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May 04, 2012

Mr. Trey Grayson  
Director, The Institute of Politics  
Harvard University  
79 John F. Kennedy Street  
Cambridge, MA 02138

Dear Mr. Grayson:

We send our regards to you and all of the attendees of your upcoming symposium, "The U.S. Election Assistance Commission & the 2012 Election Cycle." There is no question that EAC has an important role to play in the 2012 election and, as a sustained assault on the Election Assistance Commission has been the principal activity of the Committee on House Administration in the 112<sup>th</sup> Congress, we would like to share some of our thoughts on the subject with you. We have reached these conclusions after extensive study of the issue and conversations with local election officials from across the country who shared stories of how EAC has saved them time and money and helped to ensure that millions of citizens are not denied their constitutionally guaranteed right to vote.

Congress passed the Help America Vote Act in 2002 as part of our response to the travesty in Florida during the 2000 presidential election. For decades, state and local election officials had told of how election work was consistently underfunded, how their budgets were the first raided when states needed to close a deficit, and how the rights of citizens to vote were threatened. Florida made those problems clear to those who had been unaware of or willfully blind to them. The Election Assistance Commission was created as part of the response, to take full advantage of the opportunities our federal system allows. A federal agency, by coordinating information gleaned from the 50 states and more than 8,000 localities that run our elections, could help these disparate election administrators to learn from one another while leaving them the flexibility to respond to challenges unique to their constituents.

There were problems with the legislation authorizing EAC, problems sufficient that one of us even voted against HAVA. This was no surprise. Electoral reform is a complicated task and we faced strong opposition, including from some members of the National Association of Secretaries of State and even key chairmen of House committees. But performing oversight of federal agencies, finding problems and promulgating solutions, is one of the most important duties of Congress. That's one reason that HAVA called for reauthorization of EAC in 2007: to provide an opportunity for Congress to fix any problems uncovered during the commission's first five years. This decision, common practice across many decades, has seemingly confused

many people who continue to think that legislation authorizing 8-year tenures anticipated the commission only existing for five years.

As a result of some of these problems, and a lack of interest or investment from Congress, EAC struggled in its early years as its commissioners and staff sought the best ways to serve their constituents by assisting in election administration. Fortunately, around their fifth year, they began to find their stride. They hired a Chief Financial Officer to keep better track of their finances and then-Subcommittee Chair Lofgren tirelessly pressed for improvements in efficiency. The results have been most encouraging.

One county elections administrator reported that a single video of an EAC conference she'd been unable to attend but watched on their website would save up to \$100,000 per year. Local election officials from Maryland to California, Republican and Democrat and non-partisan, tell stories of how working with EAC is a pleasure because, as former election administrators, "they have practical knowledge", and, "They always asked us, 'Well, how will this affect you?'" We heard from smaller jurisdictions, where the entire budget is less than \$100,000, that EAC is vital to them because it's their only access to the best analysis and new technologies.

That's why we're surprised, and a little saddened, to see a session asking "Is The Agency Worth Keeping?" We can assure you that the answer from those who work most closely with EAC is a resounding, "Yes." Opponents of EAC have focused on the fact that a majority of its budget now goes to salaries rather than grants. While this is a strange attack from people who oppose federal grants, this fact is neither surprising nor troubling to us and occurred for two reasons. The first is that Congress has never given EAC the grant money that it ought, and every state or local official who has struggled to find the funds to purchase needed supplies or reliable voting machines can attest that EAC would have no problem finding worthy recipients if it had additional grant monies. But the second and more important reason is that EAC, like most federal agencies, provides much more to our country than a source of money. EAC staff help election administrators learn how to make their money go further, making elections more efficient and more effective at doing what should be everyone's goal: ensuring that every eligible citizen can exercise his or her right to vote.

The money spent on EAC salaries helped to organize the event that will save that county hundreds of thousands of dollars. It helped ensure that officials everywhere can go online and learn the best way to ensure that their ballots are kept secure. And EAC makes this information available not only to elections administrators but the general public, ensuring complete transparency about the work the Commission has done. The Iowa GOP mistakenly certified the wrong candidate as victor earlier this year. Had they followed EAC's recommendations, that problem never would have happened. EAC helps to ensure that the administrators of our elections don't make such mistakes.

Proponents of doing away with EAC point to the federal deficit as justification. This would be more credible if they hadn't urged the same case since 2002, and if they weren't continuing to vote to increase the deficit for spending on other things. We happen to think that assisting local officials who administer our elections should be a federal priority. We spend millions of dollars, and put our young men and women in harm's way, promoting and protecting

democracy around the world. Is it really too much to spend \$14 million here at home? The Congressional Budget Office reports that the bill to eliminate EAC would save approximately \$3.3 million per year if everything works as the bill's authors claim. To put that in perspective, the contested race for Senate in Minnesota in 2008 is estimated to have cost that state as much as \$5 million and the candidates around \$20 million. Worse, the people of Minnesota were deprived of one of their senators for six of the most turbulent months in recent history. If EAC can prevent the need for such recounts and reduce the costs and time involved in others, how much is that worth?

The Florida recount, which led to the creation of EAC in the first place, cost vastly more. It occurred when the certification of election machines was handled by the Federal Election Commission. Today, FEC is the quintessential example of a dysfunctional federal agency. Only a few weeks ago, one of the few regulations they've managed to pass in recent years was struck down *via* summary judgment, and the Commission has deadlocked on nearly every recent effort it has made to regulate or enforce its decisions. We need not ask who is responsible for this state of affairs to be amazed that EAC's enemies would suggest returning the role of voting machine certification to FEC. None can deny the importance of this job nor that EAC has handled it superbly. Why would anyone want to return to Florida in 2000?

There are many issues facing this country, and there are areas of strong disagreement. Every American, however, should agree that assisting to ensure that our elections, on which every aspect of our government depends, is a right and proper thing to do. EAC can do that job better, and we introduced the EAC Improvements Act of 2011 (H.R. 1937) to help it do so. But we have not heard a compelling argument for doing away with the agency whose sole purpose is helping state and local officials protect their citizens' right to vote.

We hope that you will share our letter with the attendees of your symposium and thank you for your work at the Institute of Politics.

Sincerely,



Robert A. Brady  
Ranking Member,  
Committee on House  
Administration



Zoe Lofgren  
Former Chair,  
Subcommittee on Elections



Charles A. Gonzalez  
Ranking Member,  
Subcommittee on Elections