

**HEARING—NOMINATIONS OF MATTHEW  
MASTERTSON AND CHRISTY McCORMICK  
TO BE MEMBERS OF THE ELECTION  
ASSISTANCE COMMISSION**

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**WEDNESDAY, SEPTEMBER 10, 2014**

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

The committee met, pursuant to notice, at 9:58 a.m., in Room SR-301, Russell Senate Office Building, Hon. Angus S. King, presiding.

**Present:** Senator King.

**Staff Present:** Kelly Fado, Staff Director; Stacy Ettinger, Chief Counsel; Ben Hovland, Senior Counsel; Sharon Larimer, Professional Staff; Julia Richardson, Senior Counsel; Abbie Sorrendino, Legislative Assistant; Phillip Rumsey, Legislative Correspondent; Jeffrey Johnson, Clerk; Annalee Ashley, Staff Assistant; Mary Suit Jones, Republican Staff Director; Shaun Parkin, Republican Staff Director; and Paul Vinovich, Republican Chief Counsel.

**OPENING STATEMENT OF SENATOR KING**

Senator KING. This hearing will come to order. Welcome.

On today's agenda is the consideration of the nomination of Mr. Matt Masterson and Ms. Christy McCormick to be members of the Election Assistance Commission. Both of our nominees have strong backgrounds in election law and procedure. Mr. Masterson, recommended by Speaker John Boehner, currently serves as Deputy Chief of Staff and Chief Information Officer at the Ohio Secretary of State's Office. Ms. McCormick, recommended by Senate Minority Leader Mitch McConnell, currently serves as a Department of Justice trial attorney with the Voting Section of the Civil Rights Division.

Mr. Masterson and Ms. McCormick, I would like to welcome both of you here today, and I congratulate you on your nomination to be members of the Election Assistance Commission.

Mr. Masterson, I understand your wife, Joanna, and brother, Justin, are here with you, and we would like to welcome them. And, Ms. McCormick, your daughter, Elizabeth, and sister, Cecily, are here. The committee would like to welcome your family members and are very happy that they could join you here today. We are also pleased to have members of the Election Assistance Commission staff with us today as well.

Following the Presidential Commission on Election Administration's release of its final report in January of this year, the Rules Committee has held five hearings on election administration. These hearings focused on the bipartisan best practice recommendations of the Presidential Commission.

Election officials and experts from around the country have testified before us on many of the most successful efforts to improve how our elections are run. I am particularly enthusiastic about this

project because I believe, particularly as a former governor, that too often, we have good solutions worked out in individual States and nobody knows about them. So, best practices—sharing best practices, I think, is something that we should always strive to do more of.

A frequent topic of concern at the hearings that we have had was the EAC, and it has been operating, as you know, without a quorum of Commissioners since late 2010 and has not had Commissioners sitting since December of 2011. This Commission was established by the Help America Vote Act in 2002, HAVA. The EAC was created to be an independent, bipartisan commission charged with a number of important responsibilities, including developing guidance for State and local election officials to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration.

Without a quorum of Commissioners, however, the EAC has been severely limited in its ability to fully function as Congress intended. Additionally, the advisory boards, composed of State and local election officials and members of the broader elections community, have been unable to convene and do their work.

Despite these severe limitations, during the election administration hearing series, this committee repeatedly heard about the value and importance of the EAC's work. Several election experts discussed how important the Election Administration and Voting Survey is to understanding how elections are administered across the country. Beyond the survey, it was evident that many of the State innovations that were held out as best practice recommendations to be replicated were made possible because of EAC grant programs. We also heard about the need for a fully functioning EAC to help address the growing challenges of aging voting systems and the need for adoption of new voting system guidelines.

The Presidential Commission's report and this committee's hearings made it clear that the EAC's role as a clearinghouse of election information and best practices is needed and should be expanded. In short, the EAC has work that needs to be done, and today, we have an opportunity to take the next step in helping this agency function as it was intended under the Help America Vote Act.

I am pleased that we have two very well qualified candidates who have been nominated and are testifying before the committee today. Your experience and background in elections will undoubtedly help the EAC to move forward.

I hope we can move your nominations swiftly and create a fully functioning EAC that our elections and voters deserve. It is a very tight schedule here, as you know, during the next several weeks, but we are hopeful that we will be able to move your nominations before Congress recesses later in September.

Senator Roberts, our Ranking Member, could not be here this morning, but if he has opening remarks, we will certainly see that they are put into the record, without objection.

So, with that as background, we will hear from our nominees in alphabetical order.

I have to stop and tell an amusing story about elections. In Maine, as in most States, the ballot order is determined alphabeti-

cally. Mr. Bailey is always on the ballot ahead of Mr. Mitchell. One year, there was a bill in the Maine legislature—this was many years ago—to change that rule to make it random, to make the order selected at random in terms of how you would appear on the ballot.

In the Maine House of Representatives, we have two large lighted tally boards that tally the votes of the members of the House, yes or no, on each issue that comes before us. And, lo and behold, when this issue came before the House of Representatives to go from the alphabetical system to the random system, all the names in alphabetical order of the members of the House on the left side of the body voted no and all the people on the right side, who were lower down in the alphabet, voted yes. To my knowledge, it is the only time that has ever happened in the history of the Maine legislature.

[Laughter.]

Senator KING. So, thank you, Mr. Masterson, and if you will proceed, I look forward to your testimony.

**TESTIMONY OF MATTHEW V. MASTERSON, NOMINATED TO BE  
A MEMBER OF THE ELECTION ASSISTANCE COMMISSION**

Mr. MASTERSON. Well, thank you, Chairman King, and good morning. Thank you for holding this hearing on my nomination to serve on the United States Election Assistance Commission.

I also want to thank Speaker Boehner for submitting my name to President Obama for consideration and to thank the President for nominating me. It is truly an honor.

I am pleased to have the opportunity to testify on my qualifications and interest in becoming an EAC Commissioner. My career in elections started, appropriately, at the U.S. Election Assistance Commission after I graduated from law school. Since that time, I have worked with both State and local election officials to serve voters primarily through the use of technology.

While at the EAC, I worked with election officials, voter advocates, computer scientists, and manufacturers to help create the EAC's voting system testing and certification program. This program was the first of its kind, designed to allow States to voluntarily utilize federally accredited test laboratories to have their systems tested and certified to a robust set of standards.

In 2011, I left the EAC to return home to Ohio and worked for the Ohio Secretary of State, where I currently serve as Deputy Chief of Staff and Chief Information Officer. The opportunity to work in the most important swing State in the country during a Presidential election cycle was a dream come true. In my time in Ohio, I have continued leveraging technology to improve services to election officials and voters. I have helped implement several programs that have modernized elections in Ohio and truly made it a national leader, including an online change of address system, a data sharing program with the Ohio Bureau of Motor Vehicles, and more user-friendly voter information tools. All of these have helped to make the voting process more accessible and more usable for voters.

For the past three years, I have also served on the Executive Board of the National Association of State Election Directors and

as a member of the EAC's Technical Guidelines Development Committee. I also testified in front of the President's Commission on Election Administration regarding the aging voting equipment the States are currently using and the future of voting technology.

State and local election officials across the country are in an incredibly tough position. Most of their systems are a decade or more old, which is ancient by information technology standards, and will need to be replaced in the very near future. Recognizing that voters will lose confidence in a voting process that uses 1990s technology instead of modern technology, election officials are craving innovation in election systems. I am fully invested in trying to bring about these kinds of innovations, and if confirmed, I believe I can continue that work at the EAC.

Finally, I want to thank some of the people who have helped me along the way. First, I want to thank all of the election officials across the country whom I have worked with and learned from. You all do a tremendous service to this country that too often goes unappreciated. I especially want to thank those election officials who have patiently mentored me along the way, teaching me that every detail matters in elections. Thank you to the team at the Ohio Secretary of State's Office, especially Secretary Husted, for welcoming me home and giving me an opportunity to run elections in Ohio.

To my Mom, Pam, my brother, Brian, and my twin brother, Justin, who is here with me today, thanks for helping me get to a place where I am doing something I truly love.

To my wife, Joanna, who is also here with me today, and my two children, Lilah and Nathaniel, thank you for all of your support.

Finally, I want to thank my father, Vince Masterson, who passed away on Sunday, and who I know was very proud of this opportunity.

Chairman King, I thank you for consideration of my nomination and will be happy to answer any questions you may have. Thank you.

[The prepared statement of Mr. Masterson was submitted for the record:]

Senator KING. Thank you.

We will hear from Ms. McCormick first, and then we will have questions for both of you. Ms. McCormick.

**TESTIMONY OF CHRISTY A. McCORMICK, NOMINATED TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION**

Ms. McCORMICK. Good morning, Chairman King. I am pleased to be here to discuss my nomination to serve on the United States Election Assistance Commission.

I thank Senate Minority Leader Mitch McConnell for submitting my name to the President and to President Obama for nominating me. I am deeply honored that you are considering me for a position of trust in our government.

I appreciate the opportunity to testify on my background and qualifications to become an EAC Commissioner. My interest in elections started as a young adult, when my parents involved our family in working on campaigns and hosting fundraisers for candidates at our family home in Massachusetts. I was excited to be

able to cast my first vote at the age of 18 in New York, and found myself running for office in Michigan by the age of 20. I volunteered to be an Assistant Voter Registrar in Connecticut in the 1980s, and again in Virginia when I moved there in the 1990s. Having been involved in elections and voting in several States early on in my life gives me a unique perspective.

In 2006, I joined the U.S. Department of Justice Voting Section, where I continue to serve as a trial attorney. My work at the Justice Department involves investigating and prosecuting violations of Federal voting statutes, including the Voting Rights Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act, also known as UOCAVA, and the MOVE Act, most of which have some nexus with the work of the EAC.

I have been privileged throughout my career at the Justice Department and at the Office of the Virginia Attorney General to contribute to some very important cases and to have had an impact on First Amendment, civil rights, and voting jurisprudence.

In addition to litigation, I also conduct election monitoring for the Justice Department and have observed numerous elections and polling places all across America.

In 2009, the Office of the Deputy Attorney General sent me on a year-long detail to Iraq, where I served as an attorney advisor and Acting Deputy Rule of Law Coordinator. The Office of the Rule of Law Coordinator was embedded in Embassy Baghdad and was responsible for collaborating with the Department of State, the U.S. military, and other Federal agencies, along with our international partners, on rule of law initiatives. We provided advice and support to Iraqi ministries and legal institutions, including the Higher Judicial Council, the General Secretariat for the Council of Ministers, the Ministries of Justice, Interior, Human Rights, and Women's Affairs, among others. I also served as a liaison to parallel ministries in the Kurdish region.

One of my main and most exciting assignments was to serve as the Justice Department's expert on elections in Iraq. Along with our State Department colleagues, I worked with the Iraqis on their 2010 national elections. This included providing assistance and advice to the independent High Electoral Commission during the run-up to the elections, participating in a team observing the elections in the Wasit Province, and witnessing the extensive 12-day election recount. I was deeply impressed to see a large number of women voting on election day and very encouraged by watching families bring their children into the polls to teach them about democracy and to dip their fingers in the electoral ink. It is my deepest hope that the idea of democracy and fair elections will still be possible in Iraq in the future.

As for elections here in the United States, if confirmed, I will do my best at the EAC to assist our 8,000 jurisdictions in fairly and smoothly administering their elections. We have much work to do to assure that all eligible voters are able to cast their votes in elections that are secure and in which the electorate can place its full confidence.

While the EAC is not tasked with rulemaking or running elections, it is in a position to provide information, share best practices, collect data for election analysis, and offer programs that support

modern elections such that the public has full access to the ballot box and trust in our electoral outcomes. I believe this is essential to the health of our Republic and I would like to continue this important work at the EAC.

As with all of us, I did not come to this place without the help of many others. I want to thank the many people I have worked with and for, including Justice Elizabeth McClanahan, Professor Michael I. Krauss, Commissioner Judith Williams Jagdmann, former Solicitor of Virginia William Hurd, many of my current and former colleagues in the United States Department of Justice and in the Virginia Office of the Attorney General who have provided me with amazing opportunities and helped me hone my legal abilities.

Thank you, also, to the election officials I have met and worked with across the country over the past eight years, who work long hours, deal with often complex logistics, and do so many things that go unnoticed in running our elections.

Thank you to my dear friends, some of whom are here today, with whom I am able to debate and discuss the issues of our day and who provide me with love, support me with prayer, and encourage me with many laughs.

Thank you to my family, especially my parents, Keith and Carol Cutbill, who introduced me to campaigns and elections; my sisters, Catherine, Laura and Lynda; my brother, Chaz, and his wife, Corie; my nephew, Parker, and niece, Bentley. Special thanks to my sister, Cecily Cutbill, who is here with me today, and to her husband, Christopher Thorne, my niece, Caroline, and nephew, William, who have sacrificially housed me and fed me. Finally, my deepest love and appreciation go to my beautiful daughter, Elizabeth Mead, who is here today from California. Thank you for your love and for inspiring me daily.

Chairman King, if confirmed, I am prepared to do my best to serve our country as an EAC Commissioner, and in that role, to commit to appear and testify before Congress upon its request, and I am happy to answer any questions you may have.

[The prepared statement of Ms. McCormick was submitted for the record.]

Senator KING. I have two preliminary observations. The first is, I want to be sure the record shows my appreciation to Speaker Boehner and Leader McConnell for finding you two extraordinarily well qualified, thoughtful people, and I want to thank them publicly for putting your names forward to the President and thank the President for making those nominations.

The second observation is that Senators are often in a position of asking questions to people who know more about the subject matter than they do, and that is certainly true today, but I am going to forge ahead anyway and ask a few questions of each of you, not in any spirit of trying to trip you up or embarrass you in any way, but in a genuine pursuit of information and your thinking about this job that you are proposed to embark upon.

Mr. Masterson, you mentioned about technology and how many jurisdictions are upgrading their technology. It seems to me that one of the challenges is to assure people that their vote is going to be counted and that there is no mischief to be had when there is

not a piece of paper. In my hometown, we vote. There is still a piece of paper and we fill in an arrow—I am sure you are familiar with that style—and then it goes into a machine. But, there is a certain confidence that there is something tangible if all else fails that can be reviewed.

How do we build a technological system that the public can have confidence in when we hear about Home Depot or Target being hacked or something like that? Our election process and the integrity is so important to public confidence in our democracy. How do we weigh the desire for technology and efficiency against the risks of technological failure that would impede or impair the confidence of the public in the voting process?

Mr. MASTERSON. Well, thank you for the question, Mr. Chairman. It is a great question, and the answer, not surprisingly, is one that election officials across the country constantly battle with. That is, the convenience of the technology with the assurance that every vote is counted as cast. And, that is the role that I hope to play in going to the Election Assistance Commission, is disseminating best practices that these election officials across the country have worked on and developed to deal with that very struggle of the balance between security and accessibility or usability of the systems in order to provide the best service to voters. Election officials across the country with these systems have found new and innovative ways to provide that assurance that you just talked about, whether it is in the form of a paper ballot or post-election audits, while still providing the level of convenience that voters expect.

Senator KING. Are we moving toward paperless voting systems? Is that the trajectory of the technology?

Mr. MASTERSON. I think that is a really fair question. I think some jurisdictions already have paperless technology and other jurisdictions insist on having the paper ballot. And, so, not surprisingly, like with all things in elections, it is what the voters expect in order to have confidence in the process.

Voters, for instance, in the State of Georgia, embrace their voting system and their touch-screen system for what it is, and that is what the election officials in the State of Georgia have chosen to use and the voters have undertaken and accept. In Maine, for instance, like you said, the expectation is to have that paper ballot. And, so, that choice and the availability of best practices on how to manage either a paper system or another type of voting system is important so that it can be done well and with integrity.

Senator KING. Well, it seems to me that the integrity, the last word you used, is so important, because all it would take would be one disaster that would undermine confidence nationally. In this day and age, with communications being what they are, if there is one district in one State where the vote totals were 10,250 and there were only 8,000 people in the district, it would be a catastrophe for our democracy, I think.

So, I hope, in your work, you will keep in mind these dual goals of efficiency versus verifiability and confidence. There is an intangible that is so important here, I think. So, I hope that is something that you will bear in mind in your work on the Commission.

Mr. MASTERSON. Absolutely.

Senator KING. Ms. McCormick, I am fascinated by your experience in Iraq. I think that probably the two most important elections in the last several years have been Iraq and Ohio, I mean—  
[Laughter.]

Senator KING. Share with me your observations from that experience. Do we have anything to learn from the way that those elections were conducted?

Ms. MCCORMICK. Well, it was, obviously—thank you for the question. It was an interesting experience, a dangerous assignment. There are lessons that we can learn from that experience. One of the things that the Iraqis did exceptionally well was transparency. Everybody knew who was able to vote in a particular polling place because they actually listed the names of all voters outside the polling place. And, they had a very good system where they had a center where people could go if their names were not found so that they could be sent to the correct location so that their ballot could be cast and counted. The Iraqis did, I think, a better job, in my view, than some of our own jurisdictions that I have witnessed. So, I do believe that we have some work to do in some places. We should always be striving to improve our elections.

Hopefully, the Iraqis will get back on track. It is very disconcerting, what is happening there right now. Unfortunately, much of the work that we had achieved has—now almost seems for naught, but hopefully not.

We had some very dangerous travels. We had people running after us with AK-47s and we had—we were not allowed to bring security into the polling booth with us, so, fortunately for us, we do not suffer the same security issues that they do in Iraq.

But, for me, it was a great learning experience, to see the enthusiasm of the people there who were finally able to vote, and hopefully, we can encourage our electorate to get out and vote. I think it is kind of sad that we have elections where very few people vote, and it would be my wish to have everyone vote who is eligible in any given election.

Senator KING. Thank you.

One of the—I am not sure of the jurisdiction in the Commission, but one of the issues that we are facing around the country is not necessarily Election Day itself, but issues like early voting and mail voting, and I am sure at some point there is going to be a proposal for online voting. To what extent does your jurisdiction, does your thinking extend to those kinds of issues, or is it strictly what happens on Election Day?

Ms. MCCORMICK. No, I think we are tasked with looking at everything, information and best practices on everything. The States have the authority to run our elections, the State and local jurisdictions, and as Mr. Masterson mentioned, different States in different jurisdictions do things in different ways. Our role at the Commission will be to collect that information, disseminate best practices, share experiences so that, like you said, some State might have a better way of doing something than another State, and for us to facilitate that communication so that we can all improve elections together based on best practices out in the States and the jurisdictions.

Senator KING. Well, you used the right word, and Mr. Masterson, one of the keys to this is data, I think. Data—it is so hard to get the data that will drive good policy. One of my favorite sayings is, the plural of anecdote is a data.

[Laughter.]

Senator KING. And, I hope that that is an area that you can help and pursue, because, for example, questions about early voting and what are the influences and those kind of things, if we know what percentage of people are voting early, and the more of that information we have, the better decisions we can make on these matters, in my view.

Mr. MASTERSON. Yeah, I completely agree. Fortunately, through the EAC's Election Day Survey and other efforts to collect data, election officials more and more—and I see it in Ohio all the time and we do it in the Secretary of State's Office—are leveraging data to not only look at those numbers, like you suggest, but create efficiencies and cost savings. The reality is, that data really helps inform election officials' decisions in an area where resources are extremely tight and service and expectations are extremely high. And, that data is what helps inform them. And, I know there will be election officials across the country thrilled that you are bringing up the need for good data and constant improvement to that data.

Senator KING. Well, one example would be voting patterns by hour so that you knew how to staff and you could staff to the demand. And, if you have a historic record of when people are more likely to show up with some real substantial basis, you can—that, in itself, would improve the efficiency because you would be able to move more people through during those hours when the demand is the highest.

Mr. MASTERSON. Absolutely. We have election officials in Ohio who literally sit with a stopwatch to time how fast it takes their clerks to check in registrations to figure out just that, how much time and staff do we need to do certain tasks. So, that data speaks directly to informing the process and creating both better services for voters and greater efficiency.

Senator KING. Well, let me ask a sort of concluding question of both of you, which is pretty broad. Ms. McCormick, what are your priorities as you go, as you have thought about this job, as you go in? What is it you want to focus on? Where do you think the gaps are? I mean, you are coming to this with huge experience and you must have some view of what—and, you are going to be in charge, I mean, with the other two Commissioners, you are going to be setting the agenda. Where do you see the need for action and work by the Commission?

Ms. MCCORMICK. Thank you, Senator. I think the first thing that we need to do, because the Commission has been without a quorum and Commissioners for so many years, I think the very first thing we need to do is to review the roles and the responsibilities of the agency and its employees and to figure out exactly where the agency stands now, what our statutory duties are, and where we should be going forward. I think that will take some time. There is a lot to be done, but I am excited about it and I think that we can serve our clients once we get up and running again.

It is hard for me to say right now exactly what the first priority would be, other than to figure out what exactly has been going on at the Commission for the last several years and how it matches up with what we are supposed to be doing under the statute.

Senator KING. Good. Thank you.

Mr. Masterson.

Mr. MASTERSON. Yeah. Thank you, Mr. Chairman. And, the first thing I would look to do is begin the process of updating the voting system standards, which is one of the core tenets in HAVA for the role of the EAC. As I mentioned in my opening remarks, election officials are at the end of life for their voting systems and the voting system standards have not been substantially updated in quite some time. And, so, to begin that process and begin the work to update the voting system standards so that election officials can begin to see the innovation that they desire would be the first point I would focus on.

Senator KING. Any additional comments that either of you would like to make for the record before we close the hearing?

Ms. MCCORMICK. No, Senator. I have no more comments. Thank you.

Senator KING. Thank you.

Mr. MASTERSON. No, Mr. Chairman. Thank you for your time.

Senator KING. Well, thank you both, and I sincerely appreciate your willingness to take on this task, particularly given your extraordinary credentials. It is an important one. It is at the heart of our democracy and our system, and public confidence is so important. There is a little bit of a dilemma. Part of public confidence is being sure every vote counts. Part of public confidence is not having to stand in line for three hours and feel that there is some—that voting is a huge chore. So, we have to find the right balance, and I certainly appreciate your willingness to step forward and take on this responsibility.

We will hold the record of this hearing open for, I believe it is 24 hours, the close of business tomorrow, Thursday, September 11, for additional statements and post-hearing questions submitted in writing for the nominees to answer.

There is no further business to come before the committee. I declare this meeting adjourned.

[Whereupon, at 10:29 a.m., the committee was adjourned.]

## **APPENDIX MATERIAL SUBMITTED**

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**Senator Pat Roberts**  
**Ranking Member – Senate Rules and Administration Committee**  
**Statement for Election Assistance Commission Nominees**  
**Confirmation Hearing**  
**September 10, 2014**

Thank you Mr. Chairman.

I appreciate your willingness to call this hearing to move these nominees forward.

I want to thank the nominees for being here today and for their willingness to serve.

They are both extremely well qualified and very capable.

Their experience will be a great benefit to the Commission and I am glad they have accepted this challenge.

As you know, there is an ongoing debate about the future of the Election Assistance Commission (EAC). While I expect that debate to continue, we can agree that as long as the EAC exists, it must operate in a bi-partisan fashion.

Confirmation of these two nominees along with the others that have previously been reported by the Committee will maintain the necessary statutory balance at the Commission.

I look forward to the testimony of the witnesses and thank them again for being here today.

Committee on Rules and Administration  
Statement by Mr. Matthew Masterson, Nominee for Commissioner  
Election Assistance Commission  
Wednesday September 10, 2014

Good morning Chairman Schumer, Ranking Member Roberts and members of the committee. Thank you for holding this hearing on my nomination to serve on the United States Election Assistance Commission (EAC). I also want to thank Speaker John Boehner for submitting my name to President Obama for consideration, and to thank the President for nominating me. It is truly an honor.

I am pleased to have the opportunity to testify on my qualifications and interest in becoming an EAC Commissioner. My career in elections started, appropriately, at the U.S. Election Assistance Commission after I graduated from law school in 2006. Since that time, I have worked with both state and local election officials to serve voters primarily through the use of technology. While at the EAC, I worked with election officials, voter advocates, computer scientists and manufacturers to help create the EAC's Voting System Testing and Certification program. This program was the first of its kind—designed to allow states to voluntarily utilize federally accredited test laboratories to have their systems tested and certified to a robust set of standards.

In 2011, I left the EAC to return home to Ohio and work for the Ohio Secretary of State, where I currently serve as Deputy Chief of Staff and Chief Information Officer. The opportunity to work in the most important swing state in the country during a presidential election cycle was a dream come true. In my time in Ohio, I have continued leveraging technology to improve services to election officials and voters. I have helped implement several programs that have modernized elections in Ohio and truly made it a national leader, including an online change of address system, a data sharing program with the Ohio Bureau of Motor Vehicles and more user-friendly voter information tools. All of these have helped to make the voting process more accessible and usable for voters.

For the past three years, I have also served on the executive board of the National Association of State Election Directors (NASED) and as a member of the EAC's Technical Guidelines Development Committee (TGDC). I also testified in front of the President's Commission on Election Administration (PCEA) regarding the aging voting equipment states are currently using and the future of voting technology.

State and local election officials across the country are in an incredibly tough position; most of their systems are a decade or more old, which is ancient by information technology standards, and will need to be replaced in the very near future. Recognizing that voters will lose confidence in a voting process that uses 1980s technology instead of modern technology, election officials are craving innovation in election systems. I am fully invested in trying to bring about these kinds of innovations, and if confirmed, I believe I can continue that work at the EAC.

Finally, I want to thank some of the people who have helped me along the way. First, I want to thank all of the election officials across the country whom I have worked with and learned from. You all do a tremendous service to this country that too often goes unappreciated. I especially want to thank those election officials who have patiently mentored me along the way, teaching me that every detail matters

in elections. Thanks to the team at the Ohio Secretary of State's office, especially Secretary Husted, for welcoming me home and giving me an opportunity to help run elections in Ohio. To my family—especially my parents, Vince and Pam, my brother Brian and my brother Justin, who is here with me today—thanks for helping me get to a place where I'm doing something I love. Finally, to my wife Joanna, who is also here today, thank you for all of your support.

Members of the committee, I thank you for your consideration of my nomination, and will be happy to answer any questions you may have.

**Matthew Vincent Masterson**

Matthew V. Masterson is Deputy Chief of Staff and Chief Information Officer for the Ohio Secretary of State, positions he has held since 2013. He previously served as Deputy Director of Elections from 2011 to 2013. Prior to joining the Ohio Secretary of State's office, Mr. Masterson held multiple roles at the Election Assistance Commission from 2006 to 2011, including Deputy Director for the Testing and Certification Division, Attorney and Advisor, and Special Assistant and Counsel to Chair Paul DeGregorio. Mr. Masterson received a B.S. and a B.A. from Miami University and a J.D. from the University of Dayton School of Law.

Committee on Rules and Administration  
Statement by Ms. Christy McCormick  
Nominee for Commissioner, Election Assistance Commission  
Wednesday September 10, 2014

Good morning Chairman Schumer, Ranking Member Roberts and members of the committee. I am pleased to be here to discuss my nomination to serve on the United States Election Assistance Commission (EAC). Thank you Senate Minority Leader Mitch McConnell for submitting my name to the President, and to President Obama for nominating me. I am deeply honored that you are considering me for a position of trust in our government.

I appreciate the opportunity to testify on my background and qualifications to become an EAC commissioner. My interest in elections started as a young adult when my parents involved our family in working on campaigns and hosting fundraisers for candidates at our family home in Massachusetts. I was excited to be able to cast my first vote at age eighteen in New York, and found myself running for a statewide office in Michigan by the age of 20. I volunteered to be an assistant voter registrar in Connecticut in the 1980s, and also in Virginia, when I moved there in the early 1990s. Having been involved in elections and voting in several states early on in my life gives me a unique perspective.

In 2006, I joined the U.S. Department of Justice Voting Section, where I continue to serve as a Trial Attorney. My work at the Justice Department involves investigating and prosecuting violations of federal voting statutes, including the Voting Rights Act, the National Voter Registration Act, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the MOVE Act, most of which have some nexus with the work of the EAC. I have been privileged throughout my career at the Justice Department and at the Office of the Virginia Attorney General to contribute to some very important cases and to have had an impact on First Amendment, civil rights and voting jurisprudence. In addition to litigation, I also conduct election monitoring for the Justice Department and have observed numerous elections in polling places all across America.

In 2009, the Office of the Deputy Attorney General sent me on a year-long detail to Iraq, where I served as an Attorney Advisor and Acting Deputy Rule of Law Coordinator. The Office of the Rule of Law Coordinator was embedded in Embassy Baghdad and was responsible for collaborating with the Department of State, the U.S. Military and other Federal agencies, along with our international partners on rule of law initiatives. We provided advice and support to Iraqi ministries and legal institutions including the Higher Judicial Council, the General Secretariat for the Council of Ministers, the Ministries of Justice, Interior, Human Rights, and Women's Affairs, among others. I also served as a liaison to parallel ministries in the Kurdish Region. One of my main, and most exciting, assignments was to serve as the Justice Department's expert on elections in Iraq. Along with our State Department colleagues, I worked with the Iraqis on their 2010 National Elections. This included providing assistance and advice to the Independent High Electoral Commission during the run up to the elections, participating in a team observing the elections in Wasit Province, and witnessing the extensive 12-day election re-count. I was deeply impressed to see a large number of women voting on Election Day and very encouraged by watching families bring in their children to teach them about democracy and to dip their fingers in the

electoral ink. It is my deepest hope that the idea of democracy and fair elections will still be possible in Iraq in the future.

As for elections here in the United States, if confirmed, I will do my best at the EAC to assist our 8,000 jurisdictions in fairly and smoothly administering their elections. We have much work to do to assure that all eligible voters are able to cast their votes in elections that are secure and in which the electorate can place its full confidence. While the EAC is not tasked with rulemaking or running elections, it is in a position to provide information, share best practices, collect data for election analysis, and offer programs that support modern elections such that the public has full access to the ballot box and trust in our electoral outcomes. I believe this is essential to the health of our republic and I would like to continue this important work at the EAC.

As with all of us, I did not come to this place without the help of many others. I want to thank the many people I have worked with and for, including Justice Elizabeth McClanahan, Professor Michael I. Krauss, Commissioner Judith Williams Jagdmann, former Virginia Solicitor William Hurd, many of my current and former colleagues in the United States Department of Justice and in the Virginia Office of the Attorney General, who have provided me with amazing opportunities and helped me hone my legal abilities. Thank you also to the election officials I have met and worked with across the country over the past eight years, who work long hours, deal with often complex logistics, and do so many things that go unnoticed in running our elections. Thank you to my dear friends, with whom I am able to debate and discuss the issues of our day and who provide me with love, support me with prayer, and encourage me with many laughs. Thank you to my family, especially my parents, Keith and Carol Cutbill, who introduced me to campaigns and elections, my sisters Catherine, Laura, and Lynda, my brother Chaz and his wife Corie, my nephew Parker and niece Bentley. Special thanks to my sister Cecily Cutbill, who is here with me today, and to her husband Christopher Thorne, my niece Caroline, and nephew William, who have sacrificially housed me and fed me. Finally, my deepest love and appreciation go to my beautiful daughter Elizabeth Mead, who is here today from California – thank you for your love and for inspiring me daily.

Members of the committee, if confirmed, I am prepared do my best to serve our country as an EAC commissioner and in that role to commit to appear and testify before Congress upon its request. I am happy to answer any questions you may have.

**Christy Ann Cutbill McCormick**

Christy McCormick is currently a Senior Trial Attorney at the United States Department of Justice, Civil Rights Division, Voting Section and has served in that position since 2006. She was detailed by the Deputy Attorney General to be Senior Attorney Advisor and Acting Deputy Rule of Law Coordinator in the Office of the Rule of Law Coordinator in Iraq from 2009 to 2010, where she worked on the Iraq national elections and on rule of law matters. From 2003 to 2006, she served as a Judicial Clerk to the Honorable Elizabeth A. McClanahan in the Court of Appeals of Virginia. Ms. McCormick was an Assistant Attorney General and Assistant to the Solicitor General in the Office of the Attorney General of Virginia from 2001 to 2003. She was a Judicial Law Clerk in the Seventh Judicial Circuit Court from 1999 to 2001. Ms. McCormick received her B.A. from the University of Buffalo and a J.D. with honors from the George Mason University School of Law, and the William & Mary School of Law.



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The EAC is vested with many critical responsibilities. Only Commissioners may make decisions about the design of the standard National Voter Registration form mandated by the NVRA. Under HAVA, the EAC is responsible for testing and certification of voting equipment, and for management of a national clearinghouse of election administration resources. This clearinghouse collects fundamentally important information including guidance on topics such as provisional voting and maintenance of computerized statewide voter registration lists, compilations of federal and state laws that affect election administration, and special studies on subjects of Congressional inquiry.

Without any Commissioners in office, the EAC is unable to fulfill its intended role, and the sound functioning of elections throughout the country has suffered as a result. Existing EAC staff do not have authority to write or edit NVRA regulations or respond to states' requests for edits to the National Voter Registration form. In particular, some states have recently pursued and extensively litigated proof of citizenship and voter identification provisions that contravene the intent of the NVRA to extend access to the voter registration process, and go beyond the scope of measures included in HAVA. Changes to the National Voter Registration form to require documentary proof of citizenship would create an unwarranted barrier to Latinos' and other population groups' political participation, as well as additional burdens on election officials and pollworkers.

Although nationwide investigations have revealed that registration and voting by non-citizens almost never occur, tens of thousands of likely legitimate, eligible voters, most of whom report having been born in the United States, have already been prevented from fully participating in elections in states requesting a proof of citizenship requirement, such as Arizona and Kansas. EAC Commissioners are urgently needed to weigh research and evidence from a non-partisan viewpoint, and conclusively settle questions concerning the National Voter Registration form in the manner that most faithfully carries out Congress' intent to promote wider voter engagement.

EAC Commissioners are also urgently needed in place in order to endorse best practices and approve dissemination of advice to election administrators around the country on aspects of election administration that frequently determine whether or not citizens who are English language learners successfully cast ballots, including bilingual pollworker recruitment and training. The NALEO Educational Fund operates a year-round, bilingual hotline (888-VE-Y-VOTA) to assist individuals with registering and voting. Through this medium we receive frequent reports of insufficient and ineffective language assistance in jurisdictions covered by Section 203 of the Voting Rights Act, of pollworkers who do not administer provisional ballots as directed by HAVA, and of other failures to adhere to federal law. Election administrators have an unambiguous need for EAC Commissioners' active leadership around implementation of these laws. Without confirmed Commissioners to formally adopt findings, the EAC is also unable to release election administration research ordered by Congress.

In the wake of significant problems encountered in 2002 with outdated and malfunctioning voting equipment, one of the most critical roles entrusted to EAC Commissioners was the testing and certification of voting systems. Though voting technology has evolved rapidly, and

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acquisition of new equipment has become increasingly critical as machines purchased with HAVA funding during the George W. Bush Administration age and break, the EAC still evaluates equipment according to 2005 standards that do not reflect the latest upgrades and insights. We are particularly aware of the challenges facing election officials that are upgrading their voting systems, because of our participation in Los Angeles County's Voting System Assessment Project, where we are part of a collaborative assisting the County with designing a system that can meet the needs of one of the largest and most diverse jurisdictions in the nation.

Only EAC Commissioners may approve an updated set of voting system guidelines, and there are no sitting Commissioners to take on this important task. Today's EAC is not only unable to adopt contemporary standards, but also unable to resolve disputes about its voting system certification decisions. Only Commissioners can rule upon any such appeal.

In sum, since 2003 the EAC has played an important role in ensuring that elections evolve with our electorate's needs. The EAC has provided a wide array of successful guidance, such as its Glossary of Key Election Terminology, which has standardized the administration of federal elections to the benefit of voters around the country who today enjoy greater equality of access and treatment regardless of where and when they cast ballots. The EAC translated its election terminology glossary into Spanish and five Asian languages, which has greatly enhanced the ability of local election administrators to provide effective assistance to English language learner citizens. Another instance in which the EAC filled an urgent need was when it published its 2007 materials on best practices for the recruitment and training of pollworkers. These materials have served as an invaluable resource for jurisdictions which serve large numbers of language minority voters, particularly those jurisdictions which do not have extensive experience with such voters and are just starting to develop their language assistance programs. Nonetheless, there is significant work left to do, and the improvements the EAC has brought about are at risk of evaporating the longer the Commission languishes without leadership.

On behalf of Latino officials and the 25 million Latinos eligible to vote, we urge you to advance votes on pending EAC Commissioner nominees. Should you have any questions, or if we can provide any additional information, please contact Doris Parfaite-Claude at [dparfaiteclaude@naleo.org](mailto:dparfaiteclaude@naleo.org) or (202) 546-2536. Thank you for your attention to this important matter.

Sincerely,



Arturo Vargas  
Executive Director

cc: Congressional Hispanic Caucus  
Congressional Hispanic Conference



September 4, 2014

Senator Charles E. Schumer  
 Chair, Senate Committee on Rules  
 and Administration  
 305 Russell Senate Office Building  
 Washington, DC 20510

Senator Pat Roberts  
 Ranking Member, Senate Committee on Rules  
 and Administration  
 305 Russell Senate Office Building  
 Washington, DC 20510

Dear Chairman Schumer and Ranking Member Roberts:

As the Executive Director of the National Disability Rights Network (NDRN), I write to support the nominations of Mr. Matthew Masterson and Ms. Christy McCormick to become members of the U.S. Election Assistance Commission (EAC). NDRN is the national membership association for the 57 Protection & Advocacy (P&A) agencies that advocate on behalf of persons with disabilities in every state, the District of Columbia, and U.S. territories. Through the Protection and Advocacy for Voting Access (PAVA) program, the P&As are charged with helping to ensure the full participation of individuals with disabilities in the entire electoral process, including registering to vote, casting a ballot, and accessing polling places. On behalf of NDRN and the 57 P&A agencies we represent, we believe that a strong EAC is necessary to protect the rights of voters and the electoral process in the United States.

Mr. Masterson and Ms. McCormick would both be strong additions to the EAC. Mr. Masterson currently serves as the Deputy Director for the EAC's Testing and Certification Program, and in this role Mr. Masterson's primary responsibility is the creation of the next iteration of the Voluntary Voting System Guidelines (VMSG). Ms. McCormick is a Senior Trial Attorney in the Voting Section of the Civil Rights Division at the Department of Justice, a position she has held since 2006. Both Mr. Masterson and Ms. McCormick have the understanding of the complex issues of election administration necessary to serve in these important positions.

Voting is a fundamental right, and the Election Assistance Commission has played an important role since its creation to ensure that polling places and the voting process are accessible to people with disabilities. A 2009 Government Accountability Office report found that 28 percent of polling places surveyed on Election Day 2008 did not have impediments that hinder physical access or limit the opportunities for private and independent voting for people with disabilities, an improvement over the 16 percent of polling places without impediments in 2000. Great progress has been made, but there remains much work to be done to improve access to the vote for all Americans.

For example, a general survey of voters during the 2012 elections found that nearly four times as many voters with disabilities encountered obstacles than did voters without disabilities. As we rapidly approach the 2014 elections and the 2016 Presidential primaries not that far away, the EAC must be allowed to continue to do its important work. The Senate should vote to confirm all the nominations of new Commissioners to strengthen the EAC and allow it to perform its important functions.

I urge the Senate Rules Committee and the full Senate to quickly move to confirm Mr. Matthew Masterson and Ms. Christy McCormick to the Election Assistance Commission. If you have any questions please contact Dara Baldwin, Public Policy Analyst, at (202) 408-9514 ext. 102 or [dara.baldwin@ndrn.org](mailto:dara.baldwin@ndrn.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis L. Decker". The signature is fluid and cursive, with the first name being the most prominent.

Curtis L. Decker, JD  
Executive Director

**The Leadership Conference  
on Civil and Human Rights**

1629 K Street, NW 202.466.3311 voice  
10th Floor 202.466.3435 fax  
Washington, DC www.civilrights.org  
20006



September 9, 2014

**Support a Fully Functioning Election Assistance Commission**

**The Honorable Charles E. Schumer, Chairman  
Committee on Rules and Administration  
United States Senate  
305 Russell Senate Office Building  
Washington, D.C. 20510**

**The Honorable Pat Roberts, Ranking Member  
Committee on Rules and Administration  
United States Senate  
305 Russell Senate Office Building  
Washington, D.C. 20510**

Dear Chairman Schumer and Ranking Member Roberts:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we urge you to expedite consideration of the Election Assistance Commission ("EAC" or "Commission") nominees before the Committee. The Leadership Conference is committed to supporting and expanding the civil and voting rights of all Americans, and believes a fully functioning EAC is essential to the American voting process.

The EAC does valuable work to ensure the reliability and trustworthiness of our nation's election systems. The Commission plays a major role in collecting accurate and comparable election data. Given our nation's complex and diversified elections administration system, central data collection is critical if we are going to improve our citizens' trust and confidence in election results. In addition, the Commission develops and fosters the training and organization of our nation's more than 8,000 election administrators. Through its many working committees and the work it does to foster robust dialogue among advocates, manufacturers, and administrators, the Commission is improving the administration of elections.

A fully functioning EAC is fundamental to ensuring that the right to vote for all eligible Americans is not compromised and that elections are run efficiently and fairly. By confirming all four nominees, you will begin to revitalize this agency. Without the Commissioners, the state services and election research provided by the EAC will be compromised. The recent Presidential Commission on Election Administration highlighted the importance of a functioning EAC in its report, explaining, "Without a fully functioning EAC to adopt the new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace."

The EAC has also played a central role in improving the accessibility of voting for the country's more than 37 million voters with disabilities. We still have a long way to go to

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AJAC
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- Francis Quisenberry  
Japanese American Citizens League
- Mark Parnell  
American Association of  
People with Disabilities
- Anthony Romano  
American Civil Liberties Union
- David Stryker '13  
Religious Action Center  
of Reform Judaism
- Shanna Smith  
National Fair Housing Alliance
- Richard L. Thomas  
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- Debra Van Rassel  
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- Policy and Enforcement  
Committee Chair**
- Mitch Liebman  
Art-Defender League
- President & CEO**
- Wesley J. Harbeson
- Executive Vice President & COO**
- Nancy McCall-Leason



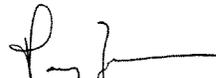
achieve the Help America Vote Act's (HAVA's) mandate to make voting accessible. The EAC's leadership is essential to continuing the effort to offer all Americans the right to vote privately and independently.

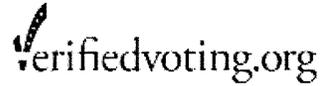
At a time when voters in many jurisdictions must spend hours in line waiting to vote due to broken machines and undertrained workers, we need a full complement of commissioners on the EAC who will ensure that elections are run as effectively as possible, in keeping with HAVA standards. After the upcoming Senate Rules and Administration Committee hearing on the two Republican nominees, we urge you to move quickly to vote the nominees out of Committee and then quickly confirm all four EAC nominees on the Senate floor.

Thank you for your consideration of our position. If you have any questions, please contact Legal Director and Senior Legal Advisor Lisa Bornstein at (202) 263-2856 or [Bornstein@civilrights.org](mailto:Bornstein@civilrights.org).

Sincerely,

  
Wade Henderson  
President & CEO

  
Nancy Zirkin  
Executive Vice President



September 9, 2014

The Honorable Charles Schumer  
Chairman  
U.S. Senate Rules and Administration Committee  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Pat Roberts  
Ranking Member  
U.S. Senate Rules and Administration Committee  
109 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Schumer and Ranking Member Roberts;

As you prepare for the Senate Rules Committee meeting on September 10 to consider the nomination of Matt Masterson to serve as Commissioner on the U.S. Election Assistance Commission (EAC), we write to urge your support for his confirmation. As you may know, Verified Voting is a non-partisan, nonprofit organization, and is the nation's leading advocate for secure, reliable and accessible voting systems and election administration practices.

Verified Voting strongly supports the nomination of Matt Masterson to serve as Commissioner on the EAC. Matt's substantial experience working with the EAC where he was previously employed as deputy director of the testing and certification program gives him valuable perspective on needs and priorities of the Commission and the election administration community it serves.

Matt's further experience as a member of the election administration community itself in Ohio has also given him key insights, as he served in the office of the Secretary of State there, in the Elections division. While at the Ohio Secretary's office, he performed valuable research about uniformity of election practices among the counties. Verified Voting has worked with the Secretary's office and with Matt on developing improved protocols for post-election audits to ensure more verifiable elections in Ohio.

We have also found Matt to be a strong communicator and all of his presentations to be extremely informative. Because of his experience and his skill we invited him to speak at a program about the use of the Internet in elections and the cyber security risks involved, as part of a panel presentation we prepared in conjunction with the George Washington University Cyber security and Policy Research Institute (CSPRI). Matt has extensive knowledge of elections law, but more importantly he has built relationships with people involved in all aspects of elections, at local, state and national levels. We believe he would make an excellent and knowledgeable commissioner, who will continue working to ensure integrity in our elections process.

We urge you to support his confirmation during the confirmation hearing and on the Senate floor.

Sincerely,

A handwritten signature in black ink, appearing to read "Pamela W. Smith".

Pamela Smith  
President