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Committee on House Administration

Subcommittee on Elections

Testimony of Keith Cunningham

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Madame Chair, Mr. Ranking Member, and members of the committee, thank you for the opportunity to appear before you today. My name is Keith Cunningham. I currently serve as Director of the Allen County Board of Election in Ohio, and as a member of the United States Election Assistance Commission Board of Advisors. I am also past president of the Ohio Association of Election Officials.

America experienced the most challenging election in our history in 2008 and it was a resounding success. We served the largest number of voters, and realized the largest voter registration in our history and it went exceedingly well in all parts of our nation. So, I want to begin by stating unequivocally and without hesitation, that I do not concur with those who say America's Election System is broken. Of course that is not to say we can't make improvements and I certainly acknowledge it is not perfect. But for the advocates, or academics, or assailants who claim it is broken...sorry, I just cannot agree with that premise from where I sit.

I see more and more people voting every election cycle. And, data from the last 20 years demonstrates that very clearly. I see that more and more votes are being counted every election cycle. And, data from the last 20 years demonstrates that very clearly as well.

I am here to say that I believe that last year's Presidential Election was a superb success. Considering all of the predictions of failure, there are probably some that are disappointed with America's election officials for executing their responsibilities proficiently in 2008. It is quite a remarkable accomplishment when you realize that finding fault with our work has become somewhat of a cottage industry in the past few years. In 2008 America's election officials toiled under the pressure of media, advocates, political parties, lawyers, lawsuits, judicial rulings, excessive public records requests, legislative changes and predictions of total melt down. In Ohio we realized a new level of micro meddling by the Secretary of State, something we have now experienced under both political parties. With over 100 Directives issued in 2008, we set a historic record in our state that I hope no Secretary ever comes close to again.

However, despite the distractions and disruptions, local election officials across America arrived at Election Day prepared. In Ohio we saw absentee voting skyrocket. Voters literally turned our previously mail-based absentee program into an in-person, early voting program. This could have been a disaster but for the fact that our locally controlled boards were able to be flexible with the circumstances to successfully address the wide variety of local needs. This success is an example of why I believe America's voters are best served by a decentralized election system.

When I first began 11 years ago, a veteran election official said to me, "you're going to find that every election has its own life." She could not have been more correct. And without the ability of our Election Generals to make certain calls on the front lines when they need to, we will throw our system into sure paralysis. There is no standard election. Every one is different. Every one has different dynamics. Every one requires constant and diligent supervision on a day to day and sometimes hour to hour basis. That can only be accomplished through a hands-on local approach.

While I believe the 2008 election was a success for America's election officials, there are always things we can do to get better. In that spirit, I would like to respectfully offer several suggestions I believe would improve elections in America.

We must provide better education and training to our nation's local election officials. This point has been lost over the past few years in all the discussion about better poll worker training. I am a proud graduate of the Election Center's Certified Elections and Registration Administrator (CERA) program. This training remains my single largest positive influence but I am the exception rather than the rule. Programs like CERA must be available to all local election officials.

We must begin to understand that elections are best conducted in stable environments. Since 2000 we have seen legislative changes every two years under the guise of Election Reform. Many of these changes are actually knee jerk reactions to anecdotal reports. It is time to give legislation a rest. Legislative changes have been occurring at such a rapid pace, election officials, poll workers and even voters are straining to comprehend what is required of them. Please remember that Federal elections only occur every two years and presidential elections every four. The vast majority of elections are for state and local candidates and issues. These involve choices that directly affect who will control the local schools, who will make the zoning rules, and how much voters will pay in taxes and school levies. Elections on those highly local issues can be fundamentally different than elections for federal offices, and the election process needs to recognize that. We cannot operate under one set of rules in even years and another set in odd numbered years. We must begin to advocate that the right to vote carries with it a certain level of personal responsibility. If voting is a right, then registration is an accompanying responsibility. The philosophy of moving this responsibility to the state as some have suggested would have our founders turning in their graves. Registration statistics are planning tools for election administrators. If indeed the trend is to move away from electronic voting systems to paper based systems it is more important than ever to understand how and where resources are to be deployed. Requiring voters to affirmatively register gives election officials valuable information about how many people are actually likely to vote in a given place. Can you imagine attending a Professional Football game where no tickets have been issued or attempting to get a seat on an airliner with no reservation system in place? Expecting someone to register 30 days in advance of an election is not a hardship in light of the chaos, which could eventually develop without accurate registration rolls. There is not enough recognition by policy makers of the administrative value of being able to plan ahead. Knowing how many voters you will need to serve – and exactly where by precincts and voting locations – is what Congress has emphasized repeatedly.

If voters are to be served well, then we need to know about how many of them to expect so we can print the appropriate number of ballots, distribute them in sufficient quantities, provide for enough pieces of voting equipment, provide enough poll workers, provide enough parking, and the 101 other things it takes to properly prepare for voters on Election Day.

Finally, we must realize that the elections infrastructure is currently not capable of doing what some think it can or should. Most election offices were utilizing punch card technology until just 3 ½ years ago. We just began building statewide databases after the passage of HAVA in 2002. The fact is, as a nation, we completely ignored investment in the infrastructure of our election system until after 2000. We have improved our technology but we are no where near the sophisticated, mature systems utilized by other government agencies and it is going to take another 10 years and billions of dollars to get there.

In closing I would like to say to you that we must begin to consider what voices we are going to listen to. There are many out there claiming our election system is in peril and doomed to failure and they point to every little incident as proof positive. We must understand that many of those folks are profiting from their position thus they have no real incentive to ever say the system works.

Meanwhile, thousands of election officials throughout this country are working hard every day to insure the system, despite the intense levels of criticism performs to its highest capability. The reason you invite election administrators to testify is to learn what we believe will work best and how to make changes without damaging the process. The “do no harm” principle still applies – especially to elections. While we may not all agree as to the “right” answers, be assured that the men and women who serve as voter registrars or elections administrators throughout America want this process to work for ALL voters. And I have learned personally through my association with other election professionals throughout the nation, that voters are well served by these people who are dedicated to making democracy better.