

NOMINATIONS TO THE ELECTION ASSISTANCE COMMISSION

- - -

TUESDAY, OCTOBER 28, 2003

United States Senate,
Committee on Rules and Administration,
Washington, D.C.

The Committee met, pursuant to notice, at 9:35 a.m., in Room SR_301, Russell Senate Office Building, Hon. Trent Lott, Chairman of the Committee, presiding.

Present: Senators Lott, McConnell, and Dodd.

Staff Present: Susan Wells, Staff Director; Elizabeth McAlhany, Deputy Staff Director; Alexander Polinsky, Legislative Director; Ken Jones, Chief Counsel; Kennie L. Gill, Democratic Staff Director and Chief Counsel; Veronica Gillespie, Democratic Elections Counsel; and Sue Wright, Chief Clerk.

Chairman Lott. The hearing will come to order. Thank you for all being here this morning. The purpose of this hearing is to consider the four Presidential nominations to the Election Assistance Commission. Mr. Paul DeGregorio of Missouri is a nominee for a two_year term; Ms. Gracia Hillman of Washington, D.C. is nominated for a two_year term; Mr. Raymundo Martinez

of Texas is the nominee for a four_year term; and Mr. DeForest Soaries of New Jersey is nominated for a four_year term. We are glad to have you all here this morning. Welcome to the nominees and to those who will be introducing them. We hope that you are enjoying our new digs here in the Rules Committee. This is our first hearing since we had the room redecorated and now we are very concerned that every committee chairman that sees this will expect similar improvements in their committee rooms. So do not get any ideas, Senator Bond.

As many of you know, the Election Assistance Commission, or EAC for short, was the result of the Help America Vote Act which passed one year ago this month. The EAC will consist of four members appointed by the President and confirmed by the Senate. Initial terms of the members are staggered two and four_year terms after which all commission members may be reappointed for one additional four_year term. The passage of Help America Vote Act was partly in response to the experience we had, of course, in the 2000 Presidential election. During that post_election time period there was a lot of confusion, misinformation circulated about the processes in the country. Not just in Florida but in all other States.

In addition, there was no centralized Federal repository of

information that dealt with some of the concerns being raised at the time such as voting technology, voting tabulation procedures, and the like. Congress' quick action on this subject subsequently filled the gap and an election reform package was passed later that year. I also want to add that it was because of the outstanding work of Senators McConnell and Dodd and their staffs who shouldered the burden of making election reform a reality. They were truly the architects of the election reform package that passed.

It looked like at a couple of points the legislation might actually die, but they would not give up on it. They kept working and it is a classic example of how you can come together in the Senate, between the Senate and the House, and between the parties when you have strong leadership like these two gentlemen. They deserve an awful lot of credit. Now we have got to make it work.

Although the EAC does not have any Federal rulemaking or regulatory enforcement authority, it will serve as a useful instrument in assisting States and local election authorities in carrying out electoral duties. In fact I believe the lack of rulemaking and regulatory authority is one of the most positive aspects of this commission. The EAC will not be mired

down in minutia of rulemaking and regulatory like so many other Government commissions. They will be able to focus solely on their core mission and responsibilities. I believe the EAC will serve as a true assistance commission and help those States and local governments to hold honest, and trustworthy elections. I hope the EAC will fill this void and act as a best practices clearinghouse for election information as well as to assist with the implementation of fair and accurate electoral processes.

In addition to the creation of this act, the Help America Vote Act authorized more than \$2 million in Federal assistance to ensure that State and local elections are carried on in an efficient and accurate manner. Just this past week, again under the leadership of the two gentlemen here on this Committee, we added additional funds to actually carry out the intent of that act.

One of the EAC's specific missions is to assist State and local officials in implementing new voting systems. For example, many of the controversial punch card machines will be replaced and updated with the latest voting technology to avoid hearing all the far too often catch phrases such as hanging chads or other descriptive terms to explain why that is not the best voting

system. I will not get too much into detail but there are some specific responsibilities outlined for the EAC commissioner. I know that the nominees are familiar with this and we will maybe get into some of that in the testimony and the questions that will follow.

Before we go to the introduction of the witnesses and the statements of the witnesses, let me call on Senator Dodd, our ranking member on the Committee for any comments he would like to make at this time.

Senator Dodd. Thank you very, very much, Mr. Chairman. Before beginning any comments about the witnesses and the purpose of the hearing today let me comment you and the staff, the Superintendent's Office. This is a magnificent room, and it has rightfully been restored. You have done a great job with it. It certainly has a lot of significance; goes back many, many years and it is nice to see it once again expressing the grandeur. I have always loved in fact, for those who may be curious, the murals and the backgrounds representing the two ships are the Santa Maria and the Constitution. The Constitution overhead representing the War of 1812. Of course, the Santa Maria, Columbus's arrival in the New World in a sense. So it ties the history of the Nation together, this room; a long

history which I will not bore you with today. But you have done a great job in bringing it back and I commend you for it. And what better occasion than to talk about rejuvenating this room and rejuvenating an electoral system that needed some vast improvement. I am delighted that Mitch McConnell, a former chairman of this Committee and with whom I have enjoyed wonderful service over the years is here today. We have been through a lot over the last__it was one year ago tomorrow that the President signed this historic piece of legislation into law. Mitch was tremendously instrumental and it is fitting that the one person sitting at the witness table is Kit Bond, because this was the triumvirate here, I guess you might say, along with the House individuals who put this together, and I am deeply grateful to both of them for their willingness to stick with that piece of legislation, and also their tremendous support last week. We would not have been able to__as Mitch rightly pointed out, there was no good way to do this. We all knew it had to be done, we just did not know how to get it done. Last week we decided, at least we will put it on the table and see if we cannot resolve it; these additional resources. So I thank both of them very, very much publicly. I have said so privately but I want to acknowledge their tremendous

participation, if I can.

Very briefly, Mr. Chairman, I thank you for holding the confirmation hearings in a very timely manner so that we can get this work done. A year ago tomorrow, as I mentioned, the President signed into law the Help America Vote Act. For the first time in our history this landmark legislation recognizes the need for a Federal partnership in the conduct of Federal elections. This partnership does not usurp in any way the authority of State and local governments to administer Federal elections. But it does provide leadership and support for the establishment of Federal minimum requirements that all Federal elections must meet and provides appropriate Federal funding to finance the implication of those requirements.

No civil right is more fundamental, I think we would all agree, to our democracy than the right to vote. It is the mechanism in which democracy by which the voice of the people is heard. According to Thomas Payne, the right to vote is the primary right by which all other rights are protected. In America's democracy, that right must mean an equal opportunity to every eligible citizen to cast a vote and to have that vote counted. Absent that basic premise, the integrity of the outcome of an election, indeed the integrity of our representative form of

government is at risk.

That is why, following the 2000 Presidential elections, a bipartisan group of Senators and Congressmen came together to enact the Help America Vote Act. While we initially viewed the outcome of the 2000 elections very differently, in the end we all agreed that the Federal Government had an appropriate role to play to ensure that in our democracy we made it easier to vote and harder to defraud the system.

I want to again publicly commend my colleagues, the former chairman of the Committee, as I mentioned, Senator McConnell, under whose leadership this Committee first began its consideration of election reform. Together we offer the final version of election reform, the Help America Vote Act, along with our colleagues in the House, Bob Ney, Steny Hoyer, and of course, as I mentioned already, Senator Kit Bond.

In addition to establishing minimum Federal requirements that all States must meet for Federal elections and providing funding to implement those requirements, this act also establishes for the very first time a Federal agency to serve as a clearinghouse and resource organization for Federal elections. The new Election Assistance Commission is designed to bring together all parties who play a role in elections, from voting machine

manufacturers, to the voter registration organizations, and other civil rights groups, to election day officials and administrators to facilitate dialogue and study on how best to administer Federal elections.

The Commission will oversee the distribution of grants to the States. It will establish several boards of advisers to facilitate the implementation of the new Federal requirements, so that States can share information and not waste Federal dollars reinventing the wheel in every jurisdiction. The Commission will also establish technical development committees to work with State and local election officials in the development of voluntary voting system guidelines and to provide for testing and certification of voting system hardware and software.

Finally, the Act charges the Commission with conducting periodic studies of election administration issues with a goal of promoting accurate, accessible, non_discriminatory, user_friendly elections that are efficient and cost_effective.

I want to congratulate each of the nominees today for the honor of being nominated to establish the Election Assistance Commission and to set the standard by which our Federal partnership will be judged for years and year to come. It is

an awesome responsibility and one that each of your backgrounds has trained you equally to carry out. I also want to commend the four Congressional leaders for their outstanding recommendations to the President from which this group of nominees was drawn.

To ensure that our Federal partnership gives voice to all Americans in their diverse experiences on election day, the nominees to this Commission should reflect more than just the perspective of State and local officials. These nominees achieve that goal. Together, this esteemed group will be able to view the Federal partnership from both the experience of voter and election official. While political races may be partisan, elections should never be partisan. The Help America Vote Act is appropriately the first civil rights act of the 21st century, and the bipartisan support that it has received in Congress should be the standard by which your tenure on the Commission is measured.

I want to congratulate each and every one of you and I look forward to your comments here this morning. Thank you, Mr. Chairman.

Chairman Lott. Thank you, Senator Dodd.

Senator McConnell.

Senator McConnell. Thank you, Chairman Lott. This is indeed an exciting day. This legislative quest, if you will, began during my chairmanship of this Committee in January 2001. As most of you know who were close observers of this process, there were numerous bipartisan bills that kicked around in those early months. A classic example of how the legislative process really ought to work. Everybody wanted something to pass. There were some differences along the way among various members about what ought to pass. But at the end of the day we came together, Senator Dodd, Senator Bond, myself and others, who were interested in making this piece of legislation that both sides could be genuinely enthusiastic about.

As many of you know, I think many of the Democrats were fearful that Republicans were trying to make it harder for people to vote. I think Republicans were fearful that Democrats wanted to make it easier for people to cheat. So we had certain preconceived notions about what the goals of the other side were at the beginning of the process. But at the end we were able to do what we repeatedly said after that, to make it easier for people to vote and harder for people to cheat. Something to both in this legislation. So we did both in this legislation. To show you how serious we are about making sure that it is

implemented in time for the 2004 election, I did something I never thought I would. Last week, as the second ranking Republican in the Senate, I advocated busting the budget, which required getting over 60 votes, which is somewhat of an awkward thing to do. In cahoots with Senator Dodd and Senator Bond we got over 60 votes in our desire to achieve full funding early in 2004 so that there can be complete implementation of all of the provisions of this bill in time to make a difference for the 2004 election.

So that is our goal. The appropriations process is not entirely to the end__it is not at a conclusion yet, but we are working hard to get this bill fully funded. I know the Speaker of the House feels that way as well and he is a man of some influence, so we are optimistic that somehow, someday during the appropriations process we will have this measure fully funded and up and ready for the 2004 election.

So, Mr. Chairman, I want to thank you so much for expediting the nominations. I want to congratulate each of you who have been chosen for this exciting new position. We think it is a great honor for you. We are counting on you to do a really superb job, and we are looking forward to hearing your testimony.

So with that, Chairman Lott, let me ask consent that my full statement be made a part of the record.

Chairman Lott. Without objection, it will be so ordered.

[The prepared statement of Senator McConnell follows:]

/ COMMITTEE INSERT

Senator McConnell. Thank you so much.

Chairman Lott. Thank you both for being here, for the outstanding work that you have done.

Senator McConnell, thank you for your comments. I am glad you admitted yourself, your action last week, which I supported in spirit but had to vote against since you were busting the budget.

Senator Dodd.

Senator Dodd. Mr. Chairman, Senator Daschle wanted to be here this morning but conflicting schedules made it impossible.

Senator Daschle recommended the nominee Ray Martinez, and apologizes to him for not being here to introduce him this morning and present him to the Committee. I wanted to note that. He will have a statement in the record I would like to include, and some other letters that we have received just in support of these nominees we will make a part of the record as well.

Chairman Lott. We will put Senator Daschle's statement in the record at this point.

[The prepared statement of Senator Daschle follows:]

/ COMMITTEE INSERT

Chairman Lott. To facilitate the fact that we have four nominees and Senators and Congressmen that will be introducing them, and the limited space, we are going to divide them into two groups of two. So if you will, let us go ahead and get started. Our first two nominees are Paul DeGregorio of Missouri. He will be introduced by Senator Bond. And Ms. Gracia Hillman of Washington, D.C. and she will be introduced by Congresswoman Eleanor Holmes Norton. If you would come to the witness table.

Senator Bond, I again congratulate you for your participation in the effort to get the legislation passed last year. What was that dog's name that voted in Missouri?

Senator Bond. Richie Meckler; my favorite dog.

Chairman Lott. Go ahead, Senator Bond.

Senator Bond. I thank you, Mr. Chairman, Senator Dodd, Senator McConnell. We do thank you for holding this hearing. Mr. Chairman, if the Rules Committee cannot have the grandest hearing room on Capitol Hill, I do not know who can. I certainly appreciate your setting the standard for the rest of the hearing rooms.

I begin by thanking my colleagues, Senator Dodd and Senator McConnell, for their diligence, fortitude, perseverance and

just plain stubbornness. Over the 18-month course of getting this Help America Vote Act passed, it looked more like loading frogs in a wheelbarrow than crafting legislation. But they stayed with it. We came up with a good product, and showing that Senator McConnell and I, along with Senator Dodd, were not troubled by the bugaboo of staying within the budget, we are going to fund the thing this year so that we will have honest, fair, easier to vote elections next year.

It is a pleasure to be here today to introduce truly an outstanding nominee, Mr. Paul DeGregorio. The President has made a terrific choice. Paul will bring a vast amount of experience in actually running elections, and he will bring an unmatched commitment to promoting fair and efficient elections that bring voter access to the ballot box. As you will learn from his testimony, Paul has a genuine enthusiasm for elections and undertakes his responsibility seriously. He will be invaluable member.

First, it is important that we move quickly on implementing this part of the Help America Vote Act. We learned in 2000 and afterwards about__ despite the importance of the electoral process, there are widespread management problems and potential mischief at the ballot box. Many votes were lost at the ballot

box through voter error. We also discovered that State and local officials were having difficulty understanding extensive Federal obligations and implementing the obligations. We discovered that our Nation's voter rolls were in bad shape and the process for maintaining lists and removing names needed to be updated.

Finally, the State and local officials stated clearly to us here in Congress that with the resources, equipment, and procedures needing to be upgraded, we could address the integrity of the process and ensure voter confidence in the outcome of the elections.

As Senator McConnell has said, the Help America Vote Act should make it both easier to vote and harder to cheat. The Election Assistance Commission is an important component of it.

I will ask unanimous consent that my comments on that be included in the record, but let me say that Paul is ideal candidate, having served for eight years as the Republican election director for St. Louis County. With over 60,000 registered voters, it is one of the largest voting jurisdictions in the country, an extremely diverse jurisdiction and it is critical in determining the winner of any statewide race in Missouri. As election director, Paul was responsible for all the nuts and

bolts required to put on an election from designing a ballot to ensuring a sufficient number of election judges to serve at the polling places. I was on the ballot in Missouri while Paul was serving and can attest firsthand as to the quality of his work. Now I am here. It worked.

I might also say that in St. Louis County, I understand the error rate was a minuscule 0.03 percent despite the fact that they used the much_maligned punch card voting system throughout the county. Actually the error rate is higher in my home county, Audrain County. They have never found an error there with a punch card. But that is beside the point.

In recent years Paul has served as the executive vice president and chief operating officer of the International Foundation for Election Systems. IFES is one of the leading institutions in promoting elections and democracy around the world. He and his organization have provided critical assistance in newly_established democracies including Russia, Kazakhstan, Moldova, Ukraine, Albania, Macedonia, China, Slovakia, Cambodia, Thailand, Indonesia and Japan, which should qualify him to help with the voting process in Palm Beach County and St. Louis City, Missouri.

Paul has made running clean, fair and efficient elections his

career. His vast, tremendous amount of experience will go a long way to making the Commission the effective body we envision and I encourage the Committee to proceed on consideration of the nomination and send it to the Senate floor for prompt consideration.

Chairman Lott. Thank you, Senator Bond.

Congresswoman Eleanor Holmes Norton, if you would introduce Ms. Hillman, please.

Ms. Norton. Thank you very much, Mr. Chairman. I commend you and the Committee on the very important work you have done on the Help America Vote Act and particularly for the work you do today to bring that act forward and to put it into implementation. I am sure that what you do in appointing the first commissioners will inspire confidence in our democracy itself.

It is my great pleasure to introduce one of my constituents who has been nominated by the President to be one of the inaugural commissioners, Gracia Hillman. Leader Nancy Pelosi also appreciates that the President has nominated Ms. Hillman whom Ms. Pelosi recommended. I think you will find that Ms. Hillman's experience and background is highly relevant to the work of the new Commission. Among the many items in her vita

that attest to that, perhaps what best does so is her work as executive director from 1990 to 1994 of the League of Women Voters; the highly respected, non_partisan, good government organization that for decades has been among the preeminent organizations encouraging citizen participation in our political process.

Her work__and you have her full vita before you so I will not detail it all, but among the other relevant aspects to be noted, I think, are her work with the State Department to ensure that international human rights includes women's rights, her work as president and CEO of the World Space Foundation, an interesting and unique organization that brings audio and multimedia educational programming to Asia and Africa, working with indigenous groups. One of its products has been the Africa learning channel, for example.

I believe that you will find that Gracia Hillman's work in non_partisan and non_profit organizations throughout her entire career makes her an especially excellent choice to serve as one of the first commissioners of this important commission, and I thank you very much.

Chairman Lott. Thank you very much, Congresswoman Eleanor Holmes Norton and Senator Bond.

If you would now allow the next panel to come forward to be introduced. The other two nominees are Reverend DeForest Soaries of New Jersey to be introduced today by Senator Corzine of New Jersey; and Mr. Raymundo Martinez that will be introduced by Silvestri Reyes. Please take your seats, gentlemen, and we will proceed with you, Senator Corzine.

Senator Corzine. Thank you, Mr. Chairman. Let me commend all of you for an excellent effort in moving forward on something that is absolutely fundamental to the effectiveness of our democracy. I commend the Chairman for his leadership in moving forward in implementation of the new law, but I also want to commend Senators Dodd and Mitch McConnell for their strong leadership on this, and particularly putting our money where our mouth is on this. I am quite grateful.

I have a statement from my colleague, Senator Lautenberg, that I would like to put into the record with regard to the Soaries nomination.

Chairman Lott. It will be placed in the record at this point.

[The prepared statement of Senator Lautenberg follows:]

/ COMMITTEE INSERT

Senator Corzine. Let me just say that this is a real honor for me to introduce to the Committee a person that I consider a close

personal friend. Reverend DeForest B. Soaries, Jr. is really one of the leading citizens of New Jersey. He is more familiarly known as Buster to his many friends and admirers. But there is not anyone that I know who has served the State of New Jersey, and I believe will serve this Nation more ably with great intelligence and people skills in a very, very important position. Without qualification, and I mean without qualification, I recommend this remarkably good and decent man. Mr. Chairman, the EAC has before it a difficult task, restoring the confidence of Americans in our electoral system after the extraordinary circumstances of the 2000 election. I think all of us as agree, no civil right is more important to the fundamental workings of America's democracy than the right to vote. The concerns that were spawned by the election I think have been addressed, hopefully will be addressed with the workings of the Commission by the Help America Vote Act. This creates both the resources and the framework to deal with a lot of those problems and I am, as I said, quite pleased about it. We certainly want to make sure that the wounds of 2000 are healed. I think this effort will do that. I believe Dr. Soaries can be a crucial part of that effort. His resume and his record, I think, make him an outstanding

nomination by the President for this particular position. Not only does he have personal credibility, but he is an exceptional leader. He is a senior pastor at the First Baptist Church of Lincoln Gardens in Somerset, New Jersey where under his leadership the membership has gone from 1,500 members to 6,000. The reach of his ministry reflects the commitment and conviction of his life and his beliefs that are moving to anyone who has ever come in contact with him. He is an extraordinarily successful pioneer in faith_based community development, whether that deals with non_profit housing, educational experiences, across the board. Importantly for this particular challenge, he served in the Whitman administration as Secretary of State for New Jersey for three years and has much experience with regard to the issues at hand.

Dr. Soaries understands the right to vote is the cornerstone of democracy. He will work, and I believe be convincing to Americans, that we can restore faith in our electoral system. He understands that far too many people of color, people with disabilities, and others have been denied their basic right to participate and I hope that you all will move expeditiously to recommend to the full Senate his endorsement. I look forward to working with all of you on fully and fairly implementing the

Election Assistance Act. I think it is a terrific effort.
Congratulations to all of you.

Chairman Lott. Thank you, Senator Corzine. I think your introduction and this nominee makes it very clear how non_partisan, bipartisan these nominees are because even though they are all just interested in honest and accurate elections, two are Democratic nominees and two are Republican. Reverent Soaries is a Republican nominee and just got the resounding endorsement from Senator Corzine and I am sure Senator Lautenberg in his statement too. So we thank you very much for that.

Congressman Reyes, we would be glad to hear from you at this time.

Mr. Reyes. Thank you, Mr. Chairman, Senator Dodd, Senator McConnell, and other members of the Committee. I appreciate the opportunity to come before you today as a member of the House and immediate past chairman of the Congressional Hispanic Caucus to introduce to you someone for whom we all have the utmost respect, Mr. Raymundo Martinez, III of Austin, Texas. I should also mention that his wife Beth and daughter Sofie were unable to accompany him to Washington because in a few months his wife will be giving birth to their second child. We wanted

you to know that as well, Mr. Chairman.

We are also particularly grateful to the President for nominating Mr. Martinez to the Election Assistance Commission and to Senator Daschle, in consultation with Senator Dodd and the civil rights and voting groups around the country, for recommending Mr. Martinez to the President. We are very proud that a member of our community has been nominated for this enormous responsibility and we are very hopeful that the Committee will approve the nomination of Mr. Ray Martinez and the other nominees before you today expeditiously, as my colleagues have previously requested.

Mr. Martinez has a background similar to many of us in the community; parents who toiled in back-breaking jobs, often more than one job, so that their children could have the advantage of education and a fuller life than they themselves had experienced. He grew up with the values that we prize as a community: a strong work ethic, a strong family structure, a belief in community service, and a deep religious faith. This outstanding public servant is reflective of all of those values. He is a good father and a good son, and he has answered the call to public service many times over.

After securing not only an undergraduate degree from

Southwestern University but also a law degree for University of Houston law center, Mr. Martinez's strong ethic, public speaking ability and consensus_building qualities did not go unnoticed. He was asked to assume the position of regional director for the U.S. Department of Health and Human Services in Dallas, Texas. In this role, he was the principal liaison with Federal, State, and local officials in a five_State region where he focused his attention on full implementation of the CHIP program__that is the Children's Health Insurance Program__attention to the continued public health crisis that has enveloped the U.S._Mexico border and the growing health disparities experienced among various racial and ethnic groups. Ray's efforts clearly captured the attention of Administration officials and he was offered the position of Deputy Assistant to the President for Intergovernmental Affairs. He also assisted President Clinton with various policy issues involving the Nation's Governors and other statewide elected officials. In addition, he served on an interagency task force on the economic development of the southwest border where he worked on ways to stimulate economic growth in this area and assisted with the implementation of the U.S._Mexico Border Health Commission which is now located in El Paso, Texas, my home

district.

Mr. Chairman, as you can see, Mr. Ray Martinez has significant experience interfacing day in and day out with Federal, State, and local officials across the country which bears directly to the mission of the Election Assistance Commission. Throughout his career he has gained a foundation and understanding of the challenges that are facing the general voting public and the Latino community in particular in exercising their right to vote, and recognizing the ways in which these challenges can be met if we are to achieve full voter participation as envisioned in the Help America Vote Act.

In its advisory role, the Election Assistance Commission will play a key role in addressing election reform policies that will have a significant effect on the Latino access to the electoral process. Having a diverse slate of nominees, particularly Latino representation on the EAC, sends a very strong message to the Nation's second largest and fastest_growing population group, that their civic participation is vital to our democracy. Mr. Martinez's diverse perspective on the EAC is also important as the Help America Vote Act seeks to reinforce Federal mandates that require many jurisdictions to provide language assistance to Latino voters.

Additionally, under the Help America Vote Act, States must implement plans with specific programs that could enhance Latino participation, including voter education and poll worker recruitment. Ray Martinez understands the need to partner with State and local officials if we are to achieve this mighty task of complying with the Help America Vote Act and its requirements, using its money judiciously to help enhance voter participation.

I want to recommend Raymundo Martinez, III to you, and we in the Hispanic community are very proud to have his name before you. We look forward to a positive vote from the Committee and to his name coming before the full Senate for confirmation, together with all the other nominees which I want to include and congratulate, before, we hope, the Senate recesses.

I thank you for giving me this opportunity, Mr. Chairman. I also want to again thank Senator Dodd and Senator McConnell for staying with a very, very important issue for this country. Thank you very much.

Chairman Lott. Thank you very much, Congressman. We will take just a momentary break here while we bring the other two nominees back to the table.

I believe we are ready to go. I would ask the on nominees, now

that they are comfortably seated, to please stand and raise your right hand. We would like to swear you in.

[Witnesses sworn.]

Chairman Lott. Please be seated. Thank you very much for being here this morning and congratulations again. We will make your entire statement a part of the record, so if you feel like you could maybe summarize it, that would be helpful, in the interest of time, and allow us some opportunity to maybe ask a couple of critical questions that we need to get on record about your position and the activities of the Commission. So I believe, Mr. DeGregorio, we will begin with you.

TESTIMONY OF PAUL S. DeGREGORIO, NOMINEE TO BE A
MEMBER OF THE ELECTION ASSISTANCE COMMISSION

Mr. DeGregorio. Mr. Chairman, Mr. Ranking Member, members of the Committee, thank you for giving me this opportunity to share with you some of my background and interest in the newly created U.S. Election Assistance Commission. It is an honor for me to share the dais with three distinguished Americans, Gracia Hillman, Reverend Buster Soaries, and Ray Martinez. I would like to acknowledge the presence of my wife Carrie, my sister Fran, my brothers Roland and John, who are here today representing my four daughters and my many, many family member, colleagues, and friends who made me what I am today. I also want to thank Senator Bond for his kind introduction.

I am deeply honored to have been asked to serve on this important commission. The Help America Vote Act which was enacted just one year ago tomorrow is an historic law for all Americans and will make our democracy stronger. If confirmed as a member of this Commission, I will work hard to implement this act with the highest integrity and will utilize all of my God_given skills in doing so.

For the past 20 years I have been immersed in the administration of elections, both here in the United States and abroad. From

1985 to 1993 I served as the director of elections for St. Louis County, Missouri, one of the most complex counties to administer elections in the United States with 92 municipalities and 26 school districts. During my eight years as director of elections I sought to be the best administrator in the Nation. We modernized our systems, made it easier to register, and receive great recognition for our achievements. With small wards and our 92 municipalities, every year we had five or more races where 10 votes or less made the difference in the election, so I am very familiar with recounts, hanging chads, and knowing that every vote counts.

During the past 10 years I have had the distinct honor of sharing my election expertise in over 20 countries as an expert for the International Foundation for Election Systems. IFES, as it is known, is a non_profit, non_partisan organization based here in Washington, D.C. that promotes democracy throughout the world by providing expertise in elections to governments and election bodies. Earlier this month I had the honor to represent IFES and the United States in Moscow at the 10th anniversary of the founding of the Russian Central Election Commission. I was present in 1993 for the birth of the Russian Election Commission and have provided technical support and

advise to the commission over the past 10 years.

I have also been involved in helping to improve the election process in the United States and served as the education and training chairman for the International Association of Clerks, Recorders, Election Officials and Treasurers. As director of outreach for the University of Missouri_St. Louis I helped to establish a chancellor's certificate in public administration program for election officials throughout the United States. Working for IFES I led a team of U.S. experts that conducted an important assessment of the problems in Florida's Miami_Dade County for the November 2002 election.

The Election Assistance Commission to which I have been nominated by President Bush will be an important body that will provide technical support to the nearly 5,000 State and local officials who conduct elections in the United States, the District, and our territories. If confirmed to this position by the United States Senate, I will work to implement the Help America Vote Act to help ensure that every citizen has the opportunity to register and vote in an accessible, free and fair manner, and all Americans have confidence that the elections conducted in this Nation are administered properly and without fraud, and that their votes really do matter.

During my considerable work overseas over the past 10 years I was often questioned by foreign officials on why the Federal Government of the United States had not provided assistance or funding in election administration to State and local officials. With the enactment of the Help America Vote Act I, along with all Americans, can now answer that the United States has taken a bold and important step to ensure that our system of democracies in elections remains the best in the world. I would be honored to have your support of my nomination to the Election Assistance Commission and would be pleased to respond to any questions that you may have. Thank you.

1

[The prepared statement of Mr. DeGregorio follows:]

Chairman Lott. I think rather than asking questions of each witness as we go, or nominee, we will go ahead and do all four and then we will ask some questions.

Ms. Hillman.

TESTIMONY OF GRACIA M. HILLMAN, NOMINEE TO BE A MEMBER
OF THE ELECTION ASSISTANCE COMMISSION

Ms. Hillman. Good morning, Mr. Chairman, and Senator Dodd. It is my great privilege to have the opportunity to appear before the Rules Committee as a nominee to the Election Assistance Commission. I am honored that Leader Pelosi recommended me as a candidate, and am honored to have been nominated by President Bush. I use this opportunity to thank the President and the Leader for their expressions of confidence in my ability and integrity.

Mr. Chairman, I am proud to have had the opportunity to submit my credentials and other information to the Committee in advance of today's hearing. Rather than repeat the information previously submitted, I would like to tell you a little more about why I am so honored to have been nominated, and so excited about the possibilities that HAVA presents for democracy in America.

Congress worked hard in a bipartisan fashion and gave thoughtful consideration for about two years to the creation of HAVA. You also considered an appropriate role for the Federal Government in the administration of Federal elections. The Election Assistance Commission has the responsibility of implementing

HAVA as intended by Congress. I am prepared to follow the law and ensure the full and complete implementation of HAVA.

But for me, Mr. Chairman, this is not just an exceptional career opportunity. It is an extension of a life passion that I have pursued at every occasion. It seems to me that beyond updating voting systems and correcting problems, when we look at HAVA we are also looking at yet another opportunity to preserve the very fiber of American democracy, the greatest democracy in the world.

America has tirelessly provided for, and protected the right of the franchise for its citizens. The right to vote is the essence of our democracy. It is through the franchise that citizens participate in shaping the direction of our country and the future of our families. Several laws, including HAVA, the National Voter Registration Act of 1993, the Americans with Disabilities Act of 1990, and the Voting Rights Act as extended in 1982 were constructed to reaffirm the right to vote for all of our citizens.

HAVA cuts through partisanship and electoral politics, and that is how it should be. HAVA caresses the very heart of our democracy and the soul of our Constitution. The Election Assistance Commission will have an unprecedented opportunity

to provide leadership on setting the tone that HAVA is for all of America. And it will set this tone in partnership with many other groups including the Standards Board, the Board of Advisers, State and local election officials, and the many thoughtful organizations that worked on HAVA, including those that represent the civil rights and disabilities communities. As Americans, we are so extraordinarily fortunate to be able to guarantee for our children and grandchildren and all future generations the inalienable right to life, liberty, and the pursuit of happiness. We do that by assuring, confirming and codifying, to the maximum degree, the right of all eligible voters to an equal opportunity to cast a vote and have that vote counted. And we do so knowing that there are many people in the world who are not so fortunate as to have the simple but precious rights to vote and have their vote counted.

The EAC is a product of a carefully balanced bipartisan and bicameral Congressional compromise. I have met with and have enormous respect for Messrs. DeGregorio, Martinez, and Soaries. I look forward to the opportunity to work with them and have every confidence that we can accomplish the task at hand.

Mr. Chairman, as I conclude my remarks this morning I take a brief moment to read a quote. "I have walked that long road

to freedom. I have tried not to falter. I have made missteps along the way. But I have discovered the secret that after climbing a great hill, one only finds that there are many more hills to climb. I have taken a moment here to rest, to steal a view of the glorious vista that surrounds me, to look back on the distance I have come. But I can only rest for a moment, for with freedom come responsibilities, and I dare not linger for my long walk is not yet ended."

That is a quote from Nelson Mandela, but I think it could have been a quote from Dr. Martin Luther King, Jr., Fannie Lou Haymer, Elizabeth Katie Stanton, Cesar Chavez, or Justin Dart, or perhaps, Mr. Chairman, anyone in this room, including myself, who is committed to making certain that every eligible voter has a full and equal opportunity to vote and have his or her vote counted.

Mr. Chairman, Senator Dodd, it is in this spirit that I represent myself to the Rules Committee today. I thank you for your time and look forward to answering your questions.

Chairman Lott. Thank you very much, Ms. Hillman. That was a very
eloquent statement.

Mr. Martinez, we would be glad to hear from you.

TESTIMONY OF RAYMUNDO MARTINEZ, III, A NOMINEE TO BE
A MEMBER OF THE ELECTION ASSISTANCE COMMISSION

Mr. Martinez. Mr. Chairman, Senator Dodd, members of the Committee, it is an honor for me to come before you today to discuss my possible service on the Election Assistance Commission. I want to thank President Bush for the support and the confidence that this nomination reflects. Likewise, I am equally honored by the support and the friendship of Senator Daschle who recommended me to President Bush for this position. Let me also take a moment, if I could, to acknowledge my wife, Beth Martinez, who could not be here today. She is six weeks away from the birth of our second child. Of course, I could not be here this morning without her love and her support. It is a very humbling experience to be called upon to fill such an important position of public trust and to come before this body today. Let me say from the onset that I take the responsibility for which I am being considered most seriously, and I commit to you today that should I be confirmed for this position I will carry out my duties with the utmost integrity, diligence, and humility.

If I may, let me say a few words about my life experiences because they define who I am, and they instill in me the qualifications,

and perhaps more importantly, the respect for the task ahead. I was born and raised in Alice, Texas, a small south Texas town where my parents, now married for the past 56 years, still reside. My father, Raymundo Martinez, Jr., now 83_years_old, retired after working as a auto mechanic and oil field worker throughout most of his adult life. I have, of course, many memories of growing up with my father. Most important, his meticulous work ethic; leaving for work at 6:00 a.m. every morning, returning to the house 10 to 12 hours later after a long day of hard labor, and hardly ever missing a day of work. However, I remember not so much his work ethic but rather his commitment to the community. Even after a long day of work he led a Boy Scout troop, he coached Little League, he participated in the Knights of Columbus at St. Joseph's Church. I learned from my father the importance of community service, and to this day he swells with pride when he talks about his service in the U.S. Army during World War II.

My mother, Hortensia Martinez, also contributed to our community. She worked as a stay_at_home mom throughout most of her life, raising all of her children with the same set of values, faith, fairness, and family, that were passed on to her. But she found time to raise funds for our church, to organize

fund_raisers for college scholarships for high school graduates, and to help senior citizens live a full and dignified life.

Like my parents, I too believe in public service, and I believe I can help implement the Help America Vote Act and successfully complete this Commission's work. The Help America Vote Act was passed with overwhelming bipartisan support and signed into law by President Bush with the goal of improving the administration of elections by transforming the Federal role into one of an active partner with our State and local election officials. I emphasize the word partner. In my view, the long_term success and effectiveness of this Commission will be directly related to our efforts to build a genuine and lasting partnership with State and local election officials to implement effective election reform.

The majority of my professional work has been done in cooperation, consultation and in partnership with State and local government officials. This was true when I served as regional director for the U.S. Department of Health and Human Services, when I later served as Deputy Director of the White House Office of Intergovernmental Affairs, and it is true today. I currently have an active legislative and administrative law

practice in Texas representing county governments and organizations such as the Texas Conference of Urban Counties. Throughout my career I have worked closely with local and State entities responsible for the day to day administration of public policy. I commit to you today to continue my record of working in a positive manner with our State and local partners and with other vested organizations, such as the various civil rights and voting rights organizations that assisted and played a key role in the development of this legislation. By forging legitimate and lasting relationship with our partners__ Chairman Lott. If you would pause just a second.

Is there a doctor or a nurse__

[Pause.]

Chairman Lott. If we could get our panel to return. I think this person perhaps was a little faint and bumped her head on the wall back there. But we do have security and medical assistance coming and they feel like she is going to be okay. Thank you very much for your cooperation, and thank you, panel. I am sorry for the interruption, but please resume where you were, if you can.

Mr. Martinez. I have just about concluded, Mr. Chairman. I will conclude with the following. By forging legitimate and

lasting relationships with our partners, this Commission can effectively use its resources to fulfill its most fundamental responsibility, and that is to ensure that every qualified voter has an opportunity to participate fully and wholly in the electoral process.

With that, Mr. Chairman and members of this Committee, I thank you for the opportunity to appear before you today and for your consideration of my nomination.

3

[The prepared statement of Mr. Martinez follows:]

Chairman Lott. Reverend Soaries. I was trying to remember where I had met you before when we spoke, when we came in. I think it was at one of the faith_based meetings perhaps a year or two ago.

Mr. Soaries. I think so. I think at Kay Bailey Hutchison's gathering.

Chairman Lott. Right. Congratulations to you, too, and we would be glad to hear from you.

TESTIMONY OF DeFOREST B. SOARIES, JR., NOMINEE TO BE

A MEMBER OF THE ELECTION ASSISTANCE COMMISSION

Mr. Soaries. Thank you. Mr. Chairman, Mr. Ranking Member, it high honor for me to join my fellow nominees and appear before this Committee today. A few months ago I met an old friend who gave me a picture of our eighth grade class trip to Washington, D.C. When I saw our photograph standing on the steps of the United States Capitol it occurred to me that in 1964 I had never dreamt that one day I would return to this place as an Presidential nominee. I am humbled by this opportunity, and if confirmed, pledge to serve the country with integrity and passion.

I was Secretary of State of New Jersey in 2000. I paid careful attention to the challenges that stemmed from inadequate voting systems in various places. I became even more aware that at that time my own State had counties that used punch card voting devices. Although we wanted to continue upgrading and updating our voting equipment, fiscal limitations restricted our ability to complete that work. When Congress passed the Help America Vote Act in 2002 I was thrilled to learn that the Federal Government would offer resources to my State and all States to assist them in enhancing the voting process in America.

Voting is the foundational act that breathes life into the principal of the consent of the governed. When public access to voting is impaired or when public confidence in voting is diluted, democracy suffers and our freedom is less secure. The Election Assistance Commission represents a major unprecedented commitment from the Federal Government to sustain freedom and vibrant democracy. I am humbled by the prospect of being one of its charter members.

If I am confirmed by the United States Senate, I pledge to work diligently to create a commission that is user_friendly and accessible to those who are depending upon its efforts. I further pledge to always remember that my mission is to serve and to never allow personal ambition to usurp my responsibility as a public servant. The pledge to put the Nation's needs above partisan political loyalties and to work cooperatively with those whose political affiliation or views may differ from my own. I pledge to carry out my duties in a manner that is consistent with the legislation that created the Commission and to resist the temptation to expand or reduce the legislative intent.

If confirmed by the Senate, I pledge to judiciously use the resources provided by the Congress to promote the best election

practices, meaningful election standards, and the importance of voting throughout the country. My goal will be to help America vote and to believe that every vote is counted and does count.

After answering any questions you might have, I would be honored to receive the endorsement of this Committee for this high and noble mission. Thank you.

4

[The prepared statement of Mr. Soaries follows:]

Chairman Lott. Thank you very much for your testimony this morning. I must say I am very impressed with the qualifications of the panel and your testimony here today. I feel good about what you are going to be able to do in your new position.

We may have a vote here shortly but until we do I would like for Senator Dodd and I to have a chance to ask you some questions. I, of course, could ask you the basic question of how you view your role as election assistance commissioners but I think you probably already responded to that, so I am just going to jump around and ask some questions.

Maybe, Reverend Soaries, I could start with you. In my hometown of Pascagoula, Mississippi__a blue_collar community, not particularly wealthy but sort of a middle income, shipyard working, papermill working community for the most part, a lot of fishermen__we have these machines where you connect the lines and then when you stick it into a machine, if there is something wrong with it, it will not take it. And the minute you stick it in the machine it is counted. So when the polls close, they have got the results right then.

Now here is my question. If we can figure that out and afford it in Pascagoula, Mississippi, why can't other places show that kind of innovative movement? Punch cards, we have known for years,

and a lot of these other systems have problems. So why have you not done that in New Jersey, or why has it not been done in Florida?

The other side of it is, I do not know that that is a perfect system. I do not know if there is a perfect system. We have to continue to work, to learn, and improve it. But how do you respond to that?

Mr. Soaries. My sense, Senator, is that the consensus that was led now by this legislation throughout America is that every voting district, the 3,100 counties in the country should have a system that is reliable. More important than the mechanics of the voting process is the credibility of the voting process. I think our presence here today signals this national consensus that we will no longer tolerate in any district the kind of voting process that does not satisfy the demands of democracy.

However, resources are prioritized, as you well know, in local, counties, State and on Federal levels. To the extent that your voting equipment in your hometown is as sophisticated as you describe, it means that there are people who made that a priority. Our presence here today offers hope to America that we will lead America such that everyone will have equal priorities.

Chairman Lott. While we have a significant amount of money that has been

made available and more on the way thanks to Senator Dodd and Senator McConnell, it is still going to be a major undertaking to have, if you will, the Federal system put in place. Maybe I could ask you this, Mr. Martinez, because you come from a State and an area where you have got an urban area, but also__and there is a need in the bigger cities obviously, but in rural areas they are going to need assistance, in some respects perhaps even more. How are we going to balance that, because there is a finite amount of money here?

Now in my State of Mississippi we have a very aggressive, innovative Secretary of State, Eric Clark, and he has been working very closely with local officials and I think we have made some progress in getting modern voting equipment. I am still worried about the system of making sure there is not a fraud either way in this system. Would you comment on that?

Mr. Martinez. Sure, of course, Mr. Chairman. I think in my law practice and for the past many years of my professional career, Mr. Chairman, I have worked with State and local government officials. Reverend Soaries is correct , it is in many ways a prioritization, very tough decisions that have to go on at the local level in particular in prioritizing limited dollars. When it comes down to buying an additional fire truck or

upgrading from a punch card system to an electronic voting machine, that is a tough decision to have to make sitting there as a county commissioner.

So this Commission, quite frankly, in the wisdom of Congress, that is why I applaud leadership of Senator Dodd, you, Mr. Chairman, Senator McConnell, and your House colleagues have shown in passing the Help America Vote Act. It is truly a historic piece of legislation where for the first time the Federal Government is stepping in and saying, we are going to help. It is not everything. I agree with you, Mr. Chairman, it is not that we are going to provide the answer to cure all in terms of our election administration process. But certainly this is a tremendous opportunity for the Federal Government to play an active role in helping to provide assistance to State and local governments.

I defer greatly to the wisdom that is shown by State and local leaders. That has been my career, and that is my law practice. But to the extent that we can fulfill our role, which I know the four of us will do if we are confirmed, in providing this assistance, not only financially, Mr. Chairman, but in providing the technical assistance, the best practices assistance that we gather as we go from State to State and talk to different

election officials, the expertise that we will have available as a commission, I think we can provide tremendous resources to help urban areas as well as rural areas. That is plentiful in my home State of Texas. The need is great in rural areas as well, I acknowledge that, and I think this Commission can help in those areas.

Chairman Lott. Ms. Hillman, with your background I think it would be interesting to get your response to the question about how you do you envision the Commission being able to interact with, but not interfere with local and State officials? Generally speaking, any time the Federal Government is involved, in my opinion, it complicates things, becomes more bureaucratic, and even perhaps more difficult. We do not want that to happen with this act and with this Commission, so how are you going to balance that?

Ms. Hillman. Mr. Chairman, some of my previous work experiences have had me on the receiving end of bureaucracy so I would sympathize with such an outcome. But partnership is one of the key words, and I think that the State and local elected officials have opportunities to inform and advise and to contribute to a body of knowledge of best practices. The Commission has a responsibility to make certain that the Federal elections are

administered as Congress intends, so working in partnership with the State and local elected officials as well as the other groups that have contributed to the discussion of HAVA, I believe that we will be able to arrive at best practices, and resolve what might appear to be conflicting or even controversial issues without imposing on the State or local governments. The Federal Government has invested or vested into the States the responsibility for administering the Federal elections and we will respect that.

Chairman Lott. One further question and then I will yield to Senator Dodd.

Maybe this is going to be a multi_question for you, Mr. DeGregorio, but I think your experience gives you maybe the insight to answer. First of all, you come from a State where I have had the impression you have had some difficulty with fraud, or multiple voting, or even a kid's dog voting. But also you have had opportunity to help set up election systems in other countries. I am sure that has been an interesting experience and one maybe we can learn from. One thing that worries me is, they seem to turn out in higher percentages to vote in these new systems than sometimes we do, and that is very disappointing because you think, we as candidates do not do a good job, or maybe we do not make it easy enough for people to be able to

vote. Then of course, there is the concern about fraud and how do you control that. So I would like for you to comment on that in general.

But in specific, for instance in California, recently the Governor signed legislation allowing illegal immigrants to obtain driver's license and yet, as you know, the Motor_Voter law requires DMV offices to include voter registration application as a part of each election application. It looks to me like it could lead to illegal aliens voting in California, and perhaps other states that are looking at that. We want to make sure that voting is easy and available to everybody. But we want to make sure that we have honest elections. So how do we make that happen like you did very commendably in St. Louis?

Mr. DeGregorio. Thank you, Mr. Chairman. First regarding my work overseas, working in so many countries as I have, you can even learn things that vixen happen in Siberia, Russia in the way that elections are conducted there as they are in rural Mississippi or rural America in general. A lot of it goes into the professionalism of the election process and the training that you put into the process of training of poll workers, training of the election officials themselves. There are many countries of the world where they actually do a better job than

the United States of America in actually spending the time to find good people to work at the polls and to administer the elections. So we can learn from other countries of the world who do it.

But at the same time, you raise an issue of making sure that the voter rolls have integrity, and the situation in California. I think that under NVRA, under other legislation that has been passed by the States too that there are safeguards in place. I think it is incumbent upon election officials, voter registrars throughout this country, to make sure that the voter rolls are up_to_date and that people have the opportunity to vote. The California situation, they will have to set up a mechanism to make sure that people who are not citizens of the United States do not get on the voter rolls illegally.

But at the same time, it is important that these processes that are in place to make sure that people have the opportunity to register, to participate in our democracy throughout this country, that they have ample opportunity in every way to do that. So I think that there are procedures in place, it is just important that we make sure that election officials throughout the country understand the best practices that are used throughout this country and even throughout the world.

Chairman Lott. Senator Dodd.

Senator Dodd. Thank you very much, Mr. Chairman. I see the lights have come on for a vote here and I am going to ask your consent, Mr. Chairman, if we do not complete all the questions, we might submit some to the witnesses and get a chance to respond. My hope would be that we could move their nominations along. We do not know how many days we are going to be here, but my hope would be that we could get this done__

Chairman Lott. Obviously, we will not probably be able to get the necessary 10 here for a vote this morning, but we will set up a process to get them reported out as quickly as possible with the goal of getting them confirmed before we finish up sometime between now and Christmas.

Senator Dodd. Don't say that. It will be earlier than that.

Let me also, before I just ask a couple of quick questions, I would be remiss if I did not take this opportunity of the year anniversary of the passage of the act to express my gratitude to a lot of staff that did a tremendous amount of work, as is always the case here. We take all the credit here. We sit here in front of the table but there are those who sit behind us, or in front of us in this case here today, who have done a tremendous amount of work and I would not want to miss the opportunity of thanking

them again for their tremendous contribution. On my staff, Kennie Gill and Ronnie Gillespie, Carole Blessington, Sean Marr did a wonderful, wonderful job. Brian Louis from Senator McConnell's staff, along Leon Sequera were terrific, and Julie Damon and Jack Bartlett. I saw Jack, still in the back of the room, and I thank them as well. There are members from Congressman Ney and Congressman Hoyer's staff who I will also make reference to. I will not go down the long list here, but I want to again publicly thank these people for putting in a lot of hours, weekends, nights, late_late, early mornings, trying to resolve this legislation.

And let me thank all four of you. I am so impressed with your statements. How lucky we are in this country to have citizens like you who are willing to do this. This is on C_SPAN. I hope a lot of people get to hear what you had to say. It was moving, your testimony, and I am deeply grateful for your willingness to serve. Not enough people are willing to do that in our country today. We need to promote it and encourage it, and the fact that you are willing to take on this terrific historic responsibility is something I am deeply appreciative, as I know my colleagues are, here as well.

We thank the President as well for selecting good names, and our leaders

who promoted very, very good people, highly qualified people. Your resumes are stunning. This is really a question where all of you are going to bring some very special knowledge to this enterprise. As someone who has been deeply involved in this legislation, I am honored that you are willing to take that on.

Just a couple of quick questions, if I can, for you. One is the issue of disabilities and voters. As pointed out, I think, Ms. Hillman, you pointed out the fact that there are a number of bills that passed over the years that have tried to increase the ability of people to have access to the general fabric of our life in this country. One of my concerns is that__and we did not really address this in the bill. We did not address every issue in this bill. But over 80 percent of all polling places in the United States, according to the General Accounting Office, and I do not know how accurate that is but I presume they are fairly accurate__are inaccessible to people who have significant disabilities. Putting aside the voting equipment now, I am just talking about the polling place itself.

I wonder what you might suggest, how we might address that. Because clearly, while it is wonderful to have the machine be accessible now to the blind or the manually disabled, if you cannot get to the polling place then it is a cruel hoax, in a way, of not

being able to get into the building despite the fact there is something in the building that would be accessible for you. Any quick comments on how we might address that issue?

Mr. Martinez. Senator, I will just say very quickly, I think that is probably one of the, perhaps most important obligations that we have if we are seated on this Commission. There is no question about that. Even if that 80 percent figure is only halfway right, that is still a tremendously disturbing statistic when you think about that.

Senator Dodd. By the way, they have one of the lowest voter participations, the disabled community. So there is a fact here of a disconnect.

Mr. Martinez. Right; absolutely. I think it proves the point actually, that we have an obligation, if we are seated as commissioners, to look at these problems, use what resources we can and the authority that you have given us in this act and to move forward and to make sure that that is one of our priorities.

Chairman Lott. I want to comment on that if I could. There is a simple answer; move the polling place. You can work with the local people on that. That happened in my own polling place. That is the reason I know. It was inaccessible. They moved it to the local Presbyterian Church on the ground floor. You could

get in, no steps at all. You can pull right up to the door.

I was impressed with how they had made that move and made sure that everybody, regardless of any kind of disability, would be able to vote.

Senator Dodd. Here I am one of the authors of the bill; let me correct myself already. We did provide \$100 million in this bill to States and localities through the Department of Health and Human Services where a move may not be practicable, for whatever reason. So there are some resources here.

Any of the rest of you want to comment?

Mr. Soaries. I would. To pick up on the Chairman's remark, I was about to say that my congregation just completed the construction of a new 80,000 square foot facility. Our old church was not accessible and therefore could not be used as a polling place. But the new church can be, the building. My experience, however, is that polling places stay the same forever in certain areas. I think the answer is leadership. We have leadership from the Congress now, we have leadership from the White House. This Commission can provide the leadership to encourage people to review polling places and ensure that we have maximum accessibility.

Mr. DeGregorio. Senator Dodd, let me just tell from my own personal

experience when I was the director of elections in St. Louis County, one of the first things that I did upon taking office there was to meet with people representing folks who had disabilities. We worked with them to make sure and to provide leadership to ensure as many polling places were accessible as possible. First physically, and then inside the polling place, to make sure that we had punch cards, to make sure that the machines were accessible. We had polling places that were not accessible, so we wanted to provide other opportunities for people with disabilities to cast ballots.

But your leadership in providing \$100 million, and Congressman Hoyer on the House side in providing leadership to make sure that we have funding to provide access to people with disabilities is very important. I know that myself and the four of us here are committed to do everything that we can to make sure that people with disabilities have ample opportunity, not just for the physical location but once they get into the ballot box, get into the polling place, to have the opportunity to cast a ballot just like anyone else can.

Senator Dodd. One other quick question I want to get on the record with you here and it may require longer responses, but there is an escalating debate going on regarding the security concerns with

the VREs, the voting systems and whether these touch screens and the like are going to be susceptible to fraud. There have been some questions raised about this. The bill creates technical guidelines and a development committee chaired by the NST, the National institute of Standard and Technology with the participation of other standards organizations, compliance board, and other groups and individuals with technical and scientific expertise. Among other things, the development committee is charged with the certification and testing of voting systems including recommendations and studies on the security of computers.

I wonder if you might just quickly comment about this issue. This is one that is going to be challenging. No system is going to be perfect, and we presently know that those existing systems are like Swiss cheese when it comes to fraud to some degree. So while this may not be perfect, I am a little concerned that some of these people are raising questions that I think have some legitimacy, but not in the context of where we are presently and how we can improve them. I wonder if you might comment on that point.

Mr. Soaries. Thank you, Senator. I think this issue of technical standards is really a two_sided coin. On the one hand, we have

had already some very important work done around certification and the like. But if every machine in America worked perfectly and flawlessly, we still have the great challenge of perception. If public perception is not impacted by our work, then the technical accuracy is really null and void.

In the black community, the perception is, and has been long before VRE, that either votes do not count, or that votes are not private, or that there is intimidation at the polls. I think all of these dynamics factor into and connect with this issue of technical standards. The technology will continue to change. Technology will be flawed. We will respond to those flaws and promote high standards. But if the promotion of those high standards is not accompanied by real championship of commitment and articulation of a commitment, bipartisan, that Americans have the right to vote, then I think our technical standards work will satisfy the industry but will not address the country.

Senator Dodd. Ms. Hillman, you have had some experience in working in a lot of technical areas. I wonder if you might just comment on this issue, too.

Ms. Hillman. I agree with Reverend Soaries. I also think that the Commission has a very important opportunity to delve into this

issue, to use the resources that would be allocated under the funding to really research and test this. A lot of times the answers to problems like centralized databases is today's technology. The flip side of that is that the technology works only as good as the people who are trained and able to use it.

So I think that having registered the many concerns that have come up in recent years about the use of technology, it will be incumbent upon the Commission to really take a hard look at this issue while working with the jurisdictions to be ready for the upcoming elections. I think time is working against us a little bit in that regard. But I believe that with an appropriate procedure in place we can get through this. As you said, it will not be the perfect, and as Reverend Soaries said, perception is an awful lot of that. But the election officials have a lot of responsibility on this one as well.

Senator Dodd. I want to thank you. I will leave the record open for both Mr. DeGregorio and Mr. Martinez to comment as well on this. I apologize, with these votes on, but let me thank all of you again. I think you are great nominees. I think you are going to do a terrific job on this, and I am very excited about your willingness to take on the responsibility. It truly is historic. We are really going to, I think, make a huge

difference in the coming years on the conduct of elections, and getting rid of these disparities that you started to address. But for 216 years this has been solely left up to locals with the county governments and State governments, depending upon the resources. If you lived in a relatively affluent community, you got good equipment. If you did not, you did not. It was one of those things. We need to try to level that playing field for people, and this bill, I think, moves us in that direction.

Chairman Lott. Thank you, Senator Dodd, and thank you to the nominees.

We expect miracles from you. We will work to see that your confirmation is completed before we recess. The record will be left open for any questions Senators might like to present, and I would hope that you would be able to respond promptly.

With that, the hearing is adjourned.

[Whereupon, at 10:58 a.m., the Committee was adjourned.]