

07/30/04 - Letter to National Association of Secretaries of State (NASS)

Dear NASS:

Thank you for your letter of July 20. This response is to acknowledge that we have received your letter and appreciate your concerns regarding the role and responsibilities of the Election Assistance Commission (EAC). We completely concur with your description of our role as defined by the Help America Vote Act of 2002. I believe your letter was prompted by news reports that attributed statements to EAC concerning the November election, which were inaccurate and therefore misleading.

Our efforts to understand the implications and impact of a catastrophic event on November 2 were based upon the events that occurred in New York on September 11, 2001. As you are aware, when America experienced its most devastating attack, New York was attempting to conduct a primary election. Steven H. Richman, General Counsel of the Board of Elections in the City of New York, gave a speech on January 28, 2002 in which he described the events of 9/11 from the perspective of the elections officials who responded to the crisis. Mr. Richmond said that, "there was no specific statutory provision in the [New York] Election Law to deal with this crisis situation." Fortunately, New York was able to address the matter of suspending voting and rescheduling its election without any preexisting statutory authority.

But among the serious questions that remain unanswered is how an occurrence like the New York crisis could impact the status of a federal election if the entire nation were voting. Contrary to many published reports, EAC never sought authority to either answer the question or resolve the issue. Rather, in keeping with our role as a "national clearinghouse" and a "resource for compilation of information and review of procedures with respect to the administration of federal elections," EAC began gathering information from federal and state officials to understand what our national response would be if a catastrophic event were to occur on November 2.

Unfortunately, news reporting and political conjecture obscured the important issue that was being raised. Our intent was to gather information that could be shared with election officials and the general public pursuant to our role.

We are aware that some of the descriptions of our efforts and our intent were alarming and we can understand your need to address us in the manner that you did. Further, there were apparent attempts made by your staff to receive clarification from our offices, which were unsuccessful. Our understanding of our role is entirely consistent with your understanding and we are completely comfortable performing our duties as defined by HAVA.

Our goal is to maintain communications between EAC and NASS that will enhance our ability to function as true partners. We hope you will contact us directly whenever you have a concern or a question.

Thank you for your continued partnership and support.

DeForest B. Soaries, Jr., Chairman Gracia Hillman, Vice-Chair Ray Martinez, Commissioner
Paul DeGregorio, Commissioner