

March 6, 2019

The Honorable Nancy Pelosi
Speaker of the U.S. House of Representatives
1236 Longworth H.O.B.
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader, U.S. House of Representatives
2468 Rayburn H.O.B.
Washington, D.C. 20515

Re: HR 1 – For the People Act of 2019

Dear Speaker Pelosi and Leader McCarthy:

As the chief election officials of our respective states who are responsible for administering the election process, from the registration of voters to their casting of ballots to the counting and tallying of votes, we are writing to express our deep concern over, and opposition to, HR 1.

This unnecessary bill federalizes and micromanages state election systems, unconstitutionally and unwisely interferes with the authority of the states, and restricts the choices of our citizens in conducting elections. It also imposes crippling financial mandates on state governments and severely limits our ability to ensure the balance of access and security of the election process, while eliminating the verification of state qualification standards for voters. According to the Congressional Budget Office HR 1 would cost a minimum of \$2.6 billion over the next five years to implement.

HR 1 creates federal mandates for problems that currently do not exist. No provision of federal law requires states to offer registration on the day of election, to preregister minors to vote, to require weeks of early voting, mandatory online registration, or to offer automatic voter registration simply because the person is on a government list. These are extremely costly mandates that should only become the law of a state after the legislatures of those states decide to implement them. The implementation of automatic voter registration has proven to be more complicated and costly than anticipated. The changes in HR 1 would impose extraordinary expenses to our election infrastructure.

We are already endeavoring to comply with existing federal requirements currently in the Voting Rights Act, the Help America Vote Act, the National Voter Registration Act, and the Uniformed and Overseas

Citizen Absentee Voting Act. There is no systemic evidence that eligible Americans have problems registering and voting in our elections. It has never been easier to register and vote in our states.

As you are aware, this is a massive bill with 622 pages of new requirements and restrictions. Many of these new mandates such as automatic voter registration, same day registration, extended early voting and unlimited online registration, are extremely complex to implement and will impose massive costs on state governments to implement that minimize any proposed support.

As just one example, implementing automatic voter registration from existing state databases such as Department of Motor Vehicle and Public Assistance Office records will require significant and substantial software and hardware changes similar to the upgrades that were required by the Help America Vote Act of 2002 (P.L. 107-252). Section 303 of HAVA required states to implement a computerized statewide voter registration list that met federal standards outlined in the statute. Congress appropriated 3.65 billion dollars for the states that was distributed through the U.S. Election Assistance Commission to help pay for these and other new election administration and equipment requirements imposed on the states by the law. In practice, implementation of automatic voter registration is fraught with technological complexities. Moreover, our systems are currently effective.

Similar costs will be generated by each of the other HR 1 requirements such as a federal early voting mandate. Some states do not allow early voting while other states may not have an early voting period as extensive as that required by the bill. Opening, equipping, and staffing early voting sites will impose significant costs on states and local jurisdictions and represents another unfunded federal mandate.

The bill also imposes many problematic administrative burdens. HR 1's restrictions on the ability to use the U.S. Postal Service's national change-of-address system to find voters who have moved will make it more difficult and more expensive to maintain the accuracy of our voter registration rolls, as will the restriction on participation in the interstate crosscheck program. In addition, unlimited online voter registration not tied to an existing state record for a resident may make our voter registration systems vulnerable to hackers and cyber criminals. It will impose substantial costs for development and cyber security.

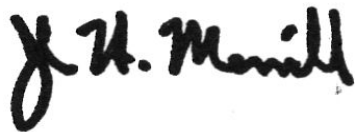
HR 1's requirement that all states establish redistricting commissions unconstitutionally strips that authority away from state legislatures, and also imposes an unfunded mandate on the states. It is an antidemocratic provision that removes the ability of the residents of our states to make their own decision on how redistricting should be conducted, be it by the state legislature or by a redistricting commission. This provision may even interfere with states whose voters have already decided to establish their own redistricting commissions and whose rules do not comply with the detailed, specific requirements in HR 1 for how such commissions must be organized, operated, and staffed with commissioners unaccountable to voters.

The HR 1 provision that requires states to automatically restore the right of felons to vote the moment they are out of prison is not only unconstitutional, but once again strips the ability of the citizens of our states to make that decision. The Fourteenth Amendment specifically gives that authority to the states. It is up to

our residents and legislatures to decide when the rights of felons should be restored and the conditions for such restoration, such as the timing (immediately upon release, or after some waiting period); whether they have paid court-ordered restitution to their victims; or whether there should be different rules for violent vs. nonviolent felons. The point is that Congress has no right to dictate a one-size-fits-all election policy to the states.

HR 1 constitutes an unwise and unconstitutional intrusion into our authority to administer the election process. It is unneeded and will impose substantial costs on state and local government. We do not need more unnecessary, expensive, burdensome, and unfunded federal mandates that endanger the integrity of our elections.

Sincerely,



John H. Merrill
Alabama Secretary of State



Brad Raffensperger
Georgia Secretary of State



Lawrence Denney
Idaho Secretary of State



Connie Lawson
Indiana Secretary of State



Scott Schwab
Kansas Secretary of State



R. Kyle Ardoin
Louisiana Secretary of State



John R. Ashcroft
Missouri Secretary of State



Corey Stapleton
Montana Secretary of State



Robert B. Evnen
Nebraska Secretary of State



Barbara K. Cegavske
Nevada Secretary of State



Alvin A. Jaeger
North Dakota Secretary of State



Frank LaRose
Ohio Secretary of State



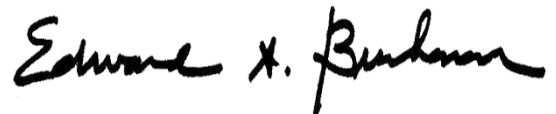
Tre Hargett
Tennessee Secretary of State



Kim Wyman
Washington Secretary of State



Mac Warner
West Virginia Secretary of State



Edward A. Buchanan
Wyoming Secretary of State