

Summary of Opening Statement of Myrna Pérez

Nominee for Member,

Election Assistance Commission

Before the

Committee on Rules and Administration

United States Senate

June 29, 2011

Elections are the cornerstone of our democracy, and all Americans have an interest in their efficient and secure administration. Administering elections, however, is a difficult task. State and federal election laws governing election administration are complicated, resources for election administration are scarce, the technology is always changing, and it can be challenging to inoculate the administration of elections from the politics of elections.

I understand election administration from a variety of perspectives and have certain skills which will be useful to the EAC in performing its duties. First, I have substantial experience in research and collecting and disseminating information. Second, I have substantial amount of subject matter knowledge on issues related to election administration. Finally, I have strong strategic and public management skills. My approach, if confirmed, to my role and duties would reflect the following: (1) a clear understanding of the role of the EAC, (2) a desire to work closely with election administrators, (3) responsible stewardship of public funds, and (4) a respect for data.

A significant part of my career has been dedicated to protecting and preserving the right to vote and improving our election systems. As a voter, and as a person who has represented voters, I know that election administration is critically important to our democracy.

Written Statement of Myrna Pérez

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Chairman Schumer, Ranking Member Alexander, and distinguished members of the committee:

Thank you for holding this hearing and giving me the opportunity to discuss with you my qualifications to serve on the Election Assistance Commission (“EAC”). I care deeply about the fair, impartial and accurate administration of elections, and I would be immensely honored by the chance to serve, should the Senate choose to confirm my nomination.

I have been extremely fortunate in my life and career. I am a native Texan, a resident of New Jersey, and a lawyer working in New York City. My parents were born in Mexico, moved to the United States as children, and grew up with limited means. They raised me and my brother in an environment which respected public service — my father served in the Air Force and works for county government, my mother works for the US Postal Service; and they made possible my ability to attend Yale College, Harvard’s Kennedy School of Government, law school at Columbia, and for my brother to pursue a career in law enforcement. I have been given a great many gifts, and I believe responsible stewardship of those gifts means I must explore opportunities to use my good fortune in service of others, whether it be by correcting bible study lessons for persons in prison, or serving breakfast to those in my neighborhood who are food insecure, or in a variety of others way, including in my professional experiences in the private, nonprofit, and government sector. It is with great gratitude that I experience your consideration for the opportunity to serve my country and the democratic principles for which it stands.

Experience

Elections are the cornerstone of our democracy, and all Americans have an interest in their efficient and secure administration. Administering elections, however, is a difficult task. State and federal election laws governing election administration are complicated, resources for election administration are scarce, the technology is always changing, and it can be challenging to inoculate the administration of elections from the politics of elections.

The EAC's mission, in my view, is to provide resources and reliable information to election administrators and voters on issues of election administration. I believe I can further that mission because I understand election administration from a variety of perspectives. My interest in voting and election administration started the summer in college that I worked for my county's election administrator processing registration forms and identifying potential polling locations. Today, I serve as chair of the election law committee of the New York City Bar Association. Professionally, as Senior Counsel at the non-partisan Brennan Center for Justice at NYU School of Law, I represent voters, talk frequently with election administrators, study federal and state election laws, and research election practices.

Congress gave the EAC the duties of conducting research, collecting and disseminating information, certifying voting systems, and maintaining the federal form. I have certain skills which I think, if confirmed, will be useful to the EAC in performing those duties.

First, I have substantial experience in research and collecting and disseminating information. As a policy analyst for the Government Accountability Office, I had to perform qualitative and quantitative research on issues requested by Congress. At the Brennan Center, I also conduct research. In both jobs, I have had to pay close attention to appropriate methodologies, talk to people on the frontlines, and make that information accessible to a variety of audiences. Second, I have a substantial amount of subject matter knowledge on issues related to election administration. I have spent the better part of the past five years working on issues related to election administration — from list maintenance efforts to statewide voter registration databases. And while my focus has been on the interests of voters, one cannot effectively serve voters without understanding the realities faced by election administrators. Finally, I have strong strategic and public management skills. In my personal and professional life, I have worked for organizations where resources are limited, the organizational purpose has been defined, and the operational environment has been key to mission achievement, very much like the EAC.

Approach

While it would be premature to commit to any particular course of action without being more familiar with the internal workings of the EAC and talking to my fellow commissioners and election administrators, I can tell you that if confirmed, my approach to my role and duties would reflect the following:

A clear understanding of the role of the EAC – State and federal laws govern election administration, not the EAC. Congress has set forth the EAC's responsibilities of assisting states and localities with their administration of elections by providing data and technical assistance, and those responsibilities are static unless and until Congress decides to change them. The EAC will function best if it focuses on the nuts and bolts of election administration and is not distracted by those questions best suited for legislatures and the courts.

A desire to work closely with election administrators – I have a great deal of respect for election administrators and the work that they do, and do not believe the EAC can function effectively without their input and perspectives. I am fortunate that my current job requires me to talk frequently with

election administrators and I am glad that if confirmed, I can continue to have those conversations. I am interested in learning more about their research and information needs and their ideas about what shared practices would be helpful.

Responsible stewardship of public funds – These are tough fiscal times, which make it ever more critical that the EAC operates efficiently. I bring a personal frugality to my own decision-making, and, if confirmed, I will expect the EAC to use its resources effectively and thoughtfully. If confirmed, I will work with the other commissioners to ensure that the management of the Commission is top-notch, and that the concerns of the public and election officials are addressed. I want all stakeholders to be confident that the taxpayer dollars supporting the EAC is money well-spent.

A respect for data – My work on election administration is guided by research and evidence about what works and what does not. If confirmed as an EAC Commissioner, I would work to ensure that any advice and assistance provided to election administrators be thoughtful and well-researched.

Conclusion

A significant part of my career has been dedicated to protecting and preserving the right to vote and improving our election systems. As a voter, and as a person who has represented voters, I know that election administration is critically important to our democracy. The EAC, if operating well, is a valuable resource available to election administrators because of its nationwide scope, narrow focus, and expressly delineated responsibilities. I believe that my experience, skills, and approach make me well-equipped to help the EAC efficiently and effectively fulfill its congressional mandate. If confirmed, I would look forward to working collaboratively with the members of this Committee to achieve that goal. Thank you for this opportunity to be before you today and I would be pleased to respond to any questions you may have.

Biography of Myrna Pérez

Myrna Pérez is currently Senior Counsel at the Brennan Center for Justice at NYU School of Law, where she has worked and published on a variety of voting rights issues. Previously, Ms. Pérez was the Civil Rights Fellow at Relman, Dane, and Colfax, a civil rights law firm in Washington, DC, and served as a policy analyst at the United States Government Accountability Office. She currently is Chair of the Election Law Committee of the New York City Bar Association. Ms. Pérez is the recipient of several awards, including the Puerto Rican Bar Association Award for Excellence in Academia and the Robert F. Kennedy Award for Excellence in Public Service. She clerked for Judge Anita B. Brody of the United States District Court for the Eastern District of Pennsylvania and for Judge Julio M. Fuentes of the United States Court of Appeals for the Third Circuit. Ms. Pérez holds a B.A. from Yale College, an M.P.P. from Harvard University's Kennedy School of Government, and a J.D. from Columbia Law School.