

## **I. In Focus This Week**

### **EAC faces tough questions on Capitol Hill**

*Budget, performance get scrutiny in House Elections Subcommittee*

by [Andreas Westgaard](#)

The continuing debate about the future of the [U.S. Election Assistance Commission](#) (EAC) recently found its way to a Congressional hearing room. Specifically, the U.S. Committee on House Administration's Subcommittee on Elections held a [hearing](#) during which members not only questioned the specifics of the agency's budget but openly wondered whether the agency has outlived its usefulness.

"As many of you know, I have serious doubts about the Commission's purpose," said subcommittee chair Gregg Harper (R-Miss.), citing the dwindling pool of federal dollars authorized for distribution by the EAC to the states under the [Help America Vote Act of 2002](#) (HAVA).

Harper has introduced [H.R.672](#), a bill that would terminate the EAC and transfer some of its responsibilities to other agencies.

On the topic of the EAC's [FY 2012](#) Budget Request of \$13,715,665, Harper expressed considerable skepticism about that figure noting that 51.7 percent of the total budget – including approximately \$5.4 million in overhead – represented [management expenses](#) compared to direct election programs totaling around \$3.5 million.

He was not alone in his assessment.

After EAC Commissioner Donetta Davidson defended the 2012 budget proposal, Commissioner Gineen Bresso, who had experience overseeing the EAC during her tenure as elections counsel for the Committee on House Administration Republicans, agreed with Harper.

"I do not support the budget," Bresso testified, saying she thought it "spends too much money on the bureaucratic infrastructure and not enough on agency activities and programs that assist state and local election officials and benefit voters."

EAC executive director Tom Wilkey disagreed, arguing that the agency represents a "very low kept cost to the federal government," and pointed to its rigorous voting system certification program which he said allowed states and localities to save millions of dollars at testing time.

Additionally, Wilkey argued that the EAC collects valuable information about elections. In particular, he cited the impending release of "the latest, most comprehensive data about the ballot request and return rate for overseas and military voters," and would inform Congress about the impact of the Military and Overseas Voter Empowerment (MOVE) Act of 2009.

Wilkey did agree that the EAC, like many other federal agencies, will have to learn to do more with less and become leaner and more efficient.

Budgetary issues are not the only challenges facing the agency and many of them got attention at the hearing. Members and witnesses all noted that two of the four EAC seats remain vacant, leaving a lack of quorum for even basic decisions. Harper noted that the National Association of Secretaries of State recently renewed its [resolutions](#) calling for the elimination of the EAC. Harper also submitted an October 2010 [letter](#) and a 2009 [report](#) from the Social Security Administration (SSA) alleging that the EAC has

failed to submit a HAVA-mandated report (originally due in 2005) on the feasibility of using Social Security numbers to establish voter registration.

Following the hearing, Harper had not changed his view about the EAC's future.

"What my colleagues and I heard again today was further confirmation that we need to eliminate the EAC, which has clearly served its purpose and is no longer essential to the administration of our elections," he said in a [press release](#) reiterating his support for H.R. 672.

(Andreas Westgaard is a [Pew Leadership Fellow](#).)

## II. Election News This Week

- A report issued by a Fresno County, Calif. grand jury found that the county's [clerk was not to blame for long lines and confusion over where to vote on Election Day](#) but that the county's administrative officer and board of supervisors were to blame for cutting the registrar's budget. According to the report, Clerk Victor Salazar had no choice but to eliminate 108 polling sites. County records show that funding for his office is down 40 percent from what it was five years ago. This caused thousands of voters to wait in long lines at the remaining 114 precincts, which were too small to accommodate the crowds. Many voters left without casting ballots. Others didn't get a chance to vote because polling places weren't properly identified and not easily accessible by public transit, the report said. Salazar told *The Fresno Bee* that he worked within the budget that was given to him by the board. He said the report vindicates complaints against him and his staff. Despite the cuts in Salazar's office, the report said, "it appears the remaining staff is professional and dedicated to the concept of conducting fair, open and accessible elections subject to budgetary constraints."
- A settlement between [Cuyahoga County, Ohio and ES&S](#) was reached this week. In July 2008, the board of elections approved a five-year, \$13.4 million deal with Omaha, Neb.-based ES&S. The scanners were supposed to handle 17-inch ballots, but had trouble recording votes on part of ballots of that size. The county has used 14-inch ballots instead. The county will receive \$200K in the settlement which covers the county's costs of printing extra pages of smaller ballots in 2009 and last year, along with extra staff costs to test the scanners and for repairs to ballot boxes the county bought from ES&S.
- **Voter ID Update:** On Tuesday, the [Alabama](#) House of Representatives voted 64 to 31 to approve voter photo ID legislation. The bill moves next to the Senate. Late last week, a House panel approved voter photo ID in [Arkansas](#). The legislation now moves to the full House. The [Kansas](#) Senate passed their own voter ID legislation this week and will now work with the House to resolve issues between the pieces of legislation. A [North Carolina](#) House subcommittee was expected to vote at press time to determine whether or not to move the Tar Heel version of photo ID forward. The debate was heated, but the [Ohio](#) GOP prevailed with photo ID legislation in the House. The bill moves next to the Senate, where, according to the *Columbus Dispatch*, Senate President Tom Niehaus, R-New Richmond, doesn't regard it as a priority. A House panel in [Pennsylvania](#) heard testimony this week about the state's latest attempt to require a photo ID to vote. Last time legislators voted from their hospital beds to keep voter ID from passing in [Texas](#) and while the debate was no less passionate this time around, on Wednesday the Texas House approved a photo ID bill. The Senate had previously passed its own voter ID legislation.

## III. Research and Report Summaries

*electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to [sgreene@pewtrusts.org](mailto:sgreene@pewtrusts.org).*

[The High Cost of Voter ID Mandates](#) - Common Cause Minnesota and Citizens for Election Integrity  
Minnesota, March 2011: This briefing paper examines the fiscal notes of proposed voter ID mandates in Minnesota and states that they greatly underestimate the cost of implementing ID requirements.

## IV. Opinions

National: [Student voting](#); [Voter registration](#)  
Technology: [Hacking an election](#)  
Alabama: [Voter ID](#)  
California: [Top-two primary](#)  
Colorado: [Saguache review](#); [Instant-runoff voting](#), [II](#)  
Florida: [Ex-felon voting rights](#), [II](#), [III](#), [IV](#)  
Illinois: [Number of precincts](#)  
Maine: [Runoff elections](#)  
Nevada: [Early voting](#)  
North Carolina: [Voter ID](#), [II](#), [III](#), [IV](#), [V](#), [VI](#), [VII](#), [VIII](#); [Ballot barriers](#)  
North Dakota: [Voter disenfranchisement](#)  
Ohio: [Election reform](#); [Voter ID](#)  
Tennessee: [Cost of paper ballots](#)  
Washington: [Primary election](#)  
West Virginia: [Satellite voting](#)  
Wisconsin: [Recall elections](#)

## V. Poster and Slogan Contest

For the first time, Federal Voting Assistance Program officials are opening the program's biennial voting poster and slogan contests to all U.S. citizens using [Challenge.gov](#) to facilitate the process. The FVAP Slogan Contest challenge asks for slogan ideas that inspire members of the military, their families and U.S. citizens residing overseas to start or continue to participate in elections while away from home, and can be found at [FVAP.gov](#) or <http://challenge.gov/DoD/115-absentee-voting-slogan-contest>. The FVAP Poster Contest seeks artwork illustrating what it means to be an American voter anywhere in the world. The FVAP Poster Contest details are located at [FVAP.gov](#) or <http://challenge.gov/DoD/116-absentee-voting-poster-contest>. There is no limit to the number of entries an individual may submit for either contest. All entries must be received by April 8, 2011. All submissions must include your full name, branch of service (if military), mailing address, daytime telephone number, fax number and e-mail address (if applicable). Defense Human Resource Activity personnel and their immediate family members are not eligible to participate in these contests.

## VI. Job Openings

**Director of the Division of Elections, Tallahassee, Fla.** — serves at the pleasure of the secretary of state who is the chief elections officer for the State of Florida and an appointed agency head within the executive branch. Some of the duties and responsibilities of the director of the Division of Elections are as follows: directs, manages and coordinates all administrative, programmatic and operational activities of the division; oversees the management of the HAVA Section, Bureau of Voting Systems Certification, Bureau of Election Records and the Bureau of Voter Registration Services; oversees the development, implementation, and coordination of rules and administrative directives of the division as well as legislative proposals affecting election laws. Applicants should have at least five years of election administration experience at a managerial level in either state or local government. **Salary:** \$90,000 and includes benefits. **Application:** Resumes should be directed to: Jennifer Kennedy, Assistant Secretary of State, 500 South Bronough Street, Tallahassee, FL 32399-0250. For further information on the Florida Division of Elections, please visit our website at <http://election.dos.state.fl.us>. **Deadline:** March 24, 2011.