

## **electionlineWeekly—January 22, 2009** **electionline.org**

### **I. In Focus This Week**

#### **New year, new president, and new faces and agendas on Capitol Hill**

*Congressional committees take shape as new legislation is introduced*

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electionlineWeekly

Now that the pomp and circumstance and balls and parties are over, federal Washington is ready to get down to work once again.

Although some changes are already official and some legislation has been introduced, there are more changes and legislation to come, so stay tuned to electionlineWeekly.

#### **Election Assistance Commission**

The U.S. Election Assistance Commission kicks off 2009 with a new addition and new officers. [Gineen Bresso Beach](#) was nominated by former President George W. Bush in November and will serve through December 12, 2009. Before joining the EAC, Beach was the minority elections counsel for the Committee on House Administration.

In December, Beach and [Gracia Hillman](#) were selected to serve as the chair and vice chair of the EAC respectively. Their term began on January 17.

"We end this year with a great deal of momentum from the successes of the 2008 federal election," Beach said in a statement at the time of her selection as Chair. "I look forward to working with my colleagues on the commission and our stakeholders on ways to make the electoral process work even better for election officials and voters."

One item on the EAC's calendar for 2009 is the Strategic Plan. The comment period for the [Strategic Plan](#) ended this week, and EAC is reviewing the comments.

The EAC will also be presenting precinct level data from the Election Data Grants as well as the results of the Election Day Survey. These data will address issues regarding overseas and military voters, the impact of the National Voter Registration Act and how, where and when Americans vote.

#### **Committee on House Administration**

U.S. Representative Vernon Ehlers (R-Mich.), a 14-year veteran of the [House Administration Committee](#), has relinquished the ranking minority slot on the panel that oversees federal elections and the day-to-day functions of the House of Representatives to U.S. Representative and former California Attorney General Dan Lungren (R-Calif.).

Lungren, who left Congress after a ten-year stint to serve statewide office in California, returned to Capitol Hill in 2006 and serves as ranking member of the panel's subcommittee on Capitol Security. The lineup on the majority side of the House Administration Committee remains unchanged; U.S. Representative Robert Brady (D-Pa.) will return as chair of the full committee, while the elections subcommittee will continue to be chaired by U.S. Representative Zoe Lofgren (D-Calif.). U.S. Representative Kevin McCarthy (R-Calif.) will return as ranking member of the elections subcommittee of House Administration.

Ehlers, a nuclear physicist, former county commissioner and state legislator, was known for his close interest and attention to election administration during his tenure on the committee. He is best known for his leadership in placing voting system certification in the hands of the National Institute of Standards and

Technology, for his early insistence on usability testing for voting equipment, and for his resistance to a proposed federal mandate that ballots only be cast on paper. Ehlers was the last remaining member of the panel who had participated in hearings and committee deliberations on the Help America Vote Act in the wake of the presidential election in 2000.

In his decision to step down, Ehlers cited an interest in focusing on pressing legislative issues such as the development of economic stimulus legislation and reauthorization of No Child Left Behind. Aside from oversight of elections for federal office, much of the workload of the House Administration Committee focuses on management and security of the House office buildings and the.

In keeping with the natural law of conservation of election geeks, however, the vacancy created by Ehlers' decision to step down from on the panel will be filled by another. According to his campaign Web site, newly elected member Gregg Harper (R-Miss.), volunteered as an observer in the Bush-Gore recount in West Palm Beach, Florida in 2000. He also served as a Republican Representative on the Mississippi Secretary of State's Election Task Force in 2001 and authored a minority report in support of requiring voter identification. An attorney, Harper has also been appointed to a vacant seat on the Judiciary Committee, which also takes an active interest in election administration issues.

And while Harper is not a nuclear physicist, he does have a degree in chemistry.

(Submitted by [Alysoun McLaughlin](#), manager, Voting Initiatives, Make Voting Work.)

### **Senate Committee on Rules and Administration**

The [Senate Committee on Rules and Administration](#) has been busy planning and executing the inauguration of President Barack Obama and the [Judiciary Committee](#) spent much of the time surrounding the inauguration conducting hearings Obama's nominee for Attorney General. At press time, Senate Resolutions 18 and 19 had been introduced naming the new members of the Senate Rules Committee. Sen. Chuck Schumer (D-N.Y.) has been named chair of the committee which will now have an 11-8 split of Democrats vs. Republicans. On the Democratic side, new members include Mark Warner (Va.) and Tom Udall from New Mexico. On the Republican side of the isle there is one new member and that is Pat Roberts of Kansas.

### **Department of Justice**

At press time, the [markup](#) on the nomination of Eric Holder as Attorney General was on, well on hold due to scheduling conflicts with the National Prayer Service. According to The Washington Post, legislative aides said that Holder is still expected to win confirmation without a hitch after at least two prominent GOP lawmakers, Sen. Orrin Hatch (R-Utah) and Mel Martinez (R-Fla.) expressed support for him last week. Interestingly enough, Holder would not be the first member of his family to have a job at the Department of Justice. His [sister-in-law](#) who helped integrate the University of Alabama was a long-time employee in the civil rights division. According to the Post, Holder was expected to cite his family's personal experience as he vows to place new emphasis on civil rights, including protecting minority employees, fair housing and voting laws at his confirmation hearing.

### **New Federal Legislation (to-date)**

A handful of new election administration-related legislation and resolutions have been introduced in both chambers of Congress, with surely more to come as members settle down to work.

On the House side, Rep. Donna Christensen (D-VI) introduced a joint resolution ([H.J.Res.2](#)) proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths.

Rep. Shelia Jackson-Lee (D-Texas) introduced the Ex-Offenders Voting Rights Act of 2009 ([H.R. 59](#)). The legislation declares that the right of a U.S. citizen to vote in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual is serving a felony sentence in a correctional institution or facility. It also requires the chief correctional officer of each state to inform convicted felons within 30 days after their

release of their right to vote in elections for federal office and the date of the next election in which they are eligible to vote.

The Prohibition of Deceptive Practices in Federal Elections bill ([H.R.97](#)) was introduced by Rep. John Conyers (D-Mich.) and amends the federal criminal code to make it unlawful for anyone before or during a federal election to knowingly communicate, or attempt to communicate, false election-related information about that election, with the intent to prevent another person from exercising the right to vote; increases from one year to five years' imprisonment the criminal penalty for intimidation of voters; directs the Attorney General to study and report to Congress on the feasibility of providing such corrective information through public service announcements, the emergency alert system, or other forms of public broadcast; and requires the Attorney General to establish a Voting Integrity Task Force to carry out the requirements of this Act with respect to any general, primary, run-off, or special election for federal office.

Conyers also introduced the Caging Prohibition Act of 2009 ([H.R. 103](#)) which amends the federal criminal code to prohibit state or local election officials from preventing an individual from registering or voting in any election for federal office, or from permitting a formal challenge under state law to an individual's registration status or eligibility to vote, if the basis for such challenge is evidence consisting of: (1) a voter caging document or voter caging list; (2) an unverified match list; (3) an error or omission on voter application or registration documents that is not material to an individual's eligibility to vote; or (4) any other evidence so designated by the Election Assistance Commission.

Rep. Alcee Hastings (D-Fla.) introduced the Critical Election Infrastructure Act of 2009 (H.R. 253) which directs the Election Assistance Commission (EAC) to make grants to eligible states to carry out election administration improvement plans to promote efficiency and fairness in the operation of polling places in federal elections (including early voting sites), which may include: (1) acquisition of additional voting systems and equipment; (2) improved training of election administration officials; and (3) allocation of additional election administration officials to polling places serving greater numbers of voters.

The Federal Election Integrity Act of 2009 ([H.R.512](#)) was introduced by Rep. Susan Davis (D-Calif.). The bill amends the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

The Voting Integrity and Verification Act of 2009 ([S.48](#)) was introduced by Sen. John Ensign (R-Nev.) on January 6. The legislation amends the Help America Vote Act of 2002 to require each voting system purchased after December 31, 2012, and used in an election for federal office to produce an individual permanent paper record for each ballot that is cast. Requires the Director of the National Institute of Standards and Technology to establish a program to award cash prizes competitively to eligible persons that advance the research, development, demonstration, and application of voting systems which are specifically designed to enhance accessibility and provide independence for persons with disabilities during the voting process.

On January 8, Sen. Bill Nelson (D-Fla.) introduced a joint resolution ([S.J.Res.4](#)) that proposes an amendment to the Constitution of the United States to abolish the Electoral College and to provide for the direct popular election of the President and Vice President of the United States. Rep. Gene Greene (D-Texas) introduced the House's version of the resolution ([H.J.Res.9](#))

## II. Election Reform News This Week

- First it was missing money, and now it is missing ballots (again) with the only difference being that the [missing ballots in Hillsborough County were found](#). Officials said late last week they discovered 440 uncounted ballots more than two months after the official results were submitted to the state for certification. Newly elected Hillsborough County Supervisor of Elections Phyllis Busansky said the ballots, found by warehouse workers at the supervisor's Falkenburg Road offices, were from two Temple Terrace precincts that had voting machine problems. "I was totally shocked," she told the *Tampa Tribune*. "This is very serious." The discovery is unlikely to change

the outcome of any state and county races, but it throws into question the results of the Temple Terrace City Council election, where four candidates competed for two open seats. The second- and third-highest vote-getters were separated by about 80 votes. Still, because the election results have been certified, the votes probably will go uncounted.

- Thanks to the good memory for faces of a temporary election worker, an alleged scheme to use [fraudulent voter ID cards to cash stolen government checks](#) was thwarted in Richmond County, Ga. "This is one of the most serious cases we've encountered in our investigation," Shawn LaGrua, the inspector general for the secretary of state's office told the *August Chronicle*. The clerk thought she recognized a woman who asked to be issued a free voter ID card in November 2007, but the name didn't seem right. After issuing the card, a records check after the woman left proved the same woman had received a card six months earlier under a different name. This might not be the first incident. "In fact in Richmond County, there have been questions since the beginning of the issuing of voter ID cards why Richmond County has sometimes had a large number of voter ID cards (than) in the past," LaGrua said. "And we had some suspicions, and they were confirmed by this investigation."
- Even with both candidates in Washington, D.C., the [battle continues over the Minnesota Senate race](#). On Wednesday, Norm Coleman (R) and Al Franken (D-Fler) each met with high ranking members of their party in Washington, while the lawyers for each camp argued in court back in Minnesota. According to the *Minneapolis Star Tribune*, lawyers for Franken accused Coleman of launching a "fishing expedition" in his challenge of the recount. They urged the three-judge panel to dismiss the lawsuit seeking a wide-ranging court fight over the outcome. But Coleman's attorneys argued that he is entitled to a trial, saying the state Supreme Court and state law invited him to bring evidence of his arguments that he was disadvantaged by ballots that were improperly rejected or counted. If the judges refuse to dismiss the suit, the Franken lawyers said, they could limit Coleman to a review of some of the specific claims he was unable to pursue before the Canvassing Board. Those include his argument that 654 absentee ballots from mostly Republican areas were wrongly rejected, that votes may have been counted twice in 22 mostly Democratic precincts and that some missing ballots artificially inflated Franken's total. The panel, made up of District Court Judges Elizabeth Hayden, Kurt Marben and Denise Reilly, took the matter under consideration and did not indicate when it might rule. The trial is scheduled to begin Monday on the lawsuit.

### III. Opinion

National: [Voting Rights Act](#); [Overseas voters](#); [Attorney General](#)

Arizona: [Dead voters](#)

California: [Riverside County](#)

Minnesota: [Instant-runoff voting, II](#); [Runoff elections](#); [Otter Tail County](#)

Montana: [Same-day registration](#)

New Jersey: [Provisional ballots](#)

Ohio: [Lawrence County](#)

Oregon: [Voter registration](#)

Texas: [Voter ID, II, III, IV, V](#); [Voting system](#); [Voting Rights Act](#)

Virginia: [Early voting](#)

Washington: [King County](#); [Sherril Hull](#)

*\*\*some sites require registration*

### IV. Job Opportunities

*All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to [mmoretti@electionline.org](mailto:mmoretti@electionline.org)*

**Director, Federal Voting Assistance Program, Arlington, Va.** -- responsible for overseeing the administration of the Uniformed and Overseas Citizens Absentee Voting Act (UOV AVA), and directs a broad national program involved in the voting rights of more than six million citizens. The incumbent creates and establishes policies including legislation affecting the 55 states and territories and the more than 13,000 local election jurisdictions within the United States. Director engages actively with Governors, Secretaries of State, state legislatures and local governments; and prepares and presents testimony before Congressional Oversight Committees. Incumbent develops policies and plans for, and analyzes and evaluates the Voting Assistance Programs of Executive Branch departments and agencies; and evaluates the performance of the DoD components in carrying out responsibilities assigned to them by DoD Directive 1000.4 and the DoD Voting Action Plan. The Director is responsible for the creation, maintenance, and operation of a system for electronic transmission of absentee ballots and related election materials for use by voters and election officials; and ensures a comprehensive program of information, education and direct assistance to the myriad of intermingled local and state systems and the citizens covered by the Act. The incumbent evaluates and analyzes state election laws to assess their degree of compliance and initiates court action through the Department of Justice to enforce compliance with the Act. The Director is also responsible for the implementation and administration of the National Voter Registration Act of 1993, to ensure the Congressional intent and compliance with the specific provisions to enable all citizens to register at armed forces recruitment offices. **Salary Range:** \$117,878 to 162,900.00. **Deadline:** February 13. **Application:** For more information about the position and how to apply [click here](#).

**Research Director, FairVote** -- seeking applications for an important new senior position: Research Director. FairVote has a 16-year-old history of innovative and thorough research and analysis into the impact of our electoral rules, structures and practices on voter choice, political competition, voter turnout and fair representation. FairVote has excellent relations with a wide range of scholars, experienced senior staff, a ready crew of interns and a national network of volunteers. Research Director will play an important oversight role in the research of colleagues, interns and volunteers, coordinate communication with scholars and conduct direct research into key areas of FairVote's work, with a particular focus in 2009 on presidential and congressional elections. The director also will be involved in communications of FairVote's research. **Qualifications:** Graduate degree in a field involving research; technical skills involving statistical analysis; experience in a nonprofit, political, or policy organization; strong public speaking, writing and research skills; ability to work well a team environment; strong attention to detail and ability to self-organize; sense of humor and interest in voting reform. **Application:** Resume and cover letter, including two references required to be considered. Please send materials to [hr@fairvote.org](mailto:hr@fairvote.org) . **Salary:** at least \$52,000, along with full health and dental coverage, life insurance and a 401-k plan. **Deadline:** January 27.