

**Opening Statement of Chairman Charles E. Schumer  
Hearing on Nominations to the Election Assistance Commission  
U.S. Senate Committee on Rules Committee and Administration  
June 29, 2011**

- Good morning. Today we meet to consider three nominations to the Election Assistance Commission. Gineen Bresso is currently serving as a Commissioner, and is nominated for a second term. Thomas Hicks and Myrna Perez have been nominated for the first time.
- I welcome all three of you to this hearing today – along with your families and colleagues.
- I wanted to hold this hearing without undue delay. Since December, the Commission has not had a quorum. It has only two sitting Commissioners and it needs at least three for a quorum to do business, especially as it works with states preparing for next year’s elections.
- First, I want to share a little background for those in the room who may not know much about the EAC. It is an independent, bipartisan federal commission created in 2002 by the Help America Vote Act, or “HAVA.”
- Its primary responsibilities include:
  - Testing and certifying voting equipment;
  - Collecting and publishing the only nationwide survey of data to help improve election administration; and,

- Serving as a clearinghouse for all election officials nationwide on research and “best practices” related to the administration of elections
- While HAVA became law in 2002, the Commission wasn’t funded and operational until 2004. Since then, it has had its share of successes. For example:
  - The EAC developed a methodology for testing and certifying voting systems. This is especially important for states whose laws require the use of federally certified voting machines.
  - It has researched better ballot design, providing information to states and vendors to help avoid problems such as those resulting from the “butterfly ballot”.
  - It has awarded “Military Heroes” grants, to help make voting easier for recently injured combat veterans, and has held over 70 meetings and roundtables with election officials from every part of the country, to identify and exchange best practices.
  - The agency has distributed more than \$3 billion in HAVA-mandated payments to states for new voting machines and election administration projects.
  - And the EAC has become a place where election officials can go for help with voting system vendors. In one recent

case, at the request of an official in Ohio the EAC began investigating problems with one manufacturer whose equipment wasn't working according to specs.

- While the commission has done a lot of important work, it also has had its share of criticism as it has gotten up and running.
  - The testing and certification program, for instance, has taken longer than desired to become fully operational;
  - The agency has had several staffing and personnel disputes; and,
  - The agency probably hired more administrative employees than necessary. The EAC, in my opinion, needs to reduce the number of administrators and emphasize employees who are engaged in research and on programs that directly aid state election officials and voters.
  
- Once the EAC again has a quorum, it can begin to address these issues.
  
- All three of our nominees have strong backgrounds in election law and procedure. Current Commissioner Gineen Bresso, who was recommended by Speaker Boehner, served as an elections attorney for Governor Ehrlich of Maryland before serving as counsel for the House Administration Republican staff on election issues. She has been an EAC Commissioner since 2008.

- Tom Hicks, recommended by Minority Leader Pelosi, worked at the Office of Personnel Management during the Clinton Administration, was a Policy Analyst on elections for Common Cause, and has served several Chairmen as the Senior Elections Counsel for the House Administration Committee's Democrats.
- Myrna Perez, recommended by Majority Leader Reid, has had an impressive legal career, with degrees from Yale, Harvard and Columbia before serving as a Civil Rights Fellow and then Counsel at the Brennan Center for Justice working on democracy issues.
- As Commissioners, most of your work will be with state and local election officials—assisting them to modernize their voting systems with increasingly scarce resources. I'd ask you especially to keep in mind the end user – those who are the real constituents for all of us – the voters.
- Too many voters still have difficulty voting and the EAC, together with the states, has taken steps to help them – more accessible voting machines for those with physical limitations; voter registration material translated into 10 languages; and ballots that are easier for everyone to understand and use.
- As Commissioners, you have a unique charge. With very limited regulatory authority, you help identify challenges

facing voters, and help the states find ways to address them. I wish you well in that important duty.

- Again, thank you for being here today, and I look forward to hearing from the nominees.
- I now yield to Senator Alexander, the Ranking Member of our Committee.