



Statement from the Honorable John H. Merrill
Alabama Secretary of State

Before the U.S. House of Representatives Committee on
Homeland Security

Open Hearing on “Defending our Democracy: Building
Partnerships to Protect America’s Elections”

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My name is John Merrill, and I am Alabama's 53rd Secretary of State.

Thank you for the opportunity to appear before you today to address how we, as the states' chief state election officials, work diligently each and every day in our state, and with our counties, municipalities, and other local jurisdictions to ensure we elect our leaders in free, fair, and accessible elections. This work can be complimented by effective partnerships at the federal level, like those we have today with the Elections Assistance Commission (EAC), and the Department of Homeland Security (DHS), the National Guard, the Federal Bureau of Investigation (FBI), and other groups and associations like the National Association of Secretaries of State (NASS).

My goal as Alabama's 53rd Secretary of State is to ensure that each and every eligible U.S. Citizen that is a resident of Alabama is registered to vote and receives a photo ID.

During my time as Alabama's Secretary of State, my team and I have changed the paradigm for voting in the State of Alabama. Since I took office on January 19, 2015, we have worked with notable Alabamians, local officials, interested agencies, key communicators, and interested citizens to encourage voter registration and voter participation. The results are that we have registered 1,199,909 new voters, which brings our total number of registered voters to 3,473,030. 30 of our 67 counties use electronic poll books, which expedites the check in process and offers greater security for the voter and greater efficiencies and accountability for the poll worker. Our stated goal is to have electronic poll books in every county in the state by 2022. As a part of our efforts to ensure voter integrity, we have worked to secure six convictions of criminal activity related to voter fraud and will continue to document, investigate, and prosecute those individuals' intent on disrupting our democratic institutions for personal or political gain.

All of these efforts have helped our citizens become more involved and engaged in the process to elect officials that represent them in local, state and federal positions. We have broken every record in the history of the state for voter participation as Alabamians have turned out to vote in record numbers. In March of 2016, we set a record for voter participation in a presidential preference primary with 1.25 million Alabamians casting a ballot. In the General Election on November 8, 2016 with 2.1 million Alabamians casting a ballot. Alabama then broke the record for participation in a Special Election during the 2017 U.S. Senate Special Election, held on December 12, 2017, with 1.3 million Alabamians casting a ballot for their choice for the next U.S. Senator from Alabama. Most recently, we broke the record for turnout in a non-presidential general election year during the 2018 General Election with more than 1.7 million Alabamians going to the polls.

In Alabama, we are making it easy to vote and hard to cheat.

As we prepared for the 2018 General Election, we worked to ensure our systems were protected by requiring 2-Factor Authentication for any state or local user who accesses the voter registration system. We secured our networks and our election night reporting system with resources provided through the Department of Homeland Security, our local information systems team, and other third party vendors. Our work to conduct elections efficiently and effectively is supported both by the Elections Assistance Commission and the Department of Homeland Security. The EAC provides guidance and support, as we prepare our local election officials to administer their elections. Our relationship with DHS is a relatively new one, but it is one that has been home to significant growth over the last two years. Prior to the Senate Special Election in December of 2017, we had very little interaction with DHS. However, as that election approached, we were able to work closely with DHS to ensure our systems were secure. We wanted to make sure that any vulnerabilities that we could identify were resolved and any new issues were mitigated before they disrupted an election in Alabama. We have also hosted a team from DHS onsite with us throughout election day to ensure issues are resolved in real time.

The most significant support that the federal government has provided to my state has been access to federal grants and other resources to modernize and to increase the accessibility of our state's voting systems. Additional funding is imperative to ensure voting equipment can remain up-to-date and voting systems can remain secure to protect the data of those citizens.

Another area in which I have continued to advocate is for the EAC to provide guidance, testing, and verification of vendors, equipment, and systems much like the federal government does for other aspects of our nation's critical infrastructure.

The impact of the enactment of HR 1 could possibly damage the credible elections process we have worked hard to build in Alabama by creating a series of administrative concerns for the state to enforce.

Title I of this bill creates significant concerns for me and the people of our state. This bill makes any process currently in place in our state to update and maintain the voter registration system illegal, while expanding the process of voter registration. Empirical data shows that no state in the union has done more, per capita, in the past four years to increase voter registration than Alabama. This bill would create massive errors in the states' voter rolls and would be a disservice to voters that often benefit from the reminders sent from election offices encouraging them to update their registration information.

In Alabama, more than 94% of the eligible population is registered to vote. Therefore, our biggest responsibility when it comes to maintaining the voter registration system is to keep voter information accurate and current. Providing awareness efforts and teaching our citizens how to effectively participate in their democratic institutions is a much more effective method to get voters to the polls. That is exemplified in Alabama and was reconfirmed through a recent ruling from the federal court on Alabama's photo voter ID law and its' implementation. The Judge in that case wrote that if every state in the union did what Alabama has done, then every state could have photo voter ID in their state because Alabama makes it so easy to be able to vote.

Title V of this bill is troubling, as it amends the Federal Election Campaign Act of 1971 to turn the Federal Election Commission (FEC) into a powerful, government tool that provides a balance to big money donors and distribute resources to candidates unable to raise funds from those donors. However, this bill will not have the desired impact that the authors intend. The bill attempts to provide this balance to candidate fundraising by giving power to the FEC to redistribute tax-payer money to citizens that qualify and by providing matching funds to candidates who only accept small dollar donations. This change would transform campaign financing and would enact into law excessive federal intervention in a system that, is by law, to be administered by the state.

Under this bill, if the Commission finds, by themselves, that a candidate has failed to comply with any of the requirements of this program, the commission has the ability to simply revoke the certification of a candidate. This revocation could come in the middle of an election cycle allowing the FEC to become a partisan tool to be used as a weapon to completely eliminate a candidate's ability to campaign. This bill has the potential to make the FEC one of the most powerful entities in the United States Government.

A candidate that has been revoked by the FEC would then be unable to receive public funds and may have to repay all the resources received by their campaigns into an account the FEC controls to then use to conduct further audits or, if used improperly, to conduct unmitigated harassment of candidates they disagree with based on partisan, political, or philosophical differences. Past experiences involving the Internal Revenue Service indicate that this is not only plausible but likely.

By taking the ability to financially support a candidate away from the electorate, the most important person in our nation - a citizen of the United States - and placing it with the Federal Election Commission, brings us one step closer toward the Federal Government dictating winners and losers in elections.

The most important feature to a good election security bill is to create one that provides necessary resources to the states without creating unfunded or underfunded mandates and strangling restrictions through federal overreach.

United States Senators and Members of Congress that are unwilling or unable to consider the fact that each state has unique laws and circumstances with different levels of resources must understand that they are creating an ineffective system that will create additional hardships for the entities responsible for administering and conducting elections in their state, and potentially cause unnecessary damage to the credibility and security of our electoral process. State leaders must be given the opportunity to build their system around their state's laws and citizens regarding elections as is indicated in the United States Constitution.