

Ray Martinez III
Commissioner
U.S. Election Assistance Commission
Address to Florida State Election Officials
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Key West, Florida

Thank you, Kathy Dent, for your very kind introduction and for inviting me to participate in this important meeting. It is an honor to be in your presence this afternoon. I am particularly pleased to be here today to discuss with you the progress we have made at the U.S. Election Assistance Commission – or “EAC” for short – in our first six months of existence. Hopefully, at the end of the next 30 minutes or so, I will impart on you a sense of the challenges that lie ahead for this important, new Federal agency, as well as the priorities we have set which will have relevance to you, as election administrators, as we near the November 2 general election.

Since the EAC is so new and, in many ways, you and I are just getting to know each other, let me, if I may, start my remarks today by saying a few words about my life experiences and personal background. It is, quite frankly, these experiences that define who I am today and instill in me the qualifications and values for serving over the next four years as a commissioner on the EAC.

I was born and raised in Alice, Texas, a small South Texas town where my parents – now married for the past 56 years – still reside. My father, who is now 84 years old, is a retired auto mechanic and oil field worker who worked hard throughout most of his adult working life. I have, of course, many fond memories of growing up with my father, but perhaps the most vivid involve his commitment to serving our small community. Even after a long day of work, my father found the time to lead a Boy Scout troop; he found the time to coach Little League baseball; and he always found time for activities involving our local Catholic church. And, to this day, especially around this time of year, my father swells with pride when he recounts his service in the U.S. Army during World War II.

Likewise, my mother also contributed in equally significant ways to our community. She worked as a stay-at-home mom throughout most of her life, raising all of her children with the same set of values that were passed on to her. And yet, she always found time to assist our public schools and libraries, or to help senior citizens in our community live a full and dignified life. In short, I learned from my parents the importance of public service. And, like my parents, I believe in public service. Clearly, every one of you does as well.

I have served on the U.S. Election Assistance Commission for six months now, and in that short period of time, it has become evident that the work you do as election administrators – and the challenges that your job entails – is perhaps one of the greatest untold stories of recent times.

If that story ever gets told, it would begin by explaining that you are the public servants who work all year long to make sure every eligible voter can exercise his or her most fundamental right as an American citizen. If that story every gets told, it would document the day-to-day challenges you face as election administrators, such as having to recruit five poll workers in order to get three just to show up. And, if that story ever gets told, it would explain that you are the ones who work in offices that are under funded, understaffed and largely underappreciated. That when you do most everything right all year long and especially on Election Day, it is likely that no one will say a word. But, when you make one mistake – especially on Election Day – you will be the focus of media attention, public scrutiny and perhaps be looking for a new job! And yet, notwithstanding all of that pressure, what this untold story is really about is that day in and day out you – and your colleagues all across the country – get up every morning and go to

bed every night committed to the proposition that every eligible American citizen has the right to cast a ballot and to have that ballot counted. And for that, you have my sincerest appreciation.

America would not be America without free and fair elections. Growing up in Alice, Texas, my parents would take me along with them every time they went to vote. They knew it was important, at an early age, for me to witness and appreciate this most fundamental responsibility. And, of course, that sacred ritual of assessing candidates and casting ballots – the very essence of democracy – is replicated throughout the world. Whether it’s Poland or Nigeria or any part of the world, there is no society which has demonstrated an interest in democracy that has not factored in the American precedent. Managing the foundation of our democracy is what you do.

I’m sure all of you are familiar by now with the “Help America Vote Act of 2002,” which is affectionately known as “HAVA.” And HAVA has a wonderful vision as it relates to elections in this country. The key components of HAVA deal primarily with implementing election reform requirements and revising voting system standards. And doing both those things – along with the

other important requirements in HAVA – will undoubtedly take time and cost money.

And the tension for us, in Washington today, is fairly easy to understand: we have a mandate to implement measures under HAVA that take time. And yet, the EAC is being called upon to offer solutions and give guidance immediately. Quite frankly, the media and elected officials with whom we speak don't want to hear us lament the fact that the EAC just got started (even though we were confirmed some nine months beyond the statutory deadline). They don't want to hear that our operating budget of \$1.2 million dollars – which is smaller than most of the non-profit organizations with whom we interact – is inadequate for a federal commission with a national mission. They don't want to hear the fact that we need millions of dollars for critical research so that we can update standards and issue evidence-based guidance, rather than mere anecdotal recommendations. They don't want to hear that. What they want to know is: “What have you done? What are you doing? And what will you do to make certain that in November 2004 we will not have the same problems we had some four years ago?”

The upcoming general election is critical to the future of this country. Not so much because of the fact that we are at war and people have intense interest in who leads us. That's important. Not so much because of the closeness of the last election and the polls which predict that this one will be just as close. That's important. But it's also important because America is going to observe what happens in the voting process and determine if what they see squares with our opinion of who we want to be.

Because accomplishing the broad mission of the EAC will take time and cost money, we've had to make some decisions about those things we can do right now with the minimal time and resources we have available. So, let me discuss for a few minutes a few of those initiatives we have prioritized.

The first commitment we are making is to use the power of the bully pulpit to reassure the public that steps have been taken to better prepare us for the 2004 general election. People frequently ask the question, "What's going to be different in 2004?" If you only read the newspapers, you could assume that the only real story is the replacement of various voting systems. But, as you all know, 2004 has already seen the implementation of many election reform mandates that are required by HAVA, such as provisional

voting, which is new for many jurisdictions; such as the requirement of posting important voter information at every polling place; such as the administrative complaint procedures which allow any voter to challenge whether his or her rights under HAVA have been violated; and such as the voter identification requirements for any individual registering by mail who will be voting for the first time in a jurisdiction. It's our job to help you get this message across to the general public.

Likewise, as the only Federal agency charged with assisting you to improve the administration of Federal elections, it is important for the EAC to provide guidance on election issues, be them technical, or controversial. For example, as to the issue of voter purging, let me simply say that when administrative errors and mistakes interfere with the rights of individuals who are eligible to vote, that is simply unacceptable. Such a system ought to be scrutinized carefully, not just by election officials, but by advocates and the general public. In my view, the purging of voter rolls should be guided by two touchstones: **due diligence** on the part of election officials, to ensure that no eligible voter is mistakenly denied the right to vote; and by **transparency**, which assures the voting public that their confidence in the system should not diminish.

As you all know better than I, the process of election administration is not yet, nor frankly, will it ever be, a perfect science. If it was, there would be no need for my presence here today. And yet, the first thing we ought to fix is the impression that voting in America is in a free fall or steady decline and that the end is near. These assertions are insults to your quality service and fine leadership. The EAC is committed to helping you tell your story.

In addition to getting this message across and effectively using our power of communication at a national level, our second objective between now and November 2 is the development of “best practices” guidance. This guidance will cover the various types of voting systems to be used in November, as well as guidance on how to implement many of the election reform measures already required, such as provisional voting. In reading Title II of the “Help America Vote Act,” you will notice the term “national clearinghouse” in describing the mission of the EAC – we take that role very seriously. Toward that end, we at the EAC believe that there is some experience in Virginia, Pennsylvania, Oregon and other States that can help election administrators get it right in their own jurisdictions.

In short, there are many things you can do to increase the likelihood of reliability come this November, and decrease the likelihood of irregularity. That work is in your hands and we feel that it's our responsibility to serve you well by sharing with you the best information that your colleagues across America have to offer. That's why we've conducted two public hearings over the course of the last 60 days – one in Washington, D.C. covering DRE systems, the other just last week in Chicago regarding other voting technologies, such as punch card and optical scan machines, as well as the issue of the provisional voting requirement of HAVA. That's why we are gathering some of your colleagues this week in Washington to help us identify critical “best practices” information that will inform us as we develop our guidance. You can expect the EAC to issue this “best practices” guidance in a timely manner, so that you will have these resources available as you continue your preparations for the upcoming general election.

A third priority for the EAC involves the timely distribution of the Title II requirements payments. The very first words of HAVA say that the EAC is “...to establish a program to provide funds to the states...” As a result of this explicit and unprecedented federal commitment, we decided that the first step of our process was to

ensure that the appropriated federal funds were, in fact, provided to the states.

However, I must admit what a stunningly frustrating experience it was, after being confirmed for this position by the U.S. Senate on December 9, 2003, to find out days later that our operating budget did not allow us to publish the 55 state plans in the Federal Register as required by HAVA! Had it not been for the collective cajoling and persistence of the EAC commissioners, my speech today may have had a much different tone (or, quite possibly, I wouldn't be here at all!). However, through the good graces and assistance of other Federal agencies, primarily the General Services Administration, the funding was identified back in March (approximately \$800,000) to publish all 55 state plans, and to begin the distribution of the requirements payments.

I'm pleased to announce that later this week, the EAC will likely begin the formal distribution of Title II payments to states that have certified their compliance with the various conditions set forth in HAVA – the total sum of these requirements payments that we will soon distribute should be well over half a billion dollars, with more to come in the weeks that follow.

Finally, a fourth priority for the EAC will involve using our powers of persuasion and influence to assist you with the recruitment of additional poll workers. I wish there were more stories about the thousands of seventy and eighty year-old volunteers who get up at 5 o'clock in the morning and work until 8 or 9PM on Election Day making sure democracy works. I wish the media would print more pictures of people who attend training sessions, learning new technologies and other requirements weeks before the election just to make sure voters have someone to assist them when they arrive to cast their ballot. I wish the media would help us tell the story of the thousands of hours of work done by people who are paid much less than minimum wage but do it because they love their country. And, I wish the world could see the excitement of election officials when they visit polling places at 10 o'clock in the morning and discover that turnout looks good, and people are exercising their right to vote.

When I was first approached by Senator Tom Daschle well over a year ago to ask if I was interested in this appointment, we talked about many issues related to the administration of Federal elections. But I recall in particular, telling Senator Daschle that while new Federal funds were needed to upgrade voting

technologies where jurisdictions desired to do so, what I was most excited about was using some of these new Federal funds for the “people” side of election administration – to recruit more polls workers and train them adequately; to conduct non-partisan voter education initiatives; and to ensure that poll workers can provide assistance to voters when they run into problems in the voting process, such as providing language assistance when necessary.

I’ll tell you one more story involving my parents. Last year, upon learning of my possible appointment to this new Federal commission, my mother took me aside to express her concern that, having never used a computer before in her life, she would not know what to do if a computer were to be installed in the voting booths of Alice, Texas where she has been voting all these years. She stated in very plain language: someone has got to show me what to do if that happens, otherwise, I may not be able to vote anymore.

As important as these new Federal funds are to upgrading technology and building our computerized voter registration databases, we have to remember that ultimately, election administration is all about people – the people to run for office, the people who administer our elections, the people who work the

polls so diligently, and ultimately, the people like my mother, who come to cast a ballot and in doing so, fulfill their most important obligation as an American citizen.

And so, we want to serve as your partner and advocate. We want to use our powers to amplify your good works and preparations for November. We want to provide best practices that will inform you as you prepare. We want to distribute the important Federal funds that you will use to better prepare for this, and future elections. And, we want to help you find more poll workers to help make your jobs easier.

We're doing all of this because we believe that true and fair elections are fundamental to the demonstration of a free society. The values of this country stand for freedom, freedom as practiced through democratic principles. And you are the managers of that freedom. We will do everything we can to help. Of this, you can be assured.

Having worked for both state and federal governments myself, I know from firsthand experience that you sometimes feel powerless and abandoned, not to mention overworked and underpaid. And yet, we all understand that this country is a great country because

people, nameless faceless people who don't make a lot of money, give their time and dedicate their talent to make this the beacon of light and hope for the world. For, in spite of our flaws and inadequacies, there are still people who risk their lives on small boats to get here. In spite of all the criticism, the loudest voices of dissent that I've heard still want to stay right here in America.

I came from Washington, D.C., today, on behalf of the new U.S. Election Assistance Commission, to thank you...to thank you for your labor...to thank you for your willingness to give of yourselves...to thank you for being public servants. And now here you are today attending this meeting, because you know that in November there will be two elections. One election will be reported upon and we will know who wins for what office. But quite frankly, the second election will be that which determines whether or not the voting process in this country has the integrity that democracy demands. And you know full well that there were "Floridas" long before there was "Florida 2000." And so my job and the job of our Commission is to behave and conduct ourselves in such a manner that we in Washington do work that makes your jobs easier.

As I said earlier, it's going to take time and it will most certainly cost us money, but we will do what is right and necessary to protect the legacy of freedom that has made our country the envy of the democratic world.

Thank you.

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