

U.S. Senator Dianne Feinstein  
Senate Rules and Administration Committee Hearing  
September 25, 2008

**Nominations to the Election Assistance Commission**

Good afternoon. Today we meet to consider the nominations of four individuals to the Election Assistance Commission.

- Gracia Hillman, of the District of Columbia, for reappointment to a term expiring December 12, 2009.
  
- Rosemary Rodriguez, of Colorado, for reappointment to a term expiring December 12, 2011.
  
- Donetta Davidson, of Colorado, for reappointment to a term expiring December 12, 2011.
  
- Gineen Brasso Beach, of New York, for an appointment to a term expiring December 12, 2009.

I welcome you to this hearing – along with your families and colleagues.

The Commission is an independent, bipartisan federal commission created in 2002 by the Help America Vote Act. It is charged with making payments to States to improve elections, developing guidance for the requirements of the Act, maintaining and regulating the national voter registration form, adopting voluntary voting system standards, certifying voting systems, and serving as a national clearinghouse for election information.

While the Commission has done a lot of work on these issues, there have been problems.

Due to questions on potential interference from the Department of Justice on a Commission report of voter fraud and voter intimidation, the EAC Inspector General released a report.

That report included a number of recommendations necessary to improve transparency and contracting protocols at the Commission.

I look forward to learning about the Commission's progress on following those recommendations.

I also understand that there have been a number of systemic delays that has slowed the voting system certification program.

While I understand that this is the first time the federal government has certified voting systems, I am interested in knowing about the progress of that program. How long will it take for voting systems to be certified on the federal level?

I know that the work of an EAC Commissioner involves a lot of contact with election officials, voting system manufacturers, and independent test labs.

However, as you proceed with your important work, please keep in mind the end-user of all of this — the American voter.

Voters do not focus on the process of election administration. They may interact with a voting system once or twice every four years. But more and more, we are hearing from everyday voters about their concerns.

These voters are concerned about paperless voting systems that may be difficult to recount. They are troubled by paper systems that jam, or ballots that are poorly designed.

They are worried about waiting for hours to vote when they need to be at work. They have concerns that their names may not be on the rolls on Election Day.

They are bothered by election fraud or election intimidation. Different communities, such as the elderly, members of the Armed Services, and minority language voters have unique concerns on how to cast a ballot.

As Commissioners, you have a unique charge. With very limited regulatory authority, your job involves identifying the challenges facing voters, and finding ways to help the States overcome those obstacles.

Before I conclude, I want to address a report that I requested the Government Accountability Office research. That report is being released today. [Hold up report.]

Based questions regarding state procedures on certification of voting system, I asked the GAO to answer five questions.

- What voting methods and systems are used in federal elections and what changes are underway?
- How do states approve voting systems?
- What other steps do states take to ensure the accuracy, reliability, and security of voting systems?
- How do states identify, evaluate, and respond to voting system problems? And
- How do states view federal voting system-related resources and services?

One of the findings in need of immediate focus is, and I quote from the report, that “the extent of the respondents’ awareness of system problems is unclear because less than one-half of them had statutory or administrative requirements...to report problems. ...officials we interviewed told us that they relied on local jurisdictions, voters, and voting systems vendors to voluntarily report problems.”

To resolve this problem, I believe that as a first step, there should be written reporting requirements that can inform election officials statewide — and then nationally, when a voting system malfunctions, so the appropriate officials can address those concerns.

Even though you may not be able to vouch for systems you did not certify, I hope you will consider working with states to provide a better procedure on how they can report – in writing – concerns with voting systems.

I realize that this project may not be completed prior to the election. But I hope that in the very near future we have a better knowledge of voting system errors so that these problems can be resolved.

I look forward to hearing from the nominees.

I now yield to Senator Bennett, the ranking Member on the Committee.