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House of Representatives

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Opening Statement Ranking Member Elijah E. Cummings

Hearing entitled: “Cybersecurity: Ensuring the Integrity of the Ballot Box” September 28, 2016

Thank you, Ranking Member Kelly and Chairman Hurd. Thank you also to our witnesses here today.

The focus today on the risk to election integrity posed by cyber threats is an important one.

But that is only a fraction of the risk to our elections. Efforts to hinder eligible voters’ **access** to the ballot box also pose an urgent threat to our elections, to voter rights, and to our democracy.

In January, Election Assistance Commission Executive Director Brian Newby, who I see is sitting in the audience today, wrote to Alabama, Georgia, and Kansas, giving the appearance that he had the unilateral authority to allow these states to change the **federal** voter registration form to require proof of citizenship.

Mr. Newby’s invalid act led to the disenfranchisement of at least tens of thousands in Kansas alone, and who knows how many more in your state, Mr. Kemp.

Chairman Hicks, as Vice Chairman at the time, you stated that Mr. Newby acted unilaterally, and that the Commission has, quote, “affirmed that agency staff does not have the authority to make policy decisions.”

I could not agree more. This is why I have been investigating this matter with Ranking Member Robert Brady of the Committee on House Administration and Assistant Democratic Leader James Clyburn.

Thankfully, a federal court has issued an injunction halting and reversing Mr. Newby’s action. However, that litigation is ongoing, and I worry about the voters who have already been turned away.

Chairman Hicks, Mr. Newby, and Mr. Tatum, we are sending you another letter today that outlines our findings thus far.

I ask unanimous consent for that letter to be entered into the record.

We learned that Mr. Newby conducted no written analysis regarding the impact of his decision on the ability of eligible voters to register to vote.

He also conducted no cost-benefit analysis to compare the potential for voter fraud with the potential for eligible voter disenfranchisement.

He also claimed that he had been unaware until recently that proof of citizenship laws could have a disproportionate impact on people of color.

In light of these findings, we seek additional information, but we also request that Mr. Newby rescind his unilateral and invalid decision.

Mr. Newby, I find your action to be shameful, and I hope you will swiftly rescind it.

But this is not the only threat to our right to vote.

In 2013, the Supreme Court in *Shelby County v. Holder* struck down a crucial part of the Voting Rights Act that required some states to seek preclearance from the Department of Justice before changing their election laws.

Mr. Norden, your organization, the Brennan Center, has been tracking the voting restriction laws passed since *Shelby*. In fact, fourteen states will have new voting restrictions in place this fall for the first time in a presidential election.

These include photo ID requirements, which have been shown time and again to unduly burden young voters, women, the elderly, people with disabilities, low-income voters, and the homeless.

Passed almost exclusively by Republican legislatures, these laws have been proven to have a racially discriminatory intent.

In July, a federal appeals court struck down voting restrictions in North Carolina, finding that they, and I quote, “target African Americans with almost surgical precision” and, quote, “were enacted with racially discriminatory intent in violation of the Equal Protection Clause.”

We can fix this harmful lapse in our democracy by updating the Voting Rights Act, and bills with bipartisan support have been proposed that would do just that.

However, Republicans in Congress refuse to bring any of these bills to the floor for a vote. It is truly shameful.

I urge my colleagues to move this crucial legislation. The integrity of our democracy is at stake.

Thank you.