

**HEARING—NOMINATIONS OF THOMAS HICKS
AND MYRNA PÉREZ TO BE MEMBERS OF THE
ELECTION ASSISTANCE COMMISSION**

WEDNESDAY, DECEMBER 11, 2013

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

The committee met, pursuant to notice, at 10:00 a.m., in Room SR-301, Russell Senate Office Building, Hon. Angus King, presiding.

Present: Senators King and Roberts.

Staff Present: Jean Bordewich, Staff Director; Stacy Ettinger, Chief Counsel; Veronica Gillespie, Elections Counsel; Abbie Sorrendino, Professional Staff; Phillip Rumsey, Staff Assistant; Lynden Armstrong, Chief Clerk; Matthew McGowan, Professional Staff; Mary Suit Jones, Republican Staff Director; Shaun Parkin, Republican Deputy Staff Director; Paul Vinovich, Republican Chief Counsel; Trish Kent, Republican Professional Staff; and Rachel Creviston, Republican Professional Staff.

OPENING STATEMENT OF ACTING CHAIRMAN KING

Senator KING. The Rules Committee will please come to order. Good morning.

I would like to ask the witnesses to be at the table, which I see that they are, and on today's agenda is the consideration of the nominations of Mr. Thomas Hicks and Ms. Myrna Pérez, to be members of the Election Assistance Commission.

As we now have at least two members present, I will proceed to swear in the nominees. I know that members have other places to go, and I want to swear in our witnesses promptly. After the swearing in, we will move to opening remarks from the committee members.

So, if our witnesses could stand and raise your right hand. Do you swear that the testimony you are to provide is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HICKS. I do.

Ms. PÉREZ. I do.

Senator KING. Thank you. Please be seated.

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

I would also like to welcome both of your families who have joined you here today. Mr. Hicks, I understand that you are accompanied by your parents, Annie and Bennie Hicks, along with your daughters, Lizzie and Meg, and your son, Eddie Hicks, and if you would like, could your family please rise and be acknowledged. Thank you. Glad to have you here with us today. We appreciate your coming, especially Lizzie and Meg. Glad to have you here.

And, Ms. Pérez, I understand you are accompanied by your husband, Mark Muntzel, and your son, Diego, and if you could stand, please. Welcome to both of you.

Ms. PÉREZ. They are actually still parking right now.

Senator KING. Oh, they are parking. Well, they will be ready here to join us.

Elections are at the heart of our democratic system. Citizens need to be confident that elections are being conducted in a free and fair manner.

This Commission was established by the Help America Vote Act of 2002. The EAC was created to be an independent, bipartisan commission charged with a number of responsibilities, including developing guidelines to meet HAVA requirements, adopting voluntary voting system guidelines, and serving, importantly, as a national clearinghouse of information on election administration.

The EAC has four Commissioner positions, two allocated to the Democrats and two for Republicans, with candidates recommended by Congress—to Congress to the President. The EAC has not had a quorum since late 2010 and has had no Commissioners since December of 2011. Without a quorum, the EAC has not been able to fill the positions of Executive Director and General Counsel. The Standards Board and the Board of Advisors to the EAC, composed of State and local election officials and members of the broader elections community, have been unable to convene and do their work.

While election administration in the United States is decentralized, the primary responsibility for conducting elections falls on State and local election officials. But we also must ensure that the Federal Government is able to fulfill its election-related responsibilities. While most of the original funds designated by HAVA to upgrade elections systems in the States have been distributed, many of the important functions of the EAC remain.

The Election Administration and Voting Survey, which is compiled from data supplied from every election jurisdiction, provides the only comprehensive picture of election administration across the country and has won widespread acclaim from election officials, scholars, and other experts as a valuable source of information.

Additionally, all States have access to the state-of-the-art EAC testing and certification program. The law in some States requires the use of Federally certified voting systems. Elsewhere, State and local officials may not have the resources to detect voting system problems on their own, and the EAC can examine whether they are getting fair prices, quality equipment, and good service from the vendors they hire. This program will become increasingly important as existing voting systems become obsolete and States must buy new ones in the near future.

The EAC's work to broaden access for voters with disabilities and language minorities has saved money for local jurisdictions that may otherwise be required to pay for this work themselves.

And, finally, and, I believe, importantly, the clearinghouse function of the agency can help highlight innovation at the State and local levels. As a former Governor, I often observed the lack of information that flows between the States. I used to say that Jeffer-

son characterized the States as the laboratories of democracy, but nobody reads the lab reports.

[Laughter.]

Senator KING. There is very little communication, and I think one important function this Commission can provide is as a clearinghouse of best practices from across the country.

As local budgets are increasingly strained, the importance of identifying best practices and sharing information becomes even more important because it helps local and State election officials do their jobs as cost effectively as possible.

I am pleased that we have two well-qualified candidates that have been nominated and are testifying before the committee today. I understand that there are questions about the continued efficacy of the Commission itself and I suspect that we will have statements raising those questions, but today, we want to focus on these two nominees. But I welcome the comments of my colleague, Senator Roberts, and would call upon him for opening remarks.

OPENING STATEMENT OF SENATOR ROBERTS

Senator ROBERTS. I want to thank the Acting Chairman.

I want to make it very clear that none of my comments is a reflection of the nominees' experience and commitment and ability and desire to serve. Nevertheless, it seems like we have been here before. It sounds like a song.

[Laughter.]

Senator ROBERTS. But, at any rate, this is the second time that our witnesses have been before the committee as nominees for this Commission. We previously had a confirmation hearing for the nominees in June of 2011. Welcome back. I do not know what to call this. I think maybe "nomination purgatory" might be appropriate.

One significant difference today is the absence of a Republican nominee. As the Acting Chairman has pointed out, the Election Assistance Commission was established as a bipartisan commission, intended to be evenly divided with two Republicans and two Democrats acting as Commissioners.

As my colleague, Senator Alexander, ably demonstrated at the hearing over two years ago, the Election Assistance Commission has fulfilled its purpose and should be eliminated. As I say again, no reflection on the nominees. At that hearing, while Republicans on this committee called for hearings to examine the need for this Commission, something that you might think would be pretty basic, those hearings have never happened, Mr. Chairman. Instead, we are back here over two years later with the very same nominees. I think we owe you an apology.

This committee has never had an oversight hearing on the EAC, never. Despite its now expired authorization, we have never examined the real continuing need for this Commission or considered whether any remaining responsibilities could be taken on by other agencies, or as the Chairman has ably pointed out, the State laboratories, with regard to elections. We cannot apparently be bothered to perform these basic oversight obligations.

Nominations to commissions like this have normally been paired with a Republican nominee joined to a Democrat. Because Repub-

licans have called for the elimination of the agency, we simply have not put forward any new nominees. Now, in light of our new rules, 51–50, the majority can, if they choose, do whatever they would like to do and move these nominations with no minority support and no Republican pair, something I hope does not happen. That presents a problem for us in that it puts us in the position of having to make appointments to a commission that we do not think is necessary or otherwise simply allow the majority to make its own appointments and thereby control the Commission. While I do not think we need this Commission, I do believe that if it is going to exist, it must be balanced.

And the curious thing about the nominations before us today is that Republicans do not seem to be the only ones who have questioned the need for this Commission. Democrats do not seem to have much regard for the EAC, either, though that lack of regard has been expressed in deed rather than word. These nominations had been made by the President of the United States, yet when the President wanted an examination of the problems in the 2012 election, did he turn to the EAC? No, he did not. In fact, in March of this year, he created a new commission by Executive Order, the Presidential Commission on Election Administration.

Compare the two missions. The Acting Chairman correctly stated the mission of the EAC, but according to the President's Commission on Election Administration, the Commission, "shall identify best practices and otherwise make recommendations to promote the efficient administration of elections in order to ensure that all eligible voters have the opportunity to cast their ballots without undue delay and to improve the experience of voters facing other obstacles in casting their ballots, such as members of the military, overseas voters, voters with disabilities, and voters with limited English proficiency." Wait a minute. Is that not what the EAC is for? Do we need two commissions for this? If President Obama does not think the EAC can do its job, why is he making new nominations to it?

Even my majority colleagues here on this committee do not seem to have much regard for the EAC, and fortunately, last week, I received a letter from the Government Accountability Office advising me that they were conducting a study into the impact of voter ID requirements, alleged voter suppression in Kansas and Tennessee. The study was initiated at the request of some majority members of this committee, including its Chairman.

So, think about that for a minute. We are here today because the majority says we need to preserve the EAC, but when majority members of this committee want a study done on a voting issue, they do not think the EAC apparently is up to the task. If they think the GAO is better able to do these studies, why do we need the EAC? Or, if the EAC can do the job, why are we writing the letter to the GAO?

This is a sad state of affairs. It is embarrassing to this member. I think it is embarrassing to the Acting Chairman, hopefully, maybe, or at least of interest. And the same for the nominees.

If the majority sees the light, maybe we can finally both eliminate this Commission and save the taxpayers some money, or if the majority persists in pursuing these nominees through, we may be

back here for another confirmation hearing to ensure the Commission maintains some measure of balance. Only time will tell. I urge the Acting Chairman to talk with his leadership. I have already talked with ours, and only time will tell, Mr. Chairman.

Again, I apologize to the nominees.

Senator KING. Thank you, Senator Roberts. I understand the concerns that you raise and I think that is a—I think the issues of the efficacy and continued necessity of the Commission are ones that the committee should discuss, and I certainly will use my best efforts to see that occur. But, as you point out, we have the nominees before us today, and perhaps part of their testimony can be helpful to us in understanding the role of this Commission and how it can be effective and important in improving election administration.

Chairman Schumer is unable to attend today's hearing. He asked that I convey his congratulations and best wishes to both of you, and without objection, I ask that his statement be submitted for the record. Hearing none, Chairman Schumer's statement will appear in the record.

[The prepared statement of Chairman Schumer was submitted for the record:]

Senator KING. We will now hear from our nominees, first, Mr. Hicks, and then Ms. Pérez. Your entire statements will be entered into the record, so please limit your remarks to five minutes and then we will have a chance to have some discussion.

Mr. Hicks, please proceed.

TESTIMONY OF THOMAS HICKS, OF VIRGINIA, NOMINATED TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2017

Mr. HICKS. Good morning, Chairman King, Ranking Member Roberts. Thank you for holding this hearing on my nomination to serve on the United States Election Assistance Commission. I am truly honored to be a nominee to serve on the Commission. I look forward to the opportunity to testify on my qualifications and interest in becoming an EAC Commissioner.

I thank House Democratic Leader Nancy Pelosi for resubmitting my name to the President and for the President for submitting my nomination to the Senate. I thank members of the Committee on House Administration for supporting my nomination, including Ranking Member Bob Brady and past Ranking Members Steny Hoyer and John Larson. I thank other members from both sides of the aisle and chambers, a list that is too long to enumerate, who have not only supported and encouraged my nomination, but helped me throughout my career in Washington.

My interest in elections started as a child, when my mother brought my brother and me into a voting booth and pulled the lever. She gently reminded us that when she was growing up in Southern Georgia, it was a lot harder for minorities to vote than on that day when she voted for President Jimmy Carter. I was able to share the story with President Carter a few years ago. The ability to help facilitate access to our voting systems, the cornerstone of our participatory system of government, for all eligible Americans continues to be a strong motivating factor in my career.

Over the last ten-plus years, I have worked at the Committee on House Administration, the equivalent committee in the House to Senate Rules and Administration. I interviewed for the job the day after my oldest daughter was born. My primary responsibility is advising and providing guidance to the committee and members and caucus on election issues. Prior to that, I worked at Common Cause, a nonpartisan, nonprofit advocacy organization that empowers citizens to make their voices heard in the political process and to hold the elected leaders accountable to the public interest. I enjoy working with State and local election officials, civil rights organizations, and other stakeholders to improve the voting process.

I believe in the Election Assistance Commission. I believe in the primary mission of the agency, ensuring all eligible Americans have the information needed to register to vote, cast a ballot, and have that ballot counted. Whether those Americans are voting in New Hampshire, Maine, California, Georgia, or Afghanistan, they should have the same confidence that their ballots are being counted. I believe our elections must be administered in a manner that ensures accuracy while allowing for openness and transparency. I also believe the process should ensure malicious actions are prevented from influencing the final outcome of our elections. This is a challenge that must be accomplished with small budgets and without the option of failure. Elections do not allow for do-overs. Above all else, we must always uphold the public's trust and ensure confidence in the process.

Through my present job of Senior Elections Counsel, I have communicated with Americans in every State about voting experiences. I have worked with State and local election officials across America to address critical election concerns. I have had a unique opportunity to work and speak with Americans overseas concerning the obstacles they face in registering to vote and casting their ballots. Should I be confirmed, I will use this knowledge and experience in my role as an EAC Commissioner.

I believe that, regardless of partisan ideology and political affiliation, we all want the same thing, fair, accurate elections where we are confident of the outcome and all eligible Americans, domestic and overseas, are able to participate in our process, the best in the world. Should I be confirmed, I hope to use the lessons learned in life and my experience to continue working to achieve this goal.

Lastly, I would like to thank my mother and father, both now retired and enjoying the love and admiration of their grandchildren, and I would also like to acknowledge, again, my three children, Elizabeth, 10, Megan, 7, and Eddie, 5. I am most gratified that their experiences with voting and participating in our electoral system will be far different from that of their grandmother.

Thank you, and I will be happy to answer any and all questions. [The prepared statement of Mr. Hicks submitted for the record:] Senator KING. Thank you, Mr. Hicks.

Ms. Pérez, your statement, please.

**TESTIMONY OF MYRNA PÉREZ, OF TEXAS, NOMINATED TO BE
A MEMBER OF THE ELECTION ASSISTANCE COMMISSION
FOR A TERM EXPIRING DECEMBER 12, 2015**

Ms. PÉREZ. Thank you, Senator King. Thank you, Senator Roberts. Thank you for holding this hearing and giving me the opportunity to discuss with you my qualifications to serve on the U.S. Election Assistance Commission. I care deeply about the fair, impartial, and accurate administration of elections and I would be honored at the chance to serve, should the Senate choose to confirm my nomination.

I have been extremely fortunate in my life and career. I am a native Texan, a resident of New Jersey, and a lawyer working in New York City. My parents were born in Mexico and moved to the United States as children and grew up with limited means. They raised me and my brother to be proud Americans in an environment which respected public service. My father served in the U.S. Air Force and worked many years for county government. My mother works for the U.S. Postal Service. And they made possible my ability to attend Yale College, Harvard University's School of Government, my ability to attend law school at Columbia, and for my brother to pursue a career in law enforcement.

I have been given a great many gifts and I believe that responsible stewardship of those gifts means I must explore opportunities to use my good fortune in service of others, whether it be by correcting Bible study lessons for people in prison, or serving breakfasts to those in my neighborhood who are food insecure, or in a variety of many other ways through my professional experiences in the private, nonprofit, and government sector.

It is with great gratitude that I experience your consideration for the opportunity to serve my country and the democratic principles for which it stands.

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

The EAC's mission, in my view, is to provide resources and reliable information to election administrators and voters on issues of election administration. I believe I can further that mission because I understand election administration from a variety of perspectives.

My interest in voting and election administration started the summer in college that I worked for my county's election administration office, processing registration forms and identifying potential polling locations. Professionally, as a Deputy Director of the Democracy Program and the Director of the Voting Rights and Election Project at the nonpartisan Brennan Center for Justice at NYU's School of Law, I represent voters, talk frequently with election administrators, study Federal and State election laws, and research election practices.

Congress gave the EAC the duties of conducting research, collecting and disseminating information, certifying voting systems,

and maintaining the Federal form. I have certain skills which I think will be very useful to the EAC in performing these duties, if I am confirmed.

First, I have substantial experience in researching and collecting and disseminating information. I was a Policy Analyst for the GAO and I had to perform qualitative and quantitative research on issues requested by Congress. At the Brennan Center, I conduct research on election administration and I have to pay close attention to methodologies and make information accessible to a variety of audiences.

I also have a deep subject matter knowledge on issues related to election administration. I have spent the better part of the past seven years working on issues related to election administration, from list maintenance efforts to statewide voter registration databases. And while my focus has been on the experiences of voters, one cannot effectively serve voters without understanding the realities faced by election administrators.

Finally, I have strong strategic and public management skills. In my personal and professional life, I have worked for organizations where resources are limited, the organizational purpose has been defined, and the operational environment has been key to mission achievement, very much like the EAC.

It would be premature for me to commit to any particular course of action without being more familiar with the internal workings of the EAC and talking with State and local election administrators who are the end users of the EAC services, but I can tell you that, if confirmed, my approach to my role and duties would reflect the following.

A clear understanding of the role of the EAC. State and Federal laws govern election administration, not the EAC. It is my view that the EAC will function best if it focuses on the nuts and bolts of election administration and is not distracted by questions that are best suited for the legislatures and the courts.

A desire to work closely with election administrators. I have a great deal of respect for the work that they do, and part of my job involves learning from them on almost a daily basis.

A responsible attitude toward public funds. These are tough fiscal times and I will expect the EAC to use its resources effectively and thoughtfully. I will work with others to make sure that its administration is top notch.

And, finally, a respect for data. My work on election administration is guided by research about what works and what does not. I would ensure that any advice and assistance provided to election administrators be thoughtful and well researched.

A significant part of my career has been dedicated to protecting and preserving the right to vote and improving our election system. As a voter, as a person who has represented voters, I know that election administration is critically important to our democracy. The EAC, if operating well, is a valuable resource to election administrators because of its nationwide scope, targeted focus, and expressly delineated responsibilities.

If confirmed, I would look forward to working collaboratively with the members of this committee to achieve the goal of an efficient and effective EAC.

Thank you for this opportunity to appear before you today, and I am very pleased to respond to questions.

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

Senator KING. Each of us will have a round of questions.

This is an unusual situation in that—I cannot speak for my colleague, but for myself, each of you is superbly qualified by a variety of different backgrounds and, I think, complement one another. The issue, really, is the effectiveness and the necessity for the Commission. So, that is what I want to address my questions to.

I would like to ask both of you, let us change the focus of this hearing from you to the Commission, and the basic question before us that I think is going to be discussed on an ongoing basis is why we need this Commission and what role do you think that it plays in our democratic system. Mr. Hicks, do you want to tackle that.

Mr. HICKS. Thank you, Chairman King. The Commission is still needed. We have elections every two years, and every two years, there are similar problems that occur. Ranking Member Roberts talked a little bit about the President having a Commission on Elections, as well, but the truth of that is that the commission only exists for six months. They are tasked with a very narrow scope of issues that they have to face, mostly long lines.

The EAC delves into all sorts of aspects in the administration of elections. They are the only place in the Federal Government that certifies voting equipment. They are the only place that is the clearinghouse for a lot of the information that State and local election officials depend upon in their smaller budgets to get out to their constituents and make their elections run more effectively.

The agency itself, like all Federal agencies, has certain problems that I think need to be addressed, and if I am confirmed, I hope to address those problems. One of the added features that I have had the opportunity to work on in my role as Senior Elections Counsel and observed from afar, because I have had to recuse myself from a lot of these things, is the fact that our committee, the Democrats on the committee offered a bill to reform the EAC to address a lot of the problems that Senator Roberts addressed and a lot of the other members have talked about. So, I think that looking at reforming the agency in the way that makes it more effective to address the needs that the American people have, because we are not running elections as we were ten years ago and those problems that were occurring in Florida.

There are people who still support the agency, a lot of State and local election officials, a lot of Democrats, and some Republicans, as well, and I hope to be confirmed so that we can move the agency forward.

Senator KING. Ms. Pérez, would you like to make a statement on—not on your own qualifications, which are impressive, but on the importance of the agency as you have studied and reviewed it.

Ms. PÉREZ. Certainly, Senator King. Our elections are a source of national pride and international inspiration, and we have our election administrators, thousands of them at the State and local level across the country to thank. And, currently, they are under-resourced. In these tight fiscal times, their budgets are increasingly being cut and yet elections are dynamic. It is constantly changing.

The technology is changing. The laws that they operate under are changing. They have staff turnover. And they simply do not have the resources to be able to perform all of their incredibly important functions.

A national organization is incredibly useful, if it is operating well, to the achievement of that task. Its national scope allows it to have a birdseye view and connect far flung offices such that best practices can be shared, ideas for innovation can be shared, people can learn what it is that they do not know and the way some of their partners in other States are handling some of the important matters of the day.

Beyond that, there are economies of scale and economies of scope that accrue when you have one national organization doing incredibly resource-intensive activities, and I am thinking primarily of voting system certification. It should not be the case that we need to reinvent the wheel 50 times and have each State come up with its own system of testing and certification, just for something as foundational as making sure that our voting systems are secure and reliable.

The EAC has the opportunity to be able to provide important resources for State and local election officials at a time where they need those resources and when the American public is demanding good customer service in the realm of election administration.

Senator KING. As I understand both of your answers, the agency is not regulatory in the sense of issuing regulations that are binding on States or localities. It is more information providing and then the function that you just mentioned, of being the kind of Underwriter Laboratories of voting machines. Is that accurate, that it is not a regulatory agency?

Ms. PÉREZ. Certainly, the enabling legislation sets forth a number of responsibilities, including conducting studies, serving as a clearinghouse, maintaining the Federal form, and certifying voting systems. The EAC does not set policy, but it does provide resources to election administrators who have a very difficult task that is constantly changing in a dynamic environment.

Senator KING. Mr. Hicks.

Mr. HICKS. The only piece I would add is that the EAC does have a small piece of regulatory authority with the National Voter Registration Act, and that is it. All the other pieces are just basically providing guidance and resources to the States.

Senator KING. Senator Roberts.

Senator ROBERTS. Well, thank you both for your statements and for coming.

Mr. Chairman, the EAC has been in operation since 2002, I think. The primary purpose, as I recall, was to distribute grants to States so they can better serve their people with regard to voter participation and to eliminate voter fraud and the sanctity of the ballot. But those funds are not forthcoming anymore and those grants have been distributed.

Again, I remember taking part in the Motor Voter legislation. Al Swift, a Democrat friend of mine from Washington, and myself, as the Ranking Member then in the House, we had considerable debate.

I just mention this to—I wish we could have a real hearing with regard to the need for the EAC. I am not trying to denigrate it, I am just saying we have never done that.

Let me just ask the question of both of you: Do you agree the EAC must operate in a bipartisan fashion? Obviously, the answer to that is yes. We can get past that pretty quickly, probably. But, how would you work toward that goal if the leadership on both sides can come to some kind of an agreement as to whether we go forward or whether we have a hearing and get you in a position—I know you have been at work, but in terms of being truly effective with the mission of the EAC as envisioned. Again, I have to apologize to you, but how would you do that? How would you work toward that goal?

Mr. Hicks, do you want to try that one on?

Mr. HICKS. Thank you, sir. One of the unique opportunities that I have had in my life is when I worked at Common Cause and working on the Help America Vote Act. That piece of legislation was passed—it was the quickest civil rights piece of legislation ever passed in history, to my knowledge. And the way that it passed, it did not pass with just Republican support. It did not pass with just Democratic support. It passed with House support. It passed with Senate support. It passed 98 to 2 in the Senate. And we brought everyone into the room, where we had civil rights organizations, we had State and local election officials, we had voter integrity groups come in, and we had good government groups come in. The only way that it was able to pass was because everyone was in the room and everyone was able to talk and get their information out and get those issues on the board.

And I think that in order for this to truly work, we have to have bipartisan support and we have to have Democrats, we have to have Republicans, we have to have Independents. And I think that is why I have not given up my nomination. I have been in a holding pattern for three-and-a-half years, and I believe in the agency. I believe that it can work effectively. And I believe that for me just to give up would be me just turning over and saying, I quit, which I cannot do. I believe that the agency can work, but it has to work in a bipartisan manner.

Senator ROBERTS. I appreciate that very much. Ms. Pérez.

Ms. PÉREZ. I think there is no dispute among any American that we need elections to be fair, impartial, accurate, and secure, and I believe that there is significant common ground that can be achieved by focusing on the core mission of the EAC, which is to provide resources and information to the local election administrators who are trying to do an incredibly important task and are under-resourced in doing so.

I think the best way for the EAC to function is, again, to focus on the nuts and bolts of election administration, to look for best practices on how you find polling locations, how do you train poll workers, how do you send out election notices, how do you certify election results. And I do not think there is significant disagreement among people of any political background that these tasks are vitally important.

The way that I would proceed is the way that I proceed in my practice, which is with a collaborative spirit, an open mind, and ap-

proaching information with respect to data and evidence, talking to all of the stakeholders, and trying to achieve and celebrate the common ground when it is found.

Senator ROBERTS. I appreciate that, and thank you for your comments.

Let me just point out the EAC has been forced to make payments to victims of hiring discrimination in the past, in one case, the discrimination against a candidate on the basis of party affiliation, and another due to military service status. If confirmed, how would you handle this kind of situation so we would not see a reoccurrence of these kind of episodes? We will do it in reverse. Ms. Pérez.

Ms. PÉREZ. I think one important way is to be very clear about State and Federal laws and best practices with respect to hiring. I think it is incredibly important to focus on the qualifications and to focus on the mission. Personal attributes and backgrounds, those kinds of things, are not relevant to the tasks that the EAC needs to perform.

I was not there when that happened and I do not know all of the details, but I can assure you that I have a strong interest in making sure that the open positions are filled by the highest-caliber people and to ensure that the management of the EAC is top notch and that the public feels very confident that its taxpayer dollars are being well spent and in an appropriate and fair manner.

Senator ROBERTS. Mr. Hicks.

Mr. HICKS. I believe that it is going to be a challenge to ensure that we have the best-qualified candidates for any position at the EAC. The agency has taken so many hits over the years in terms of financial and other problems that they have faced. I think that with any sort of candidate that comes before the Commission, they should be evaluated under the law and the best way that HR's provisions establish.

Senator ROBERTS. I appreciate that.

Let me just say that both of you, I think, have indicated that the EAC should have an advisory mission as opposed to more of a regulatory agency. Am I correct in assuming that is the case? Ms. Pérez.

Ms. PÉREZ. Congress has set forth the EAC's duties, and its primary duties are to provide resources and information. "Advisory" is even a different word than I would use. It serves as a clearing-house function. It brings people together. It allows election administrators to hear how other people are handling similar problems in their States. It performs studies that are designed to assist election administrators with the jobs that they do.

It does have a couple of functions with respect to certifying voting systems and the maintenance of the Federal form, but the primary responsibility, in my mind, of the EAC is to provide accurate, cutting edge, and needed data and information that election administrators want in order to be able to provide good customer service to their voters.

Senator ROBERTS. And with that information, they would make their own decisions, hopefully. Mr. Hicks.

Mr. HICKS. I believe that the agency's functions are spelled out in HAVA correctly, and I think that unless Congress expands

those, that we should follow the only roles that the Commission has set out in the law.

Senator ROBERTS. I appreciate that. Mr. Chairman, just on a personal note, since the GAO apparently will be making some advisory comments, hopefully, with the State of Tennessee and Kansas, and I think perhaps Indiana, maybe Arizona, this issue is extremely important to me. My great-grandfathers came to Kansas before it was a State. One established the second-oldest newspaper and the other about the fourth. They did not particularly care for each other, and they wrote editorials that would make both of us blush with the adjectives and adverbs used back in the day. We think it is tough today. You should see those.

But the one thing that they were committed to is that they came as abolitionists and they fought through bleeding Kansas. Both newspapers were threatened by Quantrell when he rode in from Missouri.

I mention this personal history only that we have a commitment in Kansas with regard to ballot sanctity and with regard to voter access that, I think, represents a very fine effort to try to follow through with that historical precedence. So, for me personally, I think I want to indicate how strongly I feel about this.

Thank you for appearing. Again, I wish we had better direction for you. Both of us will work on that, so I truly appreciate it. Thank you so much.

Senator KING. I want to also thank you, and I think you have presented yourself very well today and been helpful to us, and now it is our job to find a way to move forward.

It is my understanding that a quorum requires more than just two members, is that correct? So, you cannot act—if the two of you are confirmed, you could still not act as the Commission, lacking a Republican—actually, two Republican members, is that correct?

Ms. PÉREZ. Yes.

Mr. HICKS. [Shaking head.]

Senator KING. Okay. Well, we have some work to do ourselves, but I want to sincerely express my appreciation on behalf of myself and Senator Roberts to your commitment and willingness to step forward in these somewhat difficult circumstances.

I also notice your very young man has joined us and I want to welcome him to probably his first hearing in the United States Senate.

Again, I want to thank both of you and we are going to be meeting as a committee to talk about some of these issues to see if we cannot resolve the differences between the two parties and get this Commission into a place where it can perform the function that the Congress has assigned it and protect this basic important right of all Americans to vote.

Before we close, I have one other matter. The Chairman and the Ranking Member have received a report from committee staff regarding a petition contesting the special election that took place in New Jersey on October 16, 2013. This petition was referred to the committee on October 28, 2013. Committee staff for both the majority and the minority reviewed the petition, found it to be without merit, and concluded that further consideration by the committee

is not warranted. Without objection, the committee adopts the staff recommendation and will take no further action on the petition.

Thank you, again, to both of you. Thank you for your families.

The record will remain open for five business days for additional statements and comments and post-hearing questions submitted in writing for the nominees to answer.

Again, thank you very much for joining us here this morning, and since there is no further business to come before the committee, the committee meeting this morning is adjourned.

[Whereupon, at 10:44 a.m., the committee was adjourned.]

APPENDIX MATERIAL SUBMITTED

Committee on Rules and Administration
Statement by Mr. Thomas Hicks, Nominee for Commissioner
Election Assistance Commission
Wednesday December 11, 2013

Good Morning Chairman Schumer, Ranking Member Roberts and Members of the committee. Thank you for holding this hearing on my nomination to serve on the United States Election Assistance Commission. I am truly honored to be a nominee to serve on the commission.

I look forward to the opportunity to testify on my qualifications and interest in becoming an EAC Commissioner. I thank House Democratic Leader Nancy Pelosi for resubmitting my name to the President and for the President for submitting my nomination to the Senate. I thank members of the Committee on House Administration for supporting my nomination, including current ranking member Bob Brady and past ranking members Steny Hoyer and John Larson. I also thank other members from both sides of the aisle and both chambers, a list that is too long to enumerate, who have not only supported and encouraged my nomination, but helped me throughout my career in Washington.

My interest in elections started as a child when my mother brought my brother and me into the voting booth and pulled the lever. She gently reminded us that when she was growing up in southern Georgia, it was a lot harder for minorities to vote than on that day when she voted for President Jimmy Carter. I was able to share this story with President Carter a few years ago. The ability to help facilitate access to our voting system – the cornerstone of our participatory system of government – for all eligible Americans continues to be a strong motivating factor in my career.

Over the last 10 plus years, I have worked at the Committee on House Administration, the equivalent committee in the House to Senate Rules and Administration. I interviewed for the job the day after my oldest daughter was born. My primary responsibility is advising and providing guidance to the committee members and caucus, on elections issues. Prior to that, I worked at Common Cause, a nonpartisan, nonprofit advocacy organization that empowers citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. I enjoyed working with state and local election officials, civil rights organizations and all other stakeholders to improve the voting process.

I believe in the Election Assistance Commission. I believe in the primary mission of the agency - ensuring all eligible Americans have the information needed to register to vote, cast a ballot and have that ballot counted. Whether those Americans are voting in New Hampshire, California, Georgia or Afghanistan, they should have the same confidence that their ballots are

being counted.

I believe our elections must be administered in a manner that ensures accuracy while allowing for openness and transparency. I also believe the process should ensure malicious actions are prevented from influencing the final outcome of our elections.

This is a challenge that must be accomplished with smaller budgets and without the option of failure. Elections don't allow for do overs. Above all else, we must always uphold the public's trust and ensure confidence in the process.

Through my present job as senior elections counsel, I have communicated with Americans in every state about their voting experiences. I have worked with state and local election officials across America to address critical election concerns, I have had unique opportunities to work and speak with Americans overseas concerning the obstacles they face in registering to vote and casting their ballots. Should I be confirmed, I will use this knowledge and experience in my role as an EAC Commissioner.

I believe that, regardless of partisan ideology or political affiliation, we all want the same thing—fair, accurate elections, where we are confident of the outcome and all eligible Americans (domestic and overseas) are able to participate in our process, the best in the world. Should I be confirmed, I hope to use the lessons learned in life and my experiences to continue working to achieve this goal.

Lastly, I would like to thank my mother and father, both now retired and enjoying the love and admiration of their grandchildren. I would also like to acknowledge my three children, Elizabeth 10, Megan 7 and Edward 5. I am most gratified that their experiences with voting and participating in our election system will be far different from that of their grandmother.

Thank you and I will be happy to answer any questions.

BIOGRAPHY OF THOMAS HICKS

Thomas Hicks serves as the Democratic Senior Elections Counsel for the Committee on House Administration. In this role, he is responsible for issues relating to campaign finance, election reform, contested elections and oversight of both the Election Assistance Commission and Federal Election Commission. Mr. Hicks came to the committee from the government watchdog group Common Cause, where he served as a Senior Lobbyist and Policy Analyst.

Mr. Hicks currently is a nominee to the Election Assistance Commission. Prior to joining Common Cause, Mr. Hicks worked for nearly 8 years in the Clinton Administration as a Special Assistant and Legislative Assistant in the Office of Congressional Relations for the Office of Personnel Management.

Mr. Hicks, a native of Boston, Massachusetts, earned his Bachelor's Degree in Political Science from Clark University in Worcester, MA. He earned his law degree from the Catholic University of America - Columbus School of Law.

**Written Statement of Myrna Pérez
Nominee for Member,
Election Assistance Commission**

**Before the
Committee on Rules and Administration
United States Senate
December 11, 2013**

Chairman Schumer, Ranking Member Roberts, and distinguished members of the Committee:

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

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

Experience

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

The EAC's mission, in my view, is to provide resources and reliable information to election administrators and voters on issues of election administration. I believe I can further that mission because I understand election administration from a variety of perspectives. My interest in voting and election administration started the summer in college that I worked for my county's election administrator processing registration forms and identifying potential polling locations. Professionally, as a Deputy Director of the Democracy Program, and the Director of the Voting Rights and Elections Project, at the non-partisan Brennan Center for Justice at NYU School of Law, I represent voters, talk frequently with election administrators, study federal and state election laws, and research election practices.

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

Substantial Research Experience

First, I have substantial experience in researching and collecting and disseminating information. As a policy analyst for the Government Accountability Office, I had to perform qualitative and quantitative research on issues requested by Congress. At the Brennan Center, I conduct research about election administration. In both jobs, I have had to pay close attention to appropriate methodologies, talk to people on the frontlines, and make information accessible to a variety of audiences.

Deep Subject Matter Knowledge

Second, I have deep subject matter knowledge on issues related to election administration. I have spent the better part of the past seven years working on issues related to election administration — from list maintenance efforts to statewide voter registration databases. While my focus has been on the experiences of voters, one cannot effectively serve voters without understanding the realities faced by election administrators.

Strong Strategic and Public Management Skills

Finally, I have strong strategic and public management skills. In my personal and professional life, I have worked for organizations where resources are limited, the organizational purpose has been defined, and the operational environment has been key to mission achievement — very much like the EAC.

Approach

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

A Clear Understanding of the Role of the EAC – State and federal laws govern election administration, not the EAC. Congress has set forth the EAC's responsibilities of assisting states and localities with their administration of elections by providing data and technical assistance, and those responsibilities are

static unless and until Congress decides to change them. The EAC will function best if it focuses on the nuts and bolts of election administration and is not distracted by those questions best suited for legislatures and the courts.

A Desire to Work Closely with Election Administrators – I have a great deal of respect for election administrators and the work that they do, and do not believe the EAC can function effectively without their input and perspectives. I am fortunate that my current job requires me to interact frequently with election administrators and I am glad that if confirmed, I can continue to have those conversations. I am interested in learning more about their research and information needs; and their ideas about what shared practices would be helpful.

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

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

Conclusion

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

Biography of Myrna Pérez

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

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December 6, 2013

The Honorable Charles E. Schumer
 The Honorable Pat Roberts
 U.S. Senate Committee on Rules and Administration
 305 Russell Senate Office Building
 Washington, DC 20510

Chairman Schumer and Ranking Member Roberts:

The Congressional Black Caucus (CBC) respectfully requests your support for the confirmation of Thomas Hicks to serve on the Federal Elections Assistance Commission.

Mr. Hicks has the background experience and knowledge to successfully oversee our federal voting operations. For the last ten years he has worked on voting modernization and facilitation issues as a Counsel for the House Committee on House Administration. In this role, he has been responsible for issues relating to campaign finance, election reform, contested elections and oversight of both the Election Assistance Commission and Federal Election Commission. Before coming to work for Congress, Mr. Hicks was instrumental in the development and passage of the Help America Vote Act, the landmark legislation written to address the well-noted voting problems of the 2000 presidential elections.

While we have worked hard to address voting discrepancies, much more is needed. During the last election, voters routinely experienced exceptionally long lines, confusing rules and voting-machine problems. The Elections Assistance Commission needs members who understand the state and local issues and the federal resources and guidance that can solve these problems. The CBC believes that Thomas Hicks is the perfect person to address these challenges.

Thomas Hicks is an exemplary nominee and is deserving of this honor to serve the American people.

Sincerely,

Marcia L. Fudge

Rep. Marcia L. Fudge
 Chair, Congressional Black Caucus



2344 Rayburn House Office Building - Washington, DC 20515
 WWW.THECONGRESSIONALBLACKCAUCUS.COM



DEMOCRATS ABROAD

Democrats Abroad
PO Box 15130
Washington DC 20003
phone: (202) 621-2085
email: secretary@democratsabroad.org

December 17, 2013

The Honorable Charles E. Schumer
Chairman, Committee on Rules & Administration
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing on behalf of Democrats Abroad, with regards to the **Election Assistance Commission Nomination Hearing of December 11, 2013.**

Democrats Abroad respectfully requests that this letter and the attached statement be included in the hearing record.

Sincerely yours,

Kathryn Solon
Chair, Democrats Abroad

Statement by Democrats Abroad

**Prepared for the Election Assistance Commission Nomination Hearing
United States Senate Committee on Rules & Administration**

December 2013

Chairman Schuman, Ranking Member Roberts, and members of the Committee,

Thank you for the opportunity to submit comments on the nomination of Thomas Hicks and Myrna Pérez to be members of the Election Assistance Commission (EAC).

Democrats Abroad is the official arm of the Democratic Party for United States citizens living outside the United States and its territories. Founded in 1964, Democrats Abroad now has members in over 190 countries and has active committees in 53 countries around the world.

Each election year, Democrats Abroad is primarily devoted to assisting American citizens living abroad to vote. Our VoteFromAbroad.org resource does not discriminate by party affiliation or any other political test: any eligible voter living outside the US can use VoteFromAbroad.org to obtain a properly completed Federal Post Card Application (FPCA) to register to vote and request an absentee ballot. Our volunteers assist thousands of new and repeat overseas voters to register to vote and to request absentee ballots, without distinguishing among Republicans, Democrats, or independents.

Our volunteers are driven by the lack of voting information available to American citizens living abroad and their extraordinarily low voter turnout rates under even the most optimistic estimates. Our first task, every year, is simply to inform fellow Americans that they can vote while living abroad.

In this context, the EAC can provide valuable support for American citizens living abroad. The standards set forth in the Help America Vote Act of 2002 (HAVA) lowered some of the needless barriers to overseas Americans who seek to fulfill their civic duty to vote.

For the first time ever, it provided statistics from each of the thousands of election districts that distinguished overseas absentee votes from those cast within the territory of the United States. The EAC was created to provide guidance and information to election officials, elected leaders and voters. That is an on-going and invaluable service to American voters abroad.

Just one of the benefits of a strong EAC with dedicated and talented Commissioners would be that its reports, recommendations and grants to state election officials, as mandated by HAVA, would make voting more accessible for American citizens living in

the United States and abroad. This fact is the prime motivation for our testimony to this Committee.

Much of the practice of voter registration and absentee voting by eligible voters living outside the United States is currently shrouded in uncertainty, due in part to non-compliance by states with the requirements of HAVA and the great variability from election district to district in interpretation of election law. We sympathize with local election officials faced with increased expectations and dwindling financial resources. Many local election officials are heroically devoted to helping overseas Americans vote, whatever the obstacles. We believe that they should have a strong EAC to inform and support their efforts.

In our own planning and practice, we acutely feel the disadvantages of a de-centralized system of voting. The EAC publishes the only national statistics on overseas absentee voting on a district-by-district basis, collected from state election authorities as part of the Election Administration and Voting Survey. To date, however, many states do not yet fully comply with the requirements of HAVA in the reporting of overseas absentee voters and the data remains incomplete. Consequently, there is still no completely reliable, overall picture of voting by American citizens living abroad. Such a picture is essential to know what steps need to be taken to enfranchise all overseas Americans who wish to participate in our democratic governance.

The research conducted by the EAC provides a great benefit to Americans living overseas, especially through recommendations regarding overseas voting. This responsibility of the EAC is too costly or simply impossible to accomplish on less than a national scale, and would be repetitive and wasteful, at best, to devolve to each jurisdiction.

The EAC's role as a clearinghouse of voting information and as a help for states in meeting the requirements of HAVA is far from fulfilled. There continues to be a shortage of reliable information on how Americans vote, particularly regarding eligible American voters living abroad.

For this reason, Democrats Abroad supports a strong, well-funded EAC that can help make voting more fair, more accurate, and more accessible for all American voters, whether they live in the United States or abroad. Our goal is to help make participation in our democratic process as accessible for our citizens abroad as for our compatriots at home. The revolution in communications has largely removed the barrier of distance. The remaining barriers are in our election practices. The EAC can help us chart the changes needed to remove them.

The first step to re-invigorating the EAC is to fill all four vacancies on the commission. We urge the Senate committee move forward and vote in favor of the confirmation of the President's appointments of Mr. Hicks and Ms. Perez.



MALDEF

Mexican American Legal Defense and Educational Fund

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Fax: 916.444.7207

Submitted by email

December 11, 2013

The Honorable Senator Charles E. Schumer, Chairman
The Honorable Senator Pat Roberts, Ranking Member
Committee on Rules and Administration
United States Senate
305 Russell Senate Office Building
Washington, DC 20510

Re: Support for Myrna Pérez, Nominee to the Election Assistance Commission

Dear Chairman Schumer and Ranking Member Roberts,

The Mexican American Legal Defense and Educational Fund (“MALDEF”) writes to express its strong support for the nomination of Myrna Pérez as a Commissioner on the Election Assistance Commission (EAC). Founded in 1968, MALDEF is the nation’s leading Latino legal civil rights organization. Often described as the “law firm of the Latino community,” MALDEF promotes social change through legislative and regulatory advocacy, community education, and litigation in the areas of education, employment, immigrant rights, and voting rights.

Ms. Pérez is well suited for this post. Her wealth of experience in public service, civil rights, voting rights, and election law makes her uniquely qualified to serve on the EAC. We urge the Senate to support her nomination.

The EAC develops guidance to meet the requirements of the Help America Vote Act of 2002, adopts voluntary voting system guidelines, oversees the testing and certification of voting machines, maintains the national mail voter registration form, and serves as a national clearinghouse of information on election administration. However, the EAC has not had a quorum since 2010, and no sitting commissioners since late 2011. As a result, it has been unable to adopt new standards to meet the current changes to election administration and voting technology. In order to properly function the EAC requires effective, competent, accountable, and honest leadership, all skills that Ms. Pérez has exhibited throughout her career as an attorney, voting rights expert, and civil rights advocate.

Support for Myrna Pérez, Nominee to the Election Assistance Commission

December 11, 2013

Page 2 of 2

Ms. Pérez earned three advanced degrees, including her Juris Doctorate from Columbia Law School. As Deputy Director of the Democracy Program at the Brennan Center for Justice, Ms. Pérez works to protect access to civic participation and to ensure that the EAC is fulfilling its mandate to protect our franchise across the nation. Ms. Pérez's knowledge of election administration and voting is expansive, having worked issues such as redistricting, voter registration maintenance, and ballot access. As former Chair of the Election Law Committee of the City of New York Bar Association, she gained broad knowledge of election law and an appreciation for collaboration between stakeholders. Her steadfast commitment to civil rights for all will make her a truly exceptional leader on the EAC.

MALDEF urges the Committee on Rules and Administration and the full Senate to vote to confirm Ms. Pérez as Commissioner of the EAC.

Sincerely,



Thomas A. Saenz
President and General Counsel
MALDEF

TAS:AS

NHLA MEMBER ORGANIZATIONS

American G.J. Forum
 ASPIRA Association
 Avance Inc.
 Casa de Esperanza
 Cuban American National Council
 Farmworker Justice
 Hispanic Association of Colleges & Universities
 Hispanic Federation
 Hispanic National Bar Association
 Labor Council for Latin American Advancement
 Latino Justice PLDEF
 League of United Latin American Citizens
 MANA, A National Latina Organization
 Mexican American Legal Defense and Educational Fund
 National Alliance of Latin American and Caribbean Communities
 National Association of Hispanic Federal Executives
 National Association of Hispanic Publications
 NALEO Educational Fund
 National Association of Latino Independent Producers
 National Conference of Puerto Rican Women, Inc.
 National Council of La Raza
 National Hispanic Caucus of State Legislators
 National Hispana Leadership Institute
 National Hispanic Council on Aging
 National Hispanic Environmental Council
 National Hispanic Foundation for the Arts
 National Hispanic Medical Association
 National Hispanic Media Coalition
 National Institute for Latino Policy
 National Latina Institute for Reproductive Health
 National Puerto Rican Coalition
 SER Jobs for Progress - National
 Southwest Voter Registration Education Project
 United States Hispanic Chamber of Commerce
 United States Hispanic Leadership Institute
 United States-Mexico Chamber of Commerce

**National Hispanic Leadership Agenda**

December 10, 2013

Honorable Charles Schumer
 Chair
 U.S. Senate Committee on Rules and Administration
 305 Russell Senate Office Building
 Washington, DC 20510

Honorable Pat Roberts
 Ranking Member
 U.S. Senate Committee on Rules and Administration
 305 Russell Senate Office Building
 Washington, DC 20510

**RE: Election Assistance Commission Nomination Hearing
 United States Senate Rules and Administration Committee
 Wednesday, December 11, 2013**

Dear Senators:

On behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of the nation's 36 preeminent national Latino organizations, we write in support of the nomination of Ms. Myrna Perez, Esq. as Commissioner of the Election Assistance Commission (EAC). We request that this letter of support be placed into the official record of the Senate Committee on Rules and Administration.

For American democracy to function effectively, all eligible voters must be allowed to participate in elections. Minority communities are often subject to discrimination as they organize politically and begin to make new political gains. Latino voters have also increasingly become targets of voter suppression in recent years. For this reason, please note that it is our intent to score any votes associated with this nomination in our NHLA Congressional Scorecard on the 113th Congress. The NHLA Congressional Scorecard rates members of Congress on votes taken in the House and Senate that our membership deems important to the social, economic, and political advancement and quality of life of Hispanic Americans.

Ms. Perez, who President Barack Obama previously nominated by to serve as EAC Commissioner in 2011 and re-nominated six months ago on June 7, 2013, has been at the forefront in the effort protect Latino voting rights.

She currently serves as Deputy Director of the Brennan Center for Justice at NYU School of Law, a nonpartisan law and policy institute. In this capacity she has worked on a variety of voting rights issues, including redistricting, voter registration list maintenance and access to the ballot box. Prior to joining the Center, Ms. Pérez was the Civil Rights Fellow at Relman & Dane, a civil rights law firm in Washington, D.C., and a clerk for the Honorable Anita B. Brody of the United States District Court for the Eastern District of Pennsylvania and for the Honorable Julio M. Fuentes of the United States Court of Appeals for the Third Circuit.

In addition to her extensive legal experience, Ms. Pérez offers an impressive educational background. She earned her undergraduate degree in Political Science from Yale University in 1996 and her master's degree in public policy in 1998 from Harvard University's Kennedy

School of Government, where she was the recipient of the Robert F. Kennedy Award for Excellence in Public Service. As a Presidential Management Fellow, she served as a policy analyst for the United States Government Accounting Office where she covered a range of issues including housing and health care. Ms. Pérez then went on to graduate from Columbia Law School in 2003, where she was a Lowenstein Public Interest Fellow.

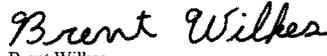
In 2002, several NHLA member organizations supported the Help America Vote Act (HAVA), a bill passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA also mandated the creation of the Election Assistance Commission, a commission that has provided the nation's growing Latino community with a national voice in the administration of our federal elections thanks to the leadership of former EAC Commissioners Ray Martínez and Rosemary Rodriguez.

When confirmed, we are confident that Ms. Pérez will continue a legacy of leadership serving admirably as an EAC Commissioner. We hope you will join us in recognizing her strong qualifications by voting to advance her nomination to the full Senate floor and by working with your colleagues to secure her final confirmation on the Senate floor.

Sincerely,



Hector Sanchez
*Chair, National Hispanic Leadership Agenda
Executive Director, Labor Council for Latin American
Advancement*



Brent Wilkes
*Vice-Chair, National Hispanic Leadership Agenda
National Executive Director, League of United Latin
American Citizens*

CC: Members, U.S. Senate