

**BUSINESS MEETING—TO CONSIDER THE  
NOMINATIONS OF THOMAS HICKS  
AND MYRNA PÉREZ TO BE MEMBERS  
OF THE ELECTION ASSISTANCE COMMISSION  
AND S. 1728, S. 1937, S. 1947, AND S. 2197**

WEDNESDAY, APRIL 9, 2014

UNITED STATES SENATE,  
COMMITTEE ON RULES AND ADMINISTRATION,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:50 a.m., in Room SR-301, Russell Senate Office Building, Hon. John Walsh, presiding.

**Present:** Senator Walsh.

**Staff Present:** Jean Bordewich, Staff Director; Stacy Ettinger, Chief Counsel; Veronica Gillespie, Elections Counsel; Abbie Sorrendino, Legislative Assistant; Phillip Rumsey, Legislative Assistant; Jeff Johnson, Clerk; Benjamin Grazda, Staff Assistant; Mary Suit Jones, Republican Staff Director; Paul Vinovich, Republican Chief Counsel; Rachel Creviston, Republican Senior Professional Staff; Trish Kent, Republican Senior Professional Staff.

**OPENING STATEMENT OF SENATOR WALSH**

Senator WALSH. Now, I would like to gavel in for the Executive Session. Good morning. The committee will now come to order for the business meeting noticed for this morning.

Unfortunately, we do not have a quorum of ten members present, and thus, we cannot proceed to vote on the two nominations and four pieces of legislation on this announced agenda for this business meeting.

Since a quorum is not present, the committee will recess, subject to the call of the Chair, and take up these matters when we obtain a quorum. The Chairman intends to convene another meeting at 11:15 a.m. in Senate 219, Second Floor, Capitol, immediately following the 11:00 a.m. roll call vote on the floor.

The committee stands in recess until the call of the Chairman. [Whereupon, at 10:51 a.m., the committee was adjourned.]

The committee reconvened, at 11:19 a.m., April 9, 2014, in Room S-219, United States Capitol Building, Hon. Charles E. Schumer, chairman of the committee, presiding.

**Present:** Senators Schumer, Feinstein, Durbin, Pryor, Udall, Warner, Leahy, King, Walsh, Roberts, Cochran.

**Staff Present:** Jean Bordewich, Staff Director; Stacy Ettinger, Chief Counsel; Abbie Sorrendino, Legislative Assistant; Phillip Rumsey, Legislative Assistant; Jeff Johnson, Clerk; Benjamin Grazda, Staff Assistant; Mary Suit Jones, Republican Staff Director; Shaun Parkin, Republican Deputy Staff Director; Paul Vinovich, Republican Chief Counsel; Rachel Creviston, Republican Senior Professional Staff.

**OPENING STATEMENT OF CHAIRMAN SCHUMER**

Chairman SCHUMER. Thank you all for coming. We now have a quorum of 10 Members to continue our markup. We will consider the two EAC nominations individually, followed by consideration of four bills. As usual, we will make these voice votes. However, if the Ranking member requests a recorded vote, I will ask the clerk to call the roll. Is there any debate on the nominations of Thomas Hicks and Myrna Pérez to be Commissioners of the EAC?

**OPENING STATEMENT OF SENATOR ROBERTS**

Senator ROBERTS. Mr. Chairman—as you know I have called for the elimination of this agency as I believe it has outlived its usefulness. I have also said, however, that if it is going to exist it should be bi-partisan as the statute that created it stated.

I cannot support moving these nominations forward without any Republican nominees to join them. It is my understanding the White House is currently in the process of reviewing potential Republican nominees. Hopefully we will have those nominations before the nominees we consider today reach the Floor so they can all be considered together by the full Senate.

I cannot, however, support moving these nominations without Republican counterparts and accordingly will vote no. I am not calling for a recorded vote.

Chairman SCHUMER. Thank you, Ranking Member Roberts. As soon as we get republican nominations I give you my word, we will move them expeditiously. The nominations just haven't been submitted yet but I appreciate your comments.

Chairman SCHUMER. The question is on reporting the nominations favorably to the Senate. Unless there is a request for a roll call vote this will be a voice vote.

First, Mr. Thomas Hicks. Is there a second?

Senator LEAHY. Second.

Chairman SCHUMER. All those in favor, say aye.

[Chorus of ayes.]

Chairman SCHUMER. All those opposed, say no.

[Nays.]

Chairman SCHUMER. The ayes have it. The nomination of Thomas Hicks is ordered favorably reported to the Senate with recommendation the nomination be confirmed.

Next up, Ms. Myrna Pérez. Is there a second?

Senator UDALL. Second.

Chairman SCHUMER. Is there a demand for a recorded vote?

[Pause.]

Chairman SCHUMER. Then let us have a voice vote.

All those in favor, say aye.

[Chorus of ayes.]

Chairman SCHUMER. All those opposed, say no.

[Nays.]

Chairman SCHUMER. The ayes have it. The nomination of Ms. Myrna Pérez is ordered favorably reported to the Senate with recommendation the nominee be confirmed.

The next item for consideration is S. 1728 the SENTRI Act. We have a pending amendment from Senator Roberts and a Chairman's Mark.

Senator Roberts, would you like to offer your amendment for consideration?

Senator ROBERTS. Mr. Chairman, I know ours staffs met and agreed to some very good changes to this bill so I thank you for including me, pardon me, for including those in your Mark. I do have concerns about one remaining section of the bill though and will offer an amendment to strike it. Specifically, I seek to delete Section 101, which would require States and every county official, and Aunt Mildred out in Hamilton County, Kansas, to provide reports to the Department of Justice on the status of their ballot transmissions. I understand the Department of Justice has sought to impose a requirement of this nature, but I cannot support it.

I fear this section will impose an onerous reporting obligation on thousands of jurisdictions that are fully compliant with the law. We do not need to require every jurisdiction to compile these reports just to get at the few that may be out of compliance.

As you know, election administrators operate under tight timeframes with limited resources. Their time and resources should be dedicated to serving our voting population, not to filling out reports for the Department of Justice.

Furthermore, the timeframes in the bill are unrealistic. The timeframes are likely to result in incomplete reports. States are given a mere three days to produce these reports which are immediately made public. When those reports do not contain all of the required information, as they inevitably will not with the limited time provided to gather the information, the false impression will be created that jurisdictions are failing to deliver ballots when in reality they have failed only to report having done so.

If we want our election officials to serve military and overseas voters, we should allow them to do it. If the choice is between sending ballots to soldiers or reports to Washington, I choose the former and I want election officials to be able to do the same.

I therefore offer this amendment to strike Section 101 and would ask for a recorded vote and urge Members to vote in favor of it.

Chairman SCHUMER. I recommend a vote against this amendment. The reporting provisions strengthen protection of voting rights of military voters by providing the Department of Defense and the Department of Justice with critical information on whether absentee ballots were timely transmitted to our service men and women.

The question is on the adoption of the amendment. And now we will ask the Clerk to call the roll.

The CLERK. Ms. Feinstein.

Senator FEINSTEIN. No.

The CLERK. Mr. Durbin.

Senator DURBIN. No.

The CLERK. Mr. Pryor.

Senator PRYOR. No.

The CLERK. Mr. Udall.

Senator UDALL. No.

The CLERK. Mr. Warner.

Senator WARNER. No.

The CLERK. Mr. Leahy.

Senator LEAHY. No.

The CLERK. Ms. Klobuchar.

[Pause.]

The CLERK. Mr. King.

Senator KING. Aye.

The CLERK. Mr. Walsh.

Senator WALSH. No.

The CLERK. Mr. Roberts.

Senator ROBERTS. Aye.

The CLERK. Mr. McConnell.

Senator MCCONNELL. [No response.]

The CLERK. Mr. Cochran.

Senator COCHRAN. Aye.

The CLERK. Mr. Chambliss.

Senator CHAMBLISS. [Aye by proxy.]

The CLERK. Mr. Alexander.

Senator ALEXANDER. [No response.]

The CLERK. Mr. Shelby.

Senator SHELBY. [No response.]

The CLERK. Mr. Blunt.

Senator BLUNT. [No response.]

The CLERK. Mr. Cruz.

Senator CRUZ. [No response.]

The CLERK. Chairman Schumer.

Chairman SCHUMER. No.

The CLERK. On this vote, the ayes are three (3). The nays are eight (8). The Amendment is not agreed to.

Chairman SCHUMER. Thank you. The no's have it, the amendment is not adopted.

Chairman SCHUMER. Next up is the Chairman's Mark. The question is on reporting the Chairman's mark—an amendment in the nature of a substitute—favorably to the Senate. Unless there is a request for a roll call vote, this will be a voice vote. Is there any further debate on the mark?

Senator ROBERTS. Thank you, Mr. Chairman for allowing a vote on my amendment.

In spite of my concerns about that section, which I may bring to the Floor, I believe on balance the bill is worth supporting and I will do so. I hope this legislation will improve the voting experience for our military and overseas voters, and am pleased to vote in favor of reporting it.

Chairman SCHUMER. Any request for a recorded vote?

[Pause.]

Chairman SCHUMER. All those in favor, say aye.

[Chorus of ayes.]

Chairman SCHUMER. All those opposed, say nay.

[Pause.]

Chairman SCHUMER. The ayes have it. The bill is reported to the Senate.

Chairman SCHUMER. The next item for consideration is S. 1937—The Elections Preparedness Requires Early Planning Act, known as the Elections PREP Act.

The question is on reporting the bill favorably to the Senate. Unless there is a request for a roll call vote, there will be a voice vote. Is there any further debate?

Senator ROBERTS. Mr. Chairman, I oppose this legislation and intend to vote no. The states are perfectly capable of developing disaster contingency plans without federal compulsion or assistance. The National Association of Secretaries of State just convened a task force to study this subject and issued a report with recommendations for how to deal with it. That report is available to states to formulate their contingency plans and federal legislation is not required to affect the goals of this legislation. Accordingly, I will vote no. I am not requesting a recorded vote.

Chairman SCHUMER. Any other debate? All in favor, say aye.

[Chorus of ayes.]

Chairman SCHUMER. All those opposed, say nay.

[Nays.]

Chairman SCHUMER. The ayes have it. The bill is ordered reported to the Senate.

Chairman SCHUMER. The next item for consideration is S. 1947—The Government Publishing Office Act of 2014. Is there any debate?

Senator ROBERTS. Mr. Chairman, I support this legislation to more accurately reflect the modern mission and structure of the Government Printing Office and ask other Committee Members to do the same. We are changing printing to publishing. I guess it is all in the name. There is nothing in here about carbon paper.

Chairman SCHUMER. Is there any further debate? I think that settles it. Anyone want a recorded vote, if not we will do a voice vote.

Chairman SCHUMER. All in favor, say aye.

[Chorus of ayes.]

Chairman SCHUMER. All those opposed, say nay.

[Pause.]

Chairman SCHUMER. The ayes have it. The bill is reported to the Senate.

Chairman SCHUMER. The final item for consideration is S. 2197—The Senate Stationery Bill. This question is on reporting the bill favorably to the Senate. Is there any debate?

Senator ROBERTS. Mr. Chairman, I am a co-sponsor of this bill and ask the other Members to support it. It eliminates an archaic requirement and will help the Senate procure the best products at the lowest cost. I will vote aye and I ask other Members to do the same.

Chairman SCHUMER. Any further debate? Any request for a recorded vote? We will do a voice vote.

Chairman SCHUMER. All in favor, say aye.

[Chorus of ayes.]

Chairman SCHUMER. All those opposed, say nay.

[Pause.]

Chairman SCHUMER. The ayes have it. The bill is reported to the Senate. And I want to thank everyone for coming, I know you had busy schedules. We got a lot done. This was a record day for the Rules Committee. Senator Roberts, do you have any further remarks you might wish to make?

Senator ROBERTS. No, sir.

Chairman SCHUMER. Then the meeting is adjourned.

[Whereupon, at 11:29 a.m., the Committee was adjourned.]