

# TRANSCRIPT OF PROCEEDINGS

UNITED STATES SENATE

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COMMITTEE ON RULES AND ADMINISTRATION

\* \* \*

NOMINATIONS TO THE ELECTION ASSISTANCE COMMISSION

\* \* \*

Washington, D. C.

October 28, 2003

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PRB 1

NOMINATIONS TO THE ELECTION ASSISTANCE COMMISSION

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TUESDAY, OCTOBER 28, 2003

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United States Senate,

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Committee on Rules and Administration,

6

Washington, D.C.

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The Committee met, pursuant to notice, at 9:35 a.m., in

8

Room SR-301, Russell Senate Office Building, Hon. Trent

9

Lott, Chairman of the Committee, presiding.

10

Present: Senators Lott, McConnell, and Dodd.

11

Staff Present: Susan Wells, Staff Director; Elizabeth

12

McAlhany, Deputy Staff Director; Alexander Polinsky,

13

Legislative Director; Ken Jones, Chief Counsel; Kennie L.

14

Gill, Democratic Staff Director and Chief Counsel; Veronica

15

Gillespie, Democratic Elections Counsel; and Sue Wright,

16

Chief Clerk.

17

Chairman Lott. The hearing will come to order. Thank

18

you for all being here this morning. The purpose of this

19

hearing is to consider the four Presidential nominations to

20

the Election Assistance Commission. Mr. Paul DeGregorio of

21

Missouri is a nominee for a two-year term; Ms. Gracia

22

Hillman of Washington, D.C. is nominated for a two-year

23

term; Mr. Raymundo Martinez of Texas is the nominee for a

24

four-year term; and Mr. DeForest Soaries of New Jersey is

25

nominated for a four-year term. We are glad to have you all

1 here this morning. Welcome to the nominees and to those who  
2 will be introducing them. We hope that you are enjoying our  
3 new digs here in the Rules Committee. This is our first  
4 hearing since we had the room redecorated and now we are  
5 very concerned that every committee chairman that sees this  
6 will expect similar improvements in their committee rooms.  
7 So do not get any ideas, Senator Bond.

8 As many of you know, the Election Assistance  
9 Commission, or EAC for short, was the result of the Help  
10 America Vote Act which passed one year ago this month. The  
11 EAC will consist of four members appointed by the President  
12 and confirmed by the Senate. Initial terms of the members  
13 are staggered two and four-year terms after which all  
14 commission members may be reappointed for one additional  
15 four-year term. The passage of Help America Vote Act was  
16 partly in response to the experience we had, of course, in  
17 the 2000 Presidential election. During that post-election  
18 time period there was a lot of confusion, misinformation  
19 circulated about the processes in the country. Not just in  
20 Florida but in all other States.

21 In addition, there was no centralized Federal  
22 repository of information that dealt with some of the  
23 concerns being raise at the time such as voting technology,  
24 voting tabulation procedures, and the like. Congress' quick  
25 action on this subject subsequently filled the gap and an

1 election reform package was passed later that year. I also  
2 want to add that it was because of the outstanding work of  
3 Senators McConnell and Dodd and their staffs who shouldered  
4 the burden of making election reform a reality. They were  
5 truly the architects of the election reform package that  
6 passed.

7 It looked like at a couple of points the legislation  
8 might actually die, but they would not give up on it. They  
9 kept working and it is a classic example of how you can come  
10 together in the Senate, between the Senate and the House,  
11 and between the parties when you have strong leadership like  
12 these two gentlemen. They deserve an awful lot of credit.  
13 Now we have got to make it work.

14 Although the EAC does not have any Federal rulemaking  
15 or regulatory enforcement authority, it will serve as a  
16 useful instrument in assisting States and local election  
17 authorities in carrying out electoral duties. In fact I  
18 believe the lack of rulemaking and regulatory authority is  
19 one of the most positive aspects of this commission. The  
20 EAC will not be mired down in minutia of rulemaking and  
21 regulatory like so many other Government commissions. They  
22 will be able to focus solely on their core mission and  
23 responsibilities. I believe the EAC will serve as a true  
24 assistance commission and help those States and local  
25 governments to hold honest, and trustworthy elections. I

1 hope the EAC will fill this void and act as a best practices  
2 clearinghouse for election information as well as to assist  
3 with the implementation of fair and accurate electoral  
4 processes.

5 In addition to the creation of this act, the Help  
6 America Vote Act authorized more than \$2 million in Federal  
7 assistance to ensure that State and local elections are  
8 carried on in an efficient and accurate manner. Just this  
9 past week, again under the leadership of the two gentlemen  
10 here on this Committee, we added additional funds to  
11 actually carry out the intent of that act.

12 One of the EAC's specific missions is to assist State  
13 and local officials in implementing new voting systems. For  
14 example, many of the controversial punch card machines will  
15 be replaced and updated with the latest voting technology to  
16 avoid hearing all the far to often catch phrases such as  
17 hanging chads or other descriptive terms to explain why that  
18 is not the best voting system. I will not get too much into  
19 detail but there are some specific responsibilities outlined  
20 for the EAC commissioner. I know that the nominees are  
21 familiar with this and we will maybe get into some of that  
22 in the testimony and the questions that will follow.

23 Before we go to the introduction of the witnesses and  
24 the statements of the witnesses, let me call on Senator  
25 Dodd, our ranking member on the Committee for any comments

1 he would like to make at this time.

2 Senator Dodd. Thank you very, very much, Mr. Chairman.  
3 Before beginning any comments about the witnesses and the  
4 purpose of the hearing today let me comment you and the  
5 staff, the Superintendent's Office. This is a magnificent  
6 room, and it has rightfully been restored. You have done a  
7 great job with it. It certainly has a lot of significance;  
8 goes back many, many years and it is nice to see it once  
9 again expressing the grandeur. I have always loved in fact,  
10 for those who may be curious, the murals and the backgrounds  
11 representing the two ships are the Santa Maria and the  
12 Constitution. The Constitution overhead representing the  
13 War of 1812. Of course, the Santa Maria, Columbus's arrival  
14 in the New World in a sense. So it ties the history of the  
15 Nation together, this room; a long history which I will not  
16 bore you with today. But you have done a great job in  
17 bringing it back and I commend you for it.

18 And what better occasion than to talk about  
19 rejuvenating this room and rejuvenating an electoral system  
20 that needed some vast improvement. I am delighted that  
21 Mitch McConnell, a former chairman of this Committee and  
22 with whom I have enjoyed wonderful service over the years is  
23 here today. We have been through a lot over the last--it  
24 was one year ago tomorrow that the President signed this  
25 historic piece of legislation into law. Mitch was

1 tremendously instrumental and it is fitting that the one  
2 person sitting at the witness table is Kit Bond, because  
3 this was the triumvirate here, I guess you might say, along  
4 with the House individuals who put this together, and I am  
5 deeply grateful to both of them for their willingness to  
6 stick with that piece of legislation, and also their  
7 tremendous support last week. We would not have been able  
8 to--as Mitch rightly pointed out, there was no good way to  
9 do this. We all knew it had to be done, we just did not  
10 know how to get it done. Last week we decided, at least we  
11 will put it on the table and see if we cannot resolve it;  
12 these additional resources. So I thank both of them very,  
13 very much publicly. I have said so privately but I want to  
14 acknowledge their tremendous participation, if I can.

15 Very briefly, Mr. Chairman, I thank you for holding the  
16 confirmation hearings in a very timely manner so that we can  
17 get this work done. A year ago tomorrow, as I mentioned,  
18 the President signed into law the Help America Vote Act.  
19 For the first time in our history this landmark legislation  
20 recognizes the need for a Federal partnership in the conduct  
21 of Federal elections. This partnership does not usurp in  
22 any way the authority of State and local governments to  
23 administer Federal elections. But it does provide  
24 leadership and support for the establishment of Federal  
25 minimum requirements that all Federal elections must meet

1 and provides appropriate Federal funding to finance the  
2 implication of those requirements.

3 No civil right is more fundamental, I think we would  
4 all agree, to our democracy than the right to vote. It is  
5 the mechanism in which democracy by which the voice of the  
6 people is heard. According to Thomas Payne, the right to  
7 vote is the primary right by which all other rights are  
8 protected. In America's democracy, that right must mean an  
9 equal opportunity to every eligible citizen to cast a vote  
10 and to have that vote counted. Absent that basic premise,  
11 the integrity of the outcome of an election, indeed the  
12 integrity of our representative form of government is at  
13 risk.

14 That is why, following the 2000 Presidential elections,  
15 a bipartisan group of Senators and Congressmen came together  
16 to enact the Help America Vote Act. While we initially  
17 viewed the outcome of the 2000 elections very differently,  
18 in the end we all agreed that the Federal Government had an  
19 appropriate role to play to ensure that in our democracy we  
20 made it easier to vote and harder to defraud the system.

21 I want to again publicly commend my colleagues, the  
22 former chairman of the Committee, as I mentioned, Senator  
23 McConnell, under whose leadership this Committee first began  
24 its consideration of election reform. Together we offer the  
25 final version of election reform, the Help America Vote Act,

1 along with our colleagues in the House, Bob Ney, Steny  
2 Hoyer, and of course, as I mentioned already, Senator Kit  
3 Bond.

4 In addition to establishing minimum Federal  
5 requirements that all States must meet for Federal elections  
6 and providing funding to implement those requirements, this  
7 act also establishes for the very first time a Federal  
8 agency to serve as a clearinghouse and resource organization  
9 for Federal elections. The new Election Assistance  
10 Commission is designed to bring together all parties who  
11 play a role in elections, from voting machine manufacturers,  
12 to the voter registration organizations, and other civil  
13 rights groups, to election day officials and administrators  
14 to facilitate dialogue and study on how best to administer  
15 Federal elections.

16 The Commission will oversee the distribution of grants  
17 to the States. It will establish several boards of advisers  
18 to facilitate the implementation of the new Federal  
19 requirements, so that States can share information and not  
20 waste Federal dollars reinventing the wheel in every  
21 jurisdiction. The Commission will also establish technical  
22 development committees to work with State and local election  
23 officials in the development of voluntary voting system  
24 guidelines and to provide for testing and certification of  
25 voting system hardware and software.

1           Finally, the Act charges the Commission with conducting  
2 periodic studies of election administration issues with a  
3 goal of promoting accurate, accessible, non-discriminatory,  
4 user-friendly elections that are efficient and cost-  
5 effective.

6           I want to congratulate each of the nominees today for  
7 the honor of being nominated to establish the Election  
8 Assistance Commission and to set the standard by which our  
9 Federal partnership will be judged for years and year to  
10 come. It is an awesome responsibility and one that each of  
11 your backgrounds has trained you equally to carry out. I  
12 also want to commend the four Congressional leaders for  
13 their outstanding recommendations to the President from  
14 which this group of nominees was drawn.

15           To ensure that our Federal partnership gives voice to  
16 all Americans in their diverse experiences on election day,  
17 the nominees to this Commission should reflect more than  
18 just the perspective of State and local officials. These  
19 nominees achieve that goal. Together, this esteemed group  
20 will be able to view the Federal partnership from both the  
21 experience of voter and election official. While political  
22 races may be partisan, elections should never be partisan.  
23 The Help America Vote Act is appropriately the first civil  
24 rights act of the 21st century, and the bipartisan support  
25 that it has received in Congress should be the standard by

1 which your tenure on the Commission is measured.

2 I want to congratulate each and every one of you and I  
3 look forward to your comments here this morning. Thank you,  
4 Mr. Chairman.

5 Chairman Lott. Thank you, Senator Dodd.

6 Senator McConnell.

7 Senator McConnell. Thank you, Chairman Lott. This is  
8 indeed an exciting day. This legislative quest, if you  
9 will, began during my chairmanship of this Committee in  
10 January 2001. As most of you know who were close observers  
11 of this process, there were numerous bipartisan bills that  
12 kicked around in those early months. A classic example of  
13 how the legislative process really ought to work. Everybody  
14 wanted something to pass. There were some differences along  
15 the way among various members about what ought to pass. But  
16 at the end of the day we came together, Senator Dodd,  
17 Senator Bond, myself and others, who were interested in  
18 making this piece of legislation that both sides could be  
19 genuinely enthusiastic about.

20 As many of you know, I think many of the Democrats were  
21 fearful that Republicans were trying to make it harder for  
22 people to vote. I think Republicans were fearful that  
23 Democrats wanted to make it easier for people to cheat. So  
24 we had certain preconceived notions about what the goals of  
25 the other side were at the beginning of the process. But at

1 the end we were able to do what we repeatedly said after  
2 that, to make it easier for people to vote and harder for  
3 people to cheat. Something to both in this legislation. So  
4 we did both in this legislation.

5 To show you how serious we are about making sure that  
6 it is implemented in time for the 2004 election, I did  
7 something I never thought I would. Last week, as the second  
8 ranking Republican in the Senate, I advocated busting the  
9 budget, which required getting over 60 votes, which is  
10 somewhat of an awkward thing to do. In cahoots with Senator  
11 Dodd and Senator Bond we got over 60 votes in our desire to  
12 achieve full funding early in 2004 so that there can be  
13 complete implementation of all of the provisions of this  
14 bill in time to make a difference for the 2004 election.

15 So that is our goal. The appropriations process is not  
16 entirely to the end--it is not at a conclusion yet, but we  
17 are working hard to get this bill fully funded. I know the  
18 Speaker of the House feels that way as well and he is a man  
19 of some influence, so we are optimistic that somehow,  
20 someday during the appropriations process we will have this  
21 measure fully funded and up and ready for the 2004 election.

22 So, Mr. Chairman, I want to thank you so much for  
23 expediting the nominations. I want to congratulate each of  
24 you who have been chosen for this exciting new position. We  
25 think it is a great honor for you. We are counting on you

1 to do a really superb job, and we are looking forward to  
2 hearing your testimony.

3 So with that, Chairman Lott, let me ask consent that my  
4 full statement be made a part of the record.

5 Chairman Lott. Without objection, it will be so  
6 ordered.

7 [The prepared statement of Senator McConnell follows:]

8 / COMMITTEE INSERT

1 Senator McConnell. Thank you so much.

2 Chairman Lott. Thank you both for being here, for the  
3 outstanding work that you have done.

4 Senator McConnell, thank you for your comments. I am  
5 glad you admitted yourself, your action last week, which I  
6 supported in spirit but had to vote against since you were  
7 busting the budget.

8 Senator Dodd.

9 Senator Dodd. Mr. Chairman, Senator Daschle wanted to  
10 be here this morning but conflicting schedules made it  
11 impossible. Senator Daschle recommended the nominee Ray  
12 Martinez, and apologizes to him for not being here to  
13 introduce him this morning and present him to the Committee.  
14 I wanted to note that. He will have a statement in the  
15 record I would like to include, and some other letters that  
16 we have received just in support of these nominees we will  
17 make a part of the record as well.

18 Chairman Lott. We will put Senator Daschle's statement  
19 in the record at this point.

20 [The prepared statement of Senator Daschle follows:]

21 / COMMITTEE INSERT

1 Chairman Lott. To facilitate the fact that we have  
2 four nominees and Senators and Congressmen that will be  
3 introducing them, and the limited space, we are going to  
4 divide them into two groups of two. So if you will, let us  
5 go ahead and get started. Our first two nominees are Paul  
6 DeGregorio of Missouri. He will be introduced by Senator  
7 Bond. And Ms. Gracia Hillman of Washington, D.C. and she  
8 will be introduced by Congresswoman Eleanor Holmes Norton.  
9 If you would come to the witness table.

10 Senator Bond, I again congratulate you for your  
11 participation in the effort to get the legislation passed  
12 last year. What was that dog's name that voted in Missouri?

13 Senator Bond. Richie Meckler; my favorite dog.

14 Chairman Lott. Go ahead, Senator Bond.

15 Senator Bond. I thank you, Mr. Chairman, Senator Dodd,  
16 Senator McConnell. We do thank you for holding this  
17 hearing. Mr. Chairman, if the Rules Committee cannot have  
18 the grandest hearing room on Capitol Hill, I do not know who  
19 can. I certainly appreciate your setting the standard for  
20 the rest of the hearing rooms.

21 I begin by thanking my colleagues, Senator Dodd and  
22 Senator McConnell, for their diligence, fortitude,  
23 perseverance and just plain stubbornness. Over the 18-month  
24 course of getting this Help America Vote Act passed, it  
25 looked more like loading frogs in a wheelbarrow than

1 crafting legislation. But they stayed with it. We came up  
2 with a good product, and showing that Senator McConnell and  
3 I, along with Senator Dodd, were not troubled by the bugaboo  
4 of staying within the budget, we are going to fund the  
5 thing this year so that we will have honest, fair, easier to  
6 vote elections next year.

7 It is a pleasure to be here today to introduce truly an  
8 outstanding nominee, Mr. Paul DeGregorio. The President has  
9 made a terrific choice. Paul will bring a vast amount of  
10 experience in actually running elections, and he will bring  
11 an unmatched commitment to promoting fair and efficient  
12 elections that bring voter access to the ballot box. As you  
13 will learn from his testimony, Paul has a genuine enthusiasm  
14 for elections and undertakes his responsibility seriously.  
15 He will be invaluable member.

16 First, it is important that we move quickly on  
17 implementing this part of the Help America Vote Act. We  
18 learned in 2000 and afterwards about--despite the importance  
19 of the electoral process, there are widespread management  
20 problems and potential mischief at the ballot box. Many  
21 votes were lost at the ballot box through voter error. We  
22 also discovered that State and local officials were having  
23 difficulty understanding extensive Federal obligations and  
24 implementing the obligations. We discovered that our  
25 Nation's voter rolls were in bad shape and the process for

1 maintaining lists and removing names needed to be updated.

2 Finally, the State and local officials stated clearly  
3 to us here in Congress that with the resources, equipment,  
4 and procedures needing to be upgraded, we could address the  
5 integrity of the process and ensure voter confidence in the  
6 outcome of the elections.

7 As Senator McConnell has said, the Help America Vote  
8 Act should make it both easier to vote and harder to cheat.  
9 The Election Assistance Commission is an important component  
10 of it.

11 I will ask unanimous consent that my comments on that  
12 be included in the record, but let me say that Paul is ideal  
13 candidate, having served for eight years as the Republican  
14 election director for St. Louis County. With over 60,000  
15 registered voters, it is one of the largest voting  
16 jurisdictions in the country, an extremely diverse  
17 jurisdiction and it is critical in determining the winner of  
18 any statewide race in Missouri. As election director, Paul  
19 was responsible for all the nuts and bolts required to put  
20 on an election from designing a ballot to ensuring a  
21 sufficient number of election judges to serve at the polling  
22 places. I was on the ballot in Missouri while Paul was  
23 serving and can attest firsthand as to the quality of his  
24 work. Now I am here. It worked.

25 I might also say that in St. Louis County, I understand

1 the error rate was a minuscule 0.03 percent despite the fact  
2 that they used the much-maligned punch card voting system  
3 throughout the county. Actually the error rate is higher in  
4 my home county, Audrain County. They have never found an  
5 error there with a punch card. But that is beside the  
6 point.

7 In recent years Paul has served as the executive vice  
8 president and chief operating officer of the International  
9 Foundation for Election Systems. IFES is one of the leading  
10 institutions in promoting elections and democracy around the  
11 world. He and his organization have provided critical  
12 assistance in newly-established democracies including  
13 Russia, Kazakhstan, Moldova, Ukraine, Albania, Macedonia,  
14 China, Slovakia, Cambodia, Thailand, Indonesia and Japan,  
15 which should qualify him to help with the voting process in  
16 Palm Beach County and St. Louis City, Missouri.

17 Paul has made running clean, fair and efficient  
18 elections his career. His vast, tremendous amount of  
19 experience will go a long way to making the Commission the  
20 effective body we envision and I encourage the Committee to  
21 proceed on consideration of the nomination and send it to  
22 the Senate floor for prompt consideration.

23 Chairman Lott. Thank you, Senator Bond.

24 Congresswoman Eleanor Holmes Norton, if you would  
25 introduce Ms. Hillman, please.

1 Ms. Norton. Thank you very much, Mr. Chairman. I  
2 commend you and the Committee on the very important work you  
3 have done on the Help America Vote Act and particularly for  
4 the work you do today to bring that act forward and to put  
5 it into implementation. I am sure that what you do in  
6 appointing the first commissioners will inspire confidence  
7 in our democracy itself.

8 It is my great pleasure to introduce one of my  
9 constituents who has been nominated by the President to be  
10 one of the inaugural commissioners, Gracia Hillman. Leader  
11 Nancy Pelosi also appreciates that the President has  
12 nominated Ms. Hillman whom Ms. Pelosi recommended. I think  
13 you will find that Ms. Hillman's experience and background  
14 is highly relevant to the work of the new Commission. Among  
15 the many items in her vita that attest to that, perhaps what  
16 best does so is her work as executive director from 1990 to  
17 1994 of the League of Women Voters; the highly respected,  
18 non-partisan, good government organization that for decades  
19 has been among the preeminent organizations encouraging  
20 citizen participation in our political process.

21 Her work--and you have her full vita before you so I  
22 will not detail it all, but among the other relevant aspects  
23 to be noted, I think, are her work with the State Department  
24 to ensure that international human rights includes women's  
25 rights, her work as president and CEO of the World Space

1 Foundation, an interesting and unique organization that  
2 brings audio and multimedia educational programming to Asia  
3 and Africa, working with indigenous groups. One of its  
4 products has been the Africa learning channel, for example.

5 I believe that you will find that Gracia Hillman's work  
6 in non-partisan and non-profit organizations throughout her  
7 entire career makes her an especially excellent choice to  
8 serve as one of the first commissioners of this important  
9 commission, and I thank you very much.

10 Chairman Lott. Thank you very much, Congresswoman  
11 Eleanor Holmes Norton and Senator Bond.

12 If you would now allow the next panel to come forward  
13 to be introduced. The other two nominees are Reverend  
14 DeForest Soaries of New Jersey to be introduced today by  
15 Senator Corzine of New Jersey; and Mr. Raymundo Martinez  
16 that will introduced by Silvestri Reyes. Please take your  
17 seats, gentlemen, and we will proceed with you, Senator  
18 Corzine.

19 Senator Corzine. Thank you, Mr. Chairman. Let me  
20 commend all of you for an excellent effort in moving forward  
21 on something that is absolutely fundamental to the  
22 effectiveness of our democracy. I commend the Chairman for  
23 his leadership in moving forward in implementation of the  
24 new law, but I also want to commend Senators Dodd and Mitch  
25 McConnell for their strong leadership on this, and

1 particularly putting our money where our mouth is on this.  
2 I am quite grateful.

3 I have a statement from my colleague, Senator  
4 Lautenberg, that I would like to put into the record with  
5 regard to the Soaries nomination.

6 Chairman Lott. It will be placed in the record at this  
7 point.

8 [The prepared statement of Senator Lautenberg follows:]

9 / COMMITTEE INSERT

10 Senator Corzine. Let me just say that this is a real  
11 honor for me to introduce to the Committee a person that I  
12 consider a close personal friend. Reverend DeForest B.  
13 Soaries, Jr. is really one of the leading citizens of New  
14 Jersey. He is more familiarly known as Buster to his many  
15 friends and admirers. But there is not anyone that I know  
16 who has served the State of New Jersey, and I believe will  
17 serve this Nation more ably with great intelligence and  
18 people skills in a very, very important position. Without  
19 qualification, and I mean without qualification, I recommend  
20 this remarkably good and decent man.

21 Mr. Chairman, the EAC has before it a difficult task,  
22 restoring the confidence of Americans in our electoral  
23 system after the extraordinary circumstances of the 2000  
24 election. I think all of us as agree, no civil right is  
25 more important to the fundamental workings of America's

1 democracy than the right to vote. The concerns that were  
2 spawned by the election I think have been addressed,  
3 hopefully will be addressed with the workings of the  
4 Commission by the Help America Vote Act. This creates both  
5 the resources and the framework to deal with a lot of those  
6 problems and I am, as I said, quite pleased about it. We  
7 certainly want to make sure that the wounds of 2000 are  
8 healed. I think this effort will do that. I believe Dr.  
9 Soaries can be a crucial part of that effort.

10 His resume and his record, I think, make him an  
11 outstanding nomination by the President for this particular  
12 position. Not only does he have personal credibility, but  
13 he is an exceptional leader. He is a senior pastor at the  
14 First Baptist Church of Lincoln Gardens in Somerset, New  
15 Jersey where under his leadership the membership has gone  
16 from 1,500 members to 6,000. The reach of his ministry  
17 reflects the commitment and conviction of his life and his  
18 beliefs that are moving to anyone who has ever come in  
19 contact with him. He is an extraordinarily successful  
20 pioneer in faith-based community development, whether that  
21 deals with non-profit housing, educational experiences,  
22 across the board. Importantly for this particular  
23 challenge, he served in the Whitman administration as  
24 Secretary of State for New Jersey for three years and has  
25 much experience with regard to the issues at hand.

1 Dr. Soaries understands the right to vote is the  
2 cornerstone of democracy. He will work, and I believe be  
3 convincing to Americans, that we can restore faith in our  
4 electoral system. He understands that far too many people  
5 of color, people with disabilities, and others have been  
6 denied their basic right to participate and I hope that you  
7 all will move expeditiously to recommend to the full Senate  
8 his endorsement. I look forward to working with all of you  
9 on fully and fairly implementing the Election Assistance  
10 Act. I think it is a terrific effort. Congratulations to  
11 all of you.

12 Chairman Lott. Thank you, Senator Corzine. I think  
13 your introduction and this nominee makes it very clear how  
14 non-partisan, bipartisan these nominees are because even  
15 though they are all just interested in honest and accurate  
16 elections, two are Democratic nominees and two are  
17 Republican. Reverent Soaries is a Republican nominee and  
18 just got the resounding endorsement from Senator Corzine and  
19 I am sure Senator Lautenberg in his statement too. So we  
20 thank you very much for that.

21 Congressman Reyes, we would be glad to hear from you at  
22 this time.

23 Mr. Reyes. Thank you, Mr. Chairman, Senator Dodd,  
24 Senator McConnell, and other members of the Committee. I  
25 appreciate the opportunity to come before you today as a

1 member of the House and immediate past chairman of the  
2 Congressional Hispanic Caucus to introduce to you someone  
3 for whom we all have the utmost respect, Mr. Raymundo  
4 Martinez, III of Austin, Texas. I should also mention that  
5 his wife Beth and daughter Sofie were unable to accompany  
6 him to Washington because in a few months his wife will be  
7 giving birth to their second child. We wanted you to know  
8 that as well, Mr. Chairman.

9 We are also particularly grateful to the President for  
10 nominating Mr. Martinez to the Election Assistance  
11 Commission and to Senator Daschle, in consultation with  
12 Senator Dodd and the civil rights and voting groups around  
13 the country, for recommending Mr. Martinez to the President.  
14 We are very proud that a member of our community has been  
15 nominated for this enormous responsibility and we are very  
16 hopeful that the Committee will approve the nomination of  
17 Mr. Ray Martinez and the other nominees before you today  
18 expeditiously, as my colleagues have previously requested.

19 Mr. Martinez has a background similar to many of us in  
20 the community; parents who toiled in back-breaking jobs,  
21 often more than one job, so that their children could have  
22 the advantage of education and a fuller life than they  
23 themselves had experienced. He grew up with the values that  
24 we prize as a community: a strong work ethic, a strong  
25 family structure, a belief in community service, and a deep

1 religious faith. This outstanding public servant is  
2 reflective of all of those values. He is a good father and  
3 a good son, and he has answered the call to public service  
4 many times over.

5 After securing not only an undergraduate degree from  
6 Southwestern University but also a law degree for University  
7 of Houston law center, Mr. Martinez's strong ethic, public  
8 speaking ability and consensus-building qualities did not go  
9 unnoticed. He was asked to assume the position of regional  
10 director for the U.S. Department of Health and Human  
11 Services in Dallas, Texas. In this role, he was the  
12 principal liaison with Federal, State, and local officials  
13 in a five-State region where he focused his attention on  
14 full implementation of the CHIP program--that is the  
15 Children's Health Insurance Program--attention to the  
16 continued public health crisis that has enveloped the U.S.-  
17 Mexico border and the growing health disparities experienced  
18 among various racial and ethnic groups.

19 Ray's efforts clearly captured the attention of  
20 Administration officials and he was offered the position of  
21 Deputy Assistant to the President for Intergovernmental  
22 Affairs. He also assisted President Clinton with various  
23 policy issues involving the Nation's Governors and other  
24 statewide elected officials. In addition, he served on an  
25 interagency task force on the economic development of the

1 southwest border where he worked on ways to stimulate  
2 economic growth in this area and assisted with the  
3 implementation of the U.S.-Mexico Border Health Commission  
4 which is now located in El Paso, Texas, my home district.

5 Mr. Chairman, as you can see, Mr. Ray Martinez has  
6 significant experience interfacing day in and day out with  
7 Federal, State, and local officials across the country which  
8 bears directly to the mission of the Election Assistance  
9 Commission. Throughout his career he has gained a  
10 foundation and understanding of the challenges that are  
11 facing the general voting public and the Latino community in  
12 particular in exercising their right to vote, and  
13 recognizing the ways in which these challenges can be met if  
14 we are to achieve full voter participation as envisioned in  
15 the Help America Vote Act.

16 In its advisory role, the Election Assistance  
17 Commission will play a key role in addressing election  
18 reform policies that will have a significant effect on the  
19 Latino access to the electoral process. Having a diverse  
20 slate of nominees, particularly Latino representation on the  
21 EAC, sends a very strong message to the Nation's second  
22 largest and fastest-growing population group, that their  
23 civic participation is vital to our democracy. Mr.  
24 Martinez's diverse perspective on the EAC is also important  
25 as the Help America Vote Act seeks to reinforce Federal

1 mandates that require many jurisdictions to provide language  
2 assistance to Latino voters.

3       Additionally, under the Help America Vote Act, States  
4 must implement plans with specific programs that could  
5 enhance Latino participation, including voter education and  
6 poll worker recruitment. Ray Martinez understands the need  
7 to partner with State and local officials if we are to  
8 achieve this mighty task of complying with the Help America  
9 Vote Act and its requirements, using its money judiciously  
10 to help enhance voter participation.

11       I want to recommend Raymundo Martinez, III to you, and  
12 we in the Hispanic community are very proud to have his name  
13 before you. We look forward to a positive vote from the  
14 Committee and to his name coming before the full Senate for  
15 confirmation, together with all the other nominees which I  
16 want to include and congratulate, before, we hope, the  
17 Senate recesses.

18       I thank you for giving me this opportunity, Mr.  
19 Chairman. I also want to again thank Senator Dodd and  
20 Senator McConnell for staying with a very, very important  
21 issue for this country. Thank you very much.

22       Chairman Lott. Thank you very much, Congressman. We  
23 will take just a momentary break here while we bring the  
24 other two nominees back to the table.

25       I believe we are ready to go. I would ask the on

1 nominees, now that they are comfortably seated, to please  
2 stand and raise your right hand. We would like to swear you  
3 in.

4 [Witnesses sworn.]

5 Chairman Lott. Please be seated. Thank you very much  
6 for being here this morning and congratulations again. We  
7 will make your entire statement a part of the record, so if  
8 you feel like you could maybe summarize it, that would be  
9 helpful, in the interest of time, and allow us some  
10 opportunity to maybe ask a couple of critical questions that  
11 we need to get on record about your position and the  
12 activities of the Commission.

13 So I believe, Mr. DeGregorio, we will begin with you.

1 TESTIMONY OF PAUL S. DeGREGORIO, NOMINEE TO BE A  
2 MEMBER OF THE ELECTION ASSISTANCE COMMISSION

3 Mr. DeGregorio. Mr. Chairman, Mr. Ranking Member,  
4 members of the Committee, thank you for giving me this  
5 opportunity to share with you some of my background and  
6 interest in the newly created U.S. Election Assistance  
7 Commission. It is an honor for me to share the dais with  
8 three distinguished Americans, Gracia Hillman, Reverend  
9 Buster Soaries, and Ray Martinez. I would like to  
10 acknowledge the presence of my wife Carrie, my sister Fran,  
11 my brothers Roland and John, who are here today representing  
12 my four daughters and my many, many family member,  
13 colleagues, and friends who made me what I am today. I also  
14 want to thank Senator Bond for his kind introduction.

15 I am deeply honored to have been asked to serve on this  
16 important commission. The Help America Vote Act which was  
17 enacted just one year ago tomorrow is an historic law for  
18 all Americans and will make our democracy stronger. If  
19 confirmed as a member of this Commission, I will work hard  
20 to implement this act with the highest integrity and will  
21 utilize all of my God-given skills in doing so.

22 For the past 20 years I have been immersed in the  
23 administration of elections, both here in the United States  
24 and abroad. From 1985 to 1993 I served as the director of  
25 elections for St. Louis County, Missouri, one of the most

1 complex counties to administer elections in the United  
2 States with 92 municipalities and 26 school districts.  
3 During my eight years as director of elections I sought to  
4 be the best administrator in the Nation. We modernized our  
5 systems, made it easier to register, and receive great  
6 recognition for our achievements. With small wards and our  
7 92 municipalities, every year we had five or more races  
8 where 10 votes or less made the difference in the election,  
9 so I am very familiar with recounts, hanging chads, and  
10 knowing that every vote counts.

11 During the past 10 years I have had the distinct honor  
12 of sharing my election expertise in over 20 countries as an  
13 expert for the International Foundation for Election  
14 Systems. IFES, as it is known, is a non-profit, non-  
15 partisan organization based here in Washington, D.C. that  
16 promotes democracy throughout the world by providing  
17 expertise in elections to governments and election bodies.  
18 Earlier this month I had the honor to represent IFES and the  
19 United States in Moscow at the 10th anniversary of the  
20 founding of the Russian Central Election Commission. I was  
21 present in 1993 for the birth of the Russian Election  
22 Commission and have provided technical support and advise to  
23 the commission over the past 10 years.

24 I have also been involved in helping to improve the  
25 election process in the United States and served as the

1 education and training chairman for the International  
2 Association of Clerks, Recorders, Election Officials and  
3 Treasurers. As director of outreach for the University of  
4 Missouri-St. Louis I helped to establish a chancellor's  
5 certificate in public administration program for election  
6 officials throughout the United States. Working for IFES I  
7 led a team of U.S. experts that conducted an important  
8 assessment of the problems in Florida's Miami-Dade County  
9 for the November 2002 election.

10 The Election Assistance Commission to which I have been  
11 nominated by President Bush will be an important body that  
12 will provide technical support to the nearly 5,000 State and  
13 local officials who conduct elections in the United States,  
14 the District, and our territories. If confirmed to this  
15 position by the United States Senate, I will work to  
16 implement the Help America Vote Act to help ensure that  
17 every citizen has the opportunity to register and vote in an  
18 accessible, free and fair manner, and all Americans have  
19 confidence that the elections conducted in this Nation are  
20 administered properly and without fraud, and that their  
21 votes really do matter.

22 During my considerable work overseas over the past 10  
23 years I was often questioned by foreign officials on why the  
24 Federal Government of the United States had not provided  
25 assistance or funding in election administration to State

1 and local officials. With the enactment of the Help America  
2 Vote Act I, along with all Americans, can now answer that  
3 the United States has taken a bold and important step to  
4 ensure that our system of democracies in elections remains  
5 the best in the world.

6 I would be honored to have your support of my  
7 nomination to the Election Assistance Commission and would  
8 be pleased to respond to any questions that you may have.  
9 Thank you.

1 10 [The prepared statement of Mr. DeGregorio follows:]

1 Chairman Lott. I think rather than asking questions of  
2 each witness as we go, or nominee, we will go ahead and do  
3 all four and then we will ask some questions.

4 Ms. Hillman.

1 TESTIMONY OF GRACIA M. HILLMAN, NOMINEE TO BE A  
2 MEMBER OF THE ELECTION ASSISTANCE COMMISSION

3 Ms. Hillman. Good morning, Mr. Chairman, and Senator  
4 Dodd. It is my great privilege to have the opportunity to  
5 appear before the Rules Committee as a nominee to the  
6 Election Assistance Commission. I am honored that Leader  
7 Pelosi recommended me as a candidate, and am honored to have  
8 been nominated by President Bush. I use this opportunity to  
9 thank the President and the Leader for their expressions of  
10 confidence in my ability and integrity.

11 Mr. Chairman, I am proud to have had the opportunity to  
12 submit my credentials and other information to the Committee  
13 in advance of today's hearing. Rather than repeat the  
14 information previously submitted, I would like to tell you a  
15 little more about why I am so honored to have been  
16 nominated, and so excited about the possibilities that HAVA  
17 presents for democracy in America.

18 Congress worked hard in a bipartisan fashion and gave  
19 thoughtful consideration for about two years to the creation  
20 of HAVA. You also considered an appropriate role for the  
21 Federal Government in the administration of Federal  
22 elections. The Election Assistance Commission has the  
23 responsibility of implementing HAVA as intended by Congress.  
24 I am prepared to follow the law and ensure the full and  
25 complete implementation of HAVA.

1 But for me, Mr. Chairman, this is not just an  
2 exceptional career opportunity. It is an extension of a  
3 life passion that I have pursued at every occasion. It  
4 seems to me that beyond updating voting systems and  
5 correcting problems, when we look at HAVA we are also  
6 looking at yet another opportunity to preserve the very  
7 fiber of American democracy, the greatest democracy in the  
8 world.

9 America has tirelessly provided for, and protected the  
10 right of the franchise for its citizens. The right to vote  
11 is the essence of our democracy. It is through the  
12 franchise that citizens participate in shaping the direction  
13 of our country and the future of our families. Several  
14 laws, including HAVA, the National Voter Registration Act of  
15 1993, the Americans with Disabilities Act of 1990, and the  
16 Voting Rights Act as extended in 1982 were constructed to  
17 reaffirm the right to vote for all of our citizens.

18 HAVA cuts through partisanship and electoral politics,  
19 and that is how it should be. HAVA caresses the very heart  
20 of our democracy and the soul of our Constitution. The  
21 Election Assistance Commission will have an unprecedented  
22 opportunity to provide leadership on setting the tone that  
23 HAVA is for all of America. And it will set this tone in  
24 partnership with many other groups including the Standards  
25 Board, the Board of Advisers, State and local election

1 officials, and the many thoughtful organizations that worked  
2 on HAVA, including those that represent the civil rights and  
3 disabilities communities.

4 As Americans, we are so extraordinarily fortunate to be  
5 able to guarantee for our children and grandchildren and all  
6 future generations the inalienable right to life, liberty,  
7 and the pursuit of happiness. We do that by assuring,  
8 confirming and codifying, to the maximum degree, the right  
9 of all eligible voters to an equal opportunity to cast a  
10 vote and have that vote counted. And we do so knowing that  
11 there are many people in the world who are not so fortunate  
12 as to have the simple but precious rights to vote and have  
13 their vote counted.

14 The EAC is a product of a carefully balanced bipartisan  
15 and bicameral Congressional compromise. I have met with and  
16 have enormous respect for Messrs. DeGregorio, Martinez, and  
17 Soaries. I look forward to the opportunity to work with  
18 them and have every confidence that we can accomplish the  
19 task at hand.

20 Mr. Chairman, as I conclude my remarks this morning I  
21 take a brief moment to read a quote. "I have walked that  
22 long road to freedom. I have tried not to falter. I have  
23 made missteps along the way. But I have discovered the  
24 secret that after climbing a great hill, one only finds that  
25 there are many more hills to climb. I have taken a moment

1 here to rest, to steal a view of the glorious vista that  
2 surrounds me, to look back on the distance I have come. But  
3 I can only rest for a moment, for with freedom come  
4 responsibilities, and I dare not linger for my long walk is  
5 not yet ended."

6 That is a quote from Nelson Mandela, but I think it  
7 could have been a quote from Dr. Martin Luther King, Jr.,  
8 Fannie Lou Haymer, Elizabeth Katie Stanton, Cesar Chavez, or  
9 Justin Dart, or perhaps, Mr. Chairman, anyone in this room,  
10 including myself, who is committed to making certain that  
11 every eligible voter has a full and equal opportunity to  
12 vote and have his or her vote counted.

13 Mr. Chairman, Senator Dodd, it is in this spirit that I  
14 represent myself to the Rules Committee today. I thank you  
15 for your time and look forward to answering your questions.

2 16 [The prepared statement of Ms. Hillman follows:]

1 Chairman Lott. Thank you very much, Ms. Hillman. That  
2 was a very eloquent statement.

3 Mr. Martinez, we would be glad to hear from you.

1 TESTIMONY OF RAYMUNDO MARTINEZ, III, A NOMINEE TO  
2 BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION

3 Mr. Martinez. Mr. Chairman, Senator Dodd, members of  
4 the Committee, it is an honor for me to come before you  
5 today to discuss my possible service on the Election  
6 Assistance Commission. I want to thank President Bush for  
7 the support and the confidence that this nomination  
8 reflects. Likewise, I am equally honored by the support and  
9 the friendship of Senator Daschle who recommended me to  
10 President Bush for this position.

11 Let me also take a moment, if I could, to acknowledge  
12 my wife, Beth Martinez, who could not be here today. She is  
13 six weeks away from the birth of our second child. Of  
14 course, I could not be here this morning without her love  
15 and her support.

16 It is a very humbling experience to be called upon to  
17 fill such an important position of public trust and to come  
18 before this body today. Let me say from the onset that I  
19 take the responsibility for which I am being considered most  
20 seriously, and I commit to you today that should I be  
21 confirmed for this position I will carry out my duties with  
22 the utmost integrity, diligence, and humility.

23 If I may, let me say a few words about my life  
24 experiences because they define who I am, and they instill  
25 in me the qualifications, and perhaps more importantly, the

1 respect for the task ahead. I was born and raised in Alice,  
2 Texas, a small south Texas town where my parents, now  
3 married for the past 56 years, still reside. My father,  
4 Raymundo Martinez, Jr., now 83-years-old, retired after  
5 working as a auto mechanic and oil field worker throughout  
6 most of his adult life. I have, of course, many memories of  
7 growing up with my father. Most important, his meticulous  
8 work ethic; leaving for work at 6:00 a.m. every morning,  
9 returning to the house 10 to 12 hours later after a long day  
10 of hard labor, and hardly ever missing a day of work.

11       However, I remember not so much his work ethic but  
12 rather his commitment to the community. Even after a long  
13 day of work he led a Boy Scout troop, he coached Little  
14 League, he participated in the Knights of Columbus at St.  
15 Joseph's Church. I learned from my father the importance of  
16 community service, and to this day he swells with pride when  
17 he talks about his service in the U.S. Army during World War  
18 II.

19       My mother, Hortensia Martinez, also contributed to our  
20 community. She worked as a stay-at-home mom throughout most  
21 of her life, raising all of her children with the same set  
22 of values, faith, fairness, and family, that were passed on  
23 to her. But she found time to raise funds for our church,  
24 to organize fund-raisers for college scholarships for high  
25 school graduates, and to help senior citizens live a full

1 and dignified life.

2 Like my parents, I too believe in public service, and I  
3 believe I can help implement the Help America Vote Act and  
4 successfully complete this Commission's work. The Help  
5 America Vote Act was passed with overwhelming bipartisan  
6 support and signed into law by President Bush with the goal  
7 of improving the administration of elections by transforming  
8 the Federal role into one of an active partner with our  
9 State and local election officials. I emphasize the word  
10 partner. In my view, the long-term success and  
11 effectiveness of this Commission will be directly related to  
12 our efforts to build a genuine and lasting partnership with  
13 State and local election officials to implement effective  
14 election reform.

15 The majority of my professional work has been done in  
16 cooperation, consultation and in partnership with State and  
17 local government officials. This was true when I served as  
18 regional director for the U.S. Department of Health and  
19 Human Services, when I later served as Deputy Director of  
20 the White House Office of Intergovernmental Affairs, and it  
21 is true today. I currently have an active legislative and  
22 administrative law practice in Texas representing county  
23 governments and organizations such as the Texas Conference  
24 of Urban Counties.

25 Throughout my career I have worked closely with local

1 and State entities responsible for the day to day  
2 administration of public policy. I commit to you today to  
3 continue my record of working in a positive manner with our  
4 State and local partners and with other vested  
5 organizations, such as the various civil rights and voting  
6 rights organizations that assisted and played a key role in  
7 the development of this legislation. By forging legitimate  
8 and lasting relationship with our partners--

9 Chairman Lott. If you would pause just a second.

10 Is there a doctor or a nurse--

11 [Pause.]

12 Chairman Lott. If we could get our panel to return. I  
13 think this person perhaps was a little faint and bumped her  
14 head on the wall back there. But we do have security and  
15 medical assistance coming and they feel like she is going to  
16 be okay. Thank you very much for your cooperation, and  
17 thank you, panel. I am sorry for the interruption, but  
18 please resume where you were, if you can.

19 Mr. Martinez. I have just about concluded, Mr.  
20 Chairman. I will conclude with the following. By forging  
21 legitimate and lasting relationships with our partners, this  
22 Commission can effectively use its resources to fulfill its  
23 most fundamental responsibility, and that is to ensure that  
24 every qualified voter has an opportunity to participate  
25 fully and wholly in the electoral process.

1           With that, Mr. Chairman and members of this Committee,  
2 I thank you for the opportunity to appear before you today  
3 and for your consideration of my nomination.

3           4           [The prepared statement of Mr. Martinez follows:]

1 Chairman Lott. Reverend Soaries. I was trying to  
2 remember where I had met you before when we spoke, when we  
3 came in. I think it was at one of the faith-based meetings  
4 perhaps a year or two ago.

5 Mr. Soaries. I think so. I think at Kay Bailey  
6 Hutchison's gathering.

7 Chairman Lott. Right. Congratulations to you, too,  
8 and we would be glad to hear from you.

1 TESTIMONY OF DeFOREST B. SOARIES, JR., NOMINEE TO  
2 BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION

3 Mr. Soaries. Thank you. Mr. Chairman, Mr. Ranking  
4 Member, it high honor for me to join my fellow nominees and  
5 appear before this Committee today. A few months ago I met  
6 an old friend who gave me a picture of our eighth grade  
7 class trip to Washington, D.C. When I saw our photograph  
8 standing on the steps of the United States Capitol it  
9 occurred to me that in 1964 I had never dreamt that one day  
10 I would return to this place as an Presidential nominee. I  
11 am humbled by this opportunity, and if confirmed, pledge to  
12 serve the country with integrity and passion.

13 I was Secretary of State of New Jersey in 2000. I paid  
14 careful attention to the challenges that stemmed from  
15 inadequate voting systems in various places. I became even  
16 more aware that at that time my own State had counties that  
17 used punch card voting devices. Although we wanted to  
18 continue upgrading and updating our voting equipment, fiscal  
19 limitations restricted our ability to complete that work.  
20 When Congress passed the Help America Vote Act in 2002 I was  
21 thrilled to learn that the Federal Government would offer  
22 resources to my State and all States to assist them in  
23 enhancing the voting process in America.

24 Voting is the foundational act that breathes life into  
25 the principal of the consent of the governed. When public

1 access to voting is impaired or when public confidence in  
2 voting is diluted, democracy suffers and our freedom is less  
3 secure. The Election Assistance Commission represents a  
4 major unprecedented commitment from the Federal Government  
5 to sustain freedom and vibrant democracy. I am humbled by  
6 the prospect of being one of its charter members.

7 If I am confirmed by the United States Senate, I pledge  
8 to work diligently to create a commission that is user-  
9 friendly and accessible to those who are depending upon its  
10 efforts. I further pledge to always remember that my  
11 mission is to serve and to never allow personal ambition to  
12 usurp my responsibility as a public servant. The pledge to  
13 put the Nation's needs above partisan political loyalties  
14 and to work cooperatively with those whose political  
15 affiliation or views may differ from my own. I pledge to  
16 carry out my duties in a manner that is consistent with the  
17 legislation that created the Commission and to resist the  
18 temptation to expand or reduce the legislative intent.

19 If confirmed by the Senate, I pledge to judiciously use  
20 the resources provided by the Congress to promote the best  
21 election practices, meaningful election standards, and the  
22 importance of voting throughout the country. My goal will  
23 be to help America vote and to believe that every vote is  
24 counted and does count.

25 After answering any questions you might have, I would

1 be honored to receive the endorsement of this Committee for  
2 this high and noble mission. Thank you.

4 3 [The prepared statement of Mr. Soaries follows:]

1 Chairman Lott. Thank you very much for your testimony  
2 this morning. I must say I am very impressed with the  
3 qualifications of the panel and your testimony here today.  
4 I feel good about what you are going to be able to do in  
5 your new position.

6 We may have a vote here shortly but until we do I would  
7 like for Senator Dodd and I to have a chance to ask your  
8 some questions. I, of course, could ask you the basic  
9 question of how you view your role as election assistance  
10 commissioners but I think you probably already responded to  
11 that, so I am just going to jump around and ask some  
12 questions.

13 Maybe, Reverend Soaries, I could start with you. In my  
14 hometown of Pascagoula, Mississippi--a blue-collar  
15 community, not particularly wealthy but sort of a middle  
16 income, shipyard working, papermill working community for  
17 the most part, a lot of fishermen--we have these machines  
18 where you connect the lines and then when you stick it into  
19 a machine, if there is something wrong with it, it will not  
20 take it. And the minute you stick it in the machine it is  
21 counted. So when the polls close, they have got the results  
22 right then.

23 Now here is my question. If we can figure that out and  
24 afford it in Pascagoula, Mississippi, why can't other places  
25 show that kind of innovative movement? Punch cards, we have

1 known for years, and a lot of these other systems have  
2 problems. So why have you not done that in New Jersey, or  
3 why has it not been done in Florida?

4 The other side of it is, I do not know that that is a  
5 perfect system. I do not know if there is a perfect system.  
6 We have to continue to work, to learn, and improve it. But  
7 how do you respond to that?

8 Mr. Soaries. My sense, Senator, is that the consensus  
9 that was led now by this legislation throughout America is  
10 that every voting district, the 3,100 counties in the  
11 country should have a system that is reliable. More  
12 important than the mechanics of the voting process is the  
13 credibility of the voting process. I think our presence  
14 here today signals this national consensus that we will no  
15 longer tolerate in any district the kind of voting process  
16 that does not satisfy the demands of democracy.

17 However, resources are prioritized, as you well know,  
18 in local, counties, State and on Federal levels. To the  
19 extent that your voting equipment in your hometown is as  
20 sophisticated as you describe, it means that there are  
21 people who made that a priority. Our presence here today  
22 offers hope to America that we will lead America such that  
23 everyone will have equal priorities.

24 Chairman Lott. While we have a significant amount of  
25 money that has been made available and more on the way

1 thanks to Senator Dodd and Senator McConnell, it is still  
2 going to be a major undertaking to have, if you will, the  
3 Federal system put in place. Maybe I could ask you this,  
4 Mr. Martinez, because you come from a State and an area  
5 where you have got an urban area, but also--and there is a  
6 need in the bigger cities obviously, but in rural areas they  
7 are going to need assistance, in some respects perhaps even  
8 more. How are we going to balance that, because there is a  
9 finite amount of money here?

10 Now in my State of Mississippi we have a very  
11 aggressive, innovative Secretary of State, Eric Clark, and  
12 he has been working very closely with local officials and I  
13 think we have made some progress in getting modern voting  
14 equipment. I am still worried about the system of making  
15 sure there is not a fraud either way in this system. Would  
16 you comment on that?

17 Mr. Martinez. Sure, of course, Mr. Chairman. I think  
18 in my law practice and for the past many years of my  
19 professional career, Mr. Chairman, I have worked with State  
20 and local government officials. Reverend Soaries is correct  
21 , it is in many ways a prioritization, very tough decisions  
22 that have to go on at the local level in particular in  
23 prioritizing limited dollars. When it comes down to buying  
24 an additional fire truck or upgrading from a punch card  
25 system to an electronic voting machine, that is a tough

1 decision to have to make sitting there as a county  
2 commissioner.

3       So this Commission, quite frankly, in the wisdom of  
4 Congress, that is why I applaud leadership of Senator Dodd,  
5 you, Mr. Chairman, Senator McConnell, and your House  
6 colleagues have shown in passing the Help America Vote Act.  
7 It is truly a historic piece of legislation where for the  
8 first time the Federal Government is stepping in and saying,  
9 we are going to help. It is not everything. I agree with  
10 you, Mr. Chairman, it is not that we are going to provide  
11 the answer to cure all in terms of our election  
12 administration process. But certainly this is a tremendous  
13 opportunity for the Federal Government to play an active  
14 role in helping to provide assistance to State and local  
15 governments.

16       I defer greatly to the wisdom that is shown by State  
17 and local leaders. That has been my career, and that is my  
18 law practice. But to the extent that we can fulfill our  
19 role, which I know the four of us will do if we are  
20 confirmed, in providing this assistance, not only  
21 financially, Mr. Chairman, but in providing the technical  
22 assistance, the best practices assistance that we gather as  
23 we go from State to State and talk to different election  
24 officials, the expertise that we will have available as a  
25 commission, I think we can provide tremendous resources to

1 help urban areas as well as rural areas. That is plentiful  
2 in my home State of Texas. The need is great in rural areas  
3 as well, I acknowledge that, and I think this Commission can  
4 help in those areas.

5 Chairman Lott. Ms. Hillman, with your background I  
6 think it would be interesting to get your response to the  
7 question about how you do you envision the Commission being  
8 able to interact with, but not interfere with local and  
9 State officials? Generally speaking, any time the Federal  
10 Government is involved, in my opinion, it complicates  
11 things, becomes more bureaucratic, and even perhaps more  
12 difficult. We do not want that to happen with this act and  
13 with this Commission, so how are you going to balance that?

14 Ms. Hillman. Mr. Chairman, some of my previous work  
15 experiences have had me on the receiving end of bureaucracy  
16 so I would sympathize with such an outcome. But partnership  
17 is one of the key words, and I think that the State and  
18 local elected officials have opportunities to inform and  
19 advise and to contribute to a body of knowledge of best  
20 practices. The Commission has a responsibility to make  
21 certain that the Federal elections are administered as  
22 Congress intends, so working in partnership with the State  
23 and local elected officials as well as the other groups that  
24 have contributed to the discussion of HAVA, I believe that  
25 we will be able to arrive at best practices, and resolve

1 what might appear to be conflicting or even controversial  
2 issues without imposing on the State or local governments.  
3 The Federal Government has invested or vested into the  
4 States the responsibility for administering the Federal  
5 elections and we will respect that.

6 Chairman Lott. One further question and then I will  
7 yield to Senator Dodd. Maybe this is going to be a multi-  
8 question for you, Mr. DeGregorio, but I think your  
9 experience gives you maybe the insight to answer. First of  
10 all, you come from a State where I have had the impression  
11 you have had some difficulty with fraud, or multiple voting,  
12 or even a kid's dog voting. But also you have had  
13 opportunity to help set up election systems in other  
14 countries. I am sure that has been an interesting  
15 experience and one maybe we can learn from. One thing that  
16 worries me is, they seem to turn out in higher percentages  
17 to vote in these new systems than sometimes we do, and that  
18 is very disappointing because you think, we as candidates do  
19 not do a good job, or maybe we do not make it easy enough  
20 for people to be able to vote. Then of course, there is the  
21 concern about fraud and how do you control that. So I would  
22 like for you to comment on that in general.

23 But in specific, for instance in California, recently  
24 the Governor signed legislation allowing illegal immigrants  
25 to obtain driver's license and yet, as you know, the Motor-

1 Voter law requires DMV offices to include voter registration  
2 application as a part of each election application. It  
3 looks to me like it could lead to illegal aliens voting in  
4 California, and perhaps other states that are looking at  
5 that. We want to make sure that voting is easy and  
6 available to everybody. But we want to make sure that we  
7 have honest elections. So how do we make that happen like  
8 you did very commendably in St. Louis?

9 Mr. DeGregorio. Thank you, Mr. Chairman. First  
10 regarding my work overseas, working in so many countries as  
11 I have, you can even learn things that vixen happen in  
12 Siberia, Russia in the way that elections are conducted  
13 there as they are in rural Mississippi or rural America in  
14 general. A lot of it goes into the professionalism of the  
15 election process and the training that you put into the  
16 process of training of poll workers, training of the  
17 election officials themselves. There are many countries of  
18 the world where they actually do a better job than the  
19 United States of America in actually spending the time to  
20 find good people to work at the polls and to administer the  
21 elections. So we can learn from other countries of the  
22 world who do it.

23 But at the same time, you raise an issue of making sure  
24 that the voter rolls have integrity, and the situation in  
25 California. I think that under NVRA, under other

1 legislation that has been passed by the States too that  
2 there are safeguards in place. I think it is incumbent upon  
3 election officials, voter registrars throughout this  
4 country, to make sure that the voter rolls are up-to-date  
5 and that people have the opportunity to vote. The  
6 California situation, they will have to set up a mechanism  
7 to make sure that people who are not citizens of the United  
8 States do not get on the voter rolls illegally.

9 But at the same time, it is important that these  
10 processes that are in place to make sure that people have  
11 the opportunity to register, to participate in our democracy  
12 throughout this country, that they have ample opportunity in  
13 every way to do that. So I think that there are procedures  
14 in place, it is just important that we make sure that  
15 election officials throughout the country understand the  
16 best practices that are used throughout this country and  
17 even throughout the world.

18 Chairman Lott. Senator Dodd.

19 Senator Dodd. Thank you very much, Mr. Chairman. I  
20 see the lights have come on for a vote here and I am going  
21 to ask your consent, Mr. Chairman, if we do not complete all  
22 the questions, we might submit some to the witnesses and get  
23 a chance to respond. My hope would be that we could move  
24 their nominations along. We do not know how many days we  
25 are going to be here, but my hope would be that we could get

1 this done--

2 Chairman Lott. Obviously, we will not probably be able  
3 to get the necessary 10 here for a vote this morning, but we  
4 will set up a process to get them reported out as quickly as  
5 possible with the goal of getting them confirmed before we  
6 finish up sometime between now and Christmas.

7 Senator Dodd. Don't say that. It will be earlier than  
8 that.

9 Let me also, before I just ask a couple of quick  
10 questions, I would be remiss if I did not take this  
11 opportunity of the year anniversary of the passage of the  
12 act to express my gratitude to a lot of staff that did a  
13 tremendous amount of work, as is always the case here. We  
14 take all the credit here. We sit here in front of the table  
15 but there are those who sit behind us, or in front of us in  
16 this case here today, who have done a tremendous amount of  
17 work and I would not want to miss the opportunity of  
18 thanking them again for their tremendous contribution. On  
19 my staff, Kennie Gill and Ronnie Gillespie, Carole  
20 Blessington, Sean Marr did a wonderful, wonderful job.  
21 Brian Louis from Senator McConnell's staff, along Leon  
22 Sequera were terrific, and Julie Damon and Jack Bartlett. I  
23 saw Jack, still in the back of the room, and I thank them as  
24 well. There are members from Congressman Ney and  
25 Congressman Hoyer's staff who I will also make reference to.

1 I will not go down the long list here, but I want to again  
2 publicly thank these people for putting in a lot of hours,  
3 weekends, nights, late-late, early mornings, trying to  
4 resolve this legislation.

5 And let me thank all four of you. I am so impressed  
6 with your statements. How lucky we are in this country to  
7 have citizens like you who are willing to do this. This is  
8 on C-SPAN. I hope a lot of people get to hear what you had  
9 to say. It was moving, your testimony, and I am deeply  
10 grateful for your willingness to serve. Not enough people  
11 are willing to do that in our country today. We need to  
12 promote it and encourage it, and the fact that you are  
13 willing to take on this terrific historic responsibility is  
14 something I am deeply appreciative, as I know my colleagues  
15 are, here as well.

16 We thank the President as well for selecting good  
17 names, and our leaders who promoted very, very good people,  
18 highly qualified people. Your resumes are stunning. This  
19 is really a question where all of you are going to bring  
20 some very special knowledge to this enterprise. As someone  
21 who has been deeply involved in this legislation, I am  
22 honored that you are willing to take that on.

23 Just a couple of quick questions, if I can, for you.  
24 One is the issue of disabilities and voters. As pointed  
25 out, I think, Ms. Hillman, you pointed out the fact that

1 there are a number of bills that passed over the years that  
2 have tried to increase the ability of people to have access  
3 to the general fabric of our life in this country. One of  
4 my concerns is that--and we did not really address this in  
5 the bill. We did not address every issue in this bill. But  
6 over 80 percent of all polling places in the United States,  
7 according to the General Accounting Office, and I do not  
8 know how accurate that is but I presume they are fairly  
9 accurate--are inaccessible to people who have significant  
10 disabilities. Putting aside the voting equipment now, I am  
11 just talking about the polling place itself.

12 I wonder what you might suggest, how we might address  
13 that. Because clearly, while it is wonderful to have the  
14 machine be accessible now to the blind or the manually  
15 disabled, if you cannot get to the polling place then it is  
16 a cruel hoax, in a way, of not being able to get into the  
17 building despite the fact there is something in the building  
18 that would be accessible for you. Any quick comments on how  
19 we might address that issue?

20 Mr. Martinez. Senator, I will just say very quickly, I  
21 think that is probably one of the, perhaps most important  
22 obligations that we have if we are seated on this  
23 Commission. There is no question about that. Even if that  
24 80 percent figure is only halfway right, that is still a  
25 tremendously disturbing statistic when you think about that.

1           Senator Dodd. By the way, they have one of the lowest  
2 voter participations, the disabled community. So there is a  
3 fact here of a disconnect.

4           Mr. Martinez. Right; absolutely. I think it proves  
5 the point actually, that we have an obligation, if we are  
6 seated as commissioners, to look at these problems, use what  
7 resources we can and the authority that you have given us in  
8 this act and to move forward and to make sure that that is  
9 one of our priorities.

10          Chairman Lott. I want to comment on that if I could.  
11 There is a simple answer; move the polling place. You can  
12 work with the local people on that. That happened in my own  
13 polling place. That is the reason I know. It was  
14 inaccessible. They moved it to the local Presbyterian  
15 Church on the ground floor. You could get in, no steps at  
16 all. You can pull right up to the door. I was impressed  
17 with how they had made that move and made sure that  
18 everybody, regardless of any kind of disability, would be  
19 able to vote.

20          Senator Dodd. Here I am one of the authors of the  
21 bill; let me correct myself already. We did provide \$100  
22 million in this bill to States and localities through the  
23 Department of Health and Human Services where a move may not  
24 be practicable, for whatever reason. So there are some  
25 resources here.

1 Any of the rest of you want to comment?

2 Mr. Soaries. I would. To pick up on the Chairman's  
3 remark, I was about to say that my congregation just  
4 completed the construction of a new 80,000 square foot  
5 facility. Our old church was not accessible and therefore  
6 could not be used as a polling place. But the new church  
7 can be, the building. My experience, however, is that  
8 polling places stay the same forever in certain areas. I  
9 think the answer is leadership. We have leadership from the  
10 Congress now, we have leadership from the White House. This  
11 Commission can provide the leadership to encourage people to  
12 review polling places and ensure that we have maximum  
13 accessibility.

14 Mr. DeGregorio. Senator Dodd, let me just tell from my  
15 own personal experience when I was the director of elections  
16 in St. Louis County, one of the first things that I did upon  
17 taking office there was to meet with people representing  
18 folks who had disabilities. We worked with them to make  
19 sure and to provide leadership to ensure as many polling  
20 places were accessible as possible. First physically, and  
21 then inside the polling place, to make sure that we had  
22 punch cards, to make sure that the machines were accessible.  
23 We had polling places that were not accessible, so we wanted  
24 to provide other opportunities for people with disabilities  
25 to cast ballots.

1           But your leadership in providing \$100 million, and  
2           Congressman Hoyer on the House side in providing leadership  
3           to make sure that we have funding to provide access to  
4           people with disabilities is very important. I know that  
5           myself and the four of us here are committed to do  
6           everything that we can to make sure that people with  
7           disabilities have ample opportunity, not just for the  
8           physical location but once they get into the ballot box, get  
9           into the polling place, to have the opportunity to cast a  
10          ballot just like anyone else can.

11          Senator Dodd. One other quick question I want to get  
12          on the record with you here and it may require longer  
13          responses, but there is an escalating debate going on  
14          regarding the security concerns with the VREs, the voting  
15          systems and whether these touch screens and the like are  
16          going to be susceptible to fraud. There have been some  
17          questions raised about this. The bill creates technical  
18          guidelines and a development committee chaired by the NST,  
19          the National institute of Standard and Technology with the  
20          participation of other standards organizations, compliance  
21          board, and other groups and individuals with technical and  
22          scientific expertise. Among other things, the development  
23          committee is charged with the certification and testing of  
24          voting systems including recommendations and studies on the  
25          security of computers.

1 I wonder if you might just quickly comment about this  
2 issue. This is one that is going to be challenging. No  
3 system is going to be perfect, and we presently know that  
4 those existing systems are like Swiss cheese when it comes  
5 to fraud to some degree. So while this may not be perfect,  
6 I am a little concerned that some of these people are  
7 raising questions that I think have some legitimacy, but not  
8 in the context of where we are presently and how we can  
9 improve them. I wonder if you might comment on that point.

10 Mr. Soaries. Thank you, Senator. I think this issue  
11 of technical standards is really a two-sided coin. On the  
12 one hand, we have had already some very important work done  
13 around certification and the like. But if every machine in  
14 America worked perfectly and flawlessly, we still have the  
15 great challenge of perception. If public perception is not  
16 impacted by our work, then the technical accuracy is really  
17 null and void.

18 In the black community, the perception is, and has been  
19 long before VRE, that either votes do not count, or that  
20 votes are not private, or that there is intimidation at the  
21 polls. I think all of these dynamics factor into and  
22 connect with this issue of technical standards. The  
23 technology will continue to change. Technology will be  
24 flawed. We will respond to those flaws and promote high  
25 standards. But if the promotion of those high standards is

1 not accompanied by real championship of commitment and  
2 articulation of a commitment, bipartisan, that Americans  
3 have the right to vote, then I think our technical standards  
4 work will satisfy the industry but will not address the  
5 country.

6 Senator Dodd. Ms. Hillman, you have had some  
7 experience in working in a lot of technical areas. I wonder  
8 if you might just comment on this issue, too.

9 Ms. Hillman. I agree with Reverend Soaries. I also  
10 think that the Commission has a very important opportunity  
11 to delve into this issue, to use the resources that would be  
12 allocated under the funding to really research and test  
13 this. A lot of times the answers to problems like  
14 centralized databases is today's technology. The flip side  
15 of that is that the technology works only as good as the  
16 people who are trained and able to use it.

17 So I think that having registered the many concerns  
18 that have come up in recent years about the use of  
19 technology, it will be incumbent upon the Commission to  
20 really take a hard look at this issue while working with the  
21 jurisdictions to be ready for the upcoming elections. I  
22 think time is working against us a little bit in that  
23 regard. But I believe that with an appropriate procedure in  
24 place we can get through this. As you said, it will not be  
25 the perfect, and as Reverend Soaries said, perception is an

1 awful lot of that. But the election officials have a lot of  
2 responsibility on this one as well.

3 Senator Dodd. I want to thank you. I will leave the  
4 record open for both Mr. DeGregorio and Mr. Martinez to  
5 comment as well on this. I apologize, with these votes on,  
6 but let me thank all of you again. I think you are great  
7 nominees. I think you are going to do a terrific job on  
8 this, and I am very excited about your willingness to take  
9 on the responsibility. It truly is historic. We are really  
10 going to, I think, make a huge difference in the coming  
11 years on the conduct of elections, and getting rid of these  
12 disparities that you started to address. But for 216 years  
13 this has been solely left up to locals with the county  
14 governments and State governments, depending upon the  
15 resources. If you lived in a relatively affluent community,  
16 you got good equipment. If you did not, you did not. It  
17 was one of those things. We need to try to level that  
18 playing field for people, and this bill, I think, moves us  
19 in that direction.

20 Chairman Lott. Thank you, Senator Dodd, and thank you  
21 to the nominees. We expect miracles from you. We will work  
22 to see that your confirmation is completed before we recess.  
23 The record will be left open for any questions Senators  
24 might like to present, and I would hope that you would be  
25 able to respond promptly.

1 With that, the hearing is adjourned.

2 [Whereupon, at 10:58 a.m., the Committee was

3 adjourned.]