



Mac Warner, West Virginia Secretary of State

Written Testimony

Committee on House Administration Hearing

American Confidence in Elections: Looking Ahead to the 2024 General Election

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Longworth House Office Building, Rm. 1310

Chairman Steil,
Ranking Member Morelle, and
Members of the House Administration Committee:

Statutory compliance begets voter confidence. Accountability begets voter confidence. But inconsistency and selective enforcement ruin voter confidence.

In West Virginia, thanks to our exceptional local election officials and implementing common-sense legislation, confidence in elections has steadily risen over the past several years. I'm sure the same is true in many of my colleagues' states.

Across the nation, we have seen efforts to balance ballot access with election security. Election officials who follow state laws without deviating from lawmakers' enacted policies are key to ensuring voter confidence.

However, all the work done by lawmakers and election officials to administer secure and convenient elections are at serious risk from bad actors who attempt to use our own government to tip the scales in favor of a candidate or political party.

As this Committee knows, in 2020, the Biden campaign teamed up with former members and contractors of our own intelligence community to deceive the American people by claiming that

the Hunter Biden laptop story appeared to be Russian disinformation. The most recent report by the House Judiciary Subcommittee on the Weaponization of the Federal Government¹ sheds even more light than before² on the intelligence community's awareness and involvement in that election interference.

Those efforts and the federal government's involvement may represent the worst election interference in American history. Until we address those grievous acts and hold individuals accountable, Americans' confidence in elections will suffer, regardless of their state officials' preparations for and administration of otherwise secure, fair, and accurate elections.

We must also address executive branch decisions that deviate from legislative policies under the guise of expanding access, without due consideration of authority or security. For example, President Biden's Executive Order 14019, which, without Congressional approval, unconstitutionally designates federal agencies as quasi-voter registration agencies. That Executive Order, along with states' executives that have altered election laws or procedures mid-stream, result in votes being cast outside the law.

Past executive branch actions without legislative approval, such as allowing ballots to be counted after statutory deadlines and implementing drop boxes, do not increase confidence in elections; they tip the scales in favor of one candidate or party. Only by holding bad actors accountable, preventing such nefarious acts from occurring again, and following the laws as written can we truly ensure voter confidence in elections.

With the 2024 General Election less than two months away, despite certain actors' political motives and unconstitutional acts, I am honored to report to this Committee on the efforts of West Virginia officials to provide voters with another secure, fair, and accurate election.

¹ *The Intelligence Community 51: How CIA Contractors Colluded with the Biden Campaign to Mislead American Voters*, Committee on the Judiciary, Select Subcommittee on the Weaponization of the Federal Government, and Permanent Select Committee on Intelligence, June 25, 2024 (<https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-06-25%20The%20Intelligence%20Community%2051%20-%20How%20CIA%20Contractors%20Colluded%20with%20the%20Biden%20Campaign%20to%20Mislead%20American%20Voters.pdf>).

² See, e.g., *The Hunter Biden Statement: How Senior Intelligence Community Officials and the Biden Campaign Worked to Mislead American Voter*, *Id.*, May 10, 2023 ([https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-05-10 the hunter biden statement how senior intelligence community officials and the biden campaign worked to mislead american voters-sm.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-05-10%20the%20hunter%20biden%20statement%20how%20senior%20intelligence%20community%20officials%20and%20the%20biden%20campaign%20worked%20to%20mislead%20american%20voters-sm.pdf)).

1. 2024 Election Preparedness: Legislation, Access, List Maintenance, and Security

Paying careful attention to the critical balance between election security and convenience in voting, the West Virginia legislature has worked with my office to enact common-sense policies that build voter confidence and hold bad actors accountable.

Together, we have closed loopholes to punish illegal voting, clarified crimes related to electioneering and undue voter influence, prohibited non-citizen and non-public funding of candidates and election administration, implemented data-sharing requirements and programs to ensure accurate voter rolls and vote counts, and worked with security experts to fortify cyber and physical security protections of our critical infrastructure.

One critical component of accurate results and voter confidence is maintaining the voter registration list. Just shy of 1.2 million registered voters are on West Virginia's voter rolls. Over the past 8 years, our list maintenance efforts have resulted in more than 400,000 cancellations of duplicate, abandoned, and deceased voters' records, while at the same time adding over 350,000 new and updated registrations.

Part of that success is due to our partnership with the state vital statistics office, to ensure timely removal of deceased voters, and with our Department of Motor Vehicles, for identifying outdated records. Regarding non-citizens, while state agencies have the ability to identify illegal registrations, the process is cumbersome and often requires extra research to verify eligibility. More needs to be done by the federal government to provide states with real-time, reliable data to ensure only eligible voters are on the rolls and that illegal registrations are cancelled before non-citizens have the opportunity to dilute the voter pool. Federal agencies that possess this data have yet to offer states meaningful access, which undermines voter confidence.

West Virginia voters now have multiple ways to participate regardless of where they are in the world. In-person voting remains the primary mode of participation. Absentee-by-mail is available to voters with a valid excuse and who cannot vote during the ten-day early in-person voting period or on election day. For those who cannot reliably participate by mail, such as our deployed military personnel, overseas voters, individuals with disabilities who cannot vote absentee without assistance, and first responders called away on the eve of an election, all have the option of using an electronic ballot delivery system secured with end-to-end security principles. This system is responsibly made available with security protections in place to ensure timely transmission of ballots.

Beyond legislation and the various ways to participate, West Virginia has worked tirelessly to safeguard private voter information and public-facing web services from nefarious actors attempting to sow doubt and introduce chaos in our elections. Currently, my office is partnering

with Marshall University's Institute for Cyber Security, which is nationally renowned, to conduct security assessments of the cyber infrastructure in all 55 counties before the General Election. These assessments, among other efforts, will allow for vulnerabilities to be addressed before the election.

Finally, no election can be truly secure without proper emergency planning. For the last several years, West Virginia has updated its continuity of operations plan to ensure that every county has all the necessary emergency response contacts for election day incidents. Power companies, the National Guard, emergency services, local law enforcement, and other essential state agencies will be on standby, ready to respond to election day disasters or unexpected incidents. Emergency planning is critical for reducing the risk of disenfranchisement, thwarting potential threats to voters and officials, and promoting election integrity, all of which bolster voter confidence.

2. Ignoring Mistakes Decreases Confidence; Accountability is Imperative

We must address past mistakes and take corrective measures to ensure voter confidence. The U.S. House's willingness to investigate and uncover the serious malfeasance committed by the Biden campaign during the 2020 election is a good start. Any attempt to persuade voters to ignore the evidence of this damning information is unacceptable, regardless of the speaker or their political affiliations. Yet, no one has been held accountable.

Those involved in this farce, including Tony Blinken and Mike Morrell, still hold their public positions or contracts with federal agencies despite their roles in one of the most egregious lies in our country's history.

Even worse, our own federal government allowed this to happen. The FBI had Hunter Biden's laptop in its possession. The CIA expedited approval of the letter. Then-candidate Biden used the fabricated letter, created by his team, to mislead the American public during the last 2020 debate. And, only after being threatened with contempt of Congress, Mark Zuckerberg confirmed that his company acquiesced to White House pressure to censor the Hunter Biden laptop story.³

Why have laws and punishments if they do not apply to everyone? These exceptions and activities do not provide voters with confidence. Until bad actors are held accountable and corrective measures are implemented, voters will continue to lose trust in elections and in the officials who are declared elected.

³ See, e.g., *Zuckerberg admits Facebook wrongly censored Hunter Biden laptop stories*, Fox News, August 30, 2024 (<https://www.foxnews.com/video/6361256115112>); see also *Zuckerberg says Biden officials 'pressured' Meta to 'censor' content: What to know*, The Hill, August 27, 2024 (<https://thehill.com/policy/technology/4849741-mark-zuckerberg-joe-biden-administration-officials-censorship-meta-covid-2021/>); *Zuckerberg says he regrets caving to White House pressure on content*, Politico, August 26, 2024, (<https://www.politico.com/news/2024/08/26/zuckerberg-meta-white-house-pressure-00176399>).

3. Strengthen Security by Better Designing Access

In-person voting is the gold standard in West Virginia. With trained officials of opposing parties facilitating the process, assisting and guiding voters in teams, and troubleshooting issues together, we can best assure voters that their ballots will be secure and accurately counted.

For those who can vote in person, mail-in voting should not be an option. The more in-person votes cast, the higher the degree of confidence voters will have in the election. Because we are a mobile society, there should be opportunities for everyone to vote no matter where they are in the world. However, when officials succumb to the temptation of extreme “access,” such as all-vote-by-mail, states lose the ability to truly guarantee that every ballot cast is done so by the voter for whom it was intended.

For example, the Uniformed and Overseas Citizens Absentee Voting Act ensures access for certain military and overseas voters as necessary. However, this should be the extent of the exception to the gold standard. Allowing individuals who reside overseas to register to vote and receive a ballot without any proof of citizenship or eligibility must be reconsidered.

Furthermore, it should be undisputed that the U.S. Constitution grants states, not executive agencies, the authority to provide access opportunities. Yet President Biden’s Executive Order 14019, issued in 2021, remains in effect. This Executive Order represents clear federal overreach and is unconstitutional. My colleagues and I have been engaged in litigation efforts to overturn this Executive Order, but the wheels of justice turn slowly. In the meantime, it is not lost on the voters that the President has used his pen to spend taxpayer dollars and direct federal agencies to duplicate voter registration efforts and activities that are the responsibility of the states. This duplication complicates the work of county clerks, who are already overworked and understaffed. This does not give voters confidence, and I commend the House for its efforts in H.R. 6493 to abrogate the Chief Executive’s unlawful action.

4. Consistent Compliance

Inconsistent application of law creates doubt. Whether it's the disparate treatment of challenged ballots by a local board of canvassers or the intelligence community’s selective actions against politically motivated bad actors, non-uniform application of the law undermines voter confidence.

Make no mistake, states will conduct exceptionally well-run and professionally administered elections. However, inconsistent actions by federal officials that deviate from the law can overshadow and undermine these otherwise outstanding efforts by state officials to secure our elections.

It makes little difference that state and local officials do all within their power to ensure every ballot cast by eligible voters will count. If the public believes someone has not played by the rules—whether or not an ultra vires action affects a ballot that is cast—the public will lose confidence in elections.

The solution is simple: we must consistently comply with the law. Regardless of stark differences in policies and procedures, we must all ensure strict statutory adherence. We will do that in West Virginia, and our voters will have confidence in state-level results. It is my hope that every state will do the same, and perhaps our decentralized yet unified and consistent actions will stifle those of bad actors who seek to undermine election integrity, thereby giving American voters the confidence they expect and deserve.