

**Remarks of Mississippi Secretary of State Delbert Hosemann
To the Subcommittee on Elections of the Committee on House Administration
United States House of Representatives
Washington, D.C.
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MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE ON ELECTIONS
AND FELLOW PANELISTS:

I appreciate having the opportunity to address you on this most important issue. As you well know, passage of the Help America Vote Act, or HAVA, resulted in an explosion of interest in elections administration on both the state and federal levels. Scrutiny was increased on the types and quality of voting systems being utilized by elections officials on the local level. The main goal of HAVA is a system of elections that is more accurate, transparent and consequently fair. The confidence of the American people in the electoral process required no less. The means to achieve that goal were increased federal funding for elections systems, the development of standards in elections administration, and the systematic collection of data and best practices from around the country. This information has been beneficial to all of those who administer elections.

It was in this environment the Election Assistance Commission was created and into which it was placed. Prior to its genesis in HAVA, there was no single entity to address these issues. Further, there was no mechanism for the distribution of the considerable funds made available by Congress to the states for upgrading or improving their elections systems. In 2002, the EAC had an important role to play. Congress determined this role was not perpetual in nature (it was authorized for only three (3) years). Congress recognized its role would be fulfilled in that period. My colleagues in the National Association of Secretaries of State urged in 2005, and again in 2010, that the time had come for a realignment of the duties and responsibilities of the EAC to other entities, and a return of the direction of innovation to the states. Frankly, Mr. Chairman, this idea is now overdue.

As a threshold matter, let me say my State, and, indeed, most others, would have been unable to implement the sweeping changes in electoral systems technology that have taken place since 2002 without the funding made available by Congress for this purpose. Federal funding of elections process reform has been critical to our ability to move this process into the 21st century. I know from personal experience without the nearly \$35 million provided to my State through HAVA, this legislation's requirements would have been impossible to execute. I am aware no HAVA-related funding has been appropriated for the next fiscal year. I would

urge continued federal support for HAVA's mandates, as they are critical to maintaining the standards already in place regarding elections-related technology. I cannot stress this enough.

However, to return to EAC's role in this process, I agree with the vast majority of my NASS colleagues--the EAC has become redundant as we move forward. Indeed, with federal funding for HAVA severely limited or concluded altogether, and with agencies such as NIST and the FEC capable of performing the few remaining tasks assigned to the EAC, the rationale for its continued existence in its present form becomes unsupportable.

There is nothing in the original administrative functions of the EAC which cannot be performed by another entity. I fully support the process of accumulating data from the states. I know how beneficial it can be to have a central clearinghouse for "best practices" which can be maintained and utilized for the benefit of improving elections in general. My colleagues from Florida and New Hampshire, who are with me today, are accomplishing many of the same electoral tasks as Mississippi. Sharing information and solutions are an integral part of improving the process. However, this is not a function which must be unique to the EAC – and it should not be a reason for continuing to fund an agency. As EAC's mandated responsibilities have diminished, their budget has grown. This is simply not good government, good policy or good management of the taxpayer dollar. I support the continuation of data collection and dissemination. However, this effort should be part of the ongoing program within another entity, such as the FEC.

While I am not opposed to reporting for the reasons mentioned, the biennial reporting required by the EAC could be made more efficient. In states like Mississippi, where the elections are conducted, and consequently, the elections data is created at the local and county level, accumulating the complex data required has proven onerous. Further, the Secretary of State has no statutory authority to require counties to provide the requested data. This can result in the reporting of incomplete data to the EAC, which, when reported to other governmental agencies and advocacy groups, can lead to erroneous conclusions regarding the effectiveness of a state's election management system. The lack of complete information can lead to unnecessary and expensive litigation. Simplification of the data collection, as well as standardization of the data sought from year to year, would enable states to more effectively configure their systems to capture data. Once accomplished, reporting data becomes routine. Currently, identical data is often sent to multiple agencies, like the EAC, FVAP and DOJ.

I read with interest the EAC's involvement in military and overseas voting. Mr. Chairman, military and overseas voting is of vital interest to me personally and my

State. Having had the privilege of traveling with the Federal Voting Assistance Project (FVAP) to Iraq and Afghanistan, I have seen firsthand the necessity of making simple, secure internet-based access to voting available to our military men and women. What I cannot comprehend, however, is why this cannot be administered through FVAP, which is configured for this task. Currently, EAC manages two grants to research technology for injured members of the military and created guidelines for the design of a remote electronic voting system. These should be accomplished by FVAP.

While Mississippi law does not require our voting systems to meet EAC certification standards, I am aware from listening to my colleagues across the country the process of establishing certification guidelines has not gone smoothly. Prior to HAVA, the FEC was charged with this duty.

One area of standardization which has impacted my State has been the EAC's seeming inability to determine and communicate what is required for, and how to complete, yearly financial reports. For example, one year the interest earned was reported as part of the Federal Share and the next year it was to be classified as Program Income. In addition, the reporting date range (calendar year to federal fiscal year) and due dates were moving targets from one year to the next. As a result of the EAC's inability to settle itself on a proper methodology for reporting expenditure of HAVA-related funds, we have had reports rejected when we followed the previous year's instructions.

Mr. Chairman, at least from my experience, the issue has not been the difficulty of working with EAC. In fact, we have had limited necessity to work with them. It is a matter of determining how best to move forward in the continued implementation of HAVA, and whether or not the EAC's responsibilities can better be administered by another agency of government, as envisioned by Congress. I believe it can. The time and effort the states invest in working with yet another arm of the federal government can be best utilized in working within its borders and in cooperation with our fellow states and reporting to a central, effective federal agency.