

**HOUSE ADMINISTRATION COMMITTEE HEARING ON
H.R. 672 - TO TERMINATE THE ELECTION ASSISTANCE
COMMISSION**

APRIL 14, 2011

**TESTIMONY OF JILL LAVINE, REGISTRAR OF VOTERS
COUNTY OF SACRAMENTO, CALIFORNIA**

Good morning Chairman Harper, Ranking Member Brady and Members of the Subcommittee. Thank you for this opportunity to speak today on HR 672 and the impact it would have on the local election official if the EAC was terminated.

My name is Jill LaVine. I am the Registrar of Voters for Sacramento County. I have held this position since 2003 and have worked in elections since 1987. I am on the EAC Advisory Board, and co-chair of California's election legislation committee. I started in elections as an election night "chad checker."

In 2002, when the Help America Vote Act was being debated here in Washington, and was the topic of discussion for every election official in the country, I will admit that I was on the concerned side. It was perceived that the federal government wanted to control how the states and the local election officials conducted elections. The federal government was offering money but the strings attached seemed so burdensome that I wondered if it was worth the trouble.

The Election Assistance Commission got off to a very rough start. There was no budget and no office space. The Commissioners' positions were not staffed until 2003, and have not been fully staffed through the years. Today we only have two commissioners, when there should be four. Even with all these obstacles, the EAC continued to put together an office and get to work on the mandates of HAVA.

I had to change my mind about the EAC when I saw what they were doing. It was not another federal bureaucracy that wanted control, but rather as their name says – Election Assistance.

HAVA requires all commissioners have experience with or expertise in election administration or the study of elections. The Commissioners are people with election experience that can help. They do understand the complexity of an election.

In 2005, Sacramento County rolled out our new Voter Assist Terminals, for voters with disabilities, the largest roll out in any state at that time. The EAC was there to help and observe. Their previous election experience was valuable to the success of this project.

I have been able to participate in several of the EAC projects and have seen how the process works. In preparing the Election Management Guidelines and the Quick Start Guides (http://www.eac.gov/election_management_resources/default.aspx), the Commission would gather a group of election officials representing several states and different voting systems to come together to discuss the topic. I was able to participate in the discussions on Absentee Voting and Vote by Mail, and Developing an Audit Trail. The Commission doesn't tell us what to do - they ask us what we do to make it work, and what we see as improvements to the process. Since we represent different states and work under different laws and voting system requirements, the finished products help everyone. I have always come away from these meetings learning more and able to take some of the ideas back to my office and improve my process. Election officials using these guides are able to benefit from these discussions also.

The Election Management Guidelines should be in every election office. I use them when writing procedures, when looking for ways to save money, and when writing RFPs for new equipment. These guidelines are practical, and since they have been written by election officials, I know that they will work.

However, since election laws and technology are always changing, these guidelines will need to be updated, and the new election trends need to be vetted with those officials having experience. I can think of two topics now that should be added: one, requiring identification to vote, and another would be on-line voter registration. I believe that the EAC is the best organization to continue this project.

The EAC website is the best clearinghouse for information for election officials from all states. I co-chair the legislation committee in California. Our legislators hear about a wonderful new way to increase turnout, or a better reporting method and introduce legislation. However, they have not taken into consideration what voting system we use, or what conflicting laws we may already have. As I prepare an analysis of the bill to determine the impact and costs, I can research the EAC website and find where another state or jurisdiction has already done this, or attempted to do this same proposal and make appropriate suggestions for amendments as necessary.

With the demand to do more with less, the EAC website is valuable in saving time researching and finding answers.

I used the website when I was asked by my county to prepare a contingency plan for the H1N1 or swine flu. I found that several jurisdictions had already prepared a plan, and I was able to modify theirs for use in my county.

As co-chair of the legislation committee, I also put on a yearly workshop for all state election officials to discuss the new laws that have been passed and the impact they will have on the counties. The EAC has been very supportive of this workshop, and when available will speak at this meeting to update the participants of what is happening on the federal level. It is this interaction with members of EAC that builds trust, and we know that our concerns are heard.

The authors of H.R. 672 recommend the termination of the EAC because they feel the job is done. HAVA requires states to develop a single, uniform, official, centralized, interactive

computerized statewide voter registration list defined, maintained, and administered at the State level. HAVA requires the statewide list be coordinated with other agency databases within the state.

California does not have a statewide registration database, and the expected date for implementation is now 2015. Who will be overseeing this implementation?

Another requirement of HAVA, to improve voting systems, is not done. The EAC is needed just as much now as in 2002. For example, at this time Los Angeles County is looking for a voting system. They are using their home grown Inkavote system because there is not a voting system available that will accommodate their needs and meet the California requirements. With the passage of new legislation, the Top Two Primary, there is concern the system they have will not be able to accommodate the number of candidates and contests for 2012.

I was able to use the grant money from HAVA to move from a punch card system to an optical scan system. I bought the system in 2004, and it will soon be at the end of its life cycle. Many counties are in this same position. EAC's requirement to improve voting systems has not ended, it will always be ongoing. The EAC's job is not complete.

One fast food company used the saying - you don't notice clean until it is not there - to encourage people to solicit their establishment. Well the same could be said about elections. No one pays any attention to the election officials until something goes wrong. That is what happened in 2000, that is why HAVA became law, and that is why we have the EAC. Election officials are now preparing for the Presidential 2012 elections - now is not the time to terminate the EAC.

While the research projects first included in HAVA are complete, I don't believe that is the end. Elections change, the way people vote change, and technology changes. There is still more work to do.

The EAC also needs to change, not be terminated. Like all election offices facing budget cuts, they must look for new efficiencies. HAVA now requires three advisory boards, a Standards Board consisting of 110 members, a Board of Advisory with 37 members, and a Technology Guidelines Development Committee with 15 members. While these members are not paid to participate, the correspondence, staffing and travel expenses of all these members take considerable time and money. I would suggest reviewing the need for all these members.

While in-person meetings are always the best, using video conferencing technology has saved our office travel money and still allows us to participate. I am sure that the EAC has looked at this as a cost savings.

I would recommend staffing all four Commissioners. There is no cost savings when decisions cannot be made to get the work done.

In conclusion, I would recommend a change - not a termination of the EAC. Election officials rely on the guidance and the resources the EAC provides.