

**Congress of the United States**  
**Washington, DC 20515**

February 7, 2017

Chairman Greg Harper  
House Administration Committee  
Washington, DC 20515

Ranking Member Robert Brady  
House Administration Committee  
Washington, DC 2051

Dear Chairman Harper and Ranking Member Brady:

We write today to express our strong opposition to H.R. 133, Eliminating the Presidential Election Campaign Fund and H.R. 634, Election Assistance Commission Termination Act, which are both due for consideration by your Committee today. We ask that you instead consider pragmatic reforms to update and improve the Presidential public financing system and that you reauthorize the Election Assistance Commission.

Americans of all political stripes are deeply concerned by the state of our democracy. Three-quarters of the American people believe that powerful interests have used campaign and lobbying money to rig the system for themselves and seventy-eight percent agree that both political parties are too beholden to special interests to create any meaningful change.<sup>1</sup> At the same time, the integrity and efficient operation of our election system remain of paramount interest.

Against this backdrop, it is hard to understand why the Republican Majority of the House Administration Committee is moving forward with the mark-up of H.R. 133 and H.R. 634 – two pieces of legislation that will likely further degrade the public's confidence in our democracy, in effect making it harder to vote and easier for big money donors to influence our politics.

**H.R. 133, Eliminating the Presidential Election Campaign Fund:** H.R. 133 would begin the process of eliminating the Presidential public financing system, which is regarded as one of the most successful campaign finance measures in the history of our country.

For decades, the Presidential public financing system has successfully operated, allowing candidates from both parties to run and win election without having to rely on big money contributions from the wealthy and well-connected.<sup>2</sup> Candidates using the system are unencumbered by the demands of political fundraising and are instead able to focus on communicating their message to the people. What is more, once elected, Presidents are less at risk of being beholden – or being perceived to be beholden – to big money campaign contributors. The system was so successful that from 1976 to 2004 every Democratic presidential nominee and every Republican presidential nominee used the system to finance their general

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<sup>1</sup> Patrick Caddell, et al., *What Happened in Iowa*, HUFFINGTON POST (February 6, 2016), [http://www.huffingtonpost.com/patrick-caddell/what-happened-in-iowa\\_b\\_9157958.html](http://www.huffingtonpost.com/patrick-caddell/what-happened-in-iowa_b_9157958.html)

<sup>2</sup> Enacted following the Watergate scandal, the system allows candidates for President who are able to build broad based public support from everyday citizens to access public funds to run their election. *Fact Sheet on the Presidential Public Financing System*, DEMOCRACY 21 (Jan. 21, 2011), <http://www.democracy21.org/archives/whats-n>

election campaigns. Famously, Ronald Reagan is reported to have attended zero fundraisers when using the Presidential public financing system in his 1984 reelection bid.<sup>3</sup>

Unfortunately, the system has buckled under the weight of the troubling Supreme Court decision in *Citizen United*, which unleashed unlimited outside political spending. This new world has forced candidates to rely exclusively on private campaign contributions from individuals and special interests. Without question, this new wild west of campaign spending has contributed to the public's cynicism about the role of money in our politics.

In the face of this reality, we urge the Committee to reject H.R. 133 and to instead study ways in which the Presidential public financing system can be updated to better account for the political realities of our current campaign finance system. Reforms could include indexing the public resources provided by the system, adopting a more robust match formula and providing participating candidates novel ways to account for the unlimited outside spending, as well as other important reforms. The fact that Congress has to-date failed to update the system is no reason to eliminate the system altogether.

**H.R. 634, Election Assistance Commission Termination Act:** H.R. 634 would terminate the Election Administration Commission (EAC), a federal body charged with helping state and local election administrators across the country improve the administration of our elections.

With more than 8,000 independently operating election jurisdictions in the United States, promoting the efficient and effective operation of our election system is no small task. Recognizing this challenge, Congress created the EAC following the 2000 election to help state and local election administrators by providing a central clearinghouse for information and promoting the transmission of best practices between jurisdictions. The EAC also plays the critical role of holding voting machine vendors accountable and ensuring certification standards remain high.

Critics of the EAC suggest its mission could be better carried out by the Federal Election Commission (FEC). This is wrongheaded. The FEC is an enforcement agency charged with administering and enforcing federal campaign finance laws. Expanding the FEC's mandate to include the testing and verification of our nation's voting procedures confuses the mission of the FEC and may lead to troubling conflicts of interest. It is also important to note that the FEC has for years been hobbled by its partisan construction. Recognizing this, it seems foolish – or worse, cynical – to layer even more responsibilities on the already strained FEC. Instead, we encourage the reauthorization of the EAC and ask that you reject H.R. 634.

The vast majority of Americans want to improve our institutions of democracy. Eliminating the Presidential public financing system and terminating the Election Administration Commission would represent an enormous step in the wrong direction. For these reasons, we urge your rejection of H.R. 133 and H.R. 634.

Thank you for your attention to these important issues.

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<sup>3</sup> Josh Israel, *Why Ronald Reagan Didn't Have To Hold A Single Reelection Fundraiser*, THINK PROGRESS (May 3, 2012, 6:30 PM), <http://thinkprogress.org/election/2012/05/03/476210/rnc-attacks-obama-fundraisers> [<http://perma.cc/KF4Z-VFEK>].

Sincerely,

John P. Loh

Aed Deutch

Elizabeth F. Tomaney

Jamie Raskin

Conrad A. Cilline

MMR

Andrew J. Ryan

Frank J. J.

John

NY

Ann M. Fane

Deborah I. Dinye

Katherine Clark

David Price

Jane Schkowsky

Papa Lee

Ballydoon Lane

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February 6, 2017

Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Harper, Ranking Member Brady, and Members of the Committee on House Administration:

Our group of 38 organizations and individuals write in strong opposition to HR 133, a bill to terminate the Presidential Election Campaign Fund and HR 634, a bill to terminate the Election Assistance Commission. (See below for a list of signers of this letter.)

These two bills could profoundly impact the way we administer and finance national elections.

At stake is the survival of the public financing system for presidential elections and a commission that plays a vitally important role in standardizing and modernizing election administration. In the interest of ensuring a fair, ethical, and accessible system of elections, we urge the committee to reject HR 133 and HR 634.

#### HR 133

We oppose HR 133 because it vitiates an important check on special interest money by eliminating public financing for presidential campaigns.

The current public financing system does not work because Congress never modernized the system to account for greatly increased costs in the financing of presidential campaigns. The system needs meaningful reform, not repeal, and should be updated to accommodate the new realities of campaign fundraising after the Supreme Court's 5-4 decision in *Citizens United*. Before the introduction of copious amounts of soft money in the 1990s and the *Citizens United* decision, the federal financing of presidential elections worked well to ensure that campaigns were financed by the public, not by special interest groups and bundlers. Almost every major presidential candidate from both political parties used the system for a generation of elections.

While the current system is now in need of extensive reform, wholesale elimination of public funding of elections is not the answer. In 2012, outside groups spent over \$652 million in the presidential race alone,<sup>[1]</sup> and campaigns engaged in a fundraising arms race to match the super PACs and dark money groups. This "new normal" means that important issues facing the country take a backseat to keeping up in the spending race. Candidates and campaigns should be focused on issues, not on fundraising.

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<sup>[1]</sup> Center for Responsive Politics, "2012 Outside Spending, by Race,"

<http://www.opensecrets.org/outsidespending/summ.php?cycle=2012&disp=R&pty=A&type=A> (last accessed March 3, 2015).

Public financing of campaigns serves another important purpose: eliminating the appearance of corruption in the office of the president. Put in place following the Watergate scandals, public financing sought to reduce the role of money in elections and prevent the appearance or reality of having a president beholden to special interests.

Big money in elections, especially after *Citizens United*, is corrosive to government accountability and representative democracy. Now is the time to upgrade our presidential public financing system to empower small donors. Eliminating the presidential public financing system will ensure that the presidency is in the hands of the nation's wealthiest individuals and special interest groups.

#### HR 634

We also oppose HR 634, the Election Assistance Commission Termination Act, because it would eliminate a resource that is a critical part of the government's effort to ensure that our elections are fair, efficient, and accessible.

Established in the wake of the widespread election administration failures in the 2000 election, Congress created the Election Assistance Commission (EAC) to address serious problems with our voting systems that can suppress voter participation and turnout, including long lines at polling stations and outdated voter registration procedures. The EAC serves every American voter by conducting research, collecting data, and sharing information among elected officials, the public, and interested organizations. The EAC also oversees the distribution of federal funds that assist states and municipalities with election administration.

In December 2014, after over three years without a single commissioner in place, the Senate unanimously confirmed three new commissioners - two Republicans and one Democrat. Although a single vacancy remains, the EAC now has the quorum it needs to address the backlog of business that built up over the years.

In the two years since the EAC has had a quorum again, it has voted to accredit a new voting system test laboratory after a recommendation by the National Institute of Standards and Technology. The lab will test new voting equipment against the voluntary voting system guidelines, which are themselves in need of attention. The EAC has provided best practices on voting and election administration to countless jurisdictions around the country. It is an invaluable agency that serves a critical function to strengthen our democracy.

The four-year absence of a quorum at the EAC hindered the agency when Americans needed it most. The EAC could not hold public meetings, adopt new policies, or issue advisory opinions. It adopted its most recent voting system guidelines in 2005 – several lifetimes ago when it comes to technology. That's why so many local jurisdictions ran the 2012 election with outdated, broken voting machines and why so many voters waited in line for hours to cast their ballots.

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report last year that



“the standard-setting process for new voting machines has broken down ... due to a lack of [EAC] commissioners. ... Without a fully functioning EAC to adopt new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace.”<sup>[2]</sup> Now that it has a quorum, the Commission has gotten back to work evaluating and endorsing standards and guidelines that reflect the newest and best methods of election administration.

In light of the many challenges faced by our state and local election administrators and the serious procedural problems that weaken voter access and participation, we believe that this is a time to reaffirm our commitment to voting rights and fair elections by strengthening the EAC and providing it with the staff it requires to function effectively. HR 634 would eliminate an important tool for improving a voting system fraught with problems and should be rejected.

### Conclusion

The presidential public financing system and the EAC are important components of an honest and fair election system that suffer from congressional neglect and gridlock, not from any inherent flaw. Instead of eliminating these important democracy reform tools, members of Congress should work to strengthen and expand our public financing system for presidential elections and provide the Election Assistance Commission with the resources it needs to perform its duties. The problems facing our electoral system demand such an effort to improve the integrity and effectiveness of campaign finance laws and election administration.

Signers of the letter include:

African American Ministers in Action (AAMIA)  
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)  
Asian Americans Advancing Justice (AAJC)  
Asian American Legal Defense and Education Fund (AALDEF)  
Asian and Pacific Islander American Vote (APIAVote)  
Campaign Legal Center  
Center for American Progress  
Common Cause National Organization and State Organizations  
CREW  
Crescent City Media Group  
CWA - Communications Workers of America  
Demand Progress  
Democracy 21  
Democracy North Carolina  
Demos  
Every Voice  
Fair Elections Legal Network  
Franciscan Action Network

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<sup>[2]</sup> PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, p. 11-12 (2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

Georgia Coalition for the People's Agenda  
Issue One  
League of Women Voters  
Maine Citizens for Clean Elections Action  
MAYDAY America  
NAACP  
NAACP – National Voter Fund  
National Council of Jewish Women  
Native American Rights Fund  
Nebraskans for Civic Reform  
Norm Eisen, Former Ambassador, Former chief White House ethics lawyer, 2009-2011  
Norm Orenstein  
Patriotic Millionaires  
People For the American Way  
Public Citizen  
Represent.Us  
Service Employees International Union (SEIU)  
Seth Waxman, Former United States Solicitor General  
Sunlight Foundation  
United Steelworkers (USW)  
U.S. PIRG  
Voter Participation Center  
Voting Rights Institute  
Wisconsin United to Amend  
Women's Voices Women Vote Action Fund





## Ohio Association Of Election Officials

*The Election Professionals*

January 6, 2017

The Honorable Gregg Harper  
Committee on House Administration  
1309 Longworth HOB  
Washington, DC 20515

*via electronic mail*

My name is Aaron Ockerman and I am executive director of the Ohio Association of Election Officials. On behalf of Ohio's 88 bipartisan county boards of elections, I am writing to urge you to fully fund the United States Elections Assistance Commission (EAC). As Ohio's election professionals, we greatly value our partnership with the EAC. I will attempt to succinctly summarize the value they provide to us.

Ohio requires EAC certification for voting systems. Because of this Ohio has partnered with the EAC to create efficiencies and cost savings for the state in our testing process. Additionally, the state benefits from the rigorous standards and testing that the EAC conducts as part of its certification.

The EAC has worked with several Ohio counties to identify and address issues with their voting technology. The best example of this was in Cuyahoga Co. where the EAC, the county board of elections and the voting machine manufacturer's staff worked to identify an issue, develop a solution and get it certified before a critical primary election.

Additionally, the EAC worked with Ohio officials to develop Ohio's e-pollbook certification requirements. These requirements have since been adopted by Ohio and used to certify several e-pollbooks that are now either being used or considered for use by Ohio counties.

EAC research about ballot design and layout has been used across Ohio

to make ballots more usable and understandable for voters. Better ballot design leads to less "over votes" and "under votes" as well as greater confidence that votes will be counted as intended.

Finally, EAC survey data has been used by state and local officials in Ohio to evaluate operations and identify efficiencies and cost savings. Specifically, EAC data regarding provisional ballots has helped to identify areas where improvements can be made to lessen the use of provisional ballots, therefore, saving money while counting more ballots from eligible voters.

Now more than ever, local election officials needs the support of the EAC to be our voice in the nation's capital. Please don't short-circuit this important commission before it is able to refocus its efforts to improve elections around the county. Please vote to fully fund the EAC.

Sincerely,

Aaron Ockerman, Executive Director  
Ohio Association of Election Officials



February 7, 2017

**Oppose H.R. 634, the "Election Assistance Commission Termination Act"**

The Honorable Gregg Harper, Chairman  
Committee on House Administration  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Robert Brady, Ranking Member  
Committee on House Administration  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Harper and Ranking Member Brady:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations, we write to express our opposition to H.R. 634, the "Election Assistance Commission Termination Act." This bill would eliminate one of our nation's most important resources for ensuring fair, efficient, and accessible voting systems and practices. Only three months after an election in which numerous problems and conspiracies have been raised by a range of political interests, some based in fact and some otherwise, it is baffling that the Committee would attempt to shut down an agency that stands as a voice of reason and that has earned the respect of voters and election administrators alike.

The Election Assistance Commission (EAC) was created with bipartisan support following the 2000 election to address widely-recognized problems with our voting systems that created confusion, suppressed voter turnout, and fostered doubt about the fairness of outcomes. These problems included long lines at polling stations, outdated voting technology, and registration practices that prevented lawful voters from being heard. The EAC works in a bipartisan fashion to ensure better elections by conducting research, collecting data, and sharing information among elected officials, the public, and interested organizations. The EAC also oversees the distribution of federal funds that assist states and municipalities with election administration.

For several years, the EAC lacked a quorum because of vacancies among its commissioners, and was unable to perform its work. It had adopted its most recent voting system guidelines in 2005, which was too long ago to keep up with the rapid evolution of voting technology. Following the unanimous Senate confirmation of three commissioners in December 2014, however, a quorum was reestablished and the EAC was able to resume its work. Since then, it has voted to accredit a new voting system test laboratory, following a recommendation by the National Institute of Standards and Technology. The laboratory will test new voting equipment against the voluntary voting system guidelines, which are themselves in need of attention. The EAC has also provided best practices on voting and election administration to countless jurisdictions around the country.

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**President & CEO**

Wade J. Henderson

Executive Vice President & COO

Karen McGill Lawson

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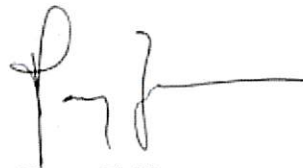
The EAC is an invaluable agency that serves a critical function in strengthening our democracy. It deserves strong bipartisan support so that it may continue in this role. For this reason, we urge you to reject H.R. 634.

Thank you for your consideration of our views. If we can be of any further assistance, please contact either of us or Rob Randhava, Senior Counsel, at (202) 466-3311.

Sincerely,



Wade Henderson  
President & CEO



Nancy Zirkin  
Executive Vice President





February 7, 2017

**FOUNDER EMERITUS**

Hon. Edward R. Roybal †

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**EXECUTIVE DIRECTOR**

Mr. Arturo Vargas

†deceased

The Honorable Gregg Harper  
Chair, Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

The Honorable Robert Brady  
Ranking Member, Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Dear Chair Harper and Ranking Member Brady:

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, I write to express our strong opposition to H.R. 634, which would terminate the Election Assistance Commission (EAC). The EAC plays an integral role in ensuring that our nation's elections are conducted in a sound, efficient and accessible manner. The NALEO Educational Fund is the nation's leading non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency encompasses the more than 6,100 Latino officials serving at all levels of government, and includes Republicans, Democrats, and Independents. The NALEO Educational Fund is dedicated to ensuring that Latinos have an active presence in our democratic process, and to that end, we engage in a broad range of civil rights and election policy development and voter engagement efforts.

The EAC performs critical functions of promoting best practices in election administration and directing programs and services under the Help America Vote Act and the National Voter Registration Act. Throughout the EAC's history, Commissioners have achieved bipartisan cooperation in pursuit of a higher goal that urgently demands our attention at this moment in history: an inclusive and responsive democracy.

For as long as the EAC has been in existence, the NALEO Educational Fund has supported its efforts. In the course of reaching out to and assisting Latino voters with overcoming barriers to casting ballots, we have documented significant confusion and disenfranchisement resulting from inconsistent and inefficient election administration practices across varying jurisdictions. The research-based standards, guidelines and technical assistance promulgated by the EAC are an effective means of guaranteeing equal access to the polls to all qualified voters.

The wide array of successful EAC guidance, such as its Glossary of Key Election Terminology, has standardized the administration of federal elections and has helped foster more equal treatment of voters, regardless of where and when they cast ballots. EAC publications have served as a particularly invaluable resource for jurisdictions which are required by federal or state law to provide language assistance to language

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minority voters, particularly those jurisdictions which do not have extensive experience with such voters and are just starting to develop their language assistance programs. In June 2016, the EAC convened election officials, voting experts and organizations familiar with the needs of language minority voters to highlight best practices for providing information to American voters who are not yet fully fluent in English. The EAC's work on best practices for language assistance helps jurisdictions save resources and operate elections more efficiently, because citizens can more easily understand and navigate the electoral process.

The EAC's language assistance efforts are particularly critical in light of the fact that pursuant to Census Bureau determinations in December 2016, the number of political subdivisions covered by the Voting Right Act's (VRA) requirements to provide language assistance during the electoral process increased by 15 since the previous determinations were made in October 2011. Many of these subdivisions will need the guidance provided by the EAC as they develop inclusive materials and procedures.

The EAC also serves every American voter by conducting research, collecting data, and sharing information among elected officials, the public, and interested organizations. One of the most important roles of the EAC is to adopt guidelines for voting systems; because of unfilled vacancies on the Commission that prevented it from operating with a quorum, the Commission went ten years, from 2005 until 2015, without publishing updated voting system guidelines. In the absence of the EAC's reliable guidance, local jurisdictions largely were unable to take advantage of significant advances in election technology, which hold the promise of making our elections more accessible to all voters. The EAC's renewed efforts at testing and certifying voting machines are helping jurisdictions address the looming crisis that aging and broken voting infrastructure represents. This work is sorely needed in the coming years: perhaps more than \$1 billion of new election equipment will be needed by 2020, according to an estimate based on the Brennan Center for Justice's interviews with election officials.

The problems encountered by voters in registering to vote and casting ballots also demonstrate that we need the EAC today as much as ever to ensure that elections evolve with our citizens' needs and our technical capacity to meet them. According to the Election 2016 national weekly tracking poll we conducted with Noticias Telemundo, 28% of Latinos registered to vote have experienced very long wait times at polling places, and 18% have experienced challenges with obtaining language assistance during the electoral process. In the Arizona March Presidential primary, Maricopa County significantly reduced polling locations, which resulted in long lines and voter confusion. In the 2016 general election, media reports indicated that citizens encountered long lines and malfunctioning voting equipment at polling sites across the nation.

The sound administration of our nation's election systems is particularly crucial for the Latino community, one of the nation's fastest growing electorates. According to Pew Research Center, Hispanic Trends, the number of Latinos eligible to vote will continue to increase significantly during the next two decades, with Latino youth driving that growth, as 67,000 Latino citizens turn 18 each month. The strong nationally-relevant strategic thinking, vision and coordination provided by the EAC are crucial to ensure the full participation of this emerging electorate in America's political process, and the vitality and responsiveness of our nation's democracy. We urge you to reject H.R. 634, to ensure that

The Honorable Gregg Harper and Robert Brady  
February 7, 2017  
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the EAC can continue its important work of standardizing and modernizing election administration to improve access to the franchise for all Americans.

Thank you for your consideration of our views. If you have any questions about this letter, please do not hesitate to contact Rosalind Gold, Senior Director of Policy, Research and Advocacy, at [rgold@naleo.org](mailto:rgold@naleo.org) or 213-747-7606.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Vargas', with a stylized flourish at the end.

Arturo Vargas  
Executive Director

cc: Members of the Committee on House Administration  
Congressional Hispanic Caucus  
Congressional Hispanic Conference





February 6, 2017

Representative Gregg Harper  
Chairman  
Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Representative Robert Brady  
Ranking Member  
Committee on Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Re: AAPD Opposition The Election Assistance Commission Termination Act of 2017 (EACTA),  
H.R. 634

Dear Chairman Harper and Ranking Member Brady:

The American Association of People with Disabilities (AAPD) urges you to oppose H.R.634, the Election Assistance Commission Termination Act of 2017 (EACTA). Voting is a fundamental right and the Election Assistance Commission (EAC) has played an important role since its creation to ensuring that polling places and the voting process are accessible to people with disabilities. The EACTA would hinder this progress toward accessibility of polling places and the voting process by abolishing the EAC.

AAPD is a national disability rights organization that works to improve the lives of people with disabilities by acting as a convener, connector, and catalyst for change, increasing the economic and political power of people with disabilities.

Barriers still remain in the area of accessibility for the polling sites and these barriers do not change during the early voting process. A 2001 GAO report on the 2000 Presidential election found that 84 percent of polling places had impediments to accessibility for people with disabilities.<sup>1</sup> A similar report based on the 2008 Presidential elections found that the situation for people with disabilities had improved, but there were still significant problems – 73 percent of all polling places studied still had impediments to accessibility.<sup>2</sup> Although 2013 Census data shows that 15.6 million people with disabilities voted in the 2012 presidential election, research

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<sup>1</sup> U.S. Gov't Accountability Office, GAO-02-107, Voters with Disabilities: Access to Polling Places and Alternative Voting Methods (2001).

<sup>2</sup> U.S. Gov't Accountability Office, GAO-09-685, Voters With Disabilities: More Polling Places Had No Potential Impediments Than In 2000, But Challenges Remain (2009)



by Rutgers University shows that the voter turnout rate of people with disabilities was 5.7 percentage points lower than that of people without disabilities.<sup>3</sup>

There remains much work to be done not only relating to physical accessibility, but also relating to other barriers to voting, such as a lack of voting and registration materials in accessible formats for people with sensory disabilities. In some instances, there have been outright denials of the right to register and vote based on false assumptions about a person's legal capacity to vote.

In the two years since the EAC has had a quorum again, it has voted to accredit a new voting system test laboratory after a recommendation by the National Institute of Standards and Technology. The lab will test new voting equipment against the voluntary voting system guidelines, which are themselves in need of attention. The EAC has provided best practices on voting and election administration to countless jurisdictions around the country. It is an invaluable agency that serves a critical function to strengthen our democracy.

The four-year absence of a quorum at the EAC hindered the agency when Americans needed it most. The EAC could not hold public meetings, adopt new policies, or issue advisory opinions. It adopted its most recent voting system guidelines in 2005 – several lifetimes ago when it comes to technology. That's why so many local jurisdictions ran the 2012 election with outdated, broken voting machines and why so many voters waited in line for hours to cast their ballots.

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report last year that "the standard-setting process for new voting machines has broken down ... due to a lack of [EAC] commissioners. ... Without a fully functioning EAC to adopt new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace."<sup>4</sup>

Now that it has a quorum, the Commission has gotten back to work evaluating and endorsing standards and guidelines that reflect the newest and best methods of election administration. As a member of the Consortium of Citizens with Disabilities (CCD) Rights Task Force (RTF), in 2016 CCD RTF worked with coalition partners and the EAC to ensure that some of these meetings were about issues and concerns with voter registration and voting for persons with

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<sup>3</sup> Lisa Schur, Rutgers University. Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections (2013).

<sup>4</sup> PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, p. 11-12 (2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.



disabilities. The meetings were accessible and held both in-person and via the web. The CCD RTF advertised and encouraged members to send their networks and chapters to participate.

In light of the many challenges faced by our state and local election administrators and the serious procedural problems that weaken voter access and participation, we believe that this is a time to reaffirm our commitment to voting rights and fair elections by strengthening the EAC and providing it with the staff it requires to function effectively.

While a national election just passed, there remains a number of state and local elections coming up throughout 2017 and the EAC must continue to do its important work. Rather than abolishing the agency, Congress should strengthen the EAC to ensure that persons with disabilities fully enjoy the right to vote privately and independently.

We ask that you oppose The Election Assistance Commission Termination Act (EACTA), H.R. 634 as it is presented for mark up in the House of Representatives Committee on Administration on Tuesday February, 7, 2017. If you have any questions, please do not hesitate to contact me at (202) 521-4315 or at [hberger@aapd.com](mailto:hberger@aapd.com).

Yours truly,

Helena Berger  
President & CEO

cc: Rep. Ryan  
Rep. McCarthy  
Rep. Scalise  
Rep. Hoyer  
Rep. Pelosi  
Rep. Clyburn  
Rep. Langevin  
Majority Counsel Sensenbrenner  
Minority Counsel Abboud





February 6th, 2017

Dear Members of the House Administration Committee and Congress:

I am writing to express my concern about H.R. 634, a bill that would terminate the Election Assistance Commission (EAC). I would like to provide some background information and illustrate the negative consequences that eliminating the EAC would have on election administration in the United States.

The EAC was established in 2002 (after Florida 2000) under the Help America Vote Act (HAVA) with the specific mandate to accredit voting system test laboratories and certify voting equipment, marking the first time the federal government has offered these services to the states.

Colorado has had commissioners from both political parties appointed to the EAC over the years and the current commissioners have served with incredible distinction and have provided authentic leadership in a bi-partisan manner throughout their tenure. The EAC runs the testing and certification program in a transparent manner, releasing voting system test plans and reports for the public to review and posting detailed information about the voluntary voting system guidelines, program policies, and related correspondence. This is critical to ensuring that voting systems are accessible, secure, transparent, and standards are consistent across the country.

Further, the EAC provides election management resources and assistance to state and local election administrators by issuing guidance, advisories, and best practices and this work has become one of their top priorities. Additionally, the EAC is also responsible, under the Help America Vote Act, for collecting information about election administration issues and sharing that information with Congress, election officials and the public. This includes reports commissioned by the EAC, information about EAC research in progress, and additional elections research issued by other organizations. Datasets are also available to download as needed.

The EAC also administers federal funding to improve the administration of elections as authorized by the Help America Vote Act. The commission also manages discretionary, competitive grant programs authorized by HAVA, including the HAVA College Program to recruit college students to serve as poll workers and the HAVA Mock Election Program, which supports activities to educate secondary students in the electoral process.

As you can see, the EAC's work is critical to ensuring that elections across the country are fair, accurate, secure, transparent, efficient, and reliable. As demonstrated in 2016 and prior, election administration is critical to the integrity of our democratic process.

The following is a summary of the potential impacts should the EAC be eliminated:

- Coming off a highly contentious presidential election year in which concerns over the security, accuracy, and integrity of the process were raised, the EAC's work has never been more important. The EAC is in the middle of writing the next set of voting system standards and that work is critical to modernizing the election process. As the voting equipment across the country ages, election officials are desperate for information and best practices on how to maintain that equipment and best practices for procuring new systems.
- During the 2016 election cycle, the EAC served as subject matter experts and the primary point of contact to a number of federal agencies and election officials. This included working with DHS, FBI,

USPS and HHS on behalf of election officials. For instance, the EAC worked directly with the Department of Homeland Security to educate them on the election process, put them in contact with state and local election officials and ensured cooperation between all parties with limited disruption to those election officials that were focused on administering the election.

- Recently, DHS declared election systems to be a part of the nation's critical infrastructure. Since that time the EAC has been working on behalf of election officials to collect information about what this designation means, how it might be implemented and to express the concerns of election officials to DHS. Moving forward the EAC will continue to push for more clarity on the designation and work to ensure the process serves election officials positively.
- Throughout the 2016 election cycle, the EAC provided best practices and guidance to secure the voting process. This included distributing FBI and DHS information regarding possible threats to the process to state and local officials in all 50 states. Additionally, the EAC produced checklists for securing various election systems and simple steps all officials could take to better secure the process.
- Additionally, the EAC is working on improving the accessibility of the voting process. EAC's grant work in this area has already led to the largest voting system vendors in the country adopting the research and concepts to improve access to the process. In the last four years, the EAC has provided nearly 8 million dollars in grant funding for various academic and elections groups to research technology improvements to better serve voters with disabilities. This work is critical as the average voting age continues to increase and new systems are being purchased by election officials.
- Finally, improving the collection and dissemination of the EAC's election data survey data is critical to election officials moving forward as they look to find efficiencies and cost savings in their operation. The survey data is in the process of being collected right now and will be released in June 2017. With over 1 million data points, the EAC's survey represents the most comprehensive set of election information available.

The EAC is a bi-partisan commission and it is appropriate for this work to remain in an environment that operates across the political spectrum, free from political agenda. I believe this is a critical public interest issue and I strongly encourage you to continue to fund and support the EAC in a meaningful way so that this vitally important work endures and the voting experience across the country continues to improve.

Thank you for your consideration. I am available should any questions arise.

Sincerely,



Amber F. McReynolds  
Director of Elections, City and County of Denver, Colorado  
Email: [Amber.McReynolds@denvergov.org](mailto:Amber.McReynolds@denvergov.org)  
[@AmberMcReynolds](#)





February 6, 2017

Honorable Gregg Harper, Chairman  
Honorable Robert Brady, Ranking Member  
Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Re: Opposition to HR 634

Dear Chairman Harper and Ranking Member Brady:

I write on behalf of Project Vote to express our opposition to HR 634, the "Election Assistance Commission Termination Act." Project Vote is a nonpartisan, nonprofit organization dedicated to realizing the promise of American democracy. Our mission is to build an electorate that accurately represents the diversity of America's citizenry, and to ensure that every eligible citizen can register to vote and cast a ballot that counts.

The Election Assistance Commission (EAC), conceived by the bipartisan Help America Vote Act of 2002 (HAVA), provides numerous valuable tools for voters and election officials alike. Eliminating the EAC would result in a deficit of information around election administration and a lack of important elections data used to determine how resources can be spent to improve and modernizes our elections. Among other duties, the EAC develops critical guidance for voting technology, provides various election administration resources to assist local officials in running elections, and serves as a data clearinghouse regarding the conduct of elections. The EAC's assistance to states and research on elections issues are crucial tools in conducting elections and improving their administration in states throughout the country.

One important tool the EAC provides is language resources that can help election officials meet their language assistance obligations under federal law, and make elections more accessible to those citizens who are non-English proficient voters. These resources include a glossary of election terminology in nine languages, and providing the National Mail Voter Registration Form in seven languages. Other important EAC resources include information to assist election officials in serving voters with disabilities and military and overseas voters.

In its clearinghouse capacity, the EAC comprehensively reports and compiles state election administration information, an important function not provided by any other body. Central data collection in a complex and diversified election administration system such as ours is critical to determining potential issues and generally improving election administration.

*Chairman Harper and Ranking Member Brady*  
*February 6, 2017*  
*Page 2 of 2*

At a time when voters in many jurisdictions must spend hours in line waiting to vote, the EAC plays a crucial role in ensuring that elections run as effectively as possible, in keeping with bipartisan HAVA standards. We should invest in election administration, not do away with this important entity. Thank you for your consideration.

Sincerely,

Michael Slater  
President  
Project Vote





February 6, 2017

Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Harper, Ranking Member Brady, and Members of the Committee on House Administration:

The Ranked Choice Voting Resource Center and FairVote write in strong opposition to HR 634, the "Election Assistance Commission Termination Act." This bill would profoundly impact the way we administer local, state, and national elections in the United States, undermining the important standardizing and modernizing roles the EAC plays in election administration and harming the infrastructure of our democracy.

The Ranked Choice Voting Resource Center was developed by former election administrators from North Carolina and Kansas with over 100 years of elections experience who are highly regarded for their knowledge and expertise in the field of election administration. They know that the administration of elections is ever evolving and often in the center of a very bright spotlight of public, political, and media attention. The Election Assistance Commission (EAC) helps election administrators work efficiently even under such intense public scrutiny, ensuring that our elections are fair, efficient, and accessible to all.

Congress, in the wake of the widespread election administration failures in the 2000 election and with the advice of a diverse, bipartisan group representing the Election Center, created the EAC to address serious problems with our voting system, including long lines at polling stations and outdated voter registration procedures, caused by a lack of best practices for election officials and that can suppress voter participation and turnout. The Election Center's committee, made up of election officials from around the nation, ultimately reached a consensus that the creation of an Election Assistance Commission with a primary focus on voting systems technology and election administration was the most promising course to addressing these problems head on.

The EAC now serves election administrators across the country, providing best practices, serving as a clearinghouse of resources for election administrators, and guiding the development of voting equipment for American elections. The EAC serves a critical function in strengthening our democracy by bringing together the best ideas from all parties involved in elections administration: local and state election officials, vendors, security specialists, disability advocates, elected officials, and other parties vital to developing a well-functioning democracy. H.R. 634 either proposes moving many of those responsibilities to agencies without the bandwidth or expertise needed to juggle those new tasks and convene those many stakeholders, or neglects to mention where those responsibilities would now lie.



Throughout the 1990s local administrators had little to no guidance or support in identifying and selecting voting systems for their jurisdictions. With the advent of the EAC and the Voluntary Voting System Guidelines (VVSG), state and local administrators had, for the first time, formal standards and guidelines to rely upon in making the multi-million dollar decisions involved in voting system purchases.

The EAC lacked a quorum of commissioners from 2010 to 2014, a time when Americans needed it most. The EAC could not hold public meetings, adopt new policies, or issue advisory opinions. It adopted its most recent voting system guidelines in 2005 – several lifetimes ago when it comes to technology. For this reason, many local jurisdictions ran the 2012 and 2016 elections with aging, outdated voting machines and many voters waited in line for hours to cast their ballots. To attempt the 2020 election without updated standards and equipment would be courting disaster.

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report last year that “the standard-setting process for new voting machines has broken down . . . due to a lack of [EAC] commissioners. . . . Without a fully functioning EAC to adopt new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace.”<sup>1</sup>

Now that it has a quorum, the Commission has gotten back to work evaluating and endorsing standards and guidelines that reflect the newest and best methods of election administration. These updated standards and guidelines will greatly enhance the security and accessibility of a new generation of voting systems, and will do so in a way that encourages both innovation and competition in the specialized election machine market. We have seen first hand how the EAC can help voting system vendors innovate by clarifying ranked choice voting standards, which is central to the work both our organizations do. Without that coordination, vendors must make ad hoc changes to their systems to accommodate ranked choice voting, which raises costs and increases barriers to entry. Elimination of the EAC risks losing that progress and coordination, and risks the integrity and efficiency of America’s elections by forcing jurisdictions and voting system vendors to continue to rely on inadequate standards set more than a decade ago.

The EAC has had barely ten years of functional life. As this agency begins to mature in its role, it is poised to truly realize the promise hoped for before its inception. This is a time to reaffirm our commitment to fair elections and effective election administration by strengthening the EAC and providing it with the staff it requires to function effectively. H.R. 634 would eliminate an important tool for improving a voting system fraught with problems and should be rejected.

Instead of eliminating this important democracy reform tool, members of this Committee and both parties in Congress need to work together to provide the Election Assistance Commission with the resources it needs to perform its duties. The problems facing our electoral system demand such an effort to improve the integrity and effectiveness of our election administration.

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<sup>1</sup> PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, p. 11-12 (2014), *available at* <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

Sincerely,

Gary Bartlett, Project Leader  
Ranked Choice Voting Resource Center  
[info@rankedchoicevoting.org](mailto:info@rankedchoicevoting.org)  
[www.rankedchoicevoting.org](http://www.rankedchoicevoting.org)

Rob Richie, Executive Director  
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[rr@fairvote.org](mailto:rr@fairvote.org)  
[www.fairvote.org](http://www.fairvote.org)





February 6, 2017

Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Dear Chairman Harper, Ranking Member Brady, and Members of the Committee on House Administration:

On behalf of Asian Americans Advancing Justice (Advancing Justice), we write in strong opposition to HR 634, the "Election Assistance Commission Termination Act." Advancing Justice is a national affiliation of five leading organizations advocating for the civil and human rights of Asian Americans and other underserved communities to promote a fair and equitable society for all. The affiliation's members are: Advancing Justice - AAJC (Washington, D.C.), Advancing Justice - Asian Law Caucus (San Francisco), Advancing Justice - Los Angeles, Advancing Justice - Atlanta, and Advancing Justice - Chicago. As organizations that are committed to supporting and expanding the civil and voting rights of all Americans, we have devoted substantial resources to the passage of both the National Voter Registration Act and the Help America Vote Act (HAVA). Terminating the Election Assistance Commission (EAC) – a commission that plays a vitally important role in standardizing and modernizing election administration – risks reducing the voting and civil rights of our citizens. In the interest of ensuring a fair, efficient and accessible system of elections, we urge the Committee to reject HR 634.

Congress created the EAC to address serious problems with our voting systems that can suppress voter participation and turnout, including long lines at polling stations and outdated voter registration procedures. The EAC does valuable work to ensure the reliability and trustworthiness of our nation's election systems by conducting research, collecting data, and sharing information among elected officials, the public, and interested organizations. In addition, the Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators. Through its many working committees and the work it does to foster robust dialogue among advocates, manufacturers, and administrators, the Commission is improving the administration of elections. The EAC also oversees the distribution of federal funds that assist states and municipalities with election administration.

In addition to helping ensure our elections are run professionally and efficiently, the EAC also focuses on developing language access tools that can be utilized across the country. These tools help voters with language needs in their efforts to be a part of American society. As mandated by HAVA, the EAC Language Accessibility Program studies and promotes accessibility in voting, registration, polling places, and voting equipment, working in collaboration with election officials, advocacy groups, and research and public policy organizations. The program developed Glossaries of Election Terminology, Voter's Guides to Federal Elections, and the National Mail Voter Registration Form, all of which are available in translated languages. The EAC glossaries are available in six languages: Chinese, Japanese, Korean, Spanish, Tagalog, and Vietnamese. The glossaries contain 1,843 terms and phrases used in the administration of elections in the United States. The EAC's voter's guide is available in eleven languages: Cherokee, Chinese, Dakota, English, Japanese, Korean, Navajo, Spanish, Tagalog, Vietnamese, and Yupik. Designed to help voters successfully navigate the federal elections process, it includes information on voter eligibility, early voting,



the registration and voting process for military and civilians living abroad, and polling place services that make voting more accessible. Finally, the EAC has translated the National Mail Voter Registration form into Chinese, Japanese, Korean, Spanish, Tagalog and Vietnamese. These resources can help election officials provide translated voting materials at a lower cost and can help encourage voluntary assistance by jurisdictions.

Finally, the EAC is an invaluable agency that serves a critical function to strengthen our democracy through its provision of best practices on voting and election administration to countless jurisdictions around the country. For example, in 2016, the EAC co-hosted the "2016 Summit on Language Access in Elections," held at the University of Maryland at College Park. The full-day convening focused on the importance of language access in the 2016 elections and beyond and featured panelists from across government, advocacy, and academia discussing the language needs and solutions for a growing number of voters. The EAC is uniquely situated to engage these types of discussions that lead to synergy amongst elections officials and community advocates to help create a better election system.

In light of the many challenges faced by our state and local election administrators and the serious procedural problems that weaken voter access and participation, the need for the EAC could not be more critical. We believe that this is a time to reaffirm our commitment to fair, efficient, and secure elections by strengthening the EAC, not eliminating it. We urge you to oppose H.R. 634. Thank you for your consideration of our position. If you have any questions about this letter, please contact Terry Ao Minnis at [tminnis@advancingjustice-aajc.org](mailto:tminnis@advancingjustice-aajc.org) or 202 296-2300 x127.

Sincerely,

Terry Ao Minnis  
Director of Census & Voting Programs  
Asian Americans Advancing Justice – AAJC

Jonathan Stein  
Staff Attorney and Program Manager, Voting Rights Program  
Asian Americans Advancing Justice – Asian Law Caucus

Javeria Jamil  
Staff Attorney  
Asian Americans Advancing Justice – Atlanta

Andy Kang  
Legal Director  
Asian Americans Advancing Justice – Chicago

Deanna Kitamura  
Project Director, Voting Rights Project  
Asian Americans Advancing Justice – Los Angeles



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February 6, 2017

The Honorable Gregg Harper  
Chairman  
Committee on House Administration  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Robert Brady  
Ranking Minority Member  
Committee on House Administration  
U.S. House of Representatives  
Washington, DC 20515

**RE: NAACP STAUNCH OPPOSITION TO H.R. 634, *THE ELECTION ASSISTANCE  
COMMISSION TERMINATION ACT***

Dear Congressman Harper and Ranking Member Brady:

On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I am writing to let you know of our strong opposition to the ill-conceived H.R. 634, the *Election Assistance Commission Termination Act* (EAC). This problematic legislation moves us backwards in our attempts to encourage and support eligible Americans in their pursuit of their Constitutional right to vote. The EAC currently helps voters and potential voters by providing vital information on registration and voting sites and procedures as well as local municipalities by providing a national clearinghouse of information on election administration, from voting system testing and certification to data on how Americans voted in recent federal elections.

The EAC is an independent agency created by the *Help America Vote Act of 2002* (HAVA). The *Help America Vote Act* was signed into law in October, 2002, by President George W. Bush and was a response to the myriad of problems that culminated with those issues that plagued the 2000 Presidential election. At the time, the NAACP strongly supported the tenets of this important legislation, including (but not limited to) the creation of the EAC. The *Help America Vote Act* addressed many of the disenfranchising problems which came to light in the 2000 election and moved our Nation closer to the democratic goal of allowing every eligible American to cast an unfettered vote and to be assured that their vote would be counted.

A crucial component of the *Help America Vote Act* was the creation of the EAC. This bipartisan commission was established to act as a clearinghouse of information and as a resource to state and local election officials who want to employ the most current technology and best practices when overseeing elections. The EAC also oversees voting-system testing and certification. Through research, grant-making and the development of voting guidelines, the EAC is helping many groups which had heretofore been disenfranchised gain their Constitutional right to vote,

including racial and ethnic minorities, members of the Armed Services (especially those serving overseas), disabled Americans and senior citizens.

Since its creation the EAC has done an admirable job, especially in light of the fact that it has never been adequately funded and that for more than six months, between May and December of 2014, it was without the leadership of even a single commissioner. With the confirmation by the U.S. Senate on December 16, 2014, of three Commissioners the EAC was again able to address many of the problems which plague our nation's electoral process.

Given the importance to our democracy to protect the rights of all eligible Americans to vote and to be assured that their vote counted, the termination of this crucial agency would be shortsighted, to say the least. Given the allegations of foreign attempts to influence our recent Presidential election, among other challenges with voter suppression and election systems, we need to assure Americans that their electoral process cannot and is not corruptible. We need the guidance, the expertise, the assistance and the assurance of a fully functioning EAC.

Thus, I again urge you to ultimately oppose H.R. 634, and to withdraw it from consideration during the mark-up on Tuesday, February 7, 2017. Thank you in advance for your attention to the position of the NAACP. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463-2940.

Sincerely,

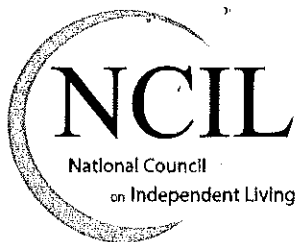
A handwritten signature in black ink, appearing to read 'Hilary O. Shelton', with a stylized, flowing script.

Hilary O. Shelton

Director, NAACP Washington Bureau &  
Senior Vice President for Policy and Advocacy

cc: Members,  
House Administration Committee





[www.ncil.org](http://www.ncil.org)

**Kelly Buckland**  
Executive Director

February 6, 2017

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**Representative Gregg Harper**  
**Chairman**  
**Committee on House Administration**  
1309 Longworth House Office Building  
Washington, DC 20515

**Representative Robert Brady**  
**Ranking Member**  
**Committee on Administration**  
1309 Longworth House Office Building  
Washington, DC 20515

**Re: CCD Rights TF Opposition The Election Assistance Commission Termination Act of 2017 (EACTA), H.R. 634**

**Dear Chairman Harper and Ranking Member Brady:**

The National Council on Independent Living (NCIL) urges you to oppose H.R.634, the Election Assistance Commission Termination Act of 2017 (EACTA). Voting is a fundamental right and the Election Assistance Commission (EAC) has played an important role since its creation to ensuring that polling places and the voting process are accessible to people with disabilities. The EACTA would hinder this progress toward accessibility of polling places and the voting process by abolishing the EAC.

NCIL represents people with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the country

Barriers still remain in the area of accessibility for the polling sites and these barriers do not change during the early voting process. A 2001 GAO report on the 2000 Presidential election found that 84 percent of polling places had impediments to accessibility for people with disabilities.<sup>1</sup> A similar report based on the 2008 Presidential elections found that the situation for people with disabilities had improved, but there were still significant problems – 73 percent of all polling places studied still had impediments to accessibility.<sup>2</sup>

1 U.S. Gov't Accountability Office, GAO-02-107, Voters with Disabilities: Access to Polling Places and Alternative Voting Methods (2001).

2 U.S. Gov't Accountability Office, GAO-09-685, Voters With Disabilities: More Polling Places Had No Potential Impediments Than In 2000 But Challenges Remain (2009)

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Although 2013 Census data shows that 15.6 million people with disabilities voted in the 2012 presidential election, research by Rutgers University shows that the voter turnout rate of people with disabilities was 5.7 percentage points lower than that of people without disabilities.<sup>3</sup>

There remains much work to be done not only relating to physical accessibility, but also relating to other barriers to voting, such as a lack of voting and registration materials in accessible formats for people with sensory disabilities. In some instances, there have been outright denials of the right to register and vote based on false assumptions about a person's legal capacity to vote.

In the two years since the EAC has had a quorum again, it has voted to accredit a new voting system test laboratory after a recommendation by the National Institute of Standards and Technology. The lab will test new voting equipment against the voluntary voting system guidelines, which are themselves in need of attention. The EAC has provided best practices on voting and election administration to countless jurisdictions around the country. It is an invaluable agency that serves a critical function to strengthen our democracy.

The four-year absence of a quorum at the EAC hindered the agency when Americans needed it most. The EAC could not hold public meetings, adopt new policies, or issue advisory opinions. It adopted its most recent voting system guidelines in 2005 – several lifetimes ago when it comes to technology. That's why so many local jurisdictions ran the 2012 election with outdated, broken voting machines and why so many voters waited in line for hours to cast their ballots.

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report last year that "the standard-setting process for new voting machines has broken down ... due to a lack of [EAC] commissioners. ... Without a fully functioning EAC to adopt new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace."<sup>4</sup>

Now that it has a quorum, the Commission has gotten back to work evaluating and endorsing standards and guidelines that reflect the newest and best methods of election administration. In 2016 NCIL worked with coalition partners and the EAC to ensure that some of these meetings were about issues and concerns with voter registration and voting for persons with disabilities.

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<sup>3</sup> Lisa Schur, Rutgers University. Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections (2013).

<sup>4</sup> PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, p. 11-12 (2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

The meetings were accessible and held both in-person and via the web. NCIL advertised and encouraged members to send their networks and chapters to participate.

In just the past two years, it has voted to accredit a new voting system test laboratory which was recommended by the National Institute of Standards and Technology. The EAC is serving a critical role by leading a process to update voting systems standards that are frighteningly out of date which were developed in 2005 before the existence of smartphones and tablets. The Election Assistance Commission has taken the leadership in the complex process of modernizing and updating these standards. This process is close to completion. Any delay in setting modern voting systems standards could jeopardize the next election. Just last year, after attempts were made to hack into state voter registration databases, the Commission working with the nations database security experts and election officials rapidly developed best security practices and distributed them to states and local jurisdictions.

In light of the many challenges faced by our state and local election administrators and the serious procedural problems that weaken voter access and participation, we believe that this is a time to reaffirm our commitment to voting rights and fair elections by strengthening the EAC and providing it with the staff it requires to function effectively.

While a national election just passed, there remains a number of state and local elections coming up throughout 2017 and the EAC must continue to do its important work. Rather than abolishing the agency, Congress should strengthen the EAC to ensure that persons with disabilities fully enjoy the right to vote privately and independently.

We ask that you oppose The Election Assistance Commission Termination Act (EACTA), H.R. 634 as it is presented for mark up in the House of Representatives Committee on Administration on Tuesday February, 7, 2017. We look forward to an opportunity to speak with you and your staff about our concerns. Please contact Kelly Buckland, Executive Director at [kelly@ncil.org](mailto:kelly@ncil.org) or 202-207-0334 ext. 1104 if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kelly Buckland', written in a cursive style.

Kelly Buckland  
Executive Director

CC: U.S. House of Representatives

NATIONAL  
**DISABILITY RIGHTS**  
NETWORK

Protection & Advocacy for Individuals with Disabilities



February 6, 2017

Representative Gregg Harper  
Chairman  
Committee on House Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Representative Robert Brady  
Ranking Member  
Committee on Administration  
1309 Longworth House Office Building  
Washington, DC 20515

Re: Opposition to H.R.634, Election Assistance Commission Termination Act (EACTA)

Dear Chairman Harper and Ranking Member Brady:

The National Disability Rights Network (NDRN) is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

We write to express our opposition to H.R.634, the Election Assistance Commission Termination Act (EACTA). Voting is a fundamental right and the Election Assistance Commission (EAC) has played an important role since its creation to ensuring that polling places and the voting process are accessible to people with disabilities. The EACTA would hinder this progress toward accessibility of polling places and the voting process by abolishing the EAC.

For over 30 years, the P&A systems have been mandated by Congress to protect and enhance the civil rights of individuals with disabilities of any age and in any setting. One area of focus for the P&A Network is on voting through the Protection and Advocacy for Voting Access Act (PAVA) program which charges P&As with helping to ensure the full participation of individuals with disabilities in the entire electoral process, including registering to vote, casting a ballot, and accessing polling places.

Barriers still remain in the area of accessibility for the polling sites and these barriers do not change during the early voting process. A 2001 GAO report on the 2000 Presidential election found that 84 percent of polling places had impediments to accessibility for people with disabilities.<sup>1</sup> A similar report based on the 2008 Presidential elections found that the situation for people with disabilities had improved, but there were still significant problems – 73 percent of all polling places studied still had impediments to accessibility.<sup>2</sup> Although 2013 Census data shows that 15.6 million people with disabilities voted in the 2012 presidential election, research by Rutgers University shows that the voter turnout rate of people with disabilities was 5.7 percentage points lower than that of people without disabilities.<sup>3</sup>

There remains much work to be done not only relating to physical accessibility, but also relating to other barriers to voting, such as a lack of voting and registration materials in accessible formats for people with sensory disabilities. In some instances, there have been outright denials of the right to register and vote based on false assumptions about a person's legal capacity to vote.

In the two years since the EAC has had a quorum again, it has voted to accredit a new voting system test laboratory after a recommendation by the National Institute of Standards and Technology. The lab will test new voting equipment against the voluntary voting system guidelines, which are themselves in need of attention. The EAC has provided best practices on voting and election administration to countless jurisdictions around the country. It is an important agency, which serves a critical function, to strengthen our democracy.

The four-year absence of a quorum at the EAC hindered the agency when Americans needed it most. The EAC could not hold public meetings, adopt new policies, or issue advisory opinions. It adopted its most recent voting system guidelines in 2005 – several lifetimes ago when it comes to technology.

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1 U.S. Gov't Accountability Office, GAO-02-107, Voters with Disabilities: Access to Polling Places and Alternative Voting Methods (2001).

2 U.S. Gov't Accountability Office, GAO-09-685, Voters With Disabilities: More Polling Places Had No Potential Impediments Than In 2000, But Challenges Remain (2009)

3 Lisa Schur, Rutgers University. Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections (2013).

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report that "the standard-setting process for new voting machines has broken down ... due to a lack of [EAC] commissioners. ... Without a fully functioning EAC to adopt new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace."<sup>4</sup>

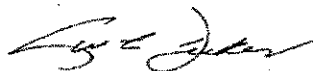
Now that it has a quorum, the Commission has gotten back to work evaluating and endorsing standards and guidelines that reflect the newest and best methods of election administration. In 2016 the P&A Network partnered with the EAC to hold accessible public meetings that were both in-person and via the web, where persons with disabilities were able to discuss their concerns, issues and problems with voting registration and casting a ballot. The information provided will assist with future work of the EAC to improve the voting process for this community.

In light of the many challenges faced by our state and local election administrators and the serious procedural problems that weaken voter access and participation, we believe that this is a time to reaffirm our commitment to voting rights and fair elections by strengthening the EAC and providing it with the staff it requires to function effectively.

Abolishing the EAC at this point in time would be a step back for people with disabilities and the goal of full accessibility to the voting process, and prevent people with disabilities from participating in one of the most fundamental civil rights.

Therefore, on behalf of the NDRN and the 57 P&A agencies it represents, I ask that you oppose H.R.634 Election Assistance Commission Termination Act (EACTA) as it is presented for mark up in the House of Representatives Committee on Administration on Tuesday February, 7, 2017. Please contact Dara Baldwin, Senior Public Policy Analyst, at [dara.baldwin@ndrn.org](mailto:dara.baldwin@ndrn.org) or 202-408-9514 ext. 102 with any questions or concerns.

Sincerely,



Curt Decker  
Executive Director

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<sup>4</sup> PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, p. 11-12 (2014), available at <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.



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February 6, 2017

The Honorable Gregg Harper  
Chair  
House Administration Committee  
Washington, DC 20510

The Honorable Robert Brady  
Ranking Member  
House Administration Committee  
Washington DC 20510

**Re: Brennan Center Opposition to H.R. 634 (Election Assistance Commission Termination Act) and H.R. 133 (terminating the Presidential Election Campaign Fund)**

Dear Chairman Harper and Ranking Member Brady:

On behalf of the Brennan Center for Justice at New York University School of Law, we strongly urge you to reject H.R. 634, the Election Assistance Commission ("EAC") Termination Act, and H.R. 133, which would dissolve the Presidential Election Campaign Fund ("PECF"). H.R. 634 would eliminate the only federal agency charged with improving our voting systems and helping states with other critical functions of election administration. At a time when the vast majority of our country's voting machines are outdated and in need of replacement, and after an election in which international criminals already attempted to hack our state voter registration systems, eliminating the EAC would pose a risky and irresponsible threat to our election infrastructure. H.R. 133 would destroy a presidential public financing system that is one of the few remaining tools to increase the voice of everyday Americans vis-à-vis the rising tide of special interest money that has flooded the political system since the Supreme Court's controversial decision in *Citizens United*.

Do Not Eliminate the Election Assistance Commission

The EAC is the only federal agency which has as its central mission the improvement of election administration, and it undertakes essential activities that no other institution is equipped to address. It sets national standards for new voting machines and systems through its certification program, tracks and corrects problems with those systems through its quality monitoring program, conducts research into election management and improvement, collects and disseminates critical election administration data, provides a clearinghouse of information for local election officials, and promotes accessible voting for Americans with disabilities.



A functioning EAC is especially important at this time. In 2014, the bipartisan Presidential Commission on Election Administration (“PCEA”) identified an “impending crisis” in voting technology. A 2015 Brennan Center report detailed this crisis.<sup>1</sup> Among that report’s key findings were that the vast majority of voting machines in use today are either perilously close to or exceed their expected lifespans; that policymakers have not been responsive to election officials’ calls for new equipment; and that more problems may arise the longer we delay purchasing new equipment. Those problems include increased machine failures, and security and reliability flaws. When these vulnerabilities are coupled with credible reports that Russian cybercriminals already attempted to access state voter registration systems, insecure voting machines can place our democracy at serious risk, at the very least of a loss of public faith in our elections.

The EAC has a vital role to play in responding to these challenges. The agency sets standards for voting systems on criteria like performance, accessibility and security; and certifies testing laboratories that ensure that equipment actually meet those standards. Forty-seven states rely on the EAC’s standards and testing program in some way.<sup>2</sup> Now, the agency is developing new standards, which are badly needed so that states can begin purchasing new equipment with the latest security features. And the EAC helps in other ways, including by acting as a clearinghouse for voting system problems and their solutions. Eliminating the EAC would badly damage this work at a moment when it is most necessary.

No other federal agency has the capacity, willingness, or expertise to absorb its responsibilities, and these responsibilities can only be effectively or efficiently performed at the national level.

Given the pending threats to our election systems, and the critical role the EAC plays in responding to those threats, Congress must reject H.R. 634 and resist all efforts to weaken the EAC.

### Do Not Eliminate Presidential Public Financing

H.R. 133 would eliminate public financing of presidential elections—an unacceptable response to last year’s election, in which voters made clear they are unhappy with the influence of big money over our politics, and desire a more responsive government. Instead of eliminating the only federal public financing program, Congress should work to modernize the PECF so that it is still a viable program for major party candidates in the age of Super PACs.

For decades, nearly every major party candidate—from Jimmy Carter and John Kerry to Ronald Reagan and George W. Bush—used the presidential public financing system. The program was

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<sup>1</sup> LAWRENCE NORDEN & CHRISTOPHER FAMIGHETTI, BRENNAN CTR. FOR JUSTICE, AMERICA’S VOTING MACHINES AT RISK (2015), available at <https://www.brennancenter.org/publication/americas-voting-machines-risk>.

<sup>2</sup> Press Release, U.S. ELECTION ASSISTANCE COMM’N, EAC Updates Federal Voting System Guidelines (Mar. 31, 2015), available at <http://www.eac.gov/assets/1/Documents/EAC%20Updates%20Federal%20Voting%20System%20Guidelines-NewsRelease-FINAL-3-31-15-website.pdf>

successful at reducing candidates' reliance on large private contributions and high-dollar fundraisers. Unfortunately, the program has not been modernized in the face of greatly increased costs. In the years since the Supreme Court's 2010 decision in *Citizens United*, spending by outside groups has skyrocketed, totaling well over \$1 billion in the 2012 and 2016 elections.<sup>3</sup>

Instead of eliminating the Presidential Election Campaign Fund, Congress should respond to voters' frustration with the dominance of large and often secret spending in our elections by amending the system so it gives everyday citizens a chance to increase their voice and influence. There is already a proven method for improving citizen funded campaign finance systems. New York City's public financing program, which provides matching funds for small contributions to candidates who agree to abide by certain restrictions, has proven remarkably resilient in the post-*Citizen United* era. A 2012 report, jointly issued by the Brennan Center and Democracy 21, explains how a similar system could successfully replace the current presidential public financing program.<sup>4</sup>

\* \* \*

Thank you for your attention to this important matter. If you have any questions, or are in need of additional information, please contact us at (646) 292-8310 or [nicole.austin-hillery@nyu.edu](mailto:nicole.austin-hillery@nyu.edu) or [wendy.weiser@nyu.edu](mailto:wendy.weiser@nyu.edu).

Sincerely,



Wendy Weiser  
Director, Democracy Program  
Brennan Center for Justice  
at NYU School of Law



Nicole Austin-Hillery  
Director and Counsel, Washington Office

<sup>3</sup> *Outside Spending by Cycle, Excluding Party Committees*, CTR. FOR RESPONSIVE POLITICS, [https://www.opensecrets.org/outsidespending/fes\\_summ.php](https://www.opensecrets.org/outsidespending/fes_summ.php) (last visited Feb. 6, 2017).

<sup>4</sup> ADAM SKAGGS & FRED WERTHEIMER, BRENNAN CTR. FOR JUSTICE & DEMOCRACY 21, EMPOWERING SMALL DONORS IN FEDERAL ELECTIONS (2012), available at [http://www.brennancenter.org/sites/default/files/legacy/publications/Small\\_donor\\_report\\_FINAL.pdf](http://www.brennancenter.org/sites/default/files/legacy/publications/Small_donor_report_FINAL.pdf).

