

Opening Statement of Representative Bill Sali (ID)

Mr. Chairman,

My comments today are not directed at the witnesses or their testimonies. The proper working of voting machines is important, even essential, to representative self-government. Yet today's hearing is based on an assumption I cannot accept.

That assumption is this: It is the federal government's role to enact and enforce laws respecting state voting processes for elections to prevent presidential election controversies like that surrounding the election of 2000.

Mr. Chairman, I am troubled by that assumption. Our Constitution lays out the pattern for voting in executive office elections. At the same time, however, it provides Congress no authority to determine how states implement the Constitution's demands.

States are not merely administrative arms of the federal government. They do not exist simply to implement whatever ideas emanate from Capitol Hill or the White House.

State governments are far closer to those they represent and serve than are we. States are different. Geography, tradition and population size all animate differing approaches to how and where and by what means people vote. My home state of Idaho is mountainous and, in the winter, very cold.

Travel to Coeur d'Alene in January and I assure you that you won't be jogging in your gym shorts as you might in Yuma, Arizona.

All of our states have unique qualities that make them better suited than the "Washington Knows Best" crowd here in the heart of D.C. to determine how to provide their voters with accessible and reliable ways to vote, and to do so with confidence in the integrity of their own voting systems.

Electronic voting is but one means a state or a locality might wish to employ. There are a number of others. But what kind of machine, device or even paper card is used is up to the states.

But even more fundamentally, while Congress has a valid oversight function in enforcing federal laws, allow me to suggest that mandating a nationwide voting process, so comprehensive in scope that now we are discussing the mechanics of electronic voting apparatuses, is well beyond the purview of what the drafters and signers of the Constitution of our country ever envisioned.

We should be concerned with voter fraud, to be sure. I trust we are all chilled by the cynical comment of the ruthless dictator Josef Stalin: "The people who cast the votes don't decide an election, the people who count the votes do."

But the federal government's role in this matter should not diminish the rightful role of states in administering their own voting laws and practices.

Thank you, Mr. Chairman.