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Before the

COMMITTEE ON
RULES AND ADMINISTRATION

UNITED STATES SENATE

STATE AND LOCAL PERSPECTIVES ON ELECTION
ADMINISTRATION

Tuesday, March 28, 2023

Washington, D.C.

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STATE AND LOCAL PERSPECTIVES ON ELECTION ADMINISTRATION

Tuesday, March 28, 2023

U.S. Senate

Committee on Rules and Administration

Washington, D.C.

The committee met, pursuant to notice, at 3:05 p.m.,
in Room 301, Russell Senate Office building, Hon. Amy
Klobuchar, chairman of the committee, presiding.

Present: Senators Klobuchar [presiding], Padilla,
Bennet, Fischer, Cruz, and Britt.

1 OPENING STATEMENT OF SENATOR KLOBUCHAR

2 The Chairman. I would like to thank Ranking Member
3 Fischer, and our colleagues and our witnesses for being
4 here. The Rules committee has a tradition of working
5 together in a bipartisan way, and Senator Fischer and I
6 have been continuing that tradition, including introducing
7 a bill based on the top Legislative recommendation of all
8 six members of the Federal Election Commission.

9 And today we are holding this important hearing on the
10 work of State and local officials who run elections and
11 ensure that voters have access to the ballot. Our
12 witnesses, who I will introduce shortly, are New Mexico
13 Secretary of State Maggie Toulouse, Oliver Derrick Bowens,
14 who is the Director of Elections for Durham County, North
15 Carolina, and Marcia Johnson, who is Co-Director of the
16 Lawyers Committee for Civil Rights Under the Law.

17 We are also going to hear from witnesses who are going
18 to be introduced by Senator Fischer. That is why I did
19 them out of order. Didn't forget you. Nebraska Secretary
20 of State Robert Evnen, and Howard Knapp, who is the
21 Executive Director of the South Carolina State Election
22 Commission.

23 So I thank all of you for joining us today. State and
24 local election officials across the country worked
25 tirelessly to administer the 2022 midterm elections so that

1 over 111 million Americans could cast their ballots. The
2 Department of Homeland Security has confirmed the security
3 of recent elections under Republican and Democratic
4 Administrations alike.

5 And those on the front lines of our democracy did the
6 hard work to ensure that that would happen. Today, we will
7 hear from State and local election officials and an expert
8 on voter protection about takeaways from the 2022 elections
9 and key issues for election administration moving forward.

10 With the 2024 primary elections less than a year away,
11 this is an important -- I did that so everyone could take a
12 deep breath. This is an important discussion as effective
13 election administration takes dedicated planning and
14 resources. One area of particular urgency that we will
15 hear about today is the need to counter the barrage of
16 threats and harassment targeting election workers from
17 those seeking to undermine our democracy.

18 According to a survey last year by the Brennan Center,
19 nearly one in three local election officials are concerned
20 about their safety because of their job, and nearly one in
21 six have received threats.

22 Adrian Fontes, the Arizona Secretary of State, told me
23 that when he served as Maricopa County Recorder in 2020,
24 his family had to leave their house four days before
25 because of death threats.

1 And former Philadelphia City Commissioner Al Schmitt,
2 a Republican who is now Pennsylvania's Chief Election
3 Official, told this committee at a bipartisan hearing last
4 Congress that he received a message saying, tell the truth
5 or your three kids will be fatally shot with the names of
6 his 7 year old son and 11 and 14 year old daughters, their
7 address, and photos of their house.

8 State and local election officials from both parties
9 testified at that hearing, including the Kentucky Secretary
10 of State, about what is happening with election workers.
11 We want people who are full time election workers, but we
12 also want volunteers. And when this happens, you also lose
13 volunteers.

14 These dedicated public servants should be able to do
15 their jobs without fear or intimidation, which is why I
16 introduced comprehensive litigation legislation to take
17 this issue head on with many Senators, including Senator
18 Feinstein and Warner, Merkley, Padilla, and Bennet, and
19 this committee.

20 And I hope that Senator Fischer and I will continue to
21 work on a bipartisan basis when it comes to this really
22 important issue. These threats are in part fueled by
23 disinformation that allows lies that undermine our
24 elections to go viral.

25 We must tackle the root causes of disinformation that

1 spreads online and the impact it has on our democracy. I
2 have introduced legislation to do that with Senator Warner,
3 and I think there is other things we should be doing with
4 regard to these social media platforms and other things
5 that have impacted the way people feel about our democracy,
6 the way they feel about each other, the way the algorithms
7 work, the way the competition policy hasn't been changed.

8 I could go on and on, but I am going to stick to the
9 matter at hand. In the face of these challenges, it is as
10 important as ever that we continue to support election
11 officials as they do their jobs to uphold our democracy.

12 State and local governments need a steady and reliable
13 stream of yes, State and local support, but also Federal
14 support to plan and keep pace and protect against foreign
15 interference as technology evolves, as well as to recruit
16 and train poll workers and protect election officials from
17 threats.

18 The investments we have made since 2018 have been
19 important. Senator Blunt and I worked on this together.
20 Senator Lankford and I worked on bills regarding foreign
21 interference. And all of this has helped ensure that
22 recent elections were what the Department of Homeland
23 Security said were the most secure in American history.

24 That is thanks to all of you. But it is also thanks
25 to all of our cyber experts who are looking out for issues.

1 As we know, there have been threats in the past but more
2 must be done. I have introduced legislation, the
3 Sustaining Our Democracy Act, to deliver critical resources
4 to State and local governments for election administration,
5 and the President's budget also includes a commitment to
6 prioritize significant funding for elections to ensure
7 their continued security and resilience.

8 Finally, I want to note that in many States, voters
9 continue to face laws that make it harder to vote. These
10 laws impose restrictions on things like voting by mail
11 cards from early voting and getting rid of secure drop
12 boxes for people to return their ballots. That is why many
13 leaders support basic Federal standards to make sure all
14 Americans can cast their ballots in the way that works best
15 for them, regardless of what zip code they live in.

16 And that is why I support the John R. Lewis Voting
17 Rights Advancement Act to repair and restore the Voting
18 Rights Act. I note that the majority of the Senate
19 supports the Freedom to Vote Act, and while it is a
20 Democratic bill, a number of Republicans have spoken in
21 support of certain reforms in the bill, including one
22 Republican witness we had in this very room who testified
23 in support of these measures, who was a former Federal
24 Election Commission chairman.

25 So I want to thank our witnesses for all the work that

1 you do every single day. I am so proud of our local
2 election officials. I am proud of the fact that Minnesota
3 always ranks number one, if not or at least near the top.
4 I say just a challenge to our Secretary of State for voter
5 turnout. And a lot of it has to do with -- actually, we
6 have same day registration, which is kind of, it may be an
7 old fashioned concept, but in States that are red or blue
8 or purple, it has greatly increased turnout.

9 We have good rules when it comes to mail in balloting
10 and early voting and the like. And we have had both
11 Democratic and Republican Governors and one very famous
12 independent that would be Governor Jesse Ventura, all with
13 these laws in place. I think what for me, what it does is
14 it makes people feel like they participate.

15 And when they come up and say, I didn't vote for you,
16 but I like what you did on this, at least they voted and at
17 least they care about our democracy is what I always think.
18 And maybe I will convince them next time.

19 But I think having that kind of ease of voting is a
20 big deal, and faith in our democracy, and makes people feel
21 like they are part of the franchise, which is one of our --
22 which should be our focus as elected representatives. And
23 with that, I will turn it over to my friend, Deb Fischer.

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22 STATEMENT OF SENATOR FISCHER

23 Senator Fischer. Good afternoon. Thank you,
24 Chairwoman Klobuchar, for holding this hearing, and thank
25 you to our witnesses for joining us. Today, we gather to

1 discuss one of the most fundamental aspects of our
2 democracy, the administration of free and fair elections
3 across the nation.

4 Hardworking and dedicated State and local officials
5 regularly address election administration challenges head
6 on. Today's hearing provides an opportunity to hear from
7 some of them, highlight their important work, and learn
8 more about how they successfully administered the 2022
9 elections.

10 Under the Constitution, States have primary
11 responsibility for the administration of elections. This
12 is what our founding fathers intended. Our role in
13 Congress is to support State and local election officials
14 in this important work rather than burden them with a one
15 size fits all Federalized takeover that is ill suited to
16 the needs and priorities of various jurisdictions. In
17 fact, the diversity of State run election procedures is
18 part of what makes disrupting a nationwide election
19 effectively impossible.

20 Upending that system increases the risk of error and
21 creates vulnerabilities. In recent years, new election
22 administration challenges have presented themselves
23 specifically regarding cybersecurity and threats to
24 election integrity. Foreign and domestic adversaries have
25 sought to disrupt our elections by attacking cyber and

1 physical infrastructure. These same adversaries have
2 sought to sow distrust in our elections and call the
3 integrity of the democratic process into question.

4 As these new issues arise, States are still tasked
5 with the important work of recruiting, training, and
6 retaining poll workers. This has become more difficult in
7 recent years, as many of the most dedicated election
8 workers and volunteers have retired.

9 But while it is important to acknowledge that there
10 were and are challenges to overcome, I believe that we
11 should also take the time to recognize and celebrate the
12 many successes that have been achieved in 2022. We saw
13 marked improvements in election security.

14 Many States took State steps to bolster their
15 cybersecurity defenses and ensure the integrity of the
16 voting process. This included everything from ensuring
17 that voting machines provide a paper trail for every vote
18 cast to conducting thorough audits and investigations to
19 detect and prevent potential fraud.

20 Today, this committee has the opportunity to come
21 together in a bipartisan manner and hear from witnesses
22 regarding their successes during the 2022 election cycle
23 and their tireless efforts to improve election integrity.
24 I believe it is our duty to approach this issue with an
25 open mind and a commitment to finding common ground.

1 We may not always agree on the specifics of how our
2 elections should be run, but I am confident that by working
3 together in good faith, we can ensure that every eligible
4 citizen can exercise his or her right to vote and that
5 every eligible vote is counted timely and accurately.

6 I am heartened by the progress States have made in
7 recent years, and it is my sincere hope that we can work
8 together to strengthen our election systems and foster
9 public trust in the democratic process. I look forward to
10 a productive and informative hearing, and to hearing from
11 our expert witnesses today. Thank you.

12 The Chairman. Very good. Well, thank you very much,
13 Senator Fischer. And I am going to introduce, as I noted,
14 three of our witnesses, and -- Senator Fischer will
15 introduce the other ones.

16 Our first witness is New Mexico Secretary of State
17 Maggie Toulouse Oliver, as she has served as New Mexico's
18 Chief Election Official for six years and also has a decade
19 of experience in local election administration as a county
20 clerk. Previously, she served as President of the National
21 Association of Secretaries of State.

22 That is how I got to know her. Secretary Toulouse
23 Oliver earned her bachelor's degree and master's degree
24 from the University of New Mexico. After hearing from
25 Secretary Evnen and Mr. Knapp, our next witness will be

1 Derek Bowens, Director of Elections for Durham County,
2 North Carolina since 2017.

3 Mr. Bowens has over a decade of experience in local
4 election administration, and he holds a bachelor's degree
5 from the University of North Carolina. Our final witness
6 is Marcia Johnson, Co-Director of the Voting Rights Project
7 at the Lawyers Committee for Civil Rights Under Law, which
8 is the nation's leading nonpartisan voter protection
9 program.

10 She has worked on the Lawyers Committee's human rights
11 initiatives and taught as an Adjunct Professor at the
12 Georgetown University Law Center. Something my husband
13 also does, by the way. And she earned her bachelor's
14 degree from Georgetown and her law degree from Villanova
15 University. Senator Fischer will now introduce our other
16 two witnesses and I will swear witnesses in.

17 Senator Fischer. Again, I thank all of our witnesses
18 for joining us today. We have with us Secretary of State
19 Bob Evnen of the great State of Nebraska, and Mr. Howard
20 Knapp, Executive Director of the South Carolina State
21 Election Commission. Secretary Evnen has served as
22 Nebraska's Secretary of State since 2019, where he has
23 worked tirelessly to ensure that Nebraska's elections are
24 safe and secure.

25 Mr. Knapp has served as the Executive Director of the

1 South Carolina State Election Commission since 2022,
2 previously serving as the State's Interim Executive
3 Director and Director of Voter Services. He also serves on
4 the U.S. Election Assistance Commission Standards Board and
5 has been nationally recognized and certified for his work
6 in this space. Thank you both. We look forward to your
7 testimony.

8 Okay, the witnesses can now please stand and raise
9 your right hand. Do you swear that the testimony you will
10 give before the committee shall be the truth, the whole
11 truth, and nothing but the truth, so help you God?

12 Ms. Toulouse Oliver. I do.

13 Mr. Evnen. I do.

14 Mr. Knapp. I do.

15 Mr. Bowens. I do.

16 Ms. Johnson. I do.

17 The Chairman. Thank you. We will now proceed to your
18 testimony and recognize you each for a five-minute
19 statement, starting with Secretary Toulouse Oliver.

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22 STATEMENT OF HON. MAGGIE TOULOUSE OLIVER, NEW MEXICO OFFICE
23 OF THE SECRETARY OF STATE, SANTA FE, NEW MEXICO

24 Ms. Toulouse Oliver. Thank you very much, Chairwoman
25 Klobuchar, and Ranking Member Fischer, and members, whoever

1 they may be, for having us here today.

2 And I am very pleased to be here, along with my
3 election official colleagues. I also just want to say I
4 appreciated both of your opening remarks very much, and we
5 appreciate the support that Congress gives us in the
6 election community. Thank you for having me here today.
7 My name is Maggie Toulouse Oliver.

8 I am the New Mexico Secretary of State, and I
9 appreciate the opportunity to be a part of this hearing as
10 you gather State and local perspectives on election
11 administration throughout the United States. The health of
12 our democracy depends on informed election discussions like
13 this about the challenges and opportunities faced by
14 election administrators across our country.

15 My goal today is to provide you with insight into how
16 election administrators are coping with the new voting and
17 elections landscape, and to highlight some of the
18 initiatives we are taking in my State to support the vital
19 work of county clerks and their staff, poll workers, and
20 the myriad other election professionals who make our
21 American democracy a model for the world.

22 The rise of misinformation since 2020 has made the job
23 of nonpartisan election administration much harder. When
24 many members of the public are mistrustful about the
25 integrity of our elections, election administrators then

1 bear the associated burdens of frivolous lawsuits,
2 excessively burdensome public information requests,
3 disruptive voters and poll workers, and outright threats
4 and harassment.

5 One of the most important tactics to defend against
6 the detrimental effects of election administration is
7 simply putting good policies in place that are informed by
8 election administrators themselves.

9 Such policies can clarify existing laws or create new
10 procedures that assist administrators in the execution of
11 their duties. For example, during our latest Legislative
12 Session in New Mexico, we passed a comprehensive election
13 administration bill that provides needed policies for
14 election administrators to efficiently and uniformly
15 administer our elections.

16 The bill's provisions were drafted in concert with the
17 State's election administrators and stem from actual
18 experiences those administrators navigated either during
19 the last election cycle or are currently navigating in
20 preparation for elections. We actually have statewide
21 elections every year in our State.

22 So, for this year, many county clerks have had trouble
23 retaining or hiring poll workers because of the increased
24 stress associated with being involved in elections, so we
25 increased poll worker compensation. The bill mandates

1 training for poll watchers and challengers with a
2 curriculum developed by my office so these individuals and
3 election administrators can gain a better understanding of
4 the proper role of conduct of watchers and challengers at a
5 polling place.

6 One section clarifies procedures on public
7 information, requests to protect the secrecy of the ballot,
8 and information about our national critical infrastructure,
9 but making sure that everything else remains public. The
10 specific section was included after county clerks were
11 inundated with requests for data and other information that
12 clerks do not actually use for administering elections.

13 After an individual earlier this year, influenced by
14 election misinformation allegedly orchestrated drive by
15 shootings at the homes of six elected officials in New
16 Mexico's biggest city, a provision was included in the bill
17 that shields the home addresses of elected or appointed
18 officials from public disclosure at their discretion.

19 Election administrators need policy tools like some of
20 the ones I have just highlighted in order to maintain fair
21 and efficient elections that are above the fray of
22 misinformation and partisan meddling. Of course, every
23 jurisdiction has their own decisions to make about which
24 policies best serve their communities. But I believe our
25 policies in New Mexico are a great model for many election

1 administrators to mirror.

2 In addition to tailoring specific State policies that
3 assist administrators as they conduct elections, funding
4 for elections is key. Sufficient funding for election
5 administration, however, remains an obstacle for many
6 election offices around the country. The Federal
7 Government can help States and their election
8 administrators by providing consistent funding streams.

9 These funds can be used to assist us in fulfilling our
10 duties under Federal law to supplement costs associated
11 with new trainings and, or physical security upgrades or
12 strengthen cybersecurity defenses.

13 Without more consistent Federal funding to States for
14 elections, administrators may have to contend with outdated
15 equipment and technology, persistent staffing issues, and
16 other circumstances that can inhibit the efficient conduct
17 of elections. More consistent Federal funding for
18 elections allows election administrators to better plan for
19 short, medium, and long term goals that benefit all voters.

20 The Federal Government has an important role to play
21 in assisting States with the conduct of elections. Though
22 each State is different with different needs, and States
23 should continue to be the ultimate authority on running
24 their own elections, but collaboration is key, and an
25 entity like the U.S. Election Assistance Commission, the

1 EAC, provides a great example of how the Federal Government
2 can help States with election related needs.

3 Additionally, congressional funding of entities like
4 the Cybersecurity and Infrastructure Security Agency is
5 vital because States and localities simply do not have the
6 resources to defend against the modern threat landscape
7 solely on our own.

8 Though the current political environment, coupled with
9 the recent rash of election administration, makes the
10 likelihood of enacting Federal State minimum standards for
11 voter access unlikely, I want to say that I do support
12 minimum guarantees of access to early and absentee voting
13 so that there is more equity across the board for voters in
14 Federal elections across the country.

15 Some Federal involvement in elections will always be
16 crucial for security and for the policy entrepreneurship
17 that comes from such collaboration. Thank you again for
18 this opportunity today to testify on these crucial matters
19 on behalf of both New Mexico and our states' election
20 administrators.

21 [The prepared statement of Ms. Toulouse Oliver
22 follows.]

1 The Chairman. Very good. Thank you, Secretary.

2 Secretary Evnen.

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1 STATEMENT OF HON. ROBERT EVNEN, NEBRASKA OFFICE OF THE
2 SECRETARY OF STATE, LINCOLN, NEBRASKA

3 Mr. Evnen. Good afternoon, Chairwoman Klobuchar,
4 Ranking Member Fischer. My name is Bob Evnen, and I have
5 the honor and privilege of serving as Nebraska's 27th
6 Secretary of State. This afternoon, I would like to talk
7 about takeaways, some nuts and bolts, from Nebraska's 2022
8 elections. And I would like to discuss Nebraska's newly
9 adopted State Constitutional voter ID requirement and
10 security issues, including cybersecurity.

11 I would like to conclude with a thought about Federal
12 versus State control of elections. Nebraska's 2022
13 elections were conducted efficiently, accurately, securely,
14 and in accordance with law, as we have done for some time.

15 Within approximately one month before the primary and
16 general elections, every single ballot tabulation machine
17 in the State was tested three times for accuracy by running
18 three separate test decks of ballots through each machine.

19 In addition to these three tests, two mock elections
20 were held to further check the accuracy of our ballot
21 tabulators and to check the accuracy of the computers that
22 compile the results and our Election night reporting
23 website. Then, after each election, we hand count the
24 results.

25 We do this after the election, we hand count the

1 results of certain races in 2 or 3 percent of our precincts
2 statewide. After the 2022 general election, we expanded
3 this audit to include 10 percent of our precincts
4 statewide. We checked at least 1 precinct in each of our
5 93 counties. In all our counties, hand counted 48,292
6 ballots.

7 The counting was conducted by election boards in those
8 counties composed of representatives of both major national
9 parties. In total, out of the more than 48,000 ballots,
10 hand counted discrepancies were noted on 11 ballots. That
11 is a discrepancy rate of 23 thousandths of 1 percent of the
12 11 ballots.

13 Where there were discrepancies, five were ballots that
14 were marked too lightly for the machine to read the ballot,
15 and the other six were ballots that were misfiled or
16 misplaced. We did another check after the election. We
17 found that 682,745 voters across the State were shown on
18 the voter rolls as having cast a ballot.

19 Those are kept by our county election officials. We
20 compared that with the number of ballots that were
21 tabulated. There was a net variance of 29 ballots. That
22 is a variance rate of 4 thousandths of 1 percent. To the
23 best of my knowledge, none of the variance was attributable
24 to machine error. So, in Nebraska, in my view, our
25 election officials across the State did an exemplary job of

1 conducting an accurate and secure election.

2 And I would like to take this opportunity this
3 afternoon to express my thanks and gratitude to our friends
4 and neighbors across the State of Nebraska who are the
5 election officials who conducted an outstanding election
6 for our citizens in 2022. Now in that election, in
7 November 2022, Nebraska voters overwhelmingly enacted an
8 amendment to our State Constitution requiring the
9 presentation of a photo ID before casting a ballot.

10 I have supported voter ID for many years. Our State
11 legislature is now working on legislation to implement this
12 new voter ID requirement. My office estimates that between
13 97 and 98 percent of registered voters in our State already
14 have State issued photo IDs.

15 I am confident that effective legislation will be
16 passed that will carry out Nebraska's new voter ID
17 Constitutional requirement without disenfranchising any
18 legitimate voter. I am working closely with the
19 legislature to ensure that we have effective -- an
20 effective voter ID requirement that is consistent with the
21 rights of voters.

22 In terms of the elections process itself in my view,
23 one of the greatest challenges to election security grows
24 out of the increasing availability of early voting. The
25 challenges that come with early voting include the

1 opportunity to pressure or intimidate voters and the
2 possibility of vote buying efforts.

3 The potential for this sort of fraud is intensifying
4 as these early voting methods become more ubiquitous. In
5 my view, we ought to focus our attention on these matters.
6 Turning briefly to cybersecurity, the elections division of
7 the Nebraska Secretary of State's Office was awarded the
8 2019 Election Innovation Award from the National
9 Association of State Elections Directors.

10 We received this award for our program of
11 collaboration between our office, our voter registration
12 database vendor, the Department of Homeland Security, and
13 ISAC, which was referenced by Secretary to Toulouse Oliver.

14 Through this collaboration organized by our office, we
15 were able to place an Albert networking monitor on the
16 server of our elections vendor to detect intrusion on our
17 voter registration system. And finally, permit me to
18 observe that under the U.S. Constitution, elections have
19 been left at the sound discretion of the State
20 legislatures.

21 I am speaking from my perspective as the Secretary of
22 State of Nebraska. The States ought to remain responsible
23 for the conduct of elections. Issues affecting the conduct
24 of elections can be and ought to be resolved by the State
25 Legislatures. Thank you, Senators, for your time and

1 attention this afternoon.

2 [The prepared statement of Mr. Evnen follows.]

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1 The Chairman. Very good. Thank you very much. Next
2 up, Mr. Knapp.

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1 STATEMENT OF HOWARD KNAPP, SOUTH CAROLINA STATE ELECTION
2 COMMISSION, COLUMBIA, SOUTH CAROLINA

3 Mr. Knapp. Chairwoman Klobuchar, Ranking Member
4 Fischer, and members of the committee, I am honored to be
5 here today to present South Carolina's perspective on
6 election administration. Elections play a vital role in a
7 free and fair society and are the cornerstone of our
8 Republic.

9 There is an important link between the trust in our
10 election process and the confidence our citizens place in
11 all Government functions. This is why South Carolina has
12 been keeping our elections accurate, secure, and
13 accessible, and that is one of our State's top priorities.
14 In January 2021, I was appointed Executive Director of the
15 South Carolina State Election Commission.

16 The Commission is a five-member bipartisan committee
17 appointed by the Governor to oversee election operations.
18 Since my appointment and subsequent confirmation by the
19 South Carolina Senate, I have focused on improving and
20 protecting the security and resilience of our State's
21 election infrastructure while implementing the reforms
22 needed to move South Carolina forward.

23 We have long been a national leader in elections.
24 South Carolina was the first State to have a statewide
25 voter registration system and the first to make our voter

1 registration application available on the internet.

2 Last year, we built upon that tradition with the
3 implementation of Act 150 of 2022, which was passed
4 unanimously by the South Carolina General Assembly. This
5 legislation established no excuse, early voting two weeks
6 prior to an election, amended absentee ballot processes,
7 and increased election crime penalties.

8 Any registered South Carolina voter can now visit
9 early voting locations and vote like they would at their
10 polling place on Election Day, replacing the need for in-
11 person absentee voting. While the process to implement
12 early voting has taken other States more than six months,
13 we managed to do it in only 10 days, just in time for the
14 statewide primaries in June.

15 As a result, early voting was used for the first time
16 in the State's history, and more than 100,000 voters chose
17 to vote early throughout the State. Through our hard work,
18 the general election was even more successful than the
19 primaries.

20 Over half of all registered voters voted, and almost
21 half of all votes cast were cast before the general
22 election, either via early voting or absentee. We credit
23 this remarkable turnout during early voting and on Election
24 Day to robust education campaign that informed the public
25 of the new election laws and changes through frequent

1 statewide messaging to reach every eligible voter.

2 In a statewide survey conducted after the passage of
3 Act 150, 85 percent of South Carolina voters indicated they
4 felt confident in the accuracy of South Carolina elections,
5 compared with only 66 percent in those carried out
6 nationally. 97 percent of South Carolina voters thought
7 registering to vote was easy and 93 percent felt their
8 local polling place was organized and well run.

9 The success of implementing Act 150 is even more
10 astounding when considering we were simultaneously
11 implementing State and local redistricting plans. In
12 addition, to implementing Act 150 and redistricting, the
13 Commission and county offices also had to carry out their
14 regular duties ahead of, during, and after the election.

15 This process starts accurately -- starts with
16 accurately maintaining our list of registered voters. When
17 a person registers to vote, the person remains registered
18 until they are disqualified or pass away.

19 Additionally, confirmation cards requesting voters to
20 confirm the registration status are mailed to voters who
21 have not voted or updated their information in the last two
22 general election cycles. Notices are sent to voters when
23 they are made inactive, giving voters a second chance to
24 let us know if the removal was an error.

25 This process not only removes disqualified voters, but

1 also protects qualified voters from wrongful removal. If
2 there is any question about a voter's qualifications to
3 vote, the voter can always cast a provisional ballot.

4 To keep our elections secure we have a -- we have
5 developed an unprecedented partnership of State, Federal,
6 and private cybersecurity, law enforcement, and
7 intelligence entities. Together, we protect the security
8 of our elections and investigate misconduct.

9 After election night and before the certification of
10 State and Federal elections, South Carolina requires hand
11 count audits to be conducted in every county. We also
12 conduct independent results verification audits, which
13 digitally tabulate every ballot cast in an election to
14 ensure every vote was counted as intended by the voter.

15 Recently, I established the agency's first audit
16 division. This division is tasked with conducting county
17 compliance audits in addition to overseeing the
18 aforementioned post-election audits. These compliance
19 audits will ensure that county election offices follow
20 Federal law, State law, and the agency's statewide election
21 policies and procedures to ensure every voter and every
22 candidate is treated the same.

23 South Carolina is set to hold the nation's first
24 Presidential primary in 2024. It will continue to be a
25 national model and leader in election administration, and

1 we remain committed to being transparent with the public at
2 every turn.

3 We stand ready to assist Congress as it contemplates
4 national reform efforts. South Carolina's election success
5 can serve as a framework for other States as they look to
6 improve upon the cornerstone of American democracy and
7 instill greater trust in the outcome of our elections.

8 Thank you.

9 [The prepared statement of Mr. Knapp follows.]

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1 The Chairman. Thank you very much. Next up, Mr.
2 Bowen's.

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1 STATEMENT OF DEREK BOWENS, DURHAM COUNTY BOARD OF
2 ELECTIONS, DURHAM, NORTH CAROLINA

3 Mr. Bowens. Thank you, Chairwoman Klobuchar, Ranking
4 Member Fischer, and distinguished members of the committee
5 on Rules and Administration of the United States Senate. I
6 am honored to appear before you to talk about the
7 administration of elections in Durham County, North
8 Carolina, both in general and during the 2022 midterm
9 elections.

10 I currently serve as the nonpartizan Elections
11 Director for Durham County, North Carolina. In this
12 position, I have administered many local, State, and
13 Federal elections. I have more than a decade of local
14 election administration experience and my teams have won
15 multiple awards from the National Association of Counties
16 and the U.S. Election Assistance Commission for innovation
17 and election administration.

18 I am privileged to have two of my dedicated team
19 members with me today, Deborah Hart and Rebecca Troedsson.
20 I must also speak to the hard work of my colleagues and the
21 other 99 counties in North Carolina, many of which are
22 participating in a director's association conference to
23 further advance their knowledge and election administration
24 and security.

25 The county that I serve, Durham County, has over

1 320,000 residents making us the sixth largest of North
2 Carolina's 100 counties. We have approximately 230,000 of
3 North Carolina's 7.2 million registered voters.

4 We are proud to have two nationally recognized
5 institutions of higher learning, Duke University and North
6 Carolina Central University, in addition to our wonderful
7 technical and community college system. Also, most of the
8 Research Triangle Park, a hub of global science and
9 technology firms, Government agencies, and academic
10 institutions, is in Durham County. County Commissioners
11 fund the county boards of elections in North Carolina.

12 However, these local election offices, under the
13 general supervision of the State Board of Elections, are
14 responsible for administering elections in their respective
15 counties. My position is nominated by the county boards of
16 elections and confirmed by the Executive Director of the
17 State Board of Elections.

18 Election Administration in Durham County is
19 administrated in a manner that promotes free, fair,
20 transparent, and secure elections. There are several
21 processes and checks and balances which work together
22 throughout the election cycle that result in trustworthy
23 elections.

24 In my testimony today, I want to stress that I am a
25 nonpartizan public servant who believes strongly in the

1 promise of democracy and in the preservation of the core
2 tenets of our Democratic Republic. I take this
3 responsibility very seriously and carry out my duties
4 impartially without regard to partisan preferences or
5 affiliations.

6 I am committed to developing and carrying out sound
7 processes according to State and Federal law, to give our
8 citizens faith and confidence in the outcome of every
9 Durham County election. Every day I am mindful that less
10 than 60 years ago people who look like me couldn't execute
11 a basic function guaranteed under our Constitution without
12 hardship and restriction.

13 This became more real to me when I was verbally
14 harassed by being called the N-word during a virtual public
15 meeting while I was carrying out my duties as the Director
16 of Elections during the 2020 general election.

17 As such, it is an honor to equitably serve all
18 citizens in Durham County as the Director of Elections and
19 ensure that elections conducted under my purview are free,
20 fair, and secure. I look forward to sharing my experiences
21 as an election administrator in Durham County, North
22 Carolina.

23 I hope I have the opportunity to highlight how we
24 conduct free, fair, and secure elections, discuss my
25 experiences with the 2022 midterm election, provide my

1 thoughts on election funding, and share the work of the
2 Committee for Safe and Secure Elections, a bipartisan
3 organization of which I am a member and was established to
4 address the recent threats, harassment, violence, and
5 intimidation directed at local and State election officials
6 in this country.

7 Again, thank you for the opportunity to speak with you
8 today, and I look forward to your questions.

9 [The prepared statement of Mr. Bowens follows.]

1 The Chairman. Thank you very much, Mr. Bowens. And
2 just so you know, Senator Fischer, we have a vote. So, she
3 is voting and then I will go vote. And she has left you,
4 Secretary Evnen, with me.

5 So, you know, I was showing her the -- I was showing
6 her the past records of the Gophers versus the Cornhuskers.
7 And just so you know, the Gophers came out ahead in the
8 deal. Marcia Johnson and I apologized for saying your
9 first name wrong, so I will try to correct that throughout
10 this hearing. Ms. Johnson, thank you.

1 STATEMENT OF MARCIA JOHNSON, LAWYERS' COMMITTEE FOR CIVIL
2 RIGHTS UNDER LAW, WASHINGTON, D.C.

3 Ms. Johnson. Chairwoman Klobuchar, Ranking Member
4 Fischer, and members of the U.S. Senate committee on Rules
5 and Administration, my name is Marcia Johnson, and I serve
6 as the Co-Director of the Voting Rights Project at the
7 Lawyers Committee for Civil Rights under Law.

8 Thank you for the opportunity to testify today on
9 State and local perspectives on election administration.
10 The Lawyers Committee was founded in 1963 by President John
11 F. Kennedy's request.

12 We use legal advocacy to achieve racial justice and
13 make the promises of our democracy real for black people
14 and other people of color. As part of this vital work, we
15 convened the Election Protection Coalition, which is made
16 up of nearly 400 national, State, and local partners.

17 We also administered 866-Our-Vote election protection
18 Hotline, which provides comprehensive nonpartisan
19 assistance at all stages of the voting process to any
20 American who needs it. I have been with the Lawyers
21 Committee for 19 years, since 2004, when I worked on the
22 first election protection program during a Presidential
23 election.

24 In recent years, I have seen significant changes in
25 the ways that Americans vote. For example, in 2018, nearly

1 50 percent of the calls to the 866-Our-Vote hotline were
2 placed on Election Day. Yet in 2022, only around 20
3 percent of the calls we received during the election period
4 were placed on Election Day.

5 The timing of these calls reflect the trend of more
6 voters choosing to vote before Election Day, either by mail
7 or early in-person. Election officials and administrators
8 should be aware of these trends so that their jurisdictions
9 have the resources to ensure access to the vote throughout
10 the entire voting cycle.

11 The types of calls to the election protection hotline
12 include reports of intimidation and or aggressive
13 electioneering problems with polling place access or
14 ballots, problems with voter ID and registration, problems
15 with mail in and absentee ballots, and questions or
16 information requests. One of the disturbing trends we saw
17 in 2022 with the voter intimidation around ballot drop
18 boxes in Arizona.

19 A Federal judge had to stop a coordinated group of men
20 from openly carrying firearms and wearing body armor and
21 masks to hide their faces while following, yelling at, and
22 recording voters at ballot drop boxes. One voter rode into
23 the Arizona Secretary of State's Office saying, I have
24 never been more intimidated in my life trying to vote, and
25 I am very worried for my safety.

1 This disturbing and fairly new trend proves two
2 things. First, election myths and disinformation have
3 significant consequences. When election myths and
4 disinformation about election security are encouraged to
5 flow freely on voters' social media feeds, it can encourage
6 bad actors to create new and at times terrifying schemes to
7 intimidate voters, particularly voters of color.

8 Second, as the ways Americans vote evolve, so do the
9 methods of discrimination and intimidation. After the
10 Supreme Court's decision in Shelby County versus Holder
11 weakening the Voting Rights Act, the late great Congressman
12 John Lewis wrote, I disagree that because the incidence of
13 voter discrimination is not as pervasive, widespread, or
14 rampant as it was in 1965, and that the contemporary
15 problems are not of not a valid basis for scrutiny.

16 In a democracy, one act of voter discrimination should
17 be too much. Following the record turnout in the 2020
18 Presidential election, something that all Americans, no
19 matter their political affiliation, should applaud, too
20 many States have passed laws that unduly restrict the very
21 voting methods that contributed to that record turnout.

22 In order for this country to live up to its democratic
23 ideals of equality for all this, Congress needs to enact
24 baseline Federal voting standards. Congressional action is
25 necessary to prevent the backsliding of voting rights for

1 many Americans, especially black voters and voters of
2 color. And I look forward to sharing more about what we
3 found in 2022 elections. Thank you.

4 [The prepared statement of Ms. Johnson follows.]

1 The Chairman. Very good. I appreciate all of you.
2 We are going to have a number of our colleagues joining us
3 shortly that were at the vote. So, I am going to get
4 started. As we look back first at the 2022 election, I
5 guess I will ask all of you this, in your own State, which
6 is what I believe you can address. Secretary Toulouse
7 Oliver, do you believe that it was a secure election in
8 2022?

9 Ms. Toulouse Oliver. Madam Chair. Yes, absolutely it
10 was.

11 The Chairman. Okay, very good. Secretary Evnen.

12 Mr. Evnen. Yes, Madam Chairwoman. In Nebraska, we
13 had a secure and accurate election.

14 The Chairman. I appreciated those numbers that you
15 put out there as well in your studies. Thank you. Mr.
16 Knapp, South Carolina. Been in your State a few times for
17 some reason. But please let me know if you believe it, was
18 a secured election.

19 Mr. Knapp. Yes.

20 The Chairman. Okay. Very good. And Mr. Bowen's in
21 North Carolina.

22 Mr. Bowens. Yes.

23 The Chairman. Okay. Very good. Ms. Johnson, just
24 what you saw across the country when it came to election
25 security?

1 Ms. Johnson. Yes.

2 The Chairman. Okay. Very good. Thank you. And
3 maybe I will start with you, Secretary Toulouse Oliver.
4 What major issues did you see election officials in your
5 State facing in 2022? And then get a little -- dig deeper
6 on some of the things you identified.

7 You said you listened to everyone and then came up
8 with ideas for change. I know Secretary Simon in
9 Minnesota, as I know we have had a very good history of
10 elections in our State in terms of turnout.

11 But he still found things he could do to improve
12 things and has introduced legislation and the like, but why
13 don't you talk about -- and already passed some things --
14 what you see as what went well, what you wanted to improve
15 out of 2022?

16 Ms. Toulouse Oliver. Thank you, Madam Chair. And I
17 think, you know, I don't think I would be remiss on
18 speaking on behalf of all of my colleagues here when I say
19 that, you know, when it comes to election administration,
20 there is literally always room for improvement, no matter
21 how successful an election we conduct, no matter how robust
22 the participation, how well the policies and procedures
23 were implemented, there is always room to make it better.

24 And that is actually one of the beautiful things about
25 the work that we do, especially as our society and our

1 democracy evolve over time, looking at ways to improve the
2 process, make it more secure and more accessible, is really
3 important.

4 So, in my State, a couple of the challenges that we
5 really sought to address in this most recent Legislative
6 Session in our State, in particular the, what really is
7 effectively the weaponization of public records request.
8 So as several of the witnesses here today mentioned, you
9 know, myths and disinformation has generated a lot of
10 threatening and harassing activity. Some of them, you
11 know, are outright threats of violence.

12 And that I think probably all of us have had to deal
13 with in some form or fashion. But some of them come in the
14 form of -- you know, we have in my State, 33 counties, so
15 not nearly as many as most of the folks up here. Some of
16 our election offices are as small as two people, right.
17 Two full time employees.

18 And so, when they are being bombarded with literally
19 hundreds of requests for thousands of documents, many of
20 which are not actually relevant to the conduct of elections
21 or to kind of, you know, getting to the place where the
22 interested party wants to go, that is really challenging.

23 So, we look to try to make sure how do we maintain
24 documents, access to public documents, but let's make sure
25 we are protecting the privacy of the voter or our critical

1 national infrastructure, things like that as well. Last
2 but not least, I will just mention that we did pass
3 increased penalties for threats of violence and harassment
4 toward election officials in particular.

5 That is a piece of legislation that I think is going
6 to really help us moving forward with the not only the
7 sense of safety and security of our election
8 administrators, but also in terms of that challenging issue
9 that we are seeing with regard to hiring, retaining, and
10 training our poll officials.

11 The Chairman. A good Segway for you, Secretary Evnen.
12 With your experience, could you talk about retaining
13 election workforce, as you know, you have officials
14 choosing to retire or leave.

15 There are issues as we -- I know you surveyed and I
16 mentioned the Brennan Center, and in some States more than
17 others, where people are concerned about their safety
18 because of threats or they don't want to be on the front
19 line like that. Could you talk about professional pathway
20 to becoming an election officials and just what
21 recommendations you have when it comes to retaining
22 election officials? Really both -- we have the
23 professional ones, and then of course, we have volunteers.

24 Mr. Evnen. Attracting and retaining election
25 officials. There are county clerks in many of Nebraska's

1 counties. It is our county clerks who serve as our
2 election commissioners as well. And some of our larger
3 counties have dedicated election commissioners. There is
4 certainly a heightened interest in elections.

5 And that heightened interest extends to the county
6 level. There are two things that I think are helpful in my
7 State. One is when I have the opportunity and when the
8 chief deputy -- when the deputy of elections has the
9 opportunity to go out and speak, we find that when people
10 become better informed about election systems, the
11 elections process, that they leave with greater
12 satisfaction.

13 We also try to involve people in it. That is, we
14 encourage people to become poll workers. We encourage
15 people to become observers on Election Day. And what we
16 find is that as they become more familiar with the process
17 itself, their confidence in the integrity of the process
18 grows.

19 And the other observation I would make in response to
20 your question, Senator, is that we had very good elections
21 in Nebraska, and I am bragging on my State, Senator. And,
22 but it is, I am not bragging on myself, because it is the
23 people in those 93 counties who made that happen.

24 And so, I think it is very important, and I did so in
25 my remarks, I think it is very important that we recognize

1 their work and that we express appreciation and gratitude
2 to them for it. And so that is something that I have been
3 doing and that others have been doing as well that I
4 believe is helpful to encourage our election officials.

5 The Chairman. Exactly. I think that kind of -- some
6 of that is defending them. I would say if there is, you
7 know, attacks from people who are misinformed, some of it
8 is just lifting them up for what they are doing because it
9 is such an important part of our democracy. They are truly
10 the front lines when people go and vote. When you were in
11 your absence, Senator Fischer, I did bring up the Gophers,
12 Cornhuskers record. Just I wanted to have full disclosure.

13 Okay, I once called there from a Gophers game when the
14 Gophers beat Nebraska, which was a surprise. And I said, I
15 thought it was funny because I know how important, and she
16 said, it is not funny at all. I was still at the stadium.

17 She said, we could talk about it later. Okay, on that
18 note, Mr. Knapp, if you want to talk a little bit just
19 about, I raise this issue of, I know I have worked with
20 Senator Graham, of your State on disclosures on election
21 bills we did together, on election ads on that came about
22 because of some of the foreign purchases of ads during one
23 election.

24 We have worked on social media platforms and how we
25 police this -- and I know this wasn't in your testimony. I

1 was just thinking of Senator Graham's willingness to work
2 on some of these issues.

3 Could you talk a bit about how you deal with that with
4 the -- and I am not getting, I don't want to get into the
5 political realm about it, I am just talking about making
6 sure that your citizens are informed about what is going on
7 with elections when they are bombarded with things that
8 sometimes aren't true, even for the administration of
9 elections, and how and when they vote. Mr. Knapp.

10 Mr. Knapp. That is a fantastic question because it
11 gives me an opportunity. As Secretary Evnen said, one of
12 the weapons we have is to combat the misinformation with
13 true information about what is going on with elections.

14 So shortly after the 2020 election, my agency
15 published this on our website, basically South Carolina's
16 elections agency, and it talks about everything about how
17 we keep the voter lists as accurate as possible, how our
18 voting machines work, how we do audits. And this is for --
19 it was written so it could be understandable to just about
20 anybody.

21 And this is from us. And we also just this year
22 started publishing an annual report to our General
23 Assembly. I mean, that is the audience for this, for
24 anybody. And it talks about what have we done this last
25 year as an agency to administer our elections in our State.

1 So, the reality is there is a segment of the population
2 that is not going to believe anything we say, no matter
3 what we say.

4 And that is not who I am speaking to. I am speaking
5 to the other 90 percent of the population that all they
6 hear is the screaming and the misinformation. And, you
7 know, I get it. Questioning Government is an American
8 pastime and has been for -- since the beginning. But at
9 some point, Americans have to decide, do you believe the
10 election officials or not?

11 And so, this is our best shot at trying to be as
12 transparent as possible. And that is really something I
13 have tried to at home during my tenure is transparency.

14 The Chairman. Okay. Thank you. I really want to ask
15 Mr. Bowens, Ms. Johnson a question. I am going to do that
16 on my second round here because my colleagues are waiting.
17 Before I go vote and turn this over briefly to Senator
18 Fischer, I would like to ask unanimous consent to enter the
19 following documents into the record.

20 A new report by two nonpartisan groups, issue one and
21 the Alliance for Securing Democracy at the German Marshall
22 Fund, with 13 recommendations to improve election
23 administration, including the reforms in the Election
24 Worker Protection Act that I mentioned that I have
25 introduced.

1 A letter from the Southern Poverty Law Center Action
2 Fund and statements for the record from a bipartisan pair
3 of county clerks about the challenges they face when
4 running elections.

5 Justin Roebuck, the Clerk and Register of Deeds for
6 Ottawa County, Michigan, who is a Republican, and Brianna
7 Lennon, County Clerk for Boone County, Missouri, who is a
8 Democrat. Without objection, these documents will be
9 entered into the record. So, entered.

10 [The information referred to follows.]

11 [COMMITTEE INSERT]

1 The Chairman. Senator Fischer.

2 Senator Fischer. Thank you, Chairwoman Klobuchar.

3 Again, thank you to our witnesses. I have a question to
4 address to Secretary Toulouse Oliver, Secretary Evnen, and
5 Mr. Knapp. In in recent years, election officials
6 nationwide have faced an increasing number of cybersecurity
7 threats from sophisticated and also very malicious actors.

8 Specifically, during the 2022 election cycle, both
9 Illinois and Mississippi experienced cyberattacks on their
10 public election websites, which provide voters with that
11 important information, such as precinct locations.

12 While these attacks did not compromise voting systems
13 themselves, this issue remains a serious and ongoing
14 challenge. So, if you could tell me, have your respective
15 jurisdictions experienced cybersecurity incidents or
16 threats, and what have your officers done that ensure that
17 your State's voting systems and your elections systems are
18 secure? Secretary Toulouse Oliver, please.

19 Ms. Toulouse Oliver. Thank you very much, Ranking
20 Member, for the question. So, I think it is unfortunately
21 safe to say that to one degree or another, every election
22 jurisdictions in the country, certainly every statewide
23 jurisdiction, has received or has been the target of
24 attacks or potential attacks.

25 We know that there is constant, you know, scanning of

1 sites, attempts, phishing attempts. You know, I personally
2 I joked with my staff one time that I personally thwarted
3 the Russians because there was a phishing email that looked
4 suspicious and I reported it and it followed the path
5 through, through the ISAC and up to CISA, and it was, you
6 know, identified as a foreign source phishing attempt.

7 So, the reality is that this is a threat that we are
8 all dealing with all day, every day, and even the smallest
9 jurisdiction in the country has the potential to be
10 vulnerable to such threats. So in my State, and I will be
11 as brief as possible, but of course, one of the first
12 things we did was create a robust partnership with in
13 particular CISA to utilize all the tools that they have
14 available to us as a State jurisdiction and to push down to
15 our local jurisdictions, to both look for any potential
16 vulnerabilities, to get advice and information about how to
17 patch those up.

18 As Secretary Evnen mentioned, we also have Albert
19 sensors installed on our systems so that we are looking for
20 odd patterns of internet traffic behavior coming into our
21 systems so that we can be aware that maybe something is
22 going on.

23 We have created a very robust cybersecurity and really
24 generally an election security program in my office that we
25 recently took from just being a program initiative that I

1 created to now being required by New Mexico State law
2 moving forward, that there is always going to be such a
3 program in my office.

4 And the point is really to take that the resources and
5 tools that we receive from the Federal Government and from
6 our private partners and be able to make sure that those
7 are all available downward to every local election
8 jurisdiction across the State.

9 Senator Fischer. Thank you. Secretary Evnen.

10 Mr. Evnen. Thank you, Senator. We are fortunate in
11 Nebraska, we haven't had any cybersecurity incidents in
12 Nebraska. Nebraska was the first State to place an Albert
13 monitor. This is a detection intrusion monitor system on
14 the services -- on the servers of a private vendor for our
15 statewide voter registration system.

16 And that, by the way, has now been replicated in seven
17 other States. In terms of our ballot tabulation machines,
18 the computers that compile the results, these are air
19 gapped. They are not connected to the internet, and for
20 any purpose at any time.

21 We have also placed additional Albert monitors in
22 strategic locations throughout our State. And since 2018,
23 all of our State's vendors that are part of our elections
24 infrastructure have and continue to work with the
25 Department of Homeland Security, in particular the offices

1 of cyber hygiene and physical security for best practices.

2 And those aren't offices, those are our principles and
3 profiles, cyber hygiene and physical security, best
4 practices. All 93 counties in our State are members of the
5 Elections, Infrastructure, Information Sharing and Analysis
6 Center. This is E-IISAC. All 93 counties are members, and
7 that is also a very valuable resource to keep up with the
8 latest threats and the best practices.

9 Senator Fischer. And Mr. Knapp, if you could answer
10 that. But also, you have a lot of experience in dealing
11 with director voter services. You are responsible for
12 information technology, cybersecurity, in support of
13 statewide voting systems. So how did that experience -- I
14 guess, did it shape your approach to cybersecurity a little
15 differently than the Secretaries, or do you have the same
16 concerns?

17 Mr. Knapp. I have the exact same concern. Secretary
18 Evnen and I have done and I have the exact same voting
19 system, which is not connected to the internet, so that is
20 not a concern. But the I will say South Carolina, the
21 State, my agency, has not been a victim of a cyber
22 incident, luckily.

23 We have all the resources we could ever need with
24 Homeland Security, CISA, E-ISAC, the FBI, our State law
25 enforcement, our Department of Administration, which houses

1 are networks. We have Albert sensors. We have everything
2 possible to protect our statewide election system, which we
3 house.

4 I would say the biggest vulnerability in South
5 Carolina is probably our locals. Although the State of
6 South Carolina, I am sure, is inundated every second with
7 attacks from adversaries, the biggest victims in my State
8 of cybersecurity attacks are small municipalities,
9 municipal utilities, and we are what is called a top-down
10 State in that I supervise the county election offices, but
11 they are still counties are still autonomous.

12 So if they don't want to accept help or spend their
13 own resources on cybersecurity, they don't have to. So,
14 but that being said, county election officials that have
15 access to our statewide election system, they all undergo
16 cybersecurity training.

17 We do phishing. We do phishing campaigns in my office
18 to ensure everybody is trained on that as well. So, we do
19 lots of training. I can say that my agency at the State
20 level has every resource I can think of. But I do worry
21 about my smaller counties and municipalities.

22 Senator Fischer. Thank you. Sec -- I almost called
23 you Secretary.

24 Senator Padilla. And I know why. As a former
25 Secretary of State for the great State of California, now

1 serving in the Senate, I am thrilled to welcome State and
2 local elections officials to testify before us today.

3 I think it is important for this body to hear from the
4 folks on the ground, the folks who do this day in and day
5 out to inform our positions in decision making and
6 investments. And it is true here now than ever before
7 because we know the impact that the big lie has had through
8 the sowing of disinformation throughout -- about our
9 elections in the minds of a lot of the American people.
10 And it is that with abstract consequences.

11 There are very real consequences, even in the State of
12 California, where Shasta County has chosen to stop using
13 their Dominion voting system, and I should underscore a
14 State tested and certified voting system, putting itself in
15 a position with no system or plan in place with elections
16 less than a year away, because it is not about next
17 November, it is about the primaries in 2024.

18 So, there is real dangers here to all of this. I know
19 Chairwoman Klobuchar mentioned earlier her concern about
20 election workers and the threats that they are under on an
21 increasing basis. Again, a consequence of the big lie.

22 When one in six election workers share that they have
23 faced threats and harassment since the 2020 election,
24 resulting in one in three election workers leaving their
25 positions, it is not just a matter of capacity that id

1 being lost as a result, but the tremendous talent and
2 experience that is lost.

3 While threats and challenges to our elections are only
4 on the increase, my first question is for Secretary
5 Toulouse Oliver. Good to see you again. Can you just
6 share what your experience in New Mexico has been in this
7 regard? Any aside from stats, any tangible examples of the
8 threats to harassment from your office to the locals, and
9 the loss of election workers and what that means?

10 Ms. Toulouse Oliver. Thank you very much, Madam
11 Chair, and Senator from my native State of California. It
12 is very good to see you again. So, and I did already
13 allude to a little bit of this in some earlier comments.

14 So forgive me for repeating myself a little bit, but
15 so I think the challenges are twofold in terms of the
16 demands and the challenges in retaining -- you know, and I
17 really want to emphasize that because our poll,
18 particularly down at the local level, our poll workers, the
19 ones who come year in and year out, who have that breadth
20 of experience and knowledge, but also our local election
21 officials, right.

22 In my State, county clerks, their staff, right, having
23 folks who know and understand the election process, who are
24 educated, efficient, good at their jobs, keeping those
25 professionals in place is really important. And so, when

1 they experience harassment and threats and we do lose and
2 we have in my State, just as we have seen across the
3 country, we have lost a lot of these experienced folks as a
4 result of this. It is a challenge.

5 So, I think that the challenge is twofold. I think
6 first and foremost, there is sort of the obvious, you know,
7 threats of violence and just outright harassment. I mean,
8 I have heard reports from poll officials who say they were,
9 you know, followed home.

10 You know, folks who are kind of lingering outside of a
11 polling place and waiting for them to close down and kind
12 of you know, following them home to see where they live,
13 you know, ostensibly to -- I don't know, see if they
14 brought a ballot with them or something like that from a
15 polling place.

16 But also, one of the bigger challenges we are dealing
17 with is that the misinformation is creating sort of, you
18 know, tens of thousands of what I would call, you know,
19 individual self-described detectives who are flooding even
20 our smallest offices with information requests.

21 And they are so overwhelming that they can't even --
22 they don't have the time they need to do their jobs, right.
23 So those are some of the challenges.

24 Senator Padilla. These are, you know, great examples,
25 which from what I hear, colleagues in other States were

1 contentious States, particularly the once every four-year
2 State, it gets even more intense. I will try to make
3 another couple of questions on the shorter side with my
4 time left.

5 But yes, no question for Mr. Evnen, do you believe
6 your team and the local leaders that you work with are
7 prepared for the challenges that the big lie is going to
8 cause in next year's election? Yes or no, or very brief
9 answer.

10 Mr. Evnen. Well, our elections officials across the
11 State are county clerks. Our elections are conducted by
12 county clerks across all 93 counties and election
13 commissioners in our larger counties. And they are
14 prepared. We support them from the Secretary of State's
15 Office in our elections division. We support them with
16 information. We support them --

17 Senator Padilla. Are we going to be ready next year?

18 Mr. Evnen. We are ready.

19 Senator Padilla. And any concern about being ready
20 next year or not?

21 Mr. Evnen. We don't have concerns about being ready.
22 We have responded to questions and concerns. You can see
23 on the Secretary of State's website, the Nebraska Secretary
24 of State's website, we have a presentation called fake
25 versus fact, and in that we have responded to a number of

1 the concerns that have been raised. We lay out what we
2 have found to be the case and we let the voters decide for
3 themselves what they think.

4 Senator Padilla. All right. Let me follow up with
5 some of you on -- after the hearing with some more specific
6 questions.

7 The las one is more on the technical side, you know,
8 for a lot of people across the country, increasingly
9 getting to the polls on a single particular day between a
10 certain time and a certain time to cast your ballot is not
11 always the most convenient, particular changing rules.

12 We know that primarily in the West, from Utah,
13 Colorado, Oregon, California as well, we have expanded
14 greatly the option of voting by mail, which has proven to
15 be very safe, very secure, in addition to be very
16 convenient.

17 Question for Mr. Bowens, do you think we would benefit
18 from a basic Federal standard that would allow all voters
19 that are eligible to vote, and we are talking about
20 eligible voters here, to be able to exercise a vote by mail
21 option?

22 Mr. Bowens. So, thank you, Senator. So, I can speak
23 to Durham County, North Carolina, and what works there.
24 Over the past three Federal general elections,
25 approximately 63 percent of our voters have participated

1 early.

2 Over the same three Federal general elections, we have
3 received over 82,000 civilian, military and overseas,
4 absentee by mail requests, no excuse. In North Carolina,
5 72 percent of those that were returned were accepted and
6 counted.

7 So, I believe that North Carolina has established very
8 good standards with respect to voting in general, but
9 certainly early voting, which begins 17 days or the third
10 Thursday prior to each election, and I believe the first in
11 the country to distribute absentee by mail ballots
12 beginning 60 days prior to Federal general elections.

13 So to the extent that standards would comply with what
14 North Carolina does, which I think is a very good model, I
15 would agree with that.

16 Senator Padilla. Thank you very much. I am a big
17 believer, just so you know, and again, proven to be safe,
18 secure, and very convenient for folks. Thank you, Madam
19 Chair.

20 Senator Fischer. Thank you, Senator. Nebraska kind
21 of eased into voting by mail. We started in, I think it
22 was 2005, a bill passed in the legislature when I was there
23 that in reaction to the Help America Vote Act. The cost
24 that would have had on some very sparsely populated
25 counties.

1 So a bill was passed to allow those counties to vote
2 by mail. And as Mr. Bowens said, you know, you -- the
3 State was able then to work it out and set standards that
4 worked for the State, and so we enjoy voting by mail in
5 Nebraska --

6 Senator Padilla. And I get -- I appreciate that every
7 State so different, every local jurisdictions little bit
8 different. So I am not a fan of vote by mail exclusively,
9 but as an option because the general trend that we have
10 seen is when voting by mail is an option, more people
11 exercise it, fewer people show up in person, so that the
12 cost of implementing vote by mail is actually a lot less
13 than the cost of maintaining polling places and staff and
14 equipment for days when fewer and fewer voters are showing
15 up. You still maintain an in-person option, but that right
16 balance of the two is the most efficient.

17 Senator Fischer. And I think that is important that,
18 you know, as Mr. Bowens said, the States are able to figure
19 out how to make that work. Thank you.

20 The Chairman. It is fun to come in to a discussion
21 between my colleagues.

22 Senator Fischer. There are so few of us here --

23 The Chairman. Exactly. And we are pleased to see two
24 new members of committee here, Senator Britt, and then we
25 will go to Senator Bennet. Senator Britt.

1 Senator Britt. Thank you, Madam Chairman, and Ranking
2 Member. I am excited to be at my first hearing today. I
3 actually want to follow up on the line of questioning from
4 my colleague here across the aisle.

5 As he discussed, recruiting poll workers has been a
6 constant challenge and it has actually become more
7 challenging, more difficult in recent years as we have had
8 more and more experienced volunteers choosing to retire.

9 I would like to do kind of a rapid fire very quick as
10 we go through and talk with each of you just about what are
11 your offices doing to encourage people to engage in this
12 electoral process, to be poll workers?

13 Any tips you have or anything that is working?
14 Because I think if we could hear what is working for you,
15 that would help us get the word out to other places about
16 what they may do to help remedy that problem. And we will
17 start with you. Yes, ma'am.

18 Ms. Johnson. So I am not an election official, but I
19 will say as part of our work with the Election Protection
20 Coalition, we definitely push for people to sign up to be
21 poll workers because we see them as an essential part of
22 the process and we create guides to help voters know about
23 the process.

24 Senator Britt. Right, absolutely. Okay. Thank you.
25 Yes, sir.

1 Mr. Bowens. So I would say it is twofold. One is
2 related to compensation. In North Carolina, we pay our
3 poll workers.

4 But I also understand that in many jurisdictions, very
5 fortunate in Durham County, and many North Carolina
6 counties, they cannot pay reasonable compensation outside
7 of the statutory baseline to engage workers and wanting to
8 participate.

9 I am at polling places, which I think speaks to the
10 need as suggested by the National Association of Counties,
11 for consistent, predictable Federal funding to help in that
12 regard.

13 Senator Britt. Thank you very much. Mr. Knapp.

14 Mr. Knapp. I would agree with that. More pay is
15 always good. And always I will say that in the last
16 election we had two counties that were struggling to find
17 poll workers. Their counties decided to supplement what we
18 reimburse at the State level and lo and behold, they had a
19 surplus of poll volunteers.

20 I will say the biggest issue we have in South Carolina
21 in regards to poll workers is the harassments that they
22 receive during the primaries from observers and watchers.
23 One thing that my office did to kind of combat that because
24 our State statute is very vague on what watchers and
25 servers are and what they can do.

1 So I just established a, here is what you can do.
2 Here is what you can't do. Poll watchers, observers, you
3 cannot screen at election officials. Election officials,
4 you can't prohibit these observers from seeing what is
5 going on. So I think everybody on the same page --

6 Senator Britt. With clear guidelines.

7 Mr. Knapp. Yes, everybody is on the same page.

8 Senator Britt. Secretary.

9 Mr. Evnen. Thank you, Senator. Our recruitment
10 efforts go back to the primary in 2020, May of 2020. We
11 didn't change our primary date. You recall that we were
12 very much closed down as a result of COVID, as a result of
13 the pandemic. But Nebraska voters like to go to the polls
14 and they want to go to the polls, and we have a percentage
15 of Nebraska voters who are voting early.

16 But we also have Nebraska voters who like going to the
17 polls. So we were committed to having every one of our
18 polling places open, on time, all day, and we did so. We
19 were successful in that. And one of the things we did was
20 run a step up campaign. We did this and radio, television,
21 social media.

22 And what we said was this, Nebraskans take care of
23 each other and they do. Nebraskans take care of each
24 other. There are older poll workers who are concerned
25 about serving as poll workers in the midst of the pandemic.

1 It is time for the next generation of poll workers to stand
2 up, to step forward, and they did, Senator, they did.

3 So, this was a difficult challenge, which turns out to
4 have been a generational opportunity for us. And now
5 today, I encourage people who have concerns about our
6 election processes to go serve as poll workers. Go be a
7 poll worker, take a look at what is going on and see what
8 you think for yourself.

9 Senator Britt. We need more people -- [technical
10 problems] -- to step up and do it. I am almost out of
11 time. I am so sorry.

12 Mr. Evnen. Okay, I am sorry.

13 Senator Britt. And just quickly, because I have one
14 question I want to get --

15 The Chairman. We are not that strict here on the
16 Rules committee, even though we are called the Rules
17 committee --

18 Senator Britt. Okay, great. I really appreciate
19 that. Senator Klobuchar. Thank you.

20 Ms. Toulouse Oliver. Thank you, Senator. I will echo
21 all the comments that have been made. This is a truly
22 bipartisan issue. I will just dovetail on Senator Evnen's
23 campaign point. In my -- Secretary sorry, all the s all
24 the titles. In my State and many other States, we actually
25 allow 16 and 17 year olds to serve as poll officials even

1 before they are ready to be actual voters. They are
2 getting in on the process --

3 Senator Britt. Getting the younger generation
4 involved --

5 Ms. Toulouse Oliver. And we are seeing a lot of
6 success with that as well.

7 Senator Britt. -- and taking pride in the process. I
8 love it. We have got to get more people engaged and be
9 able to, the generation that is retiring and we have to
10 have new people step up. So thank you for those ideas.
11 Quickly, if I may, just a quick question actually for
12 Secretary Evnen.

13 Am I saying that correctly? Excellent. Your
14 testimony referred to your longstanding support of voter ID
15 and overwhelming decision of Nebraska voters this past
16 November to amend the State Constitution to require a
17 presentation of photo ID before casting a ballot. In
18 Alabama, our voter ID law was passed in 2011 and has been
19 in effect since 2014.

20 And under our law, a voter that doesn't have one of
21 the approved forms of voter ID may receive a free Alabama
22 voter ID from various locations, including the local County
23 Board of Registrars, among others.

24 But in fact, actually, our Secretary of State's Office
25 will drive to your house and give you -- do a voter ID

1 right in your driveway, if that is what it takes to make
2 sure that you have that. So I obviously share your view
3 that voter ID laws are important way to help ensure the
4 integrity of and enhance faith in our elections.

5 Can you just say a little bit more about the
6 importance of that, and what do you believe have been some
7 of the best practices that you have seen?

8 The Chairman. And Secretary, I know Senator Bennet
9 has another commitment so quick answer on this one. I
10 would really appreciate. Thank you.

11 Senator Britt. Thank you.

12 Mr. Evnen. We are looking in the implementation of it
13 with the legislature, and I am working with them. The
14 legislature is looking at can we make our State issued
15 photo IDs available at no charge. And I think that that
16 goes a long way. Already 97 or 98 percent of all
17 registered voters possess a photo ID issued by the State.
18 We are committed to make sure make --

19 Senator Britt. Make sure everybody has one.

20 Mr. Evnen. -- sure that everyone has an opportunity.

21 Senator Britt. Thank you so much, Mr. Secretary.
22 Thank you all for being here.

23 The Chairman. Thank you. Thank you very much.

24 Senator Bennet.

25 Senator Bennet. Madam Chair.

1 The Chairman. You are well aware of our competition
2 over the years -- who has the highest voter turnout --

3 Senator Bennet. I am going to talk about that today,
4 and Senator Britt, it is a pleasure to be here with you
5 today. And Senator Fischer, thank you for letting me come
6 to the Rules committee.

7 And I would like to thank all of you for your
8 patriotic service to our country. This is -- I never
9 thought I would say that necessarily about people that were
10 administering our elections, but you are at the heart of
11 what this democracy is facing right now, and I deeply
12 appreciate that. And, Ms. Johnson, thank you as well for
13 your patriotic advocacy and service.

14 I am actually going to ask you maybe my first and only
15 question. So please let me just say, Chair Klobuchar,
16 thanks for letting me come to the committee. I know it is
17 not easy to get on the Rules committee, and I am one of the
18 youngest or newest members -- not the youngest.

19 I used to be one of the youngest, and I am grateful,
20 grateful to represent Colorado and to work alongside
21 everybody here to advance this committee's important work.
22 And through the last few years, the Chair and I have had a
23 friendly competition.

24 It has been a losing competition for me about whose
25 State could produce the highest turnout of voters in the

1 election. Since I said in every single corner of Colorado
2 this election, while I was running for reelection, I will
3 say in front of everybody, that we lost again to Senator
4 Klobuchar and to Minnesota. I implore people to get to the
5 vote -- to get to the polls so they could deprive the chair
6 of her talking point.

7 And even though Minnesota came out on top, both of our
8 States have a lot to be proud of because we are
9 consistently delivering higher voter turnout than the rest
10 of the country. And the reason for that is that we have
11 made it very easy for everybody to vote without
12 compromising security in any way. Nobody in Colorado would
13 accept compromised security, and we don't.

14 Colorado's approach allows residents to register
15 online not only with a driver's license, but with Social
16 Security numbers, something only one of those State in the
17 nation accepts. We have automatic voter registration that
18 meets Coloradans where they are, so they don't have to take
19 a day off work to find child care to ensure their names are
20 on the voter rolls. We have same day voter registration.
21 We have led the charge on vote by mail, one of just seven
22 States to do so in 2022.

23 We were just having a discussion about vote by mail.
24 In 2022, 95 percent of Coloradans voted by mail. Today, if
25 somebody tried to take away vote by mail in my State, they

1 would be run out of town for doing that.

2 One reason I wanted to join this committee is because
3 we should make it easy for every American to vote the way
4 people in Colorado have the chance to vote. Instead of
5 expanding vote by mail, we have seen States move to
6 restrict it, or at least 80 bills in 23 States introduced
7 to limit vote by mail based on the false belief that it is
8 somehow more susceptible to fraud.

9 Then, as we know in Colorado, an American is more
10 likely literally to be struck by lightning than to commit
11 fraud with a mail in ballot. And don't take it from me.

12 Take it from the Heritage Foundation, a very
13 conservative think tank here in Washington, who found that
14 out of 250 million absentee votes cast over a 20 year
15 period, the rate of mail voting fraud was 0.00006 percent
16 of all votes cast. That is virtually zero. In fact, I
17 don't know if you can get closer to zero than that.

18 So Ms. Johnson, vote by mail has been a huge benefit
19 to rural communities in my State that may live far from
20 voter service and polling centers. How do you think
21 efforts to restrict vote by mail affect voter turnout, in
22 particular for communities that might already have
23 difficulty making it to the polls?

24 Ms. Johnson. [Technical problems] -- where we had a
25 historic turnout. That was because of increased

1 opportunities to vote, including increased access to vote
2 by mail. And we saw particularly voters of color taking
3 advantage of that opportunity to vote by mail.

4 And I really hope that more States would be in
5 competition with Colorado and Minnesota about who would
6 have the highest turnout, because vote by mail really
7 contributes to that. And when we see efforts in States
8 that are making it harder for voters to vote by mail, it is
9 making it harder for voters to have a voice because they
10 are taking away that opportunity that voters had.

11 And when they have that opportunity, they turn out.
12 So it is really important to have a standard of vote by
13 mail as an option so that we can make sure that we have
14 high turnout across the country and not some States having
15 opportunity and others not.

16 Senator Bennet. You know, one other thing I would
17 just mention to the chair and the ranking member before I
18 wrap up is that the other benefit to vote by mail in our
19 State is we have ballot initiatives, you know, and people
20 have to read those ballot initiatives. And it took me
21 probably 45 minutes to fill out my ballot.

22 The last time I voted took 2 seconds to actually cast
23 the vote, but it gave us the chance to be able to reflect
24 on stuff, look stuff up, think about things. And that is
25 another aspect of it that I think if we gave it up, all it

1 would mean is massive lines of less informed people at the
2 polls.

3 And anyway, I commend it to everybody and thanks again
4 for letting me be on the committee, Madam Chair. I
5 appreciate the time.

6 The Chairman. Okay. Very, very good. Well, we are
7 excited to have you join us. I wanted to ask you, Mr.
8 Bowens and Ms. Johnson, because I didn't get to it, just
9 some remaining questions here. I think Senator Cruz is
10 going to be joining us, so I will do a bit of a Senate
11 filibuster here.

12 But I also wanted to ask you a question. So I wanted
13 to ask you about that disinformation, misinformation, and
14 how you think that affects things. I am thinking back, I
15 talked to Mr. Knapp a little bit about it.

16 You know, thinking back to the worst of it, when
17 Senator Graham and I did the bill -- actually it was
18 originally Senator McCain and I, and then Senator Graham
19 took over the bill, the Honest Ads Act that came out of
20 incidences in 2016 when we found out some ads were paid for
21 by rubles.

22 We had situations where we had won some African-
23 American voters that were targeted in certain areas in I
24 think it was Illinois and some other places with election
25 information that said, why, why come in to vote? You can

1 text your vote, which of course wasn't correct. Add, you
2 know, 8, 3, 4, 5,6,7. I mean, there were actual -- we
3 actually had stuff on the internet that had been sent to
4 these voters.

5 Could you talk about that? What has been done
6 recently to make some improvements in your state? And Ms.
7 Johnson, you certainly have a national perspective on that.
8 Mr. Bowens.

9 Mr. Bowens. Thank you, Chairwoman. So we have had
10 similar incidents in our county over time where individuals
11 have received text messages with disinformation, whether it
12 be in regard to polling place, location, or how to vote.

13 Our response in regards to this and misinformation has
14 really been focused at a statewide level. Our State has
15 implemented several campaigns to educate various members of
16 our community and the State as a whole on what is factual.
17 And a part of that campaign is really focused on trust.
18 Election officials trust what they have to say. Go to your
19 local county board of elections.

20 And we found that pushing out that model has really
21 helped get the correct information out there and kind of
22 quell issues when they arise with disinformation.

23 The Chairman. Okay. Ms. Johnson.

24 Ms. Johnson. Yes, Senator, we actually had a
25 litigation targeting those who had a scheme to have

1 robocalls to voters, telling them that they could vote by
2 text and very successfully litigated that claim and
3 including having a fine from the FEC.

4 And the reason we became aware of this was from a call
5 to the 866-Our-Vote election protection hotline, because
6 one of the things that misinformation and disinformation
7 feeds on is when voters aren't as informed about the
8 election process, they can fall really susceptible to those
9 efforts.

10 And I have been here doing election protection long
11 enough when it was a flier in the neighborhoods, and now it
12 is on social media and really harder to detect. So having
13 a resource like the hotline helps us to identify when this
14 is happening and to be able to address it. I will also
15 note that there was discussion about the challenges on
16 local election officials when they have to confront mis-
17 and disinformation.

18 We saw in 2022 where tens of thousands of voters were
19 challenged and their voter registration was challenged and
20 sent to election officials in Georgia right before the
21 election that had to be processed based on mis- and
22 disinformation.

23 So it has an impact not just on the voter and their
24 confidence, but it also puts, as you have heard, an outside
25 pressure on election officials and their ability to

1 administer elections as well.

2 The Chairman. Okay, Very, very good. Thank you.

3 Next up, Senator Cruz. You should know I filibustered some
4 Senator Cruz so that you would get here for our committee
5 hearing.

6 Senator Cruz. I appreciate it very much. And having
7 served with you for a long time, I know that you are quite
8 capable of a wonderful filibuster.

9 The Chairman. Thank you.

10 Senator Cruz. I am sure we heard the virtues of the
11 great State of Minnesota.

12 The Chairman. Yes. And our highest voter turnout,
13 which is higher than Texas. And the only thing you have on
14 us is a bigger State fair, but that is only because you are
15 open for 30 days. We actually have the bigger State fair.
16 But continue on, Senator Cruz.

17 Senator Cruz. I might disagree, but I will pick a
18 different forum for that discussion. Good afternoon.
19 Welcome to everyone.

20 Every American wants election processes that they can
21 trust and that are neutrally applied. When Secretaries of
22 State or even State Supreme Courts contravene their own
23 laws in order to skew election rules towards preferred
24 political outcomes, this undermines the public faith in the
25 democratic process.

1 One such area for this is voter ID. According to
2 Forbes, 81 percent of Americans support voter ID, including
3 62 percent of Democrats. Voter ID, I believe should be a
4 basic minimum requirement for a free and fair election.
5 And yet voter ID right now is opposed on a partisan basis
6 by virtually every Democrat in Congress and by a great many
7 Democrat Secretaries of State.

8 Secretary Oliver, you have been vocal on this topic.
9 You told the Albuquerque Journal, "I support policies that
10 ensure the integrity of our elections. New Mexico requires
11 voters to provide personal identifying information when
12 voting in person with increased ID requirements for
13 absentee voting.

14 Photo voter ID laws, however, can make it harder for
15 some communities to vote. I don't support this policy."
16 According to the numbers I just cited from Forbes, 81
17 percent of Americans and 62 percent of Democrats support
18 photo ID for voting, why is it that the policy you embrace
19 is different from the policy that a majority of New
20 Mexicans want to see?

21 Ms. Toulouse Oliver. Thank you for the question,
22 Senator. In my position as Secretary of State, first of
23 all, I don't make the laws in the State of New Mexico, but
24 I do have a bully pulpit in which to espouse my viewpoint
25 as 16 years being an election administrator in my State.

1 There are communities for which having some physical
2 form of ID -- and of course, it looks different in every
3 State, States that do require physical photo ID in order to
4 vote. In some States there is a wide variety of such
5 photos that can be used, in some it is much more limited.
6 Obviously, States that have a wide variety of voter ID is
7 available, that is, I think, personally a better policy.

8 But in my State there are communities where even
9 getting -- even getting a tribal, for example, we have a
10 lot of tribal voters in my State. 12 percent of my State
11 is Native American. Many tribal IDs do not contain a
12 photo. They are not necessarily issued in the same way
13 that we understand photo ID to be issued. So --

14 Senator Cruz. Madam Secretary, with respect, States
15 can address that. And many States, like the State of
16 Texas, provide for a zero cost photo ID for voting. I will
17 say the polling also shows over 60 percent of African-
18 Americans support photo ID.

19 I will say the argument that minorities can't get
20 photo ID I think is condescending. I am Hispanic, I know
21 how to get a driver's license. I have heard from many in
22 minority communities that getting a photo ID is not an
23 onerous requirement.

24 And I will point out, that your website indicates, a
25 physical form of identification is only required for first

1 time New Mexico voters who registered by mail and did not
2 include identification with their voter registration
3 application form. Otherwise, the website continues, the
4 only identification needed to vote is, "a verbal or written
5 statement of identification, including a name, year of
6 birth, and registered address."

7 So you don't even require a date of birth, just a
8 birth year. So in about 30 seconds you can obtain enough
9 information about someone to allow you to steal their vote.

10 Madam Secretary, do you know the name Harris Hartz?

11 Ms. Toulouse Oliver. Senator, that name is vaguely
12 familiar to me. I don't remember.

13 Senator Cruz. Harris Hartz is a judge, a Federal
14 judge on the 10th Circuit who sits in Albuquerque. And in
15 2017, Judge Hartz went to vote and he was barred from
16 voting when the Albuquerque city clerk's record showed that
17 somebody else had already voted under his name.

18 This is a Federal Judge in New Mexico, but you just
19 needed his name and your birth, which is pretty easy to
20 find. He ended up ultimately having to vote -- he was
21 initially denied the right to vote. Ultimately, he was
22 given the ability to vote on a provisional vote.

23 Before voting, he presented his driver's license to
24 the voting center staff, and after an investigation of the
25 fraudulent ballot, Judge Hartz said, "the signature was

1 nowhere near mine and it didn't even look like Harris
2 Hartz."

3 Does it concern you when Federal Judges are having
4 their votes stolen in New Mexico because there is not a
5 photo ID requirement?

6 Ms. Toulouse Oliver. Senator, I remember this issue
7 now. This was a mistake made by a poll worker. That is
8 what happened. And that -- mistakes can be made by poll
9 workers even when a physical ID is shown.

10 Senator Cruz. But what was the mistake?

11 Ms. Toulouse Oliver. The poll worker brought up the
12 incorrect record, not -- they brought up Mr. Judge Hartz's
13 record as opposed to the individual who was casting the
14 ballot. Neither the poll worker nor the voter noticed the
15 discrepancy and a mistake was made.

16 And so when Judge Hartz came to vote, he -- there was
17 an investigation into what exactly happened. So it wasn't
18 that the individual was attempting to steal Judge Hartz's
19 vote. It was that there was a clerical error that was
20 made. And clerical errors do get made in elections. They
21 are regrettable --

22 Senator Cruz. And I think we should protect
23 everyone's right to vote. And I agree with 81 percent of
24 Americans that photo ID requirements protect the integrity
25 of our elections and protect your right to vote, my right

1 to vote, and even Federal Judges right's to vote. Thank
2 you.

3 The Chairman. Okay. Just a few follow ups here. I
4 as someone that enforced our election laws as the county
5 attorney for eight years in the biggest county in
6 Minnesota, and the Secretary of State's Office would
7 forward any questionable things to my office, and I
8 actually had an investigator because I wanted to follow up
9 on everyone.

10 And we looked into every single one and the vast
11 majority of them, in fact, nearly all of them were father
12 and son that had the same name, but it came up on the
13 records. I think we are now at a more advanced stage of
14 our computer systems that those aren't being reported, but
15 we would investigate each one.

16 We had one couple there where the school board line
17 went through their house, and this is a county of over a
18 million people, and they decided to vote twice in a school
19 board election, which was wrong.

20 And so we had to deal with that. And then we had one
21 guy who admitted that he had voted twice on the phone and
22 he was put on probation. These are hundreds of cases that
23 we actually pursued and investigated.

24 So that just led me in one county, anecdotal, of
25 course, but it was my experience that this is very, very

1 rare. And you want to answer that question, Ms. Toulouse
2 Oliver, because I think that is what Senator Cruz was
3 trying to get at, because we know there is -- in my State
4 they vouch with -- you can -- if you are a voter who is
5 doing same day registration and you are new in the
6 neighborhood, you can bring, not brand new, but you can
7 bring electric bill, gas bill with a neighbor who vouches
8 for you, and there is things you can do.

9 But that person is actually putting themselves on the
10 line and vouching that you live there. And we just haven't
11 had this rampant problem. And we have had many close
12 elections, everyone knows that, including the Senate race
13 with Senator Franken and Senator Coleman. So these ballots
14 were very closely reviewed on national TV.

15 And so Secretary Toulouse Oliver, do you want to talk
16 about how rare voter impersonation is? And I note this
17 stat from 2020 from the Brennan Center, experts have found
18 that voter impersonation fraud is so rare that an American
19 is more likely to be struck by lightning than to commit
20 voter impersonation fraud simply because they are not going
21 to risk the legal outcome of having, what was in Minnesota,
22 the county prosecutor's office investigate them. But
23 please answer.

24 Ms. Toulouse Oliver. Sure, that is right, Madam
25 Chair. Voter fraud, especially in-person voter

1 impersonation, is extremely rare. It is extremely rare in
2 my State as it is everywhere else. The example that
3 Senator Cruz just showed, you know, these things do happen
4 from time to time. When I was the county clerk in
5 Bernalillo County, a former Secretary of State went to vote
6 and the record had reflected that she had already voted.
7 And of course, she was deeply concerned about that.

8 I was deeply concerned about that. We immediately
9 conducted an investigation and what we found was that
10 during her administration as Secretary of State, she would
11 issue voter ID cards to every voter in the State through
12 the mail with her name at the top of them as Secretary of
13 State, and a voter had come to present themselves to vote.

14 And of course, because the former Secretary of State's
15 name was so big on the top of the card, the poll worker
16 said, oh, it is you. Let me flag your record, right. So
17 it is very rare. I personally don't favor it for my State.
18 To the extent that these things happen, 99 percent of the
19 time they are clerical or administrative errors.

20 The Chairman. Okay. And just maybe ending here with
21 you, Ms. Johnson. New York Times editorial board noted
22 Oregon has sent out more than 100 million mail in ballots.
23 100 million since 2000. As you know, they are big mail in
24 ballots.

25 I like the fact, by the way, that my State is kind of

1 a mix because it gives people -- it is easier to do both in
2 the same day registration. I think that is one of the
3 reasons we do so well with turnout. But Oregon also has a
4 high turnout, as does Utah, and they are pure mail in
5 ballot, nearly pure mail in ballot.

6 Oregon has sent out more than 100 million mail in
7 ballots since 2000, has documented only about a dozen cases
8 of proven fraud. Rounded to the seventh decimal that is
9 0.0000001 of all votes cast. Does that surprise you at
10 all?

11 Ms. Johnson. Not at all. I think what we saw in
12 2020, where we had 100 million people voting before
13 Election Day and more people voting significantly before
14 Election Day in 2022 as well, is that voters welcome the
15 opportunity to vote by mail.

16 And we have seen that it is a very secure form of
17 voting. As you noted, the States who have vote by mail
18 don't have any election security risk. And it is very
19 important that, as you mentioned, that voters have a range
20 of opportunities to vote because we see when they do so, we
21 have historic turnouts in the elections.

22 The Chairman. And also note that former Attorney
23 General William Barr, when he looked at this -- it is not
24 just, you know, Oregon looking at their numbers -- stated
25 that for the 2020 election that he found no evidence of

1 widespread voter fraud.

2 So I just think in light of what all of you have been
3 talking about in a bipartisan basis, elevating the facts,
4 that when something bad happens we investigate it, we call
5 it out no matter how small, it is so important because that
6 is part of the integrity of the whole system.

7 But that our foremost focus is, as you Secretary Evnen
8 talked about, it is that credibility of the election and
9 making sure that people understand this, that these claims
10 can be made. But then you look at the fact that every one
11 of you with different voting laws said that you were
12 confident in the security of the elections in the last
13 election. So I want to thank you. I don't know if you
14 want to add anything, Senator Fischer.

15 Senator Fischer. Thank you, Chairwoman. And thank
16 you to our panel today. I appreciated all your comments
17 and all your viewpoints, and I think it just reinforced how
18 important it is that every State be able to set up and
19 monitor their own elections, to be able to focus on things
20 that work for them.

21 We heard a variety of differences between the States
22 here, and I thank you all for bringing those viewpoints
23 forward to us, because we know that it is the poll workers
24 under your guidance, as the election officials in your
25 areas that make this democracy work. So thank you very,

1 very much.

2 The Chairman. Well, thank you. And I just end by
3 saying we heard some good things about 2022 instead of the
4 secure and safe elections. And we also know that as we
5 approach the next election, some States coming sooner than
6 others, Mr. Knapp, as we approach the next election, we
7 must continue to work together to address these challenges
8 by ensuring State and local governments have consistent
9 resources and then, of course, Federal help as well.

10 And that comes in forms of protecting electing workers
11 and also technology, and then, of course, making sure that
12 voters can cast their ballot in whatever works best for
13 them. So I look forward to continuing to work with my
14 colleagues on this committee to provide election officials
15 and voters across the country with the support they need.

16 The hearing record will remain open for one week. And
17 with no other Senators waiting to answer questions, I know
18 you want them to arrive at the last minute and ask more,
19 but we are happy to announce this hearing is adjourned.
20 Thank you all for attending.

21 [Whereupon, at 4:45 p.m., the hearing was adjourned.]

22

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24

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