

## Union Calendar No. 712

114TH CONGRESS }  
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT  
114-901

THE REPORT ON THE ACTIVITIES  
OF THE  
COMMITTEE ON HOUSE ADMINISTRATION  
DURING THE  
114TH CONGRESS  
TOGETHER WITH MINORITY VIEWS



DECEMBER 30, 2016.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

---

U.S. GOVERNMENT PUBLISHING OFFICE

23-172

WASHINGTON : 2016



**LETTER OF TRANSMITTAL**

---

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOUSE ADMINISTRATION,  
*Washington, DC, December 30, 2016.*

Hon. KAREN L. HAAS,  
*Clerk of the House,*  
*Washington, DC.*

DEAR MADAM CLERK: Pursuant to Rule XI, clause 1, paragraph (d) of the Rules of the U.S. House of Representatives, I hereby transmit the Annual Report on the Activities of the Committee on House Administration. This report summarizes the activities of the Committee with respect to its legislative and oversight responsibilities in the 114th Congress from January 2015 to December 2016.

Sincerely,

CANDICE S. MILLER,  
*Chairman.*



## Union Calendar No. 712

114TH CONGRESS }  
2d Session } HOUSE OF REPRESENTATIVES { REPORT  
114-901

---

---

### THE REPORT ON THE ACTIVITIES OF THE COMMITTEE ON HOUSE ADMINISTRATION DURING THE 114TH CON- GRESS

---

December 30, 2016.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

---

Mrs. CANDICE S. MILLER of Michigan, from the Committee on  
House Administration, submitted the following

#### R E P O R T

together with

#### MINORITY VIEWS

#### INTRODUCTION

The Committee on House Administration (“Committee”) is charged with the oversight of federal elections and the day-to-day operations of the House of Representatives.

The Committee on House Administration oversees appropriations for the salaries and expenses of all House committees (except for the Committee on Appropriations); allowance and expenses of House Members, officers, and administrative offices; and the auditing and settling of these accounts. The Committee further oversees the employment of staff for House Members, committees, and stenographers. The Committee has jurisdiction over the House Library; the statuary and art in the Capitol; the Franking Commission; the Congressional Record; accounts of the House; and the assignment of office space for House Members and committees. The Committee also has the important duty of overseeing the Capitol Police and security of the House office buildings and grounds.

Additionally, the Committee’s jurisdiction covers the election of the President and Vice President, House Members, Delegates, the Resident Commissioner, and Senators as well as House contested elections, credentials and qualifications of candidates, corrupt practices, and campaign finance matters in federal elections. Regarding

Member services, the Committee oversees the House restaurant, parking facilities, and administration of the House office buildings and of the House wing of the Capitol. The Committee also deals with the travel of Members; and the compensation, retirement and other benefits of Members, officers and employees of Congress. Lastly, the Committee has jurisdiction over the Library of Congress, the purchase of books and manuscripts, the Botanic Garden, and the Smithsonian Institution.

#### COMMITTEE FUNDING

The Committee on House Administration reports a biennial primary expense resolution by which standing and select committees of the House (except the Committee on Appropriations) are authorized operating funds for each Congress. During the first three months of each new Congress, House Rule X, clause 7, provides a temporary authorization for House committees to continue operations. This temporary authorization is based on their funding authorizations from the preceding session and allows committees to organize, adopt legislative and oversight agendas, and seek spending authority through the adoption of a primary expense resolution by the House.

On March 4, 2015 the Committee met to consider House Resolution 132, providing for the expenses of certain committees of the House of Representatives for the 114th Congress. The amounts proposed in H. Res. 132 reflect the justifications provided to the Committee by the Chairs and Ranking Members during their testimony at the Committee Hearing held on February 11, 2015. The Committee approved H. Res. 132 by voice vote. On March 19, 2015, the House, again by voice vote, agreed to the Resolution.

On November 19, 2015, the Committee adopted Committee Resolution 114–10, which allocated \$300,000 from the Reserve Fund created in H. Res. 132 to the Committee on Energy and Commerce for purposes of funding a portion of the operations of its Select Investigative Panel.

On June 17, 2016, the Committee adopted Committee Resolution 114–19, which allocated \$490,000 from the Reserve Fund created in H. Res. 132 to the Committee on Energy and Commerce for purposes of funding a portion of the operations of its Select Investigative Panel.

On November 15, 2016, the Committee considered and adopted H. Res. 933, which authorized the final installment of funding, \$800,000, to the Committee on Energy and Commerce for purposes of funding a portion of the operations of its Select Investigative Panel.

On December 1, 2016, the House of Representatives considered and adopted by a vote of 234–181, H. Res. 933, which provided the final installment of funding, \$800,000, to the Committee on Energy and Commerce for purposes of funding a portion of the operations of its Select Investigative Panel.

#### MEMBERS' REPRESENTATIONAL ALLOWANCE

The Committee has jurisdiction over the use of appropriations from the accounts of the U.S. House of Representatives for the Members' Representational Allowance ("MRA") as well as official travel by Members and staff, and compensation, retirement and

other benefits of Member office employees. The MRA is the annual authorization made to each Member of the House to obligate U.S. Treasury funds not to exceed a certain amount. These funds may be used by the Member to pay ordinary and necessary business expenses incurred by the Member and his or her congressional office employees in support of the conduct of the Member's official and representational duties on behalf of the district from which the Member is elected. The annual MRA is available for one legislative year (i.e., January 3 of one year through January 2 of the following year).

The MRA is made up of three primary expense components: personnel compensation, official expenses, and official (franked) mail expenses. The amount of the MRA varies from Member to Member based on the distance of a Member's district from Washington, D.C., the cost to lease federal office space in a Member's district, and the number of U.S. Postal Service private delivery stops in a Member's district. The use of funds in any expense category is not limited by the amount factored into a corresponding expense component, e.g., a Member may spend more or less than the amount of the travel component to travel and from his or her district. Each Member has complete discretion in budgeting the total amount of his or her MRA as he or she determines to support the operation of his or her Washington, D.C., and district congressional offices, consistent with applicable Federal law and House Rules and regulations.

Federal law authorizes the Committee to fix and adjust the amounts, terms, and conditions of, and other matters relating to the MRA (including all aspects of official mail) by reason of:

1. A change in the price of materials, services, or office space;
2. A technological change or other improvement in office equipment; or
3. An increase in rates of pay under the General Schedule, e.g., a comparability and/or locality wage adjustment.

During the 114th Congress, the Committee took the following actions pertaining to the Member's Representational Allowance:

On February 8, 2016, the Committee set authorization amounts for each of the 441 Members of the House of Representatives for the legislative year starting on January 3, 2016, until January 2, 2017. The amounts were authorized with a 1% increase to each of the 114th Congress first session amounts.

On March 16, 2016, the Committee on House Administration considered and adopted updates to the following regulations:

- Members' Congressional Handbook;
- Committee Congressional Handbook;
- Guide to Outfitting and Maintaining an Office; and
- Regulations pursuant to H. Res. 5 regarding Congressional Member Organizations.

#### COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The Franking Commission, established by Public Law 93-191, is composed of six Members appointed by the Speaker of the House: three from the majority, and three from the minority. The Speaker designates as Chairman of the Franking Commission one of the Members appointed to the Commission, who must also be a Mem-

ber of the Committee on House Administration. In the 114th Congress, the Commission was chaired by Rep. Candice S. Miller of Michigan, with Rep. Susan A. Davis of California serving as Ranking Member, and joined by Commission Members Rep. Robert E. Latta of Ohio, Rep. Rodney Davis of Illinois, Rep. Brad Sherman of California, and Rep. Cedric Richmond of Louisiana.

By law, House Rule and regulation, the jurisdiction and related functions of the Franking Commission are:

1. To prescribe regulations governing the proper use of the franking privilege by those entitled to use the privilege in connection with the mailing or contemplated mailing of franked mail under 39 U.S.C. sections 3210, 3211, 3212, 3213(2), 3218, 3219 or in connection with the operation of section 3215; in connection with any other Federal law (other than any law which imposes any criminal penalty), or in connection with any Rule of the U.S. House of Representatives relating to franked mail (2 U.S.C. 501(d)).

2. Upon the request of any person entitled to use the franking privilege and other official communication resources, to provide guidance, assistance, advice, and counsel, through Advisory Opinions or consultations, in connection with the distribution or contemplated distribution of franked mail or official communications regarding the application and/or compliance with applicable Federal statutes and House Rules and regulations. The staff assigned to the Commission is delegated authority by the Commission to perform advisory and counseling functions, subject to review by the Commission. (2 U.S.C. 501(d), House Rule XXIV, and the Regulations of the Committee on House Administration).

3. To investigate, decide, and dispose of complaints regarding the misuse of the franking privilege (2 U.S.C. 501(e)).

On June 9, 2015 the Commission agreed by unanimous vote to issue an advisory opinion on Cedric Richmond request number 47853-11, ruling that it is permissible to include in an official mailing or communication, information from a private source which refers to specific instructional or educational material about emergency preparedness, survival, and relief. Any such reference may not be the sole purpose of the communication and may not promote, endorse, or solicit on behalf of any organization.

On October 29, 2015 the Commission amended the Regulations on the Use of the Congressional Frank by Members of the House of Representatives to permit the use of franked mail in support of officially-sanctioned competitions as authorized in the *Members Congressional Handbook*.

At the time of filing this report, the Franking Commission had reviewed 12,850 requests for advisory opinions and issued 10,083 final advisory opinions during the 114th Congress.

Staff of the Franking Commission travelled with the Committee on House Administration and the Committee on Ethics to meet with the governments of the United Kingdom and Canada from August 16th through 24th. The purpose of the trip was to meet with legislators and leadership of the regulatory agencies that govern the use of franked mail and official resources. The meetings informed policy and oversight considerations as the Commission considers proposals on social media, advertising, postal transactions, and public disclosure.



On August 31, 2016 the Franking Commission received a complaint filed pursuant to the *Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards*. On October 17, 2016, the Commission issued an order to dismiss the complaint by unanimous vote pursuant to Rule 3 of the Rules of Practice in Proceedings before the House Commission on Congressional Mailing Standards, having determined that there was no reason to believe that a violation had occurred as alleged in the complaint.

Effective January 3, 1996, all communications required to receive an Advisory Opinion from the Franking Commission are subject to full public disclosure. Communications that require an Advisory Opinion prior to distribution, publication, dissemination, etc. include mass mailings, and mass communications (regardless of medium) as defined by 39 U.S.C. section 3210(a)(6)(E) and the *Members Congressional Handbook*. The Franking Commission is responsible for monitoring requests to review Advisory Opinions filed at the Legislative Resource Center to ensure that the applicable public disclosure requirements are fully complied with. It is the practice of the Franking Commission to provide notice to a Member whenever his or her public disclosure file has been reviewed in whole or in part.

#### OVERSIGHT AND LEGISLATIVE ACTIVITIES OF THE COMMITTEE

The Committee continues to work with House Leadership and Legislative Branch Appropriations to reduce overall costs and efficiently manage House operations.

#### *Officers of the House*

One of the responsibilities of the Committee is to conduct oversight of the Officers of the House, whose organizations serve primary roles in legislative operations and the day-to-day administrative and operational infrastructure necessary to support the Members and staff of the House.

#### *Clerk of the House*

The Office of the Clerk is charged with overseeing nine departments including the Office of Art and Archives, the Legislative Resource Center, and the Office of Official Reporters. The Clerk's primary responsibilities involve the legislative activities of the House. This includes managing the bills originating in the House as well as overseeing the voting system.

The Committee worked with several of the Clerk's subdivisions on projects throughout the past two years, including the Historian, to produce the Hispanic Americans in Congress book in e-Book format in January 2015. The Committee also encouraged the Clerk to publish an online phone book for staff to increase the timeliness of the information and reduce printing costs. The online phone book was launched in August 2016.

The Committee also heard testimony from the Clerk regarding her FY16 priorities in its June 3, 2015 hearing on "House Officer Priorities for 2016 and Beyond." During the hearing the Committee received an update on the upgrade of the House's Electronic Voting System, a critical component of the House's Legislative operations.

The new system, which includes new voting stations and cards, is to be complete in August 2017.

The Clerk continued to co-chair the Bulk Data Task Force and to work with Committee staff to implement continued progress in transparency and digital transformation in the House.

The House Rules for the 114th Congress continued to call for greater transparency and accessibility to legislative information. Among other things, the Rules instructed the Clerk of the House to make available electronically each memorial pertaining to Article V of the Constitution of the United States and added a requirement that parallel citations for amendatory instructions to Public Laws and Statutes at Large that are not classified in the U.S. Code be included in proposed legislation.

House Bill Summaries were made available as XML bulk data on the FDsys Bulk Data Repository. Senate bill summaries were added to this collection in January 2015. In April, 2015 the House Clerk began publishing some Member data in XML format.

The Speaker announced an initiative to publically provide all forms of law in XML format. The Office of the Clerk is coordinating this project with the Government Publishing Office and the Office of the Federal Register.

The Clerk worked with the Committee on House Administration to develop a standard for House Committee Hearing documents. A pilot project produced sample hearings for review. The Joint Committee on Printing has tasked GPO to operationalize the Hearing Modernization project to increase transparency and reduce the cost of producing hearings.

#### *Sergeant-at-Arms and the United States Capitol Police*

The House Sergeant-at-Arms ('HSAA') is responsible for maintaining the security of the House side of the Capitol Grounds and for ensuring the security of Members of Congress, staff, and visitors.

Oversight of the House Sergeant-at-Arms and the United States Capitol Police ('USCP') continued to be a priority for the Committee. In order to receive regular updates regarding security in both Washington and in Member districts, the Committee meets with both the HSAA and the USCP on a regular basis. The Committee coordinated with the HSAA and other House officers to continually reassess House security policies and procedures, and monitored both new and ongoing projects. HSAA and USCP made enhanced security screening efforts a priority for the House campus and District Offices. The Committee coordinated extensively with USCP, HSAA, Leadership, and other committees of jurisdiction to achieve successful installation of screening measures at garage entrances in the Longworth, and Cannon underground garages and Ford House Office Buildings. The Committee will continue to work with HSAA and USCP to plan for similar improvements in the Rayburn and Cannon House Office Buildings. The Committee worked closely with the HSAA to provide Member District Offices with mail screening hoods. Finally, CHA passed a Committee resolution determining that the management and operation of safes in the House buildings will now be managed by the Sergeant at Arms rather than the Chief Administrative Officer. The Committee continues to work with both organizations to implement the transition

and additional recommendations from the House Inspector General related to the program.

On May 20, 2015, the Committee held a hearing inviting Chief Kim Dine of the USCP to testify regarding management challenges within USCP and his vision for the force. The hearing revealed his plan for the Department, and organizational and operational changes followed in the months after the hearing. Chief Dine announced his eventual retirement in August of 2015, and the Committee met frequently with the HSAA and Capitol Police Board regarding the search for a new Chief of Police. When Chief Matthew Verderosa was sworn-in, the Committee held a hearing in May of 2016 regarding his priorities as the Department transitioned under his leadership. Preceding the hearing, the Committee reported favorably a bill allowing USCP to accept and dispose of surplus property, bringing them into line with other federal law enforcement agencies.

#### *Chief Administrative Officer*

The Office of the Chief Administrative Officer ('CAO') supports the budget, finance, procurement, logistics, and information technology needs of the House and all of its components. The Committee is charged with overseeing the CAO and its support staff. After the retirement of the previous CAO, Ed Cassidy, on December 31, 2015, Will Plaster temporarily assumed the role of CAO for seven months. Pursuant to H. Res. 826, Philip G. Kiko was sworn in as CAO effective August 1, 2016. Over the past two years, the Committee worked with the CAOs and his staff on a variety of cost-savings and process improvement initiatives, policies, and programs throughout all facets of the organization.

The Committee continued the oversight over the CAO's management of the House finances and financial system. The CAO, in cooperation with both the Committee and the Inspector General, continues to make progress on improving internal controls over IT systems, financial reporting, and property and equipment.

As part of the Member Expense Review, the Committee reviewed the voucher review and approval process within the CAO. Based on this review, the Committee worked with the CAO to make numerous training and process improvements to ensure that all expenses submitted for reimbursement are in compliance with Committee regulations and have the required supporting documentation. The Committee also used this process to revise the Voucher Documentation Standards, which had not been updated since 2010. Working with the CAO, the Committee provided training for all financial administrators and financial counselors and implemented the new voucher standards on October 1, 2016.

Also as part of the Member Expense Review, the Committee directed the CAO to make improvements to the transparency of Member expenses, including more precise descriptions of Office travel expenses in the Statements of Disbursement (SOD), which are published quarterly. The Committee also directed the CAO to publish the SOD in open formats that are more easily searchable and sortable.

A significant portion of the Congress was spent on coordinating and planning transition activities with the CAO. The Committee approved the 115th Congress Transition Policies covering every-

thing from mobile device policies to the shipment of Member papers to VOIP and broadband policies for the district offices. The 115th Congress Standard Lease templates and approval processes were also updated to include a broadband requirement. Lastly, the Committee approved the Master Contract for CMS and Maintenance Providers for the House. This master contract included two new vendors increasing the CMS options for House Offices.

The Committee continued to exercise its responsibility over the CAO through the review and approval of the Food Services RFP and contract. In August 2015, the newly selected vendor, Sodexo, transitioned into the House while bringing with it, a Subway deli in Rayburn, a Dunkin Donuts and Baskin Robbins in Longworth, and other welcome renovations and changes in the Longworth Caf.

Lastly, the Committee was proud to approve the expansion of the House's Wounded Warrior Program in October 2015. The CAO-managed program provides a wonderful opportunity for Member Offices to employ a wounded warrior in their DC or District Offices for a two year period. The program has had 50 positions since its inception in 2008 and it now has 54 fellowships which are widely sought after. The Committee will continue to work with the CAO to see if further expansion is possible while also maintaining the same budget.

#### OTHER OVERSIGHT AND LEGISLATIVE ACTIVITIES OF THE COMMITTEE

##### *House Information Resources*

Throughout the Congress, the Committee worked with House Information Resources ('HIR') to improve technology services for the House community. These services included the approval of new hardware and software standards, faster district internet connectivity, and support for cloud based services including Office 365 and district office telephone support. CHA worked with HIR to complete the House's Technology Vendor Agreements for the 115th Congress.

The Committee conducted oversight over HIR's technology support for Member offices, including the support for the over 900 district offices throughout the United States. At the Direction of the Committee, HIR has transitioned over 100 district offices to internet-based connections to improve speed and will continue this transition next Congress. HIR is evaluating options to reduce costs and increase mobility for district office telephone support.

The Committee continued to examine HIR's management of various technology service vendors and approved incremental improvements to policies and procedures governing these vendors. The Committee believes additional changes are warranted to these programs to better serve Member needs and reduce costs.

Like any governmental organization, the House must continually evolve its cybersecurity capabilities to meet changing threats. The Committee continued the review of HIR's security policies and procedures and worked with HIR to make improvements where warranted. The Committee approved the issuance of cybersecurity policies to address strengthening training requirements, network security, privileged account management, and cloud usage policies.

Finally, the Committee continued to examine HIR's effort to improve technology governance, including efforts to improve strategic planning, service management and enterprise architecture.

#### *Inspector General*

House Rule II creates the Office of the Inspector General ('OIG') and charges the Committee with oversight of the office. During the past two years, the OIG produced twelve management advisory reports and thirteen audit reports. Of particular note were the FY 2014 and FY 2015 House Financial Statement Audits which the Committee released on May 20, 2015 and April 26, 2016 respectively. The House received unqualified or 'clean' opinions on its financial statements and internal controls over financial reporting. The FY15 audit was the eighteenth consecutive 'clean' audit the House has received.

At the Committee's direction, the House Inspector General worked with the Officers of the House in 2015 to develop a strategic plan for the continued improvement of House operations. The plan focused on improving governance over information technology, service delivery to House offices, and physical security initiatives. As a result of this work, the Committee formed staff working groups on technology governance and service delivery that developed a number of recommendations for implementation in the next Congress.

#### *The Architect of the Capitol*

The Architect of the Capitol ('AOC') is responsible for the maintenance, operation, development, and preservation of the entire Capitol Complex, which includes 17.4 million square feet of building space and more than 460 acres of land. Certain decisions regarding management of the House office buildings and the House side of the Capitol reside with the House Office Building Commission, but the Committee supervises and oversees AOC implementation of its programs.

The Committee met regularly with the House Office Building Superintendent, his senior staff, and other AOC management and staff during the period of this report. In addition, regular meetings with the Architect of the Capitol were held to review critical items and projects.

The Committee continued to monitor AOC operations, including the completion of work addressing the Americans with Disabilities Act requirements, the operations of the AOC's Office of Security Programs, issues related to the newly leased O'Neill Building, and the continued planning and implementation of the Capitol Dome renewal project.

The Committee significantly expanded oversight of the Cannon renovation, as that project has now begun and will require the relocation of 31 Member suites beginning in January 2017. Along with the Appropriations Committee and the House Office Building Commission, the Committee continued to review the AOC governance of this ten-year project. The Committee initiated a working group to meet and address any issues related to the project. Participants include House Administration, House Leadership staff, Appropriations Committee Staff, House Officers, USCP, and the AOC. The group has developed a targeted communications plan to inform the

House community about the project, especially issues related to Member office moves and other disruption to the House community that are inevitable in a project of this size, scope and duration.

In June 2016, the House Superintendent discovered elevated lead levels in water sources in the Cannon House Office Building. The Committee assisted the AOC in developing a communications and outreach strategy to relay to Members and staff what was happening as well as the remedy to identify and fix the problem.

The Committee also coordinates with the management team of the Congressional Visitors Center, and met regularly to ensure visitor operations are running effectively. A point of Committee emphasis was the CVC's ability to adapt tours throughout 2015 and 2016, as the Capitol experienced temporary periods where the Rotunda was closed due to the Dome Restoration. Finally, the Committee worked with the AOC and House Superintendent to ensure a smooth transition period for both new and departing Members.

#### *Office of Congressional Accessibility Services*

The Office of Congressional Accessibility Services ("OCAS") was created by the Capitol Visitor Center Act of 2008. OCAS operates under the direction of the Congressional Accessibility Services Board and is charged with providing and coordinating accessibility services for individuals with disabilities including Members of Congress, officers and employees of the House and Senate, and visitors to the U.S. Capitol Complex. The Committee on House Administration is charged with overseeing the agency and meets with OCAS quarterly.

The Committee met with the OCAS Director on a variety of accessibility issues impacting Member and committee offices and the public including, but not limited to, sign language interpreting services, assistive listening services, accessibility training, accessible tours, and House intranet improvements for accessibility resources and maps. Finally, OCAS was charged with accommodating guests with accessibility requirements for the historic visit of Pope Francis to address Congress. The Committee coordinated with the Director to ensure OCAS received the support and resources it required for such a large-scale event.

#### *Library of Congress and Joint Committee on the Library*

Committee staff met regularly with Library management to monitor and review operations, services, and planning initiatives.

The Committee reviewed the storage capabilities of Library of Congress and worked with the Library to develop alternate solutions to the challenges the backlog creates. The Committee also worked with the Library on specific projects of value to the House community, such as the development and communication of updates on Congress.gov and LIS websites to Members and staff. The Committee also coordinated with the Library on transitioning away from Thomas.gov.

A significant point of emphasis for the Committee's Oversight of the Library was Library IT infrastructure and continuity abilities. A series of IT outages and incidents, as well as a pair of critical GAO reports related to Library IT capabilities spurred concerns about the Library's ability to manage and develop its systems. The Committee coordinated closely with the Library during its search

for a Chief Information Officer, and has met regularly with Bud Barton after he was hired. Regular progress meetings are used to assess the Library's status.

In addition to Library IT systems, the Committee explored the user experiences and IT capabilities for the U.S. Copyright Office. GAO concluded that there were fundamental challenges facing how the Copyright Office managed customer work flows, and proposed technological solutions did little to address the critical problems. In December of 2015, the Committee held a hearing with the Acting Librarian of Congress David Mao, Register of Copyrights Maria Pallante, and the Managing Director for Information Technology at GAO Joel Willemsen. The hearing explored how both organizations were focusing their resources and priorities to adapt to the digital age. In the aftermath of the hearing, the Committee has held numerous follow-up meetings and sent additional correspondence to continue its Oversight.

During the Committee markup in May of 2016, multiple bills were reported favorably related to the Library's operations. H.R. 4511, the Gold Star Families Act expanded the Library's Veterans' History Project to include stories from immediate family members of soldiers who were killed or are missing in action. On November 28, 2016, the President signed the bill into law becoming Public Law 114-246. In addition, the Committee voted to reauthorize the Library's National Film and Sound Recording Preservation Boards and Foundations. Finally, the Committee passed H.R. 5227, the Library of Congress Modernization Act. This bill would institute a number of administrative reforms for the Library. These include allowing the Library to purchase and provide refreshable braille displays for users of the Library's National Service for the Blind, establishing a National Collection Stewardship fund that is intended to provide the Library with consistent financial resources and flexibility in addressing its storage issues, and finally establishing continuity on the Joint Committee on the Library during the transition into a new Congress.

The Committee also reported favorably H.R. 4092, sponsored by Mr. Brady, to reauthorize the sound record and film preservation programs of the Library of Congress. A similar bill, S. 2893, was signed by the President on July 29, 2016 and became Public Law 114-217.

One final example of the Committee exercising its oversight with Library operations took place after the Library announced their intent to reorganize certain subject headings referring to the term "illegal alien." After meeting with the Committee to discuss such a change, it was discovered that the Library had not yet completed its appropriate process to formally propose or process the action. The Library is currently still proceeding through appropriate steps in evaluating subject heading changes.

The Joint Committee on the Library ('JCL') has no legislative authority but is tasked with oversight of the Library of Congress, the Congressional Research Service, and the United States Botanic Garden (USBG), as well as management of the National Statuary Hall Collection.

In this role, the JCL reviewed extended hours requests for the USBG for the Holiday season and Titan Arum exhibit, as well as special educational events for the general public. For the Library

of Congress, the JCL reviewed special art and exhibit requests, donations to collections, and special operational projects. In addition, the JCL worked with the AOC on multiple requests for Statue Replacement and relocations related to the National Statuary Hall Collection. Finally, the JCL approved Trust Fund Board Resolutions relating to critical issues for the Library.

#### *Fine Arts Board*

The House Fine Arts Board is comprised of the five House Members of the Joint Committee on the Library. It has authority over works of fine art and historical objects that are the property of Congress and are for display in the House wing of the Capitol or in the House Office Buildings. The Board also accepts gifts of fine art and historical objects on behalf of the House, and the Clerk maintains the collection.

During the past two years, the Fine Arts Board approved requests to organize portrait fund Committees for Chairman Jeb Hensarling, Chairman Jeff Miller, Chairman John Kline, Chairman Fred Upton, and Chairman Paul Ryan.

Further, the Board approved the acceptance and deed of gift for the portraits of Representative Frank Lucas, Representative Harold Rogers, Representative Ileana Ros-Lehtinen, Representative Louise Slaughter, Representative John Kline, Former Representative Richard Pombo, Former Representative John Spratt, and Former Representative Henry Waxman which will be added to the House Collection. Lastly, on June 8, 2016, the Board approved the House's acquisition of the 19th century painting of the first Dean of the House, the Honorable Thomas Newton, Jr., of Virginia.

#### *Joint Committee on Printing and U.S. Government Publishing Office*

The Government Publishing Office ('GPO') produces, preserves and distributes the official publications and information products of the Congress and Federal government. By House rule, the Committee on House Administration has oversight of and legislative jurisdiction over the Government Publishing Office. By law, the Chairman of the Committee on House Administration and the Chairman of the Senate Committee on Rules and Administration serve with four other Members of each committee on the Joint Committee on Printing ('JCP'). The bicameral JCP exercises certain authority over federal printing policy, congressional printing and administration of the GPO.

Throughout the Congress the Committee worked closely with GPO on the production, communication and distribution of several publications including the 114th Congressional Directory, the 114th Congress Pictorial Directory, and the President's 2016 and 2017 budgets. These books were produced in both physical and electronic copies. In addition to fulfilling requests for these publications, the Committee responded to numerous requests on a weekly basis for other Congressional publications including Pocket Constitutions, Our Flag, Our American Government, and How Our Laws Are Made.



*Smithsonian*

The Committee serves as the primary legislative and oversight body for the Smithsonian Institution, a federal trust instrumentality composed of 19 museums, numerous research centers, and the National Zoo. Approximately two-thirds of the Institution's funding is from direct federal appropriations.

Governance of the Smithsonian is vested in a 17-member Board of Regents, consisting of the Chief Justice, Vice President, six Members of Congress and nine citizen regents nominated by the Board and approved by a joint resolution of Congress. In 2015, the Smithsonian Board of Regents nominated David Rubenstein for re-appointment to a second term as a citizen regent. Legislation providing for this appointment was introduced and referred to the Committee. In March 2015, Committee Members met with Mr. Rubenstein to discuss Smithsonian governance and assess the nominees' views and qualifications. Subsequently, the House approved the legislation by unanimous consent. (H.J. Res. 10 on March 26, 2015)

On June 17, 2015, the Committee held an oversight hearing on "The State of the Smithsonian." The Committee received testimony from Albert G. Horvath, Acting Secretary of the Smithsonian. The hearing provided an overview of the challenges and opportunities confronting the new Secretary who assumed office on July 1, 2015 and updated on the Committee the Smithsonian's progress regarding collections stewardship. The Committee received testimony from Acting Secretary Horvath on the Smithsonian's ongoing effort to reduce their deferred maintenance backlog and on their Collections Space Framework Plan which documents the need for more than one million square feet of new collection space over the next 30 years. Acting Secretary Horvath also updated the Committee on the National Museum of African American History and Culture construction project and on efforts to satisfy several Smithsonian Inspector General recommendations in the area of collection stewardship, most of which were closed out or nearly closed out.

On June 22, 2016, the Committee held an oversight hearing on "Smithsonian National Air and Space Museum Revitalization." The Committee received testimony from David J. Skorton, Secretary of the Smithsonian Institution and Albert G. Horvath, Undersecretary for Finance and Administration. The purpose of the hearing was to conduct congressional oversight of a federally-funded facilities revitalization project at one of the most-visited museums in the world and to explore the need for renovation, alternatives considered, cost and funding, impact on visitor experience during the renovation, and the need for new collections storage facilities. Smithsonian officials assured the Committee that the proposed phased revitalization plan, rather than construction of a new facility, is the most cost-effective option with the least impact on visitors, as half of the museum would remain open during the renovation. The Smithsonian informed the Committee that construction of a new collections storage module at the Udvar-Hazy facility is an integral component of the Air and Space Museum project, serving as temporary swing space for items moved out of the Mall museum during the renovation.

On April 29, 2016, H.R. 5160, a bill to include as part of the National Gallery of Art all buildings, service roads, walks, and other

areas within the exterior boundaries of any real estate or interest in land that the Gallery acquires was introduced and referred to the Committee. This expansion provides the National Gallery policing authority required to protect their property and the visiting public in any buildings or spaces it acquires, including temporary space. On May 17, 2016, the Committee ordered H.R. 5160 to be favorably reported by voice vote. On June 16, 2016, the Committee filed H. Rept. 114-626 and the same day H.R. 5160 was placed on the Union Calendar, Calendar No. 485. On November 29, 2016, the House agreed to passage of H.R. 5160 without objection.

Committee staff conducted several site visits to various Smithsonian facilities. Three site visits (May 27, 2015, July 13, 2016, and September 23, 2016) were conducted to view progress on the construction of the National Museum of African American History and Culture which opened to the public on September 24, 2016. On June 5, 2015, Committee staff visited the Smithsonian Museum Support Center in Suitland, Maryland to view the condition of storage facilities and ongoing efforts to preserve existing artifacts. On October 14, 2015, Committee staff visited the Smithsonian Environmental Research Center in Edgewater, Maryland, to review ongoing long-term research projects and the Center's outreach and engagement initiatives. On November 12, 2015, Committee staff visited the Smithsonian's Steven F. Udvar-Hazy Center in Chantilly, Virginia to review and discuss plans for constructing a new storage module, the NASM Master Plan, and the Center's outreach and engagement programs with senior Center staff. On May 24, 2016, Committee staff visited the National Air and Space Museum on the National Mall to inspect the outer envelope and support systems of the building in anticipation of a Committee hearing on the subject that was held on June 22, 2016.

Committee staff also conducted an oversight visit to the Smithsonian Tropical Research Institute (STRI) in the Republic of Panama from February 14, 2016 through February 19, 2016. The purpose of the oversight trip was to meet the new STRI leadership team and to follow up on a 2013 Inspector General report detailing some weaknesses in financial management at STRI and to discuss corrective actions taken to address them. The Committee also reviewed construction and facilities maintenance projects including the new Gamboa Laboratory facility at STRI.

Throughout the 114th Congress, the Committee has been engaged in oversight of the Institution through ongoing discussions, meetings and briefings with Smithsonian staff and the Inspector General on various topics including construction of the National Museum of African American History and Culture; financial management; agendas for the Board of Regents meetings; the impact of reduced federal appropriations on Smithsonian activities; and budgetary matters.

#### *Office of Compliance*

The Office of Compliance ("OOC") was created by the Congressional Accountability Act ("CAA") to facilitate the application of statutes identified in the CAA to Congress. The Committee has oversight over the OOC, and bipartisan Committee staff meets monthly with OOC leadership to discuss their initiatives and any issues arising in the course of OOC operations.

### *Elections*

On March 4, 2015, the Committee met to mark up H.R. 195, the “Election Assistance Commission Termination Act,” and H.R. 412, “To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns.” Both bills were reported favorably by the Committee.

Following the November 8, 2016 federal elections, the Committee sent Democratic and Republican staff to 3 congressional contests to serve as observers and to collect evidence regarding the conduct of the election on behalf of the Committee. The Committee sent observers to the Seventh, Tenth, and Forty-Ninth Districts of California.

### *House Office of Legislative Counsel and Law Revision Counsel Modernization Project*

The Committee worked with the House Office of Legislative Counsel (‘HOLC’), the Office of Law Revision Counsel (‘LRC’), leadership, and the Office of the Clerk on legislative modernization projects. One goal of the LRC is to maintain a complete, authoritative, accurate, and consolidated version of the U.S. Code. Since the original release of the U.S. Code in XML in July of 2013, the LRC has continued to update the U.S. Code on a timely basis and make it available for downloads in XML. This has been enthusiastically received by the Hill community and the public at large. The Committee also supported continued modernization of the LRC’s codification tools, including the development of a side-by-side comparison tool to show changes in existing law being proposed by the LRC’s bills.

The Committee continues to work with these offices to implement other aspects of the Legislative Modernization Initiative including the Amendment Impact Program (‘AIP’) which provides Members and staff rapid access to the impacts that proposed amendments have to the underlying bill or resolution and a new tool (legislative look up and link, or “LLL”) to enable a user to readily look up and link to a law that is being referenced in a bill or other document. HOLC is now using AIP internally for quality control in its drafting of amendments and Rules Committee has begun testing the use of AIP in connection with amendments offered at the Committee.

## EDUCATIONAL AND OUTREACH ACTIVITIES

### *Outreach and Communications*

**Training:** The Committee launched a professional development training series for Members’ DC and District staffs. Committee staff initially focused on the basics of individual job responsibilities, learning about other positions in the office, and working with Committee and Leadership staff. Additionally, Committee staff offered training on all the services the Committee and the House Officers provide to Members and their staff. The Committee expanded the professional development training in 2016, cohosting with the Speaker’s office, to launch the first Committee training series specifically focused on Oversight Best Practices for Committees. This is the first training series of its kind and staff will look to host future series on additional topics for Committee staff.

The Committee on House Administration is helping to educate Financial Administrators as well as other house staffers on the new voucher documentation standards through a series of briefings as well as webinars. The educational briefings and webinars emphasize the importance of documentation standards, increase awareness on documentation submission practices and prepare Financial Administrators for the implementation of the new changes.

The Committee has increased one-on-one educational outreach on rules and regulations on franking/official communication rules with a strong focus on rules surrounding evolving social media platforms.

The Committee designed and put on a new Designated Aide program for staff attending with the New Members for orientation. This program helps aides prepare for their Member's swearing in and their first two years in office.

New Joint Guidance Document for House Staff: Straight to the Source is a joint guidance document regularly produced by the Committee on House Administration and the Committee on Ethics designed to address pressing and important questions in congressional offices. The topics we will address have overlapping jurisdiction with House Administration & Ethics, and this document is intended to provide clarity on those items.

Helping Departing Members: The Committee has been working to ensure a smooth congressional transition with increased outreach to departing member offices. This has included not only training/helping incoming members via NMO but providing increased personal assistance to departing offices.

#### *New Member Orientation*

The Committee is responsible for coordinating the orientation program and associated travel and logistics for newly elected Members of Congress and their designated aides. The program was held during the week of November 14–18, 2016, and continued during the week of November 28–December 2, 2016.

Over the course of the two-week bipartisan New Member Orientation, the Committee facilitated training on the Members' Congressional Handbook, the Franking Commission, practical guidance on setting up a congressional office, an overview of procedures on the House Floor, an introduction to the legislative process, and several Member-led panels on relevant topics. The Members-elect were also given presentations from the House Officers, the Committee on Ethics, the Office of the General Counsel, the Office of Compliance, the Office of House Employment Counsel, and the Office of the Chief Administrative Officer. The Committee utilized a digital binder system to disseminate all materials associated with the Orientation.

#### *Congressional Internship Program for Individuals with Intellectual Disabilities*

During the period of this report, the internship program, which started in 2010, had its highest level of participation since its creation. The bipartisan program had 56 House and Senate offices participate in the program since Fall 2015. Over the life of the program more than 150 unique offices have hosted interns. The Com-

mittee intends to continue to build on the success of the program established by Representative Harper.

*Summer Intern Lecture Series*

The Congressional Summer Intern Lecture Series is a bipartisan, bicameral effort coordinated annually by the Committee on House Administration and the Senate Committee on Rules and Administration. Started by former Representatives Gerald Ford and Donald Rumsfeld in the 1960s, both committees extend invitations, mostly to current and former government and military officials, policy experts, and media personalities, to speak to congressional interns.

There were a total of 33 lectures over the two-month period between June 1, 2016 and July 26, 2016, with a lecture nearly every day during that time. Notable speakers from this year's series included the Vice Chairman of the Joint Chiefs of Staff, General Paul Selva; Speaker of the House, Paul D. Ryan; House Democratic Leader, Nancy Pelosi; Secretary of the Department of Homeland Security, Jeh Johnson; Secretary of the Department of Transportation, Anthony Foxx; and NASA Administrator, Major General Charles Bolden (USMC-Ret.).

*Parking Policy*

Committee staff conducted regular oversight of House Parking Security to ensure compliance with the parking policy.

MINORITY VIEWS OF RANKING MEMBER ROBERT A. BRADY,  
REPRESENTATIVE ZOE LOFGREN AND REPRESENTATIVE  
JUAN VARGAS

MASSIVE RENOVATION OF SMITHSONIAN NATIONAL AIR AND SPACE  
MUSEUM

The Smithsonian National Air and Space Museum collects, preserves, studies, and exhibits artifacts, archival materials, and works of art related to the history, culture, and science of aviation and spaceflight and the study of the universe. It holds the largest collection of historic air and spacecraft in the world. Its two landmark facilities—on the National Mall, and in Chantilly, Virginia—together welcome more than eight million visitors a year, making it the most visited museum in the United States and the second most visited in the world, behind only the Louvre in Paris. It was designed for 2 million visitors, but current annual attendance is 7–8 million, increasing wear and tear on the building and its infrastructure.

At a Committee oversight hearing on June 22, 2016, which introduced Secretary David Skorton to the Committee, we were surprised by the funding estimated to be needed for renovations of the Museum on Independence Avenue in Washington, D.C. The Museum had been built by the General Services Administration (GSA) “on the cheap” for the 1976 Bicentennial, but its design and construction materials proved wholly inadequate for the succeeding decades of massive public use and proper maintenance of the collections. Construction in that era used techniques, including very thin marble sheeting on the outside, which the Smithsonian does not employ on its modern construction projects. This has resulted in a structure with a shorter lifespan than would have been the case had it been constructed with a larger initial funding commitment and modern technologies.

As a result, the building suffers from serious structural problems 40 years later, including a deteriorating marble façade with stone falling off the building, inadequate heating and cooling systems, and water infiltration. The exterior marble “cladding” does not provide sufficient support for a proper interior environment. The mechanical systems are at the end of their useful life due to construction materials and methods which left the thin (1½ inches) stone façade without adequate support and the museum without a proper heating and air conditioning system for the long-term.

In 2009, our Committee had previously focused on the Air and Space Museum in a hearing called by then-Chairman Brady about issues of asbestos abatement and the maintenance of public safety during that process.

### *Costs*

Significant structural deterioration of the building threatens public safety and the integrity of the priceless artifacts housed there, and has necessitated planning for a massive revitalization/renovation project. The revitalization will require use of Federal appropriated funds for exterior and structural repairs at the main museum building. The most-recent estimated cost presented to the Board of Regents on June 13, 2016, including removing and re-installing collections where needed, would tentatively be \$676,035,000, but could ultimately be significantly more expensive: \$43 million through fiscal 2016; \$5 million in FY 2017; \$127 million in each of FY 2018 and 2019; \$125 million in each of FY 2020 and 2021; and \$124 million (est.) in FY 2022.

This does not include additional amounts needed for construction of two new, smaller support buildings. Separate from the \$676 million will be funding for construction of two storage facilities: at the Air and Space Museum's Udvar-Hazy building in Chantilly, and "Pod 6" at the Museum Support Center at the Suitland Collections Center in Suitland, Maryland. Funds to renovate the interior exhibition spaces in D.C. will be privately raised.

This is the highest cost for a renovation in the history of the Institution and exceeds the total cost of construction for the newly opened Smithsonian National Museum of African-American History and Culture. But it must be appropriated and spent in a timely and cost-effective manner. The American people will quickly notice the absence of, or loss of access to, its most popular national museum. The Regents had even considered, but rejected, an option of tearing down the Museum and starting from scratch.

The Smithsonian constantly engages in necessary maintenance throughout all of its facilities. What is unusual here is the size and expense of the project, the need to take drastic measures to protect the public and retain a functional museum, the need to either "shelter in place" or remove most of the building's collections, and the impact to the public in being potentially cut off from access to portions of one of the nation's foremost tourist attractions during four years of renovation.

### *Keeping the Museum Open*

In light of the Air and Space Museum's status as a principal Washington destination, public interest in the progress of the revitalization will be substantial, since over a period estimated to be six or seven years the entire museum will be shut down and reopened incrementally to allow removal or protection-in-place of exhibits while renovation in each of seven "zones" of the Museum is occurring. There will be no access to areas of the Museum while they are undergoing renovation, but during this period the rest of the Museum will be open to the public.

The Museum building has been divided into seven zones to ensure that some portions remain open at all times. The Smithsonian has erected a temporary covered walkway around vulnerable portions of the building, to remain in place until façade replacement is completed. The revitalization will replace the Museum's existing Tennessee Pink Marble façade with a similar but thicker stone (3 inches), improve blast and earthquake resistance, upgrade energy

efficiency of the exterior envelope, replace mechanical systems and provide more secure access and egress. The method chosen for revitalization includes recladding the entire exterior of the museum, closing some areas completely for a period of time while moving artifacts, then reopening them and moving repairs to another sector.

The Democratic Members of the Committee on House Administration want to ensure that the Museum revitalization will be cost-effective, structurally sound and safe, utilize the proper technologies to safely house its exhibits, and retain public access to the most-visited museum in the country to the greatest extent feasible while the work proceeds. In order to facilitate the renovation, which requires moving exhibits out of the D.C. site and relocating them for several years, legislation was introduced authorizing funding for the Dulles storage module expansion space at the Udvar-Hazy building and construction of new facilities at the Museum Support Center in Suitland ("Pod 6") which would serve the Institution's broader needs in phasing out decaying facilities in Suitland and protecting the Institution's collections for the long-term. The Udvar-Hazy "expansion space" must be ready in time to receive collection items being removed from the D.C. building.

A side-issue, not addressed directly in the legislation but representing a continuing problem for the Committee, is the Republican Leadership's destructive practice of applying "cut-go" principles to authorization bills, which would require reductions of funding in other projects prior to consideration of legislation in the House, to pay for the new construction costs. Authorization bills do not actually provide funding; they authorize subsequent appropriations. Yet the Republican leadership believes that cutting them as well could have an impact on overall spending levels. The effects of any such authorization cuts, if directed at the Smithsonian, would likely be substantial and disruptive.

#### "SELECT INVESTIGATIVE PANEL" TO ATTACK WOMEN'S HEALTH

This subunit of the Energy and Commerce Committee was created as a partisan witch hunt solely to smear Planned Parenthood with discredited allegations related to use of fetal tissue. The Ranking Member, Rep. Schakowsky, has branded it a "pack of lies." The House Administration Committee's jurisdiction relates to its funding, which has been handled irregularly, to say the least.

On October 7, 2015, the House passed House Resolution 461 and created the Select Investigative Panel to investigate inflammatory videos created by David Daleiden and the Center for Medical Progress (CMP), anti-abortion activists who spent more than two years secretly recording Planned Parenthood and other reproductive health services. After Daleiden and CMP released deceptively edited video footage in July 2015, three Republican-led House committees immediately launched investigations into Planned Parenthood and others.

#### *Background*

Starting in July 2015, anti-abortion activists, through the Center for Medical Progress, began releasing footage alleging that Planned Parenthood clinics were selling tissue from aborted fetuses for profit. For example, a number of highly edited online videos showed a



Planned Parenthood official in California discussing over lunch the price of providing fetal parts to a man and woman who are never shown on camera, but who are posing as buyers from a firm that procures tissue for medical researchers.

Despite massive media coverage and a rush by Republicans to investigate, CMP's videos contain no evidence that Planned Parenthood has done anything illegal. A 1993 law states that clinics can't profit when women donate fetal tissue, and in the first video Planned Parenthood official Deborah Nucatola says repeatedly that the group does not. It is, however, standard practice for clinics to be compensated for staff time, resources, and transportation involved in providing tissue, which is what Planned Parenthood says Nucatola is seen discussing. These donations are crucial for ongoing medical research.

Forensics analysts, mainstream media outlets and the creator of the videos himself, David Daleiden, have proven and confirmed that the smear campaign was highly edited. The five videos of Planned Parenthood staff have at least 42 splices where content is cut and edited to create the appearance of seamless conversation. In an interview with CNN, Daleiden not only conceded to editing the videos but also acknowledged that video and images he used have nothing to do with Planned Parenthood. As CMP continues to refuse to release the unedited source footage, experts have concluded that the clips cannot be authenticated.

Despite the fact that none of these three Committees uncovered any evidence of wrongdoing by Planned Parenthood or other providers, the House Majority nonetheless created the select panel to mollify members who were threatening to shut down the government if Planned Parenthood were not defunded.

### *Funding*

The resolution authorizing the Select Investigative Panel set no expiration date or budget for the Panel's work. It also placed no requirement on the Panel to establish an investigative plan or rules to govern its work and, despite repeated requests by the Panel's Democratic Members, Chairwoman Marsha Blackburn has refused to discuss or adopt rules or a plan. As a result, Panel Republicans have conducted a viciously partisan investigation that has excluded Democrats at every turn, and resulted in an abuse of congressional authority that has put health care providers, researchers, and their life-saving work at risk.

The primary method for funding the Panel—through polls of the House Administration Committee—has allowed the Panel to operate without the transparency and accountability that the House committee funding process usually provides. For example, in November 2015, Republicans used a reserve fund created by the House's primary expense resolution funding committees for the 114th Congress to transfer \$300,000 for use by the Select Panel through the end of that year. The Democratic Members of the Committee on House Administration opposed the transfer of funds as "wasteful" and "unnecessary" and called for a public meeting to "ensure the opportunity for amendments and thorough debate." The request was not granted and the money was transferred for use by the Select Panel.

On June 16, 2016, Republicans repeated this closed-door process to transfer an additional \$490,000 to the Select Panel. The Democratic members of the Committee on House Administration requested a special meeting of the Committee to consider the Majority's proposal. The request was not granted and the money was transferred for use by the Select Panel without any public debate or accountability.

To date, the Select Panel is on track to spend well over \$1.5 million by the end of 2016, including up to \$800,000 which the House voted to approve on December 1 (H. Res. 933) following a public markup in the Committee on House Administration and votes on the House floor which the Majority could no longer avoid.

*Use of "Polls" and lack of transparency*

Much of the funding for the Select Investigative Panel was accomplished using "polls" of Members of the House Administration Committee circulated by the Chairman, a practice which doesn't exist under the rules of the House and has no legal effect. But it has long been tolerated by our Committee members and chairmen of both parties as a convenience on minor, noncontroversial administrative matters requiring committee action, such as approval of committee consultant contracts. Members often did not wish to take the time to convene formally to consider such matters individually in the absence of a more substantial meeting agenda to act upon when there was no real disagreement, or where proposed actions are directives to personnel of the House subject to the Committee's control. These actions usually took the form of internal "committee resolutions" and were not reported to the House. However, the use of polling to fund the Select Investigative Panel went far beyond any previous practice as a matter of convenience, careening instead into conducting a controversial investigation which violated the rules of the House under a veil of secrecy.

The House Rules and Manual (sec. 407-8, Jefferson's Manual) states clearly that Members of a committee ". . . can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled" and "The House has adhered to the principle that a report must be authorized by a committee acting together, and a paper signed by a majority of the committee acting separately has been ruled out . . . . No measure or recommendation shall be reported from any committee unless a majority of the committee were actually present (clause 2 (b) of rule XI)."

By informal agreement, until the 113th Congress, any CHA member could object to any proposed poll, demand to enforce the rules of the House and assert their own rights to vote as representatives of their districts by requiring the Chairman to convene the Committee to consider these matters. However, in the 113th and 114th Congresses the rules and the former practice were disregarded when the chairman asserted the unilateral right to approve controversial internal committee resolutions by poll regardless of objection, and refused demands by Ranking Member Brady that the Committee meet and vote publicly. This was the procedure used to dispense money from the reserve fund to the Select Investigative Panel. Using this tactic, the Majority was able to avoid

committee meetings, quorums, public votes, transcripts, press coverage and any other semblance of public accountability.

The Committee also needs to insist upon its jurisdiction by requiring entities which operated outside the checks and balances of House rules and committee funding mechanisms, such as the now-defunct Benghazi Select Committee and any misbegotten successors, to appear before us to request funding directly, rather than allowing the leadership to hide funding in resolutions adopting House rules with no ceiling on ultimate expenditures.

#### GOVERNMENT PUBLISHING OFFICE (GPO)

March 4, 2016, marked the GPO's 155th anniversary and Congress needs the GPO today as much as ever to facilitate our legislative and oversight activities. The GPO constitutes the linchpin of Congress' efforts to keep America informed, and from our perspective, GPO employees are doing a great job under the leadership of Director Davita Vance-Cooks.

Since our last activities report, the GPO has continued its work disseminating public information and guaranteeing its permanent preservation. For example, the GPO has replaced its former digital information platform, "FDsys," with its latest generation system, "govinfo," which provides greater access to public documents than ever before. The new, more robust system is easier to use and provides better service to researchers, students, federal employees and others.

Along those lines, this year the GPO has worked with the Library of Congress to make legislative data available to users in bulk format. While this move did not generate banner headlines across the country, it expands the ability of interested parties to monitor congressional action. GPO is also working with the Library to digitize the bound Congressional Record back to 1873; it is already digitized and available back to 1981, with the 1970's scheduled for release in February 2017. Other historic documents will follow.

In addition to its improving preservation and access work, GPO continues to deliver millions of dollars' worth of work ordered by its many federal-agency customers. Because GPO procures the majority of its printing through contracts with private-sector printers nationwide, it is working to modernize its print-procurement program and seeing results. For congressional work, GPO has installed new equipment that is reducing the cost of producing the hearing transcripts that we all use.

GPO has been a key partner in the formal program to design and produce a new generation U.S. electronic passport for the U.S. Department of State. GPO has made significant capital investments in new and improved facilities, custom designed equipment, and digital manufacturing and quality control systems for this product known to millions of Americans and around the world. Since 2011, GPO has invested more than \$100 million in the passport project and is prepared to begin delivering the new documents when the State Department directs. GPO continues to deliver security documents to the Department of Homeland Security and others. GPO is also working with other Legislative-branch agencies on key ways

to improve information-technology performance and enhance cybersecurity.

On the financial front, for fiscal years 2016 and 2017, Director Vance-Cooks sent Congress a flat budget request. She has reduced overhead costs in various ways, including through a voluntary buy-out, and thus lowered the budget requests for congressional printing. In addition, as the nature of printing has changed, GPO has managed to consolidate production within its North Capitol Street plant and accommodates other federal agencies in need of offices.

#### LIBRARY OF CONGRESS

The Committee continued to exercise its jurisdictional oversight of the Library of Congress, particularly with respect to the Copyright Office and the Library's continuing efforts to modernize its information technology infrastructure.

We trust that the installation of the 14th Librarian of Congress, Dr. Carla Hayden, will hasten the pace of innovation at the Library of Congress and we look forward to working with Dr. Hayden and the Library's Chief Information Officer to improve the institution's IT systems, as recently recommended by the Government Accountability Office.

Of particular interest to us is further improvement of the services provided by the Copyright Office, which needs a bold, forward-thinking, creative new Register to fill the vacancy there as soon as possible. Throughout the 114th Congress, and before, House Administration exercised vigorous oversight of the Copyright Office to ensure the office's leadership was making the necessary progress within the framework of the Library-wide IT modernization plan. We recognize the need for a modern and efficient Copyright Office given its important role to a large and varied group of stakeholders. We do not expect the abrupt resignation of former Register Maria Pallante to hinder any efforts of IT modernization and we will work with Acting Register of Copyrights Karyn Temple Claggett and the eventual permanent Register to ensure full implementation.

We are delighted that the Congress managed to reauthorize the sound and film preservation programs at the Library of Congress and expanded the scope of the Books for the Blind Program to authorize distribution of reading devices to program clients in any format. Unfortunately, the Congress did not enact sundry proposals approved by this Committee to facilitate construction of long-planned storage modules at Fort Meade, Maryland, and expand opportunities for the Library to earn money and thus lessen its dependence on appropriations. We hope the Committee will resume its efforts to enact these and other reasonable proposals early in the 115th Congress.

#### CHIEF ADMINISTRATIVE OFFICER

The Honorable Phil Kiko was sworn in as the Chief Administrative Officer (CAO) on August 1, 2016. We are cautiously optimistic about the direction of the CAO's organization and are prepared to continue to work with the majority where we can share progress. We urge the CAO to focus on the following Democratic priorities.

*Cybersecurity*

We support dramatic and historic investments in our cybersecurity infrastructure, staffing, planning and support for Member offices. This is the CAO's top responsibility. We intend to hold the CAO accountable for the cybersecurity posture of the House of Representatives.

*District office operations*

The CAO needs to have deeper engagement with our more than 900 district offices. The general lack of understanding of district office operations is a persistent gap in our service delivery. The CAO should consider implementing a team to work directly on district office issues.

*Financial operations*

The investigation and indictment of former Representative Aaron Schock, a member of the Committee on House Administration, engendered a Member Expense Review led by Representatives Zoe Lofgren and Rodney Davis. The review resulted in substantial bipartisan changes and strengthening of the Voucher Document Standards and other Committee regulations designed to provide more accountability and transparency to the taxpayer. The minority supports the current finance office strategic planning process. We also urge the CAO to immediately and aggressively push House-wide adoption of the electronic voucher program. The program uses best business practices to process vouchers. An electronic voucher submission process is now standard in the executive branch and would be the best way for the House to expeditiously process financial matters and protect taxpayers.

*Training*

The CAO training program needs comprehensive reform. We look forward to working with the CAO, the majority, and the House Inspector General to implement changes to the program to meet the evolving business needs of the CAO and the congressional community.

*Shared employees*

The CAO must continue working with the Inspector General's office on recommendations to improve shared employees performance. The status quo is an enormous risk to the House. In addition to being inefficient, it is possible there are serious threats to our cybersecurity as a result of the shared employee arrangements.

*Potential merger of CAO and Architect of the Capitol (AOC) operations*

The Democrats asked the Inspector General (IG) to explore merging the blue collar operations of the CAO and AOC. The Democrats urge a serious discussion of the options once the final IG report is presented.

*Ongoing Oversight*

The minority appreciate the collaboration between the Committee Republican and Democratic staffs on the oversight of all of

the House officers. This collaboration has resulted in direct improvement to the CAO's operation. Specifically, updating voucher document standards and Committee handbook regulations, improving district office connectivity and updating transition policies are among the highlights of this work.

We look forward to continuing these collaborative efforts in the 115th Congress.

#### HACKING THE PRESIDENCY

During the 2016 election campaign, the principal American intelligence agencies announced that there had been significant activities, led by Russia, to attempt to influence and corrupt the results of our presidential election. President Obama, just before the end of the 114th Congress, promised to publicly release information in mid-January on the extent of these activities and what the American response would be. President-elect Donald Trump has refused to acknowledge either the Russian involvement or the seriousness of these incursions and has instead attacked the intelligence agencies.

The integrity of our election system should be a major issue for the 115th Congress. If a Republican-led Congress can launch and fund ridiculous investigations of Benghazi and Planned Parenthood which spend millions and amount to nothing, it can finally start to do its job in defending our country against one of the most insidious attacks it had ever faced.

#### ELECTION ACTIVITIES

On July 14th, House Administration Ranking Member Robert A. Brady introduced H.R. 5799, a bill to automatically register willing eligible voters for federal elections. Our current registration systems are aging and in desperate need of modernization. Notably, two states' registration systems—Arizona and Illinois—were the target of foreign cyber intrusions while the threat and possibility of foreign interference with our election was ever-present in 2016.

In addition to bolstering the security and privacy and voter registration records, H.R. 5779 ensures that no eligible voter that wants to participate in their democracy will be denied that opportunity due to arbitrary and restrictive voting laws. Registering to vote should be easy, efficient, and secure and H.R. 5799 would accomplish these aims.

For each federal election, the House Administration Committee trains House employees who have volunteered to serve as election observers. If requested by a campaign, the Committee sends out bipartisan teams of observers to monitor vote canvassing surrounding close.

Congressional races in the event that a race ends up before the Committee as an election contest. The Committee received three requests for election observers, each from the Republican challenger in the district. We sent observers to the following districts: California's 7th Congressional District, California's 10th Congressional District, and California's 49th Congressional District. The House did not ultimately receive a formal notice of election contest from any of the unsuccessful candidates in these districts.

## ELECTION ASSISTANCE COMMISSION

House Administration Democrats still support the mission of the Election Assistance Commission (EAC) and believe in its usefulness and effectiveness in carrying out this mission. The majority tried again in the 114th Congress, and again failed, to abolish the EAC. But we expect them to try again.

In 2016, the EAC dedicated itself to helping election administrators and officials prepare for the 2016 general election. There are more than 8,000 independently operating election jurisdictions in the country. So, helping administrators prepare is a large undertaking.

The EAC acts as a clearinghouse and facilitator between states. In 2016, the EAC produced 22 instructional and facilitative videos, nearly 100 blog posts, held 10 public meetings, summits, and round tables, and testified before Congress.

In addition to helping the more than 8,000 election jurisdictions prepare for the general election, the EAC also furthered its other primary objectives of testing and certifying voting machine—certifying five machines—and conducted the federally mandated Election Administration Voting Survey.

Operating with a quorum of Commissioners, the EAC has demonstrated its usefulness to local and state election officials, among whom it enjoys broad support. We look forward to equipping the EAC with the resources and support necessary to make it even stronger.

## HOUSE ADMINISTRATION DEMOCRATIC FORUM ON MILITARY VOTING

On May 6, 2016, the Democratic Members of the Committee on House Administration conducted a public forum on issues relating to military voting, in San Diego County, California, with Rep. Juan Vargas presiding. The meeting was an open dialogue where top government officials and military voting experts provided attendees with information on the state of military voting and provided best methods for protecting the rights of service members. All Members of the Committee on House Administration were invited to attend. Attending the forum was Rep. Vargas, Matt Boehmer, Director of the Federal Voting Assistance Program, and Michael Vu, Registrar of Voters, County of San Diego.

We discussed how Congress can do more to ensure that no valid ballot goes uncounted from active duty service members abroad. Registrar Vu spoke about the challenges service members face abroad and the tools that the Election Assistance Commission provides local governments. Director Boehmer discussed the pilot projects underway and his efforts to reach out to all active duty service members abroad. Additionally, our panelists discussed issues regarding the military postal infrastructure, the various voting rights per each individual states, the security of the internet for overseas voting and the effectiveness the MOVE Act. Recommendations also included (1) establishing partnerships between state and local election officials and local military installations; (2) that all Federal Post Card Applications be treated as a permanent voter registration form; and (3) providing user-friendly information on what is on the ballot and when the ballot applications has been ac-

cepted. Participants, including local members of the Armed Services, interacted with the panelists with their questions and insights into how to improve military and overseas voting.

As the Republican Congress have failed to address key issues, such as a lack of accessibility to the ballot, we have spearheaded efforts to get feedback from the community on potential improvements. The right to vote is the bedrock of a democratic process and it is imperative to foster this right. Participating in the political process while deployed abroad presents an entirely new set of challenges, often times preventable.

A transcript of the Forum follows:



MILITARY VOTING FORUM  
HELD FRIDAY, MAY 6, 2016  
CHULA VISTA, CALIFORNIA  
CITY COUNCIL CHAMBERS

Congressman Juan Vargas  
51st District of California

Deputy Staff Director Khalil Abboud  
U.S. House of Representatives  
Committee on House Administration

Aaron Allen, Legislative Assistant

SPEAKERS:

Matt Boehmer, Director  
Federal Voting Assistance Program

Michael Vu, Registrar of Voters  
County of San Diego

**Military Voting Forum - 5/6/2016**

1 CHULA VISTA, CALIFORNIA; MAY 6, 2015; 10:12 A.M.

2

3 REPRESENTATIVE VARGAS: All right. If I could  
4 ask everyone to stand, please. We're going to start  
5 with the Pledge of Allegiance.

6 (Pledge of Allegiance recited by participants.)

7 REPRESENTATIVE VARGAS: First of all, I'd like  
8 to thank the members of the Armed Forces here with us  
9 today and everywhere for their service and their  
10 sacrifice.

11 I'd also like to thank the panel today for  
12 taking the trip to talk about this very, very important  
13 subject. Congress can and should do more to ensure that  
14 no valid ballot -- be it absentee, provisional or  
15 machine cast -- go uncounted. We should be making  
16 voting easier and more efficient not only for active  
17 duty military, but also for all eligible voters. But  
18 especially for active duty. And if you think about the  
19 active military, they are in the most dangerous places  
20 in the world right now making sure that the rest of us  
21 have an opportunity to vote. So I think we have every  
22 obligation to try to figure out how to make it easier  
23 for them to vote.

24 And the right to vote is the bedrock of the  
25 democratic process. It is imperative to foster that

**Military Voting Forum - 5/6/2016**

1 right. For years now we have seen, unfortunately, a  
2 systematic attempt to roll back voting protections and  
3 opportunities. Often, many people are forced to choose  
4 between voting and working or voting and taking care of  
5 their children. Sometimes they can't afford the  
6 monetary cost or unreasonable burden of obtaining proper  
7 identification. Sometimes they simply cannot vote  
8 because their polling place isn't sufficiently staffed  
9 and poll workers aren't sufficiently trained. We've  
10 seen this, unfortunately, in some states.

11 The obstacles standing between voters and the  
12 ballot box are too numerous. This is, I believe, an  
13 unconscionable assault on our democracy and it should  
14 stop. And these are just the challenges that voters  
15 face at home. These are the ones here. But to  
16 participate in the political process while deployed and  
17 abroad presents an entirely new set of challenges,  
18 oftentimes preventable. This is one issue where I hold  
19 out hope that we can find common ground.

20 And I am thrilled to be here today and  
21 optimistic for the future of military voting. And I  
22 look forward to the testimony of our experts today. I  
23 have to say I've talked to some of my colleagues, and I  
24 think it is one thing that we can agree on and that we  
25 should agree on, that every active duty military

**Military Voting Forum - 5/6/2016**

1 personnel, every person serving in our Armed Forces  
2 should have every opportunity to vote. And that we  
3 should bend over backwards and do everything we can to  
4 make sure that he or she has that opportunity. And  
5 that's why it's an honor to have here today the Director  
6 of the Federal Voting Assistance Program, Matt --

7 MR. BOEHMER: Boehmer.

8 REPRESENTATIVE VARGAS: -- Boehmer. And he's  
9 right here.

10 And the County Registrar of Voters for the San  
11 Diego County Michael Vu is right here to share their  
12 perspectives on how we can enhance military voting.

13 So Matt is the administrator. He administrates  
14 the federal responsibilities of Uniformed and Overseas  
15 Citizen Absentee Voting Act for the Secretary of  
16 Defense, who is a presidential designee. The Act covers  
17 the voting rights of uniformed service personnel and  
18 their eligible family members and all U.S. citizens  
19 residing outside the United States. He has spent 22  
20 years in his career working for the Undersecretary of  
21 Defense for Personal and Readiness, initially at the  
22 Defense Manpower Data Center and currently at the  
23 Defense Human Resources Activity.

24 Likewise, we have the Registrar of Voters here,  
25 Michael Vu, who is responsible for the registration of

**Military Voting Forum - 5/6/2016**

1 third largest election jurisdiction in California, and  
2 the eighth largest jurisdiction in the country, with the  
3 voter registration population of more than 1.65 million  
4 people in San Diego County. He previously served as  
5 Executive Director of the Board of Elections in --  
6 Cuyahoga?

7 MR. VU: Cuyahoga.

8 REPRESENTATIVE VARGAS: -- Cuyahoga County in  
9 Ohio and elections manager for the Salt Lake County,  
10 Utah. He has testified for the U.S. House  
11 Administration Committee and the U.S. States Election  
12 Assistance Commission. He currently serves as a member  
13 of the Council of State Governments Overseas Voting  
14 Initiative Policy Working Group.

15 And we spoke earlier. And I think he has some  
16 very interesting insights on how potentially the  
17 internet can work, and fax voting, and a bunch of other  
18 things. I really appreciate it.

19 So there are some questions that we have  
20 already. And then I will open up the floor for  
21 questions from the audience.

22 So this question is directed to you. And,  
23 Matt, in your opinion, what will be the biggest obstacle  
24 to military voting in the next 10 years?

25 I think the microphone is working there.

**Military Voting Forum - 5/6/2016**

1 MR. BOEHMER: Sure. Thanks.

2 Absolutely. Good morning, everybody. Good  
3 morning. Thank you, sir. Why don't I go ahead and  
4 start with my opening remarks.

5 REPRESENTATIVE VARGAS: Yes, please start with  
6 your opening remarks. Then we'll go into the questions.

7 MR. BOEHMER: Great. That sounds fantastic.

8 Thank you for opportunity to participate in  
9 today's discussion. I always appreciate the invitation  
10 to connect with and be here with our partners in the  
11 elections community.

12 Thank you to you, sir, and your staff for  
13 organizing this event. Helping to ensure that our  
14 military members and their families have every  
15 opportunity to vote requires teamwork from across both  
16 the federal and the state governments. And so I'm  
17 really thrilled to be a part of this panel.

18 At the Federal Voting Assistance Program, or  
19 FVAP, we provide voting assistance to our military  
20 members, their families, and our U.S. citizens living  
21 overseas through a federal mandate or United States --  
22 excuse me -- or UOCAVA. We work to ensure that military  
23 members are aware of their right to vote and have the  
24 tools and resources to do so from anywhere in the world.  
25 We do this by putting the voter first in everything we

**Military Voting Forum - 5/6/2016**

1 do, providing easily accessible and easy-to-understand  
2 instructions on what they need to do.

3           We also have an in-house Voting Assistance  
4 Center at FVAP so that when military members, their  
5 families or overseas citizens call or e-mail us, they're  
6 actually speaking and dealing with experts on my staff.  
7 This customer-service focus is enhanced through  
8 collaboration. It's through our partnerships, sharing  
9 information, and working towards solutions for our  
10 voters that we can effect real change at a systemic  
11 level. This is why working directly with our partners  
12 in the elections community is one of the most fulfilling  
13 aspects of my job.

14           We are actively working with the Election  
15 Assistance Commission and the United States Postal  
16 Service to improve mail challenges. Simply by starting  
17 a dialogue we were able to help the USPS launch  
18 [votebyemail.gov](http://votebyemail.gov), which is the one-stop shop of  
19 information for election officials to help ensure that  
20 ballots are received and returned on time to be counted.

21           And right here California we're working with  
22 Orange County, who is helping us conduct a ballot  
23 tracking pilot program. California is the largest  
24 state in transmit- -- excuse me -- in transmitting  
25 military and overseas citizen ballots. For the 2014

**Military Voting Forum - 5/6/2016**

1 election, California alone sent more than 90,000 ballots  
2 to our voters. With such a large population of military  
3 voters in California, we knew we needed to conduct some  
4 research right here. So we're working with the Military  
5 Postal Service Agency and United States Postal Service  
6 to explore the provision of full ballot tracking in the  
7 mail stream for the November 2016 election cycle.

8 Our goal is to increase the visibility of blank  
9 ballots and voted ballots for military voters who are  
10 stationed overseas. This pilot will allow us for the  
11 first time to see where ballots are in the overall  
12 postal system. And it will provide us with much  
13 valuable research data and identify any underlying  
14 points of disruption.

15 I can't stress enough how important it is to me  
16 that FVAP be engaged with all the partners who play a  
17 role with our military and overseas citizen voters. We  
18 visit military installations and embassies in consulates  
19 around the world to train our voting assistance  
20 officers. These voting assistance officers, some who  
21 are here in the audience today, are a critical resource  
22 for those at the Department of Defense. They are the  
23 first line of defense for information and help for our  
24 voters who need them.

25 We have actually spoken to -- excuse me. Just



**Military Voting Forum - 5/6/2016**

1 last month FVAP, the EAC -- the Election Assistance  
2 Commission -- and 90 of the nation's top election  
3 officials visited Camp Pendleton to gain a better  
4 understanding of the military environment, to see  
5 service members in action, and to meet with voting  
6 assistance officers. They spoke to Marines and heard  
7 firsthand about their positive experience with voting  
8 and also the challenges that they encountered while  
9 trying to vote while deployed.

10 In the afternoon FVAP and election officials  
11 spent some time with my fellow panelist here, Michael  
12 Vu, at the San Diego Registrar of Voters office. He and  
13 his staff demonstrated their election day processes for  
14 the group. And it was a tremendous experience and a  
15 learning experience for all of us.

16 I should also mention that Mr. Vu has played an  
17 instrumental role in helping us develop target and  
18 actual policy recommendations that states can easily  
19 implement. He led a subcommittee of this Council of  
20 State Governments policy working group. He and his  
21 team's effort resulted in key recommendations to  
22 establish partnerships between state and local election  
23 officials and military installations.

24 When adopted by states and localities, this  
25 recommendation can have a positive impact on the

**Military Voting Forum - 5/6/2016**

1 absentee voting process for military members, their  
2 families, and our overseas citizens.

3           We started to work with the Council of State  
4 Governments in an effort to build state election  
5 administrators' and policy makers' awareness and  
6 understanding of the department's voting assistance  
7 mission. But it's turned out to be so much more. The  
8 Council of State Governments, along with the Department  
9 of Defense, have created two working groups. One is the  
10 technology group, exploring the areas of performance  
11 metrics, data standardization, and processing of UOCAVA  
12 ballots. And possibly the acceptance of electronic  
13 signatures using the Department of Defense's Common  
14 Access Card during the registration process.

15           The policy group, the one that Mr. Vu served  
16 on, drew from decades of combined election  
17 administration experience, and used the Presidential  
18 Commission on Election Administration's military and  
19 overseas voter recommendations to explore solutions to  
20 persistent issues which can still be vexing to our group  
21 of military voters.

22           Through the leadership, cooperation, and  
23 dedication of participating election officials, this  
24 effort results in actionable items that states can  
25 easily implement. We are also working with the Council

**Military Voting Forum - 5/6/2016**

1 of State Governments and the Election Assistance  
2 Commission to explore content and process improvements  
3 for the EAC's voting survey to ensure higher quality  
4 data collection, thus improving data sharing, and  
5 ultimately improving elections.

6           It's through FVAP's relationships that we're  
7 able to improve our program and the tools and resources  
8 that we provide to our military voters. I'm so excited  
9 to be here today to share with you the outreach and  
10 awareness efforts we are conducting this year. Since  
11 the 2014 election we have implemented all sorts of new  
12 materials based on lessons learned. We've used research  
13 to guide us where we need to be. We've completely  
14 revamped our voting assistance officer training. We're  
15 launching new digital platforms and video series to  
16 reach our first-time potential voters, that important  
17 group of voters that may need extra help. We're also in  
18 the works with commander video project encouraging our  
19 base commanders and senior level officials in the  
20 Department of Defense to encourage and actively discuss  
21 the topic of participating in elections.

22           We're also using some traditional outreach  
23 methods. For the first time we're going very old school  
24 with a direct marketing campaign to every single  
25 military member and spouse in the United States

**Military Voting Forum - 5/6/2016**

1 military.

2           We're also expanding out spousal outreach. We  
3 know this group of people are actually helping increase  
4 the return of the ballot. So we need to reach out to  
5 our spouses.

6           Our entire staff is entirely engaged with  
7 implementing these new approaches for the 2016  
8 elections.

9           Over the past three years we have made voting  
10 easier for our military members, but I still know that  
11 we have many challenges to overcome. Our military is  
12 highly mobile. They must navigate complex state rules  
13 and deadlines for different forms. They are often  
14 disconnected from their local voting communities. And  
15 they're desperate for information to inform them that  
16 their vote was counted.

17           I'm excited to be here today to share in the  
18 dialogue on how military voting process can be improved  
19 and to ensure that our military members who want to vote  
20 have the tools and resources to do so, no matter where  
21 they are in the world.

22           Thank you, sir.

23           REPRESENTATIVE VARGAS: Thank you.

24           I know, Michael, you have a statement you would  
25 like to read too. Why don't we go to that next.

**Military Voting Forum - 5/6/2016**

1 MR. VU: Thank you so much, Congressman.  
2 Congressman, members of the congressional  
3 staff, audience. Thank you for creating this forum and  
4 the opportunity to speak today regarding our military  
5 and overseas voters. For purposes of the record I have  
6 prepared some remarks today.

7 My name is Michael Vu, Register of Voters for  
8 the County of San Diego. I have been working within the  
9 field of election administrations for the past 20 years,  
10 of which nine of those have been here in San Diego  
11 County.

12 As you may know, San Diego County has over  
13 3 million people residing in its boundaries. It has  
14 over 1.5 million registered voters, with an eligible  
15 voter population of approximately 2.1 million.

16 In the last presidential election 77 percent of  
17 registered voters turned out to vote. The next closest  
18 turnout we had in the region that year was Riverside  
19 County, which had a 71 percent turnout. And if we were  
20 speaking of the turnout in the last open presidential  
21 election here in San Diego County, in 2008 our voter  
22 turnout was 84 percent.

23 Now, one would say that these are fairly good  
24 percentages, and turnout is robust in San Diego County.  
25 Well, it is, in comparison to others and when it comes

**Military Voting Forum - 5/6/2016**

1 to statewide elections. That said, however, when we dig  
2 deeper into the various populations, we see a  
3 disproportionality that is pretty wide among our  
4 military and overseas voters. In fact, the  
5 participation rate in the 2012 presidential -- general  
6 presidential election and 2008's general presidential  
7 election was 77 percent and 68 percent respectively.  
8 And although the 77 percent military participation rate  
9 is equal in number to the overall that year, the rate of  
10 rejection was much higher. And when you factor that  
11 into the equation, it drops to 65 percent.

12 Now, many of the ballots are rejected based on  
13 the ballot not arriving timely and the individual not  
14 being registered in advance of the election. As long  
15 as -- as a long time election official I have seen the  
16 challenges our military and overseas voters face when  
17 exercising their right to the vote, and the initiatives  
18 and the projects of deployed to remove or mitigate them.

19 As I see it today, the same main challenges  
20 that were present 20 years ago when I started are the  
21 same unique challenges that our military and overseas  
22 voters face today. First, our military and overseas  
23 voters are often deployed and are located in remote  
24 stretches of the world.

25 Second, time. Due to distance, technology, and

**Military Voting Forum - 5/6/2016**

1 infrastructure, our military and overseas voters don't  
2 have sufficient time to vote, receive, and return their  
3 ballots.

4           And lastly, varying state laws inevitably  
5 create voter confusion among our military and overseas  
6 voters. This is particularly conspicuous, as military  
7 personnel and their families are transient.

8           To address these challenges, I recall early in  
9 my career, when I worked in Salt Lake County, Utah, the  
10 state agreed to work with the Department of Defense and  
11 the Federal Voting Assistance Program to participate in  
12 the Secure Electronic Registration and Voting  
13 Experiment, also known as SERVE, to see whether or not  
14 internet voting was a possibility. No sooner did it  
15 start was it canceled due to security concerns and the  
16 lack of public confidence. Although we have not been  
17 able to pull the levers of the power of the internet due  
18 to these concerns, I do believe great progress has been  
19 made by the Federal Voting Assistance Program, FVAP, by  
20 state and local election officials, through the  
21 cooperation and collaboration of the many military  
22 installations throughout the county and the world, and  
23 through policy changes made at the federal and state  
24 levels to reduce these barriers.

25           In the State of California, legislation has

**Military Voting Forum - 5/6/2016**

1 passed to accept the mail ballot three days after  
2 election day, so long as the mail ballot envelope is  
3 postmarked on or before election day. The governor also  
4 signed last year the ability for voters to cure their  
5 mail ballot up to eight days after election day if they  
6 forgot to sign the outside of their envelope.

7           The passage of the Military and Overseas  
8 Empowerment Act, MOVE, requires election officials to  
9 mail, e-mail or fax ballots 45 days in advance of the  
10 election, which can dramatically reduce the time it  
11 takes to at least one leg of the ballots' journey.

12           I have had the fortunate opportunity, as has  
13 been discussed by Director Boehmer, to serve for the  
14 past three years on a policy working group for the  
15 Council of State Governments overseas voting initiative  
16 to recommend policy changes that would continue to  
17 remove barriers for our deployed military voters. Last  
18 year the working group finished its recommendation.  
19 These recommendations fall into four main groups. They  
20 are as follows. Under voter communication there is the  
21 use of plain language. Easy, understandable language  
22 so voters do not have to decipher the legal or  
23 election-specific jargon in receiving or casting their  
24 ballot. There is the effective use of election websites  
25 and social media platforms dedicated specifically for



**Military Voting Forum - 5/6/2016**

1 military and overseas voters. Which let me just say  
2 that FVAP does a wonderful job in the last number of  
3 years in putting all that information together for our  
4 military and overseas voter. The third is implementing  
5 user-friendly electronic ballot return envelopes. And,  
6 finally, the fourth is communicating to voters when the  
7 ballot application is accepted, like any normal  
8 electronic communications we do on a daily basis. It is  
9 always reassuring to receive some feedback that the  
10 application was received and the status of it. Finally,  
11 the recommendation under communication is providing  
12 information about this: What is on the ballot.

13 Let me just say in San Diego County, as well as  
14 the rest of the 58 counties in California, we send out  
15 the sample ballot pamphlet when we send out the ballots  
16 to our military and overseas voters, like we do all  
17 voters in San Diego County.

18 The second main recommendation is the treatment  
19 of the Federal Post Card Application, or FPCA. The  
20 policy working group recommended that all FPCA requests  
21 serve as a permanent voter registration form. Currently  
22 some states only consider the application for a finite  
23 period of time. In the State of California the FPCA is  
24 a permanent registration form, like any other  
25 registration form that one would fill out.

**Military Voting Forum - 5/6/2016**

1           The third recommendation of the group is for  
2 states that provide online voter registration, like  
3 California, these states should incorporate online  
4 registration processes specific to overseas and military  
5 voters. Again, something that California does.

6           And the final recommendation is to establish  
7 partnerships between state and local election officials  
8 and local military installations before they have to  
9 talk about some of those efforts that San Diego County  
10 has been pursuing in terms of what those partnerships  
11 look like.

12           All of these are meant to be actionable  
13 recommendations, as Director Boehmer has stated, that  
14 would better serve America's military and overseas  
15 voters, and improve the rate of return and counted mail  
16 ballots.

17           Again, I'm proud to say that the State of  
18 California, the County of San Diego has all these  
19 components in places when interacting with our uniformed  
20 voters as we ready ourselves for the June 7th, 2016  
21 presidential primary election, and, of course, the  
22 November 8th presidential general election.

23           I understand you and the audience may have  
24 questions, so let me end my remarks by saying that there  
25 is much work left to do to remove challenges for our

**Military Voting Forum - 5/6/2016**

1 military and overseas voters to fully participate in the  
2 franchise. And I, and I know all of my colleagues  
3 across the United States, including territories, are  
4 committed to this cause. Thank you very much.

5 REPRESENTATIVE VARGAS: Thank you.

6 I'll go to questions first. And then we'll  
7 have questions from the audience.

8 One of the questions that I brought up here was  
9 the obstacles in this of tenure. Let me give you a good  
10 example, a couple of examples. I just got back from  
11 Moscow. Of course we have the Marines stationed there  
12 at the embassy. We -- they wanted to take some pictures  
13 with the congressional delegation, which we did. And  
14 there was heightened awareness, I should say, heightened  
15 awareness of the presidential campaign this year. They  
16 wanted to ask us a number of questions about the  
17 candidates. And certainly a number of them wanted to  
18 vote. And they were excited about their opportunity to  
19 vote.

20 So how would a Marine stationed at the embassy,  
21 the American Embassy in Moscow have that opportunity?  
22 And let's assume that there was a person from  
23 California, which there was, and I believe the other  
24 person was from Oklahoma. How would they have that  
25 opportunity, a real opportunity to vote?

**Military Voting Forum - 5/6/2016**

1 MR. BOEHMER: Absolutely. Thanks for the  
2 question.

3 As you mentioned, there is lots of opportunity  
4 for that person to vote. But it all starts with the  
5 process doing it very early. That Marine would need to  
6 register to vote. Let's just use -- let's just say, for  
7 example, they're here in San Diego County. They would  
8 actually have to let Mr. Vu's office know that they are  
9 registering to vote. And they can do that a couple of  
10 different ways: One using the Federal Post Card  
11 Application, or one using the online tools that are  
12 available here in California for them to do.

13 Because of the MOVE Act, our military members  
14 have the option to receive a blank ballot from the  
15 state, either electronically they can get that through  
16 an e-mail or through one of your online delivery systems  
17 or they can actually ask for it to be mailed to them.  
18 And that could be easily mailed to their address over at  
19 Moscow in the embassy.

20 Because the Marine is stationed at the embassy,  
21 we actually work very closely with the Department of  
22 State. The Department of State is responsible for  
23 embassies and consulates for around the world. So we  
24 work very closely with the Department of State. There  
25 is actually a diplomatic pouch that the Marine could put

**Military Voting Forum - 5/6/2016**

1 their voted ballot back into that pouch, and it gets  
2 processed quickly over to the United States and returned  
3 to the United States Postal Service.

4 So you can see the process. The process is  
5 available. There are tools and resources in place, both  
6 with state and local election officials, with the  
7 Department of State, with those of us at the Department  
8 of Defense, but you have you to be aware of these  
9 resources. And that's something that we're really  
10 actively trying to do. We need to make sure that our  
11 military members are aware that there are tools and  
12 resources available to them to help them participate.

13 You also will realize that you have to act  
14 early, right? Our Marines that are stationed at the  
15 embassy at Moscow can't at the very last minute figure  
16 out that he needs to act. So one of the things that  
17 we're doing is we're having our voting assistance  
18 officers inform our military members very early in the  
19 process. As a matter of fact, in January of each year,  
20 our voting assistance officers go out and encourage  
21 military members to fill out a new Federal Post Card  
22 Application.

23 One of the things that we're worried about is  
24 the mobility issue that Mr. Vu mentioned. Our military  
25 members, by the very nature of their jobs, they move

**Military Voting Forum - 5/6/2016**

1 around a lot. Oftentimes they move at times in the year  
2 where thinking about voting isn't natural. So we're  
3 actually going out to our military members and  
4 encouraging them to make sure that they register to vote  
5 early and that they let their local election officials  
6 know whenever they've moved.

7 REPRESENTATIVE VARGAS: Let me ask a separate  
8 situation then. In 2013 I was in Afghanistan. And when  
9 I was in Afghanistan I met with a number of Army  
10 personnel that happened to be -- actually, some from  
11 Chula Vista, from this very city where we are today.  
12 And we had lunch with them. It was exciting to see  
13 them. I realized how old I was because some of them  
14 said I had gone to their junior high and elementary  
15 promotion and graduation.

16 But anyway, all that being said, now they were  
17 very mobile. They were moving around. They happened to  
18 be in a camp at that moment. How would they vote?  
19 Because there is no diplomatic pouch there that I'm  
20 aware. How would they have that opportunity, real  
21 opportunity to vote? They're in a camp in Afghanistan.  
22 How are they going to get that opportunity?

23 MR. BOEHMER: So a couple of different  
24 scenarios. Again, using the scenario that they have  
25 registered to vote, and that their state or local

**Military Voting Forum - 5/6/2016**

1 election office knows that, we would hope that they  
2 could get their ballot the normal way. Let's say, for  
3 example, they still have access to the internet, that  
4 they could actually download a PDF version of their  
5 ballot. There are forward deploying places that still  
6 have access to the military postal service agency who  
7 are very active in Afghanistan and Iraq.

8           But let's just say, for example, that ballot  
9 didn't get to them, but they are registered to vote.  
10 Our voting assistance officers who are embedded in units  
11 throughout the world have access to what we call the  
12 Federal Right and Absentee Ballot, which is what we call  
13 the Backup Ballot or the Emergency Ballot. That's  
14 available to our military member and our citizens using  
15 overseas to say: Hey, listen, I didn't receive my state  
16 ballot, but I have the ability to write in the  
17 candidates.

18           They also have the ability, again if they have  
19 access to the internet at any point, to go to fvap.gov.  
20 All of those forms are available for them to either fill  
21 out online or to download.

22           But we certainly recognize the challenges that  
23 our forward deployed military members face. Not only do  
24 they face dangers in what they're doing to protect our  
25 country, but that their access to resources aren't

**Military Voting Forum - 5/6/2016**

1 sometimes as good as they should be. So what we're  
2 hoping again in these situations, that they've planned  
3 early, and that they have an active voting assistance  
4 officer who is there to help them.

5 REPRESENTATIVE VARGAS: So taking off from that  
6 question, so let's assume that they have to use the  
7 federal backup, the Emergency Ballot. How would we deal  
8 with that here in California? Is the military officer,  
9 the deployed member, the active military duty officer or  
10 individual the only person who has the opportunity to  
11 use that, that type of a ballot?

12 MR. VU: So anyone that is in the military  
13 that's deployed or any individual, that is overseas  
14 voters, can use the Federal Write-In Absentee Ballot as  
15 a backup to any ballot that we may send to them. And  
16 oftentimes many elections we do receive two ballots:  
17 The one that we sent them, as well as the Federal  
18 Write-In Absentee. Because our military and overseas  
19 voters are conscientious, making sure that they're able  
20 to get that ballot in. And so when both ballots come  
21 in, of course we're only going to count one of them.  
22 And generally what we do is hold on to the Federal  
23 Write-In Absentee Ballot to see if we have the return  
24 ballot back. The reason why that's important is because  
25 there are so many different contests that are on the



**Military Voting Forum - 5/6/2016**

1 ballot.

2           So we want to make sure that our military and  
3 overseas voters are not only able to vote on the federal  
4 races -- offices of U.S. President or U.S. Senate and  
5 Congressional -- but also all the downstream contests  
6 that are on the ballot. For example, in this June 7th  
7 election we have 10 measures on the ballot. We have,  
8 you know, 300 other different candidates that will be on  
9 the ballot. So we want to make sure that they have the  
10 ability to be fully franchised, as I explained before,  
11 in terms of their ability to count the ballot.

12           And, of course, the Federal Write-In Absentee  
13 is a great backup to that. We just want to make sure  
14 that there are opportunities that avail themselves to a  
15 military and overseas voter to be able to cast their  
16 ballot.

17           REPRESENTATIVE VARGAS: But do we give any  
18 special opportunity for an military overseas voters?  
19 In other words, do they have the opportunity send their  
20 ballot back in a way that's different from a regular  
21 overseas voter?

22           So let's say that I'm a lawyer that I was  
23 practicing law in London. I would have, I imagine, the  
24 ability to use the overseas -- I know that there are  
25 some special procedures --

**Military Voting Forum - 5/6/2016**

1 MR. VU: Yes.

2 REPRESENTATIVE VARGAS: -- for the military.  
3 What are they and what else do you think they might be  
4 able to do?

5 MR. VU: So as a result of a Military and  
6 Overseas Voting Empowerment Act, the MOVE Act --

7 REPRESENTATIVE VARGAS: MOVE Act.

8 MR. VU: -- a couple of things that improved  
9 the process in terms of the time issues associated with  
10 that. Number one, all elections officials in the city,  
11 as well as state election officials have to send out the  
12 ballot 45 days in advance. Now, when we send out that  
13 ballot it is up to the military and overseas voters to  
14 let us know which way they want to receive that ballot.  
15 Are they going to receive it through the normal channel,  
16 which is through the U.S. Postal Service, or through the  
17 APO/FPO process that -- the infrastructure that the  
18 military has, which is essentially mailing them a hard  
19 copy of their ballot. The other way of receiving their  
20 ballot is through e-mail, which is something that is  
21 really targeted towards military and overseas. No one  
22 else has that opportunity, at least in the State of  
23 California, e-mailing to them their ballot. Or faxing  
24 them their ballot.

25 Now, as I mentioned before -- let me give you

**Military Voting Forum - 5/6/2016**

1 some statistics associated with that, by the way. In  
2 this upcoming June 7th election we have approximately  
3 7,000 ballots that were mailed out on April 23rd. Of  
4 that number, half of those were by mail, the hard copy  
5 version of it, the other half were through the e-mail  
6 system. And then a couple of them were by the last  
7 channel, which is by fax.

8 So, Congressman, I want to answer you, the last  
9 half of that question, which is: How can a military and  
10 overseas voter return that ballot? According to the  
11 state laws here in California, we could receive it, of  
12 course, back through the same traditional channels  
13 related to mailing it back to our office, in terms of  
14 that ballot. Or they could fax it back to us, if they  
15 have a fax machine.

16 They cannot e-mail that ballot back to us  
17 because that's prohibited by -- for security reasons  
18 they cannot e-mail that back. But, again, there are two  
19 methods: Fax or by mail.

20 REPRESENTATIVE VARGAS: And it's prohibited by  
21 state law, not by federal law.

22 MR. VU: That's correct, it's prohibited by  
23 state law. And the concerns there are due to security.

24 REPRESENTATIVE VARGAS: Thank you.

25 Well, if I could ask then, Director, what about

**Military Voting Forum - 5/6/2016**

1 the issue of the MOVE Act? The MOVE Act was voted on, I  
2 believe, in 2009, again trying to make it easier for the  
3 military to vote. What is it we can do to build on  
4 that? I know there is the issue of security of the  
5 internet, but at the same time it seems like -- as our  
6 military is deployed, it seems more often all the time  
7 as they become more and more nimble and the incredible  
8 places that they're going these days and the things that  
9 they're doing, are there other ways that we can help to  
10 allow them to vote?

11 MR. BOEHMER: Yes, thanks.

12 As you and Mr. Vu mentioned, the MOVE Act gave  
13 us lots of improvements. And it's incredible to think  
14 about it, but we've only had one presidential election  
15 since the MOVE Act was enacted in 2009. So 2016 will be  
16 that second presidential election. So what we're  
17 really hoping to do is to see how far we've come since  
18 the MOVE Act after the 2016 election. We think having  
19 data from the 2012 election, as well as the 2016  
20 election will really give us some insights into really  
21 how far we've come.

22 What we've really been concentrating on is this  
23 whole idea of making sure that our military members have  
24 the information that they need. We know that they --  
25 they need to be more aware of the resources that we have

**Military Voting Forum - 5/6/2016**

1 at the federal and at the state levels that will help  
2 them out. So we've done things to really try to stress  
3 the informational resources that we have at FVAP.

4 The other thing that we've really tried to do  
5 is to take a look at our voters and not treat them all  
6 the same. We know that there are member of the active  
7 duty military that have been voting absentee for a  
8 really long time. They know how to do it and they don't  
9 need our help.

10 So what do we want to do? We want to  
11 concentrate on those voters who might need our help.  
12 And those are what we call our younger, first-time  
13 potential voters. Sir, as you know, the military:  
14 Primarily male, primarily under the age of 30. And this  
15 is that group that needs our help. Just like any other  
16 18-year-old in this country, an 18-year-old enters the  
17 military, has the same amount of voting information  
18 knowledge as his counterpart that's going off to college  
19 or a tech school or is going to go out into economy and  
20 get a job.

21 So they're not anything special in terms of  
22 their voting information or knowledge. But what we have  
23 in the Department of Defense is a unique opportunity to  
24 make sure that that voting experience, that very first  
25 time that they vote is a positive one. And what we know

**Military Voting Forum - 5/6/2016**

1 from that is if they have a positive voting experience  
2 their first time, their likelihood of voting again and  
3 again and again increases.

4 So we're working special with this group. We  
5 know that that group of people likes to get information  
6 from the internet, so we've really redesigned fvap.gov  
7 to help them out. We also know that they rely on social  
8 media a lot. We also know they don't want to read a lot  
9 about information. They're used to getting information  
10 from You Tube, from videos. They use Snapchat. Really  
11 small bits of information to tell them a lot. So we've  
12 created video clips on explaining, in a very fun and  
13 unusual way, the Federal Post Card Application, or what  
14 we call the FWOB, the Federal Write-In Absentee Ballot.  
15 So we've created unique opportunities for our younger  
16 first-time voters who might need our extra help. So  
17 what we've been really working on over the past years is  
18 information, really getting at our resources and  
19 targeting those resources. And then after the 2016  
20 election really taking a look at, from the 2012 and from  
21 the 2016 election, how far we have come, what challenges  
22 have we been able to address, and then what ones are  
23 still coming.

24 You asked me about challenges in the beginning  
25 about what do I see in the next 10 years or so. We will

**Military Voting Forum - 5/6/2016**

1 always have these challenges of mobility. We will  
2 always have the challenges because states run elections  
3 on complexity. What we need to understand is our  
4 military members come from all over the United States.  
5 They live and work together. So you've got military  
6 members from California and Utah and -- you know, and  
7 Louisiana, Virginia. All of these have very different  
8 deadlines and rules for voting administration. So this  
9 makes that complex. So we will continue to fight those  
10 battles over the next 10 years or so.

11 But what we also have to fight is the battle of  
12 interest, right? We need to make sure that for those  
13 people who want to vote, they have the tools and  
14 resources. But I'm also concerned about the level of  
15 interest in voting in general.

16 And this isn't just a military issue. This is  
17 just a general American issue, and what can we do as a  
18 nation to say: Hey, listen, this is an important topic.  
19 This is your fundamental right to vote. We certainly  
20 know that this is more important for our military  
21 members, who do so much to protect that fundamental  
22 right to vote, so all of our state and local election  
23 officials embrace this idea of helping our military  
24 members with their challenges. But the level of  
25 interest -- we know, for example, that after the 2014

**Military Voting Forum - 5/6/2016**

1 election over 50 percent of the active duty members who  
2 we surveyed told us that they didn't vote because they  
3 just didn't have any interest or didn't want to. Now,  
4 as you know, voting is certainly a personal choice, but  
5 that's something that I want to keep my eye on.

6 REPRESENTATIVE VARGAS: I have many questions  
7 from those comments, but I've got to tell you, I think  
8 the interest this time is very high.

9 But I want to give the opportunity to members  
10 of the audience and the public right now, if they have  
11 any questions, to please bring them up. We have the  
12 experts here. We want to hear from you.

13 I believe that there is a gentleman right here  
14 who had his hand up. And if you could give your name so  
15 we can know who we're addressing. And, again, I thank  
16 you for being here, sir. Go ahead.

17 NEW SPEAKER: Liam Gordon (phonetic).

18 I have two questions. One question: Is it a  
19 possibility that the spouse of the deployed veteran or  
20 service member have a role and maybe do it by proxy  
21 rather than go all the way across overseas?

22 And then for the next question is: How well  
23 informed is that person that's engaged in these small  
24 units or small areas which where there is conflict  
25 through war, or whether they're engaged for three to six



**Military Voting Forum - 5/6/2016**

1 months and they're completely unaware of the -- I guess  
2 the dynamics or what's going on with the different  
3 candidates or the issues that are up for ballot?

4 REPRESENTATIVE VARGAS: Thank you very much,  
5 sir.

6 Who would you like to handle that question?

7 MR. VU: I'll do the proxy.

8 REPRESENTATIVE VARGAS: You want to do the  
9 proxy?

10 MR. VU: So currently state and federal law  
11 doesn't allow for proxy voting like you would have, for  
12 example, let's say in a situation where you have --  
13 you're a stockholder, if you will. That would have to  
14 occur from a federal as well as a state level.

15 And I almost want to say that there may be some  
16 constitutional implications associated with that. We  
17 would have to dive really deeply -- or elected officials  
18 would have to dive really deeply into that as to whether  
19 or not that would ever be allowed.

20 It would make some degree of sense, but, again,  
21 there is this notion of the privacy of the vote. Even  
22 when a person is going to the polling place with their  
23 spouse, there is always that concern of making sure that  
24 the spouse is not voting for the actual -- the other  
25 spouse. And making sure and potentially providing some

**Military Voting Forum - 5/6/2016**

1 level of coercion or intimidation with that whole  
2 process. We have to think about that if we open that to  
3 military and overseas voters to try to, you know, curb  
4 or mitigate and reduce time associated with them being  
5 deployed and being able to vote. I would be very  
6 cautious and careful with that, that type of option, or  
7 any type of, let alone military and overseas voters.

8 Related to your second question was --  
9 REPRESENTATIVE VARGAS: The second question was  
10 the issue of --

11 MR. BOEHMER: -- information?

12 REPRESENTATIVE VARGAS: -- these small units  
13 that are sometimes very mobile in places that are very  
14 conflictive so they're not getting a lot of the  
15 information. Basically war fighting and trying to stay  
16 alive. So what about the information that they get and  
17 how are they able to keep informed? I believe that was  
18 generally the question.

19 MR. VU: Let me just speak for the State of  
20 California, because I've also had -- I've worked in two  
21 other jurisdictions in two others states. And I do know  
22 that in those other states they don't do what we do here  
23 in California. And what I mean by that is we send out  
24 these sample ballot and voter information pamphlets.  
25 And that's key. Sample ballot may just insinuate that

**Military Voting Forum - 5/6/2016**

1 is a sample ballot of the ballot they're going to be  
2 receiving, but there is that voter information pamphlet  
3 portion of it. And inside that pamphlet contains  
4 candidates' statements. It contains information related  
5 to the pros and cons associated with measures. These  
6 are things that not all states have adopted. But I'm  
7 proud to say that this is something that we send out  
8 here in the State of California. And let me just give  
9 you some stats associated with this.

10 Those 10 measures, we have books that may be  
11 eight pages long because a voter may vote on specific  
12 candidates and specific measures that only pertain to  
13 them. If you live in the City of San Diego we'll have  
14 approximately 158 pages worth of content for a voter  
15 that they may receive that they could be made aware of.

16 I'm not quite sure how the military  
17 installations provide like internet access to know more,  
18 to the news that is being discussed related to the U.S.  
19 presidential candidates or more local items here. I'll  
20 leave that up, perhaps, to Director Boehmer.

21 MR. BOEHMER: And, by the way, your questions  
22 are great ones in terms of a couple of things. You  
23 know, obviously, Mr. Vu answered the proxy. But we  
24 really do rely on our spouses. For those of you in the  
25 military and are involved in military communities, we

**Military Voting Forum - 5/6/2016**

1 know that spouses are the bedrock of the military  
2 family.

3 We've also done some research that says marital  
4 status actually increases the likelihood that a military  
5 member would return their ballot, right? So some of  
6 this you call the no-duff factor. You can call it  
7 another person in the household reminding the voter.  
8 You can call it nagging. But we have another person in  
9 the household that is interested in voting.

10 So we're really reaching out to our spouses,  
11 our spouse groups, to the Military Family Readiness  
12 Centers to really leverage spouses in a way for not only  
13 saying: Hey, listen, I just received my ballot. Did  
14 you receive yours? And to relay information from the  
15 spouse to the military member about what's going on.

16 What -- we really rely on our voting assistance  
17 officers. This is where they play a real big key in  
18 terms of situation. We certainly know there are  
19 situations where military members are out doing their  
20 jobs and they're fighting for their lives. But we also  
21 know that there are appropriate times and places, no  
22 matter where are you in the world, to have discussions  
23 with your voting assistance officer, with your unit  
24 voting assistance officer to talk amongst your  
25 colleagues about what's going on with participating in

**Military Voting Forum - 5/6/2016**

1 elections. So we know this is not always top of mind,  
2 it's not a top priority, but for those who want to vote  
3 we really rely on our voting assistance officers that  
4 are embedded in these units to be able to get them the  
5 information that they need, whether or not it's a Backup  
6 Ballot, whether or not it's access to information. We  
7 really rely on this group of people who do a yeoman's  
8 job in terms of -- this isn't their primary  
9 responsibility, right, our voting assistance officer.  
10 This is sometimes their -- not only their secondary  
11 duty, their tertiary duty. They've got other  
12 assignments as well. But this is a group of volunteers,  
13 volun-toids, however they became a voting assistance  
14 officer, they are dedicated.

15 I was just up in Washington State with not only  
16 the Secretary of State, but with their election  
17 officials. And we had a training of our voting  
18 assistance officers. And they asked really smart,  
19 intelligent questions that let you know that they were  
20 engaged in the process, that they were concerned about  
21 having their military members get accurate information.  
22 And then they wanted to be that resource.

23 So I really appreciate your questions. Those  
24 were really insightful.

25 REPRESENTATIVE VARGAS: Thank you. I think

**Military Voting Forum - 5/6/2016**

1 that Michael wanted to add something.

2 MR. VU: I would.

3 Director Boehmer mentioned about spouses. The  
4 question was about spouses.

5 You know, one of the things I am proud, in  
6 terms of my role as the Registrar of Voters, is being  
7 able to interact with my colleagues in other parts of  
8 the country. But let me just say one thing about San  
9 Diego County. And that is there is an Office of  
10 Military and Veterans Affairs that we have. And that is  
11 to address not just military overseas voting, but to  
12 address all the other services that a military and  
13 overseas family needs here in the county.

14 Of course, our county is huge. There are  
15 hundreds of thousands of individuals that are stationed  
16 here, living here. Veterans that are living here. And  
17 so all this is more than just elections officials here  
18 in the county that are working to improve things like  
19 the voting process. There is a whole cadre of other  
20 services that we want to make sure that we're a one-stop  
21 shop in terms of what those services are.

22 Let me give you one point of interest related  
23 to my work and the ability and opportunity of having  
24 been on this overseas voting initiative that the Council  
25 of State Governments have. And it's the one that I got

**Military Voting Forum - 5/6/2016**

1 to participate in in terms of this subgroup, this notion  
2 of partnering with other local elections officials,  
3 partnering with other military installations. And that  
4 is in engaging them.

5           When I came back, in talking with my colleagues  
6 one of the things that I took back was this notion of  
7 our spouses. Well, for the County of San Diego and the  
8 Registrar of Voters office, we have 65 full-time  
9 employees that we operate under. Yet when we conduct a  
10 statewide election we hire 1,600 seasonal staff members.  
11 And so for this upcoming election, actually for the past  
12 two years, one of our efforts had been to go to these  
13 military and overseas and veteran job fairs because we  
14 are looking for individuals that are spouses that have a  
15 person that's deployed -- their spouses are deployed.  
16 We're looking to bring on individuals that are spouses.

17           And there are a couple benefits to this. We  
18 consider it is a win/win/win situation. Number one,  
19 they get to specifically participate in our office. We  
20 believe that because we are employing a spouse member at  
21 our office, they will then disperse that information to  
22 their spouses, as well as to other spouses and military  
23 folks. And they get to be employed and participate in  
24 the election process. We see that so much more than  
25 just the vote inside of this equation.

**Military Voting Forum - 5/6/2016**

1           Let me just also say that our office wants to  
2 be -- we know that there are a number of individuals  
3 that do not -- military folks that do not consider  
4 San Diego County as their home of record. They consider  
5 that it is Louisiana or Ohio or Virginia as their home  
6 of record, but they're stationed here. And so what we  
7 have done is work closely with the voting assistance  
8 officer that Director Boehmer talked about, so that we  
9 could be used as a resource. And we know these local  
10 election officials from other locations. And if they  
11 need our assistance to be able to get that communication  
12 going, between their station here versus their, you  
13 know, home of record, that we could cut the gap of time  
14 and confusion related to what are the voting laws  
15 associated with that state. Just to add on to what  
16 Director Boehmer was talking about.

17           REPRESENTATIVE VARGAS: I would add one thing.  
18 And that's interesting that the places that I've been  
19 to -- and I was on foreign affairs so I traveled pretty  
20 extensively. They always give the military officers  
21 there and enlisted people an opportunity to meet with us  
22 if they'd like to, especially from our region. And I'm  
23 always very impressed with the people who choose to do  
24 that, how well informed they are, whether it was in  
25 Moscow recently or Warsaw or as well when I was in



**Military Voting Forum - 5/6/2016**

1 Afghanistan and Iraq. It always surprises me how well  
2 informed, much more informed sometimes, than people that  
3 are here in my community in this area.

4 So we have another question back here from a  
5 lady. If we could get your name and then your question,  
6 please.

7 NEW SPEAKER: Thank you for calling me a  
8 "lady." My name is Delia Cervantes (phonetic).

9 And it took me a while to find your voting  
10 guide. It's 486 pages. Very informative, very nicely  
11 put together. Thank you. But I think that's one of the  
12 challenges is to even make us aware that it exists.  
13 Okay?

14 I happened to stumble across the fact that you  
15 were having this event, literally stumbled across it  
16 because I called your office and they mentioned  
17 something about it. And I think we would have had a  
18 better showing had it been advertised or just announced  
19 across the different districts. You know, Congresswoman  
20 Davis and Issa and Hunter. We have all these ships:  
21 North Island, 32nd Street, NCRD, Oceanside. And a lot  
22 of the folks live here. You know?

23 And like Mr. Vu, you're saying that this is not  
24 necessarily considered their home, but if I understood  
25 some of what I was reading in this, they don't

## Military Voting Forum - 5/6/2016

1 necessarily have to claim this to be their state or home  
2 to vote for president, right?

3 REPRESENTATIVE VARGAS: I don't think that's  
4 exactly what he said. I think -- he can answer for  
5 himself, but I think there is a residency requirement --

6 NEW SPEAKER: (Ms. Cervantes): Right, right.

7 REPRESENTATIVE VARGAS: -- that you have to  
8 have.

9 NEW SPEAKER: (Ms. Cervantes): Well, there is  
10 more to it.

11 REPRESENTATIVE VARGAS: So the question is?

12 NEW SPEAKER: (Ms. Cervantes): One of the  
13 questions is in regards to the -- there's a couple of  
14 statements. You spoke about the question about the  
15 e-mail, using electronic to vote, the electronic methods  
16 to vote. If I understood this, there is Alaska and this  
17 other state that are utilizing the centralized method of  
18 receipt of -- receiving the voted ballots. And I'm just  
19 wondering how open any of the other states might be in  
20 actually centralizing the receipt of the ballots of the  
21 overseas deployed military personnel.

22 REPRESENTATIVE VARGAS: Thank you.

23 I'm going to allow Michael -- you go ahead and  
24 try to handle the first. I'll go to Michael.

25 MR. VU: I think the congressman did a great

**Military Voting Forum - 5/6/2016**

1 job in terms of answering that first part of the  
2 question related to residency. I won't go there in  
3 terms of that. You do have to have San Diego County, or  
4 any other place that you were planning on voting, as a  
5 residency when you register to vote. So that's key in  
6 terms of the overall process.

7 In terms of internet voting or e-mailing the  
8 ballot back to us, that is each state's respective call.  
9 Here in the State of California, the Secretary of  
10 State's office has deemed that as not a method of  
11 centralizing or receiving e-mail voted ballots back to  
12 each respective 58 counties' registrars' offices, or  
13 even at the Secretary of State's office.

14 I will let the Secretary of State speak for  
15 themselves, but I do believe when we had this  
16 conversation about internet voting or e-mailing ballots  
17 that are essentially going through the internet, there  
18 are two things that come to my mind, at least for  
19 myself. The very first thing is technology security.  
20 And I think there are huge security concerns of whether  
21 or not there is sufficient technology out there to make  
22 it foolproof from anyone -- I hate to use these types of  
23 words -- but hacking into the system or compromising the  
24 system. And then, next thing we know, we have democracy  
25 in jeopardy in terms of that. So I believe that is one

**Military Voting Forum - 5/6/2016**

1 of the concerns, if not the concern that the Secretary  
2 of State's office has.

3           And even then, I think the other equation  
4 associated with e-mailing a voted ballot back or having  
5 internet voting occurring is the notion of public will.  
6 What I mean by that as "the public will" is that we may  
7 have a foolproof, technologically advanced system in  
8 place that we've instituted that no one can hack into or  
9 compromise the system. Now, what we have to overcome is  
10 this notion of being able to explain that to the lay  
11 citizen out there that doesn't have the IT skills and  
12 education to know whether or not it's foolproof. And so  
13 what that becomes then is this notion of trust. Do we  
14 trust the system that is not going to be compromisable.  
15 And if we are able to overcome that public confidence,  
16 public will side of it, then I think we can get to this  
17 conversation of e-mailing a voted ballot back. We just  
18 haven't got there in this state and, frankly, across the  
19 country to be able to have ballots going to and from an  
20 election office.

21           REPRESENTATIVE VARGAS: Did you have a comment  
22 on that?

23           MR. BOEHMER: Mr. Vu did a great job explaining  
24 that.

25           From the Department of Defense's perspective,

**Military Voting Forum - 5/6/2016**

1 states run elections. So, as you mentioned, that  
2 438-page guide, it's a very comprehensive look at what  
3 each state allows, how to return a marked ballot. But  
4 that, again, adds to the complexity of what our voters  
5 have to figure out, and our voting assistance officers  
6 who are having to help them, who are also assisting  
7 them. That book was created primarily for voting  
8 assistance officers so that they actually have not only  
9 a physical book -- so it's actually this thick. It sits  
10 on their desk. They carry it with them wherever they  
11 go. Or if they have access to the internet, it's on  
12 fvap.gov, where they can simply walk through as well.

13 But that really is what we call their voting  
14 assistance guide, it's their bible in terms of: Hey,  
15 listen, if I have a military member who lives in  
16 California, what are the ways that California allows a  
17 voted ballot to come back? As Mr. Vu mentioned, in  
18 California, if you are a military member stationed  
19 overseas, you can either return that ballot back through  
20 traditional mail methods or the State of California  
21 allows them to return that by fax as well.

22 However, other states have chosen different  
23 options. There are states out there who allow the  
24 e-mail return of a marked ballot. But, again, that is a  
25 decision that's made at the state level. They're in

**Military Voting Forum - 5/6/2016**

1 charge of elections. They have the authority to certify  
2 elections. And they are ultimately responsible for the  
3 security of elections. Security is something that's  
4 incredibly important for us. And those of us who deal  
5 with our military members, we recognize the fact that  
6 they're a special population. They've got special  
7 circumstances. Everybody wants our military members to  
8 vote.

9 As a matter of fact, our military members  
10 themselves are asking: Why can't I vote over my iPhone?  
11 Why can't I use my tablet or the internet? But that is  
12 something that we would say: Hey, listen, states are in  
13 charge of those elections. But ultimately the security  
14 of that ballot is something that states are concerned  
15 about and the Department of Defense.

16 So thank you for your question.

17 REPRESENTATIVE VARGAS: Thank you.

18 And I just -- if I could make one comment. We  
19 did invite everybody. The other members are not here,  
20 but we did invite all people.

21 NEW SPEAKER: (Ms. Cervantes) Okay.

22 REPRESENTATIVE VARGAS: We didn't have a budget  
23 to announce it on the television or anything, but we did  
24 make sure that everyone was invited.

25 Yes?

**Military Voting Forum - 5/6/2016**

1           NEW SPEAKER: Sarah Richmond (phonetic).  
2           Congressman Scott Peters' office.

3           As a Navy veteran, my mind immediately goes to  
4           our deployed ships and how difficult it is for them to  
5           receive mail or to mail anything back or to fax  
6           anything.

7           I'm wondering if there is anything special  
8           being done for those deployed ships or preparing to be  
9           deployed ships? Are there voting assistance officers on  
10          those ships? Is there training going on before  
11          deployment? How are we ensuring that those booklets are  
12          getting to them on time and their ballots are getting  
13          out on time?

14          REPRESENTATIVE VARGAS: Excellent question.

15          MR. BOEHMER: I think I can start. And I'll  
16          let Mr. Vu talk a little bit about that as well.

17          MR. VU: Thank you.

18          MR. BOEHMER: Thank you for your question.

19          The Navy has a significant challenge when it  
20          comes to deployments and ships. And recognizing the  
21          unique experiences that our Navy men and women have when  
22          it comes to this requires them to be extra diligent.  
23          And we require our Navy voting assistance officers to be  
24          really be extra informed. Those voting assistance  
25          officers are on ships with military -- excuse me -- with

**Military Voting Forum - 5/6/2016**

1 Navy personnel and they're there to help.

2 But we're also asking our voting assistance  
3 officers to be incredibly proactive. There are lots of  
4 things that you can do to assist in the act of voting  
5 before you're deployed, before you go. So this all has  
6 to do with check lists. It all has to do with a stop  
7 out at the installation voter assistance office when  
8 you're about ready to be deployed. We want to make sure  
9 that you're registered.

10 We certainly know that there are mail  
11 deliveries on ships. We certainly know that mail comes  
12 in and out. We know that it's on a less frequent basis  
13 and not always reliable. So, again, what do we do?

14 Voting assistance officers have access to that  
15 Federal Write-In Absentee Ballot. So let's just say  
16 before Navy personnel were deployed, they're all  
17 registered. Let's say a lot of them are registered  
18 right here in San Diego County or other counties  
19 throughout the world. We would hope that their state  
20 ballot could make it to them. We certainly know that  
21 computer and internet resources on ships, they're there,  
22 right? But we also know that they're very limited. We  
23 know that Navy personnel want to talk to their families.  
24 They want to communicate with their families. But they  
25 also have the option to use their e-mail to receive



**Military Voting Forum - 5/6/2016**

1 their blank ballot. We would ask them to print it off.  
2 And then again use the mail to send it back. But that's  
3 going to require time. As Mr. Vu said, the states are  
4 required to give our military members extra time. 45  
5 days before an election those ballots need to go out.

6 But we also, again, have the resources of those  
7 great voting assistance officers. And, again, our  
8 voting assistance officers in the Navy have that extra  
9 responsibility of being deployed on ships. So maybe  
10 they go deployed with a whole stack of those Federal  
11 Write-In Absentee Ballots that they can say: Hey,  
12 listen, guys. We have the opportunity for mail to go  
13 out. We know that it's going to be here next Friday.  
14 And maybe your state ballot will arrive in that mail  
15 shipment. But if it doesn't, let's fill out those  
16 Federal Write-In Absentees. We can all look up who you  
17 are -- even if it's just for the federal candidates.

18 So the federal law protects for federal races.  
19 But as Mr. Vu said, obviously that state ballot is going  
20 to have way more races on it. We want folks to be able  
21 to be engaged throughout the process. Not only the  
22 federal, but local races. But our voting assistance  
23 officers are really the ones to rely on. They really  
24 are the boots on those ships that are really helping  
25 out.

**Military Voting Forum - 5/6/2016**

1 Did you want to add something to that too,  
2 Michael?

3 MR. VU: Let me just say from a policy  
4 perspective, and then more of an anecdotal, as well as  
5 personnel, she is probably going to be surprised if this  
6 is going to be into the national register here --  
7 record.

8 MR. BOEHMER: Record.

9 MR. VU: Carolyn Twitchel (phonetic) is our key  
10 person at our office who interfaces with the majority of  
11 all military and overseas voters. And she does a great  
12 job of communicating the sense of urgency that we need  
13 to make sure that voters, military voters, or even  
14 overseas voters -- because we have a number of overseas  
15 because we live right on the border as well -- of  
16 getting information to us and asking us to then get  
17 information back to them. I think it's key related to  
18 the FPCA forms.

19 Again, we talked about the 45 day. From a  
20 policy perspective that's a national requirement, as  
21 well as law. But know that we all have done, as a  
22 state, other policy -- made policy decisions and passed  
23 specific laws associated with the receipt of it coming  
24 back. So to take into account situations like  
25 individuals' military votes being on a submarine or on a

**Military Voting Forum - 5/6/2016**

1 carrier. And what I mean by that is that three-day law.

2 We looked -- as an association of county clerks  
3 and local elections officials, we looked, when that law  
4 was going through the state legislature: What was the  
5 best time frame, what is the most time frame that we  
6 could certify our election, but also receive as many of  
7 the late -- what we were seeing in terms of late ballots  
8 coming into our office. And three days was kind of that  
9 mark, that key mark where we saw most of the ballots  
10 coming to us.

11 Now, having said that, it is a challenge when  
12 you're a military individual stationed on an aircraft or  
13 on a submarine of getting that ballot back to us. There  
14 is also an infrastructural side of that: The military  
15 postal system of getting it back to us. But I would say  
16 if there is one thing, if there is any question, is  
17 reach out to Carolyn. If you're -- beyond -- if you're  
18 speaking with your spouse or your kids or your mom or  
19 your dad, if you're out there, I would say reach out to  
20 a person like Carolyn Twitchel, who is ready and willing  
21 to ready to take the question, as well as responding  
22 back as quickly as possible to ensure that that sense of  
23 urgency is there of getting that ballot back to us.  
24 Because, yeah, sometimes it takes weeks to see that  
25 ballot being cast, from the point of it getting cast and

## Military Voting Forum - 5/6/2016

1 getting it to our office. So the travel time for it is  
2 pretty lengthy.

3 REPRESENTATIVE VARGAS: Thank you.

4 Any questions? Gentleman in the front here.

5 Welcome.

6 NEW SPEAKER: Good morning. I'm the IVAO for  
7 Naval Base Point Loma.

8 REPRESENTATIVE VARGAS: Thank you.

9 NEW SPEAKER: You mentioned submarines so the  
10 one thing that I would like to bring up is submarines  
11 don't get mail unless they pull into port. The issue  
12 with that is how soon before an election can a write-in  
13 be sent? Because they might go to sea 90 days prior to  
14 an election or even up to 120 days. And they'll never  
15 get any mail that whole time. So what's the earliest  
16 somebody can get -- send in a write-in to make it an  
17 official vote?

18 REPRESENTATIVE VARGAS: Thank you.

19 MR. BOEHMER: I mean that's such a great  
20 situation to bring up. And, again, you know that this  
21 isn't a perfect situation. But what we would do is we  
22 would encourage you to fill out that Federal Write-In  
23 Absentee Ballot. Obviously the county isn't going to  
24 have the ballots ready, again that 45 days. So if you  
25 are 90 days out, 120 days out, have those military

**Military Voting Forum - 5/6/2016**

1 members fill out the Federal Write-In Absentee Ballot  
2 and send it in.

3 As far as I know, Michael, there is no early --  
4 too early date. They can just send those in and they'll  
5 be ready to go.

6 But that's a great example, by the way, of  
7 having a voting assistance officer or, in this case, an  
8 IVAO who is saying: Listen, I'm going to be proactive  
9 about this. And this is what we particularly rely on  
10 our voting assistance officers to do.

11 I am a Navy brat, and I'm certainly aware of  
12 all the different challenges that exist in the Navy.  
13 I was born right here in San Diego. And the resources  
14 that are available here in San Diego for our military  
15 members is just absolutely incredible.

16 Mr. Vu has done a fantastic job of partnering  
17 with our military community. But this is a great  
18 example of having a proactive voting assistance officer  
19 be the solution to some of these complex problems.

20 So thank you, sir. I really appreciate your  
21 service.

22 MR. VU: Director Boehmer hit it right on the  
23 head, is that if there's any questions -- the ballot is  
24 not prepared 90 days in advance of the election. In  
25 fact, we are still having candidates file for office up

**Military Voting Forum - 5/6/2016**

1 until the 88th date before an election. So we don't  
2 even know which candidates are even going to qualify or  
3 what measures are going to be on the ballot until  
4 sometime, frankly, after the 88th day.

5           What I would say, if a person was going to be  
6 on a submarine, is to fill out one of those Federal  
7 Write-In Absentee Ballots and kind of project ahead as  
8 to what contests will be on the ballot. Well, we all  
9 know the federal races are going to be on the ballot.  
10 You know, U.S. senators, if they know what U.S. Senate  
11 candidate they are -- that has announced they're going  
12 to file for office, maybe that they could start filling  
13 in that Federal Write-In Absentee Ballot in advance.

14           Again, we just won't have that ballot and know  
15 for sure what's actually going to be on that ballot  
16 until sometime after the 88th day. And so a person that  
17 is on a submarine, that can't get a ballot in or be able  
18 to do it, the best form is that backup, the federal --  
19 the FWOB, as Director Boehmer talked about.

20           REPRESENTATIVE VARGAS: But there are  
21 situations like you just mentioned that are extremely,  
22 extremely difficult. And it's difficult to get around  
23 that. It's just the nature sometimes of the difficult  
24 jobs that they have.

25           If you're going to be in a submarine for 120

## Military Voting Forum - 5/6/2016

1 days, it's hard to know in your home town who is going  
2 to be running for mayor, city council, or some of the  
3 initiatives that are going to be coming up. And in that  
4 case it really is very, very difficult. I have heard  
5 that from sailors here, that they say they have that  
6 problem. And it is a real challenge.

7 I know we're running not late, but on time.

8 Are there any other questions?

9 Yes, sir. Your name for the record as well.

10 NEW SPEAKER: Ron Morrison.

11 Just real quick, when you have overseas  
12 personnel, when does their vote actually count as being  
13 received? In other words, is it the time it gets to the  
14 Registrar of Voters? Is it the time it gets into  
15 whatever U.S. mail system, courier, whatever? Because I  
16 know we have heard in the past people saying: Well, it  
17 took so long to get here, theirs didn't count. So I'm  
18 wondering when does it actually count as being received?

19 REPRESENTATIVE VARGAS: Good question.

20 MR. BOEHMER: Do you want to talk about  
21 California?

22 MR. VU: Yes. So this is really -- this is  
23 really specific to California's law. I can't speak for  
24 the other states associated with this. But as I  
25 mentioned before, there was a law that was recently

**Military Voting Forum - 5/6/2016**

1 passed that allows -- before the law was passed, a mail  
2 ballot had to be in our possession on election day by  
3 8:00 p.m. when the polls close. Again, several years  
4 ago -- two years ago the governor signed into law what  
5 is known as the three-day -- Postmark Plus Three, is  
6 what we generally call it. And what that does is it  
7 allows for a ballot, a mail ballot to be received up to  
8 three days after election day, as long as there is a  
9 postmark on there.

10 Now, there are exceptions to the case. If  
11 there is no postmark, but the voter has signed and  
12 dated, and the date is on or before election day, we're  
13 able to count it.

14 So that's for the State of California. I'm not  
15 sure what other states are. I know that other states  
16 that I've worked in, like in Ohio, specifically for  
17 military and overseas voter they had a 10-day rule. If  
18 it was received 10 days in advance of the election that  
19 ballot -- that mail ballot would count.

20 MR. BOEHMER: And this is another perfect  
21 example of states run elections. And they all do it  
22 very differently. You've mentioned it. There are  
23 states where it has to be in the office -- that ballot  
24 needs to be in the election office before the polls  
25 close. There are states where it has to have that



**Military Voting Forum - 5/6/2016**

1 postmark actually on it in order for it to count. And  
2 then there are states like you guys have here in  
3 California.

4 Washington State is probably the largest  
5 example of the number of days it allows for a ballot to  
6 come back. They're at 21. But that's because they have  
7 said: Hey, listen, that's the longest time we can allow  
8 a ballot to return before we need to certify an  
9 election. So this comes to what we would consider a  
10 best practice.

11 What is the maximum time a state could allow a  
12 military overseas ballot to come back after the  
13 election? California has decided at three days. What  
14 we tell you is three days is better than zero days. 21  
15 days is really good. 15 days are -- you know, is really  
16 good. So we have been encouraging states to follow the  
17 best practices of California and Washington and some of  
18 the other states to allow the maximum time allowable to  
19 let that ballot come in. Because we certainly know that  
20 there are challenges with the U.S. Postal Service in  
21 just getting these things back.

22 I believe that pilot project that I mentioned  
23 in my opening statement where we're tracking ballots  
24 from an election official to a voter, back from a voter  
25 to the election official again, is really going to help

## Military Voting Forum - 5/6/2016

1 us get some valuable data on where some of the hiccups  
2 in this system might be.

3 So because elections are run by states, sir,  
4 we're going to get all those different rules. But I'm  
5 glad to say here in California you guys are right on the  
6 right track. So thank you.

7 REPRESENTATIVE VARGAS: Well, thank you.

8 I think our time is probably coming to an end  
9 here. I would like to say though it was interesting.  
10 This issue is quite clear. I am an attorney myself.  
11 And the law of California is quite clear.

12 The registrar had to receive the ballots by 8  
13 p.m. to make sure they were done. However, there was a  
14 person that was running for a state senate seat, and the  
15 ballots had been received at the post office -- excuse  
16 me -- at the post office the day before the election.  
17 And the post office forgot to actually take those  
18 ballots to the Registrar of Voters in Riverside County.  
19 There were about 10,000 of them. The election was over,  
20 and that candidate won by 11 votes.

21 However, in that area where the votes had not  
22 been counted there was a lawsuit to allow those ballots,  
23 which were 500 of them, to be counted, even though they  
24 had arrived the next day. The law was clear: 8:00.

25 However, that particular candidate had said his

**Military Voting Forum - 5/6/2016**

1 whole life that all votes should be counted. So he  
2 didn't answer the lawsuit. And the lawsuit went  
3 forward. And the judge said: Well, I think, in all  
4 honesty, these votes should be counted. And I will  
5 allow them in. And if someone wants to challenge it, go  
6 ahead.

7           And so they did allow the votes to be counted.  
8 And that particular candidate went from 11 votes ahead  
9 to 22 votes ahead, even though he had lost in that  
10 district. I know because I was that candidate. I had  
11 already won the election by 11 votes. And those ballots  
12 I had lost in that district by about 3 percentage  
13 points. So it was prognosticated that I would go behind  
14 by about 30 votes if those votes were counted. But  
15 since I had always said that everyone's vote should  
16 count, I didn't contest the court case. And, in fact,  
17 the judge gave me an extra day because he thought I  
18 maybe hadn't heard about it. But I thought it was  
19 important.

20           And so the registrar -- I don't know if you  
21 remember -- the Registrar of Voters in Riverside went  
22 ahead and counted all of those votes, including the ones  
23 in my district. And I thought I was going to go behind.  
24 But like I always said, your vote should count. Oddly  
25 enough, it went from 11 votes to 22.

**Military Voting Forum - 5/6/2016**

1           Then they tried to nullify the votes by saying  
2 they shouldn't count, even though they were the ones  
3 that -- but, anyway, it was just an interesting  
4 historical accident.

5           And the reason I say that is -- and I, even in  
6 my particular case, I think your vote ought to count.  
7 And in particular if you're in the military and if  
8 you're deployed, your vote should really count. And we  
9 have to do everything we can to figure out how to make  
10 sure that those votes count in the military. If they  
11 should count in Riverside for people that turn them in  
12 on the last day and, unfortunately, the -- you know, the  
13 mail didn't get there as it should have. They used  
14 excellent advice. They should count if you're deployed.  
15 And we should figure out ways to make sure that the  
16 people that are on the submarines, their vote counts.

17           I can tell you this. I've now traveled all  
18 over the place, and I love being with our military.  
19 They're all very interested, and particularly in this  
20 election. This election has sort of caught, I think,  
21 everyone's imagination, one candidate or another.  
22 Usually -- one candidate has caught their imagination,  
23 to be fair. Maybe they dislike that candidate or they  
24 really like him.

25           But, anyway, the reality is they want to vote.

**Military Voting Forum - 5/6/2016**

1 And that vote ought to count. And that's why we're  
2 here. That's why we're all here trying to figure that  
3 out. I think that, you know, we've made some great  
4 progress. But I think that there are things that we  
5 can do.

6 The best practices is interesting for me in  
7 that maybe there should be a way for us to be able to  
8 encourage -- or not force, but encourage strongly states  
9 to figure out what are the best practices for every  
10 state, especially vis-a-vis the military, and those  
11 particularly that are deployed overseas or on ships or  
12 somewhere out there in the world protecting our ability  
13 to have this free vote. Their vote ought to be  
14 sacrosanct.

15 So, again, I want to thank Michael for being  
16 here today very much. You didn't have to go as far, but  
17 we really appreciate you being here and, again, all your  
18 work on this.

19 And I particularly want to thank Matt. Matt --  
20 MR. BOEHMER: Thank you.

21 REPRESENTATIVE VARGAS: Matt, here. I mean  
22 home, I guess.

23 MR. BOEHMER: Absolutely.

24 REPRESENTATIVE VARGAS: And for all the members  
25 also of the House Administration Committee that have

**Military Voting Forum - 5/6/2016**

1 come out from Washington. Again, we take this very  
2 seriously. It's an issue that's very important to our  
3 nation. And particularly those men and women that are  
4 putting their lives on the line and, unfortunately, we  
5 saw recently giving their lives. Giving their lives in  
6 the most sacred way for our nation. Their vote ought to  
7 count.

8 So God bless you. Thank you for being here.  
9 And we are adjourned.

10 MR. BOEHMER: Thank you. Thank you for your  
11 service.

12  
13 (Whereupon the Military Voting Forum  
14 was adjourned at 11:25 a.m.)

15 ---o0o---

16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Military Voting Forum - 5/6/2016

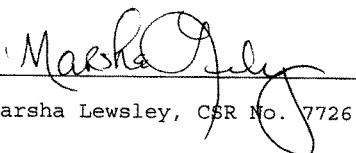
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATION

I, Marsha Lewsley, Certified Shorthand Reporter, in and for the State of California, Certificate No. 7726, do hereby certify:

That the proceedings were taken in the above-entitled forum; that the proceedings were reported stenographically by me and later transcribed into typewriting under my direction; that the foregoing is a true record of the proceedings taken at that time.

In witness whereof, I have subscribed my name this 20th day of May, 2016.

  
Marsha Lewsley, CSR No. 7726

ROBERT A. BRADY,  
*Ranking Member.*  
ZOE LOFGREN,  
*Member.*  
JUAN VARGAS,  
*Member.*

