

HR 672 Testimony
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Thank you, Mr. Chairman and members of the Committee, for the opportunity to provide testimony regarding HR672. I am Kurt Browning, Florida Secretary of State. I have served as Secretary since January, 2007 and prior to that, I served as the elected Supervisor of Elections for Pasco County, Florida for 26 years.

I speak today in support of HR672.

Elections administration has always been a responsibility managed at the state level. With the exception of provisions in the US Constitution detailing the structure of our federal government, each individual state determines the manner in which senators, representatives and local officials are elected.

With the passage of the National Voter Registration Act of 1993, the federal government took the first major step, in my opinion, in their involvement in the conduct of elections.

After the 2000 General Election, Congress passed the Help America Vote Act of 2002 that went further into the administration of elections. The Act created the Elections Assistance Commission and provided much needed funding to states for the purpose of upgrading and modernizing their voter registration and voting systems. We continue to be appreciative of this assistance. Additionally, the EAC was tasked with administering a number of grants to study various elections-related issues.

The creation of the Elections Assistance Commission was, at the time, a good idea because it provided a means of coordinating and disbursing the federal requirements payments to the States and it had a limited life span. However, although the EAC was authorized for three years, it continues to operate as a federal agency and has grown both in staffing and budget.

Because there appears to be an overlap of responsibilities in some of the functions of the EAC and other federal agencies, it is my opinion that there would not be a noticeable difference in the program outcomes if the EAC was abolished.

My experience with the EAC has been mixed at best. In my opinion, the EAC has outlived its purpose. In 2007, when seeking guidance from the Commission regarding the use of Florida HAVA dollars for the purchase of voting systems, after a great deal of testimony and questions, they were unable to provide a definitive answer. It was only after a discussion with the Commission's General Counsel that an answer was provided, and then, it was only tentatively.

A common criticism of the EAC's voting system certification program has been the extended time that it takes to certify a system, as well as, the continually changing voting system standards. No sooner is a set of standards adopted before the EAC is preparing a new round of standards. This constant state of flux has cost the voting systems manufacturers millions of dollars and, in turn, the states and local jurisdictions. For that reason, Florida chose not to require federal voting system certification, but to instead rely on our own rigorous voting system certification program. In my opinion, we can certify a system faster and more accurately in Florida than the EAC.

The National Association of Secretaries of State adopted a resolution in 2005 and again in 2010 calling on Congress not to reauthorize or fund the EAC. I supported that resolution. I do, however, believe that NASS should have gone further by providing specific suggestions to Congress as to the disposition of the functions of the EAC.

With the disbursement of the requirements payments complete, and with the required research concluded, now is the appropriate time to terminate the EAC.

HR672 calls for the termination of the EAC and the reassignment of most of its duties to the Federal Elections Commission. A more philosophical question that I believe needs to be asked and answered, in light of HR672, is, does the federal government need to continue administering a program intended to fix problems that are now 10 years old, and that are essentially resolved?

If the federal government is going to continue to be involved in voting system certification issues, I would respectfully request that all of the responsibilities outlined in HR672 be transferred to the FEC and not in part to the National Institute of Standards and Technology, as currently proposed. There is so much more involved in certifying a voting system than meeting a set of technical standards. I believe the FEC would be better suited to ensure a more robust certification program because of their long term relationship with the elections community.

With the passage of this legislation, the Standards Board and the Advisory Board cease to exist. Under the current scheme, these two boards are the only formal way for the elections community to have input into the decisions that affect the states and the manner in which they conduct their elections. That being said, I suggest that there continue to be some mechanism in place for the various state stakeholders to have meaningful input into the voting systems standards, as well as, other issues that affect the states.

While I am not an ardent supporter of federal involvement in the administration of elections, I do believe that, if continued, the activities currently assigned to the EAC could and should be transferred to the FEC to be more efficiently administered. Finally, I would caution that continued oversight of the FEC and its programs would be necessary to ensure that it continues to serve the elections community efficiently.

Once again, thank you for this time to speak with you today. I look forward to any questions you may have.