

# WEAPONIZING FEDERAL RESOURCES: EXPOSING THE SBA'S VOTER REGISTRATION EFFORTS

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## HEARING

BEFORE THE

COMMITTEE ON SMALL BUSINESS

UNITED STATES

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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HEARING HELD

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## **WEAPONIZING FEDERAL RESOURCES: EXPOS- ING THE SBA'S VOTER REGISTRATION EF- FORTS**

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**TUESDAY, JUNE 4, 2024**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SMALL BUSINESS,  
*Washington, DC.*

The Committee met, pursuant to call, at 10:03 a.m., in Room 2360, Rayburn House Office Building, Hon. Roger Williams [chairman of the Committee] presiding.

Present: Representatives Williams, Luetkemeyer, Stauber, Meuser, Van Duyne, Salazar, Man, Ellzey, Molinaro, Alford, Crane, LaLota, Maloy, Velázquez, Landsman, McGarvey, Scholten, Thanedar, Chu, and Davids.

Chairman WILLIAMS. All right. Before we get started, I want to recognize Congressman Mann from the great state of Kansas to lead us in the Pledge and a prayer. Would you please rise? All right.

Mr. MANN. Let's pray. Dear Lord, thank you for this time together. Thank you that we get to live in the greatest country in the history of the world.

We pray for all the small businesses out there, all those entrepreneurs, that you would give them encouragement and wisdom and discernment with all of the decisions they have got to make.

And we pray for wisdom and discernment for all of us on this committee as well. We are grateful. In the name of Jesus, Amen.

I pledge allegiance to the flag of the United States of America. And to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Chairman WILLIAMS. So good morning, everyone, and I now call the Committee on Small Business to order. Without objection, the Chair is authorized to declare the recess of the committee at any time.

And we are going to do things a little differently today because we are expecting votes to be called at 10:30, so we will do our best to get through opening statements, introduction of witness testimony before we recess to go vote. We will reconvene when votes are complete and begin Member questions at that time.

I now recognize myself for my opening statement. Welcome to today's hearing which will focus on the SBA's memorandum of understanding with the State of Michigan to register voters. I would like to start off by thanking our witnesses for being here with us today, and your input on these important issues is greatly appreciated.

This committee is charged with oversight of the Small Business Administration. This is a responsibility that we do not take lightly, and today we will look into how much this agency has deviated from the core mission of helping Main Street America.

The SBA is tasked with aiding, counseling, and protecting the interests of small businesses across our great nation. Instead of fulfilling these goals, the SBA has entangled itself in electioneering activities, not only lack a Constitution basis for but also betrayed the trust and purpose for which the agency was established.

This MOU with Michigan demonstrates a gross misalignment of the SBA's priorities. Small businesses have been crushed the past few years with stubborn inflation, high interest rates, and a significant labor shortage. And while all of these issues have been hurting main street's ability to thrive, the SBA has decided to dedicate their staff's time and resources to register voters in a key swing state ahead of the 2024 election.

Not only does this agreement turn its back on the entrepreneurs that are struggling, but it opens up a whole host of potential conflicts of interest. If a President and their agencies are permitted to freely involve themselves in elections, they would misuse this influence to stay in power.

And the American people need to have confidence that agencies are acting to carry out their duties without a fear of political interference.

So, unfortunately, that is no longer the case and as SBA is planning events around Michigan, the American people are going to be left wondering if the event is only held to register President Biden's target voting or not.

Because of the potential to misuse this new power to register voters, the committee immediately has sent letters and started asking questions about how the SBA is carrying out these orders.

And as we started asking questions, the lack of transparency was astounding. It took the SBA over 6 weeks to even show us the MOU after their initial press release announcing a new electioneering agreement.

And additionally, after an SBA employee was caught on tape bragging about the administrator's campaign activities, they failed to make him available to speak with the committee until we issued the first subpoena in more than a decade from this committee.

This committee will not stop calling out this misuse of power, and we use every tool at the disposal to get the answers we need from the SBA.

I want to thank you all for being here today, and I look forward to today's important conversation, and it is very important.

And with that, I will yield to our distinguished Ranking Member from New York, from the great state of New York, Ms. Velázquez.

Ms. VELAZQUEZ. Good morning and let me take this opportunity to thank the witnesses for being here.

Mr. Chairman, I am particularly troubled by the investigation into voter registration and the recent issuance of subpoenas to SBA employees. These actions threaten the spirit of bipartisanship that the Small Business Committee has prided itself on over the years and is grossly unwarranted.

On March 7, 1965, former Congressman John Lewis and Hosea Williams led more than 600 protesters in a peaceful March over the Edmund Pettus Bridge in Selma, Alabama, to exercise their right to vote. They were met by a wall of state troopers who proceeded to knock the marchers to the ground, beat them with nightsticks, fired tear gas, and charged them on horseback. The protesters never fought back.

This event became known as Bloody Sunday and President Lyndon B. Johnson immediately announced his intention to pass a voting rights bill. With the passage of the Voting Rights Act of 1965, barriers at state and local levels that prevented African Americans from exercising their right to vote were removed. This act became one of the most important and far-reaching civil rights measures in our nation's history.

In 1993, Congress passed the bipartisan National Voter Registration Act which required states to offer voter registration opportunities alongside services provided by state departments of motor vehicles. This provision has been highly successful in registering voters.

Another provision allowed states to designate federal offices as voter registration agencies. To that end, President Biden issued an executive order directing agencies to expand access to voter registration and election information on March 7, 2021, the 56th anniversary of Bloody Sunday.

In response, SBA announced a voter registration agreement with the Michigan Department of State. The Memorandum of Understanding, or MOU, allows the Michigan Department of State to create a unique URL to place on the SBA website to drive online voting registration. It also permits Michigan state employees to register voters at district office outreach events in Michigan.

The costs to the American taxpayer are de minimis and resources are not being diverted from small businesses. Don't be fooled by the rhetoric you will hear today. Expanding voter registration strengthens our democracy, and when our democracy is strong our economy is strong.

I am fearful, though, that House Republicans are drawing from erroneous allegations that the 2020 election was stolen in an effort to undermine the integrity of the upcoming election. I am disappointed that the majority is basing their interrogation on a secretly recorded video by an unidentified woman who specifically targeted an SBA employee through a dating app.

More than 2 hours of footage was diced and spliced to infer wrongdoings by the administration. This video was produced by James O'Keefe, the disgraced founder of Project Veritas, who was ousted from the organization in 2023 over allegations that he mistreated workers and misspent organization funds.

Prior to his ouster, the organization settled a lawsuit resulting from the group's videos based on a Pennsylvania postal worker's allegations of election improprieties.

O'Keefe and the organization eventually admitted that there was no voter fraud at the Erie Post Office.

It should also be noted that Mr. O'Keefe profits from these malicious operations and reportedly pays the swipers \$5,000 for usable footage.

The majority has not even viewed these tapes in their entirety, and yet we are here today to listen to their dangerous claims of election interference. I fear we have heard this before and it resulted in a siege of the Capitol and our democracy.

Today's narrative settles on a perilous path to lay the groundwork to overturn the 2024 election at the behest of a convicted felon.

This is a sham investigation and it distracts from the issues American entrepreneurs care about—access to capital, a strong workforce, government contracts, and, most importantly, the small business boom President Biden has brought America in the wake of the COVID pandemic. Small businesses deserve better.

With that said, in this Congress the Chairman offers a pledge and prayer at the start of every hearing. I want to take this opportunity to offer my own pledge and prayer. I pledge to always serve America's main street in a bipartisan manner, and I pray those times return soon.

With that, I yield back.

Chairman WILLIAMS. The lady yields back.

I now will introduce our witnesses. Our first witness here with us today is Ms. Eliane Parker. Ms. Parker is the president of the Job Creators Network Foundation located in Addison, Texas. In her role with the Job Creators Network Foundation, Ms. Parker manages Job Creator Network's media program, marketing, as well as advertising and advocacy campaigns.

Ms. Parker is also a cohost on the main street matters podcast which focuses on the intersection of small business advocacy and public policy. Prior to her role with Job Creators Network, Ms. Parker co-owned a Goodyear dealership where she gained firsthand experience of the problems facing entrepreneurs including taxes and government regulations.

Ms. Parker is a graduate of the University of Central Florida where she studied business administration.

I want to thank you, Ms. Parker, for being here and I look forward to our conversation.

Our next witness here today with us is the Honorable Diego Morales. Mr. Morales is Secretary of State for the great state of Indiana. As secretary of state, Mr. Morales serves as chief elections officer in Indiana and oversees multiple other divisions.

Prior serving as secretary of state, he served as an aide in the Secretary of State's Office and as an aide to Vice President Pence during his time as governor of Indiana.

He also has extensive private sector experience working as a business executive, a consultant, and an entrepreneur.

Mr. Morales was born in Guatemala and legally immigrated the United States with his family in 1999. He became a naturalized citizen and served in the United States Army and Indiana National Guard.

He holds an international MBA from Tilburg University in the Netherlands, an MBA from Purdue University, and an Bachelor's degree from Indiana University.

Secretary Morales, thank you for being here today and we look forward to having you in the conversation.

Our next witness here with us today is Mr. Stewart Whitson. Mr. Whitson is the senior director of Federal Affairs for the Foundation for Government Accountability, also known as the FGA, located in Naples, Florida. At the FGA Mr. Whitson leads the team tasked with partnering with federal policymakers to advance policy that improves lives.

Prior to his current role, Mr. Whitson was the legal director for FGA where he oversaw all legal research analysis and strategy. Prior to joining the FGA, Mr. Whitson served in the FBI as a supervisory special agent. Mr. Whitson also is a U.S. Army veteran having led more than 300 combat missions in Iraq. Thank you, sir.

Mr. Whitson earned his JD from the University of Minnesota Law School, a master's degree in strategic security studies from the George Washington University, a certificate in strategic management from Georgetown University, and a bachelor of arts degree from in political science and government from the University of Minnesota.

Mr. Whitson, thank you for your service and I am looking forward to having you in today's conversation.

I now recognize the Ranking Member from New York, Ms. Velázquez, to briefly introduce our last witness appearing before us today.

Ms. VELÁZQUEZ. Thank you, Mr. Chairman.

I would like to welcome Ms. Lisa J. Danetz, an advisor for the Brennan Center for Justice at the New York University School of Law and an independent consultant who has worked in the field of democracy as a policy expert, advocate, and lawyer for over 20 years.

Most of her work has centered on agency-based and motor voter registration under the National Voter Registration Act. Ms. Danetz holds a bachelor's degree from Yale University and a Juris Doctorate from the New York University School of Law.

Welcome and thank you for testifying here today.

Chairman WILLIAMS. Thank you for being here, Ms. Danetz.

And I thank all the witnesses. We appreciate all of you being here.

Before recognizing the witnesses, I would like to remind them that their oral testimony is restricted to 5 minutes in length. That is a very important number around here, okay? If you see the light turn red in front of you it means your 5 minutes concluded and you should wrap up your testimony.

And also if you go over you might hear me do a little of this. That means wrap it up, okay?

So I now recognize Ms. Parker for her 5-minute opening remarks.

**STATEMENTS OF ELAINE PARKER, PRESIDENT, JOB CREATORS NETWORK FOUNDATION; HONORABLE DIEGO MORALES, INDIANA SECRETARY OF STATE; STEWART WHITSON, SENIOR DIRECTOR OF FEDERAL AFFAIRS, FOUNDATION FOR GOVERNMENT ACCOUNTABILITY (FGA); AND LISA J. DANETZ, ADVISOR, LISA DANETZ CONSULTING**

**STATEMENT OF ELIANE PARKER**

Ms. PARKER. Good afternoon, Members of the Committee. Thank you, Chairman Williams, for inviting me to testify today about the politicization of the Small Business Administration.

My name is Elaine Parker, and I am the president of the Job Creators Network Foundation.

We are America's small business megaphone, and we educate the public, the media, and legislators about how bad government policies affect main street and worker paychecks. I am not here today to bad mouth the SBA.

In fact, the SBA provided a lifeline to the small business I used to co-own, a Goodyear Tire dealership in Martin County, Florida, when we needed it most.

Between 2004 when my town was hit by two devastating hurricanes 3 weeks apart in 2006, when the housing bubble began to pop, the region was economically devastated and our business wasn't spared. We applied for and received a much-needed SBA loan to keep the lights on and make payroll. I am forever grateful.

That is why I am so appalled by the politicization of the agency. American small businesses are suffering numerous hurdles, including resurgent inflation, overregulation, and slow economic growth.

Price increases of goods and services have now officially reached 20 percent under Biden's presidency and most small business owners say prices have increased even more. Credit is extremely expensive, if attainable at all, and consumers are cutting back.

According to JCNF's national SBIQ poll of small business owners, two-thirds of respondents say that current economic conditions could force them to close.

Yet against this backdrop, the SBA is choosing to devote its resources, to devote its efforts to registering voters in a swing state rather than helping small businesses survive this difficult economic climate.

That is unacceptable and a slap in the face to hard-working small business owners nationwide. Besides the clear constitutional and statutory concerns, the SBA's electioneering abandoned small businesses when its help is needed most.

The agency is choosing partisan politics over small businesses. The SBA's mission is to, and I quote, "Aid, counsel, assist, and protect insofar as is possible, the interests of small business concerns." How is registering Michiganders to vote advancing that mission?

Turning the SBA into an arm of the Biden 2024 reelection campaign and weaponizing it to advance Democratic Party interests violates political norms and strips the SBA of its well-earned role and reputation as a defender of small businesses. The agency's stonewalling of this committee's oversight is just more proof that the SBA has gone rogue.

On behalf of the 33 million small businesses across the country, I implore the SBA to return to its core mission immediately. There is still time to redirect its resources back to helping Main Street America.

Economic conditions continue to deteriorate due to bad government policies and small business loans are harder and harder to get. A robust SBA committed to helping small businesses is needed to ease this credit crunch and allow small businesses to survive and thrive.

Americans need the SBA to stop playing politics and empower more establishments to weather the worsening economic conditions, just like it did from my Goodyear Tire dealership so many years ago.

Thank you for your time, and I would be happy to answer any questions.

Chairman WILLIAMS. The lady yields back. I now—thank you for that. I now recognize Secretary Morales for his 5-minute opening remarks.

#### **STATEMENT OF THE HONORABLE DIEGO MORALES**

Mr. MORALES. Chairman Williams, Vice Chairman Luetkemeyer, Ranking Member Velázquez, and distinguished Members of the House Committee on Small Business, thank you for the invitation to testify today.

I am here to explain my duties as Indiana Secretary of State and the appropriate role of the U.S. Small Business Administration. My name is Diego Morales. I am proud to be Indiana's 63rd Secretary of State and the first Latino elected to a statewide office in the history of Indiana, and I am currently the only immigrant elected Secretary of State in the country.

I was born in Guatemala and legally immigrated with my family to America. I know some of you share a similar story of humble beginnings like me. I came here knowing zero English and I was embraced by the Hoosier State.

Later, with a green card in my wallet, I proudly volunteered and served in the U.S. Army and the Indiana National Guard. I have such a deep pride for my state of Indiana and for our country.

As Indiana Secretary of State I oversee four divisions. I am here to talk about two of them. I am recognized by Indiana and the federal government as Indiana's chief election officer. It is a title that has significant responsibility to deliver trusted, secure, and efficient elections.

Within the first 18 months of my administration I visited all 92 counties of Indiana. In fact, this year I visited all 92 counties within 3 months. During each county visit one of my first stops was to meet with the county clerk.

Since the start of my administration I have been committed to increasing voter turnout and participation. My team and I have blanketed the state with border outreach efforts, encouraging eligible Hoosiers to get registered to vote.

We sponsor hundreds of thousands of voter PSAs across Indiana. We have set up registration booths at state and county fairs, schools, parades, and sporting events, even at the Indy 500.

I am constantly visiting our minority communities encouraging them to register to vote. Every opportunity we can find we take it.

Business services is another division under my office. Recently, Forbes ranked Indiana as one of the best states to start a business. I firmly believe small businesses are the backbone of our Hoosier economy.

Before becoming the Secretary of State, I was a small business owner. My office is a constant resource to make sure when an entrepreneur has an idea that idea becomes a reality.

This summer my office is launching a new business initiative we are calling Right to Start. This initiative will help promising deserving businesses get up and running with a focus on minority, women, and veteran-owned businesses.

Our election divisions and business services divisions are vital to our state. They also operate individually. Pursuant to Indiana law, the NVRA and, frankly, years of litigation, government agencies must be designated by the state as designated voter registration service agencies to lawfully engage in voter registration activities.

Indiana has designated and properly trained and properly coordinates with specific federal agencies which provide nutrition, health, housing, and disability services to clients in Indiana.

Respectfully, the U.S. Small Business Administration does not provide any of that to Hoosiers. Thus, the SBA is not at either the President's directive or its own initiative eligible to act as a Border Service agency in Indiana.

Voter engagement is important, but small loans are important, too. So it looks like the SBA is siphoning resources from one important aspect to use on another.

I certainly believe that Small Business Administration's focus on delivering resources designated by Congress is appropriate. Speaking on behalf of the nearly 7 million Hoosiers, our state acknowledges and appreciates federal collaboration when it comes to supporting taxpayer-funded services if there is respect to state and federal legislative directives.

Again, thank you for your leadership, and thank you for holding this important hearing.

Chairman WILLIAMS. The gentleman yields back.

I now recognize Mr. Whitson for 5 minutes.

#### STATEMENT OF STEWART WHITSON

Mr. WHITSON. Chairman Williams, Ranking Member Velázquez, and Members of the Committee, good morning. My name is Stewart Whitson and I am the senior director of Federal Affairs at the Foundation for Government Accountability. FGA is a nonpartisan, nonprofit organization that seeks to enhance the lives of all Americans by improving welfare, workforce, health care, and election integrity policy at both the state and federal levels.

Zuckerbucks was an unprecedented voter registration scheme that disproportionately targeted left-leaning jurisdictions in the lead up to the 2020 presidential election, especially those located in key battleground states, including Michigan. And it worked.

The infusion of cash into certain jurisdictions, those that leaned heavily Democratic, drove up voter turnout in blue districts and al-



lowed partisanship to weasel its way into the one part of elections that is supposed to be nonpartisan.

Unfortunately, the Biden administration has doubled down on a new similar scheme that is using the same strategy pioneered through Zuckerbucks, but on a new unimaginable scale. As we learned in recent months, the Small Business Administration is playing a critical role in helping to carry out this new scheme.

So back in March 2021, President Biden signed Executive Order 14019. The order commands a head of every federal agency to develop a plan to do two things: promote voter registration and promote voter participation. The order also commands all federal agencies to solicit and support, quote, “approved” third-party organizations to allow them to use federal resources to register and mobilize the voters these groups target.

So which groups will receive this special approval? We don’t know because the Biden administration refuses to disclose the list or even the criteria for approval, not only to FGA but to the dozens of Members of Congress who have demanded answers as well. What little we do know is deeply concerning.

So this E.O. is known as Bidenbucks because it is Zuckerbucks on steroids. Instead of Mark Zuckerberg it is President Biden, and instead of \$400 million it is the unlimited power resources and reach of the federal government and its offices located in every state across the country, including those of the SBA.

So here is some of what we know so far. Back in March of this year, the SBA announced a new agreement it had made with the Michigan Department of State in response to the Bidenbucks executive order to, quote, “promote civic engagement and voter registration in Michigan.” So not just registering more voters but actually helping to turn them out to vote.

Campaigns called this a Get Out the Vote effort. This, quote, “first of its kind collaboration” will include a new effort for the SBA to drive individuals visiting its website to a new site where visitors can register to vote.

But they don’t plan to stop at online voter registration. According to MDOS, the SBA’s Michigan field office may also allow MDOS officials to conduct in-person voter registration at the SBA’s small business outreach events.

So obviously there are a number of factors surrounding this new SBA effort that draw into question the true motivations behind this new partnership between Michigan’s highly partisan secretary of state and the SBA.

First, the complete lack of transparency by the Biden administration surrounding the Bidenbucks order and how precisely it is being implemented in the states.

Second, the fact that this new unprecedented SBA partnership is being carried out in Michigan, a key battleground state.

Third, the recently uncovered evidence revealing that the Biden political appointee currently leading the SBA may have violated federal law by using her position and federal taxpayer resources to indirectly campaign for President Biden.

And fourth, the timing of the announcement, mere months before the upcoming election. The worry is that this isn’t about registering small business owners across the state of Michigan, but rather this

is about using generous business startup and other grants to lure targeted groups of voters, those the left believes are more likely to vote for the current President, to SBA's website and to in-person outreach events hosted in Democratic strongholds, all to help register and mobilize these voters ahead of the 2024 election.

In other words, this appears to be a Get Out the Vote effort aimed at directly benefiting the Biden campaign at the expense of the American taxpayer and the small businesses the SBA is supposed to serve.

So with that, I thank you for the opportunity to testify today, and I look forward to answering your questions.

Chairman WILLIAMS. The gentleman yields back.

I now recognize Ms. Danetz for her 5-minute opening remarks.

#### **STATEMENT OF LISA DANETZ**

Ms. DANETZ. Good morning, Chairman Williams, Ranking Member Velázquez, and Members of the Committee. Americans are concerned about the health of our democracy and rightly so.

Ever since our nation was founded in the Declaration of Independence on the idea that the government is legitimate only when it rests on the consent of the governed, we have struggled over decades and centuries to live up to that ideal to make sure that our ability to have self-government extends to all eligible Americans. All of us, whatever our view, should fight for elections that are free and fair and secure.

At issue in this hearing is one small way to address that struggle. Voter registration is the crucial first step toward casting a ballot and by proxy ensuring that our government is representative of and responsive to the American people. Except in North Dakota, if an American is not registered he or she cannot vote.

Unfortunately, U.S. voter registration and participation rates are notably low, especially compared to our peer nations. Congress has long sought to improve voter registration access and has even involved federal agencies in this crucial national goal through a string of federal laws going back to 1955. Most notably, in the National Voter Registration Act of 1993, or NVRA, Congress provided for voter registration services at a wide array of state government agencies and authorized federal agencies to do the same.

Executive Order 1409 implements this federal goal by requiring federal agencies upon request of state election officials to provide the same voter registration services state agencies do. Such agency-based registration allows Americans of all walks of life access in the normal course of their lives. It is available year-round regardless of political orientation from the government locations or websites people already visit.

We should be celebrating that the federal executive branch is finally playing its appointed role under a 30-year law whose instruction has long been ignored.

And because this is a governmental service, it is a validly nonpartisan. In fact, the nonpartisan nature is protected through the NVRA and other federal laws like the Hatch Act. The intergovernmental agreement in this case also prohibits partisan conduct by any SBA staff in Michigan.

The executive order is not the first federal executive action to facilitate voter registration access for federal agency constituents. In September 2008, the Bush Veterans Health Administration issued a directive to ensure patients in residential VA health facilities access to voter registration services. That policy was updated in 2014 and in 2019 during the Trump administration.

This is regular, normal, and appropriate activity and it is exactly what Congress intended when it passed the NVRA with a bipartisan vote. It intended the nonpartisan offer of voter registration application opportunities at agencies where American citizens interact, and it intended federal agencies to play a role.

This committee should not get in the way of small business owners having a voice in the policies that affect them. Small business leaders think democracy is good for business. The SBA's mission is to aid, counsel, assist, and protect insofar as it is possible the interest of small business concerns.

This is what is happening here. Because the Michigan SBA will provide access to voter registration application opportunities, small business owners who are not registered to vote can add their voices to shape our government, including policies related to small business concerns.

The executive order takes critical steps to improve access to nonpartisan voter registration opportunities and reliable voting information. It is the opposite of partisan electioneering.

The freedom to vote in America is under escalating attack, a national issue that requires a national response. Everyone has a role to play, including the SBA.

In closing, rather than criticizing governmental attempts to ensure American citizens have access to voter registration applications, Congress should shore up democracy, including by passing the Freedom to Vote Act which would modernize our voter registration systems and set other baseline national standards for voting and elections, along with the John Lewis Voting Rights Act, which would restore the strength of the Voting Rights Act of 1965.

Thank you for having me here today.

Chairman WILLIAMS. The lady yields back. Thank you.

Now, as I mentioned the beginning of the committee, we will now take a brief recess until 11:15 and we will reconvene to begin Member questions. We have been asked to go vote so we will take a recess right now.

[Recess.]

Chairman WILLIAMS. The committee will now come to order, and we will now move to the Member questions under the 5-minute rule. And I want to thank all of you for waiting for us as we voted.

I now recognize myself for 5 minutes. The Ranking Member brought up four different things that small businesses need to be focusing on, including access to capital in her opening statement. And yet the SBA and MOU say that this will be training staff to help register voters.

This diversion of resources are exactly why we are here today. The SBA must focus on main street issues not electioneering. Ms. Parker, every 2 months the Job Creation Network polls small businesses around the country to hear about some of the biggest challenges they are facing, and throughout the last few years where

has registering to vote landed on a list of concerns of small business owners?

Ms. PARKER. Mr. Chairman, credit has become scarce for small business owners if they can even get it. Interest rates are now at a 22-year high and that has a disproportionate effect on our small businesses, whereas large corporations can, obviously, go out to capital markets and raise money very easily.

Many times small business owners are utilizing loans to even make payroll and buy inventory, and at this point it is very difficult for them to access credit.

Chairman WILLIAMS. But it is more important for them to get that than to be talking about registering to vote, right? They need money. They want access. They want to keep their businesses open.

Ms. PARKER. Absolutely.

Chairman WILLIAMS. Now, elections are for the American people to get their voice heard, not for federal agencies to interfere with. Whether you are a Republican or you are a Democrat, you should be extremely concerned that the party that controls the White House can use taxpayers' dollars to direct the vast federal bureaucracy to influence vote behavior.

We heard that these activities are being carried out in a non-partisan way. Well, that simply is not true. The SBA has the ability to choose where they hold events and from the publicly available information they are choosing to spend a majority of their time in Democratic strongholds.

So, Mr. Whitson, can you please respond if you think the administration is carrying out this order in a way that is equally representative to Republicans and Democrats alike?

Mr. WHITSON. Thank you for that question, Mr. Chairman. You don't have to take my word in answering that question. You can actually take President Biden's word. And so if you look directly at the executive order in itself, it says that it is focused on underserved populations.

So the order by design isn't about registering all types of voters or all voters have every political persuasion. It is about registering a specific group of voters which the Biden administration describes as underserved.

Chairman WILLIAMS. So a quick follow-up, while the SBA is engaging in these electioneering activities their research is relatively small compared to other agencies. So can you discuss some of the other agencies that could misuse this power and describe some of the methods that they could utilize?

Mr. WHITSON. Thank you again for that question, Mr. Chairman. So, obviously, the key behind this whole order is the complete lack of transparency. So what little we do know, though, is disturbing.

And so this comes straight from the White House and here are some examples. The U.S. Department of Health and Human Services has transformed more than 1,400 federally qualified health centers located across the country into voter registration hubs under the NVRA. And so what does that mean, voter registration hubs? It means that not only do they hand out voter registration applications, but they also can help people fill out the applications

and then collect the applications with a promise to turn it into the state on behalf of the voter.

And now remember, in the executive order it called on these agencies to do this behavior, but it also said to work with, quote, "approved third-party organizations" to allow those agencies, those organizations, so nongovernment NGOs, to come into the federal agency and engage in the voter registration services.

And so there is a real risk that those approved third-party groups that no one knows who those groups are necessarily, we have been able to uncover a few, that those are the ones that are being allowed to come into these federal agencies and actually engage in the voter registration activity.

Chairman WILLIAMS. Secretary Morales, you have been Secretary of State. I was Secretary of State back in Texas, I told you back, in 2005 under Governor Perry and one of the great jobs I have had. And your duties in Indiana seem very similar to what I was doing almost 20 years ago.

Some of your job handles business development and you would assume that there would be some coordination between the SBA and your office. So in the short time we have got remaining, can you talk about your relationship with the SBA regarding small business issues? And what would you tell them if they looked to set up a voter registration MOU in your state as they did in Michigan?

Mr. MORALES. Thank you, Mr. Chairman. I am proud to be the Secretary of State of Indiana and thank you for your service as Secretary of State of Texas.

We are not working together with the SBA. They have not reached out to my office. If they would have reached out to my office I will be gladly listen to them but let me be clear. I would not sign an MOU with you with them.

It is concerning to me what the SBA is doing in other states. I cannot speak on other states, but it is concerning that they are signing MOUs specifically when it comes to swing states.

Chairman WILLIAMS. I now recognize the Ranking Member for 5 minutes of questions.

Ms. VELAZQUEZ. Thank you, Mr. Chairman.

Ms. Danetz, I was proud to vote for the National Voter Registration Act alongside my Republican colleagues. Is voter registration a partisan issue benefiting one party more than another?

Ms. DANETZ. Voter registration here is nonpartisan, and in the case of SBA, it would be available to anyone who availed themselves of it.

Ms. VELÁZQUEZ. Some witnesses have claimed that federal efforts to promote voter registration are unconstitutional. Can you please explain what authority the executive branch has to help promote voter registration?

Ms. DANETZ. Yes, thank you. The Elections Clause of the United States Constitution recognizes state authority to regulate federal elections, but it also gives Congress the overriding power to make entirely new election rules or alter state laws.

In the NVRA, Congress undertook that power and encouraged federal agencies to be designated. There is nothing unconstitutional about it.

Ms. VELÁZQUEZ. Is the SBA the first federal agency to be designated as a voter registration agency under the NVRA by a state?

Ms. DANETZ. No, it is not the first designated agency.

Ms. VELÁZQUEZ. Which federal agencies and states have worked together on voter registration?

Ms. DANETZ. So Armed Forces recruiting centers have been designated voter registration agencies since 1996 when the law was implemented. There are voter registration agencies on military installations.

More recently, Kansas was actually the first to designate a tribal college under the executive order. And there are several more under the—

Ms. VELÁZQUEZ. Were these collaborations started by only Democrats or by both Democrats and Republicans?

Ms. DANETZ. No. In 2008, the Bush Veterans Health Administration issued a directive requiring its residential facilities to provide access to voter registration assistance for patients.

Ms. VELÁZQUEZ. The MOU between SBA and the State of Michigan explicitly prohibits partisan activities. Could you please share some of those prohibitions with the committee?

Ms. DANETZ. Sure. The agreement is a direct application of Section 7 of the NVRA, which states that “voter registration services shall not seek to influence an applicant’s political preference or party registration, display any such political preference or party allegiance,” it has some more things, and then the language of the agreement tracks this language. Plus there are other federal laws, like the Hatch Act, that apply.

Ms. VELÁZQUEZ. And these prohibitions are consistent with prohibitions in the NVRA?

Ms. DANETZ. Yes.

Ms. VELÁZQUEZ. Ms. Danetz, has the SBA or the State of Michigan begun implementing their MOU yet?

Ms. DANETZ. I do not believe they have.

Ms. VELÁZQUEZ. To be clear, the MOU has not gone into effect and, therefore, any increases in voter registration in Michigan cannot be attributed to this agreement, correct?

Ms. DANETZ. That is right. There are lots of reasons that voter registration can increase.

Ms. VELÁZQUEZ. Does the executive order directing the SBA to help states in voter registration activities infringe upon state authority?

Ms. DANETZ. No, it does not. In fact, in all instances the actual voter registration occurs by the state of Michigan. In the instance of the URL that is planned, that goes to the Michigan online voter registration system.

Ms. VELÁZQUEZ. Let me ask you, under the executive order and MOU will SBA themselves register any Michiganders to vote?

Ms. DANETZ. No, they will not.

Ms. VELÁZQUEZ. When we use or reference underserved communities, are we implying black and Latinos or low-income communities for that effect?

Ms. DANETZ. I think that “underserved communities” means folks who generally have lower voter registration access. That could

include those groups. That could include folks from rural communities. It could include a lot of people.

Ms. VELAZQUEZ. A number of witnesses here claim that the SBA has turned its resources away from its core mission. The evidence doesn't support that claim and let me tell you why.

In 2023, the SBA delivered more than \$50 billion across capital investment and disaster programs, which includes over \$27 billion in 7(a) loans to more than 57,000 small businesses. It also approved \$6.4 billion in 504 loans to almost 6,000 borrowers.

This year alone the SBA has approved more than 22,000 7(a) loans under \$150,000. That sounds to me like the agency is putting its very limited budget—

Chairman WILLIAMS. The lady's time has expired.

Ms. VELAZQUEZ.—on work that meets its core mission. Thank you.

I yield back.

Chairman WILLIAMS. The lady yields back.

And I now recognize Representative Luetkemeyer from the great state of Missouri for 5 minutes.

Mr. LUETKEMEYER. Thank you, Mr. Chairman. I will start with Mr. Whitson. Mr. Whitson, first, thank you for your service. With 300 missions in Iraq you are one bad dude, so thank you so much for all that you have done for our country.

Whenever we talk about this executive order it would appear to me that the federal government is, under the Biden administration, is expanding its ability beyond what the law says. Would you agree with that statement?

Mr. WHITSON. I would.

Mr. LUETKEMEYER. You know, I think Ms. Danetz a minute ago said that states have the authority over elections generally. There are a few things that from 30,000 feet the federal government has.

And then she made the comment that the Congress authorizes some activities. If there are any activities, other election activities that happen, it should be under the authority of Congress not that of the administration. Would that be correct?

Mr. WHITSON. That is correct and I would add that it is by law.

Mr. LUETKEMEYER. By law.

Mr. WHITSON. So Congress can only by law, and which means, like as you know, both houses have—

Mr. LUETKEMEYER. Okay. So authorization of money is by law as well, right?

Mr. WHITSON. Yes, sir.

Mr. LUETKEMEYER. So in other words, the administration, does it have any authority to spend any of this money for electioneering based on what the Congress has authorized?

Mr. WHITSON. It does not.

Mr. LUETKEMEYER. So, therefore, it is beyond the law right now. It is actually in violation of the law to be doing this would be my contention. If we, Congress, have not authorized this, how can they be out there spending money that is not authorized?

Mr. WHITSON. That is exactly right. And it is actually the Antideficiency Act, so federal law at 31 U.S.C., Section 1341 strictly forbids federal agencies from spending money that Congress

hasn't appropriated for that agency to spend. So the Biden administration is. Its agencies are violating federal law if they are spending money that—

Mr. LUETKEMEYER. Are you aware of any entity that is getting ready to file a lawsuit against their government for spending money they can't spend?

Mr. WHITSON. There is an ongoing lawsuit that was filed in the state of Pennsylvania that is being challenged at the Supreme Court level.

Mr. LUETKEMEYER. Ms. Parker, are you aware of any lawsuits? Your entity is very involved in watching over small businesses and their welfare and how the different agencies interact with them.

Ms. PARKER. I am not aware of them.

Mr. LUETKEMEYER. Okay.

Ms. PARKER. I am not aware of any.

Mr. LUETKEMEYER. Very good, thank you.

Mr. Morales, you know, you indicated that you would be willing to listen to the administration but not act with them as a partner and that you are the election official in the state. Is that correct?

Mr. MORALES. That is correct.

Mr. LUETKEMEYER. So, you know, if the state is authorizing, they have various entities around the state to do their job, which is to help motivate people to become registered, in what situation would you want to recognize or be willing to partner with the federal government? They don't really have any authority to do this. Can't spend money to do it and yet would ask you to do this in conjunction with them. How is this going to work or if—

Mr. MORALES. I would work specifically with the SBA when it comes to businesses, when it comes to our business services division under the Secretary of State's Office. Anything regarding elections, I was honored to share with my testimony today as the first Latino Secretary of State, I am the only one who goes to all the minority communities, to rural Indiana, everywhere to register eligible Hoosiers. That is my job.

And my team and I have blanketed the state to make sure that every eligible Hoosier has the opportunity to vote.

Mr. LUETKEMEYER. It would seem to me that it would be the responsibility of the various parties, as well as the state election officials, to register people, not that of the federal government. Would that be a fair statement?

Mr. MORALES. Well, you know, both parties can, you know, obviously, they certainly can encourage folks to register to vote. But I am taking this on a personal level because, you know, before I became a naturalized citizen myself this is personal for me.

That is why when I became a naturalized citizen myself on that day I went to register to vote, and I have not missed one election ever since. We as Americans now need to take this seriously. This is our civic duty to do our part as well.

Mr. LUETKEMEYER. Thank you for that, and I think that is a very powerful statement that you have made there from someone who has immigrated this country and now understands the greatness of our country and one of the foundations that makes us great. So thank you for that.



Ms. Parker, you know, the Job Creator Network is very, very important with regards to overseeing a lot of issues that affect small businesses. Is this an issue that affects small businesses, voter registration?

Ms. PARKER. No, it does not, sir.

Mr. LUETKEMEYER. Why do you think the administration is getting involved in this thing?

Ms. PARKER. I don't think I would speculate on why they are getting involved in that, but I can say that the Small Business Administration's mission is about helping small businesses like mine in the time of need, whether it is credit or other things.

We have seen tornadoes across the nation from Texas to Michigan and communities devastated, much like mine was when the hurricanes came. That is the role of the SBA is to help those small businesses.

Mr. LUETKEMEYER. Let me just close with this. There was a headline in last, well, last week's national papers, 'Regulatory Burden Under Biden Soars to \$1.6 Trillion, 292 Million Paperwork Hours.' That is what we should be talking about, not going out here and doing something that is, quite frankly, illegal by spending taxpayer monies on registering voters.

And with that, Mr. Chairman, I yield back.

Chairman WILLIAMS. The gentleman yields back.

I now recognize Representative Chu from the great state of California for 5 minutes.

Ms. CHU. Ms. Danetz, as you know, the clients with whom the Small Business Administration interacts and serves our entrepreneurs and small business owners. These are the people who would receive help with voter registration under the MOU between the SBA and Michigan's Department of State.

We have heard from our Republican colleagues here today that this is an attempt by the Biden administration to register voters sympathetic to the Democratic Party.

This would imply that all those who would register would register Democrat rather than Republican. Do you have reason to believe that small business owners tend to lean Democratic more than they lean Republican?

Ms. DANETZ. No. There is no reason to assume that.

Ms. CHU. And, in fact, I seek unanimous consent to enter into the record a January 2020 Gallup Poll showing that small business owners were evenly split 50/50 between preferring President Biden or Donald Trump.

And this, of course, was in 2020. It is before Mr. Trump was convicted of 34 felonies, but I think it still bears relevance to this discussion.

Chairman WILLIAMS. So moved.

Ms. CHU. Ms. Danetz, thank you for your testimony here today that is so fact-based. We all should agree that helping eligible American citizens register to exercise their right to vote in federal elections is a good thing.

That is why in 1993 Congress passed into law, on a bipartisan basis, the National Voter Registration Act or commonly referred to as the Motor Voter Bill because it mandated that state motor vehi-

cle departments allow Americans to register to vote on their driver's license applications.

But the NVRA also authorized other types of nonpartisan voter registration activities. For example, it allows state governments to designate federal agencies as voter registration agencies.

So can you discuss the legal foundations for this Memorandum of Understanding between the Michigan Department of State and the SBA?

Most importantly, does this designation break or follow the law, because those on the other side are implying that this is breaking the law? Does this break or follow the law?

Ms. DANETZ. Thank you for this question. This is actually a straight application of Section 7 of the NVRA. In addition to the mandatory voter registration agencies, each state must designate one or more additional agencies. And among those, federal agencies can be included with their agreement.

That is exactly what happened here where Michigan designated SBA, SBA agreed to it, and they determined how to implement that.

Ms. CHU. Ms. Danetz, one of the arguments that we have heard repeatedly today is that by signing this MOU between the SBA and Michigan Department of State it is directing taxpayer dollars and resources away from small businesses and diverting it from its core mission. Is this true?

What activities does the MOU actually entail? What is, most importantly, what is the actual cost of these activities to the SBA and does it take away from their missions of dispensing loans and so forth?

Ms. DANETZ. I cannot tell you the exact cost, however, what I can tell you is that Section 12B of the executive order indicates that implementation of it should be dependent on availability of appropriations.

In addition, the activities under the agreement are basically that Michigan will develop a URL for use in connection with certain SBA transactions and then SBA will put a link to vote.gov on some of its social media and marketing materials.

Ms. CHU. And do people have to be specially trained as has been implied?

Ms. DANETZ. There is a training component but generally that training takes about 15 minutes.

Ms. CHU. Okay. The NVRA also empowers Americans to file complaints if an agency has tried to influence a customer's partisan affiliation or voting preference. What safeguards are in place, and has anyone made such a complaint?

Ms. DANETZ. So as part of agency registration, people who are applying are given information about how to contact their chief election official if anything inappropriate has happened. And they would generally do so. I am not aware generally of significant complaints of partisanship in that regard.

Ms. CHU. Thank you.

I yield back.

Chairman WILLIAMS. The lady yields back.

I now recognize Representative Meuser from the great state of Pennsylvania for 5 minutes.

Mr. MEUSER. Thank you, Mr. Chairman, very much.

So the SBA signed an agreement with the state of Michigan. We have finally received a copy of the MOU signed by a Jennifer Kim. The MOU is in effect, just unquestionably.

I asked in a previous hearing for emails from Administrator Guzman. She said, yes, she would provide me every correspondence that occurred. Of course, we never received that.

We did 2 or 3 weeks ago receive a copy of the MOU after about a month of lawyering up. This Jennifer Kim was hired in 2022. Her entire background, even the SBA put it on the website, was for voter registration in the state of Michigan.

She worked for Kamala Harris and she was a community organizer. And, by the way, the taxpayers are paying her \$183,100. She was hired to register voters in the state of Michigan. She had no background whatsoever with small business.

This character Tyler Robinson, we certainly aren't relying on any of his statements that were recorded because, I mean, he looks like—he seems like he is a goof. However, everything he said actually occurred, okay? It was accurate.

Administrator Guzman has gone to the state of Michigan eight times. That is twice as many as any other state. The areas where she has gone voter registration has gone up. I have the data.

I would seek unanimous consent, Mr. Chairman, to provide this document for the record.

Chairman WILLIAMS. So moved.

Mr. MEUSER. And again, it is twice as much in Michigan as any other state, and we all know Michigan is a hotbed for this upcoming election.

So the MOU, as stated, is in effect. All of this is going on and yet we are, kind of, being convinced to not look over here. We issued subpoenas to try to get to the bottom of it.

These individuals, including Plews and Tyler Robinson, have lawyered up. Why would they lawyer up if everything is on the up and up?

And again, the SBA, we all agree, has real work to do besides trying to win Michigan for their current occupant of the White House.

So Mr. Whitson, I would like to ask you, so have you heard any other agencies engaged in this? Like, there has been some rumors about HUD being involved?

Mr. WHITSON. Yes. So I mentioned that Health and Human Services is involved. The Department of Labor is also involved with 2,300 American job centers. U.S. Department of Agriculture is allowing food stamp funds, administrative funds to be used to pay for voter registration participation services.

And the one you just mentioned, sir, HUD sent guidance to the executive directors of more than 3,000 public housing authorities managing about 1.2 million housing units advising them on how to run voter registration drives through public housing agencies. And so Federal Housing officials also advise the local agencies on how to apply to become, quote, "voter registration agency under the National Voter Registration Act," and how to set up drop boxes for ballots on the premises.

Mr. MEUSER. What laws do you think could be possibly violated here?

Mr. WHITSON. I mean, so I think there are a few. So the first one is the U.S. Constitution and the Administrative Procedure Act. So Article I, Section 4, Clause 1, times, place, and manners that leaves the times, places, and manner of elections to state legislatures with—

Mr. MEUSER. Right.

Mr. WHITSON.—limited oversight. And so controlling how, when, and where registration takes place is the manner.

Mr. MEUSER. Right. Right. By the way, when this Mr. Robinson made his statements that they would only meet with Democrats in Michigan, that held true. There are—well, five Democrats were met with out of seven in those eight trips. Never was a Republican invited.

And in her trip to Pennsylvania, four trips to Pennsylvania, also a swing state, she certainly never invited me or any Republicans that I am aware of.

So moving along, the voter registration efforts under this MOU primarily are targeting Democrat voters in Michigan. Why do you think that is, Mr. Whitson?

Mr. WHITSON. Well, I think it is because it is a key battleground state and I think the reasons you have mentioned, too, as well.

Mr. MEUSER. Right.

Mr. WHITSON. You have key people from that state and so it is a place where you don't need a lot of votes to make a big impact.

Mr. MEUSER. So is this unethical or illegal in your view?

Mr. WHITSON. It is both in my view.

Mr. MEUSER. Okay. Ms. Danetz, do you think this sounds kosher?

Ms. DANETZ. I think there is beauty in agency-based registration, because it is available to people regardless of their background. When they go into government agencies or deal with government programs that they are already—

Mr. MEUSER. I thank you. My time has expired.

Thank you, Mr. Chairman. I yield back.

Chairman WILLIAMS. The gentleman yields back.

I now recognize Representative Landsman from the great state of Ohio for 5 minutes.

Mr. LANDSMAN. Thank you, Mr. Chairman. Full disclosure, I am a big fan of democracy. I am a big fan of voting. I am a big fan of voter registration.

When I saw the hearing was about the secretary of state having an MOU with the SBA to go out and register people to vote I thought that is wonderful. You know? Maybe that is what we are promoting and suggesting every state should do so that we can have a greater participation in our democracy, which is at the heart of a healthy democracy, right?

We want to see more people, irrespective of who they vote for or their partisan affiliation, we want to see them participate in our democracy. That is at the core of a healthy democracy.

It turns out the hearing is different. It is an effort to suggest that voter registration and efforts to partner up between secre-

taries of states and agencies, nonprofits, whatever it is, is somehow problematic when, of course, it is very important to the health and ultimately the future of our democracy.

Mr. Morales, you are a secretary of state in Indiana. I am next door in Ohio. I downloaded the voter registration form in Ohio.

Now, I am assuming they are very similar, but I just want to make sure. On this voter registration form it asks, you know, if you are a U.S. citizen, if you are 18 years old. It asks for information about you, your name, where you live, birth date, just looking here. You sign it, which makes a lot of sense.

There is, at least on this one, there is nothing about partisan affiliation. On the voter registration that you all have in Indiana, do you ask people what their party is? You don't do that?

Mr. MORALES. No, we don't.

Mr. LANDSMAN. Oh, you don't do that. Okay, that is good. And then it doesn't say anywhere on here, it doesn't say who you are going to vote for, right? It doesn't say.

And I am assuming that is true in Indiana. You don't ask people who they are voting for, you just register them to vote?

Mr. MORALES. You know, in fact, when I crisscrossed all 92 counties within 3 months when I go to schools, when I go to communities, I ask them to register to vote.

Mr. LANDSMAN. That is great.

Mr. MORALES. And I am very clear as I ask them, I am not here to tell you who to vote for.

Mr. LANDSMAN. Right.

Mr. MORALES. That is not my job.

Mr. LANDSMAN. Love it.

Mr. MORALES. My job is to register to vote.

Mr. LANDSMAN. One hundred percent. I think that is absolutely perfect. Keep up the good work. I think that that is, to me, at the heart, again, of our democracy.

Ms. Danetz, the act of voter registration itself is that partisan?

Ms. DANETZ. No.

Mr. LANDSMAN. The act of voting itself, is that partisan?

Ms. DANETZ. No. I mean, people express—

Mr. LANDSMAN. And the principles of—

Ms. DANETZ.—their preferences.

Mr. LANDSMAN. Correct, but the act of voting itself, going into the booth and voting is not partisan?

Ms. DANETZ. No.

Mr. LANDSMAN. The principles of democracy, including registering people to vote and voting, those principles of democracy are they partisan?

Ms. DANETZ. No.

Mr. LANDSMAN. Okay. Is this hearing partisan? You don't have to answer that.

Ms. DANETZ. I am not sure I—

Mr. LANDSMAN. Okay. That is fine. It seems to be. I hope that we turn a corner and realize that what happened anytime the secretary of state in any state says, hey, let's go register more voters, we should as Americans who believe in our democracy, be very excited about that and encourage that.

Before I yield, Mr. Chair, can I, because Mr. Robinson was brought up, can I submit into the record Mr. Robinson's transcribed interview statement?

Chairman WILLIAMS. So moved.

Mr. LANDSMAN. Okay, thank you. And with that, I yield.

Chairman WILLIAMS. The gentleman yields back.

Now, I recognize Representative Mann from Kansa, the great state of Kansas for 5 minutes.

Mr. MANN. Thank you, Mr. Chairman, for having this hearing and thank you all for being here today.

I am Tracy Mann. I represent the big 1st District of Kansas, which is 60 primarily rural counties in the western and central part of my state.

I can tell you that the good people in my district have absolutely no interest in the federal government being used to further President Biden's reelection bid. Frankly, it is absurd that we even need to have this hearing today in the first place.

Record high inflation, never ending red tape, bureaucracies like the ATF at your doorstep demanding you shut down your doors for misspelling a name on a gun sale form, these are the things that real business owners are dealing with in my district every day.

I said repeatedly in this room issues like this should not be Republican or Democrat issues. It is, frankly, un-American that the SBA would turn themselves into an arm of the Biden campaign under the guise of, quote, "small business outreach," end quote, targeting swing state voters.

And that really is the fundamental issue here. No one here is against registering more people to vote. We want robust turnout at elections.

The issue here is going after specific swing district voters in specific areas because we all know that elections are driven by turnout. And the turnout in certain areas dramatically impacts the election, and that is the fundamental issue here.

We wonder why Americans have lost faith in their governmental institutions. It is because of this weaponization of the government. Instead of helping to register voters in swing states, the Biden administration should be helping small businesses to thrive or at the very least get out of the way.

A handful of questions, first for you, Mr. Morales. I know you are the Secretary Of State of Indiana. I am the former lieutenant governor of my state. We both know that the SBA and the executive branch have no role in the election process.

The Constitution empowers the Congress and states to regulate elections. I am also the father of four elementary school children. These are some basic separation of powers issues that we all learned back in elementary school.

So my question for you, sir, do you believe that should Americans be concerned about the SBA involving itself in the elections process?

Mr. MORALES. Thank you for the question, Congressman. The SBA should be focusing on helping small business owners. I believe small business owners are the backbone of our Hoosier economy in my state and that should be their role.

It has to be a clear separation, as you stated. We cannot generate confusion because if people go there asking for a loan and then they will find an application form for voter registration. That may generate confusion.

That is why my election division under the secretary of state's office, that is when we step in. We are doing everything we can to register as many eligible Hoosiers day-in, day-out, Congressman.

Mr. MANN. Yeah. Well, I agree and appreciate the answer.

Question for you, Ms. Parker. Our Founders masterfully created the Declaration of Independence, which outlines our values, and then the Constitution came along and enshrines our values.

In your view as the president of the Job Creators Network Foundation, how can America get back to these basics and stop interference like this?

Ms. PARKER. That is a great question. As far as Americans, they do want to see their government work for them. They want to see their government function normally, and they don't want to see one side tip the scales for the other. And that is what the SBA is doing.

I see the SBA's role as maybe an internal version of me, essentially. They should be advocating to the administration when regulations are going to hurt small businesses. That is what I do. I spend 7 days a week, 24 hours a day, 365 days a year thinking about how I can help small businesses.

I think that is what the SBA should have been doing from the internal side.

Mr. MANN. I wholeheartedly agree.

Last question for you, Mr. Whitson, in your view, are small businesses in this country better off than they were 4 years ago? And what do you think that the SBA should be focused on?

Mr. WHITSON. So I think if you look at the numbers, thank you for that question by the way, Mr. Congressman. If you look at the numbers they clearly are not. I mean we have Biden inflation. We are suffering record high inflation levels. That affects loans. That affects a number of other things.

So businesses are hurting, people are hurting, and so the SBA, like all of the other federal agencies, need to focus on their primary mission and help people the way Congress intended them to.

But even more important is there is a danger when federal executive agencies led by political appointees of any party get involved in the business of voter registration and targeted voter registration—

Mr. MANN. I hear that.

Mr. WHITSON.—because you are basically inserting campaign activity.

Mr. MANN. Wholeheartedly. I mean, this is targeted voter registration. This is un-American. I think everybody knows it is wrong.

And, Mr. Chairman, thank you for having this hearing. I yield back.

Chairman WILLIAMS. The gentleman yields back.

And Representative Scholten from the great state of Michigan for 5 minutes.

Ms. SCHOLTEN. Thank you so much. It is a great state, Mr. Chair. Thank you.

I agree with my colleague Mr. Mann. It is so unfortunate that we are having this hearing today. There are so many other deeply important things that we should be spending the taxpayers' dollars on today discussing.

Before we begin, Mr. Chair, I have a letter from the Small Business Development Center that I would like to submit here for the record, in addition to a map that outlines the details of specifically when and where voter registration has increased in the state of Michigan.

Chairman WILLIAMS. So moved.

Ms. SCHOLTEN. Thank you. I want to start out today, Secretary Morales, thank you so much for being here today, sir. You have such an impressive resume and background, but just to get this into the record just to clarify, you are the secretary of state for Indiana, correct?

Mr. MORALES. That is correct, the great state of Indiana.

Ms. SCHOLTEN. Okay, not for Michigan, correct?

Mr. MORALES. Not for Michigan.

Ms. SCHOLTEN. Okay, okay. So—

Mr. MORALES. And I clearly stated I am here to—

Ms. SCHOLTEN.—you don't have firsthand—

Mr. MORALES.—speak behalf of others.

Ms. SCHOLTEN.—knowledge of the implementation of any Memorandum of Understanding between the SBA and the state of Michigan. Is that correct?

Mr. MORALES. I don't, but it is concerning to me.

Ms. SCHOLTEN. Do you have—no. The question is just do you have firsthand knowledge of that?

Mr. MORALES. I don't.

Ms. SCHOLTEN. You do not. Okay. All right. Thank you, sir.

For Ms. Parker, you mentioned in your opening remarks that the SBA has, quote, "become an arm of the Biden 2024 campaign," and that you wanted the SBA to, quote, "return to its normal duties." Do you have any information confirming this program in effect today?

Ms. PARKER. Just what I have seen reported.

Ms. SCHOLTEN. Okay. So you don't have any firsthand knowledge of the program as it is in effect today, how many resources have been deployed. Do you know how many?

Ms. PARKER. I do not.

Ms. SCHOLTEN. You do not. Okay. So on what facts are you basing the allegations that the SBA has become an arm of the Biden campaign if you don't have facts and knowledge about that?

Ms. PARKER. The reporting that I have seen is that the SBA is going into specific areas of Michigan and doing targeted voter registration. It is not in the mission of the SBA to do that at all, and as a former business owner I understand all of the challenges that small businesses face—

Ms. SCHOLTEN. Have you verified those facts?

Ms. PARKER. I have seen them reported in the media.

Ms. SCHOLTEN. Is the Memorandum of Understanding even in effect? Is it even being implemented?



Ms. PARKER. I don't know the answer to that right now. What I have seen reported is——

Ms. SCHOLTEN. But so you don't——

Ms. PARKER.—what the memorandum states.

Ms. SCHOLTEN.—know the answer. You don't know if this is even in effect yet, and it is my understanding, as we have heard today, it is not in effect yet. It requires still an additional executive order by the governor. And yet, you have said that the SBA has abandoned its duties for a memorandum that isn't even in effect yet?

Ms. PARKER. Well, I believe that the goal is to put it into effect because that is why it was written.

Ms. SCHOLTEN. But when you said that you wanted the SBA to return to its duties, what is that based on? How has it turned away if this memorandum is not even in effect yet, ma'am?

Ms. PARKER. That is the goal of the memorandum and if they are going to move forward with that, then——

Ms. SCHOLTEN. But it has not yet happened.

Ms. PARKER. That is what you say, yes.

Ms. SCHOLTEN. You disagree?

Ms. PARKER. I don't have knowledge but I have——

Ms. SCHOLTEN. You don't have——

Ms. PARKER.—have read the reports.

Ms. SCHOLTEN. But yet you testified to the fact that it has. But you are admitting now that you don't know? Is that correct?

Ms. PARKER. The spirit of the memorandum is to go into targeted areas of Michigan and register voters, and that is problematic as a small business advocate.

Ms. SCHOLTEN. But you don't know is what you are telling me about the implementation of this memorandum currently?

Ms. PARKER. What I know is what has been publicly reported.

Ms. SCHOLTEN. Okay. But that contradicts what you are saying today about you not knowing that this has been implemented contradicts what you were saying about turning away the SBA, turning back to its core mission.

Ms. PARKER. I don't believe it does because the spirit of the memo says that they are going to.

Ms. SCHOLTEN. We can turn away from that for now, ma'am. You know, your testimony is contradicting itself here.

I have one more question for Mr. Whitson. You mentioned in your testimony that the Biden administration is violating federal law by spending money on this program in Michigan. How much money has the federal government spent on this program already?

Mr. WHITSON. That is the problem, we don't know. And even the Members of Congress can't say that amount.

Ms. SCHOLTEN. How can the Biden administration spend money on this program when it is not even implemented yet?

Mr. WHITSON. Well, so creating the MOU itself costs money.

Ms. SCHOLTEN. How many——

Mr. WHITSON. People had to sit down—we don't know the exact price, but Members of the SBA had to sit down and waste——

Ms. SCHOLTEN. You don't know the exact——

Mr. WHITSON.—hours and use taxpayer money——

Ms. SCHOLTEN. Right.

Mr. WHITSON.—to sit and engage and go back and forth on an MOU. And so that costs the taxpayer money just creating this piece of paper.

Ms. SCHOLTEN. To your knowledge, has the SBA implemented this program yet in Michigan?

Mr. WHITSON. That is a—I don't know. No one knows.

Ms. SCHOLTEN. But yet you are here today testifying about a program saying that it has completely violated the Constitution when you don't even know that this program is in effect. And, in fact, it is not.

My time is up, I yield back.

Chairman WILLIAMS. The lady yields back.

I now recognize Representative Van Duyne from the great state of Texas for 5 minutes.

Ms. VAN DUYNE. Well, let me clarify. The MOU is absolutely in effect. It is absolutely in effect and it was in effect from day 1 when it was signed. We know that the URL exists, absolutely the URL exists. I would suggest you look it up.

If we need to send that out to the rest of our Committee Members who seem to be blind on this, please let's do that. And I am going to ask staff to make sure that we are doing that because apparently some Members of this Committee don't understand what is happening at the SBA.

And, by the way, we would love to know how often that that URL is being used, but guess what? We don't, because we have made requests repeatedly to the SBA for further information. They have been ignored.

So all of this questioning about what we know and what we don't know, it is impossible to find out because the SBA won't work with us. They will not give us information.

So what we do know is what has been reported. We know what has been signed. We know that it is in effect, but in order for us to know how efficient it is we would actually have to rely on our own agency to respond to a congressional committee's request for information, which they have not done.

So I appreciate my good Member on the other side asking those questions and asking for verification. I would also ask that she sign on to our Request for Information from the SBA to be able to say whether or not what they are doing, because we know where the dollars are going. We have no idea what the outcome is. This is typical of working with this administration.

I am going to ask Secretary of State, if you got a request from the SBA to actually implement a program similar to what they have in Michigan, what would your response be?

Mr. MORALES. Thank you, Congresswoman. Absolutely I will not sign an MOU with them as it is in other states.

Ms. VAN DUYNE. Why?

Mr. MORALES. Because it has to be a clear separation. I have four divisions. I am here to talk about two. I spoke about two. I will be glad to work with the SBA when it comes to helping small business owners in Indiana, but when it comes to elections that is why my role in my election division under the Secretary of State's Office that is our responsibility to register as many eligible Hoosiers in our state. So it has to be a clear separation.

Ms. VAN DUYNE. So you would think that it would be inappropriate for a federal agency that is taking its requests directly from a presidential candidate to use the state?

Mr. MORALES. Well, you know, according to the NVRA, the NVRA allows the states to designate voters registration agencies.

Ms. VAN DUYNE. So constitutionally it should be up to the states in how they are actually conducting——

Mr. MORALES. That is correct.

Ms. VAN DUYNE.—their elections and whether or not they believe it is fair.

Mr. MORALES. And I believe we the states know better how to run our elections than the federal government.

Ms. VAN DUYNE. I can tell you, being a representative from Texas, I do not want D.C. anywhere near my federal elections, so I appreciate that statement very much.

And yet again, the Biden administration is flagrantly violating the law. It is misusing precious taxpayer dollars.

SBA has a track record of putting job creators last in favor of advancing partisan causes and now the SBA is taking the blatantly illegal step of using taxpayer funds to prop up President Biden's failing campaign. It is a clear sign of desperation amid crushing inflation and decades-high interest rates.

We know the work the SBA is doing to register voters in Michigan is deliberately targeting in areas where the Biden campaign needs strong voter turnout. We know that these efforts have nothing to do with helping America's small businesses deal with the difficult economic environment created by Biden's reckless and harmful economic policies.

And as if this isn't enough, the SBA has refused to comply with our congressional oversight efforts forcing our committee to issue its first subpoenas in years. This is an administration that could not care less about what laws they are breaking or taxpayer dollars they are misusing, or that they are operating wholly outside the direction of Congress.

I will continue to work with my colleagues on this committee to hold the SBA's feet to the fire and hold this administration accountable for failing taxpayers, working families, and job creators.

Mr. Whitson, you have been great. I appreciate the time that you have spent here and on our Ways and Means Committee. Can you tell us what else we as Members of Congress can do to stop these schemes?

Mr. WHITSON. Thank you for that question, Congresswoman. So I think, like, the best thing that Congress can do right now is do what you are doing here, exercise your oversight power and gather evidence that states with principled attorneys generals can use to establish standing to bring a lawsuit to stop this. So it is exercising that power to establish standing.

But in the process, you are also going to do a couple things. One, you are going to discourage bad behavior by federal employees that may be carrying this out by letting them know that you are going to hold them accountable should the administration change and you would be in a position to do that.

If they violate the Hatch Act or they violate any law, Congress is going to hold them accountable. They should know that.

And then the other thing they should know is whistleblowers. So the good, principled members of SBA and other agencies should know they have a friend in Congress, and they should come forward under whistleblower protection and explain specifically, answer all the questions that we don't have answers to, those federal employees may be able to do that for us.

Ms. VAN DUYNE. Mr. Chairman, I would like to just put into the record the URL that has been denied that actually exists. It is——

Chairman WILLIAMS. So moved.

Ms. VAN DUYNE.—[michigan.gov/USSBA](http://michigan.gov/USSBA).

Chairman WILLIAMS. So moved.

Ms. VAN DUYNE. So for any of our colleagues who have a question on whether or not that exists, here it is. Thank you very much, and I yield back.

Chairman WILLIAMS. All right.

I now recognize Representative Crane from the great state of Arizona for 5 minutes.

Mr. CRANE. Thank you, Mr. Chairman.

Mr. Whitson, in your opinion, sir, why has the SBA involved itself in the election process and registering voters in swing states?

Mr. WHITSON. Thank you for that question. So this is part of the executive order. It commanded every single federal agency to take part in this whole of government get out the vote effort to benefit the Biden administration. And so SBA is one of those tools.

And so Michigan, as we mentioned, it is a well-known fact that it is a key battleground state and so it doesn't require a lot of votes to make a significant impact.

Mr. CRANE. Right. Right.

Mr. WHITSON. So that is what it appears to do.

Mr. CRANE. What does the SBA stand for, Mr. Whitson? Do you know?

Mr. WHITSON. It is the Small Business Administration.

Mr. CRANE. Do you find that odd that the Small Business Administration is involved in getting out the vote in a state that President Biden is down in and absolutely needs to win to stay President?

Mr. WHITSON. Absolutely.

Mr. CRANE. Yeah. You said that there are other government agencies doing this as well, Mr. Whitson. Can you go over those real quick?

Mr. WHITSON. Yes. So again, that is the Health and Human Services has transformed more than 1,400 federally qualified health centers located in states across the country into voter registration hubs.

You have got the Department of Labor has turned more than 2,300 American job centers, again scattered across the country, into voter registration hubs.

USDA, Department of Education is allowing federal work study funds to go to college students to become an army of workers for left-wing groups engaging in voter registration activity, again, in strongholds where there are more Democrat votes than there are Republican. The list goes on.

Mr. CRANE. Yeah, imagine that. You also said this was more alarming than the Zuckerbucks scheme by the Democrats back in 2020. Can you elaborate on that?

Mr. WHITSON. Yeah. So I think that scheme offers the perfect illustrative example of what is going on here. And so Zuckerbucks people could look at it on the surface and say this looks funny, but it was only until after the election when we could go in, FGA went in, and we got the exact numbers of where money went, which counties, and what amounts that we could have the proof.

And so this is that same scheme, but instead of \$400 million it is the unlimited funding resources, reach, and power of the federal government and its agencies in every state. So it is Zuckerbucks on steroids.

Mr. CRANE. Yeah. And we don't even know how much they are spending yet, do we, because they won't be transparent about it, right?

Mr. WHITSON. That is exactly right.

Mr. CRANE. That is what I thought,

Ms. Morales, why do you think the SBA is involving itself in, I am sorry, Mr. Morales, why do you think the SBA isn't involving itself in your state in Indiana?

Mr. MORALES. Well, they are not involving Indiana. I wish they have come to my state and talk to me and, like I say, I would love to work with them when it comes specifically with businesses—

Mr. CRANE. Yeah.

Mr. MORALES.—helping our Hoosier business.

Mr. CRANE. Yeah. They seem to have forgotten that that is their main focus. But I will tell you, sir, the reason they are not involving their self in your state is because I checked and your state is a Republican plus, like, 11 state, so it is a Republican state.

That is why they are not. You are not a swing state. That is why they are not involving themselves there.

Do you believe this is election interference, Ms. Eliane Parker?

Ms. PARKER. I do believe it is election interference when you are going into a targeted area of a state to register people for election. But again, I believe that the SBA should be focused on the small business and advocating for small businesses within the administration.

There is a regulatory onslaught that is happening against our small businesses. It disproportionately hurts them, and that is what the SBA should be focused on is protecting—

Mr. CRANE. Absolutely.

Ms. PARKER.—their interests.

Mr. CRANE. Absolutely. We have got rising inflation, right, over regulation, real disposable income down 7.5 percent, 21 percent increase in credit card interest rates.

But according to Tyler Robinson, who happens to be the special advisor to Administrator Guzman, Robinson claims in a video, this is him saying it not me, that SBA Administrator Guzman is the most traveled cabinet member, visits battleground states with Democrat Members of Congress to help them and Biden get re-elected.

And that she indirectly campaigns for the President by announcing her highlighting investments in certain communities by the Biden-Harris administration to sway support.

But our Democrat colleagues will try and convince you to believe this stuff isn't even going on. It is unbelievable. I have heard from the other side today that the act of voter registration it is not partisan. We all heard that, right?

The act of voting that is not partisan either, right? We heard that.

Well, is it when you are targeting blue Democrat-run cities, counties, municipalities, is that partisan? What do you think Mr. Whitson?

Mr. WHITSON. It absolutely is. And so it is what campaigns do, right?

Mr. CRANE. Yeah.

Mr. WHITSON. Campaigns engage in Get Out the Vote efforts and they don't try to get out the vote of every kind of voter. They try to get out the vote of the voters that will put them in office and so that is what the problem is.

Now, the federal executive branch is engaging in this, a federal executive branch led by a Member of one political party is using that apparatus to engage in a Get Out the Vote scheme to benefit—

Mr. CRANE. Yeah, and imagine that. And we hear it from the other side about, oh, this is undermining democracy and bipartisanship. Are you kidding me?

You guys just tried to put your number one political opponent, President Trump, in jail, right? That is what you are trying to do right now, and now this, and it is just a couple of different things. We are not buying any of it, okay?

I yield back, Mr. Chairman.

Chairman WILLIAMS. The gentleman yields back.

I now recognize Representative Salazar from the great state of Florida for 5 minutes.

Ms. SALAZAR. Thank you, Mr. Chairman.

And thank you to the witnesses. I want to ask, I am sure that I am going to be repeating some of the same statements that we have been hearing before, but I want to hear from Ms. Danetz. Thank you, Ms. Danetz for being here.

What do you think Michigan and not Florida, I represent District 27, south Florida, why do you think that the SBA made this agreement with the federal government—I mean with the state of Michigan? Why Michigan and not Florida?

Ms. DANETZ. Because the state officials in Florida have not approached SBA relating to designation, as in Indiana.

Ms. SALAZAR. What about Ohio or Mississippi or any other state that is not considered blue or necessary to win for President Biden?

Ms. DANETZ. Again, the White House's statements makes clear that SBA would be willing to be designated in any state where a state official makes that designation. So because voter registration mechanics remain with the state, it is up to the state official of each state to approach SBA and make a designation.

Ms. SALAZAR. All right. And I am sure for everything that you have heard here during this hearing that the optics of this program is pretty dubious. The optics are just, and I am going to give you just few facts so then I want to hear your opinion.

Michigan is the only state, right, coincidentally. After 1 week after these agreements between the state of Michigan and SBA, all of a sudden the White House announces that it is going to establish 15 campaign field offices across the state. Optics are not really clear there.

Michigan is a swing state Michigan. Michigan has polls from every corner of the political spectrum saying that President Biden is down.

The evidence, circumstantial evidence, optics, whatever you want to call it is pointing that the Biden administration is using taxpayers' money, that is illegal, to increase their chances of winning reelection. That is very illegal.

So I just want to ask your opinion. You are an advisor. You are a consultant. What do you say to the optics that I just narrated?

Ms. DANETZ. Michigan is not the only state that has designated a federal agency and, quite frankly—

Ms. SALAZAR. It the only one that has right now an agreement with the Secretary of State with the federal government, meaning the SBA, which is the same thing. Feds, SBA, same thing, state of Michigan.

Ms. DANETZ. So, because of the structure of the NVRA there is no specific way that each state has to undertake the designation process. So for example—

Ms. SALAZAR. No, no.

Ms. DANETZ.—in another state—

Ms. SALAZAR. We are not saying today, but Michigan did take it, 15 field offices were opened. And that is why I am saying the optics. Don't you see something wrong with what we are saying?

Ms. DANETZ. What I see is that there are agencies designated in states across the country and this hearing is focusing on Michigan because of the SBA.

Ms. SALAZAR. How many other states have the same type of agreement between a federal agency, meaning the SBA, in order to, like you said, 30 years ago this program started to promote and to go to the business owners and say, hey, let's don't even talk about what you need right now? If you need to buy computers or you need a small loan let me help you register to vote.

Ms. DANETZ. Kansas, New Mexico, Arizona—

Ms. SALAZAR. Do they have the same type of agreement between the federal agencies?

Ms. DANETZ. They have designated federal agencies and those federal agencies will be providing voter registration services.

Ms. SALAZAR. But they are not in place right now. They haven't started. Like, Michigan started a week ago.

Ms. DANETZ. I am unaware whether they have been implemented yet.

Ms. SALAZAR. So I go back to—so you are trying to give me just a little detail. I am saying the whole optics. Don't you see what we are seeing?

Ms. DANETZ. I am personally thrilled that agency-based registration is expanding across the country to provide nonpartisan voluntary voter registration services to Americans in the——

Ms. SALAZAR. How do we know that they are nonpartisan? How do we know that if this is an initiative from the Biden administration in a state that is a swing state, how do we know or not know that the Members of the SBA, Mrs. Guzman, we know that she is an advocate for the President, is really going to give the opportunity to that person that wants to register Republicans? You don't know about that?

Ms. DANETZ. Congresswoman, I am actually thrilled you asked me this question, so thank you very much. There are many layers of protection to ensure nonpartisanship——

Chairman WILLIAMS. The time has expired.

Ms. SALAZAR. You never answered the question, Madam.

Mr. ALFORD. [Presiding.] I now recognize Representative Maloy from Utah for 5 minutes.

Ms. MALOY. Thank you, Mr. Chairman. We have heard a lot of condescending sarcastic comments today about how important it is to register voters, and so I just want to make sure that I underline that I think we all agree that it is important that we register voters, that people can vote legally in elections.

But what we are talking about here today is the proper role of government. We are talking about governments playing the role they are intended to play, both between the federal government and state governments. So states run elections and the best election security we have in this country is that states run their own elections. We don't want them federalized.

And then within the federal government we have proper roles for agencies and we are here. This is the Small Business Committee. We are here talking about the Small Business Administration.

And it is not part of the Small Business Administration's role to register voters. It is the Small Business Administration's role to help small businesses.

And we have had hearings recently with the inspector general and the Government Accountability Office talking about how the SBA is not passing muster when it comes to helping small businesses. So it is an agency that has a mission. It is not succeeding very well at that mission and we are talking about accountability.

The SBA is not doing a great job of being accountable for helping small businesses and now they want to take on another role, which is registering voters.

And so I want to go back to you, Ms. Parker. When you were testifying you quoted the SBA's mission. Would you mind just repeating that?

Ms. PARKER. Sure.

Ms. MALOY. Sorry. I will give you a second to find it in your notes.

Ms. PARKER. Thank you, Congresswoman. The SBA's mission is to, and I quote, "Aid, counsel, assist, and protect insofar as is possible the interests of small business concerns," end quote.

Ms. MALOY. Thank you. So they are supposed to aid and protect small business concerns. And we have had testimony, and I know you weren't here so I am just going to tell you. We have had testi-



mony in front of this committee that they are not passing their audits at doing that job.

And now we are here talking about how they are trying to take on a new job and it just doesn't pass the red face test.

They are registering voters, not nationwide but in swing states and specifically in very blue parts of those swing states.

Mr. Whitson, you talked about the lack of transparency and we have kind of hinted at that, but would you just take one minute and elaborate on the lack of transparency because I think that speaks to the accountability piece of this?

Mr. WHITSON. No, I think that is exactly right. Thank you for that question, Congresswoman. And so if this was above board, if it was everything the other side claims it is wouldn't you be shouting from the hills the details of this plan?

Wouldn't you be proud to go on and say exactly what SBA is doing and where it is doing and how it is doing it if it were above board?

And so the lack of transparency is a huge problem. It was a problem from day 1. The order came out in 2021. My organization, FGA, filed a Freedom of Information Act request to answer these questions, to say we will take your word that this is above board and we just want to see the details to make sure that is the case.

And this is going to shock the Members, but we were stonewalled. And so we sued the Biden administration in federal court in Florida and that lawsuit is still ongoing, but what we have uncovered is the same kind of alarming stuff.

So we have found listening sessions with less left-wing groups coaching the agencies before these strategic plans came out, coaching them on what their strategic plans should look like.

And so we can see the participants at these listening sessions and it is all the same left-wing groups. And one of them, DEMOS, actually crafted the plan, this whole idea of using executive order to exploit a section of Section 7 of the NVRA that had never been used in the 30 years existence of the NVRA, never had this section been used that is being used for the first time by Biden's team.

There are other agencies under other parts of the NVRA that the other witness was alluding to, but not under this section. This is the first time and that is according to the White House because they bragged that this was the first time ever in the 30 years existence this had been done.

Ms. MALOY. Thank you. So if we are talking about the proper role of government, the SBA is playing a role that isn't their proper role. And if we are talking about accountability, they are not being accountable or transparent about what they are doing.

That is why we are here talking about this. This is a problem and it is Congress' job to oversee.

Ms. Danetz, you talked in your testimony about making sure we register all eligible voters. In fact, you stopped and emphasized all eligible voters, but this isn't really an effort to register all eligible voters, is it? It is targeted at specific areas in a specific state that could change the outcome of a presidential election.

I actually don't have a question. I just wanted to say it. I don't want to use any of my time on it.

Mr. Morales, for closing, you talked about approved entities and state functions. What is the state's function when it comes to registering voters?

Mr. MORALES. Easy and simple to register eligible who Hoosiers to vote in my state.

Ms. MALOY. And each state has the same responsibility. There is a state elections official. They are responsible for registering eligible voters, correct?

Mr. MORALES. That is correct. And there has to be a clear separation.

Ms. MALOY. And how excited are you about the idea of the federal government coming in and stepping on your toes and playing your role?

Mr. MORALES. I am not excited about that.

Ms. MALOY. Mr. Chairman, I yield back.

Chairman WILLIAMS. [Presiding.] The lady yields back.

I now recognize Representative Stauber from the great state of Minnesota for 5 minutes.

Mr. STAUBER. Thank you very much. In my over 5 years representing northern Minnesota, not once, not once has a small business owner come up to me and said the way to improve their business struggles is through increasing voter registration.

They usually reference topics like inflation, workforce issues, and overburdensome regulations, all issues that have become worse under this current administration.

A day after the SBA's MOU with the Michigan Department of State was released, Administrator Guzman sat in this very hearing room and avoided addressing the question of why this program was necessary for the SBA to lead.

I asked her directly where in the SBA's congressional mandate is election part of the Small Business Administration's responsibility? Her response was that this MOU was not election work. However, it is clear by the testimony today no one believes that.

There are some discrepancies with the statement made by SBA officials and the descriptions in SBA documents. The involvement of the SBA will go much further than just providing a URL on its website.

The SBA also agreed to provide voter registration training to all SBA personnel conducting activities under the MOU, assist voters in completing voter registration applications, and create data security protocols for handling data from the URL.

Mr. Whitson, are there constitutional concerns as to why the federal government should refrain from participating in the elections process?

Mr. WHITSON. Thank you for that question, Mr. Congressman. So yes, of course, there are, so under the elections clause that we point out, Article I, Section 4, Clause 1, but also under the Administrative Procedure Act is a federal law that forbids federal agencies from acting outside of the scope of the power delegated to them by Congress and also outside of the scope of the Constitution. So it is violating the Administrative Procedure Act as well.

Mr. STAUBER. And so why do you think the first state selected by Joe Biden's Small Business Administration to implement this MOU was the state of Michigan?

Mr. WHITSON. Well, I think it is clear it is because it is a key battleground state and there are strong allies in that state that were willing to form this agreement with them.

Mr. STAUBER. So if they truly wanted to help small businesses like they say, they would have gone into the Upper Peninsula of Michigan where per capita there are more small businesses in the Upper Peninsula. But you know what? That is red country. That is Republicans out there.

This is clearly for political purposes. And it is unconscionable that the American people, our taxpayer money is going towards this.

Ms. Danetz, as I discussed, roughly 91 percent of Michigan voters are registered to vote, with small businesses owners more likely to vote than the general population. If the purpose of the executive order is to register voters on a nonpartisan basis, why didn't the SBA enter into an MOU with states that have lower voter registrations than Michigan, which is at 91 percent?

Ms. DANETZ. Again, as I said earlier to another Congressman's question, SBA's ability to enter into these agreements is contingent on state election officials or the states making a designation.

In December of 2021, the Biden administration made clear that SBA was available for designation, and I imagine Michigan was the only state that stepped forward.

Mr. STAUBER. Through our investigation this committee has uncovered that a majority of SBA events have occurred in the southern portion of Michigan, mainly in Democratic strongholds. That is crystal clear to the American people.

Ms. Parker, to the best of your knowledge, is this the region of Michigan with the largest percentages of small businesses?

Ms. PARKER. I don't know the answer to that in the state of Michigan.

Mr. STAUBER. Where does voter registration rank on concerns from small business owners?

Ms. PARKER. Our small business owners have not registered that in any way, shape, or form. What they talk about to us is the credit crunch, inflation, and issues like that, the onslaught of the regulations that are just killing them.

Mr. STAUBER. The small businesses haven't come to you and said we need to register more voters, the owners of those small businesses? What they are talking about inflation, workforce issues, burdensome regulations. Is that correct?

Ms. PARKER. That is correct.

Mr. STAUBER. What should the SBA be doing to help small businesses instead of taking time to register people to vote?

Ms. PARKER. The SBA needs to be an internal voice for the administration and educate the administration on the effect of the \$1.6 trillion worth of regulations that have been passed under this administration, of which \$1.2 trillion have been passed in this year alone. Those are the things that are hurting our small businesses.

These are one-size-fits-all regulations that many of the agencies are not even following the law to measure how they impact small businesses and measure if it is going to be a disproportionate impact on them.

Mr. STAUBER. Thank you very much, Mr. Chair. My time is up and I yield.

Chairman WILLIAMS. The gentleman yields back.

I now recognize Representative Alford from the great state of Missouri for 5 minutes.

Mr. ALFORD. Thank you, Mr. Chair. The Small Business Administration was created in 1953 by President Eisenhower with the mission to aid, counsel, assist, and protect the interests of small business concerns, preserve free competitive enterprise, and maintain and strengthen the overall economy of our nation. It was not created to register voters.

Yet despite this clear and obvious mission to help small businesses, Administrator Guzman has spent her time flying to the South by Southwest Film Festival or to Togo or to swing states to register voters for the Democrat Party.

In fact, Administrator Guzman often travels to Michigan and other battleground states, including Democrat Members of Congress with her, President Biden, Vice President Harris, other senior White House officials.

While at these inherently political events, Guzman makes statements showcasing investments in Michigan communities, especially on trips related to President Biden's Investing in America Tour promoting the Biden-Harris administration's small business boom.

So basically what they are doing they are taking the show on the road. They go to Michigan and say, hey, look what we have done for you. Would you like to register to vote?

Folks, it is very simple why we are here today, and I strongly disagree with the Ranking Member. This is not rhetoric, Mr. Chair. This is reality.

The Small Business Administration is engaged in electioneering at the taxpayers' expense, and you wonder why they don't want us to come over to their office? You wonder why we have to introduce the Congressional Access to Bureaucratic Offices Act so we can go over and see what they are doing.

We go over there and there is an empty desk. It is time to get back to work and not electioneering.

I want to show you a map, if we can hold this up here? Let's get this on camera. There we go. So this is a map of Michigan. These areas down here, as mentioned before, Michigan is a Democratic state pretty much. It is kind of in the middle, but it is nowhere near where Indiana is and on our plus-11 on the Cook Survey.

These areas down here, these counties are blue strike-through areas. Those have the highest number of registered voters recently.

Well, guess what the red dots indicate? Those are the visits by Guzman and the Small Business Administration on this tour to register voters. It looks like they have accomplished what they want, Democrat gains, strong Democrat gains from 2020 to 2022. They have done 15 visits in these areas. The map does not lie.

Mr. Whitson, I know your organization has been closely tracking this administration's use of taxpayer money in campaign activities. Is this a violation of the Hatch Act, if not in the letter of the law but in the spirit of the law?

Mr. WHITSON. It arguably is and so that is the key question. Administrator Guzman's actions are questionable, but the facts

aren't known yet. But any activity happening by local people on the ground could fall to that level.

And then we—and I will leave it at that.

Mr. ALFORD. Well, I think it is deplorable, especially when there are small businesses out there suffering under the inflation that this administration has caused for this demonization of fossil fuels.

And the SBA, which is not doing a great job of providing the capital nor the resources nor the counseling, that is why we have had to introduce the Rural Business Performance Act. That is why we have introduced the SERVE Act to get the Small Business Administration off its butt to help our veterans.

I do want to correct the record in one aspect. Ms. Danetz said that the reason the SBA isn't in Florida or Ohio because the states did not reach out to the SBA for help? Well, I want to be clear for the record that Michigan did not reach out to the SBA for help. The SBA reached out to them.

Mr. Morales, in the short time that we have left, has the SBA volunteered to come to your great state and do some wonderful thing in the great state of Indiana?

Mr. MORALES. They have not yet and I have yet to meet with them.

Mr. ALFORD. Would you like to?

Mr. MORALES. If they want to work with my office specifically helping small business owners, of course, not for elections.

Mr. ALFORD. Well, wait a minute. That is their job is to help small businesses. You don't want them to come help register voters even if they are Republican?

Mr. MORALES. When it comes to registering voters that is my job in my election division.

Mr. ALFORD. Thank you for being here, our witnesses. This is disgusting what is happening. We have got to protect our elections and we have got to get the Small Business Administration back to the business of doing business in America and from main street.

Thank you and I yield back.

Chairman WILLIAMS. The gentleman yields back.

And with that, I would like to thank our witnesses for your testimony today and for appearing here.

And before we end this hearing I would like to submit a letter for the record also from America's SBDCs stating that they do not want to be involved in these voter registration efforts. And without objection, we will do that.

Now, without objection, Members have 5 legislative days to submit additional materials and written questions for the witnesses to the Chair which will be forwarded to the witnesses. So I ask the witnesses to please respond promptly if that occurs.

If there is no further business, without objection, the committee is adjourned. Thank you.

[Whereupon, at 12:31 p.m., the committee was adjourned.]

## APPENDIX

Good afternoon, members of the committee. Thank you, Chairman Williams, for inviting me to testify today about the politicization of the Small Business Administration. My name is Elaine Parker, and I'm the president of Job Creators Network Foundation. We are America's small business megaphone, and we educate the public, the media and legislators about how bad government policies affect Main Street and worker paychecks.

I'm not here today to badmouth the SBA. In fact, the SBA provided a lifeline to the small business I used to co-own -- a Goodyear Tire dealership in Martin County, Florida -- when we needed it most. Between 2004, when my town was hit by two devastating hurricanes three weeks apart, and 2006 when the housing bubble began to pop the region was economically devastated, and our business wasn't spared. We applied for and received a much-needed SBA loan to keep the lights on and make payroll. I'm forever grateful.

That's why I'm so appalled by the politicization of the agency.

American small businesses are suffering numerous hurdles, including resurgent inflation, overregulation, and slow economic growth. Price increases of goods and services have now officially reached 20% under Biden's presidency, and most small business owners say prices have increased by even more. Credit is extremely expensive, if attainable at all. And consumers are cutting back. According to JCNF's national SBIQ poll of small business owners, two-thirds of respondents say that current economic conditions could force them to close.

Yet against this backdrop, the SBA is choosing to devote its efforts to registering voters in a swing state rather than helping small businesses survive this difficult economic climate. That's unacceptable and a slap in the face to hardworking small business owners nationwide.

Besides the clear Constitutional and statutory concerns, the SBA's electioneering abandons small businesses when its help is needed most. The agency is choosing partisan politics over small businesses.

The SBA's mission is to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns." How is registering Michiganders to vote advancing that mission?

Turning the SBA into an arm of the Biden 2024 re-election campaign and weaponizing it to advance Democratic party interests violates political norms and strips the SBA of its well-earned role and reputation as a defender of small businesses. The agency's stonewalling of this committee's oversight is just more proof that the SBA has gone rogue.

On behalf of the 33 million small businesses across the country, I implore the SBA to return to its core mission immediately. There's still time to redirect its resources back to helping Main Street America.

Economic conditions continue to deteriorate due to bad government policies, and small business loans are harder and harder to get. A robust SBA committed to helping small businesses is needed to ease this credit crunch and allow small businesses to survive and thrive.

Americans need the SBA to stop playing politics and empower more establishments to weather worsening economic conditions—just like it did for my Goodyear Tire dealership years ago.

Thank you for your time, and I'd be happy to answer any questions you may have.

SECRETARY OF STATE  
STATE OF INDIANA



DIEGO MORALES  
SECRETARY OF STATE

Written Testimony of Indiana Secretary of State Diego Morales for the U.S. House Small Business Committee hearing titled, "Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts" June 4<sup>th</sup>, 2024.

**Opportunities and Pathways for Small Business Development and The Challenge of  
Trusted Election Administration: A Secretary of State's Perspective**

Chairman Williams, Vice Chairman Luetkemeyer, Ranking Member Valázquez, and distinguished members of the House Committee on Small Business, thank you for your kind invitation to testify today about my duties as Indiana Secretary of State and the appropriate role of the U.S. Small Business Administration's responsibility in our state's economic development.

**Introduction**

I am proud to be the first Latino elected to a statewide office in Indiana. I was born in Guatemala and legally immigrated with my family to the United States without speaking a word of English. I became one of the first legal immigrants to serve as a Secretary of State in the country. With a Green Card in my wallet, I proudly served in the U.S. Army and Indiana National Guard. I earned degrees from Indiana University and Purdue University. In addition, I earned an International MBA from Tilburg University in the Netherlands and studied all over the world including in Germany, Hungary, Mexico, and China. I was elected as Indiana's 63<sup>rd</sup> Secretary of State in 2022. I know the American Dream still exists because I am blessed to live it and I'm passionate about protecting it for the next generation.

In my Constitutional and statutory role as Indiana Secretary of State, I wear many hats. Perhaps foremost, I am recognized by my state and the federal government as Indiana's Chief Election Officer. I am the leader of, and accountable for our state's infrastructure for trusted, accountable, secure, efficient, and safe elections. We are dedicated to helping every single eligible Hoosier exercise their right to vote.



My office oversees the registration and certification of hundreds of thousands of domestic, foreign, and international business entities in our state. We manage the recording office for commercial financing statements under the Uniform Commercial Code. We authenticate, or "apostille" all manner of government documents for international recognition. We are dedicated to helping Hoosiers achieve economic success by starting, maintaining, and growing businesses.

My office oversees the important automobile industry in our state. Licensing, regulating, and enforcing everything in the motor vehicle life cycle – from parts to final assembly, dealership and independent car sales, auctions, all the way to salvage and recycling.

My office's Securities Division oversees registration, licensing, marketing, investor protection and financial literacy for the sale of investment securities and business opportunities in the State of Indiana.

When I assumed office 18 months ago I made a sincere and solemn commitment to the citizens I serve, that my administration would be guided by, and demonstrate four pillars. We are at all times and in every way possible: Welcoming, Responsive, Efficient, and Innovative.

During the first 18 months of my administration, I made multiple, productive visits to each of Indiana's 92 counties. This year, I visited each of Indiana's 92 counties within 3 months. No other statewide elected office holder has visited all 92 counties at this pace. I've made 6 international trips to three continents for election observations and economic development purposes. I've overseen local, municipal, county, state, and federal elections in Indiana. I've participated in 6 national conferences of government services, hosted dozens of international diplomatic visitors and trade delegations from around the world and initiated over 100 meetings with Hoosier businesses and business owners.

I believe my executive office position, experiences, commitment, and efforts affords a uniquely qualified perspective to testify to the House Small Business Committee on the responsibility and challenge of trusted election administration and opportunities and pathways for small business development in our state.

### **Opportunities and Pathways for Small Business Development**

My office's Business Services Division oversees well over a million businesses and transactions; authorizing them to conduct business in our state. We strive to provide a high-level welcoming, responsive, innovative, and efficient service that, within our competitive national economy, will make Indiana an ideal location for starting and growing businesses. Indiana was recently recognized by Forbes Business Magazine as the *NUMBER ONE* state in which to start a new business. That ranking was largely attributable to the accessibility, efficiency, and low cost of registering a business with the Secretary of State's office.

Innovations to the administration of my Business Services Division include recruitment of an experienced world-class corporate executive and business development coach as leader of the division and hiring a highly qualified Chief Information Officer to work together to create a state-of-the-art IT platform, high-performance culture, and optimal environment for business development. As a result of our efforts, this summer our office is launching a new business development program in Indiana that we're calling "**Right to Start**".

Aspects of the Right to Start program include:

- a) Financial assistance (grants) to promising, deserving, business developers and businesses with organizational, registration, and licensing costs.
- b) Grants for start-up businesses for legal and technical assistance navigating licensing and regulatory barriers to entry.
- c) Upgraded AI assisted business registration.
- d) Technical assistance for minority, women, and veteran owned business certification.
- e) Technical assistance to help start-ups take advantage of state and federal government business opportunities.
- f) Matching, coordination, and collaboration with state and federal business assistance agencies and resources.
- g) Free, statewide online community, business directory, and collaboration application for small and start-up businesses.

The Indiana Secretary of State's office values and seeks increased cooperation and collaboration with small and start-up business assistance agencies such as the U.S. Small Business

Administration. We endeavor to utilize our office's central business registration role to assist small, disadvantaged, and start-up businesses with one of the biggest barriers to entry and success, which is capital. A key goal of our Right to Start program will be to facilitate Hoosiers' awareness, and utilization of the SBA's Office of Capital Access Programs.

From my vantage point as Indiana Secretary of State, accountable for business registration, and channeling economic growth and opportunity, I certainly believe that SBA's focus on delivering the programs, services, and resources designated and funded by Congress is highly appropriate. The siphoning of resources to non-mission critical purposes, even those of good cause, or well intentioned, is a disservice to intended beneficiaries and a usurpation of Congressional authority.

#### **The Challenge of Trusted Election Administration**

It's often stated, but well deserving of restatement: open, fair, secure, trusted (and safe) elections are the backbone of our cherished American democracy and liberties. The burdens of organizing and delivering elections to the People are massive, challenging, and constantly changing. Securing our elections from interference, locally and globally, is a major evolving concern and challenge. Incident response, security of voting locations, the safety of election workers, voters and citizens exercising their Constitutional rights, are concerns election officials must recognize and respond to. Encouraging citizens to register to vote and participate in elections during tumultuous times is a grave responsibility of my office, which I have accepted and enthusiastically embrace.

In the interest of election security, integrity, election worker and voter safety, my office is happy to coordinate with federal agencies, subject to laws and funding authorized by Congress. We recognize, work with, and sometime accept grant awards from the U.S. Election Assistance Commission, the Federal Election Commission, the Department of Homeland Security, and the Help America Vote Act program.

During the past year my office distributed Help America Vote Act Election Security and Election Improvement sub-grants to 67 Indiana Counties. Those funds are being put to good use at the local level. This year my office is utilizing funds from a Department of Homeland Security sub-grant to promote election security and safety by educating and coordinating local law enforcement and first responder agencies about elections happening in their communities. We

launched Indiana's "Blow the Whistle on Election Interference" campaign in April of this year. The multi-platform initiative involves production and distribution of training materials, regional coordination and training conferences, a secure election security information web site, Election Day emergency planning, monitoring and response, and a public information campaign. During our recent Primary Election, our "Blow the Whistle on Election Interference" program was well received, and elements were utilized during serious weather emergencies that day. The program will continue through our critical 2024 General Election in November.

For the following important topic, I'll put modesty aside to say: no Secretary of State in the history of Indiana has done more to promote voter registration and actually register voters than I and my office. In fidelity to specific state and federal authorizations, namely state statutes, the National Voter Registration Act (NVRA) and Help America Vote Act (HAVA), and utilizing specifically designated state and federal funding for voter registration, education, and outreach, we have continuously blanketed the state with voter registration activity since I took office. My office has developed and promoted an enhanced self-service website for voter registration and information. We funded a digital outreach campaign specifically targeted at unregistered Hoosiers, Hoosiers turning 18, and underrepresented minority and ethnic citizen groups. We launched a simple text service to rapidly connect Hoosiers to voter information services. We've produced and distributed many thousands of voter information guides, pamphlets, and posters. We've sponsored hundreds of thousands of voter registration public service ads across Indiana television, radio, and digital media. We've hosted voter registration tents and tables across the state at fairs, sporting events, schools, universities, throughout the year, in all sorts of places, in all sorts of weather. Most recently we were set up outside the track at Indianapolis Motor Speedway for the INDY 500, with over 325,000 race fans in attendance. We communicate the message that eligible Hoosiers should register to vote and vote. Our office pursues every opportunity we can find to register eligible Hoosier voters.

Notwithstanding my enthusiasm for registering voters and leadership, the state of Indiana has a long established, legal, statutory framework for government agency sponsored voter registration activity that must be respected and followed. Pursuant to Indiana law, the NVRA, and frankly years of litigation, government agencies must be designated by the state as "designated voter

registration service agencies” to lawfully engage in voter registration activities. Indiana has designated (and properly trained, and properly coordinates with) *specific* federal agencies which provide nutrition, health, housing, and disability services to clients in Indiana<sup>1</sup>. Respectfully, the U.S. Small Business Administration does not provide nutrition, health, housing, or disability assistance to Hoosiers. Thus, the SBA is not, at either the President’s directive, or its own initiative, eligible to act as a voter service agency in Indiana.

### **Conclusion**

Speaking on behalf of the nearly 7 million Hoosiers, our state appreciates federal collaboration and assistance in the delivery of important, taxpayer-funded services. So long as due deference to state and federal legislative directives and funding authorizations are followed. The good work of the Small Business Administration to provide capital and other resources to small and start up businesses is recognized, appreciated, and needed in our state. *Appropriately authorized* election security and safety programs and funding are likewise appreciated and needed.

My sincere thanks to the House Small Business Committee and its leadership for holding this hearing and inviting me to offer these remarks, I would now be happy to respond to your questions.

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<sup>1</sup> Indiana Code 3-7-15 i.e. TANF, Medicaid, Food Stamps, WIC, Bureau of Developmental Disabilities Services and Bureau of Rehabilitative Services.



**WRITTEN TESTIMONY FOR HEARING  
ON “WEAPONIZING FEDERAL  
RESOURCES: EXPOSING THE SBA’S  
VOTER REGISTRATION EFFORTS”  
JUNE 4, 2024**

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*Presented to*

Committee on Small Business  
United States House of Representatives

Madeline Malisa, *Senior Fellow*  
Stewart Whitson, *Senior Director of Federal Affairs*  
Foundation for Government Accountability

Chairman Williams, Ranking Member Velázquez, and Members of the Committee: Good morning. My name is Stewart Whitson, and I am the Senior Director of Federal Affairs at the Foundation for Government Accountability (FGA).

FGA is a non-partisan, non-profit organization that seeks to enhance the lives of all Americans by improving welfare, workforce, health care, and election integrity policy at the state and federal levels.

Zuckerbucks was an unprecedented voter registration scheme that disproportionately targeted left-leaning jurisdictions in the lead-up to the 2020 presidential election, especially those located in key battleground states, including Michigan.<sup>1-2-3</sup> And it worked. The infusion of cash into certain jurisdictions—those that leaned heavily Democratic—drove up voter turnout in blue districts and allowed partisanship to weasel its way into the one part of elections that is supposed to be non-partisan.<sup>4-5-6</sup>

Fortunately, lawmakers across the nation, from both political parties, recognized the danger to democracy posed by the Zuckerbucks scandal, and 28 states have passed new laws to help stop it.<sup>7</sup>

Unfortunately, the Biden administration has doubled down on a new, similar scheme that is using the same strategy pioneered through Zuckerbucks—*targeted* voter registration and mobilization—but on a new, unimaginable scale. And as we learned in recent months, the Small Business Bureau (SBA) is playing a critical role in helping to carry out this new scheme.

So what is this new scheme that the SBA is helping to carry out?

Back in March 2021, President Biden signed Executive Order (EO) 14019.<sup>8</sup> The order commands the head of every federal agency to develop a plan to do two things: promote voter registration *and* promote voter participation.<sup>9</sup> The order also commands all federal agencies to solicit and support “approved” third-party organizations to allow them to use federal resources to register and mobilize the voters these groups target.<sup>10</sup> Which groups have received this special “approval”? We don’t know, because the Biden administration refuses to disclose the list or even the criteria for approval, not only to FGA, but to the dozens of members of Congress who have demanded answers as well.<sup>11-12-13-14</sup> What little we do know, thanks in large part to the documents FGA has managed to force the Biden administration to hand over through an ongoing lawsuit, is deeply concerning.<sup>15</sup>

This EO is known as “Bidenbucks” because it is Zuckerbucks on steroids. Instead of Mark Zuckerberg, it’s President Biden, and instead of \$400 million dollars, it is the unlimited power, resources, and reach of the federal government and its offices located in states across the country, including those of the SBA.

Here's some of what we know so far:

Back in March of this year, the SBA announced a new agreement it has made with the Michigan Department of State (MDOS) in response to the Bidenbucks executive order to “promote civic engagement and voter registration in Michigan.”<sup>16</sup> So not just registering more voters, but actually helping to turn them out to vote. Campaigns call this a “get-out-the-vote” effort. This “first-of-its-kind collaboration” will include a new effort for the SBA to drive individuals visiting its website to a new site

where visitors can register to vote.<sup>17</sup> But they don't plan to stop at online registration. According to MDOS, the "SBA's Michigan field office may also allow MDOS officials to conduct in-person voter registration at the SBA's small business outreach events."<sup>18</sup>

There are number of factors surrounding this new SBA effort that draw into question the true motivations behind this new partnership between Michigan's highly partisan secretary of state and the SBA. First, the complete lack of transparency by the Biden administration surrounding the Bidenbucks order and how, precisely, it is being implemented in the states.<sup>19</sup> Second, the fact that this new unprecedented SBA partnership is being carried out in Michigan, a key battleground state.<sup>20</sup> Third, the recently uncovered evidence revealing that the Biden political appointee currently leading the SBA may have violated federal law by using her position and federal taxpayer resources to indirectly campaign for President Biden.<sup>21</sup> Fourth, the timing of the announcement, mere months before the upcoming election.<sup>22</sup> The worry is that this isn't about registering small business owners across the state of Michigan, but rather, this is about using generous business startup and other grants to lure targeted groups of voters, those the Left believes are more likely to vote for the current president, to SBA's website and to in-person outreach events hosted in Democratic strongholds, all to help register and mobilize these voters ahead of the 2024 election. In other words, this appears to be a get-out-the-vote effort aimed at directly benefiting the Biden campaign, at the expense of the American taxpayer and the small businesses the SBA is supposed to serve.

In addition to the SBA, scores of other federal agencies are helping to carry out the Bidenbucks scheme.

The U.S. Department of Health and Human Services (HHS) has transformed more than 1,400 federally qualified health centers located across the country into voter registration hubs.<sup>23</sup> Under the authority of EO 14019, new guidance has been issued authorizing federally qualified health centers to support voter registration efforts by third-party groups hand-selected by the current administration.<sup>24</sup>

The Guidance also encourages these health centers to participate in voter registration community events by providing basic health assessments and screenings to help attract crowds.<sup>25</sup> In other words, it appears that the third-party groups hand-selected by the White House are collaborating with federally qualified health centers across the country to use federally funded benefits and other resources to attract targeted groups of voters—only those likely to vote for the current president's political party—to registration events sponsored by these left-wing groups.<sup>26</sup>

Meanwhile, the U.S. Department of Labor (DOL) has turned more than 2,300 American Job Centers into voter registration agencies, allowing third-party groups to engage in voter outreach activities on site.<sup>27</sup> The Biden administration is refusing to disclose which groups it is approving for this special access, nor has it disclosed the criteria for approval.<sup>28</sup>

The U.S. Department of Agriculture (USDA) is allowing food stamps agencies to use administrative funds to pay for voter registration and participation services.<sup>29</sup> Not only is the administration ordering agencies to engage in voter turnout activities in unprecedented ways, but it is also finding new ways to divert federal funds to this effort.



In addition, the U.S. Department of Housing and Urban Development (HUD) sent guidance to the executive directors of more than 3,000 public housing authorities managing about 1.2 million housing units, advising them on how to run voter registration drives through public housing agencies (PHAs).<sup>30</sup> Federal housing officials also advised the local agencies on how to apply to become a “voter registration agency under the National Voter Registration Act” and how to set up drop boxes for ballots on the premises.<sup>31</sup>

And in response to the Bidenbucks EO, the Department of Education issued guidance to colleges and post-secondary schools encouraging them to use Federal Work Study funds to pay students to engage in voter registration efforts both on and off campus.<sup>32-33</sup> The students are supposedly employed directly by the institution, but in reality, often work under the direction and supervision of third-party groups. Federal Work Study funds are now being used to pay students to work for certain left-wing voting groups to get out the vote of left-leaning voters. The Biden administration is literally giving these groups an army of workers to get President Biden re-elected, at any cost, paid for on the backs of all taxpayers.

And lastly, according to recent guidance issued by the United States Citizenship and Immigration Service (USCIS), whenever state and local election officials are unavailable to attend a citizenship ceremony, federal officials are now required to invite “approved” third-party groups to attend these ceremonies in their place.<sup>34</sup> Notably, not only are these groups allowed to distribute and collect registration applications before and after the ceremonies, but they are actually given the opportunity to speak at the ceremonies and introduce their organizations.<sup>35</sup> These non-government third-party groups are being given unfettered access to targeted groups of voters, along with the impression that they are sanctioned by the government. Newly admitted citizens and others attending naturalization ceremonies who are still making their way through the immigration approval process may feel pressured to vote in a way that pleases these government-sanctioned groups.

At the end of the day, this is *targeted* voter registration and mobilization aimed at keeping the current administration in office, using the power, resources, and reach of the federal executive branch and its offices located in states across the country.

Worse yet, under EO 14019, it appears that third-party groups politically aligned with the current president have been empowered to not only register voters on the federal government’s behalf using taxpayer-funded resources, but to help applicants fill out the registration forms and then collect the forms on behalf of the state. With zero oversight, left-wing groups are free to disregard state and federal election laws these groups openly describe as “racist” and “undemocratic,” including laws related to voter identification and noncitizen voting. With chaos reigning at a wide-open southern border, and more than 10 million illegal aliens having already flooded into the country—with 860,000 got-aways in 2023 alone, according to the Congressional Budget Office (CBO)—the threat to free and fair elections cannot be overstated.<sup>36-37</sup>

Lastly, it is important for the Committee to understand that not only is the Bidenbucks EO a serious threat to election integrity in 2024, but it is also an *unlawful* effort on the part of the Biden administration for three reasons.

First, Article I, Section 4, Clause 1 of the U.S. Constitution affirms the authority of state legislatures to govern the time, places, and manner of elections with legislative oversight from Congress, but nowhere is the president given the power to control elections,<sup>38</sup> and for good and obvious reasons. Yet, that is precisely what President Biden is trying to do through this EO: control the *manner* in which state elections are carried out, including, how, when, where, and by whom voters can be not only registered to vote, but *mobilized* to vote.<sup>39</sup> By impermissibly seizing power which belongs exclusively to the legislature, the president is violating the constitutional right of state legislatures to regulate elections (and of Congress to, “*at any time by Law make or alter such Regulations, except as to the Places of Chusing Senators*”), undermining the Constitution’s bedrock principles of Separation of Power and Federalism.<sup>40-41-42</sup>

Even if the administration could point to a federal statute clearly granting it the secretive, unbridled power over elections that it is seeking to exercise through this Bidenbucks EO, which it cannot, such a delegation of power would *still* be unconstitutional. That is because the power at issue here, outlined in the elections clause, is clearly *legislative* power. And under the nondelegation doctrine, Congress cannot delegate powers that are strictly and exclusively legislative, even if it wished to.<sup>43</sup> The Bidenbucks EO is unconstitutional on its face.

Second, the Bidenbucks EO violates federal law under the National Voter Registration Act of 1993 (NVRA) and the Administrative Procedure Act (APA), as the EO directs all agencies to assist in registering voters whether or not they are legally authorized to do so under the NVRA.<sup>44-45</sup> The irony is: The Biden administration is claiming statutory authority under the NVRA, yet its agencies are likely violating that law (as well as the APA) by acting as NVRA-designated voter registration agencies without the state designation required under federal law.<sup>46</sup>

Third, the Bidenbucks EO violates a federal law known as the Anti-Deficiency Act, since it requires agencies to spend funds to carry out this scheme that Congress never authorized.<sup>47</sup> The Anti-Deficiency Act, codified at 31 U.S.C. Section 1341, strictly forbids this.<sup>48</sup>

The EO represents an improper use of Executive Branch power that will surely undermine confidence in the outcome of the next election. It may even impact the result. And even if it doesn’t, what’s to stop the next president, no matter what party he or she happens to hail from, from using this EO to keep political power? Congress must do everything it can to stop this unprecedented scheme. This hearing is an important step in that direction.

With that, I thank you for the opportunity to testify in today’s hearing and I look forward to your questions.

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<sup>1</sup> “Zuckerbucks” Were a Problem in the 2020 Election, Foundation for Government Accountability (2022), <https://thefga.org/one-pagers/zuckerbucks/>.

<sup>2</sup> Hayden Dublois, “How ‘Zuckerbucks’ infiltrated and influenced the 2020 Florida election,” Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-infiltrated-florida-election/>.

<sup>3</sup> Hayden Dublois and Jonathan Bain, “How ‘Zuckerbucks’ infiltrated and influenced the 2020 Iowa election,” Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-iowa-election/>.

<sup>4</sup> Hayden Dublois and Tyler Lamensky, “Zuckerberg went down to Georgia: How Zuckerbucks influenced the Georgia elections,” Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-influenced-georgia-elections/>.

- <sup>5</sup> Alli Fick and Tyler Lamensky, "How Zuckerbucks infiltrated the Wisconsin election," Foundation for Government Accountability (2021), <https://thefga.org/research/zuckerbucks-wisconsin-election/>.
- <sup>6</sup> Trevor Carlsen, "Show Me the Zuckerbucks: Outside money infiltrated Missouri's 2020 election," Foundation for Government Accountability (2021), <https://thefga.org/research/show-me-the-zuckerbucks-outside-money-infiltrated-missouris-2020-election/>.
- <sup>7</sup> States Banning or Restricting "Zuck Bucks," Capital Research Center (2024), <https://capitalresearch.org/article/states-banning-zuck-bucks/>.
- <sup>8</sup> "Presidential Executive Order 14019, Promoting Access to Voting," Federal Register, National Archives (2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.
- <sup>9</sup> Ibid.
- <sup>10</sup> Ibid.
- <sup>11</sup> Michael Ginsberg & Henry Rodgers, Exclusive: House Republicans Demand Investigation Into Biden's Order to Promote Voter Registration," Daily Caller (2022), <https://dailycaller.com/2022/01/19/house-republicans-biden-voter-registration/>.
- <sup>12</sup> "Nine House Republican Committee Leaders Raise Concerns On Biden Administration Directing Federal Agencies To Engage In Voting Access & Registration Activities," Committee on House Administration, Ranking Member Rodney Davis (2022), <https://republicans-cha.house.gov/media/press-releases/nine-house-republican-committee-leaders-raise-concerns-biden-administration>.
- <sup>13</sup> "Rep. Norman Leads Letter Demanding the Department of Justice Disclose Its Plans to Carry Out President Biden's Executive Order to Promote Voter Registration and Voter Participation," Office of Rep. Ralph Norman (2022), <https://norman.house.gov/news/documentsingle.aspx?DocumentID=1494>.
- <sup>14</sup> "Hagerty and Colleagues Call Out Biden for Ignoring Demands for Transparency on Taxpayer-Funded Voter-Mobilization Plans," Office of Sen. Bill Hagerty (2023), <https://www.hagerty.senate.gov/press-releases/2023/11/29/hagerty-and-colleagues-call-out-biden-for-ignoring-demands-for-transparency-on-taxpayer-funded-voter-mobilization-plans/>.
- <sup>15</sup> FGA v. Department of Justice: Exposing the Bidenbucks Scandal, Foundation for Government Accountability (2024), <https://thefga.org/fga-v-doj/>.
- <sup>16</sup> Michigan Department of State, U.S. Small Business Administration announce voter registration agreement, Michigan Department of State (2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>.
- <sup>17</sup> Ibid.
- <sup>18</sup> Ibid.
- <sup>19</sup> FGA v. Department of Justice: Exposing the Bidenbucks Scandal, Foundation for Government Accountability (2024), <https://thefga.org/fga-v-doj/>.
- <sup>20</sup> Michigan Department of State, U.S. Small Business Administration announce voter registration agreement, Michigan Department of State (2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>.
- <sup>21</sup> Chairman Williams, Senator Ernst Demand documents on the SBA's Voter Registration Activities and Political Travel, House Committee on Small Business (2024), <https://smallbusiness.house.gov/news/documentsingle.aspx?DocumentID=405981>.
- <sup>22</sup> Michigan Department of State, U.S. Small Business Administration announce voter registration agreement, Michigan Department of State (2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>.
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- <sup>24</sup> Voter Registration and Health Centers, Health Center Program, Health Resources & Services Administration (2022), <https://bphc.hrsa.gov/compliance/scope-project/voter-requirements>.
- <sup>25</sup> Ibid.
- <sup>26</sup> Ibid.
- <sup>27</sup> Employment and Training Administration, "US Department of Labor issues guidance to states, territories to designate American Job Centers as voter registration agencies," U.S. Department of Labor (2022), <https://www.dol.gov/newsroom/releases/eta/eta20220325>.
- <sup>28</sup> Tarren Bragdon & Stewart Whitson, Voter Registration Drive: What's Biden Hiding?, The Wall Street Journal (2022), <https://www.wsj.com/articles/voter-drive-whats-biden-hiding-justice-department-freedom-of-information-foia-transparency-corruption-lawsuit-foundation-for-government-accountability-11650403740>.
- <sup>29</sup> Briefing Room, "Fact sheet: Biden-Harris administration releases report on Native American voting rights," The White House (2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/24/fact-sheet-biden-harris-administration-releases-report-on-native-american-voting-rights/>.
- <sup>30</sup> Fred Lucas, HUD Pushes Voter Registration Drives in Public Housing Under Biden's Executive Order, The Daily Signal (2022), <https://www.dailysignal.com/2022/04/27/hud-pushes-voter-registration-drives-in-public-housing-under-bidens-executive-order/>.
- <sup>31</sup> Ibid.
- <sup>32</sup> Requirements for Distribution of Voter Registration Forms, GEN-22-05, U.S. Department of Education (2022), <https://fsapartners.ed.gov/knowledge-center/library/dear-colleague-letters/2022-04-21/requirements-distribution-voter-registration-forms>.

<sup>33</sup> Fact Sheet: Biden-Harris Administration Releases Report on Native American Voting Rights, White House Briefing Room (2022), <https://www.whitehouse.gov/briefingroom/statements-releases/2022/03/24/fact-sheet-biden-harris-administration-releases-report-on-native-american-voting-rights/>.

<sup>34</sup> Policy Alert: Access to Voter Registration Services During Naturalization Ceremonies, PA-2023-25, USCIS (2023), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20230825-VoterRegistration.pdf>.

<sup>35</sup> *Ibid.*

<sup>36</sup> Illegal border crossers total over 10 million since Biden inauguration, Washington Examiner (2023), <https://www.washingtonexaminer.com/news/2455010/illegal-border-crossers-total-over-10-million-since-biden-inauguration/>.

<sup>37</sup> The Demographic Outlook: 2024 to 2025, Congressional Budget Office (2024), <https://www.cbo.gov/system/files/2024-01/59697-Demographic-Outlook.pdf>.

<sup>38</sup> U.S. Const. art. I, §4, cl. 1.

<sup>39</sup> "Presidential Executive Order 14019, Promoting Access to Voting," Federal Register, National Archives (2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

<sup>40</sup> See, e.g., *Rucho v. Common Cause*, 139 S. Ct. 2484, 2496 (2019).

<sup>41</sup> *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 17 (2013) (quoting THE FEDERALIST No. 60, at 371 (A. Hamilton)).

<sup>42</sup> See U.S. CONST. amend. X.

<sup>43</sup> *Gundy v. United States*, 139 S. Ct. 2116, 2123 (2019) (quoting *Wayman v. Southard*, 23 U.S. (10 Wheat.) 1, 42-43 (1825) ("All legislative Powers ... [are] vested in [the] Congress of the United States," U.S. Const. Art. I, §1, and "Congress ... may not transfer to another branch 'powers which are strictly and exclusively legislative.'").

<sup>44</sup> 52 U.S.C. §§20501 et seq.

<sup>45</sup> 5 U.S.C. §706(2).

<sup>46</sup> *Ibid.*

<sup>47</sup> 31 U.S.C. Section 1341 (The Anti-Deficiency Act provides that "an officer or employee of the United States Government ... may not ... make or authorize an expenditure or obligation exceeding an amount available in an appropriation," or else "involve [the] government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law.").

<sup>48</sup> *Ibid.*

**BRENNAN  
CENTER  
FOR JUSTICE**

**TESTIMONY OF  
LISA J. DANETZ**

**ADVISOR  
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**HEARING ON**

**“WEAPONIZING FEDERAL RESOURCES:  
EXPOSING THE SBA’S VOTER REGISTRATION EFFORTS”**

**UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON SMALL BUSINESS**

**June 4, 2024**

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<sup>1</sup> The Brennan Center for Justice at New York University School of Law is a nonpartisan law and policy institute that works to strengthen the systems of democracy and justice so they work for all. I am an Advisor for the Brennan Center and an independent consultant who has worked in the democracy field as a policy expert, advocate, and lawyer for over twenty years. My work has centered mostly on public policy research, executive and legislative advocacy, and enforcement action related to motor-voter and agency-based voter registration under the National Voter Registration Act of 1993. I have consistently published and spoken about motor-voter and agency-based registration, including in testimony before the Senate Rules and Administration Committee, the Subcommittee on Elections of the House Committee on House Administration, and the United States Commission on Civil Rights. My testimony does not purport to convey the views, if any, of the New York University School of Law.

Chairman Williams, Ranking Member Velázquez, and Members of the Committee:

Thank you for the opportunity to testify on the essential role federal agencies can and should play in promoting the freedom to vote. United States law and policy has long recognized the important role and duty of government – including the federal government – to provide information about and promote access to voter registration. While voter registration is administered by the states, a string of federal statutes starting in 1955 have not only articulated this duty but also mandated and authorized affirmative steps by the federal government to promote access to voter registration. The National Voter Registration Act of 1993 (“NVRA”) in particular expressly contemplates and authorizes federal agencies to partner with state election offices to provide voter registration services to their constituents, with the consent of the federal agency. It is against this backdrop that President Biden issued Executive Order 14019, firmly rooted in the law and policy of the United States. The implementation of that order by the Small Business Administration and other federal agencies furthers critical governmental interests as well as the interests of the American people.

**I. For at least seventy years, federal agencies have been involved in voter registration activity.**

The Elections Clause of the United States Constitution recognizes state authority to regulate federal elections, but it also gives Congress the overriding power to make entirely new election rules or alter state laws.<sup>2</sup> Congress’s powers under the Elections Clause are broad; as the Supreme Court has stated, the Elections Clause “invests the States with responsibility for the mechanics of congressional elections but only so far as Congress declines to pre-empt state legislative choices.”<sup>3</sup> Congress has not been shy to exercise its Constitutional Elections Clause power in the context of voter registration, and has repeatedly involved federal agencies in voter registration.

**A. The NVRA Involves Federal Agencies in Voter Registration.**

Under its Elections Clause power, Congress in a bipartisan manner passed the NVRA, a comprehensive voter registration statute applicable to the District of Columbia and forty-four states.<sup>4</sup> Notably, Congress included a finding in the NVRA that “it is the duty of the *Federal*, State, and local governments to promote the exercise of [the fundamental] right [to vote].”<sup>5</sup> The statute’s purposes are:

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

<sup>2</sup> See U.S. Const. art I § 4, cl. 1. See also *Smiley v. Holm*, 285 U.S. 355, 366 (1932). See also *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 4 (2013).

<sup>3</sup> *Arizona v. Inter Tribal Council of Ariz.* at 5.

<sup>4</sup> National Voter Registration Act of 1993, Pub. L. 103-31 (1993), <https://www.congress.gov/103/statute/STATUTE-107/STATUTE-107-Pg77.pdf>.

<sup>5</sup> 52 USC § 20501(a)(2) (emphasis added). See also 52 USC § 20501(a)(1).

- (2) to make it possible for Federal, State, and local governments to implement [the Act] in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.<sup>6</sup>

To these ends, the statute sets forth a range of federal requirements for voter registration and voter roll maintenance in the states.

Two of the voter registration methods mandated by the NVRA are especially notable here. The first method, known colloquially as “Motor Voter,” requires, at state motor vehicles departments, that driver’s license applications (or renewal applications) simultaneously serve as voter registration applications.<sup>7</sup> Congress presumed motor vehicles departments would become the primary location where voter registration occurs and, indeed, Motor Voter registration applications have been the most common source of voter registration activity.<sup>8</sup> This portion of the law has been remarkably successful. According to the annual report of the United States Election Assistance Commission, in the 2021-2022 reporting period alone, a total of 44,051,378 Americans registered to vote or updated their voter registration address through the Motor-Voter process – accounting for 55 percent of all reported voter registration activity.<sup>9</sup> Since passage, the Motor Voter process has accounted for 30 to 55 percent of all reported voter registration activity, consistently ranking as the single voter registration method used most frequently.<sup>10</sup>

The NVRA also requires states to designate other state agencies to provide voter registration services, including all offices in the State that offer “public assistance” and all offices that administer state-funded programs that primarily provide services to people with disabilities.<sup>11</sup> The statute also expressly requires United States Armed Forces recruitment offices – federal entities – to serve as voter registration agencies.<sup>12</sup> This too has been a successful program. Under both the Motor Voter and agency registration processes, the provision of the opportunity to apply to register to vote, or change a voter registration address, is carried out by public servants in a completely nonpartisan manner and, over the last thirty years, has become a broadly used, widely accepted part of the voter registration landscape.

<sup>6</sup> 52 USC § 20501(b).

<sup>7</sup> 52 U.S.C. § 20504.

<sup>8</sup> Lisa J. Danetz, *Motor Vehicle Departments: Bedrock of American Democracy*, Democracy Fund, January 2021, [https://democracyfund.org/wp-content/uploads/2021/02/2021\\_DF\\_MotorVehicleDepartmentReport.pdf](https://democracyfund.org/wp-content/uploads/2021/02/2021_DF_MotorVehicleDepartmentReport.pdf).

<sup>9</sup> U.S. Election Assistance Commission, *Election Administration and Voting Survey 2022 Comprehensive Report*, June 2022, [https://www.eac.gov/sites/default/files/2023-06/2022\\_EAVS\\_Report\\_508c.pdf](https://www.eac.gov/sites/default/files/2023-06/2022_EAVS_Report_508c.pdf).

<sup>10</sup> See U.S. Election Assistance Commission, “National Voter Registration Act Studies,” accessed September 5, 2019, <https://www.eac.gov/voters/national-voter-registration-act-studies/>. See also, U.S. Election Assistance Commission, “Studies and Reports: Election Administration and Voting Survey (EAVS) Comprehensive Report,” accessed September 5, 2019, <https://www.eac.gov/research-and-data/studies-and-reports>.

<sup>11</sup> 52 U.S.C. § 20506(a).

<sup>12</sup> 52 U.S.C. § 20506(c).

In addition to these mandatory voter registration agencies, the NVRA requires each state to designate one or more additional offices within the state to serve as voter registration agencies, and it specifically permits federal offices (with their agreement) to fulfill that role.<sup>13</sup> Toward that end, the law includes a directive that is especially relevant to President Biden's Executive Order on Voting: it directs that "[a]ll departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the states in carrying out [agency-based voter registration]."<sup>14</sup>

A number of federal agencies have served as voter registration agencies since the NVRA was first implemented. As noted, armed forces recruitment offices are mandatory agencies. Additionally, in 2009, Congress passed the Military and Overseas Empowerment ("MOVE") Act,<sup>15</sup> which *inter alia* included authorizations and procedures that led to offices on federal military installations being designated as voter registration agencies.<sup>16</sup> Recently, responsive to Executive Order 14019, two tribal colleges operated by the Department of the Interior, certain Indian Health Services operated by the Department of Health and Human Services, and several health facilities of the Department of Veterans Affairs all have been designated as voter registration agencies.<sup>17</sup>

It is worth noting that federal agencies that have not been specifically designated as mandatory voter registration agencies have *also* nevertheless facilitated access to voter registration opportunities over the years. As one example, the Veterans Health Administration (VHA), an entity within the Department of Veterans Affairs, issued a directive in September 2008 (under a Republican administration) adopting a "policy for assisting patients who seek information on voter registration and voting."<sup>18</sup> The policy especially sought to address the needs of patients in "community living centers, domiciliaries, and patients with limited access to other voter registration and information resources," and identified the ways in which the VHA would assist patients in accessing voter registration opportunities. That Directive ultimately was replaced in 2014 by VHA Directive 1060, which expanded on the earlier policy.<sup>19</sup> In 2019, when VHA Directive 1060 expired, the VHA again reissued new Directive 1060, continuing the

<sup>13</sup> 52 U.S.C. § 20506(a)(3)(B)(ii).

<sup>14</sup> 52 U.S.C. § 20506(b).

<sup>15</sup> National Defense Authorization Act for Fiscal Year 2010, Pub. L. 111-84, §§ 575-589 (2009), <https://www.congress.gov/111/plaws/publ84/PLAW-111publ84.pdf>.

<sup>16</sup> 10 U.S.C. § 1566a(e).

<sup>17</sup> See U.S. Department of the Interior, "Interior Department Takes Steps to Increase Voter Registration in Indigenous Communities," last updated December 13, 2022, <https://www.doi.gov/pressreleases/interior-department-takes-steps-increase-voter-registration-indigenous-communities>; Chelsea Gutierrez, "Indian Health Service Launches Voter Registration Pilot Program at Indian Health System Sites," National Council of Urban Indian Health, November 1, 2023, <https://ncuih.org/2023/11/01/ihs-launches-voter-registration-pilot-program-at-indian-health-system-sites/>; and U.S. Department of Veterans Affairs, "VA Announces State Partnerships to Provide Voter Registration Assistance to Veterans," September 20, 2022, <https://news.va.gov/press-room/va-announces-state-partnerships-to-provide-voter-registration-assistance-to-veterans/>.

<sup>18</sup> U.S. Department of Veterans Affairs, Veterans Health Administration, "VHA Directive 2008-053: Voting Assistance for VA Patients," September 8, 2008, in the author's possession.

<sup>19</sup> U.S. Department of Veterans Affairs, Veterans Health Administration, "VHA Directive 1060: Voting Assistance for VA Patients," March 31, 2014, in the author's possession.



agency's assistance to patients for access to voter registration opportunities.<sup>20</sup> Other federal agencies have also facilitated access to voter registration opportunities.

#### **B. Other Federal Statutes Involve Federal Agencies in Voter Registration.**

Congress's use of its Elections Clause power to involve federal agencies in voter registration has not been limited to the NVRA. As early as 1955, Congress passed the Federal Voting Assistance Act, which provided for absentee voter registration and voting for members of the military, their families, and others overseas.<sup>21</sup> Under that Act, President Eisenhower designated the Department of Defense, which then created the Federal Voting Assistance Program (FVAP), a new federal entity to oversee the programs established by the law.<sup>22</sup> Thirty years later and addressing a similar issue, a bipartisan Congress in 1985 passed the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA").<sup>23</sup> UOCAVA, again relying on the office of the FVAP, required the development of an official postcard form that contained both an absentee voter registration application and an absentee ballot application for use by the states; the compilation and distribution of descriptive material on state absentee voter registration and voting procedures; and the creation of a recommended process for states to register uniformed and overseas voters. It also directed the federal General Services Administration to furnish the official post card forms and federal write-in ballots described in the law.<sup>24</sup>

In the first decade of the millennium, Congress continued to involve federal agencies in voter registration. In 2002 when it passed the Help America Vote Act (HAVA)<sup>25</sup> on a bipartisan basis, Congress created a new federal entity – the Election Assistance Commission – charged with providing information and assistance relating to elections and election administration. Congress also transferred to the EAC responsibility for developing and prescribing regulations regarding the National Mail Voter Registration Form mandated by the NVRA and issuing a biennial report relating to states' performance of their responsibilities under the NVRA.<sup>26</sup>

HAVA also imposes voter registration-related responsibilities on certain federal agencies. It requires the Social Security Administration to work with states to verify voter registration information that states receive on voter registration applications.<sup>27</sup> It requires military

<sup>20</sup> See U.S. Department of Veterans Affairs, Veterans Health Administration, "VHA Directive 1060: Voting Assistance for VA Inpatients and Residents," October 23, 2019, available at <https://www.va.gov/vhapublications/publications.cfm?pub=1>.

<sup>21</sup> Federal Voting Assistance Act of 1955, Pub. L. 84-296 (1955), <https://www.govinfo.gov/content/pkg/STATUTE-69/pdf/STATUTE-69-Pg584.pdf>.

<sup>22</sup> R. Sam Garrett, *The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues*, Congressional Research Service, October 26, 2016, <https://crsreports.congress.gov/product/pdf/RS/RS20764>.

<sup>23</sup> Uniformed and Overseas Citizens Absentee Voting Act, Pub. L. 99-410 (1986), <https://www.congress.gov/99/statute/STATUTE-100/STATUTE-100-Pg924.pdf>.

<sup>24</sup> See Uniformed and Overseas Citizens Absentee Voting Act §§ 101, 104.

<sup>25</sup> Help America Vote Act of 2002, Pub. L. 107-252, <https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>.

<sup>26</sup> The NVRA initially vested the FEC with these responsibilities. See National Voter Registration Act § 9. However, HAVA transferred those responsibilities to the EAC. See Help America Vote Act § 802.

<sup>27</sup> 52 U.S.C. § 21083 (a)(5)(B).

departments – to the maximum extent practicable – to ensure members of the Armed Forces and their dependents have ready access to information regarding voter registration requirements and deadlines and the availability of voting assistance officers to help them understand and comply with requirements. And it requires military departments to make the national mail voter registration form available so that each person who enlists can receive the form at the time of their enlistment.<sup>28</sup>

Finally, in 2009, Congress passed the bipartisan MOVE Act, amending UOCAVA to require the Department of Defense to specify “voter assistance offices” on military installations, where servicemembers could receive information about voter registration, as well as assistance when registering to vote or updating their registration. It further authorized the Department of Defense to then designate such offices as voter registration agencies under the NVRA. The MOVE Act also required the Federal Voter Assistance Program to gather and share information about voter registration procedures with servicemembers.<sup>29</sup>

## **II. The NVRA Intended that Federal Agencies Would Play A Greater Role As Voter Registration Agencies.**

It is against this backdrop of 70 years of federal agency involvement in voter registration that President Biden issued Executive Order 14019, Promoting Access to Voting (the “Executive Order”) on March 7, 2021.<sup>30</sup> Among other things, the Executive Order enables federal agencies finally to fulfill the voter registration assistance role that Congress intended for them under the NVRA. While the NVRA authorized federal agencies to serve as voter registration agencies, we are aware of no federal agencies that agreed to a request by a state to designate that agency as a voter registration agency prior to the Executive Order. The Executive Order takes a whole-of-government approach to try to reach all Americans – wherever they engage with the federal government – to provide easier access to voter registration opportunities and reliable information about election and voting from trustworthy sources. The Executive Order encompasses agencies across the federal government, serving a broad cross section of Americans – from the Rural Housing Service, to the Small Business Administration to the Department of Veterans Affairs, to the Department of the Interior to the Department of Health and Human Services. Each agency is tasked with providing information about and access to voting and voter registration in different ways, consistent with their missions and authority. But generally, each is providing access to voter registration applications and reliable information about voting, elections, and voter registration.<sup>31</sup> In other words, Executive Order 14019 is directing executive agencies on how to

<sup>28</sup> See Help America Vote Act § 701(d).

<sup>29</sup> See National Defense Authorization Act, §§ 577(a), 583.

<sup>30</sup> Executive Order 14019 of March 7, 2021, “Promoting Access to Voting,” 86 Fed. Reg. 13623 (March 10, 2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

<sup>31</sup> See White House Briefing Room, “Fact Sheet: Biden Administration Promotes Voter Participation with New Agency Steps,” September 28, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/28/fact-sheet-biden-administration-promotes-voter-participation-with-new-agency-steps/>; Susan E. Rice, “How the Biden-Harris Administration is Continuing to Promote Voting Access,” White House Briefing Room, September 20, 2022, <https://www.whitehouse.gov/briefing-room/blog/2022/09/20/how-the-biden-harris->

comply with a thirty-year old well-established law and fostering the realization of a longstanding yet unfinished federal policy.

Executive Order 14019 is not the first executive order related to federal agency involvement in voter registration pursuant to NVRA. After the NVRA's passage but prior to its implementation, President Clinton issued executive order 12926 that, among other things, encouraged but did not require federal agencies to agree to serve as voter registration agencies pursuant to state designation.<sup>32</sup> Unfortunately, that portion of that executive order, which stayed in effect through multiple Democratic and Republican administrations until executive order 14019 formally superseded it, never accomplished its intended outcome.

Executive Order 14019 goes one step further than its predecessor to require, rather than merely encourage, an agency's acceptance of designation where it is legally authorized to do so. This simple change has been effective in its impact, prompting the realization of a federal policy goal of more than thirty years.

### **III. Michigan's recent agreement with the Small Business Administration is a straightforward application of Section 7 of the NVRA.**

On March 19, 2024, the U.S. Small Business Administration (SBA) announced an agreement with the state of Michigan to promote civic engagement and voter registration in the state.<sup>33</sup> Under the plan at issue in this hearing – laid out in a Memorandum of Agreement (MOA)<sup>34</sup> and associated Memorandum of Understanding (MOU)<sup>35</sup> between the SBA and the Michigan Department of State – the parties have operationalized Michigan's formal designation of the SBA as a voter registration agency under the National Voter Registration Act of 1993, enabling SBA offices in the state to provide Michiganders making use of the agency's services with opportunities to register to vote. This agreement is a positive step toward ensuring that all Michigan voters have access to voter registration.

[administration-is-continuing-to-promote-voting-access/](#); and White House Briefing Room, "Fact Sheet: The Biden-Harris Administration Continues to Promote Access to Voting," March 5, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/05/fact-sheet-the-biden-harris-administration-continues-to-promote-access-to-voting/>.

<sup>32</sup> Executive Order 12926 of September 12, 1994, "Implementation of the National Voter Registration Act of 1993," 59 Fed. Reg. 47227 (September 14, 1994), <https://www.federalregister.gov/documents/1994/09/14/94-22969/implementation-of-the-national-voter-registration-act-of-1993>.

<sup>33</sup> U.S. Small Business Administration, "SBA Administrator Guzman Announces Agency's First-Ever Voter Registration Agreement with Michigan Department of State," March 19, 2024, <https://www.sba.gov/article/2024/03/19/sba-administrator-guzman-announces-agencys-first-ever-voter-registration-agreement-michigan>.

<sup>34</sup> Michigan Department of State and U.S. Small Business Administration, "Memorandum of Agreement Between the Michigan Department of State and U.S. Small Business Administration," March 2024, available at <https://docs.house.gov/meetings/SM/SM00/20240523/117369/HMTG-118-SM00-20240523-SD002.pdf>.

<sup>35</sup> Michigan Department of State and U.S. Small Business Administration, "Memorandum of Understanding Between the Michigan Department of State and U.S. Small Business Administration for Online Voter Registration," March, 2024, available at <https://docs.house.gov/meetings/SM/SM00/20240523/117369/HMTG-118-SM00-20240523-SD003.pdf>.

The agreement is plainly authorized – and encouraged – by the NVRA. Michigan designated the SBA (acting through its Michigan district offices) as a voter registration agency in the state, and the SBA agreed to the designation. That designation and agreement is memorialized in the MOA.

Because the designation of SBA as a voter registration agency occurred under the authority of the NVRA, the SBA in its conduct as a voter registration agency is subject to the NVRA – including the law’s proscription against agency staff exerting political or other pressure on individuals registering to vote. Section 7 of the NVRA specifies that designated agency staff providing voter registration services

shall not—

- (A) seek to influence an applicant’s political preference or party registration;
- (B) display any such political preference or party allegiance;
- (C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
- (D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.<sup>36</sup>

Thus, like the nonpartisan voter registration that has occurred for decades in mandatory state agencies, voter registration through the designated SBA offices must occur in a nonpartisan manner. Other federal laws and regulations also ensure neutrality in voter registration.

In addition to being subject to the NVRA, Michigan and the SBA are directed by the provisions of the MOA and MOU. The MOA provisions generally track the processes and procedures for mandatory voter registration agencies, with similar requirements. For example, just like mandatory state agencies, SBA will provide voter registration services to those applying, recertifying or renewing, or updating their address with respect to SBA’s assistance or services.<sup>37</sup> Just like mandatory state agencies, SBA will provide access to a voter registration application, offer the same level of assistance as is provided for completion of other SBA forms, and accept and transit completed voter registration forms (through the unique URL that will be programmed).<sup>38</sup> Finally, just like mandatory state agencies, and as already applicable directly from the NVRA, the MOA includes directions that mirror those quoted above from the NVRA itself, to keep voter registration services non-partisan, as is the case (and has been the case) for the almost 30 years that state agencies have acted as voter registration agencies.<sup>39</sup>

<sup>36</sup> 52 USC § 20506(a)(5).

<sup>37</sup> See 52 USC § 20506(a)(6)(A); and Memorandum of Agreement § VI.

<sup>38</sup> See 52 USC §§ 20506(a)(6)(A), 20506(a)(6)(C), and 20506(d); and Memorandum of Agreement § VII.

<sup>39</sup> See Memorandum of Agreement § X (“Prohibited Agency Conduct”).

#### IV. Providing Voter Registration Access Through Broader Public Agency Voter Registration Serves an Important Policy Goal in American Democracy.

Voter registration is the crucial first step towards casting a ballot, and by proxy, ensuring that our governing institutions are representative of and responsive to the American people. Unfortunately, however, U.S. voter registration and participation rates are notably low – especially when compared to our peer nations.<sup>40</sup> According to Census Bureau data, just 69% of the citizen voting-age population was registered to vote during the 2022 midterms.<sup>41</sup> That means approximately one in every four eligible voters – tens of millions of Americans – could not cast a ballot in the most recent federal election, simply because they were not registered.

Mobility challenges, administrative obstacles, and lack of access to information all act as barriers to registration and participation.<sup>42</sup> Likewise, since the 2020 election (and more broadly, since the Supreme Court gutted the Voting Rights Act in 2013’s *Shelby County v. Holder* decision) state legislatures across the country have enacted an unprecedented wave of restrictive policies making it harder for people to register and vote.<sup>43</sup>

These barriers make it especially difficult for certain citizens – like voters with disabilities, voters of color, Native American voters, and rural and low-income voters – to access the franchise, as evidenced by stark disparities in registration rates between demographic groups. In 2022, for example, nearly 80% of eligible white non-Hispanic voters were registered to vote compared to just 64% of Black voters, 59% of Asian voters, and 58% of Hispanic voters.<sup>44</sup> Lower-income people have been registered to vote at rates significantly lower than those who are more affluent: In that same election cycle, the registration rate among voters making less than \$50,000 was nearly twenty percentage points behind that of voters making \$100,000 or more.<sup>45</sup> Similarly, during the 2020 election, voter registration rates among Native American communities

<sup>40</sup> Drew Desilver, “Turnout in U.S. has soared in recent elections but by some measures still trails that of many other countries,” Pew Research Center, November 1, 2022, <https://www.pewresearch.org/short-reads/2022/11/01/turnout-in-u-s-has-soared-in-recent-elections-but-by-some-measures-still-trails-that-of-many-other-countries/>.

<sup>41</sup> United States Census Bureau, “2022 Voting and Registration Data Now Available,” May 2, 2023, <https://www.census.gov/newsroom/press-releases/2023/2022-voting-registration.html>.

<sup>42</sup> Michael Waldman and Inimai Chettiar, *15 Executive Actions*, Brennan Center for Justice, April 15, 2014, 7, <https://www.brennancenter.org/our-work/policy-solutions/15-executive-actions>.

<sup>43</sup> See Jasleen Singh and Sara Carter, “States Have Added Nearly 100 Restrictive Laws Since SCOTUS Gutted the Voting Rights Act 10 Years Ago,” Brennan Center for Justice, June 23, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-gutted-voting-rights>. See also Brennan Center for Justice, *Statement for the Record for the Hearing on the Right Side of History: Protecting Voting Rights in America, Before the Senate Judiciary Committee*, March 12, 2024, 12, <https://www.brennancenter.org/sites/default/files/2024-03/Brennan%20Center%20SFR%20for%20March%2012%2C%202024%20SJC%20Hearing.pdf>.

<sup>44</sup> See U.S. Census Bureau, “Voting and Registration in the Election of November 2022,” April 2023, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html> (Table 2).

<sup>45</sup> U.S. Census Bureau, “Voting and Registration” (Table 7). See also National Low Income Housing Coalition, “New Census Data Reveal Voter Turnout Disparities in 2022 Midterm Elections,” May 15, 2023, <https://nlihc.org/resource/new-census-data-reveal-voter-turnout-disparities-2022-midterm-elections> (“While 73% of eligible homeowners were registered to vote in November 2022, only 58% of eligible renters were registered. Eighty-two percent of eligible voters with household incomes above \$100,000 were registered, compared to just 57% of eligible voters with household incomes below \$20,000.”).

stood at about 64% – thirteen percentage points behind the national average for the presidential election year, and nearly 17% behind that of white voters.<sup>46</sup>

Improving our democracy and ensuring full access to the franchise should be a central federal mandate. By providing access to voter registration application opportunities and reliable voting-related information from trustworthy sources, President Biden's Executive Order 14019 helps move the country closer to that goal. Importantly, the Executive Order takes a whole-of-government approach in order to reach *all* Americans. Public agency voter registration is a broadly accepted, widely used, nonpartisan model that makes voter registration opportunities accessible to the American public. Through its agreement to designation, SBA is adopting that model for the benefit of its constituency.

While the Executive Order takes critical steps to improve access to and information about the franchise, much more is needed. The freedom to vote in America is under escalating attack. Our national laws and policies need to be updated to enable our election systems to better withstand attacks from those seeking to interfere in election administration and outcomes, restrict access to the franchise, manipulate election processes in a discriminatory manner, and undermine election integrity. Our democracy faces other serious challenges as well, including extreme gerrymandering and an explosion of special interest money in elections. To move forward, Congress should do more than embrace the Executive Order. It should lay down a new foundation for a thriving democracy by passing the Freedom to Vote Act<sup>47</sup> and the John Lewis Voting Rights Advancement Act.<sup>48</sup>

<sup>46</sup> See White House Interagency Group on Native American Voting Rights, *Report of the Interagency Steering Group on Native American Voting Rights*, The White House, March 2022, 9, <https://www.whitehouse.gov/wp-content/uploads/2022/03/Tribal-Voting-Report-FINAL.pdf>. See also, U.S. Census Bureau, "Voting and Registration in the Election of November 2020," April 2021, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

<sup>47</sup> See Daniel I. Weiner and Andrew Garber, "Pass the Freedom to Vote Act," Brennan Center for Justice, July 17, 2023, <https://www.brennancenter.org/our-work/research-reports/pass-freedom-vote-act>; and Brennan Center for Justice, "What the Freedom to Vote Act Would Do," last modified July 13, 2023, <https://www.brennancenter.org/our-work/research-reports/freedom-vote-act>.

<sup>48</sup> See Andrew Garber, "Pass the John R. Lewis Voting Rights Advancement Act," Brennan Center for Justice, last modified March 8, 2024, <https://www.brennancenter.org/our-work/research-reports/pass-john-r-lewis-voting-rights-advancement-act>; and Brennan Center for Justice, "The John Lewis Voting Rights Advancement Act," last modified February 29, 2024, <https://www.brennancenter.org/our-work/research-reports/john-lewis-voting-rights-advancement-act>.

**Questions for the Record**  
**Hearing: Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts**  
**House Small Business Committee**  
**June 4, 2024**

**Questions from Rep. Nydia M. Velázquez, Ranking Member, to Ms. Lisa Danetz**

1. During the hearing, Ms. Van Duyne announced the voter registration URL planned for insertion on SBA's website. That information was obtained from a committee staff briefing with the Small Business Administration, and committee staff were informed that the link was not live. Are you aware that this is the first time the URL was stated publicly, meaning that Ms. Van Duyne made the URL available to the public, and not the SBA or the Michigan Department of State?

**Response:** At the time, I was not aware that Ms. Van Duyne's announcement was the first time the URL was stated publicly.

2. Per the attached screenshots, the URL stated by Ms. Van Duyne during the hearing redirects to the Michigan Department of State's standard online voter registration form site, with added analytics features to denote that future web visitors were referred by SBA. Are you aware that the URL leads to the same website to which every other Michigander wishing to register to vote online would be directed?

**Response:** That was my understanding based on the written Memorandum of Agreement (MOA) between Michigan and the SBA, which requires the SBA to post a unique URL that directly connects to the State of Michigan's online voter registration page on the agency's public facing website.<sup>1</sup>

3. Per the attached screenshots, the code for SBA's webpage for Michigan does not have any reference to Michigan's planned voter registration URL developed under the MOU – meaning that visitors to SBA's website cannot be sent to MDOS's voter registration website through any of the SBA website features. Are you aware of this?

**Response:** I was not specifically aware of this information before receiving these materials. While I do not understand how to read computer code, I can see from the attached screenshots of webpages that they do not reference the planned voter registration URL developed under the MOU.

4. My colleagues on the other side of the aisle allege that SBA's voter registration activities violate the spirit—if not the letter—of the Hatch Act. I am attaching a spreadsheet summarizing data from the U.S. Office of Special Counsel (OSC), the entity that investigates and rules on potential Hatch Act violations. The spreadsheet lists at least 75 unique occasions in which OSC ruled that high-level Trump administration officials violated the spirit *and* letter of the Hatch Act. Do the SBA's voter registration activities violate the spirit or letter of the Hatch Act?
  - Can any comparison be drawn between these activities and the Trump officials' Hatch Act violations?

**Response:** The SBA's planned voter registration activities do not violate the Hatch Act in any way whatsoever. The Hatch Act prevents federal employees from engaging in partisan political activities during the course of their work. The SBA's intended activities, however, are non-partisan: the agency's

<sup>1</sup> Michigan Department of State and U.S. Small Business Administration, "Memorandum of Agreement Between the Michigan Department of State and U.S. Small Business Administration, March 2024, § VIII, available at <https://docs.house.gov/meetings/SM-/SM00/20240523/117369/HMTG-118-SM00-20240523-SD002.pdf>.

agreement with Michigan – as well as the National Voter Registration Act of 1993 (NVRA), under which authority the SBA has agreed to serve as a voter registration agency – expressly require the agency to provide voter registration opportunities in a non-partisan and voluntary manner, free from undue political influence or pressure.<sup>2</sup> Likewise, Executive Order 14019, which helped to catalyze the agreement between the SBA and Michigan, requires agencies to promote voter registration in ways that are “consistent with applicable law,” including the NVRA and Hatch Act.<sup>3</sup>

Offering non-partisan voter registration opportunities to everyone in accordance with federal and state law is, by definition, not a partisan activity – a point OSC itself has affirmed, including in guidance authorizing federal employees to participate in non-partisan voter registration drives while on duty.<sup>4</sup>

I am not intimately familiar with the various cases listed in the attached spreadsheet. That said, the SBA’s voter registration activities are plainly compliant with the Hatch Act, so they are in no way comparable to any violations of that law.

5. During the hearing, Ms. Salazar asked you how you are certain that SBA, in its voter registration activities, would genuinely give customers the opportunity to register to vote as Republicans. As you began to answer, you were abruptly cut off. I would like to give you the opportunity here to state your answer to Ms. Salazar’s question fully.

**Response:** Thank you for the opportunity to expand on this crucial point. Any voter registration activities conducted by the SBA under its agreement with Michigan would be available to all SBA customers, regardless of their political affiliation. As noted in my previous answer, the Memorandum of Agreement (MOA) between Michigan and the SBA expressly prohibits the SBA and its staff from seeking to influence applicants’ political preferences, displaying any political preference or party allegiance, or doing anything that could discourage applicants from registering to vote or lead them to believe their decision to register (or not) has any bearing on the availability of SBA services.<sup>5</sup> These safeguards mirror prohibitions against partisan conduct included in the NVRA,<sup>6</sup> to which the SBA is also bound when carrying out any voter registration activities in Michigan. Beyond the MOA and the NVRA, the Hatch Act also provides assurance that voter registration activity will be nonpartisan. If any SBA staff were to engage in partisan conduct in implementation of the Memorandum of Agreement and thereby violate the Hatch Act, the Office of Special Counsel has enforcement authority and can initiate disciplinary action.

The beauty of government agency registration is that it provides all eligible citizens – regardless of political orientation or background – with access to voter registration application opportunities when they interact with government agencies or deal with government programs in the regular course of their lives. Government agency registration is a widely-used, non-partisan model for promoting access to voter registration to broad swathes of the American public – one that has been mandated in all but six states since the mid-1990s.<sup>7</sup> Indeed, for roughly the past thirty years, more people have applied to

<sup>2</sup> Memorandum of Agreement § X. See also 52 USC § 20506(a)(5).

<sup>3</sup> Executive Order 14019 of March 7, 2021, “Promoting Access to Voting,” 86 Fed. Reg. 13623 (March 10, 2021), § 12, <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

<sup>4</sup> US. Department of Justice, Office of Legal Counsel, “Nonpartisan Voter Registration Drives in the Workplace,” Advisory Op. O.L.C. 2 (2004), available at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Nonpartisan%20Voter%20Registration%20Drives%20in%20the%20Workplace.pdf>.

<sup>5</sup> Memorandum of Agreement § X.

<sup>6</sup> 52 USC § 20506(a)(5).

<sup>7</sup> See National Voter Registration Act of 1993, Pub. L. 103-31 (1993), <https://www.congress.gov/103/statute/STATUTE-107/STATUTE-107-Pg77.pdf>. See also, Lisa J. Danetz, “Testimony on ‘Weaponizing Federal Resources: Exposing the SBA’s Voter



register to vote through state motor vehicles departments (a government agency) than via any other single voter registration mechanism, ranging from 30 to 55 percent of reported voter registration activity over that time period.<sup>8</sup> (Interestingly, Michigan was the first state to enact a “motor voter” law of this type.)<sup>9</sup>

So, to put it simply, yes: Michigan’s agreement with the SBA will genuinely allow customers to register to vote as Republicans – and Democrats, and independents, and any other affiliation they so choose.

6. In the hearing, Mr. Crane and Mr. Whitson referenced 2020 grants from the Center for Tech and Civic Life to state and local governments to strengthen and secure their elections in the face of the COVID-19 pandemic. I have attached a memorandum detailing the truth about these grants, which Mr. Crane and Mr. Whitson colloquially call “Zuckerbucks,” and a list detailing grants received by state and local governments represented by Members of this Committee, including Mr. Crane. Are you aware that in 2020, areas currently represented by our Committee’s Republican Members – and some of which elected Republican Members last Congress – received \$42,237,108 in these grants?
  - Are you aware that in the same timeframe, areas currently represented by our Committee’s Democratic Members – and some of which elected Republican Members last Congress – received \$47,220,773 in grants, only roughly \$5 million more?
  - Are you aware that jurisdictions in Mr. Crane’s district, Arizona’s 2<sup>nd</sup> District, received a total of \$4,029,981 in these grants?

**Response:** I was not previously aware of the amounts of these grant disbursements.

7. Mr. Alford claims that the SERV Act was introduced to remedy deficiencies in SBA’s service of veteran small business owners. Mr. Alford failed to mention the SERV Act was written and introduced by Ms. Davids, a Democrat, in this Congress and the 116<sup>th</sup> Congress, under my leadership, to address the same deficiencies which affected the Trump administration. Did you know this?

**Response:** I was not previously aware of this.

8. Mr. Stauber claims that if SBA “truly wanted to help small businesses [register to vote],” they would have appeared in Michigan’s Upper Peninsula, which he calls “red country,” referencing its partisan lean toward Republicans. Also during the hearing, Ms. Scholten introduced into the record a map detailing percentage increases in Michigan’s voter registration by county in the last three months. The Michigan counties with the highest percentage increases since the majority launched their investigation are up north, in rural Michigan. Do you believe it is important to note that the Michigan county with the highest percentage increase in voter registration activity occurred in Iron County, in Michigan’s Upper Peninsula during this period of time?

Registration Efforts’ Before the United States House Committee on Small Business,” Brennan Center for Justice, June 4, 2024, <https://www.brennancenter.org/our-work/research-reports/testimony-weaponizing-federal-resources-exposing-sbas-voter-registration>.

<sup>8</sup> See U.S. Election Assistance Commission, “National Voter Registration Act Studies,” accessed September 5, 2019, <https://www.eac.gov/voters/national-voter-registration-act-studies/>. See also, U.S. Election Assistance Commission, “Studies and Reports: Election Administration and Voting Survey (EAVS) Comprehensive Report,” accessed September 5, 2019, <https://www.eac.gov/research-and-data/studies-and-reports>. See also Lisa J. Danetz, *Motor Vehicle Departments: Bedrock of American Democracy*, Democracy Fund, January 2021, [https://democracyfund.org/wp-content/uploads/2021/02/2021\\_DF\\_MotorVehicleDepartmentReport.pdf](https://democracyfund.org/wp-content/uploads/2021/02/2021_DF_MotorVehicleDepartmentReport.pdf).

<sup>9</sup> See, e.g., L.A. Times Archives, “Richard Austin; Pioneered ‘Motor Voter’ Law,” Los Angeles Times (April 26, 2001), <https://www.latimes.com/archives/la-xpm-2001-apr-26-me-55842-story.html>. (“Richard H. Austin, 87, who was credited with creating the first “motor voter” law. Austin...fought tenaciously to have his state register voters in the same offices where it registers drivers. Michigan passed the law in 1975, 18 years before Congress adopted a similar nationwide law.”)

- As you know, the MOU/MOA has not yet been executed, and there is no correlation between the increase in voter registration and the MOU/MOA, correct?

**Response:** I am always interested in hearing, knowing, and especially cheering on increases in voter registration rates, wherever they occur. It is my understanding that the MOA between Michigan and SBA has not yet been implemented and, therefore, any increases in voter registration among Michiganders cannot be attributed to the state's agreement with the SBA.

9. Concerns have been raised that SBA's events in Michigan in the last three years have typically occurred in the south of the state. It is important to note that southern Michigan is also the most populous and densely populated region in the state, meaning that events there are reaching more small businesses. Do you agree that holding SBA events in southern Michigan is more likely attributed to the region's sheer population and density, which is important given the limited resources of SBA and the need to maximize reaching the greatest population of small firms?
  - Can the greater volume of recent voter registrations in southern Michigan also be attributed to the region's sheer population and density?

**Response:** I cannot speak to how and why the SBA selected locations for events in Michigan; however, that reasoning does make sense to me. There are myriad reasons why voter registration can swell, and it is entirely plausible that areas with greater population density see greater volume of voter registrations.

10. Republican claims that SBA's Michigan events resulted in voter registration increases, which is simply not true. Many of the Administrator's appearances in the state – such as the August 3, 2023, appearance in Grand Rapids, MI – predate the MOU's signing on March 19, 2024. Do these claims make sense to you?

**Response:** These claims do not make sense to me. It is my understanding that the MOA has yet to be implemented and, therefore, MDOS would not have attended any of these events to register people to vote. These claims seem even more problematic for those events that occurred before the agreement was signed.

11. Claims were made that SBA is the only federal agency to have made an agreement with a state government to assist in voter registration activities. Is this claim correct?
  - If not, which other federal agencies have made similar agreements with state governments? Which states have participated?

**Response:** No, this claim is not true. At the time of implementation of the NVRA, the Department of Defense and each of the 44 states subject to it plus the District of Columbia developed and implemented procedures for voter registration application opportunities at Armed Forces recruiting centers.<sup>10</sup> Moreover, since the beginning of 2022, the Department of Interior (DoI) and the Department of Health and Human Services (HHS), have also agreed to designation requests by states. More specifically, Kansas designated the tribal college Haskell Indian Nations University as a voter registration agency under the NVRA. The DoI agreed to the designation by that state as well as New Mexico's similar designation of the Southwestern Indian Polytechnic Institute. In addition, HHS agreed to Arizona's and

<sup>10</sup> Executive Order 12926 of September 12, 1994, "Implementation of the National Voter Registration Act of 1993," 59 Fed. Reg. 47227 (September 14, 1994), § 2, <https://www.federalregister.gov/documents/1994/09/14/94-22969/implementation-of-the-national-voter-registration-act-of-1993>.

New Mexico's designation of Indian Health Service clinics.<sup>11</sup> There may be other existing agreed-to designations, or agreements to designations in the works.

12. Concerns have been raised that it is improper to give Federal agencies a role in assisting with voter registration. Do you agree?

- Would excluding agencies from these activities increase or decrease the fair representation of voters in our policymaking process?

**Response:** I strongly disagree. It is absolutely appropriate for federal agencies to provide access to voter registration opportunities, and there is a long history of doing so. The Elections Clause of the United States Constitution gives Congress broad power to make election rules or alter state election laws, and Congress has not been shy to exercise that power.<sup>12</sup> In the context of voter registration, it has done so repeatedly and has authorized federal agency involvement since at least the 1950s.

In 1955, Congress passed the Federal Voting Assistance Act, which among other things provided for absentee voter registration for members of the military, their families, and others overseas via the Department of Defense, which created a federal agency – the Federal Voting Assistance Program (FVAP) – to administer the relevant programs.<sup>13</sup>

In 1985, a bipartisan Congress passed the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) and again relied on FVAP – a federal agency created to be involved in voting – to develop an official postcard form that contains an absentee voter registration application (and an absentee ballot application) for use by the states; to compile and distribute descriptive material on state absentee voter registration and voting procedures; and to recommend a process for states to register uniformed and overseas voters. UOCAVA also directs the federal General Services Administration to furnish the official post card forms described in the law.<sup>14</sup>

In 1993, Congress passed the National Voter Registration Act (NVRA), which provides specific and direct support for federal agency assistance with voter registration application opportunities. At the very beginning of the legislation, the statute includes a finding that “it is the duty of the Federal, State, and local governments to promote the exercise of [the fundamental] right [to vote],” thus memorializing a strong federal policy across the branches of government.<sup>15</sup> As just one example of a federal agency acting on this finding, the Veterans Health Administration in September 2008 initially issued a directive, expanded in 2014 and reissued in 2019, adopting a “policy for assisting patients who seek information on voter registration and voting.”<sup>16</sup> Moreover, the NVRA’s provision on agency-based registration both

<sup>11</sup> See U.S. Department of the Interior, “Interior Department Takes Steps to Increase Voter Registration in Indigenous Communities,” last updated December 13, 2022, <https://www.doi.gov/pressreleases/interior-department-takes-steps-increase-voter-registration-indigenous-communities>; and Chelsea Gutierrez, “Indian Health Service Launches Voter Registration Pilot Program at Indian Health System Sites,” National Council of Urban Indian Health, November 1, 2023, <https://ncuih.org/2023/11/01/ihs-launches-voter-registration-pilot-program-at-indian-health-system-sites/>.

<sup>12</sup> See U.S. Const. art I § 4, cl. 1. See also *Smiley v. Holm*, 285 U.S. 355, 366 (1932); and *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 4 (2013).

<sup>13</sup> See Federal Voting Assistance Act of 1955, Pub. L. 84-296 (1955), <https://www.govinfo.gov/content/pkg/STATUTE-69/pdf/STATUTE-69-Pg584.pdf>.

<sup>14</sup> See Uniformed and Overseas Citizens Absentee Voting Act, Pub. L. 99-410 (1986), §§ 101-4, <https://www.congress.gov/99/statute/STATUTE-100/STATUTE-100-Pg924.pdf>. See also R. Sam Garrett, *The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues*, Congressional Research Service, October 26, 2016, <https://crsreports.congress.gov/product/pdf/RS/RS20764>.

<sup>15</sup> 52 USC § 20501(a)(2). See also 52 USC § 20501(a)(1).

<sup>16</sup> See U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA Directive 2008-053: Voting Assistance for VA Patients,” September 8, 2008, in the author’s possession; U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA

specifically permits federal agencies to be designated as voter registration agencies and also includes a directive that “[a]ll departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the states in carrying out [agency-based voter registration].”<sup>17</sup>

In 2002, Congress passed the Help America Vote Act (HAVA), creating a new federal entity – the Election Assistance Commission – charged with providing information and assistance relating to elections and election administration.<sup>18</sup> HAVA transferred to the EAC responsibility for developing and prescribing regulations regarding the National Mail Voter Registration Form mandated by the NVRA and issuing a biennial report relating to states’ performance of their responsibilities under the NVRA.<sup>19</sup> HAVA also requires the Social Security Administration to work with states to verify voter registration information that states receive on voter registration applications, requires military departments to provide specific voter registration information to members of the Armed Forces and their dependents, and also requires military departments to make the national mail voter registration form available to enlistees.<sup>20</sup>

Finally, in 2009, Congress passed the bipartisan MOVE Act, amending UOCAVA to require the Department of Defense to specify “voter assistance offices” on military installations, where servicemembers could receive information about voter registration, as well as assistance when registering to vote or updating their registration. It further authorized the Department of Defense to then designate such offices as voter registration agencies under the NVRA. The MOVE Act also required FVAP to gather and share information about voter registration procedures with servicemembers.<sup>21</sup>

Because federal agencies have long been integrated in the provision of voter registration information and opportunities to eligible American citizens, their exclusion would have a negative impact on representation. This is particularly likely with respect to military and veteran families, given the federal government’s active involvement in providing them with voter registration services.

More significantly, if a broader cross-section of federal agencies actively implements the federal government’s duty to promote the right to vote, as directed by President Biden’s Executive Order 14019, there likely will be an improvement in fair representation among our populace. Unfortunately, as I discuss in my written testimony, just 69% of the citizen voting-age population was registered to vote during the 2022 midterms.<sup>22</sup> With greater involvement of a broad cross section of federal agencies, Americans of all backgrounds will have access to nonpartisan offers of voter registration application opportunities and reliable voting information in the regular course of their lives. This can have a strong impact in increasing the fair representation of voters in our populace.

Mobility challenges, administrative obstacles, lack of access to information, and restrictive state policies all act as barriers to voter registration and make it especially difficult for certain citizens – like voters

Directive 1060: Voting Assistance for VA Patients,” March 31, 2014, in the author’s possession; and U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA Directive 1060: Voting Assistance for VA Inpatients and Residents,” October 23, 2019, available at <https://www.va.gov/vhapublications/publications.cfm?pub=1>.

<sup>17</sup> 52 U.S.C. § 20506(b).

<sup>18</sup> Help America Vote Act of 2002, Pub. L. 107-252, <https://www.congress.gov/107/plaws/publ252/PLAW-107publ252.pdf>.

<sup>19</sup> See Help America Vote Act §§ 703, 802.

<sup>20</sup> Help America Vote Act §§ 303(a)(5)(B)(ii), 701(d).

<sup>21</sup> National Defense Authorization Act for Fiscal Year 2010, Pub. L. 111-84, (2009), §§ 577(a), 583 <https://www.congress.gov/111/plaws/publ84/PLAW-111publ84.pdf>.

<sup>22</sup> United States Census Bureau, “2022 Voting and Registration Data Now Available,” May 2, 2023, <http://www.census.gov/newsroom/press-releases/2023/2022-voting-registration.html>.

with disabilities, voters of color, Native American voters, and rural and low-income voters – to access the franchise.<sup>23</sup> In 2022, for example, nearly 80% of eligible white non-Hispanic voters were registered to vote compared to just 64% of Black voters, 59% of Asian voters, and 58% of Hispanic voters.<sup>24</sup> In that same election cycle, the registration rate among voters making less than \$50,000 was nearly twenty percentage points behind that of voters making \$100,000 or more.<sup>25</sup> During the 2020 election, voter registration rates among Native American communities stood at about 64% – thirteen percentage points behind the national average for the presidential election year, and nearly 17% behind that of white voters.<sup>26</sup>

By providing access to voter registration application opportunities and reliable voting-related information from trustworthy sources, President Biden's Executive Order 14019 takes a whole-of-government approach in order to reach all Americans.

13. Is there anything you would like to add to the record that you did not have a chance to say in-person during the hearing?

**Response:** I have nothing else I would like to add to the record beyond what I have provided in my responses to these questions, my oral testimony, and my written testimony. I am grateful for the opportunity to discuss the essential role federal agencies can and should play in promoting the freedom to vote.

<sup>23</sup> See Michael Waldman and Inimai Chettiar, *15 Executive Actions*, Brennan Center for Justice, April 15, 2014, 7, <https://www.brennancenter.org/out-work/policy-solutions/15-executive-actions>. See also Brennan Center for Justice, *Statement for the Record for the Hearing on the Right Side of History: Protecting Voting Rights in America, Before the Senate Judiciary Committee*, March 12, 2024, 12, <https://www.brennancenter.org/sites/default/files/2024-03/Brennan%20Center%20SFR%20for%20March%2012%2C%202024%20SJC%20Hearing.pdf>.

<sup>24</sup> See U.S. Census Bureau, "Voting and Registration in the Election of November 2022," April 2023, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-586.html> (Table 2).

<sup>25</sup> U.S. Census Bureau, "Voting and Registration" (Table 7). See also National Low Income Housing Coalition, "New Census Data Reveal Voter Turnout Disparities in 2022 Midterm Elections," May 15, 2023, <https://nlihc.org/resource/new-census-data-reveal-voter-turnout-disparities-2022-midterm-elections> ("While 73% of eligible homeowners were registered to vote in November 2022, only 58% of eligible renters were registered. Eighty-two percent of eligible voters with household incomes above \$100,000 were registered, compared to just 57% of eligible voters with household incomes below \$20,000.").

<sup>26</sup> See White House Interagency Group on Native American Voting Rights, Report of the Interagency Steering Group on Native American Voting Rights, The White House, March 2022, 9, <https://www.whitehouse.gov/wpcontent/uploads/2022/03/Tribal-Voting-Report-FINAL.pdf>. See also, U.S. Census Bureau, "Voting and Registration in the Election of November 2020," April 2021, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.



**Written Testimony of the American Civil Liberties Union**

**Submitted for the Record  
U.S. House Committee on Small Business  
Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts  
Hearing on June 4, 2024**

The American Civil Liberties Union (ACLU) is a nonpartisan, nationwide organization with millions of members and supporters dedicated to defending the principles of liberty and equality embodied in our Constitution and civil rights laws. For over 100 years, the ACLU has been our nation's guardian of civil liberties and civil rights, working in the courts, legislatures, and communities to defend and preserve the Constitution and laws of the United States. The ACLU's Voting Rights Project was established in 1965, the same year that the Voting Rights Act was enacted, and has filed more than 400 lawsuits to enforce our country's voting laws and constitutional protections. In addition to our work in the courts, the ACLU's National Political and Advocacy Department leads the ACLU's efforts to protect and strengthen federal laws that promote an equitable and fully inclusive democracy.

On March 8, 2021, the Biden administration issued an Executive Order on Promoting Access to Voting (herein after "EO").<sup>1</sup> The purpose of this EO is to "protect and promote the exercise of the right to vote, eliminate discrimination and other barriers to voting, and expand access to voter registration and accurate election information" and to "ensure that registering to vote and the act of voting be made simple and easy for all those eligible to do so."<sup>2</sup>

The EO was issued to encourage federal agencies to promote voter registration opportunities pursuant to long standing federal law – namely, the National Voter Registration Act ("NVRA").<sup>3</sup> The NVRA was passed in 1993 — over 30 years ago — with bi-partisan support. The EO embraces the original intent of the National Voter Registration Act, which dictates that the federal government be actively involved in providing nonpartisan voter registration services. When enacting the NVRA, Congress declared it the "duty of the *federal*, state, and local governments to promote the exercise of [the] right [to vote]".<sup>4</sup>

Congress passed the NVRA in 1993 to address the discriminatory role voter registration plays in our elections. More than 30 years later, the NVRA has helped address this discrimination and close gaps in registration rates, particularly by requiring states to offer registration opportunities to eligible individuals who interact with state and local agencies such as departments of motor vehicles and public assistance agencies. But rates of registration among Black and brown people and people with low incomes are still disproportionately lower, preventing them from exercising their fundamental right to vote. In passing the NVRA, Congress contemplated a role for federal agencies in expanding access to voter registration opportunities. The plain language of the NVRA specially declares that states should designate "Federal and nongovernmental offices,

<sup>1</sup> The White House, Executive Order 14019 Promoting Access to Voting, March 7, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>.

<sup>2</sup> See Executive Order on Promoting Access to Voting, March 7, 2021, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>.

<sup>3</sup> National Voter Registration Act of 1993, 52 U.S.C. §§ 20501 *et seq.*, May 20, 1993.

<sup>4</sup> 52 U.S.C. § 20501(a)(2) (emphasis added). The NVRA also specifically requires that the executive branch of the federal government assist with implementation of the NVRA "to the greatest extent practicable." 52 U.S.C. § 20506(b).

with the agreement of such offices,” as voter registration agencies.<sup>5</sup> The EO strongly encourages implementation of this underused but vital provision of the NVRA. This was always the intent of Congress, and the fact that this provision has not been utilized until recently does not change the language in the statute or the clear intent of Congress in enacting the NVRA. The EO is completely consistent with the provisions in this long-standing federal law.

In the midst of continuing voting rights attacks across the country, this EO provides an unprecedented opportunity for the federal government to provide meaningful opportunities to register to vote, and expand access to the ballot for millions of Americans. The EO is helping to better achieve the goals and intent of the NVRA by engaging the federal government’s many existing programs to offer eligible individuals meaningful nonpartisan opportunities to register to vote.

Moreover, ensuring our federal agencies do all they can to expand access to voter registration is the right thing to do. The Small Business Administration’s (SBA) efforts to work with the Michigan Secretary of State to provide their constituencies nonpartisan opportunities to register to vote is consistent with the long-standing purpose and goal of Congress when it enacted the NVRA. These activities should be upheld as a great example of state and federal cooperation to strengthen democracy under existing federal law. Moreover, the SBA has been very clear it is willing to work with election officials in any state, and the ACLU encourages every state to work with the SBA and other federal agencies to expand access to nonpartisan voter registration opportunities under existing federal law.<sup>6</sup>

Government at every level, including the federal government, should use every tool possible to help assist all eligible American citizens to register and vote. Tens of millions of eligible Americans are currently not registered to vote, with the lowest rates of registration among people with low incomes and people of color. Approximately 63 million eligible Americans are not registered to vote (approximately 27% of eligible voters),<sup>7</sup> and registration rates are lowest among Americans with low incomes (59% for families with incomes below \$30k/yr. compared to 83% for those above \$150k/yr.).<sup>8</sup> Additionally, eligible voters of color have lower registration

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<sup>5</sup> 52 U.S.C. § 20506(a)(3)(B)(ii).

<sup>6</sup> The White House, Press Release, Fact Sheet: The Biden-Harris Administration is Taking Action to Restore and Strengthen American Democracy, December 8, 2021, *available at* <https://www.whitehouse.gov/briefing-room/statements-releases/2021/12/08/fact-sheet-the-biden-harris-administration-is-taking-action-to-restore-and-strengthen-american-democracy/>. *See also* SBA Administrator Guzman Press Release, March 23, 2024, *available at* <https://www.sba.gov/article/2024/03/19/sba-administrator-guzman-announces-agencys-first-ever-voter-registration-agreement-michigan>.

<sup>7</sup> U.S. Census, Voter Registration, Voting and Registration in the Election of November 2020, November 2020, *available at* <https://www.census.gov/content/dam/Census/library/publications/2022/demo/p20-585.pdf>.

<sup>8</sup> American Civil Liberties Union & Demos, Why and How to Do Voter Registration at Federal Agencies, September 2021, *available at* <https://www.demos.org/sites/default/files/2021->



rates than white eligible voters.<sup>9</sup> These voter registration disparities are harmful to our democracy. The lack of registration has been cited by non-voters as the top reason for failing to vote in 2020 (29% of non-voters, or about 23 million of 80 million non-voters).<sup>10</sup>

Furthermore, there are no valid objections to the SBA's activities to fulfill its duties under this EO and the NVRA pursuant to the request of states. The EO is firmly constitutional and, as noted above, is grounded in the NVRA which has existed for decades and has been deemed constitutional by the U.S. Supreme Court.<sup>11</sup> In passing the NVRA, Congress contemplated a role for federal agencies in expanding access to voter registration opportunities. The plain language of the NVRA's findings are clear that "it is the duty of the *Federal*, State, and local governments to promote the exercise of that right" to vote.<sup>12</sup> Therefore, any actions by the federal government to help with nonpartisan voter registration opportunities are conducted pursuant to a valid, constitutional act of Congress. While much of voting and voter registration is left up to the states, the Constitution is clear in the Elections Clause that Congress has the authority to regulate the "Time, Place and Manner" of federal elections.<sup>13</sup> Congress is empowered to impose federal regulation of voter registration and voting in federal elections on top of state voter registration systems. In a majority opinion written by Justice Scalia in 2013, the Supreme Court confirmed that the NVRA is constitutional under the Election Clause of the Constitution.<sup>14</sup> The federal government offering nonpartisan voter registration assistance is permissible under this clear and valid act of Congress.

To conclude, Executive Order 14019 on Promoting Access to Voting offers an unprecedented opportunity for the federal government to fulfill its duty to expand access to nonpartisan voter registration opportunities to millions of eligible voters, especially in communities that face significant barriers to registering to vote. Every state should work with the SBA and other federal agencies to provide impactful nonpartisan voter registration opportunities in the ordinary course of business to help close voter registration gaps, increase access to the ballot, and ultimately bring us closer to a stronger democracy. Moreover, we urge Congress to support agency efforts to implement this EO, and prioritize the passage of foundational voting rights legislation like the John Lewis Voting Rights Advancement Act to restore and strengthen the landmark Voting Rights Act of 1965.

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09/Why%20and%20How%20to%20do%20Voter%20Registration%20at%20Federal%20Agencies%5B42%5D.pdf.

<sup>9</sup> See *supra* n.7, U.S. Census, Voter Registration, Voting and Registration in the Election of November 2020, November 2020.

<sup>10</sup> NPR, *Poll: Despite Record Turnout, 80 Million Americans Didn't Vote. Here's Why*, available at <https://www.npr.org/2020/12/15/945031391/poll-despite-record-turnout-80-million-americans-didnt-vote-heres-why>.

<sup>11</sup> *Arizona v. Inter-Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013).

<sup>12</sup> 52 U.S.C. § 20501(a)(2) (emphasis added).

<sup>13</sup> Art. I, §4, cl. 1.

<sup>14</sup> See *supra* n.11.



Statement  
for the record  
C. E. "Tee" Rowe  
June 4, 2024

Committee on Small Business  
US House of Representatives

"Weaponizing Federal Resources:  
Exposing the SBA's Voter Registration Efforts"

Chairman Williams, Ranking Member Velazquez, Members of the Committee, thank you for allowing me to submit this statement regarding the US Small Business Administration's Voter Registration MOU (3/19/24) with the Michigan Secretary of State's office.

I am the President and CEO of America's SBDC, the Association that represents the nationwide small business development center (SBDC) system of 63 networks with over 900 locations and over 2,500 dedicated professional counselors, advisors, specialists and support staff.

For over 43 years SBDCs have been providing services to small business owners and aspiring entrepreneurs. Over the years our member networks have developed a wide variety of services for small businesses, services that are tailored to meet the needs of businesses throughout the nation. However, one thing we don't do is offer voter registration assistance.

When the SBA signed the MOU with the Michigan Secretary of State, the Michigan SBDC network had no part of it, nor will it. While SBDCs hold events all the time, (since June 1, 2023 the Michigan SBDC has hosted 66 in-person and 119 on-line events) these events don't offer voter registration. These are events such as "Starting a Business", "Introduction to AI" or "Writing a Business Plan".

Over the years SBDCs have hosted and attended events with SBA Administrators and other officials from every Administration, from Nixon to Biden. They do that because SBA is their partner, just as universities, banks, and economic development groups are our partners. SBDCs do not attend or support political events.

SBDCs want to focus on what we do best, helping small businesses get started, access capital, grow, create jobs, and remain resilient in the face of economic challenges and disasters. The things SBDCs do best.

Thank you.



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Statement of Asian and Pacific Islander American Vote (APIAVote)  
 Hearing on "Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts"  
 U.S. House of Representatives Committee on Small Business  
 June 4, 2024

Asian and Pacific Islander American Vote (APIAVote) is the nation's leading nonpartisan Asian American and Pacific Islander (AAPI) voter engagement organization, committed to educating and empowering our communities, strengthening our voices, and creating change through civic participation. Since 2007, APIAVote has supported AAPI led grassroots organizations to strengthen our American institutions by, 1) building their capacity to integrate nonpartisan civic engagement principles into their core programming while building a pipeline of community leaders, and 2) being the leading national advocate for the AAPI electorate by investing in translated, inclusive voter education material, and being the primary source for insight into AAPI communities.

APIAVote's focus on nonpartisan civic engagement centers around a belief in building a political voice through trust and meeting people where they are to address the issues important to them in their daily lives. To accomplish this work APIAVote partners with AAPI led grassroots community organizations that have the willingness to take on our call to incorporate civic engagement principles into their core programming. Once APIAVote's partners have established their community base building processes, APIAVote connects them to the other national and issue based organizations that allow them to effectively mobilize their communities around the issues and policies that energize and motivate their community to vote.

According to PEW, Asian Americans have been the fastest-growing group of eligible voters in the U.S. for the past 20 years. Asian Americans have grown in numbers by some 2 million eligible voters since that last presidential election. In the past two decades, Asian Americans have become one of the fastest growing racial or ethnic groups in the United States. Between 2000 and 2019, the Asian population in the United States grew by 81%, and the population is projected to pass 35 million by 2060. Native Hawaiians and Pacific Islanders were the third-fastest growing group, growing by 61% from 2000 to 2019. Their population is projected to pass 2 million by 2030.

The 2020 presidential election saw historic voter turnout by the AAPI electorate. AAPI voters had the highest growth of any racial group from 2016 to 2020 at nearly 46%. This milestone happened despite a rise of anti-Asian hate and violence, and a global pandemic that shut down the US economy. This increase was a result of decades of population growth and community organizing to encourage AAPIs to register and vote at the same levels as other communities.

As an organization dedicated to civic engagement APIAVote knows that the first critical step in getting AAPI's to vote is making sure that eligible members of the community are registered to vote. APIAVote appreciated President Biden's issuance of Executive Order 14019 (EO) of March 7, 2021 encouraging federal entities to promote access to voting. Given the countless interactions that the public has with federal government offices, the EO has the potential to realize the promise of the National Voter Registration Act by significantly increasing the number



of registered voters, including AAPI voters, in this country. According to the census, Asian Americans have among the lowest percentage of eligible voters in their racial category at 64% therefore making voter registration more accessible will help the AAPI community become invested and engaged with their civic duties.

The EO states that: "Executive departments and agencies ... should partner with State, local, Tribal, and territorial election officials to protect and promote the exercise of the right to vote, eliminate discrimination and other barriers to voting, and expand access to voter registration and accurate election information." A key component of EO directs federal agencies to "consider ways to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process." Furthermore, the EO gives federal agencies leeway in determining how to comply with its directives, based on what is possible within their authority and what makes sense in terms of their interactions with the public. This year, APIAVote projects that 5.9 million AAPIs will head to the polls if AAPI turnout matches that in 2020. The first step in meeting this turnout goal is getting our community registered to vote and the federal government can be an important partner in that effort.

**STATEMENT FOR THE RECORD  
BEFORE THE HOUSE COMMITTEE ON SMALL BUSINESS**

**HEARING ON  
WEAPONIZING FEDERAL RESOURCES: EXPOSING THE SBA'S VOTER  
REGISTRATION EFFORTS**

**JUNE 4, 2024**

**DONALD K. SHERMAN  
EXECUTIVE DIRECTOR AND CHIEF COUNSEL  
CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON (CREW)<sup>1</sup>**

Chairman Williams, Ranking Member Velázquez, and members of the Committee, thank you for the opportunity to provide this statement regarding the Small Business Administration's voter registration efforts pursuant to Executive Order 14019 on Promoting Access to Voting.<sup>2</sup>

Citizens for Responsibility and Ethics in Washington ("CREW") is a non-partisan, non-profit organization committed to ensuring the integrity of our government institutions and promoting ethical governance. A core part of CREW's work has been enforcing the federal Hatch Act, a law that prohibits the abuse of government resources for partisan political gain by government employees. In recent years, CREW has filed numerous Hatch Act complaints against executive branch officials including in the Trump administration as well as the Biden administration.<sup>3</sup>

**Executive Order 14019**

On March 7, 2021, President Biden signed Executive Order 14019, citing the significant obstacles that many Americans, including people of color and people with disabilities have faced and continue to confront in accessing voter registration,

<sup>1</sup> CREW staffers Virginia Canter, Jordan Pilant, and Esther Eriksson von Allmen contributed to the drafting of this statement.

<sup>2</sup> Exec. Order No. 14019, 86 Fed. Reg. 13623 (Mar. 7, 2021), available at <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

<sup>3</sup> See e.g., Citizens for Responsibility & Ethics in Washington, *CREW files Hatch Act complaint against Sonny Perdue* (Aug. 26, 2020), <https://www.citizensforethics.org/news/press-releases/crew-files-hatch-act-complaint-against-sonny-perdue/>; see also Citizens for Responsibility & Ethics in Washington, *CREW files Hatch Act complaint against Psaki* (Oct. 15, 2021), <https://www.citizensforethics.org/legal-action/legal-complaints/crew-files-hatch-act-complaint-against-psaki/>.

election administration information, and polling places.<sup>4</sup> The executive order aims to ensure that the federal government promotes and defends “the right to vote for all Americans who are legally entitled to participate in elections” and supports “Federal employees who wish to volunteer to serve as non-partisan poll workers or non-partisan observers, particularly during early or extended voting periods.”<sup>5</sup> The Executive Order also directed executive departments and agencies to “partner with State, local, Tribal, and territorial election officials to protect and promote the exercise of the right to vote, eliminate discrimination and other barriers to voting, and expand access to voter registration and accurate election information.”<sup>6</sup>

Nothing in the text of Executive Order 14019 authorizes the promotion of voter registration efforts for one party or another or violates the Hatch Act’s prohibition on the use of federal resources for partisan politics. In fact, the executive order explicitly admonishes agency heads to “evaluate ways in which the agency can, **as appropriate and consistent with applicable law**, promote voter registration and voter participation” and to consider “soliciting and facilitating approved, nonpartisan third-party organizations and State officials to provide voter registration services on agency premises.”<sup>7</sup> Nothing in the executive order directs or authorizes “weaponizing federal resources” or preferencing any party or state for voter registration efforts.

The Office of Special Counsel (OSC), which oversees implementation and enforcement of the Hatch Act, has routinely provided guidance that federal employees may participate in non-partisan voter registration drives while on duty. For example, a 2004 advisory opinion states:

Therefore, provided that the voter registration drive remains nonpartisan, for example, registrants are not solicited on the basis of political party or candidate preference and there is no advocacy or display of support for a particular party or candidate during the drive, we do not believe that the Hatch Act would prohibit XXX employees, while on duty or in the federal workplace, from participating in a voter registration drive conducted by [XXX].<sup>8</sup>

<sup>4</sup> Exec. Order No. 14019, *supra* note 1.

<sup>5</sup> *Id.* at 13623, 13625.

<sup>6</sup> *Id.* at 13623.

<sup>7</sup> *Id.* at 13623, 13624 (emphasis added).

<sup>8</sup> See e.g., Nonpartisan Voter Registration Drives in the Workplace, Advisory Op. O.L.C., 2 (2004), available at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Nonpartisan%20Voter%20Registration%20Drives%20in%20the%20Workplace.pdf>.

In May of 2022, OSC issued guidance specifically related to the implementation of Executive Order 14019. In response to Office of Personnel Management guidance pursuant to the executive order about federal employees serving as poll workers, OSC explained that “The Hatch Act does not prohibit any federal employee from authorizing the use of, or using, administrative leave to serve as nonpartisan poll workers or participate in nonpartisan poll observer activities ... Thus, it is important for federal employees to understand the difference between nonpartisan poll activities and partisan poll activities.”<sup>9</sup> This notice makes clear that OSC has and will continue to provide guidance as needed to ensure implementation of Executive Order 14019 in compliance with the Hatch Act.

### **Democracy and the Business Community**

Protecting the right to vote and free and fair elections are the foundation of a functional democracy. While those freedoms have come under significant threat in recent years, culminating in the Capitol insurrection on January 6, 2021, every branch of our government must work to ensure that all voters can vote and have their vote counted. There is ample research and polling that make clear that a vibrant democracy is essential to promoting American business. In May 2022, a research study conducted by the Business & Democracy Initiative “found that 96% of business leaders believe the existence of a well-functioning democracy is important to a strong economy.”<sup>10</sup> Likewise, a report based on research from Freedom House and the World Bank found that “[s]table, transparent governments built on respect for human rights and the rule of law tend to foster environments that are conducive to the establishment and unfettered operation of private enterprises.”<sup>11</sup> According to an April 2024 report by the Brookings Institution, “Democracy is a strong driver of a healthy economy. Economists have found that democratization causes an increase

<sup>9</sup> Office of Special Counsel, *The Hatch Act and the Use of Administrative Leave to Participate in Nonpartisan Poll Activities* (May 18, 2022), <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Use%20of%20Administrative%20Leave%20to%20Participate%20in%20Nonpartisan%20Poll%20Activities.pdf>.

<sup>10</sup> Rhett Buttle, *American Public Continues to Believe in the Power of Small Business and Entrepreneurship*, *Forbes* (July 13, 2022), <https://www.forbes.com/sites/rhettbuttle/2022/07/13/american-public-continues-to-believe-in-the-power-of-small-business-and-entrepreneurship/?sh=1c12b61e10ec>.

<sup>11</sup> Sarah Repucci, *Democracy is Good for Business*, *Freedom House* (Aug. 3, 2015), <https://freedomhouse.org/article/democracy-good-business>.



in GDP per capita of between 20% and 25%. Conversely, there is also indisputable evidence of the economic costs of democratic decline.”<sup>12</sup>

#### **SBA's Memorandum of Understanding with the Michigan Department of State**

On March 20, 2024, the Michigan Department of State (MDOS) and the Small Business Administration (SBA) announced entering into a memorandum of understanding (MOU) whereby MDOS “will create a unique URL for the SBA to use to drive online visitors to register to vote.”<sup>13</sup> In addition, “SBA’s Michigan field office may also allow MDOS officials to conduct in-person voter registration at the SBA’s small business outreach events.”<sup>14</sup> The MOU explicitly states that “Nothing in this MOU is intended to conflict with current law(s), regulation(s), or the directives of SBA.”<sup>15</sup> The SBA website includes clear guidance to employees from the SBA Office of Inspector General on “Hatch Act Permitted and Prohibited Activities” noting that they “[m]ay assist in non-partisan voter registration drives” and “[m]ay not assist in partisan voter registration drives” or “be active in partisan political campaigns.”<sup>16</sup> While the MOU between SBA and MDOS is a “first-of-its-kind collaboration for the SBA,” there is no evidence that the MOU limits participation or access in any way to members of one political party or another.<sup>17</sup> Nor is there any indication that other states cannot or will not enter into similar agreements with SBA to promote civic participation.

#### **Ensuring Legal Compliance in Implementation of Executive Order 14019**

Despite the explicit text of Executive Order 14019 admonishing agency heads to comply with applicable law and consider non-partisan consultation, and the SBA

<sup>12</sup> Vanessa Williamson, *Democracy is Good for the Economy. Can Business Defend It?*, Brookings (Apr. 29, 2024), <https://www.brookings.edu/articles/democracy-is-good-for-the-economy-can-business-defend-it/>.

<sup>13</sup> Michigan Department of State, *Michigan Department of State, U.S. Small Business Administration Announce Voter Registration Agreement* (Mar. 19, 2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>.

<sup>14</sup> *Id.*

<sup>15</sup> *Memorandum of Understanding between the Michigan Department of State and the U.S. Small Business Administration for Online Voter Registration*, 3 (Mar. 18, 2024), <https://static.foxnews.com/foxnews.com/content/uploads/2024/05/REDACTED-02-URL-MOU-MDOS-and-SBA-Final-Version.pdf>.

<sup>16</sup> Office of Special Counsel, *The Hatch Act Permitted and Prohibited Activities for Federal Employees Subject to Further Restrictions* (Feb. 2018), <https://osc.gov/Documents/Outreach%20and%20Training/Posters/The%20Hatch%20Act%20and%20Further%20Restricted%20Employees%20Poster.pdf>.

<sup>17</sup> Small Business Administration, *SBA Administrator Guzman Announces Agency's First-Ever Voter Registration Agreement with Michigan Department of State* (Mar. 19, 2024), <https://www.sba.gov/article/2024/03/19/sba-administrator-guzman-announces-agencys-first-ever-voter-registration-agreement-michigan>.

MOU's compliance language, if there are violations of the Hatch Act that occur in the course of federal agencies' implementation of Executive Order 14019, the Office of Special Counsel is well-equipped to respond with vigorous enforcement.

OSC has policed this kind of conduct for decades and identified robust factors in determining whether a voter registration drive is partisan.<sup>18</sup> Some of the factors relevant to this inquiry include:

- 1) the political activities of the sponsoring organization; 2) the degree to which that organization has become identified with the success or failure of a partisan political candidate, issue or party (e.g., whether it has endorsed a candidate); 3) the nexus, if any, between the decision to undertake a voter registration drive and the other political objectives of the sponsor; 4) whether particular groups are targeted for registration on the basis of their perceived political preference; and 5) the nature of publicity circulated to targets of the drive immediately prior to or during the drive.<sup>19</sup>

Last month, Special Counsel Hampton Dellinger announced policy changes that will strengthen enforcement of the Hatch Act against political appointees, including in the White House.<sup>20</sup> In response to longstanding compliance challenges, OSC will now bring appropriate cases for disciplinary action against White House commissioned officers or other White House staffers who violate the Hatch Act to the Merit Systems Protection Board (MSPB) rather than refer such misconduct to the President.<sup>21</sup> OSC will also refer to the MSPB Hatch Act cases warranting disciplinary action against "individuals who engaged in misconduct while a federal employee but who subsequently left government service before OSC investigated and filed an enforcement action."<sup>22</sup> Although there is no evidence that OSC has found a White House or SBA official to have violated the Hatch Act in the course of implementing Executive Order 14019, these changes serve as an additional check on potential violations.

<sup>18</sup> See e.g., Office of Special Counsel, *Federal Hatch Act Advisory: Voter Registration Drives in the Workplace* (Apr. 14, 2004), <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Voter%20Registration%20Drives%20in%20the%20Workplace.pdf>.

<sup>19</sup> *Id.* at 2.

<sup>20</sup> Office of Special Counsel, *Special Counsel Dellinger Announces Updates to OSC's Hatch Act Enforcement* (May 20, 2024), <https://osc.gov/News/Pages/24-18-Advisory-Updated-Hatch-Act-Enforcement.aspx>.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

**Conclusion**

Study after study has confirmed that a thriving democracy is critical to promoting economic prosperity and American business. Executive Order 14019's mandate to ensure that all eligible voters can register to vote and have access to the polls is a positive step towards that goal. While the executive order and SBA's MOU take pains to ensure that federal employees comply with the law, including the Hatch Act's prohibition on the use of federal resources for partisan politics, as they implement the order, there are also robust, independent safeguards to investigate potential violations if they occur.

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Small-Business Owners Highly Engaged in 2020 Election

GALLUP®

FEBRUARY 10, 2020

# Small-Business Owners Highly Engaged in 2020 Election

BY **MEGAN BRENNAN**

## STORY HIGHLIGHTS

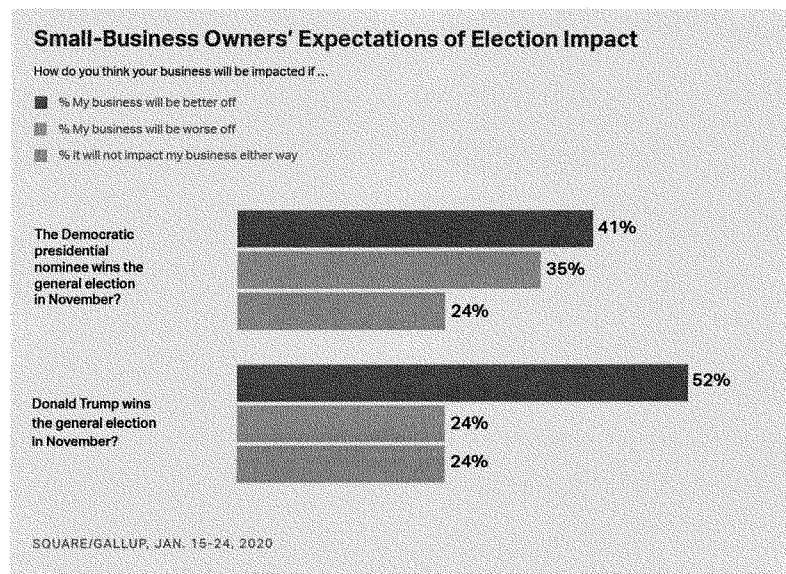
- 90% of small-business owners are paying attention to the 2020 campaign
- 69% say their business benefited from the 2017 tax law

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Small-Business Owners Highly Engaged in 2020 Election

- Bloomberg is only Democrat to edge out Trump among small-business owners

WASHINGTON, D.C. -- Small-business owners are highly engaged in the 2020 presidential election campaign, as 60% say they are paying "a lot" and 30% "some" attention to it. With near unanimity, they say they are likely to vote in the general election. Sixty percent approve of the job that Donald Trump is doing as president, and 52% think their business would be better off if he is reelected. They are somewhat less likely to say they would be better off if the Democratic nominee wins the election (41%).



These findings are from a Jan. 15-24 nationwide [Square/Gallup online survey](#) of small-business owners with annual revenues between \$50,000 and \$25 million.

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Most small-business owners rate the financial condition of their business positively -- 56% say it is "excellent" and 38% "good" -- and 69% report that their business benefited from the 2017 tax reform law. More than seven in 10 say they reinvested over one-quarter of the savings that resulted from the tax law in their business.

Yet, other policies have had a less positive effect. Seventy percent of small-business owners say the cost of healthcare has had "a lot of" or "some" impact on their ability to hire and retain employees, and half say the same of changes to U.S. immigration policies since 2017.

## In Election Year, Top Public Policy Concern Is Taxes

Among a list of six public policy issues, taxes receive the most mentions: 32% of small-business owners say taxes are the greatest impediments to their business operations in this election year. Government regulations (21%), healthcare (20%) and U.S. trade tariffs (15%) are second-tier obstacles, and climate change (7%) and immigration (5%) are at the bottom of the list.

### Taxes Top List of Small-Business Owners' Public Policy Obstacles

Which of the following issues presents the greatest challenge to your business operations?

	Small-business owners
	%
Taxes	32
Government regulations	21
Healthcare	20
U.S. trade tariffs	15
Climate change	7
Immigration	5

SQUARE/GALLUP, JAN. 15-24, 2020

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Small-Business Owners Highly Engaged in 2020 Election

Asked which party would do a better job of handling these six issues, small-business owners are more likely to favor the Republican Party for taxes, immigration and tariffs, and the Democratic Party for healthcare and climate change. Owners are closely divided between the two parties on government regulations.

#### Small-Business Owners' Views of Party Better Able to Handle Top Issues

Regardless of how you usually vote, which party do you think would do a better job of dealing with each of the following issues as they pertain to your business?

	Republican Party	Democratic Party
	%	%
Taxes	60	40
Immigration	55	45
U.S. trade tariffs	52	48
Government regulations	51	49
Healthcare	48	52
Climate change	44	56

SQUARE/GALLUP, JAN. 15-24, 2020

## Election 2020 Match-Ups Show Strength for Bloomberg

Among those who say they plan to vote in a Democratic primary or caucus, 22% of small-business owners say they will support Joe Biden, while 17% say Michael Bloomberg, 14% Bernie Sanders and 13% Elizabeth Warren. Thirteen percent are undecided, and fewer than 10% plan to support Andrew Yang, Pete Buttigieg or Amy Klobuchar.

#### Small-Business Owners' Preferences for Democratic Nomination

Which of these candidates are you most likely to support for the Democratic nomination for president in 2020?

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Small-Business Owners Highly Engaged in 2020 Election

**Small-business owners**

	%
Joe Biden	22
Michael Bloomberg	17
Bernie Sanders	14
Elizabeth Warren	13
Andrew Yang	8
Pete Buttigieg	7
Amy Klobuchar	6
Undecided	13

Asked of those who said they plan to vote in a Democratic primary or caucus

SQUARE/GALLUP JAN. 15-24, 2020

Though trailing Biden overall, Bloomberg does especially well among independent and Republican small-business owners who plan to vote in a Democratic nominating contest in their state.

Turning to November, even though they are more likely to identify as Republicans (40%) than Democrats (33%) or independents (26%), small-business owners are closely divided as to whom they say they would support in the general election.

In seven hypothetical head-to-head matchups, no more than four percentage points separate Trump from each potential Democratic nominee. Bloomberg is the only Democratic candidate who edges out Trump.

**Small-Business Owners' General-Election Preferences**

If the November 2020 general election for president was held today, please tell me which candidate you would vote for in each of the following potential matchups.



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Small-Business Owners Highly Engaged in 2020 Election

Small-business owners	
	%
Donald Trump	48
Michael Bloomberg	52
Donald Trump	50
Joe Biden	50
Donald Trump	51
Pete Buttigieg	49
Donald Trump	51
Amy Klobuchar	49
Donald Trump	51
Andrew Yang	49
Donald Trump	52
Bernie Sanders	48
Donald Trump	52
Elizabeth Warren	48

SQUARE/GALLUP, JAN. 15-24, 2020

## Bottom Line

There are more than 30 million small businesses in the U.S., and this constituency is an important one for any presidential candidate to win over. Most small-business owners indicate they have benefited from Trump's 2017 tax law and report that their businesses are in good financial condition today, which would seem to be a positive sign for Trump.

They are paying a lot of attention to the 2020 presidential election, and most plan to vote. But while their approval of the president is high, smaller percentages support him in general-election matchups with seven potential Democratic nominees. The Democratic presidential candidate with the most crossover appeal to Republican and independent small-business owners is Bloomberg, who, like Trump, has a business background. Bloomberg also gives Trump the toughest test in the head-to-head matchups.

[View complete question responses and trends \(PDF download\).](#)

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Small-Business Owners Highly Engaged in 2020 Election

SURVEY METHODS

Results for this poll are based on online surveys conducted by Gallup on Jan. 15-24, 2020, with a sample of 1,234 small-business owners, aged 18 and older, living in all 50 U.S. states and the District of Columbia. Respondents were interviewed via web in partnership with Dynata. All respondents own a small business with annual revenue between \$50,000 and \$25 million. The national sample was weighted by revenue to ensure the sample was reflective of respondents across the revenue range.

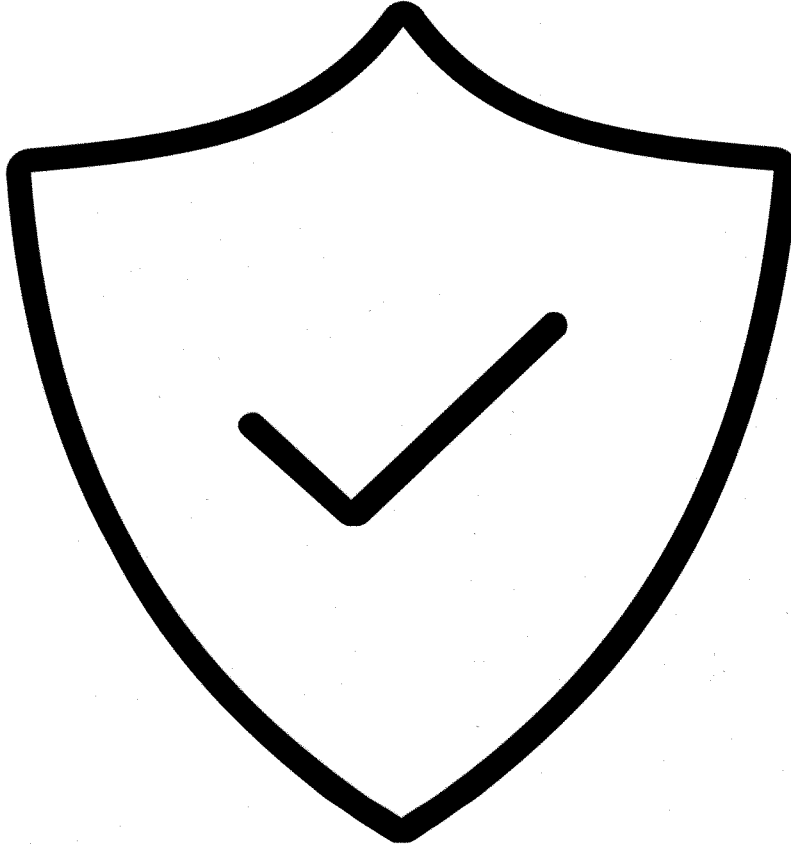
RELEASE DATE: February 10, 2020

SOURCE: Gallup <https://news.gallup.com/poll/284396/small-business-owners-highly-engaged-2020-election.aspx>CONTACT: Gallup World Headquarters, 901 F Street, Washington, D.C., 20001, U.S.A  
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Small-Business Owners Highly Engaged in 2020 Election



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Statement for the League of Women Voters  
 US House Committee on Small Business  
 “Weaponizing Federal Resources: Exposing the SBA’s Voter Registration Efforts”  
 June 4, 2024

On behalf of our 1+ million members and supporters, the League of Women Voters (the League) submits this testimony on the merits of nonpartisan voter registration. As a grassroots organization that registers voters in all 50 states and the District of Columbia, the League is an expert on voter registration opportunities. Volunteer voter assistance has been at the heart of the League’s mission for over one hundred years, and our Leagues are experts at supporting voter registration efforts that engage the whole community, regardless of participants’ political affiliation. The League works at the local, state, and national levels of government to increase opportunities to register and vote for all eligible citizens. As the committee moves forward with its deliberations, we urge you to consider the importance of nonpartisan voter registration as a vital community activity nationwide.

The League was founded in 1920 by activists working on the front lines of voter education to assist newly enfranchised women in casting their ballots following the ratification of the 19th Amendment. For over a century since, the League has remained committed to our mission to empower voters and defend democracy. The League focuses on advocacy, education, litigation, and organizing with our grassroots network of more than a million members and supporters across over 750 Leagues in all fifty states and the District of Columbia. The League is nonpartisan — neither supporting nor opposing candidates or political parties at any level of government — and is committed to protecting the freedom to vote.

Our work is done through our sister branches, the League of Women Voters of the United States (LWVUS) and the League of Women Voters Education Fund (LWVEF). LWVUS encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. LWVEF works to register voters and provide them with election information through our election resource VOTE411.org, as well as candidate forums and debates, registration drives, and other civic opportunities.

The League has historically focused on implementing policies that break down barriers to voting. This is best exemplified by the League’s contribution to the passage of the *National Voter Registration Act* (NVRA)<sup>1</sup> in 1993. In the 1980s and 90s, the League led a campaign to pass and implement the landmark NVRA. In doing so, we founded the Motor Voter coalition alongside organizations like the ACLU and NAACP National Voter Fund. Through a high-visibility,

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<sup>1</sup> Department of Justice, “About the National Voter Registration Act,” <https://www.justice.gov/crt/about-national-voter-registration-act>.



grassroots drive, the coalition pushed the NVRA toward its eventual passage in 1993. President Clinton, who signed the NVRA into law, gifted his pen to the League and deemed us “fighters for freedom” in the continued fight to empower voters.

The NVRA makes it easier for all Americans to register to vote and maintain their registration. In addition to ensuring that states provide voter registration opportunities, the legislation mandates that Americans be allowed to register to vote when they apply for a new driver's license or renew their license. It also requires states to offer voter registration at offices that provide public assistance and state-funded programs serving persons with disabilities. Finally, it guarantees that eligible citizens can register to vote by mail through a state voter registration form or a national form maintained by the Election Assistance Commission. It then ensures that voters are informed if their applications are accepted or rejected.

Census data following the 2022 election reported that 29.8% of voters registered to vote at the Department of Motor Vehicles, which was also the most common answer.<sup>2</sup> This is proof that the NVRA's purpose is still being fulfilled.

Communities across the nation rely on nonpartisan organizations like the League to navigate the voting process. That is why the League supports millions of voters with registration and developing a voting plan each election cycle. As a nonpartisan organization, we register voters of all party affiliations, and we have a key focus on those who are new voters or have not been part of the process; this includes communities of color, young people, returning citizens, and new citizens. League affiliates host voter registration drives in high schools, especially Title I and vocational-technical schools, and community colleges. Our affiliates also work to serve returning citizens and aid them in the paperwork necessary to restore their votes.<sup>3</sup>

The League fights to expand voter registration by promoting opportunities at the state and federal levels to expand citizens' access to voter registration and election the information needed to participate in the electoral process. Through our work with coalition partners, the League has advocated for the expansion of voter registration and promoted voting rights at agencies like the Department of Health and Human Services, US Customs and Immigration Services, the Board of Prisons, the Department of Education, and the General Services Administration. Expanding opportunities for eligible citizens to register and cast their ballots ensures that some of the most underrepresented communities within the voting community receive the opportunity and information needed to cast a ballot.

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<sup>2</sup> Census Bureau, “2022 Voting and Registration Data Now Available,” <https://www.census.gov/newsroom/press-releases/2023/2022-voting-registration.html>.

<sup>3</sup> US Vote Foundation, “Can felons vote? Can prisoners vote in jail?,” <https://www.usvotefoundation.org/voting-rights-restoration>.



Voter registration has continued to increase. Census Bureau data reports that the registration rate in the 2022 election was 69.1 percent.<sup>4</sup> While this is the highest rate of registration since 1986, it still shows us that there is much ground to cover to ensure a fully participatory electorate.

Populations within which registration has the most opportunities to increase include younger voters ages 18-29, voters of color, specifically those who identified themselves as Black, Hispanic, or Asian, voters who are self-employed, and voters whose education was at or below the high school level.<sup>5</sup> It is these populations the League and other non-partisan organizations seek to serve as we engage in voter registration and education activities in communities across the country.

Nonpartisan voter registration is vital to ensuring that the electorate is representative of the full population of the United States. By continuing to register voters from all racial, ethnic, educational, employment, ability, and age groups, organizations like the League can continue to ensure that there is full participation in our democracy.

If you have questions or would like to discuss this further, please contact Jessica Jones Capparell, Director of Government Affairs at [jjones@lwv.org](mailto:jjones@lwv.org).

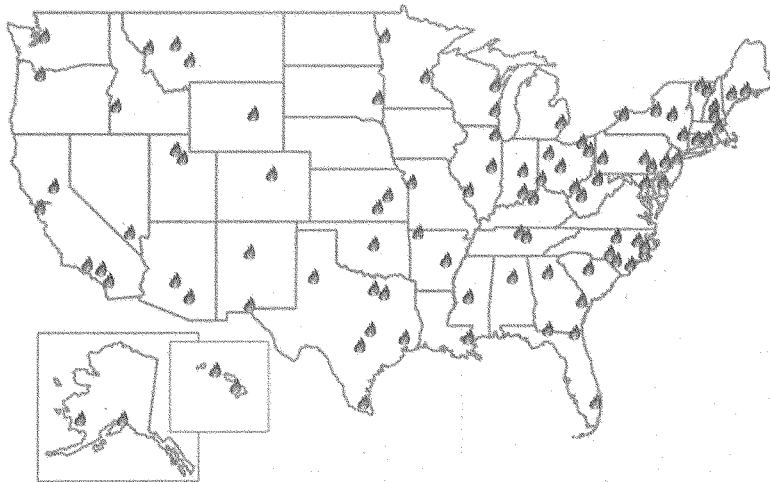
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<sup>4</sup> Census Bureau, "2022 Voting and Registration Data Now Available," <https://www.census.gov/newsroom/press-releases/2023/2022-voting-registration.html>.

<sup>5</sup> See Table 2, Fabina, Jacob and Michael Martin, "Voting and Registration in the Election of November 2022," Current Population Survey Reports, P20-586, U.S. Census Bureau, Washington, DC, 2024, <https://www2.census.gov/library/publications/2024/demo/p20-586.pdf>.

**SBA ADMINISTRATOR  
LINDA MCMAHON'S  
2017-18 IGNITE TOUR**

*FEATURING 21 DCCC TARGET DISTRICTS*





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Written Testimony of

NAACP Legal Defense and Educational Fund, Inc.

Submitted to the

United States House of Representatives Committee on Small Business

In connection with its June 4, 2024 hearing entitled

**“Weaponizing Federal Resources: Exposing the SBA’s Voter  
Registration Efforts”**

## I. INTRODUCTION

The NAACP Legal Defense & Educational Fund, Inc., (“LDF”) appreciates the opportunity to submit this testimony in connection with the June 4, 2024 hearing of the United States House of Representatives Committee on Small Businesses entitled “Weaponizing Federal Resources: Exposing the SBA’s Voter Registration Efforts.”

At the outset, LDF respectfully notes the title of the hearing is based on a false premise, as it inaccurately suggests that assistance by the Small Business Administration (SBA) with voter registration is improper. Millions of eligible persons in the U.S. are not registered to vote, often because of unnecessary barriers to voter registration, which undermines the goal of a representative democracy in which all voices are heard.<sup>1</sup> Federal agencies and offices have played a role in promoting voter registration since 1955, and when Congress passed the National Voter Registration Act of 1993 (“NVRA”),<sup>2</sup> it specifically found that “it is the duty of the Federal, State, and local governments” to promote the exercise of the right to vote by assisting with voter registration.<sup>3</sup> Small business owners, like other eligible persons, should be encouraged to register to vote by having convenient access to voter registration. LDF applauds the efforts of Michigan and the Small Business Administration to assist in such efforts. More broadly, LDF strongly supports agency-based voter registration as a proven, effective, and nonpartisan tool to increase the numbers of eligible people who register to vote.

## II. LDF AND OUR WORK

Founded in 1940 under the leadership of Thurgood Marshall, the first Black U.S. Supreme Court justice, LDF is America’s premier legal organization fighting for racial justice.<sup>4</sup> Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF was launched at a time when the nation’s aspirations for equality and due process of law were stifled by widespread state-sponsored racial inequality and federal indifference. For over eighty years, LDF has had a transformative mission: to achieve racial justice, equality, and an inclusive society, using the power of law, narrative, research, and people to defend and advance the full dignity and citizenship of Black people in America.

Since its founding, LDF has been a leader in the fight to secure, protect, and advance the voting rights of Black voters and other communities of color. LDF’s founder Thurgood Marshall—who litigated LDF’s watershed victory in *Brown v. Board of*

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<sup>1</sup> See *infra* at Figure 1.

<sup>2</sup> 52 U.S.C. §§ 20501–20511, 39 U.S.C. § 3629.

<sup>3</sup> 52 U.S.C. § 20501(a)(2).

<sup>4</sup> LDF has been an entirely separate organization from the NAACP since 1957.

*Education*,<sup>5</sup> which set in motion the end of legal segregation in this country and transformed the direction of American democracy in the 20th century—referred to *Smith v. Allwright*,<sup>6</sup> the 1944 case ending whites-only primary elections, as his most consequential case. Justice Marshall believed that the right to vote, and the opportunity to access political power, was critical to fulfilling the guarantee of full citizenship promised to Black people in the Reconstruction Amendments to the U.S. Constitution. LDF has prioritized its work protecting the right of Black citizens to vote for more than 80 years: representing Dr. Martin Luther King Jr. and the marchers in Selma, Alabama in 1965; advancing the passage of the Voting Rights Act (VRA), litigating seminal cases interpreting the Act's scope; and working in communities across the South to strengthen and protect the ability of Black citizens to participate in a political process free from discrimination. In recent years, LDF attorneys have argued key voting cases in the Supreme Court<sup>7</sup> and successfully challenged discriminatory voting laws in numerous states and localities.<sup>8</sup>

LDF also worked in coalition with a broad array of civil rights and racial justice groups to support the 1993 enactment of the NVRA, and in more recent years has worked to encourage full implementation of the NVRA, including through our support for implementing President Biden's 2021 Executive Order on Promoting Access to Voting ("EO on Voting").<sup>9</sup>

### III. THE IMPORTANCE OF ACCESS TO VOTER REGISTRATION

The right to vote is foundational to our system of government and essential to all other rights of citizenship. In 49 of the 50 states, eligible persons must register to vote before they can exercise that foundational right.<sup>10</sup> Accordingly, the ease or difficulty of registering to vote, and remaining registered, has an important effect on whether individuals can participate in elections. Even in the relatively high-turnout election of 2020, nearly one-third of eligible persons did not participate.<sup>11</sup> Over 63

<sup>5</sup> 347 U.S. 483 (1954), *supplemented*, 349 U.S. 294.

<sup>6</sup> 321 U.S. 649 (1944).

<sup>7</sup> *Alexander v. South Carolina Branch of NAACP*, 602 U.S. \_\_\_, 144 S.Ct. 1221, 2024 WL 2335243 (2024); *Allen v. Milligan*, 599 U.S. 1 (2023), 143 S.Ct. 1487 (2023); *Shelby Cnty. v. Holder*, 570 U.S. 529 (2013); *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193 (2009).

<sup>8</sup> See, e.g., *Nairne v. Ardoin*, 2024 WL 492688 (M.D. La. 2024); *Harding v. Edwards*, 487 F. Supp. 3d 498 (M.D. La. 2020); *Thomas v. Andino*, 613 F. Supp. 3d 926 (D.S.C. 2020); *Jones v. Jefferson Cnty. Bd. of Educ.*, No. 2:19-cv-1821-MHH, 2019 WL 7500528 (N.D. Ala. Dec. 16, 2019); *Veasey v. Abbott*, 249 F. Supp. 3d 868 (S.D. Tex. 2017); *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs*, 118 F. Supp. 3d 1338 (N.D. Ga. 2015).

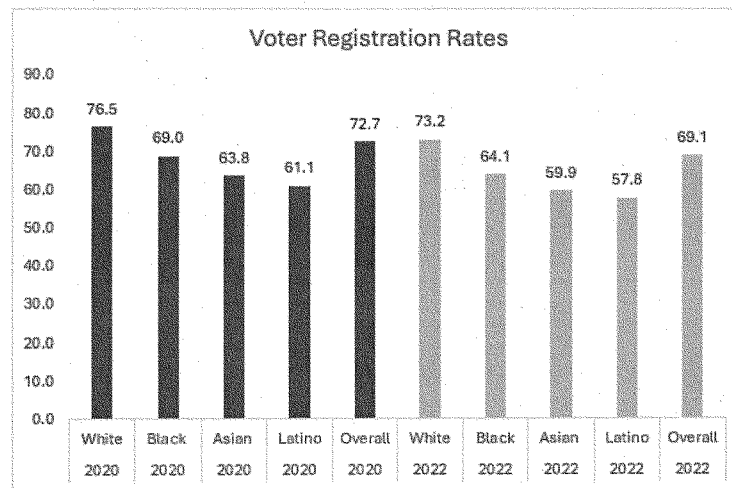
<sup>9</sup> Exec. Order No. 14019, 86 Fed. Reg. 13623 (Mar. 10, 2021), <https://www.federalregister.gov/documents/2021/03/10/2021-05087/promoting-access-to-voting>.

<sup>10</sup> U.S. Election Assistance Comm'n, *Election Administration and Voting Survey 2022 Comprehensive Report* 135 (June 29, 2023), [https://www.eac.gov/sites/default/files/2023-06/2022\\_EAVS\\_Report\\_508c.pdf](https://www.eac.gov/sites/default/files/2023-06/2022_EAVS_Report_508c.pdf).

<sup>11</sup> U.S. Census Bureau, *Voting and Registration in the Election of November 2020 Table 4b: Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States: November 2020* [*<1.0 MB*] (Apr. 2021), <https://www2.census.gov/programs-surveys/cps/tables/p20/585/table04b.xlsx>.

million eligible persons were not registered to vote.<sup>12</sup> As scholars studying American political participation have noted, “It is a cliché that ‘getting to the starting line’ is often more difficult than running the race, and this sentiment seems applicable for many American citizens when it comes to voting: The requirement to register is a costly and time-consuming obstacle to casting a ballot.”<sup>13</sup> In addition, voter registration rates among persons of color are often lower than overall voter registration rates, leaving these communities disproportionately underrepresented at the ballot box. Figure 1 shows the extent of these disparities in the two most recent federal elections:

Figure 1



Against this background, the importance of convenient and accessible voter registration is clear.

<sup>12</sup> *Id.* at 3 (showing that the United States had a citizen voting age population of 231,600,000, and registered voter population of 168,300,000, leaving 63,300,000 individuals who are included in the citizen voting age population but who are not registered to vote).

<sup>13</sup> Christopher B. Mann & Lisa A. Bryant, *If You Ask, They Will Come (to Register and Vote): Field Experiments with State Election Agencies on Encouraging Voter Registration*, 63 Electoral Stud. 1, 1 (2020), <https://doi.org/10.1016/j.electstud.2019.02.012>.

#### IV. AGENCY-BASED VOTER REGISTRATION IS A PROVEN AND EFFECTIVE MEANS OF ENSURING GREATER ACCESS TO VOTING

Congress recognized the importance of providing access to voter registration through government agencies by enacting the NVRA with bipartisan support in 1993.<sup>14</sup> Many people are familiar with the convenience of agency-based registration by having registered to vote when applying for or renewing a driver's license. This is why the NVRA is popularly known as the "Motor-Voter" law. Because millions of people interact with motor vehicle offices, providing voter registration services in these interactions is a proven way to promote access to registration. In just the 2020-2022 reporting period, the NVRA allowed over 44 million people to apply to register to vote or update their registration address through state motor vehicle offices.<sup>15</sup>

But agency-based voter registration has never been limited only to driver's license offices. Section 7 of the NVRA has also required government agencies such as federal military recruitment offices, state offices administering public assistance, and state offices serving persons with disabilities, to provide convenient access to voter registration to members of the public they serve.<sup>16</sup> In tapping these additional agencies to provide voter registration services, Congress recognized that not all Americans interact with the DMV on a regular basis, and that many other governmental agencies serve persons who could benefit from convenient access to voter registration as part of their routine interactions with an agency.<sup>17</sup>

Section 7 of the NVRA also requires states to expand their agency-based registration beyond the mandatory agencies named in the statute, and specifically names federal agencies as appropriate voter registration sites. States are directed to consider "[f]ederal and nongovernmental offices"<sup>18</sup> in designating additional sites for voter registration. The NVRA further provides that "[a]ll departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States" in carrying out agency-based registration.<sup>19</sup>

Thus, the involvement of federal agencies in providing voter registration assistance has been part of the NVRA from its beginning over 30 years ago. Indeed, federal offices were engaged in providing access to voter registration even before the NVRA. Under President Dwight D. Eisenhower, federal legislation enacted in 1955 directed offices of the Executive Branch to provide voter registration access to members of the

<sup>14</sup> National Voter Registration Act of 1993, Pub. L. 103-31 (1993), <https://www.congress.gov/103/statute/STATUTE-107/STATUTE-107-Pg77.pdf>.

<sup>15</sup> U.S. Election Assistance Comm'n, *supra* note 10.

<sup>16</sup> 52 U.S.C. §§ 20506(a), (c).

<sup>17</sup> See H.R. Conf. Rep. 103-66 at 19 (1993).

<sup>18</sup> 52 U.S.C. § 20506(a)(3)(B)(ii).

<sup>19</sup> 52 U.S.C. § 20506(b).

military, their families, and other U.S. citizens living abroad.<sup>20</sup> A bipartisan Congress in 1985 expanded voter registration assistance to military members and other U.S. citizens living overseas by passing the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”).<sup>21</sup>

In addition, various Presidential administrations have issued a series of directives within the Veterans Health Administration (VHA) requiring VHA staff to assist inpatients at medical facilities with voter registration and voting. The first was issued in September 2008, under the Bush Administration, and the most recent was issued in October 2019, under the Trump Administration.<sup>22</sup> The responsibilities of agency personnel under the 2019 directive include “[o]btaining and maintaining all relevant materials used to assist with voter registration and voting, and collaborating with VA medical facility Social Work Chief or Executive to provide voting assistance to inpatients and residents requesting or requiring assistance with the voting process.”<sup>23</sup>

This is the background against which President Biden, on March 7, 2021, issued his Executive Order on Voting. The EO acknowledges the significant obstacles to voting still faced by many eligible citizens and directs all federal agencies to “consider ways to expand citizens’ opportunities to register to vote and to obtain information about, and participate in, the electoral process.”<sup>24</sup> Examples of actions that federal agencies have announced in response include:

- In September 2022, the Department of Veterans Affairs announced partnerships with the states of Kentucky, Michigan, and Pennsylvania to create a pilot voter registration program that provides voter registration information, materials and assistance to Veterans, eligible dependents and caregivers in select VA offices.<sup>25</sup>
- In September 2023, the Shingle Springs Band of Miwok Indians, in cooperation with the California Secretary of State, designated the Tribe’s local health

<sup>20</sup> Federal Voting Assistance Act of 1955, Pub. L. 84-296 (1955), <https://www.govinfo.gov/content/pkg/STATUTE-69/pdf/STATUTE-69-Pg584.pdf> (requiring Department of Defense to ensure that overseas military personnel and families, along with other Americans living overseas, could access voter registration and voting).

<sup>21</sup> Uniformed and Overseas Citizens Absentee Voting Act, Pub. L. 99-410 (1986), <https://www.congress.gov/99/statute/STATUTE-100/STATUTE-100-Pg924.pdf>.

<sup>22</sup> U.S. Dep’t of Veterans Aff., *VHA Directive 2008-053: Voting Assistance for VA Patients* (Sept. 8, 2008), [https://web.archive.org/web/20130313125230/http://www1.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=1756](https://web.archive.org/web/20130313125230/http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1756); U.S. Dep’t of Veterans Aff., *VHA Directive 1060: Voting Assistance for VA Inpatients and Residents* (Oct. 23, 2019), [https://www.va.gov/vhapublications/ViewPublication.asp?pub\\_ID=8555](https://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=8555).

<sup>23</sup> *Id.*

<sup>24</sup> Exec. Order No. 14019, *supra* note 9.

<sup>25</sup> U.S. Dep’t of Veterans Aff., *VA Announces State Partnerships to Provide Voter Registration Assistance to Veterans* (Sept. 20, 2022), <https://news.va.gov/press-room/va-announces-state-partnerships-to-provide-voter-registration-assistance-to-veterans/>.

center as a voter registration agency under the NVRA,<sup>26</sup> and in October 2023, the Arizona Secretary of State designated Phoenix Native Health, an Indian Health Service office, as an NVRA voter registration agency.<sup>27</sup>

- In March 2022, the Department of the Interior announced plans to work with Kansas and New Mexico to designate “Department-operated post-secondary Tribal institutions—Haskell Indian Nations University in Kansas and the Southwestern Indian Polytechnic Institute (SIPI) in New Mexico—as voter registration agencies under the [NVRA].”<sup>28</sup>
- The Department of Agriculture’s Rural Housing Service will “encourage the provision of nonpartisan voter information through its borrowers and guaranteed lenders,” and “Rural Development agencies—which are spread throughout field offices across the country where rural Americans can apply for housing, facilities, or business assistance—will take steps to promote access to voter registration forms and other pertinent nonpartisan election information” for persons they serve.<sup>29</sup>

These initial steps to involve federal agencies in providing voter registration assistance constitute progress toward the NVRA’s original goal of encouraging federal agencies to support this vital task. However, more should be done, as LDF and over 50 additional organizations serving a wide range of communities recognized in a March 2023 report assessing the Administration’s progress toward achieving the goals of the EO on Voting.<sup>30</sup> LDF strongly encourages Congress to support these and other efforts to make voter registration more accessible to eligible persons, including Michigan’s recently announced initiative to partner with SBA offices, which we discuss below.

#### **V. MICHIGAN’S DESIGNATION OF THE SBA TO ASSIST WITH VOTER REGISTRATION CLOSELY FOLLOWS CONGRESS’S DIRECTIONS SET FORTH IN THE NVRA.**

In March 2024, the Small Business Administration entered into a Memorandum of

<sup>26</sup> Native Am. Rts. Fund, *Shingle Springs Voters Gain Voter Registration Access* (Sept. 19, 2023), <https://narf.org/shingle-springs-voters-gain-registration-access/>.

<sup>27</sup> Shondiin Silversmith, *Arizona Indian Health Service Facility Becomes First to be Designated a Voter Registration Agency*, *AZ Mirror* (Oct. 20, 2023), <https://azmirror.com/briefs/arizona-indian-health-service-facility-becomes-first-to-be-designated-a-voter-registration-agency/>.

<sup>28</sup> Press Release, U.S. Dep’t of the Interior, Interior Department Takes Steps to Increase Voter Registration in Indigenous Communities (Dec. 13, 2022), <https://www.doi.gov/pressreleases/interior-department-takes-steps-increase-voter-registration-indigenous-communities>.

<sup>29</sup> The White House, *FACT SHEET: Biden Administration Promotes Voter Participation with New Agency Steps* (Sept. 28, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/28/fact-sheet-biden-administration-promotes-voter-participation-with-new-agency-steps/>.

<sup>30</sup> Leadership Conf. on Civ. & Hum. Rts., *Strengthening Democracy: A Progress Report on Federal Agency Action to Promote Access to Voting* (Mar. 2, 2023), <https://civilrights.org/resource/voting-eo-report/>.



Agreement (“MOA”) and Memorandum of Understanding (“MOU”) with the Michigan Department of State (“MDOS”) to promote civic engagement and voter registration among small business owners in Michigan.<sup>31</sup>

The chief feature of the agreement involves the use of Michigan’s online voter registration system, which Michigan first implemented in 2018 under a bipartisan bill.<sup>32</sup>

Under the agreement, the Michigan Department of State will create a unique URL for the SBA through which persons accessing SBA services can use Michigan’s online voter registration system to electronically register to vote. The SBA’s Michigan field office may also allow state election officials to conduct in-person voter registration at the SBA’s small business outreach events.

Michigan’s designation of its SBA offices to provide these online voter registration services is fully consistent with Congress’s instructions in the NVRA. The NVRA requires states to designate “a State officer or employee as the chief State election official to be responsible for the coordination of State responsibilities” under the NVRA.<sup>33</sup> In Michigan, the designated chief election official is the Secretary of State.<sup>34</sup> As noted above, Section 7 of the NVRA charges states with the responsibility of designating additional governmental offices beyond state public assistance offices and offices serving persons with disabilities as NVRA voter registration agencies, and specifically names federal offices as permissible agencies, with the agreement of such offices.<sup>35</sup> The agreement between the Michigan Department of State and the Small Business Administration closely follows these requirements, and further provides that all actions taken by the SBA under the agreement must comply with the SBA’s governing laws and regulations.<sup>36</sup>

As an agency designated to provide voter registration services in Michigan under Section 7 of the NVRA, the SBA must follow Section 7’s strict requirements ensuring

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<sup>31</sup> Michigan Dep’t of State & U.S. Small Bus. Admin., *Memorandum of Agreement Between the Michigan Department of State and U.S. Small Business Administration*, <https://docs.house.gov/meetings/SM/SM00/20240523/117369/HMTG-118-SM00-20240523-SD002.pdf>; Michigan Dep’t of State & U.S. Small Bus. Admin., *Memorandum of Understanding Between the Michigan Department of State and U.S. Small Business Administration for Online Voter Registration*, <https://docs.house.gov/meetings/SM/SM00/20240523/117369/HMTG-118-SM00-20240523-SD003.pdf>. See also Press Release, Michigan Dep’t of State, Michigan Department of State, U.S. Small Business Administration Announce Voter Registration Agreement (March 20, 2024), <https://www.michigan.gov/sos/resources/news/2024/03/20/mdos-and-us-small-business-administration-announce-voter-registration-agreement>

<sup>32</sup> Greta Bedekovics & Ashleigh Maciolek, *How Michigan Became a Blueprint for Strengthening Democracy* 6, Center for American Progress (June 15, 2023), <https://www.americanprogress.org/wp-content/uploads/sites/2/2023/06/MI-democracy-report.pdf>; see Mich. Comp. Laws Ann. § 168.509ii.

<sup>33</sup> 52 U.S.C. 20509.

<sup>34</sup> MOA Section II.

<sup>35</sup> 52 U.S.C. § 20506 (a)(3)(B)(ii).

<sup>36</sup> MOA Section III.

that voter registration is entirely nonpartisan. These requirements are explicitly set forth in Section X of the MOA (“Prohibited Agency Conduct”), and mandate that agency staff shall not:

- (A) seek to influence an applicant’s political preference;
- (B) display any such political preference or party allegiance;
- (C) make any statement to an applicant or take any action, the purpose or effect of which is to discourage the applicant from registering to vote; or
- (D) make any statement to an applicant or take any action, the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.<sup>37</sup>

These requirements add specific protections in addition to those in the Hatch Act, which prohibits partisan political activity on behalf of particular political candidates and parties and is separately binding on federal agency staff.<sup>38</sup> Indeed, federal military recruitment offices have been conducting non-partisan voter registration under the NVRA since its enactment in 1993.<sup>39</sup>

## VI. CONCLUSION

In recent years, following the Supreme Court’s evisceration of key protections against voting discrimination in its *Shelby County* decision,<sup>40</sup> voting rights for Black Americans have been increasingly undermined through voter suppression legislation enacted throughout the country. Too often, access to voter registration itself has been a barrier to participation in elections for eligible voters. Because of the NVRA, eligible voters can more easily access voter registration and fully participate in our democracy. LDF applauds all efforts to expand access to voter registration, including the efforts of the state of Michigan and the Small Business Administration to expand convenient voter registration opportunities to small businesses in Michigan, and other efforts fostered by President Biden’s Executive Order on Voting. LDF also calls on Congress to act urgently to enact robust voting rights legislation, including the John R. Lewis Voting Rights Advancement Act,<sup>41</sup> to protect the right to register and vote.

<sup>37</sup> 52 U.S.C. § 20506(a)(5); MOA Section X (“Prohibited Agency Conduct”).

<sup>38</sup> See 5 U.S.C. §§ 7323, 7324.

<sup>39</sup> See Fed. Voter Assistance Program, Military Recruiting Activities, <https://www.fvap.gov/vao/recruiter> (describing requirements for providing assistance with voter registration in military recruitment offices).

<sup>40</sup> *Shelby Cnty. v. Holder*, 570 U.S. 529 (2013).

<sup>41</sup> H.R. 4, 117th Cong. (2021), <https://www.congress.gov/bill/117th-congress/house-bill/4>.

U.S. SMALL BUSINESS ADMINISTRATION

WASHINGTON, DC 20416

June 12, 2024

The Honorable Roger Williams  
Chairman  
U.S. House Committee on Small Business  
Washington, DC 20515

The Honorable Nydia Velazquez  
Ranking Member  
U.S. House Committee on Small Business  
Washington, DC 20515

Dear Chairman Williams and Ranking Member Velazquez:

The Small Business Administration (SBA) submits this Statement for the Record in connection with the Committee's hearing on June 4, 2024 titled "Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts."

President Biden issued Executive Order (EO) 14019 to promote and defend the right to vote for all Americans who are legally entitled to participate in elections. The EO directed agencies to consider ways to expand citizens' opportunities to register to vote and to obtain information about, and participate in, the electoral process. This nonpartisan effort was designed to encourage voter registration in order to strengthen our democracy and allow every eligible voter to participate in our elections if they so choose. In the National Voter Registration Act of 1993 (NVRA), Congress found that "the right of citizens of the United States to vote is a fundamental right" and that "it is the duty of the *Federal*, State, and local governments to promote the exercise of that right" (Emphasis added). The NVRA required certain state agencies to provide nonpartisan voter registration opportunities and, importantly, expressly authorizes states to request that federal agencies accept designation to provide similar nonpartisan voter registration assistance.

SBA's intention to implement the President's Executive Order and participate in this nonpartisan voter registration initiative has been public and known to the Committee for several years. For example, during a hearing with SBA Administrator Isabella Guzman on April 24, 2022, members of the Committee asked about the EO. In the Questions for the Record for that 2022 hearing, SBA stated:

"SBA is exploring the possibility of designation as a Voter Registration Agency in Michigan. Operational details are being researched by SBA Headquarters staff in consultation with the Michigan Bureau of Elections."<sup>1</sup>

Once the operational details had been resolved with the State of Michigan, SBA issued a public press release on March 19, 2024, announcing that the agency had finalized its agreement with Michigan.<sup>2</sup> At a hearing with Administrator Guzman on March 20, 2024, several members of the

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<sup>1</sup> April 24, 2022 Full Committee Hearing: Small Business Administration's FY 2023 Budget | House Committee on Small Business

<sup>2</sup> March 19, 2024 Press Release: SBA Administrator Guzman Announces Agency's First-Ever Voter Registration Agreement with Michigan Department of State | U.S. Small Business Administration

Committee asked questions about the Agency's involvement in voter registration. The Administrator testified:

"I think we can all agree that we want small businesses to vote and be active in this democracy. And, of course, providing information on how they can do that it is a simple process on [SBA's] website."<sup>3</sup>

SBA responded in writing to Chairman Williams on May 10, May 17, and May 29, 2024, to questions regarding the Agency's role related to voter registration. To accommodate the Committee's stated informational need about the development of the Memorandum of Understanding (MOU) with Michigan, SBA also briefed Committee staff on May 3, 2024.

During the June 4, 2024 Small Business Committee hearing, some members of the Committee appeared to overstate SBA's role in voter registration efforts, despite SBA providing the specific MOU to the Committee on May 10, 2024. That MOU, the earlier briefing, and the various written responses to the Committee all describe the very limited, nonpartisan voter registration effort in which SBA intends to participate. As previously communicated to the Committee, SBA's involvement with Michigan is limited to the following:

- 1) **Website Link** – SBA plans to provide a link to the Michigan Department of State voter registration form on SBA's Michigan District Office website. That link is not currently available on the District Office website.
- 2) **Small Business Events** – SBA may invite the Michigan Department of State personnel to register voters at Small Business Resource Fairs or similar events. SBA employees will not be registering voters.

Despite Committee Members being in possession of the now public MOU, several Members in the June 4, 2024 Small Business Committee hearing continued to allege that SBA's activities are partisan in nature. Section X of the MOU signed with the State of Michigan specifically prohibits SBA staff from:

- a. Seeking to influence an applicant's political preference;
- b. Displaying any political preference or party allegiance;
- c. Taking any action or making any statement to an applicant to discourage the applicant from registering to vote; or
- d. Taking any action or making any statement the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits offered by the Agency.

The Committee's claim of partisanship or electioneering is baseless and inconsistent with the MOU and what SBA has described to the Committee on multiple occasions. SBA will continue to cooperate with the Committee on this inquiry, but hopes that the Committee will recognize this effort for what it is: an effort to encourage more people to register to vote and be active participants

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<sup>3</sup> March 20, 2024 Full Committee Hearing: "Conducting Oversight: Testimony from the Small Business Administrator" | House Committee on Small Business

in our vibrant democracy. Congress authorized and encouraged this important work more than 30 years ago through the NVRA, and SBA is proud to do its part in connection with the President's recent Executive Order.

SBA looks forward to working with Michigan and any other interested state to ensure that small business owners have the resources they need to participate in our democracy.

Sincerely,

*George Holman*

George Holman  
Associate Administrator  
Congressional and Legislative Affairs



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June 3, 2024  
FOR IMMEDIATE RELEASE

### **Pennsylvania Small Business Development Centers (PASBDC) Reinforce Non-Political Stance During Election Season**

[Kutztown, PA] — The Pennsylvania Small Business Development Centers (PASBDC) would like to reaffirm its commitment to maintaining a non-political and neutral position during the current election season. As a trusted resource for small businesses across the state, the PASBDC is dedicated to providing unbiased support and services to all entrepreneurs, regardless of their political affiliations.

The PASBDC's mission is to strengthen the economic vitality of Pennsylvania by providing entrepreneurs with the tools and guidance they need to succeed. In line with this mission, the organization ensures that its programs, resources, and communications remain free of political influence and partisanship.

"Our focus is solely on supporting small businesses and fostering economic growth," said Dr. Ernie Post, Executive Director of the PASBDC. "We believe it is essential to remain neutral and non-political to serve our diverse client base effectively and equitably."

The PASBDC remains dedicated to assisting small business owners with comprehensive services such as business consulting, training workshops, market research, and financial planning. Entrepreneurs are encouraged to reach out to their local SBDC for support in navigating the challenges of starting and growing a business.

For more information about the Pennsylvania SBDC and its services, visit [pasbdc.org](http://pasbdc.org).

#### *About the Pennsylvania Small Business Development Center (SBDC)*

*The Pennsylvania Small Business Development Centers (SBDC) are the only statewide, nationally accredited program that provides high-quality no cost one-on-one consulting, business training programs, and information resources to empower new and existing*

#### **Pennsylvania SBDC Centers**

Bucknell University	Kutztown University of Pennsylvania	PennWest University Clarion	Shippensburg University	The University of Scranton
Duquesne University	Lehigh University	Saint Francis University	Temple University	Widener University
Gannon University	Penn State	Saint Vincent College	University of Pittsburgh	Wilkes University

An accredited affiliate of the national network of Small Business Development Centers.




Pennsylvania SBDC  
 Kutztown University  
 15200 Kutztown Road  
 Kutztown, PA 19530  
 484.646.4183  
 pasbdc

businesses. The Pennsylvania SBDC is a network of 15 university-based centers located throughout the state.

Pennsylvania SBDC Centers				
Bucknell University	Kutztown University of Pennsylvania	PennWest University Clarion	Shippensburg University	The University of Scranton
Duquesne University	Lehigh University	Saint Francis University	Temple University	Widener University
Gannon University	Penn State	Saint Vincent College	University of Pittsburgh	Wilkes University

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## Michigan District

### Services we provide


Our office provides help with SBA services including funding programs, counseling, technical consulting, certifications, and disaster recovery. We can also connect you to our partner organizations, lenders, and other community groups that help small businesses succeed.

### Areas we serve

The Michigan District Office serves the entire state of Michigan. We have offices in Detroit and Grand Rapids.




### Office locations



**Detroit - Main office**  
**217 Michigan Ave., Suite 3025**  
 Detroit, MI 48226  
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 Phone: 313.225.6622


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


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### Our staff



**Laketa Henderson**  
 District Director



**Thaddeus Hammond**  
 Deputy District Director



View office directory (PDF)

### Doing business in our area

Learn how to register your business, access state and federal resources, and find workers in our area.






U.S. Small Business Administration

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## Michigan District



### Services we provide

Our office provides help with SBA services including funding programs, counseling, technical contracting, certifications, and disaster recovery. We can also connect you to local partner organizations, lenders, and other community groups that help small businesses succeed.

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U.S. Small Business Administration

Southern Poverty Law Center  
400 Washington Ave  
Montgomery, AL 36104  
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Written Testimony of the Southern Poverty Law Center

Submitted to the U.S. House Committee on Small Business

In connection with its June 4, 2024 hearing entitled  
“Weaponizing Federal Resources: Exposing the SBA’s Voter Registration Efforts”

Hearing June 4, 2024

Organizational Testimony Submitted June 11, 2024

Southern Poverty Law Center  
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On behalf of the Southern Poverty Law Center (SPLC) Action Fund, we write to provide our insights regarding the issues addressed during the House Committee on Small Business' hearing "Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts." We appreciate the opportunity to share our expertise on nonpartisan agency voter registration, a longstanding and appropriate exercise of the responsibility of government at all levels to protect and advance the fundamental right to vote. We respectfully request this statement be included as part of the official hearing record.

#### **The Southern Poverty Law Center: 50 Years of Protecting Civil Rights in the South**

The Southern Poverty Law Center (SPLC) has for fifty years worked to expand and safeguard civil rights protections, primarily through the courts. Since its founding, SPLC has won numerous landmark legal victories on behalf of the exploited, the powerless and the forgotten. Our lawsuits have toppled institutional racism and have made significant progress in stamping out remnants of Jim Crow segregation; destroyed some of the nation's most violent white supremacist groups; and protected the civil rights of children, women, people with disabilities, immigrants and migrant workers, the LGBTQ community, incarcerated people, and many others who faced discrimination, abuse or exploitation. In 2019—after six years of witnessing the unrelenting attack on the right to vote across our states—we added a new legal practice group focused on voting rights. Since that time, we have brought cases defending and expanding the voting rights of residents of the Deep South. Because state legislatures and executives in our states often target people of color, we are particularly focused on protecting the rights of these communities.

Our expertise stems from our deep roots in a region that has always been at the forefront of suppressing and oppressing people of color, and our approach to voting rights advocacy and litigation is informed by our longstanding relationships with communities of color that have for centuries been on the frontlines of resisting that oppression in Alabama, Florida, Georgia, Louisiana, and Mississippi.

#### **Voter Registration and Participation Rates are Chronically Low Across the United States**

The United States is something of an outlier among our peers; our voter participation rates consistently rank lower than many other developed democracies.<sup>1</sup> In the last presidential election, 2020, voter turnout overall was just 67 percent,<sup>2</sup> which, while historic by U.S. standards, is lower than many other democratic nations. When we drill down by race and ethnicity, we see even more concerning trends – voter participation rates among communities of

<sup>1</sup> Drew DeSilver, "Turnout in U.S. has soared in recent elections but by some measures still trails that of many other countries," Pew Research Center, November 1, 2022, <https://www.pewresearch.org/short-reads/2022/11/01/turnout-in-u-s-has-soared-in-recent-elections-but-by-some-measures-still-trails-that-of-many-other-countries/>.

<sup>2</sup> Voting and Registration in the Election of November 2020 – Table 1, U.S. Census Bureau, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

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color lag well behind those of white communities; in 2020, 71 percent of white Americans voted, compared to 63 percent of Black Americans, 60 percent of Asian Americans, and 54 percent of Latinx Americans.<sup>3</sup> Native Americans voted at rates 17 percent lower than that of white Americans in 2020.<sup>4</sup> These gaps are not a fluke; they persist across election, year after year.<sup>5</sup>

Part of the explanation for these persistent and deeply concerning gaps is the presence of significant barriers to voting in states across the country, barriers that often impact voters of color most severely. Especially in the 11 years since the Supreme Court gutted the Voting Rights Act (VRA) of 1965, these barriers have grown, including in the Deep South, where voters of color in several states previously enjoyed the protections of the law.<sup>6</sup> As a result, there is a growing racial turnout gap between white voters and voters of color.<sup>7</sup>

Another part of the explanation is the fact that significant numbers of eligible American voters are not registered to vote, which is the primary prerequisite for voting in virtually every U.S. state. During the 2020 elections, only 73 percent of eligible adults were registered to vote, meaning tens of millions of eligible people would not have been able to vote if they had showed up to the polls.<sup>8</sup> Again, the overall rates mask disparities by racial and ethnic groups; Black, Asian, Latinx, and Native communities were all registered at lower rates than white communities.<sup>9</sup>

Chronically low registration and participation rates plague the U.S. in part because getting and staying registered to vote is in many places a needlessly complicated and time-consuming process. Registration deadlines in many states come weeks before Election Day, and well before candidate and issue campaigning peaks and people have become fully interested in elections.<sup>10</sup> Would-be voters in these states who decide to vote in the weeks before an election but have missed the registration deadline are out of luck. Further, some voters who do attempt to register to vote have their applications held up or rejected. For years the state of Georgia employed an

<sup>3</sup> Voting and Registration in the Election of November 2020 – Table 4b, U.S. Census Bureau, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>.

<sup>4</sup> Report of the Interagency Steering Group on Native American Voting Rights, the White House, March 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/03/Tribal-Voting-Report-FINAL.pdf>.

<sup>5</sup> Voting and Registration Tables, 1960-2022, U.S. Census Bureau, <https://www.census.gov/topics/public-sector/voting/data/tables.html>.

<sup>6</sup> Written Testimony of the Southern Poverty Law Center, submitted to the U.S. Senate Committee on the Judiciary in connection with its hearing entitled “The Right Side of History: Protecting Voting Rights in America,” March 12, 2024, <https://www.splcenter.org/sites/default/files/statement-senate-judiciary-hearing-protecting-voting-rights-0312024.pdf>.

<sup>7</sup> Kevin Morris & Coryn Grange, *Growing Racial Disparities in Voter Turnout, 2008-2022*, Brennan Center for Justice, March 2, 2024, <https://www.brennancenter.org/our-work/research-reports/growing-racial-disparities-voter-turnout-2008-2022>.

<sup>8</sup> *Supra* note 2, U.S. Census Bureau. Note that in states with same-day registration, if unregistered voters who showed up to vote had the correct identification, they could register and vote at the polls.

<sup>9</sup> *Supra* note 3.

<sup>10</sup> “Voter Registration Deadlines,” National Conference of State Legislatures, December 11, 2023, <https://www.ncsl.org/elections-and-campaigns/voter-registration-deadlines>.

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error-prone and discriminatory policy called “exact match,” which flagged, and in some cases rejected, tens of thousands of registration applications from eligible voters for minor typos or data entry errors.<sup>11</sup> Not unlike other registration barriers that impact voters of color more severely, this policy disproportionately affected the registration applications of Georgians of color.<sup>12</sup> Finally, even for those who jump through the hoops and manage to get registered to vote, staying registered can be a challenge, especially in states with aggressive purge policies and permissive challenge laws. Eligible voters in many states who have made it onto the registration rolls find their status in jeopardy due to list maintenance policies that may erroneously remove them or target them for removal because they have not voted frequently enough in the eyes of state officials.<sup>13</sup> Other voters find themselves the targets of frivolous and discriminatory voter challenges pursued by anti-voter activists in a coordinated effort to burden election boards, intimidate voters, and undermine confidence in elections.<sup>14</sup>

We are a nation with chronically low voter registration and participation rates and steep and growing barriers to both registering and voting. Given that context, government action to make registration more accessible, especially to historically disenfranchised communities—like that pursued by the Small Business Administration in Michigan and other federal agencies across the country—is a significant positive step that should be celebrated. It is also appropriate and effective in the context of a developed democracy.

**Federal Agency Voter Registration is an Appropriate, Congressionally-Encouraged Activity to Remedy these Challenges in our Democracy**

In a developed democracy, one of the proper roles of government is to ensure all eligible citizens are registered to vote and able to cast a ballot that counts. This is how many of our peer democratic nations approach voter registration,<sup>15</sup> and it should be the standard in the United States, as well.

Congress took an important step toward beginning to realize this vision thirty years ago when it passed the National Voter Registration Act (NVRA) of 1993.<sup>16</sup> Leaning into its broad power to

<sup>11</sup> Stanley Augustin, “Georgia Largely Abandons Its Broken ‘Exact Match’ Voter Registration Process,” April 5, 2019, <https://lawyerscommittee.org/georgia-largely-abandons-its-broken-exact-match-voter-registration-process/>.

<sup>12</sup> Eugene Scott, “Georgia’s held-up voter registrations reinforce black Americans’ fears about voting rights,” Washington Post, October 12, 2018, <https://www.washingtonpost.com/politics/2018/10/12/georgia-voter-registrations-being-held-reinforces-black-americans-fears-about-voting-rights/>.

<sup>13</sup> *Protecting Voter Registration: An Assessment of Voter Purge Policies in Ten States*, Demos, August 10, 2023, <https://www.demos.org/research/protecting-voter-registration-assessment-voter-purge-policies-ten-states>.

<sup>14</sup> Kate Hamilton, “Frivolous Mass Challenges to Voter Eligibility Damaging to Democracy,” Campaign Legal Center, October 6, 2022, <https://campaignlegal.org/update/frivolous-mass-challenges-voter-eligibility-damaging-democracy>.

<sup>15</sup> *Supra* note 1, Pew Research Center. See also Jennifer S. Rosenberg and Margaret Chen, *Expanding Democracy: Voter Registration Around the World*, Brennan Center for Justice, 2009, [https://www.brennancenter.org/sites/default/files/legacy/publications/Expanding Democracy.pdf](https://www.brennancenter.org/sites/default/files/legacy/publications/Expanding%20Democracy.pdf).

<sup>16</sup> National Voter Registration (NVRA) Act, Pub. L. 103-31 (1993), <https://www.congress.gov/bills/103rd/congress/house-bill/2/text>.

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regulate federal elections under the Elections Clause of the U.S. Constitution,<sup>17</sup> Congress passed this bipartisan law:

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for federal offices;
- (2) to make it possible for federal, state, and local governments to implement this chapter in a manner that enhances the participation of eligible citizens as voters in elections for federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.<sup>18</sup>

In the NVRA, Congress finds that “it is the duty of the federal, state, and local governments to promote the exercise of that right,” referring to the fundamental right to vote.<sup>19</sup> Importantly, Congress did not confine this duty to the state and local governments; it accurately identified that the federal government also has a responsibility and a role to play. Further, in addition to enumerating specific state agencies that must provide voter registration services to the eligible citizens they serve—state departments of motor vehicles, state offices providing public assistance and serving people with disabilities, and armed forces recruitment offices<sup>20</sup>—Congress also required each state to which the law applies to designate additional agencies to voluntarily provide voter registration services.<sup>21</sup> Congress expressly named federal agencies as among these additional agencies that can be designated, as long as the federal agency agrees to the designation,<sup>22</sup> and mandated that “all departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the states in carrying out subsection (a),”<sup>23</sup> which is to say, designation as a voter registration agency and provision of nonpartisan voter registration services.

It could not be clearer, then, that Congress always intended for federal agencies to engage in nonpartisan voter registration services, just as many state agencies have for decades. Indeed, the Veterans Health Administration has been assisting patients with information on registration and voting since 2008, when the Bush Administration issued a directive that the agency do so.<sup>24</sup> This directive has been expanded and extended twice since, once in 2014 during the Obama

<sup>17</sup> U. S. Constitution, art. I, sec. IV, cl. 1: “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.”

<sup>18</sup> 52 U.S.C. § 20501.

<sup>19</sup> *Id.*

<sup>20</sup> 52 U.S.C. § 20504(a), 52 U.S.C. § 20506(a)(2), and 52 U.S.C. § 20506(c).

<sup>21</sup> 52 U.S.C. § 20506(a)(3)(A).

<sup>22</sup> 52 U.S.C. § 20506(a)(3)(B)(ii).

<sup>23</sup> 52 U.S.C. § 20506(b).

<sup>24</sup> U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA Directive 2008-053: Voting Assistance for VA Patients,” September 8, 2008, (updated by subsequent directive; see note 26).



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Administration<sup>25</sup> and again in 2019 during the Trump Administration.<sup>26</sup> Additionally, the Department of Defense, through its obligations to provide voter registration services under the NVRA, has been working with states to do so since the NVRA took effect in 1995, and federal military installations have served as voter registration agencies since the passage of the Military and Overseas Empowerment (“MOVE”) Act in 2009.<sup>27</sup>

It is in furtherance of this Congressionally identified duty, and with the authority conferred by this federal law, that Executive Order 14019 on Promoting Access to Voting was issued in March 2021.<sup>28</sup> This important Executive Order encourages federal agencies to consider what they can do, “as appropriate and consistent with applicable law,” to promote access to registration and voting among the eligible constituents they serve.<sup>29</sup> In response, several federal agencies, including but not limited to the Small Business Administration, have taken steps to make it easier for the eligible people they serve to avail themselves to the democratic process.<sup>30</sup> These steps, while in many cases modest, represent meaningful progress within the federal government toward beginning to meet its duty to promote the fundamental right to vote. When realized, they will strengthen our democracy.

**Federal Agency Voter Registration, like State Agency Voter Registration, is Non-Partisan**

As detailed above, any voter registration activities taken by federal agencies pursuant to Executive Order 14019 flow from the NVRA and follow the model for voter registration services carried out by dozens of U.S. states over decades. Which is to say, these activities are strictly non-partisan. The NVRA includes explicit protections against partisanship, stating that those individuals providing voter registration services “shall not”:

- (A) seek to influence an applicant’s political preference or party registration;
- (B) display any such political preference or party allegiance;
- (C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
- (D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.<sup>31</sup>

<sup>25</sup> U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA Directive 1060: Voting Assistance for VA Patients,” March 31, 2014 (updated by subsequent directive; see note 26).

<sup>26</sup> U.S. Department of Veterans Affairs, Veterans Health Administration, “VHA Directive 1060: Voting Assistance for VA Inpatients and Residents,” October 23, 2019, <https://www.va.gov/vhapublications/publications.cfm?pub=1>.

<sup>27</sup> Military and Overseas Voter Empowerment (MOVE) Act, Pub. L. No. 111-84 (2009), <https://www.congress.gov/bills/111/congress/senate/bills/1415/text>.

<sup>28</sup> Executive Order 14019 on Promoting Access to Voting, White House, March 7, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>.

<sup>29</sup> *Id.*, Sec. 3(a).

<sup>30</sup> See White House fact sheets, September 2021 – present.

<sup>31</sup> 52 U.S.C. § 20506(a)(5)

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These protections have been effective at preventing improper partisanship in state agency voter registration for decades. There is simply no evidence of partisanship or other improper conduct on the part of state agency staff providing voter registration services to their clients. Even those Secretaries of State who suggest federal agency action to promote voter registration to their residents is partisan or otherwise inappropriate will in the same breath sing the praises of the voter registration programs at their states' DMVs and other state agencies,<sup>32</sup> programs that flow from the very same federal law from which the federal agency voter registration activity in question flows.

Further, some federal agencies have been engaged in nonpartisan voter registration for decades, as well, also with no evidence of partisanship or other wrongdoing. As detailed above, Armed Forces recruitment offices have been required to offer voter registration services since the passage of the NVRA and have been doing so without issue. In more recent years, the VA has also been offering voter registration information and assistance to patients, again without reports of any improper political influence or activity.

Finally, a separate federal law, the Hatch Act, provides express prohibitions on partisan political activities—including activity directed toward the success or failure of a candidate or political party—by federal employees while on the job.<sup>33</sup> There are severe penalties for those who those who violate this law, including termination of federal employment. Federal agency voter registration is already explicitly nonpartisan, and the Hatch Act provides a backstop in the unlikely event a federal employee was to break the law.

#### **More Robust Federal Agency Voter Registration, and Other Steps, Can Strengthen Democracy**

As Congress itself found, in a democracy it is the duty of the government at all levels, including the federal government, to promote the fundamental right to vote. Our democracy is strongest when all eligible people can cast a ballot that counts, and the government has a critical role to play in moving us toward realization of that ideal. Executive Order 14019 and the federal agency actions that flow from it, including the agreement between the Small Business Administration and the state of Michigan at question in this hearing, are necessary and appropriate steps in the process of building a multiracial, inclusive democracy. Importantly, they help counter the backsliding in that project that our nation has experienced over the last several years. As such, Congress should applaud such activity among federal agencies and encourage more to follow the SBA's and other federal agencies' leads.

<sup>32</sup> House Committee on Small Business full committee hearing: "Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts," June 4, 2024, Testimony of Indiana Secretary of State Diego Morales, <https://smallbusiness.house.gov/calendar/eventsingle.aspx?EventID=406003>.

<sup>33</sup> 5 U.S.C. 7323(a) and 7324(a). See also "Political Activities," U.S. Department of Justice, <https://www.justice.gov/jmd/political-activities>.

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Additionally, while federal agency action to promote voter registration and participation is good and helpful, alone it is not enough to stave off attacks on the fundamental right to vote and on our democracy by those who would take us backward. To truly protect and advance the right to vote, Congress must also pass legislation strengthening and modernizing the Voting Rights Act of 1965 and instituting national minimum standards for election administration; Congress must pass the John R. Lewis Voting Rights Advancement Act<sup>34</sup> and the Freedom To Vote Act.<sup>35</sup> Finally, Congress must also allocate significant federal funding for state and local election administration in the FY25 appropriations process and continue to provide robust, regular federal funding in future years, so that state and local election officials and administrators have the resources they need to run safe, secure, accessible elections.<sup>36</sup>

<sup>34</sup> H.R. 14, John R. Lewis Voting Rights Advancement Act, 118<sup>th</sup> Congress, <https://www.congress.gov/bill/118th-congress/house-bill/14>.

<sup>35</sup> H.R. 11, Freedom To Vote Act, 118<sup>th</sup> Congress, <https://www.congress.gov/bill/118th-congress/house-bill/11>.

<sup>36</sup> Letter to Congressional Appropriators in Support of Federal Funding Election Administration in the FY25 Appropriations bills, signed by Southern Poverty Law Center Action Fund, Campaign Legal Center, Common Cause, League of Conservation Voters, League of Women Voters, SEIU and 46 other voting and civil rights organizations, May 1, 2024, <https://www.splcactionfund.org/sites/default/files/letter-supporting-federal-funding-election-administration-fy25.pdf>.

**House Committee on Small Business**  
**Tyler Robinson Transcribed Interview**  
**June 3, 2024**

Thank you for the opportunity to say a few words before we begin this morning.

My name is Tyler Robinson. I am from North Carolina and graduated from North Carolina State in 2015 with a degree in Political Science. I came to Washington in 2022 to work for the Small Business Administration as Special Assistant to the Administrator and was promoted to the position of Special Advisor to the Administrator late last year. I'd like to make three brief points before we begin.

First, I would like to explain my work at the SBA. As Special Advisor with the rank of GS-12, I provided administrative support to Administrator Guzman. I assisted with her schedule by compiling her daily briefing book, which listed each day's events and included brief background memos for her meetings. While I occasionally helped draft portions of these event memos highlighting logistical details about the event, they were usually written by the SBA program office responsible for the subject matter of each meeting.

I also was part of a team that provided background and made recommendations about her schedule, but I was not responsible for the final decisions regarding her schedule or travel. I was not responsible for deciding who to invite to any given meeting, and I am not involved in setting or executing SBA policy.

My interactions with the White House regarding the Administrator's travel mostly involved compiling a list of the Administrator's completed and upcoming travel each week, which I emailed to the SBA's White House Liaison, who then emailed the report to the White House Office of Cabinet Affairs. Individuals at the White House Office of Cabinet Affairs would occasionally reach out directly to me with a logistical question about the information in the report.

I have never discussed the Administrator's or SBA's travel with Jeff Zients, the White House Chief of Staff, and I am personally not aware of the White House directing the travel of the SBA, including of the Administrator.

In fact, it is my understanding that the Administrator is responsible for determining her own meeting and travel schedule. It is her job to meet with small businesses, explain what we do, and how our work and policies benefit their businesses and communities. She travels to promote the SBA and its policies, and her goal is to travel to all fifty states, visiting with small business owners of all backgrounds.

In my work at the SBA, I have not seen the Administrator or anyone at the SBA use official time or resources to campaign for President Joe Biden or anyone else.

I am also not involved in scheduling or supporting any non-official travel or activities of the Administrator.

Second, I want to clarify that I have no role in the SBA's memorandum of understanding with the State of Michigan, which I understand is of interest to the Committee. I am not familiar with the MOU. I do not know how it came about or what it involves. My only memory of any discussion about it was a mention during a meeting about the press release announcing the MOU. In sum, I don't have any information about the MOU to share with you.

Third, I want to address the video that was posted online by the O'Keefe Media Group. I believe this video is the reason that the Committee has asked to speak with me.

In March 2024, I was contacted on a dating app by a person who identified herself as Grace. We ended up meeting twice over drinks and dinner on what I believed to be personal dates. Grace (which may not be her real name) represented herself as an ardent Democrat who was concerned that President Biden would not win re-election and she questioned me repeatedly about what the SBA was doing to help him. I know now that she was lying to me and that she was recording me without my knowledge or consent.

I first learned of the secret recording when it was posted to the internet. I have never seen the unedited footage of our two dates, but it is clear from watching the video that someone has clipped and selectively reordered statements to fit their false narrative about the SBA.

Watching the video is embarrassing. It is painful to see myself trying to impress a date only to learn, along with the rest of the world, that she was lying and tricking me all along.

It is also uncomfortable to admit that, in trying to impress my date, I overstated my role with the SBA as well as my knowledge of the workings of the White House. I have no personal knowledge of how decisions are made in the White House and who is involved. And in trying to make my date feel less anxious about the November election, I found myself agreeing with misstatements that she made and making misstatements myself.

The result is a selectively edited, misleading video. In the video, I agree to—and say—things that are not accurate and do not reflect the agency's true work and priorities. I am personally sorry for any confusion or misunderstanding that this has caused about the SBA or Administrator Guzman.

I also have been personally hurt by the social media backlash. With my name being public, people have found my public profiles and attacked me, requiring me to suspend social media accounts to ensure my safety.

I hope that my testimony today helps correct any false impressions that the Committee may have gotten from this doctored and dishonest video.

Thank you. I look forward to your questions.

Name	Title	Violation Date	Ruling Date	Source	Notes
Kelleyanne Conway	Counselor to the Pres	11/20/2017	3/6/2018	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	12/6/2017	3/6/2018	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	2/1/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	2/11/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	3/13/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	3/18/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	4/22/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	4/24/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	4/27/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	4/28/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	4/30/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	5/1/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	10/31/2018	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	At least 151
Kelleyanne Conway	Counselor to the Pres	2/1/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	2/5/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	2/11/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	3/13/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	3/31/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	5/7/2019	6/13/2019	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	5/26/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	8/23/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	8/28/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	9/6/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	9/30/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	10/19/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	8/23/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	8/28/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	8/28/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	9/6/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	9/9/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	9/11/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	9/21/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Peter Navarro	OTMP Director & Asst to the Pre	9/30/2020	12/7/2020	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Carla Sands	Amb to Denmark	1/25/2020	2/12/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Carla Sands	Amb to Denmark	2/3/2020	2/12/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Carla Sands	Amb to Denmark	2/3/2020	2/12/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Carla Sands	Amb to Denmark	3/8/2020	2/12/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Carla Sands	Amb to Denmark	3/20/2020	2/12/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Carla Sands	Amb to Denmark	6/26/2020	2/12/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Carla Sands	Amb to Denmark	6/27/2020	2/12/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Dan Brouillette	Secy of Energy	10/26/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	8/12/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	
Kelleyanne Conway	Counselor to the Pres	8/18/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>	



Alyssa Farah	WH Director of StratComms	10/9/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
David Friedman	Amb to Israel	10/4/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Jared Kushner	Senior Advisor to the Pres	8/23/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Kayleigh McEnany	WH Press Secy	8/20/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Kayleigh McEnany	WH Press Secy	10/23/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Mark Meadows	WH COS	7/6/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Mark Meadows	WH COS	7/6/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Mark Meadows	WH COS	8/26/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Stephen Miller	Senior Advisor to the Pres	7/31/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Brian Morgenstern	WH Dep Press Secy	10/9/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Brian Morgenstern	WH Dep Press Secy	10/27/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Robert O'Brien	Natl Sec Advisor	6/25/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Michael Pompeo	Secy of State	Not stated	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Marc Short	COS to the VP	6/22/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Marc Short	COS to the VP	8/14/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Marc Short	COS to the VP	8/27/2020	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>
Chad Wolf	Acting Secy of Homeland Sec	Unknown	11/9/2021	<a href="https://osc.gov/Docum">https://osc.gov/Docum</a>

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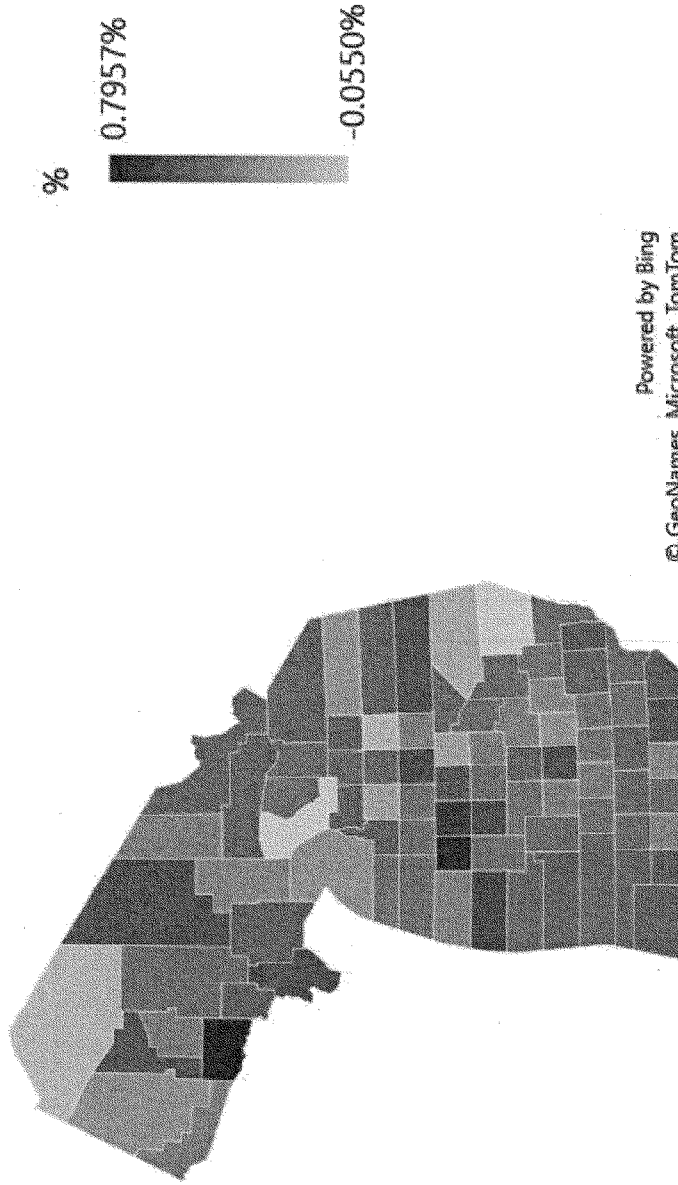
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# Percentage Increase in Voter Registration from March 16 to June 3



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Rep. Van Duynes's statement from the Small Business Committee Hearing titled, ***"Weaponizing Federal Resources: Exposing the SBA's Voter Registration Efforts"***

***michigan.gov/USSBA*** <https://mvic.sos.state.mi.us/RegisterVoter?referrer=SSBA>

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*"Well, let me clarify. The MOU is absolutely in effect. It is absolutely in effect, and it was in effect from day 1 when it was signed. We know that the URL exists, absolutely the URL exists. I would suggest you look it up.*

*If we need to send that out to the rest of our committee members who seem to be blind on this, please let's do that. And I am going to ask staff to make sure that we are doing that because apparently some members of this committee don't understand what is happening at the SBA.*

*And, by the way, we would love to know how often that that URL is being used, but guess what? We don't, because we have made requests repeatedly to the SBA for further information. They have been ignored.*

*So, all of this questioning about what we know and what we don't know, is impossible to find out because the SBA won't work with us. They will not give us information.*

*So, what we do know is what has been reported. We know what has been signed. We know that it is in effect, but in order for us to know how efficient it is we would actually have to rely on our own agency to respond to a congressional committee's request for information, which they have not done.*

***Mr. Chairman, I would like to just put into the record the URL that has been denied that exists. It is -- michigan.gov/USSBA.***

*So, for any of our colleagues who have a question on whether or not that exists, here it is. Thank you very much, and I yield back."*

## MEMORANDUM

**DATE:** May 31, 2024  
**RE:** Recipients of “Zuckerbucks” Currently Represented by Members of the House Committee on Small Business

In a December 13, 2023 hearing held by the House Committee on Ways and Means’s Subcommittee on Oversight, Mr. Stewart Whitson, a majority witness in the upcoming June 4, 2024 hearing scheduled by the House Committee on Small Business (the Committee), claimed that election safety and security grants to state and local governments from the Center for Tech and Civic Life were influencing election outcomes. The Center for Tech and Civic Life received a \$300 million donation from Facebook founder Mark Zuckerberg and his wife, Priscilla Chan.<sup>1</sup>

*Mr. Whitson’s claims are false.* The grants were intended for pollsite accommodations in the face of the COVID-19 pandemic. These accommodations included Plexiglass dividers, additional pollsite worker salaries, and additional vote-counting machines for mail-in ballots.<sup>2</sup> Mr. Whitson’s claims were also debunked by the conservative Cato Institute, and the Federal Election Commission in a unanimous, bipartisan 6-0 vote.<sup>3</sup>

This memo contains a breakdown of grants from the Center for Tech and Civic Life to state and local governments represented by Members of the Committee. These grants made the 2020 elections for these Members’ (or their predecessors’) seats safer and more secure.

In total, jurisdictions represented by Members of the Committee majority received \$42,237,108.00 to help make their 2020 elections safer and more secure. Additionally, in total, jurisdictions represented by Democratic Members of the Committee received \$47,220,773.00 to help make their 2020 elections safer and more secure. It is important to note that some areas currently represented by Committee Democrats were previously represented by Republicans elected in the 2020 elections.

**Chairman Williams (TX)**

Total Amount Benefitting Jurisdictions in Texas’s 25<sup>th</sup> District: \$1,790,976.00

- Callahan County, TX — \$7,161.00
- Eastland County, TX — \$13,187.00
- Palo Pinto County, TX — \$16,232.00
- Parker County, TX — \$52,529.00
- Somervell County, TX — \$6,009.00
- Stephens County, TX — \$6,783.00

<sup>1</sup> Jim Saksa, *Lawmakers clash over ‘Zuckerbucks’ and how to stop private election funding*, ROLL CALL (Feb. 7, 2024), <https://rollcall.com/2024/02/07/lawmakers-clash-over-zuckerbucks-and-how-to-stop-private-election-funding>.

<sup>2</sup> Jonathan Riggs, *‘Zuckerbucks’ did not cost Donald Trump the 2020 election*, U. OF CAL., L.A. (May 21, 2024), <https://newsroom.ucla.edu/stories/zuckerbucks-did-not-cost-donald-trump-2020-election>.

<sup>3</sup> Walter Olson, *‘Zuckerbucks’ Didn’t Throw the 2020 Election*, CATO INST. (Sep. 12, 2022), <https://www.cato.org/blog/zuckerbucks-didnt-throw-2020-election>.



- Tarrant County, TX — \$1,678,523.00
- Young County, TX — \$10,552.00

**Mr. Luetkemeyer**Total Amount Benefitting Jurisdictions in Missouri's 3<sup>rd</sup> District: \$1,176,252.00

- Boone County, MO — \$493,333.00
- Cole County, MO — \$10,000.00
- Osage County, MO — \$5,000.00
- St. Charles County, MO — \$667,919.00

**Mr. Meuser**Total Amount Benefitting Jurisdictions in Pennsylvania's 9<sup>th</sup> District: \$3,128,976.00

- State of Pennsylvania — \$2,440,000.00
- Berks County, PA — \$470,929.00
- Luzerne County, PA — \$173,236.00
- Northumberland County, PA — \$44,811.00

**Ms. Salazar**Total Amount Benefitting Jurisdictions in Florida's 27<sup>th</sup> District: \$2,059,850.00

- Miami-Dade County, FL — \$2,059,850.00

**Ms. Van Duvne**Total Amount Benefitting Jurisdictions in Texas's 24<sup>th</sup> District: \$16,808,956.00

- Dallas County, TX — \$15,130,433.00
- Tarrant County, TX — \$1,678,523.00

**Mr. Mann**Total Amount Benefitting Jurisdictions in Kansas's 1<sup>st</sup> District: \$460,586.00

- Cloud County, KS — \$5,000.00
- Grant County, KS — \$5,000.00
- Dickinson County, KS — \$8,739.00
- Douglas County, KS — \$321,512.00
- Ellsworth County, KS — \$5,000.00
- Ford County, KS — \$23,374.00
- Gray County, KS — \$5,000.00
- Hodgeman County, KS — \$5,000.00
- Reno County, KS — \$33,537.00
- Rooks County, KS — \$5,000.00
- Saline County, KS — \$28,424.00
- Sherman County, KS — \$5,000.00
- Thomas County, KS — \$5,000.00
- Washington County, KS — \$5,000.00

**Mr. Ellzey**Total Amount Benefitting Jurisdictions in Texas's 6<sup>th</sup> District: \$16,905,346.00

- Dallas County, TX — \$15,130,433.00
- Ellis County, TX — \$86,424.00
- Hill County, TX — \$9,966.00
- Tarrant County, TX — \$1,678,523.00

**Mr. Molinaro**

Total Amount Benefitting Jurisdictions in New York's 19<sup>th</sup> District: \$333,736.00

- Broome County, NY — \$107,398.00
- Columbia County, NY — \$34,059.00
- Delaware County, NY — \$22,374.00
- Sullivan County, NY — \$44,972.00
- Tioga County, NY — \$12,061.00
- Ulster County, NY — \$112,872.00

**Mr. Alford**

Total Amount Benefitting Jurisdictions in Missouri's 4<sup>th</sup> District: \$3,906,841.00

- Bates County, MO — \$7,479.00
- Boone County, MO — \$493,333.00
- Dade County, MO — \$5,000.00
- Jackson County, MO — \$1,973,915.00
- Kansas City, MO — \$1,329,775.00
- Lafayette County, MO — \$14,934.00
- Pettis County, MO — \$20,909.00
- Pulaski County, MO — \$36,032.00
- Vernon County, MO — \$9,348.00
- Webster County, MO — \$16,116.00

**Mr. Crane**

Total Amount Benefitting Jurisdictions in Arizona's 2<sup>nd</sup> District: \$4,029,981.00

- Apache County, AZ — \$598,700.00
- Coconino County, AZ — \$524,585.00
- Maricopa County, AZ — \$1,840,345.00
- Navajo County, AZ — \$593,789.00
- Pinal County, AZ — \$472,562.00

**Mr. Hunt**

Total Amount Benefitting Jurisdictions in Texas's 38<sup>th</sup> District: \$9,663,446.00

- Harris County, TX — \$9,663,446.00

**Mr. LaLota**

Total Amount Benefitting Jurisdictions in New York's 1<sup>st</sup> District: \$952,974.00

- Suffolk County, NY — \$952,974.00

**Ranking Member Velázquez**

Total Amount Benefitting Jurisdictions in New York's 7<sup>th</sup> District: \$19,294,627.00

- City of New York, NY — \$19,294,627.00

**Mr. Golden (ME)**

Total Amount Benefitting Jurisdictions in Maine's 2<sup>nd</sup> District: \$1,884,790.00

- Town of Alton, ME — \$5,000.00
- Town of Amherst, ME — \$5,000.00
- Town of Andover, ME — \$4,088.00
- Town of Anson, ME — \$5,000.00
- Town of Ashland, ME — \$5,000.00
- City of Auburn, ME — \$259,076.00
- City of Augusta, ME — \$145,237.00
- City of Bangor, ME — \$272,104.00
- City of Belfast, ME — \$5,000.00
- Town of Belgrade, ME — \$5,000.00
- Town of Bingham, ME — \$5,000.00
- Town of Blue Hill, ME — \$5,000.00
- Town of Bradford, ME — \$5,000.00
- Town of Bradley, ME — \$5,000.00
- City of Brewer, ME — \$5,000.00
- Town of Brooksville, ME — \$5,000.00
- Town of Brownfield, ME — \$5,000.00
- Town of Brownville, ME — \$5,000.00
- Town of Buckfield, ME — \$5,000.00
- Town of Bucksport, ME — \$5,000.00
- Town of Burlington, ME — \$5,000.00
- Town of Canaan, ME — \$5,000.00
- City of Caribou, ME — \$5,000.00
- Town of Carmel, ME — \$5,000.00
- Town of Castine, ME — \$5,000.00
- Town of Charleston, ME — \$5,000.00
- Town of Chelsea, ME — \$5,000.00
- Town of Chesterville, ME — \$5,000.00
- Town of Clifton, ME — \$5,000.00
- Town of Columbia Falls, ME — \$5,000.00
- Town of Crystal, ME — \$5,000.00
- Town of Dedham, ME — \$5,000.00
- Town of Deer Isle, ME — \$5,000.00
- Town of Denmark, ME — \$5,000.00
- Town of Dennysville, ME — \$5,000.00
- Town of Dexter, ME — \$5,000.00
- Town of Dixfield, ME — \$5,000.00
- Town of Dover-Foxcroft, ME — \$55,000.00
- Town of Durham, ME — \$5,000.00
- Town of East Millinocket, ME — \$5,000.00

- Town of Eddington, ME — \$5,000.00
- City of Ellsworth, ME — \$5,000.00
- Town of Enfield, ME — \$5,000.00
- Town of Eustis, ME — \$5,000.00
- Town of Fairfield, ME — \$5,000.00
- Town of Farmingdale, ME — \$5,000.00
- Town of Farmington, ME — \$75,469.00
- Town of Fayette, ME — \$5,000.00
- Town of Fort Fairfield, ME — \$5,000.00
- Town of Frenchville, ME — \$5,000.00
- Town of Fryeburg, ME — \$5,000.00
- Town of Greene, ME — \$4,698.00
- Town of Guilford, ME — \$5,000.00
- City of Hallowell, ME — \$5,000.00
- Town of Hampden, ME — \$5,000.00
- Town of Hancock, ME — \$2,000.00
- Town of Hermon, ME — \$5,000.00
- Town of Hiram, ME — \$5,000.00
- Town of Houlton, ME — \$5,000.00
- Town of Howland, ME — \$5,000.00
- Town of Industry, ME — \$5,000.00
- Town of Island Falls, ME — \$5,000.00
- Town of Islesboro, ME — \$5,000.00
- Town of Jay, ME — \$5,000.00
- Town of Kenduskeag, ME — \$5,000.00
- Town of Lamoine, ME — \$5,000.00
- Town of Lee, ME — \$2,647.00
- Town of Leeds, ME — \$5,000.00
- Town of Levant, ME — \$5,000.00
- City of Lewiston, ME — \$272,519.00
- Town of Lincoln, ME — \$5,000.00
- Town of Lisbon, ME — \$5,000.00
- Town of Livermore Falls, ME — \$5,000.00
- Town of Lowell, ME — \$5,000.00
- Town of Madison, ME — \$5,000.00
- Town of Madawaska, ME — \$5,000.00
- Town of Mars Hill, ME — \$3,263.00
- Town of Mechanic Falls, ME — \$4,381.00
- Town of Medway, ME — \$5,000.00
- Town of Mercer, ME — \$5,000.00
- Town of Millinocket, ME — \$32,678.00
- Town of Minot, ME — \$5,000.00
- Town of Montville, ME — \$5,000.00
- Town of Mount Desert, ME — \$5,000.00

- Town of New Sharon, ME — \$5,000.00
- Town of New Sweden, ME — \$5,000.00
- Town of Newburgh, ME — \$1,532.00
- Town of Norridgewock, ME — \$5,000.00
- Town of Norway, ME — \$5,000.00
- Town of Orono, ME — \$159,025.00
- Town of Orrington, ME — \$5,000.00
- Town of Oxford, ME — \$5,000.00
- Town of Paris, ME — \$5,000.00
- Town of Pittsfield, ME — \$5,000.00
- Town of Poland, ME — \$5,000.00
- Town of Porter, ME — \$5,000.00
- City of Presque Isle, ME — \$38,250.00
- Town of Prospect, ME — \$5,000.00
- Town of Randolph, ME — \$3,338.00
- Town of Rangeley, ME — \$5,000.00
- Town of Readfield, ME — \$5,000.00
- Town of Rome, ME — \$5,000.00
- Town of Sabattus, ME — \$5,000.00
- Town of Searsmont, ME — \$3,025.00
- Town of Sedgwick, ME — \$5,000.00
- Town of Sherman, ME — \$5,000.00
- Town of Skowhegan, ME — \$5,000.00
- Town of Smithfield, ME — \$5,000.00
- Town of Solon, ME — \$5,000.00
- Town of Stacyville, ME — \$5,000.00
- Town of Starks, ME — \$5,000.00
- Town of Steuben, ME — \$5,000.00
- Town of Stockholm, ME — \$5,000.00
- Town of Stockton Springs, ME — \$5,000.00
- Town of Stonington, ME — \$5,000.00
- Town of Sumner, ME — \$5,000.00
- Town of Turner, ME — \$5,000.00
- Town of Van Buren, ME — \$5,000.00
- Town of Veazie, ME — \$5,000.00
- Town of Wade, ME — \$5,000.00
- Town of Wales, ME — \$5,000.00
- Town of Washburn, ME — \$5,000.00
- Town of Wesley, ME — \$5,000.00
- Town of West Paris, ME — \$5,000.00
- Town of Woodland, ME — \$5,000.00
- Town of Woodstock, ME — \$1,460.00
- Town of Wilton, ME — \$5,000.00
- Winterville Plantation, ME — \$5,000.00

**Mr. Mfume**

Total Amount Benefitting Jurisdictions in Maryland's 7<sup>th</sup> District: \$2,191,897.00

- Baltimore County, MD — \$1,044,824.00
- City of Baltimore, MD — \$1,147,073.00

**Mr. Phillips**

Total Amount Benefitting Jurisdictions in Minnesota's 3<sup>rd</sup> Congressional District: \$1,000,000.00

- Hennepin County, MN — \$1,000,000.00

**Ms. Gluesenkamp Perez**

Total Amount Benefitting Jurisdictions in Washington's 3<sup>rd</sup> District: \$53,746.00

- Cowlitz County, WA — \$53,746.00

**Mr. McGarvey**

Total Amount Benefitting Jurisdictions in Kentucky's 3<sup>rd</sup> District: \$1,896,116.00

- Louisville, Jefferson County (KY) Metro Government — \$1,896,116.00

**Mr. Landsman**

Total Amount Benefitting Jurisdictions in Ohio's 1<sup>st</sup> District: \$329,533.00

- Warren County, OH — \$329,533.00

**Ms. Scholten**

Total Amount Benefitting Jurisdictions in Michigan's 3<sup>rd</sup> District: \$1,023,461.00

- Ada Township, MI — \$5,000.00
- Allendale Charter Township, MI — \$15,398.00
- Cannon Township, MI — \$5,000.00
- Crockery Township, MI — \$5,000.00
- Fruitport Charter Township, MI — \$5,000.00
- Gaines Charter Township, MI — \$11,175.00
- City of Grand Haven, MI — \$5,000.00
- Grand Haven Charter Township, MI — \$6,045.00
- City of Grand Rapids, MI — \$280,852.00
- City of Kentwood, MI — \$31,014.00
- Muskegon Charter Township, MI — \$9,464.00
- City of Muskegon, MI — \$5,000.00
- City of Muskegon, MI — \$5,000.00
- City of Muskegon, MI — \$433,580.00
- City of Muskegon Heights, MI — \$26,110.00
- City of Norton Shores, MI — \$11,391.00
- Muskegon County, MI — \$42,531.00
- Ottawa County, MI — \$28,679.00
- Plainfield Charter Township, MI — \$12,325.00
- Ravenna Township, MI — \$5,000.00
- Robinson Township, MI — \$5,000.00

- City of Rockford, MI — \$5,000.00
- City of Roosevelt Park, MI — \$5,000.00
- Spring Lake Township, MI — \$5,000.00
- Sullivan Township, MI — \$5,000.00
- City of Walker, MI — \$9,265.00
- City of Wyoming, MI — \$40,632.00

**Mr. Thanedar**

Total Amount Benefitting Jurisdictions in Michigan's 13<sup>th</sup> District: \$8,136,720.00

- City of Dearborn Heights, MI — \$27,643.00
- City of Detroit, MI — \$7,436,450.00
- City of Ecorse, MI — \$10,365.00
- City of Grosse Pointe Farms, MI — \$5,000.00
- City of Grosse Pointe Park, MI — \$5,000.00
- City of Grosse Pointe Woods, MI — \$22,262.00
- City of Hamtramck, MI — \$49,889.00
- City of Harper Woods, MI — \$17,775.00
- City of Highland Park, MI — \$26,716.00
- City of Lincoln Park, MI — \$25,199.00
- City of Melvindale, MI — \$7,166.00
- City of Romulus, MI — \$16,645.00
- City of Taylor, MI — \$47,000.00
- City of Wayne, MI — \$11,169.00
- Wayne County, MI — \$416,399.00
- City of Wyandotte, MI — \$12,042.00

**Ms. Davids (KS)**

Total Amount Benefitting Jurisdictions in Kansas's 3<sup>rd</sup> District: \$867,705.00

- Franklin County, KS — \$11,460.00
- Johnson County, KS — \$856,245.00

**Ms. Chu**

Total Amount Benefitting Jurisdictions in California's 28<sup>th</sup> District: \$8,266,712.00

- Los Angeles County, CA — \$8,266,712.00

**Mr. Pappas**

Total Amount Benefitting Jurisdictions in New Hampshire's 1<sup>st</sup> District: \$210,616.00

- Town of Auburn, NH — \$5,000.00
- Town of Barrington, NH — \$5,000.00
- Town of Conway, NH — \$5,000.00
- Town of Danville, NH — \$5,000.00
- Town of Derry, NH — \$9,553.00
- City of Dover, NH — \$16,335.00
- Town of Exeter, NH — \$5,648.00

- Town of Fremont, NH — \$5,000.00
- Town of Hampstead, NH — \$5,000.00
- Town of Hampton Falls, NH — \$5,000.00
- Town of Hooksett, NH — \$5,000.00
- Town of Kingston, NH — \$5,000.00
- City of Laconia, NH — \$7,761.00
- Town of Londonderry, NH — \$15,048.00
- City of Manchester, NH — \$65,108.00
- Town of Merrimack, NH — \$7,858.00
- Town of Moultonborough, NH — \$3,305.00
- Town of New Durham, NH — \$5,000.00
- Town of Newmarket, NH — \$5,000.00
- Town of Newton, NH — \$5,000.00
- Town of North Hampton, NH — \$5,000.00
- Town of Nottingham, NH — \$5,000.00
- Town of Tuftonboro, NH — \$5,000.00
- Town of Candia, NH — \$5,000.00
- Town of Northfield, NH — \$5,000.00

