



U.S. ELECTION ASSISTANCE COMMISSION
1201 NEW YORK AVENUE, N.W., SUITE 300
WASHINGTON, D.C. 20005

February 8, 2012

The Honorable Todd Rokita
236 Cannon House Office Building
Washington, DC 20515

Dear Congressman Rokita:

With regard to your letter of March 7, 2012, you are correct that even absent a quorum of commissioners at the U.S. Election Assistance Commission, agency staff is still able to manage the voting systems certification/decertification process; disbursement of unused HAVA funds under the same process in place when a quorum existed (assuming the state requirements are met); and first level audit appeals to the Executive Director/acting Executive Director.

Absent a quorum, appeals to the Commissioners of staff level decisions cannot be considered. Neither can the agency issue advisory opinions on the appropriateness of the potential expenditure of HAVA funds on particular projects. The agency lost its quorum in December, 2010, and to date that fact has not presented a problem with regard to second level appeals. There are, however, several requests for advisory opinions pending.

If you have additional questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Robbins".

Mark A. Robbins
General Counsel &
Acting Executive Director