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STRENGTHENING AMERICAN DEMOCRACY

**BEFORE THE COMMITTEE ON ADMINISTRATION
UNITED STATES HOUSE OF REPRESENTATIVES**

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Introduction

My name is Ricky Hatch and I currently serve as the elected Clerk/Auditor for Weber County, Utah. In addition to my local responsibilities in Weber County, which include running elections, issuing marriage licenses, and managing the county's finances, I serve as the Chairman of the Elections Subcommittee for the National Association of Counties (NACo), which represents our nation's 3,069 county governments. I am one of NACo's two appointees to the U.S. Election Assistance Commission (EAC) Board of Advisors. I helped establish and also serve on the Government Coordinating Council (GCC) for the Election Infrastructure Subsector, which is jointly convened by the U.S. Department of Homeland Security (DHS), the EAC and the National Association of Secretaries of State (NASS). I chair the GCC's Communications Working Group and co-authored the Election Infrastructure's Communications Protocols and National Cyber Incident Response Plan. In addition to those roles, I am the current Treasurer and past Division Director for Election Officials for the International Association of Government Officials (iGO), an organization focusing on professional training and leadership development for county recorders, election officials and clerks.

Elections are the foundation of our democracy, meaning the core goal and primary responsibility of every election official is to ensure secure, fair, and trustworthy elections. Because all elections are local, I am here today to emphasize the importance of including local governments, and especially counties, in federal efforts to strengthen the administration of our nation's elections.

About Weber County, Utah

While Weber County is considered "suburban" with our population of approximately 265,000 residents, we have a diverse mix of urban, suburban and rural components. Located north of Salt Lake City, we encompass 659 square miles around our county seat of Ogden, Utah. In the 2020 presidential elections, Weber County conducted the election by mail, but also had an in-person voting center with 120 poll workers. We saw a significant growth in our voting population with nearly 20,000 new and updated registrations for the election and an overall turnout of 89 percent.

About America's Counties

Counties are highly diverse, not only in my state of Utah, but across the nation, and vary immensely in natural resources, social and political systems, cultural, economic and structural circumstances, public health and environmental responsibilities. Counties range in area from 26 square miles (Arlington County, Virginia) to 87,860 square miles (North Slope Borough, Alaska). The population of counties varies from Loving County, Texas, with just under 100 residents, to Los Angeles County, California, which is home to close to ten million people. Of the nation's 3,069 counties, approximately 70 percent are considered "rural," with populations of less than 50,000, and 50 percent of these counties have populations below 25,000. At the same time, there are more than 120 major urban counties, which collectively provide essential services – including administering elections – to more than 130 million people every day.

Many county responsibilities are mandated by both the states and the federal government. While county responsibilities vary widely, most states give their counties significant authorities. These authorities include:

administration of elections; construction and maintenance of roads, bridges and critical infrastructure; assessment of property taxes; record keeping; overseeing jails and court systems; and managing public hospitals and health systems. Counties are also often responsible for child welfare, consumer protection, economic development, employment/workforce training, emergency management, land use planning, zoning and environmental protection.

Today, I hope to highlight the important role counties and other local jurisdictions play in administering and securing elections, examine ways we can further collaborate between different levels of government and share the following insights regarding federal legislation for elections:

- **Counties are integral in elections administration and therefore, federal policies should provide flexibility for local decision-making and in the nation's elections system.**
- **Given the problematic and burdensome nature of unfunded mandates, any federal funding should be sent both to states and counties to help meet the significant federal requirements imposed on local governments that administer elections.**
- **Understanding that America's constitutionally decentralized election infrastructure recognizes that policies that may be best suited for one state may not be best suited for others. We respectfully encourage the federal government to engage in a robust federalism process with both state and local stakeholders regarding any legislative or regulatory changes relating to elections.**

Counties are integral in elections administration and therefore, federal policies should provide flexibility for local decision making and in the nation's elections system.

The constitutional role of states to run elections recognizes the vast diversity of our states and territories, and recognizes the need for flexibility to administer elections in the manner that is best for the citizens of those unique states.

The county role in elections complements the distinctly different role states generally play in the elections process. States are tasked with many administrative duties to ensure that elections run smoothly. The 2002 Help America Vote Act (HAVA) requires states to develop computerized, statewide voter registration lists, which counties use to administer elections at the local level. As we have seen in recent elections, maintaining accurate lists is paramount to ensuring eligible and registered voters are not denied the opportunity to cast a ballot during an election.

In addition to voter registration databases, states may help localities administer elections by sharing federal resources and information or working with local jurisdictions on voting equipment. But at the end of the day, it is almost always county government employees doing the work, using county-owned equipment, in county government facilities.

While states play an instrumental role in our nation’s elections, counties and other local governments run elections on the ground. In almost every state, counties run the day-to-day operations of elections, and in every state, elections are broken down into local precincts for voting and administration. This means local governments are responsible for carrying out various key functions, from identifying polling places to printing ballots and protecting voting machines. The county official overseeing elections varies from state to state and may have one of several titles, including county clerk, county auditor or commissioner of elections. This official is responsible for overseeing the allocation of voting machines, managing polling locations, recruiting and training poll workers and ensuring the accessibility, integrity and efficiency of the voting process.

There are almost 9,000 dedicated local election administrators throughout the country. Counties support over 100,000 polling locations and hire and train over 800,000 poll workers. Counties of all sizes must undertake these tasks: according to data from the U.S. Election Assistance Commission (EAC), roughly 1,900 small counties reported having nearly 23,000 polling places in 2016 and over 130,000 poll workers. Counties with ten or fewer polling places had an average of 19 poll workers, while some of these small jurisdictions had as many as 100 volunteer poll workers. Meanwhile, only about seven percent of counties had 100 or more polling places, and these counties hired and trained over 400,000 poll workers.

County responsibilities for administering and securing elections begin well before Election Day and continue after votes are cast. Along with administering elections, county officials work tirelessly to preserve the integrity and security of America’s elections. Local governments protect against hacks to voter rolls that seek to alter data and attempts to remove election information from county websites. Counties hire and train poll workers to ensure they are well equipped to assist voters and protect against voter fraud or other security risks. Additionally, election officials are prepared for a wide range of “hard security” challenges at polling locations, including mitigating natural disasters, following protocols for an active shooter or fire or other emergencies. Election fraud in America is essentially non-existent due in large part to the efforts and actions that county election officials take every single day.

Our main goal as county election officials is to ensure safe and efficient elections and to maintain the public’s trust in these elections. We do this by ensuring every eligible voter who wants to vote has an opportunity to do so, and that every ballot that was legally cast is counted.

President Dwight Eisenhower said, “Public confidence in the elective process is the foundation of public confidence in government.” A voter’s trust in the nation’s elections process is driven by the voter’s experience with their local election office, whether they are registering to vote, receiving a ballot in the mail, using voting equipment at a polling place, or reviewing election results online. Local election officials are the face and voice of our nation’s election infrastructure and drive the fundamental level of trust in each of our nation’s elections. In fact, we are very detailed logistical planners, with backup plans for our backup plans. We’re committed to the public trust and to doing things the right way, in full view of the public eye.

Each county and state has unique characteristics in geography, demographics, infrastructure, and even weather. This variety of circumstances underscores the U.S. Constitution’s call for states and local jurisdictions to identify and implement the most appropriate ways to serve their specific citizens. Federal legislation should

enable flexible, local solutions that empower state and local election professionals to serve their population according to state and local needs.

Given the problematic and burdensome nature of unfunded mandates, any federal funding should be sent both to states and counties to help meet the significant federal requirements imposed on local governments that administer elections.

States have important functions such as statewide voter registration databases that require significant funding, and we heartily support sending funds to states. However, if the intent of funding is to defray the costs of federal mandates, funds should also be available directly to local governments and sometimes funds sent to the states stay with the states. Federal funding should include separate funding streams to states and directly to counties to help meet significant federal requirements imposed directly on local governments administering elections.

The unprecedented nature of the rapid spread of COVID-19 fundamentally altered the landscape of the 2020 election cycle. Beyond the traditional elections requirements above, counties are now grappling with even more costly election-related challenges from providing additional voting options, keeping polling locations clean, and complying with social distancing mandates. This growing number of demands comes at a time when counties – regardless of size – are experiencing significant fiscal constraints. NACo estimates that counties across the country will experience a \$202 billion budgetary impact through Fiscal Year 2021 because of the COVID-19 pandemic.

Although we are experiencing severe financial hardships on the ground, counties are still responsible for funding our nation's elections. The financial impact on counties varies depending on factors like how many voters vote by mail versus in person, how many machines the county uses, the voting system vendor, state law requirements regarding the voting process, public expectations and many other factors. Costs, in addition to the actual equipment, can include transporting units to and from polling locations, the printing and mailing of paper ballots, poll worker pay, rent for polling locations, advertising, computers, other supplies and annual machine maintenance..

Many counties are shouldering the burden of replacing voting machines with new and updated technologies. For example, Tazewell County, Illinois – a mid-size county with a population of 150,000 – recently spent \$700,000 on new voting machines, only a small portion of which state and federal resources will reimburse. Counties are also doing this proactively. Black Hawk County, Iowa, purchased new voting machines in 2016 when the county was financially stable, rather than risking a future crisis.

With respect to H.R. 1, the *For the People Act of 2021*, local governments are concerned that certain provisions would cost without ongoing additional federal resources. For example, under H.R. 1, state and local governments would be required to cover ongoing costs for return postage. This would create additional costs for many counties, especially those that already have processes, such as ballot drop boxes, implemented. In Weber County, a ballot drop box is located within 1.5 miles of the average voting household and we do not currently cover return postage. In 2020, 86 percent of voters dropped their ballots off in drop boxes. Under

this new requirement, Weber County could see an increase in our postage costs between \$31,000 and \$73,000 per election, depending on how many ballots are returned via the Postal Service.

In many cases, our capacity to fund compliance activities with state and federal mandates, or to update technology to meet growing security threats, is limited. In fact, 45 states curb counties' property tax authority and only 29 states authorize counties to collect sales taxes, usually with restrictions. Given these constraints, ensuring that our elections are free and secure will take continued assistance from our federal and state governmental partners.

Counties deeply appreciate the federal funding appropriated in last year's COVID-19 relief package and omnibus bill. However, in several instances, much of these resources remained at the state level and therefore were unable to assist county security efforts. Counties agree that these dollars are needed at all levels, and they are especially vital to county governments which oversee and administer safe and secure elections.

Understanding that America's constitutionally decentralized election infrastructure recognizes that policies that may be best suited for one state may not be best suited for others. We respectfully encourage the federal government to engage in a robust federalism process with both state and local stakeholders regarding any legislative or regulatory changes relating to elections.

County election officials work diligently with federal, state and other local election officials to ensure the safety and security of our voting systems. County election officials strive to administer elections in a way that is accurate, safe, secure and accessible for all voters.

Locally-run elections have been a part of our country since its beginning. Our diversified and decentralized election infrastructure is what makes it so resilient and robust. However, in the last two centuries, election administration has evolved as technology, opportunities and threats have all changed. While meeting these challenges and integrating new technologies, counties have continuously worked to preserve the integrity and security of America's elections, and we will continue to work to combat new, sophisticated risks to election security and integrity.

As an omnibus bill, H.R. 1 includes several of examples of best practices already in place in many states and counties. However, in other cases, mandating the best practices from another state would detract from and possibly replace work that has already gone into creating voter-centric practices based on a different model.

Several provisions also could place burdensome mandates on processes that, in some states, are carried out at the local jurisdiction level. Specifically, local elections officials are concerned that, if enacted, provisions within H.R. 1 would be problematic.

Therefore, we respectfully offer the following considerations as you engage in ongoing negotiations on H.R. 1, For the People Act:

- **Provisional balloting standards:** This proposal requires states to establish uniform standards for counting provisional ballots and requires that provisional ballots from eligible voters at incorrect precincts or polling places be counted. Of key concern is that this provision deviates from how federal law has already shaped the administration of elections in this country.

For example, Congress previously exempted states with election day registration from the requirement for provisional ballots. The legislation would require a state that does not currently operate provisional balloting, like Minnesota, to suddenly face a very high volume of provisional ballots from voters who go to an incorrect precinct or polling place. This process is intensely manual, adds significant increased administrative burdens and costs, and would likely push many states to abandon precinct-based voting on Election Day altogether and go to voting by mail with vote centers like we have in my state of Utah.

- **Ballot drop boxes:** The legislation mandates the use of drop boxes for all state and local governments using a formula based solely on the number of registered voters. But with the substantial variety of county geographic size, population clustering, distribution of cities, and transportation availability, such a proscriptive formula will create instances of insufficient or excessive coverage, and would create unfunded maintenance requirements that increase administrative costs every election.
- **Nationwide same-day registration:** Voters would be able to register to vote and cast a ballot for federal elections on Election Day or any day of early voting. Same-day registration works well in many states, but would introduce significant hurdles in others. Some administrative concerns include poll workers determining eligibility to vote, increasing the number of provisional ballots, delaying the release of election results because of additional research involved, and the lack of digital infrastructure to share information in real-time to prevent double voting, particularly for counties who do not use e-pollbooks or are restricted by state law to connect e-pollbooks to the Internet.
- **Nationwide early voting:** Voters would be allowed to vote in federal elections beginning at least 15 days before Election Day. Polling places must be open for no less than 4 hours each day, have uniform hours each day they are open and be within walking distance to public transportation. This requirement could cause large financial costs to counties – both urban and rural. For example, in Weber County, this new requirement would result in an additional \$39,000 per election, in a county where over 97 percent of voters do not even vote in person. While this proposal will impact all local jurisdictions, we are particularly concerned about the impacts on rural counties, who face limited flexibility and resources to comply.

Therefore, as you consider federal elections policies, I urge you to allow counties to retain ownership of best practices that we have developed and administer at the local level, and not require states to preempt our diligent and effective work.

In conclusion

Chairwoman Lofgren and Ranking Member Davis, thank you again for inviting me to testify today. The most important way to guarantee we are working together to safeguard our elections is to ensure local officials – those running the elections on the ground – are included in the solutions. Inviting me to testify today is

indicative of your commitment to including counties in these discussions, and I thank you both for your focus on this issue.

Our nation's counties stand ready to work with Congress, federal agencies and our states to ensure that our elections remain secure, fair and trustworthy.