



February 6, 2017

Representative Gregg Harper
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

Representative Robert Brady
Ranking Member
Committee on Administration
1309 Longworth House Office Building
Washington, DC 20515

Re: NCIL Opposition The Election Assistance Commission Termination Act of 2017 (EACTA),
H.R. 634

Dear Chairman Harper and Ranking Member Brady:

The National Council on Independent Living (NCIL) urges you to oppose H.R.634, the Election Assistance Commission Termination Act of 2017 (EACTA). Voting is a fundamental right and the Election Assistance Commission (EAC) has played an important role since its creation to ensuring that polling places and the voting process are accessible to people with disabilities. The EACTA would hinder this progress toward accessibility of polling places and the voting process by abolishing the EAC.

NCIL represents people with disabilities, Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and other organizations that advocate for the human and civil rights of people with disabilities throughout the country

Barriers still remain in the area of accessibility for the polling sites and these barriers do not change during the early voting process. A 2001 GAO report on the 2000 Presidential election found that 84 percent of polling places had impediments to accessibility for people with disabilities.¹ A similar report based on the 2008 Presidential elections found that the situation for people with disabilities had improved, but there were still significant problems – 73 percent of all polling places studied still had impediments to accessibility.²

¹ U.S. Gov't Accountability Office, GAO-02-107, Voters with Disabilities: Access to Polling Places and Alternative Voting Methods (2001).
² U.S. Gov't Accountability Office, GAO-09-685, Voters With Disabilities: More Polling Places Had No Potential Impediments Than In 2000 But Challenges Remain (2009)

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Although 2013 Census data shows that 15.6 million people with disabilities voted in the 2012 presidential election, research by Rutgers University shows that the voter turnout rate of people with disabilities was 5.7 percentage points lower than that of people without disabilities. ³

There remains much work to be done not only relating to physical accessibility, but also relating to other barriers to voting, such as a lack of voting and registration materials in accessible formats for people with sensory disabilities. In some instances, there have been outright denials of the right to register and vote based on false assumptions about a person's legal capacity to vote.

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.” ⁴

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 2016 NCIL worked with coalition partners and the EAC to ensure that some of these meetings were about issues and concerns with voter registration and voting for persons with disabilities.

³ Lisa Schur, Rutgers University. Disability, Voter Turnout, and Voting Difficulties in the 2012 Elections (2013).

⁴ 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>.

The meetings were accessible and held both in-person and via the web. NCIL advertised and encouraged members to send their networks and chapters to participate.

In just the past two years, it has voted to accredit a new voting system test laboratory which was recommended by the National Institute of Standards and Technology. The EAC is serving a critical role by leading a process to update voting systems standards that are frighteningly out of date which were developed in 2005 before the existence of smartphones and tablets. The Election Assistance Commission has taken the leadership in the complex process of modernizing and updating these standards. This process is close to completion. Any delay in setting modern voting systems standards could jeopardize the next election. Just last year, after attempts were made to hack into state voter registration databases, the Commission working with the nations database security experts and election officials rapidly developed best security practices and distributed them to states and local jurisdictions.

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.

While a national election just passed, there remains a number of state and local elections coming up throughout 2017 and the EAC must continue to do its important work. Rather than abolishing the agency, Congress should strengthen the EAC to ensure that persons with disabilities fully enjoy the right to vote privately and independently.

We ask that you oppose The Election Assistance Commission Termination Act (EACTA), H.R. 634 as it is presented for mark up in the House of Representatives Committee on Administration on Tuesday February, 7, 2017. We look forward to an opportunity to speak with you and your staff about our concerns. Please contact Kelly Buckland, Executive Director at kelly@ncil.org or 202-207-0334 ext. 1104 if you have any questions.

Respectfully,



Kelly Buckland
Executive Director

CC: U.S. House of Representatives