

February 6, 2017

Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Dear Chairman Harper, Ranking Member Brady, and Members of the Committee on House Administration:

Our group of 38 organizations and individuals write in strong opposition to HR 133, a bill to terminate the Presidential Election Campaign Fund and HR 634, a bill to terminate the Election Assistance Commission. (See below for a list of signers of this letter.)

These two bills could profoundly impact the way we administer and finance national elections.

At stake is the survival of the public financing system for presidential elections and a commission that plays a vitally important role in standardizing and modernizing election administration. In the interest of ensuring a fair, ethical, and accessible system of elections, we urge the committee to reject HR 133 and HR 634.

HR 133

We oppose HR 133 because it vitiates an important check on special interest money by eliminating public financing for presidential campaigns.

The current public financing system does not work because Congress never modernized the system to account for greatly increased costs in the financing of presidential campaigns. The system needs meaningful reform, not repeal, and should be updated to accommodate the new realities of campaign fundraising after the Supreme Court's 5-4 decision in *Citizens United*. Before the introduction of copious amounts of soft money in the 1990s and the *Citizens United* decision, the federal financing of presidential elections worked well to ensure that campaigns were financed by the public, not by special interest groups and bundlers. Almost every major presidential candidate from both political parties used the system for a generation of elections.

While the current system is now in need of extensive reform, wholesale elimination of public funding of elections is not the answer. In 2012, outside groups spent over \$652 million in the presidential race alone,¹ and campaigns engaged in a fundraising arms race to match the super PACs and dark money groups. This "new normal" means that important issues facing the country take a backseat to keeping up in the spending race. Candidates and campaigns should be focused on issues, not on fundraising.

¹ Center for Responsive Politics, "2012 Outside Spending, by Race," <http://www.opensecrets.org/outsidespending/summ.php?cycle=2012&disp=R&pty=A&type=A> (last accessed March 3, 2015).

Public financing of campaigns serves another important purpose: eliminating the appearance of corruption in the office of the president. Put in place following the Watergate scandals, public financing sought to reduce the role of money in elections and prevent the appearance or reality of having a president beholden to special interests.

Big money in elections, especially after *Citizens United*, is corrosive to government accountability and representative democracy. Now is the time to upgrade our presidential public financing system to empower small donors. Eliminating the presidential public financing system will ensure that the presidency is in the hands of the nation's wealthiest individuals and special interest groups.

HR 634

We also oppose HR 634, the Election Assistance Commission Termination Act, because it would eliminate a resource that is a critical part of the government's effort to ensure that our elections are fair, efficient, and accessible.

Established in the wake of the widespread election administration failures in the 2000 election, Congress created the Election Assistance Commission (EAC) to address serious problems with our voting systems that can suppress voter participation and turnout, including long lines at polling stations and outdated voter registration procedures. The EAC serves every American voter by conducting research, collecting data, and sharing information among elected officials, the public, and interested organizations. The EAC also oversees the distribution of federal funds that assist states and municipalities with election administration.

In December 2014, after over three years without a single commissioner in place, the Senate unanimously confirmed three new commissioners - two Republicans and one Democrat. Although a single vacancy remains, the EAC now has the quorum it needs to address the backlog of business that built up over the years.

In the two years since the EAC has had a quorum again, it has voted to accredit a new voting system test laboratory after a recommendation by the National Institute of Standards and Technology. The lab will test new voting equipment against the voluntary voting system guidelines, which are themselves in need of attention. The EAC has provided best practices on voting and election administration to countless jurisdictions around the country. It is an invaluable agency that serves a critical function to strengthen our democracy.

The four-year absence of a quorum at the EAC hindered the agency when Americans needed it most. The EAC could not hold public meetings, adopt new policies, or issue advisory opinions. It adopted its most recent voting system guidelines in 2005 – several lifetimes ago when it comes to technology. That's why so many local jurisdictions ran the 2012 election with outdated, broken voting machines and why so many voters waited in line for hours to cast their ballots.

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report last year that

“the standard-setting process for new voting machines has broken down ... due to a lack of [EAC] commissioners. ... Without a fully functioning EAC to adopt new standards, many new technologies that might better serve local election administrators are not being brought to the marketplace.”² Now that it has a quorum, the Commission has gotten back to work evaluating and endorsing standards and guidelines that reflect the newest and best methods of election administration.

In light of the many challenges faced by our state and local election administrators and the serious procedural problems that weaken voter access and participation, we believe that this is a time to reaffirm our commitment to voting rights and fair elections by strengthening the EAC and providing it with the staff it requires to function effectively. HR 634 would eliminate an important tool for improving a voting system fraught with problems and should be rejected.

Conclusion

The presidential public financing system and the EAC are important components of an honest and fair election system that suffer from congressional neglect and gridlock, not from any inherent flaw. Instead of eliminating these important democracy reform tools, members of Congress should work to strengthen and expand our public financing system for presidential elections and provide the Election Assistance Commission with the resources it needs to perform its duties. The problems facing our electoral system demand such an effort to improve the integrity and effectiveness of campaign finance laws and election administration.

Signers of the letter include:

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)
 Asian Americans Advancing Justice (AAJC)
 Asian American Legal Defense and Education Fund (AALDEF)
 Campaign Legal Center
 Center for American Progress
 Common Cause National Organization and State Organizations
 CREW
 Demand Progress
 Democracy 21
 Democracy North Carolina
 Demos
 Every Voice
 Fair Elections Legal Network
 Franciscan Action Network
 Georgia Coalition for the People's Agenda
 Issue One
 League of Women Voters
 Maine Citizens for Clean Elections Action

² PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, THE AMERICAN VOTING EXPERIENCE: REPORT AND RECOMMENDATIONS OF THE PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION, p. 11-12 (2014), *available at* <https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

MAYDAY America
NAACP
NAACP – National Voter Fund
National Council of Jewish Women
Nebraskans for Civic Reform
Norm Eisen, Former Ambassador, Former chief White House ethics lawyer, 2009-2011
Norm Orenstein
Patriotic Millionaires
People For the American Way
Public Citizen
Represent.Us
Service Employees International Union (SEIU)
Seth Waxman, Former United States Solicitor General
Sunlight Foundation
United Steelworkers (USW)
U.S. PIRG
Voter Participation Center
Voting Rights Institute
Wisconsin United to Amend
Women’s Voices Women Vote Action Fund