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**MINORITY VIEWS ON THE LETTER TO THE JOINT SELECT COMMITTEE ON DEFICIT
REDUCTION BY REPRESENTATIVES ROBERT A. BRADY, ZOE LOFGREN AND
CHARLES GONZALEZ**

Eliminating the Election Assistance Commission is more likely to increase the cost of our elections than to decrease government spending. The United States spends millions of dollars each year on the administration of elections overseas, particular in Iraq and Afghanistan. The American people desire to have the same level of confidence that our elections are administered at least that well.

In its title, H.R. 672 has been presented as a simple effort to reduce spending by consolidating operations. In reality, it would end a number of valuable functions and the few that would survive this assault on our election administrators' support would be gravely undermined. Our staff spoke with numerous local election officials from across the country. Republicans, Democrats, and non-partisan officials alike praised their interactions with the Election Assistance Commission because, as one said, "they have practical knowledge" of what works for local election officials and "They always asked us, 'Well, how will this affect you?'" Under H.R. 672, that knowledge and focus on assisting the local election officials who actually administer our elections would be cast aside.

Having lost the internal focus on local election officials, H.R. 672 would also excise it from their external advisory boards. Federal law created a Standards Board for the Election Assistance Commission to include one state election official and one local election official from each of the jurisdictions that elected Members of Congress. H.R. 672 would eliminate this board and allow "the chief State election official" to choose each state's representative to the board it creates. While the opposition of the National Association of Secretaries of State to the Election Assistance Commission is not nearly as compelling as the Majority has claimed – it should be noted, for example, that the "NASS Position on Funding and Authorization" adopted in 2010 calls for the elimination of the Commission "after the conclusion of the 2006 federal general election", indicating it was not important enough to the participants to update the language – secretaries of state have always been suspicious of the Commission. That opposition appears to have moderated, with Minnesota Governor and President of the National Association of Secretaries of State Mark Ritchie declining to join the call for elimination of the Commission. At the same hearing, one of the Majority's witnesses deplored the proposal to cut federal funding, noting that this does not reduce costs but merely shifts them from the federal budget to those of already strapped state and local governments.

Among the Majority's preferred lines of attack on the Election Assistance Commission is the fact that it spends 52% of its budget on personnel, rather than grants, even though it was they who authorized EAC to hire additional workers in 2005. The Commission's staff does a great deal more than grant distribution. That 52% of its budget goes into the reports on challenges in election administration and on the best practices on which local election officials rely. Especially at this time, when state budgets are strapped and contemptible, if possibly legal, voter ID laws are presenting millions of dollars in new costs and new hurdles to election administration, these money-saving recommendations are more important than ever. That 52% of EAC's budget pays for the collection and analysis of data from state and local governments on how their elections run and how they can be improved. Contrary to the Majority's unfounded suggestion that the Election Assistance Commission "has fulfilled its function" and despite the efforts of many states to disfranchise millions of Americans, we expect and intend to see many further elections in this country.

The Majority makes much of the fact that H.R. 672 would transfer responsibility or testing and certification from the Election Assistance Commission "to another agency". They do not say that this other agency is the Federal Election Commission, whose mishandling of this responsibility before the 2000 election led to a massively expensive and divisive recount in Florida and the creation of the Election Assistance Commission under the Help America Vote Act in the first place. Let us presume, however, that FEC would take some of the lessons in testing and certification that EAC has taught. There would still be reason to doubt that the results would be equivalent. Because of its focus on assisting local election officials, EAC has established new standards of transparency in reporting the results of its tests. When EAC releases an anomaly report on a voting machine that may not mean much to the typical Member of Congress or citizen, but it means a tremendous amount to the election officials responsible for those machines. As we embrace the technological advances that have come to voting, ensuring that the public knows who is testing our voting machines and what the results of those tests are will only become more important. EAC has an unmatched record of providing this kind of transparency.

In contrast, FEC has a record, particularly in recent years, of a deadlocked inability to achieve consensus. For a sense of this problem, we need only look to the example of the Restore Our Future Super PAC, in which millions of dollars were donated anonymously, in one case by a company founded just six weeks prior to the donation which closed shop less than three months later without having done anything else. As its creator later admitted, it was created only to disguise the fact that this donation was going to support the presidential campaign of former Massachusetts governor Mitt Romney. When FEC is struggling to handle its duties preventing illicit campaign financing, it is not sensible to give them a second responsibility which is likely to become a secondary priority. FEC Chair Cynthia Bauerly even wrote, in a letter to Ranking Member Brady, that they would need additional funds to handle the new responsibilities, so the Majority would not reduce the costs but simply move the money from an agency they don't like to one that no one likes.

FEC's need for further funding is reflected in the Congressional Budget Office's score of H.R. 672, in which funding for FEC would increase \$39 million dollars, or more than half of the total funding for EAC. Even stipulating that this amount would prove sufficient, this undermines the claim that eliminating EAC would result in great savings at the federal level. More

importantly, CBO did not score – because their mandate does not allow it – the amount of money that would be lost at the state and local level by this move. A single EAC video has saved a single Texas county \$500,000 over the period in which H.R. 672 is projected to save just 66 times that. There are 3,141 counties and county equivalents in this country and EAC has put out hundreds of videos, reports, and analyses. The Majority is suggesting that we balance our federal budget – or, at least, 25/10,000^{ths} of our budget – on the backs of state and local government. Perhaps this is an improvement over paying for corporate subsidies by eliminating Medicare.

But, worse than that, there is good reason to believe that the putative savings to the federal government would not survive contact with reality. Recall that the Help America Vote Act was passed and the Election Assistance Commission created to prevent a recurrence of the tragic Florida recount of 2000. Beyond the immense cost in lost time and wasted energy, recounts cost a tremendous amount of money. The recount for Minnesota's 2008 senate race was estimated to cost the state as much as \$5 million and the candidates around \$20 million, to say nothing of the fact that the people of Minnesota were deprived of one of their senators for six of the most turbulent months in recent history. The potential cost to the federal government of a repetition of the 2000 election is incalculable.

It is true that the Majority was able to report H.R. 672 from the Committee on House Administration and to secure a majority of votes on the floor of the House in June. It is also true that every single Democratic Member voted against both of those efforts. It is further worth noting that, in spite of their control of the chamber, the Majority has not seen fit to bring H.R. 672 back to the floor since.

We will close with the words of Susan Gill, Supervisor of Elections, Citrus (FL) County, whom the Majority called as a witness earlier this year: "My fear is that the cutting of funds at the State and Federal level end up in the laps of local government. We cannot afford to have the voter confidence that we have gained over these years eroded. Citizens must have confidence in their election process. If voters stop believing in the fairness of elections, they cannot believe in the government that results from it."

We implore the Joint Committee to reject this recommendation.