



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: Opposition to H.R.634, Election Assistance Commission Termination Act (EACTA)

Dear Chairman Harper and Ranking Member Brady:

The National Disability Rights Network (NDRN) is the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) systems for individuals with disabilities. The P&As and CAPs were established by the United States Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education. P&As and CAPs are in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands), and there is a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navaho and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. Collectively, the P&A and CAP Network is the largest provider of legally based advocacy services to people with disabilities in the United States.

We write to express our opposition to H.R.634, the Election Assistance Commission Termination Act (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.

For over 30 years, the P&A systems have been mandated by Congress to protect and enhance the civil rights of individuals with disabilities of any age and in any setting. One area of focus for the P&A Network is on voting through the Protection and Advocacy for Voting Access Act (PAVA) program which charges P&As with helping to ensure the full participation of individuals with disabilities in the entire electoral process, including registering to vote, casting a ballot, and accessing polling places.

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 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 important agency, which 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.

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)

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

The bipartisan Presidential Commission on Election Administration, co-chaired by the general counsels of the Obama and Romney 2012 campaigns, wrote in their report 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 the P&A Network partnered with the EAC to hold accessible public meetings that were both in-person and via the web, where persons with disabilities were able to discuss their concerns, issues and problems with voting registration and casting a ballot. The information provided will assist with future work of the EAC to improve the voting process for this community.

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.

Abolishing the EAC at this point in time would be a step back for people with disabilities and the goal of full accessibility to the voting process, and prevent people with disabilities from participating in one of the most fundamental civil rights.

Therefore, on behalf of the NDRN and the 57 P&A agencies it represents, I ask that you oppose H.R.634 Election Assistance Commission Termination Act (EACTA) as it is presented for mark up in the House of Representatives Committee on Administration on Tuesday February, 7, 2017. Please contact Dara Baldwin, Senior Public Policy Analyst, at dara.baldwin@ndrn.org or 202-408-9514 ext. 102 with any questions or concerns.

Sincerely,



Curt Decker
Executive Director

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>.