

Opening Statement
Senator Lamar Alexander
Committee on Rules and Administration
Hearing: Election Assistance Commission Nominees
June 29, 2011

Thank you Mr. Chairman.

With all due respect to the nominees before us, I think this hearing is premature. Instead of considering new nominees, we should be abolishing this Commission.

The Election Assistance Commission was constituted in 2003. Since then, our Committee has not had a single oversight hearing on it.

My predecessor here at the Committee, Senator Bennett, wrote to you in 2009 to suggest an oversight hearing, but we did not have one.

I wrote to you in March to suggest one. It didn't happen.

Yet we are here today to consider new appointments to a Commission that should cease to exist.

Created by the Help America Vote Act (HAVA) in 2002, the Election Assistance Commission was authorized for three years and given certain tasks.

The primary task of the Commission was to distribute federal payments to the states to help them upgrade their voting systems. \$3.2 billion dollars was appropriated for these payments and it has been distributed. Given our current fiscal situation it is very unlikely any more federal payments will be forthcoming. The current Administration seems to agree as they requested no funds for this purpose in either of their last two budget proposals.

The Commission was also directed to develop voluntary voting system guidelines and a testing and certification program for voting machines. The actual work involved in this process is performed by the National Institute of Standards and Technology, which develops the guidelines, and the independent laboratories that conduct the testing.

Finally, the Commission was to act as a clearinghouse to collect and distribute information on best practices in election administration. Yet the intended beneficiaries of this service do not seem to have much use for it. The National Association of Secretaries of State, a bi-partisan organization made up of our country's chief state elections officials, has twice voted in favor of a resolution calling for abolition of the Commission.

The tasks of the Commission have now either been completed or can be performed by more appropriate entities. The Commission did its job and we should thank the Commission and its staff for their service.

But if the completion of their appointed tasks isn't enough of a reason to close it down, the Commission also appears to have serious management problems.

Though its mission has dwindled, its staff has grown. The Commission had 20 staff in 2004. Last year it had 64. Why is more staff needed for less work?

This year's budget submission from the Commission proposes spending \$5.4 million dollars to manage \$3.4 million worth of programs. Does that make any sense? When the cost of overhead and staff salaries exceed the amount of the programs they have to administer, clearly something is wrong.

Finally, the Commission has an unfortunate history of hiring discrimination. The Office of Special Counsel found that they engaged in illegal discrimination when, during the search for a general counsel, an employment offer was made and then withdrawn when the Democratic Commissioners discovered that the applicant was a Republican. This resulted in a substantial settlement being awarded to the applicant, thereby forcing taxpayers to bear the cost of the illegal acts of these Commissioners.

Amazingly, it has been reported that in a subsequent interview with another applicant for this same position, one of these Commissioners again tainted the hiring process by asking the applicant what the Department of Labor has termed "inappropriate questions about his military service." Apparently, this Commissioner didn't want Republicans or members of our military working at the Commission.

The Department of Labor has reportedly found the applicant's claim of discrimination to be "meritorious" and if not resolved this case may also be referred to the Office of Special Counsel.

Now I recognize that the nominees before us are not to blame for these incidents, but that is beside the point.

Even if we were to assume that these nominees could right the ship and correct these problems, the question would remain – to what end? Where would the ship sail? Why take the trip? Do we even need the Commission?

With its main job completed, couldn't any remaining duties be better performed somewhere else?

Can a government program, once created, ever be terminated?

Mr. Chairman, Ronald Reagan once said, "A government bureau is the nearest thing to eternal life we'll ever see on this earth."

Shouldn't we try and prove him wrong?

These are the questions we should be considering Mr. Chairman.