

Written Statement of Donald Palmer
United States Senate Committee on Rules and Administration
November 28, 2018

Thank you Mr. Chairman, Senator Blunt and Ranking Member, Senator Klobuchar for scheduling this hearing.

I would like to thank the Speaker of the House of Representatives Paul Ryan for placing my name forward as his choice for the Election Assistance Commission (EAC). I would also like to thank the President of the United States for my nomination as a Commissioner to the Election Assistance Commission. I am honored to be considered for this position and to again serve the nation's voters.

Since my entry into training for Naval Reserve Officer Commissioning and my undergraduate studies, I've taken oaths sworn to support and defend the Constitution of the United States against all enemies, foreign and domestic and to bear true faith and allegiance to the same.

In my career of public service with the Navy, Department of Justice, the Commonwealth of Virginia, and the State of Florida, I have been guided not just by that oath to defend the Constitution but in the area of voting, the administration or oversight of an election is a sacred duty greater than oneself.

The exercise of democracy is temporarily entrusted in your hands for the length of time you are responsible for it, and the principles of democracy and justice are greater than the singular success of any political party or candidate who may win or lose an individual race.

As Ronald Reagan stated, "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same."

For our republic to work, our citizens must believe that the will of the people will be exercised with elections, that government derives its just powers from the consent of the governed, that the vote was free and fair, and that both the

winner and loser of an election can objectively say who is the actual winner of the election.

As an U.S. Navy Intelligence Officer and Judge Advocate General (JAG), my commitment has to been to service of my country, to defeat or deter our enemies, to seek truth and justice in the military courtroom and military court of appeals, and to defend our way of life, including the ability for Americans to exercise their right to vote.

Having served onboard numerous ships and installations in the Mediterranean Sea, Arabian Gulf, and Southwest Asia region, I can personally attest to the difficulty of registering to vote and voting in a timely manner from remote areas and where the military postal service is often delayed.

While serving overseas, I served as a Voting Assistance Officer for my unit of naval officers, and still think fondly of that additional duty, not anticipating at the time that one day I might be engaged in improving the voting process for all Americans.

At the Department of Justice Voting Section, I took a similar oath to defend the voting rights of all Americans, regardless of their color, ethnicity, and economic status and to ensure all Americans were able to vote.

John F. Kennedy eloquently stated “that every American should be able to enjoy the privileges of being American without regard to his race or his color. In short, every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated.” One of the privileges we have as Americans is to exercise our free speech and right to vote.

As a trial attorney at the Justice Department, I defended the rights of all Americans to vote under Section 2 and Sections 203 and 208 of the Voting Rights Act and worked to protect the rights of military and overseas voters under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA). In my enforcement of the Voting Rights Act (and other federal voting laws), I interviewed witnesses, investigated election practices, monitored polling places, developed cases, and represented the United States in federal court to ensure the voting rules established by this Congress were followed.

I also worked with states to assist election officials in fully complying with the requirements of the National Voting Registration Act (NVRA) and the Help America Vote Act (HAVA), to improve the accuracy and integrity of our electoral system with real time statewide databases, intrastate data-sharing between state government agencies, provisional ballots, and facilitating private and independent voting by voters with disabilities.

I took similar oaths of office when I was appointed Secretary of the State Board of Elections, the chief election officer of the Commonwealth of Virginia, and prior to that as the Director of Elections for the State of Florida. My charge in Virginia was to ensure uniformity, fairness, accuracy and purity in all elections in the Commonwealth of Virginia.

As a state election administrator, I managed two presidential elections in battleground states, including presidential primaries, mid-term elections, gubernatorial races, and, a statewide recount for Attorney General in Virginia.

During my terms of office in Virginia and Florida, over 20 million voters successfully cast ballots by mail or absentee, early voting or in-person absentee voting, or on Election Day, where state and local election officials overcame hurricanes, flooding, snowstorms, and earthquakes to successfully administer the vote and do our part to maintain the greatest Democracy in the World.

During my tenure in Virginia, I saw technology as a way to improve the voting experience for voters. For example, I worked closely with the General Assembly to propose and implement online voter registration and provide registration and update access to voters 24/7 days a week and to modernize registration data-sharing across state lines – both initiatives became future recommendations of the Presidential Commission on Election Administration (PCEA) created by President Obama.

In Virginia, we also worked to register young soldiers and sailors to register to vote before deployment to Iraq and Afghanistan, and in cooperation through a grant with the Department of Defense, we provided new tools and ways for our military and overseas voters to access ballots and save time in the transit of ballots through the mail.

Early in my term in Florida, we transitioned the entire state from Direct Record Electronic (DRE) electronic voting machines to new digital optical scan equipment, each of which was reviewed, modified, and tested by a division and laboratory under the Division of Elections. Likewise, in Virginia, we moved toward a voting system upgrade of an aging DRE-based system of voting to a paper-based digital scan system of voting equipment, and updated electronic poll books to more efficiently process voters casting ballots and reduce lines of voters.

More recently, I have worked with the Bipartisan Policy Center (BPC) and the former Commissioners of the Presidential Commission on Election Administration (PCEA) to advance the consensus recommendations of the Commission, and to work closely with counties across the country on collecting voter line data down at the precinct level and find innovative ways to reduce long lines of voters. We also highlighted the current voting technology crisis in jurisdictions across this country and encouraged states and localities to provide additional resources to upgrade our electoral infrastructure.

To continue the pace with the expectations of voters and lawmakers, states and counties across the country will need to continue the process of upgrading voting equipment and poll books, improve our procedures and to modernize aging statewide voter registration systems.

Technology enhancements provide us the opportunity to increase voters' accessibility and usability with voting equipment, voter registration system security, and overall election integrity. Technology has the ability to overcome potential differences on policy issues and continue to increase the accuracy of registration, list maintenance, and voting.

As a former Intelligence Officer at the end of the Cold War, I remain vigilant to the threats this nation faces from our foes, particularly the Russians, and am dedicated to working closely with our federal partners, including the FBI, DHS, and DNI. The efficient and timely briefing of potential threats to state and local election systems is as important as providing actionable intelligence to pilots preparing to go on missions. I spent much of my military career trying to ensure that pilots and operators had the most accurate intelligence and situational awareness of threats before entering potential dangerous airspace. As the states and localities have the responsibility to administer elections, we

need to do a better job of synchronize raw intelligence in a usable format for state and local election officials.

If granted the opportunity to serve on the EAC, I would continue to coordinate and communicate with local and state election officials in the development and dissemination of best practices in elections to all members of the greater election community, and build consensus on ways to improve the electoral process. The EAC is in a great position as a trusted member of the election community to disseminate best security practices and provide training materials to willing partners at the local level.

The EAC needs to improve the lines of communication with federal partners to provide the best assistance and information possible to state and local election officials in a timely manner – for example, the security of voter registration or in assisting military and overseas voters.

The EAC will have an opportunity to continue the process of developing new voluntary voting system standards with state and local election officials, NIST, and other stakeholders who are involved in the advisory board standards process. Together, we can provide increased security, usability, and accessibility to American voters for future elections.

Even more importantly, the EAC will need to find better ways to communicate with the American people on the state of the electoral process in this county. While the EAC does not have as large a voice with the media as other agencies - in order to set the record straight, we need to educate voters to better distinguish facts from myths, and improve overall public confidence on the security, fairness, and integrity of our electoral process.

I would like to thank the local election officials and staff in both Virginia and Florida for their dedication and commitment to administering elections, and all the efforts you have made to ensure elections are free and fair. It has made my second career as fulfilling as my first. I would also like to thank my wife and my children for making my life equally as fulfilling and for showing patience with me as I follow my dreams.

Thank you for the opportunity to testify today.

Don Palmer

