U.S. ELECTION ASSISTANCE COMMISSION
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OFFICE OF THE VICE CHAIR

REMARKS BY COMMISSIONER RAY MARTINEZ
HOUSE ADMINISTRATION COMMITTEE HEARING
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Good morning Chairman Ehlers, Ranking Member Millender McDonald, and members of the Committee. My name is Ray Martinez, and I currently serve as vice chair of the U.S. Election Assistance Commission. I appreciate the invitation to join my colleagues today for this important hearing.

I would like to very briefly address two additional areas where the EAC has made significant progress in implementing HAVA.

ISSUANCE OF VOLUNTARY GUIDANCE

First, the issuance of voluntary guidance. As you know, HAVA contains several technology and administration requirements that must be implemented by every State. These requirements include, among other things, voting system standards for all touch screen and optical scan voting systems; a requirement for at least one accessible voting system per polling place which would allow a person with disabilities to vote privately and independently; the implementation of provisional voting; and the development of statewide voter registration databases.

Where any ambiguity exists, the EAC is mandated to issue voluntary guidance to assist States in meeting these requirements. The EAC has met this responsibility in the following ways:

- In July 2005, the EAC issued its first set of voluntary guidance to assist States in developing their statewide voter registration databases. This important requirement – designed with the dual goal of improving accuracy of voting lists while also reducing

the possibility of fraud – has been a particularly difficult requirement for many States to implement. Some States, such as Michigan and Kentucky, have served as national models for such a system. And yet, most States had no such systems in place when HAVA was passed, so the EAC has worked diligently by seeking broad public input to provide interpretive guidance, as well as technical assistance to States through an on-going partnership we have established with the National Academics of Science.

- Additionally, the EAC has issued other voluntary interpretive opinions to assist States in meeting their obligations, including opinions on the use of lever machines; matters involving the conditioning of provisional ballots to voter identification requirements, and an important analysis regarding the differences between the voluntary Voting System Standards promulgated by the FEC in early 2002 and the voting system standards that are mandated by the plain language of HAVA.

ASSISTANCE TO STATES

Second, is our efforts to assist States. While HAVA requires the distribution of unprecedented Federal funds to all States, these funds are to be used not only to improve voting system technology, but also to broadly address the "people" aspect of election administration. In order to facilitate this, the EAC is developing voluntary "management guidelines," which will offer a vast array of information and "best practices" dealing with nearly every phase of election administration, including poll worker training and voter education; protocols on security of electronic voting systems; and prudent practices for procurement, set-up and storage of voting systems.

Finally, since HAVA represents both an unprecedented and significant financial commitment by Congress to improve the administration of Federal elections, it is imperative that the EAC conduct its due diligence in assisting States to use these important new Federal funds for their intended purposes. We are doing so by working on a daily basis with state and local jurisdictions to answer their numerous questions on the use of HAVA funds and when necessary, issuing advisories to inform all jurisdictions of our decisions. Additionally, EAC staff has traveled to various conferences throughout the country to conduct training and

information sessions in order to directly inform election administrators and answer their questions.

Moreover, now that all appropriated HAVA funds have been fully distributed by the EAC, we have implemented an audit program through the establishment of an Office of Inspector General at the EAC. Since the establishment of this office, the EAC's Inspector General has moved assertively to begin regular oversight activities based upon objective criteria, such as the expenditure of HAVA funds. Additionally, when allegations were raised in 2004 about the possible inappropriate use and management of HAVA funds by a now-former Secretary of State, the EAC initiated a special audit that has resulted in a determination of repayment of some $3 million.

CONCLUSION

Clearly, Mr. Chairman, we have come a long way in a very short period of time. As the process of election administration becomes more complex and thus, more challenging on state and local election administrators, it is all the more imperative that the EAC diligently stick to the important task it was assigned in HAVA. We are doing just that, Mr. Chairman, and, in my view, with each passing month and year, the EAC is becoming an important – and increasingly valued – partner in the process of election administration.

Thank you, Mr. Chairman, and I would be glad to address any specific questions.