information and materials;

b) The exchange of visiting experts and employees of the Participants;

c) Joint research or studies pertaining to the effective administration of elections;

d) The organization of meetings and seminars related to election administration and other issues of mutual interest; and

e) Any other forms of cooperation that may be jointly decided upon by the Participants.

SECTION III
IDENTIFICATION AND IMPLEMENTATION OF PROGRAMS, PROJECTS, AND/OR JOINT ACTIVITIES

3.1. Within two months after the signing of this MOU, and thereafter before the 31st day of January of each year, each Participant intends to present to the other a written summary of its proposed work for the current calendar year that relates to the subject matter of this MOU.

3.2. In this summary, the participant may recommend proposals for the joint implementation of programs, projects and/or activities of common interest.

3.3 In the event the Participants decide to participate in a joint activity, they may enter into a supplementary MOU or exchange of letters containing the applicable conditions for each program, project and/or activity. Each supplementary MOU or exchange of letters should be signed by the duly authorized representatives of the parties and should specify in detail, the following:

a) The agreed-upon program, project and/or activity;

b) The objectives sought;

c) The dependencies of each of the Parties that will execute the program, project and/or activity;

d) The work plan: stages, planning and chronology of development;

e) The budget and the human and material resources required by the program, project and/or activity, specifying the financial responsibilities and contributions of each Party (indicating the nature and the amount), the schedule of the contributions and, as required, the property rights of the material resources that are acquired or developed; and

f) A provision relating to the coordination, notification and follow-up of the program, project and/or activity.

SECTION IV
NATURE OF AGREEMENT

4.1 This MOU does not create any legally binding obligations under international law or the laws of the United States of America. Neither this MOU nor memoranda of understanding and/or exchange of letters entered into pursuant to this MOU are intended to create any obligations of a financial nature for either of the Parties. Furthermore, nothing in this MOU constitutes an express or implied waiver of the privileges and immunities of the OAS, the GS/OAS, its personnel and its assets, in accordance with the OAS Charter, relevant agreements and pursuant to general principles and practices of international law.

SECTION V
COORDINATION AND NOTICE

5.1. Within the GS/OAS, the dependency responsible for coordinating GS/OAS activities under this Agreement is the Department of Electoral Cooperation and Observation and the Coordinator is Mr. Pablo Gutiérrez. Notifications and communications should be directed to the Coordinator at the following street address, fax and electronic mail:

General Secretariat of the Organization of American States
Pablo Gutiérrez
1889 F Street, N.W.
Washington, D.C. 20006
United States of America
Tel.: (1-202) 458-3946
Fax: (1-202) 458-6250
Electronic Mail: pgutierrez@oas.org

5.2. Within the EAC, the dependency responsible for coordinating activities under this MOU is the Commission's signatory. Notifications and communications should be directed to the Chair's Office at the following street address, fax and electronic mail:

United States Election Assistance Commission
1225 New York Avenue, N.W., Suit 1100
Washington, D.C., 20005

www.eac.org
Tel.: (202) 566-3106
Fax: (202) 566-1389
Electronic Mail: sedwards@eac.gov

5.3. All communications and notifications under this MOU should be made only by mail, facsimile, or electronic mail, addressed to the dependencies whose names are set out in Articles 5.1 and 5.2 of this MOU. When the communications and notifications are transmitted by electronic mail they should be sent to the electronic address of the dependency as recorded in the proceeding paragraphs or as amended pursuant to Article 5.4.

5.4. Either Participant may change the responsible dependency, the address, telephone, fax or electronic mail indicated by notifying the other Participant in writing.

SECTION VI
GENERAL PROVISIONS

6.1 Activities under this MOU may commence upon signature by both Participants.

6.2 Either Participant may terminate this MOU without cause, at any time, by written notice to the other Participant. It is intended that such termination be effective upon receipt of said written notice, unless a different date is specified therein.

6.3 Modifications to this MOU may be made jointly in writing by the duly authorized representatives of the Participants. The Participants intend that such written modifications be attached as annexes to this MOU and be considered part of it.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Memorandum of Understanding in duplicate on the date and at the place indicated below:

THE UNITED STATES ELECTION ASSISTANCE COMMISSION

COMMISSIONER DONETTA DAVIDSON
U.S. Election Assistance Commission

Place:
Date:

THE GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES

ALBERT RAMDIN
Assistant Secretary General

Place: WASH. DC
Date: 19.01.10