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# MARKUP OF H.R. 5803; H.R. 5893, LIBRARY OF CONGRESS SOUND RECORDING AND FILM PRESERVATION PROGRAMS REAUTHORIZATION ACT OF 2008; AND H.R. 5972, U.S. CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2008

## MEETING

BEFORE THE

## COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, MAY 7, 2008

Printed for the use of the Committee on House Administration

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# MARKUP OF H.R. 5803, H.R. 5893, AND H.R. 5972

**WEDNESDAY, MAY 7, 2008**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
*Washington, DC.*

The committee met, pursuant to call, at 12:05 p.m., in room 1310, Longworth House Office Building, Hon. Robert A. Brady (chairman of the committee) presiding.

Present: Representatives Brady, Lofgren, Capuano, Gonzalez, Davis of Alabama, Ehlers, Lungren, and McCarthy.

Staff Present: Liz Birnbaum, Staff Director; Thomas Hicks, Senior Election Counsel; Michael Harrison, Professional Staff; Khalil Abboud, Professional Staff; Janelle Hu, Election Counsel; Jennifer Daehn, Election Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Daniel Favarulo, Legislative Assistant, Elections; Gregory Abbott, Policy Analyst; Fred Hay, Minority General Counsel; Gineen Beach, Minority Election Counsel; Ashley Stow, Minority Election Counsel; and Bryan T. Dorsey, Minority Professional Staff.

The CHAIRMAN. I would like to call the Committee on House Administration to order.

Before we move to the first order of business, I would like to announce I received a communication from Representative Vern Buchanan, relating to a request for reimbursement for expenses incurred in the recent election contest in the 13th District of Florida. I am referring that communication to the task force chaired by Representative Gonzalez. The text of that communication will appear at this point in the record.

[The information follows:]

TRANSPORTATION AND
INFRASTRUCTURE COMMITTEE
• SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
SUBCOMMITTEE ON AVIATION

VETERANS' AFFAIRS COMMITTEE

SMALL BUSINESS COMMITTEE
SUBCOMMITTEE ON FINANCE AND TAX
SUBCOMMITTEE ON REGULATIONS,
HEALTHCARE AND TRADE

**CONGRESSMAN VERN BUCHANAN**
HOUSE OF REPRESENTATIVES
THIRTEENTH DISTRICT, FLORIDA

Tuesday, April 22, 2008

The Honorable Robert A. Brady
Chairman
Committee on House Administration

The Honorable Vernon Ehlers
Ranking Member
Committee on House Administration

The Honorable Charles A. Gonzalez
Member
Committee on House Administration

The Honorable Kevin McCarthy
Member
Committee on House Administration

Dear Mr. Chairman and Members of the House Administration Committee:

On November 20, 2006 the State of Florida certified me as winner of the November 7, 2006 general election for Representative from the Thirteenth Congressional District of Florida. That same day my opponent Christine Jennings initiated a lawsuit in Florida state court challenging the certified election results on the grounds that the "vote totals in the certification are wrong because they do not include thousands of legal votes that were cast in Sarasota County but not counted due to the pervasive malfunctioning of electronic voting machines." That state court action involved significant parallel testing efforts, discovery, motion practice and an evidentiary hearing involving numerous experts directly relevant to the election contest here.

On December 20, 2006, pursuant to the Federal Contested Elections Act (2 U.S.C. §§ 381, *et seq.* ("FCEA")), Ms. Jennings filed in the U.S. House of Representatives a contest of the certified election results on the same grounds asserted in the state court action, *i.e.*, that thousands of legal votes cast for her were not counted due to "pervasive malfunctioning of electronic voting machines." On January 20, 2007, I filed a motion to dismiss the election contest pursuant to Section 383 of the FCEA. The Committee on House Administration established a Task Force which initiated its investigation of Ms. Jennings' claims on May 2, 2007. As part of its exhaustive investigation, the Task Force directed the Government Accountability Office to undertake an examination of the iVotronic touchscreen voting systems used in the election at issue. In particular, the GAO was charged with determining whether those voting machines contributed to the apparently large number undervotes recorded in the election. The GAO conducted a thorough examination of the voting machines, software and related documentation, as well as tests by the State of Florida and an independent group of experts; it also

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WASHINGTON, DC 20515
(202) 225-5015
FAX: (202) 225-0828

235 NORTH ORANGE AVENUE
SUITE 201
SARASOTA, FL 34236
(941) 951-6643
FAX: (941) 951-2972

1001 THIRD AVENUE WEST
SUITE 380
BRADENTON, FL 34205
(941) 747-8081
FAX: (941) 749-5310

www.buchanan.house.gov

conducted its own testing of the machines and software. In its February 8, 2008 report the GAO concluded that the voting machines did not contribute to the undervote. Thus, the Committee concluded there was insufficient evidence to overturn the state certified election result. Accordingly, the Committee unanimously agreed to dismiss Ms. Jennings' contest on February 12, 2008. On February 25, 2008, the House of Representatives adopted H. Res. 989 dismissing the election contest.

Section 396 of the FCEA authorizes the Committee to "allow any party reimbursement ... of his reasonable expenses of the contested election case, including reasonable attorneys fees ...." Accordingly, I respectfully request reimbursement for the reasonable expenses, including attorney fees, incurred by me. Attached is a detailed account of those fees and costs. These fees and costs were incurred by me as a result of Christine Jennings' contest of the election.

Respectfully,

Vern Buchanan

*TAL 451,461,261v1 3/24/2008*

Date: 3/17/2008
Time: 3:25 PM

Greenberg Traurig
**Client Detailed Time And Expense Report**

Report: TIME12
Req'd By: DQZIERF

**by Client ID/Matter No**

**Time Date Range: 01-01-80 to 010180 Disb Date Range: 1/1/1980 to 03-17-2008**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Client: | 100544 | Vern Buchanan for Congress | Bill Atty: | GTB | Burhans, Jr., Glenn T. | Client Last Payment: | 10/29/2007 |
| Matter: | 010200 | Buchanan House Contest | Resp Atty: | GTB | Burhans, Jr., Glenn T. | Matter Last Billed: | 2/29/2008 |

Detailed Disbursements Section (Matter)

| Atty | Date | Check | Disb Code | Disbursement Amount | Status | Description of Disbursement | WIP Loc |
|---|---|---|---|---|---|---|---|
| | 1/9/2007 | | TELE | 2.72 | B | Telephone; 2022250015 from Ext. 3338 WASHINGTON DC | 27339505 |
| | 1/17/2007 | 865569779 | FEDEX | 51.32 | B | VENDOR: FedEx INVOICE#: 865569779 DATE: 1/26/2007 Tracking #798587276095; From: Bernard Reed, Greenberg Traurig, 101 East College, Tallahassee, FL 32301; To: David T. Hickey, Greenberg Traurig (tysons Corn, 1750 Tysons Boulevard, Mclean, VA 22102 | 27540246 |
| | 1/18/2007 | 865569779 | FEDEX | 61.92 | B | VENDOR: FedEx INVOICE#: 865569779 DATE: 1/26/2007 Tracking #790181615936; From: Bernard Reed, Greenberg Traurig, 101 East College, Tallahassee, FL 32301; To: David Hickey, Greenberg Traurig, 1750 Tysons Boulevard, Mclean, VA 22102 | 27540251 |
| | 4/5/2007 | | COCOPY | 5.00 | B | Color Copy; 5 Page(s) by 025058 | 28162475 |
| | 4/5/2007 | | COPY | 15.90 | B | Copy; 106 Page(s) by 025058 | 28152488 |
| | 4/5/2007 | | COPY | 107.85 | B | Copy; 719 Page(s) by 000004 | 28152493 |
| | 4/5/2007 | | COPY | 67.20 | B | Copy; 448 Page(s) by 000004 | 28153318 |
| | 4/5/2007 | | COPY | 12.30 | B | Copy; 82 Page(s) by 025023 | 28153325 |
| | 4/5/2007 | | COPY | 9.75 | B | Copy; 65 Page(s) by 025023 | 28153326 |
| | 4/5/2007 | | COPY | 75.60 | B | Copy; 504 Page(s) by 025023 | 28153327 |
| | 4/6/2007 | | COPY | 86.40 | B | Copy; 576 Page(s) by 015334 | 28136483 |
| | 4/6/2007 | | COPY | 1.80 | B | Copy; 12 Page(s) by 015334 | 28136591 |
| | 4/9/2007 | | COPY | 1.65 | B | Copy; 11 Page(s) by 025058 | 28153032 |
| | 4/12/2007 | | COPY | 8.55 | B | Copy; 57 Page(s) by 007387 | 28191147 |
| | 4/13/2007 | | COPY | 200.70 | B | Copy; 1338 Page(s) by 015334 | 28198804 |
| | 4/13/2007 | | COPY | 31.20 | B | Copy; 208 Page(s) by 015334 | 28199120 |
| | 4/13/2007 | | COPY | .90 | B | Copy; 6 Page(s) by 015334 | 28199199 |
| | 4/13/2007 | | COPY | 4.80 | B | Copy; 32 Page(s) by 015334 | 28199242 |
| | 4/13/2007 | | COPY | 33.30 | B | Copy; 222 Page(s) by 007387 | 28203974 |
| | 4/13/2007 | | COPY | 24.00 | B | Copy; 160 Page(s) by 009301 | 28204132 |
| | 4/13/2007 | | COPY | 18.15 | B | Copy; 121 Page(s) by 000004 | 28204133 |
| | 4/13/2007 | | COPY | 21.75 | B | Copy; 145 Page(s) by 025058 | 28204160 |
| | 4/13/2007 | 881367823 | FEDEX | 30.86 | B | VENDOR: FedEx INVOICE#: 881367823 DATE: 4/20/2007 Tracking #791276578035; From: Bernard Reed, Greenberg Traurig, 101 East College, Tallahassee, FL 32301; To: Sam Hirsch, Jenner & Block, 601 Thirteenth Streein.w., Washington, DC 20005 | 28583361 |
| | 4/18/2007 | | COPY | 1.50 | B | Copy; 10 Page(s) by 025058 | 28247203 |
| | 6/22/2007 | | COPY | 7.35 | B | Copy; 49 Page(s) by 015334 | 28918414 |
| | 6/25/2007 | | COPY | 1.35 | B | Copy; 9 Page(s) by 010540 | 28930757 |
| | 2/14/2008 | | COPY | 1.35 | B | Copy; 9 Page(s) by 025058 | 31058787 |
| | 2/14/2008 | | COPY | 1.35 | B | Copy; 9 Page(s) by 025058 | 31059171 |
| 1737 | 1/18/2007 | IN011907 | MESS | 20.00 | B | VENDOR: Adams, Gerald INVOICE#: IN011907 DATE: 1/26/2007 Messenger Service Req'd on 01/18/07 by Rogers, Karen D from ; Gt-Tallahassee to 1St District Court Of Appeals, Tallahassee Florida - Fte Ref. 100544 010100, | 27478727 |
| 2984 | 12/12/2006 | 9510 | PRINT | 465.42 | B | VENDOR: Legally Copied, Inc.; INVOICE#: 9510; DATE: 12/12/2006 - 11 Light Litigation Copies; 42 Custom Tabs; 4 4 3-Ring Notebook | 26355531 |
| 2984 | 1/12/2007 | 81812 | PRINT | 26.50 | B | VENDOR: Colorado Supreme Court; INVOICE#: 81812. DATE: 1/12/2007 - 12/8/06 7 Copies; 12/5/06 1 Faxing Charge | 27537126 |
| 2984 | 1/17/2007 | 9716 | PRINT | 1,317.96 | B | VENDOR: Legally Copied, Inc.; INVOICE#: 9716; DATE: 1/17/2007 - 7,528 Medium Litigation Copies; 180 Color Copies; 180 Pre-Printed Tabs | 27422079 |
| 2984 | 1/17/2007 | 9723 | PRINT | 22.58 | B | VENDOR: Legally Copied, Inc.; INVOICE#: 9723; DATE: 1/17/2007 - 70 Pre-Printed Tabs | 27422081 |
| 2984 | 4/18/2007 | 10472 | PRINT | 147.15 | B | VENDOR: Legally Copied, Inc.; INVOICE#: 10472; DATE: 4/18/2007 - 1,451 Scan copies to digital format; 2 Copy CD | 28290642 |

Date: 3/17/2008
Time: 3:26 PM

Greenberg Traurig
**Client Detailed Time And Expense Report**

Report: TIME12
Req'd By: DOZIERF

by Client ID/Matter No

Time Date Range: 01-01-80 to 010180 Disb Date Range: 1/1/1980 to 03-17-2008

Detailed Disbursements Section (Matter)

| Atty | Date | Check | Disb Code | Disbursement Amount | Status | Description of Disbursement | WIP Loc |
|---|---|---|---|---|---|---|---|
| 3491 | 4/9/2007 | IN040607 | MESS | 20.00 | B | VENDOR: Adams, Gerald INVOICE#: IN040607 DATE: 4/9/2007 Messanger Service Req'd on 040907 by Abbuhl, Christine from , Gt-Tallahassee to Messer,Caparello & Self Pa, 3608 Continental Place. Tall. Fl - File Ref. 100544.010100. | 28164770 |
| 3491 | 4/13/2007 | IN041307 | MESS | 20.00 | B | VENDOR: Adams, Gerald INVOICE#: IN041307 DATE: 4/13/2007 Messenger Service Req'd on 041307 by Abbuhl, Christine from , Gt-Tallahassee to Messer,Caparello,&Self Pa.,2618 Continental Blvd Tallahassee Fl - File Ref. 100544.010200. | 28218810 |
| 5107 | 12/19/2006 | 120651 | INFO | 1,805.00 | B | VENDOR: Access Information; INVOICE# 120651; DATE: 12/19/2006 - Access Research Charges for 100544.010100 | 27315411 |
| BYK | 4/9/2007 | | WEST | 41.76 | B | Westlaw Research by SMITHA,BRIDGET Y. | 28151743 |
| GTB | 4/2/2007 | Z200007860 | TRAV | 1,119.60 | B | VENDOR: AirPlus International Inc INVOICE#: Z200007860 DATE: 4/16/2007 Tkt. No. 00 67829047472 - Burhans/Glenn AirRail Travel on 04/18/2007: TLH ATL DCA ATL TLH | 28358188 |
| GTB | 4/2/2007 | Z200007860 | TRAV | 29.00 | B | VENDOR: AirPlus International Inc INVOICE#: Z200007860 DATE: 4/16/2007 Tkt. No. 89 01964914238 - Burhans/Glenn Travel agency service fee | 28358191 |
| GTB | 4/16/2007 | C0510001111720700 12 | TRAV | 20.00 | B | VENDOR: Burhans, Jr., Glenn T. INVOICE#: C0510001111720700 12 DATE: 4/19/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Lit-Shareholder; DATE: 04/16/07 - Taxi from airport-to hotel in DC (meeting with House Admin. Committee) | 28352806 |
| GTB | 4/17/2007 | C0510001111720700 12 | MEALS | 18.95 | B | VENDOR: Burhans, Jr., Glenn T. INVOICE#: C0510001111720700 12 DATE: 4/19/2007 TYPE: Hotel - Meals; REASON: Client Billable-TAL-Lit-Shareholder; DATE: 04/17/07 - Meal at Hotel Washington | 28352804 |
| GTB | 4/17/2007 | C0510001111720700 12 | TRAV | 411.06 | B | VENDOR: Burhans, Jr., Glenn T. INVOICE#: C0510001111720700 12 DATE: 4/19/2007 TYPE: Hotel - (Non Meals; REASON: Client Billable-TAL-Lit-Shareholder; DATE: 04/17/07 - Hotel Room Charge | 28352805 |
| GTB | 4/17/2007 | C0510001111720700 12 | TRAV | 20.00 | B | VENDOR: Burhans, Jr., Glenn T. INVOICE#: C0510001111720700 12 DATE: 4/19/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Lit-Shareholder; DATE: 04/17/07 - Taxi from House Office Building to National Airport | 28352807 |
| GTB | 4/17/2007 | C0510001111720700 12 | TRAV | 10.00 | B | VENDOR: Burhans, Jr., Glenn T. INVOICE#: C0510001111720700 12 DATE: 4/19/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Lit-Shareholder; DATE: 04/17/07 - Taxi from Hotel Washington to Longworth Building (site of House Admin. Committee meeting) | 28352808 |
| GTB | 4/17/2007 | C0510001111720700 12 | LOTRAV | 20.00 | B | VENDOR: Burhans, Jr., Glenn T. INVOICE#: C0510001111720700 12 DATE: 4/19/2007 TYPE: Parking and Tolls; REASON: Client Billable-TAL-Lit-Shareholder; DATE: 04/17/07 - Parking at airport while in DC for House Admin. Committee meeting re election contest | 28352809 |
| GTB | 5/8/2007 | | WEST | 57.68 | B | Westlaw Research by BURHANS,GLENN T. | 28489572 |
| HRD | 4/14/2007 | GT041407 | CCALL | 4.66 | B | VENDOR: SoundPath Conferencing Services, LLC INVOICE#: GT041407 DATE: 4/14/2007 Conferencing Services Invoice Date 070330 User HRD Client Code 100544 Matter Code 010100 | 28373512 |
| HRD | 4/16/2007 | C0510003265620700 56 | MEALS | 27.72 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/16/07 - Lunch while in DC to testify before the Task Force Panel.; ATTENDEES: Hayden R. Dempsey, Glen Burhans | 28300665 |
| HRD | 4/16/2007 | C0510003265620700 56 | TRAV | 11.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/16/07 - Taxi while in DC to testify before the Task Force Panel | 28300667 |
| HRD | 4/16/2007 | C0510003265620700 56 | MEALS | 29.20 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/16/07 - Dinner while in DC to testify before the Task Force Panel.; ATTENDEES: Hayden R. Dempsey | 28300671 |
| HRD | 4/16/2007 | C0510003265620700 56 | TRAV | 14.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/16/07 - Taxi while in DC to testify before the Task Force Panel. | 28300672 |
| HRD | 4/17/2007 | C0510003265620700 56 | LOTRAV | 20.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Parking and Tolls; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/17/07 - Parking while in DC to testify before the Task Force Panel. | 28300664 |
| HRD | 4/17/2007 | C0510003265620700 56 | TRAV | 1,019.60 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Airfare; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/17/07 - Airfare for travel to DC to attend Task Force Panel meeting. | 28300665 |
| HRD | 4/17/2007 | C0510003265620700 56 | MEALS | 19.45 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/17/07 - Breakfast while in DC to testify before the Task Force Panel.; ATTENDEES: Hayden R. Dempsey | 28300668 |
| HRD | 4/17/2007 | C0510003265620700 56 | MEALS | 15.42 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620700 56 DATE: 4/18/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/17/07 - Lunch while in DC to testify before the Task Force Panel.; ATTENDEES: Hayden R. Dempsey | 28300669 |

Date: 3/17/2008
Time: 3:26 PM

Greenberg Traurig
**Client Detailed Time And Expense Report**

Report: TIME12
Req'd By: DOZIERF

**by Client ID/Matter No**

**Time Date Range: 01-01-80 to 010180 Disb Date Range: 1/1/1980 to 03-17-2008**

Detailed Disbursements Section (Matter)

| Atty | Date | Check | Disb Code | Disbursement Amount | Status | Description of Disbursement | WIP Loc |
|---|---|---|---|---|---|---|---|
| HRD | 4/17/2007 | C0510003265620056 | TRAV | 13.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620056 DATE: 4/18/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/17/07 - Taxi while in DC to testify before the Task Force Panel. | 28300670 |
| HRD | 4/17/2007 | C0510003265620056 | TRAV | 411.06 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620056 DATE: 4/18/2007 TYPE: Hotel - Non Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 04/17/07 | 28300673 |
| HRD | 5/1/2007 | C0510003265620063 | TRAV | 518.30 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Airfare; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/01/07 - Airfare Tallahassee to DC, to attend task force meeting. | 28445750 |
| HRD | 5/1/2007 | C0510003265620063 | TRAV | 19.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/01/07 - Taxi | 28445752 |
| HRD | 5/1/2007 | C0510003265620063 | MEALS | 4.63 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/01/07 - Meal while traveling to task force meeting. ATTENDEES: Hayden R. Dempsey | 28445753 |
| HRD | 5/1/2007 | C0510003265620063 | MEALS | 7.89 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/01/07 - Meal; ATTENDEES: Hayden R. Dempsey | 28445754 |
| HRD | 5/1/2007 | C0510003265620063 | MEALS | 2.33 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/01/07 - Coffee; ATTENDEES: Hayden R. Dempsey | 28445758 |
| HRD | 5/2/2007 | C0510003265620063 | TRAV | 522.30 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Airfare; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/02/07 - Flight from DC to Tallahassee after task force meeting. | 28445759 |
| HRD | 5/2/2007 | C0510003265620063 | TRAV | 8.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/02/07 - Taxi | 28445761 |
| HRD | 5/2/2007 | C0510003265620063 | TRAV | 525.55 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Hotel - Non Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/02/07 | 28445765 |
| HRD | 5/2/2007 | C0510003265620063 | MEALS | 24.63 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Hotel - Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/02/07 | 28445766 |
| HRD | 5/2/2007 | C0510003265620063 | TRAV | 14.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620063 DATE: 5/3/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/02/07 - Taxi | 28445767 |
| HRD | 5/2/2007 | C0510003265620064 | LOTRAV | 20.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620064 DATE: 5/3/2007 TYPE: Parking and Tolls; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 05/02/07 - Airport parking while attending task force meeting in DC. | 28445769 |
| HRD | 6/14/2007 | C0510003265620073 | TRAV | 16.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/14/07 - Cab while in DC.; MERCHANT: Taxi Cab | 29027406 |
| HRD | 6/14/2007 | C0510003265620073 | TRAV | 12.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/14/07 - Cab while in DC.; MERCHANT: Taxicab | 29027408 |
| HRD | 6/14/2007 | C0510003265620073 | MEALS | 9.53 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/14/07 - Snack while traveling to DC., MERCHANT: Borders; ATTENDEES: Hayden R. Dempsey | 29027409 |
| HRD | 6/14/2007 | C0510003265620073 | MEALS | 12.88 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/14/07 - Lunch while traveling to DC ; MERCHANT: Cannelle's; ATTENDEES: Hayden R. Dempsey | 29027412 |
| HRD | 6/14/2007 | C0510003265620073 | MEALS | 54.26 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/14/07 - Dinner while in DC., MERCHANT: Old Ebbitt Grill; ATTENDEES: Hayden R. Dempsey | 29027413 |
| HRD | 6/15/2007 | C0510003265620073 | TRAV | 285.11 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Hotel - Non Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/15/07; MERCHANT: Hotel Washington | 29027404 |
| HRD | 6/15/2007 | C0510003265620073 | MEALS | 4.28 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/15/07 - Breakfast while traveling home from DC.; MERCHANT: Starbucks; ATTENDEES: Hayden R. Dempsey | 29027405 |
| HRD | 6/15/2007 | C0510003265620073 | TRAV | 16.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/15/07 - Taxi while in DC ; MERCHANT: Taxicab | 29027407 |
| HRD | 6/15/2007 | C0510003265620073 | TRAV | 842.10 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620073 DATE: 6/26/2007 TYPE: Airfare; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/15/07 - Airfair for hearing in DC.; MERCHANT: Delta/US Air | 29027410 |

Date: 3/17/2008
Time: 3:26 PM

Greenberg Traurig
**Client Detailed Time And Expense Report**

Report: TIME12
Req'd By: DOZIERF

**by Client ID/Matter No**

**Time Date Range: 01-01-80 to 010180 Disb Date Range: 1/1/1980 to 03-17-2008**

Detailed Disbursements Section (Matter)

| Atty | Date | Check | Disb Code | Disbursement Amount | Status | Description of Disbursement | WIP Loc |
|---|---|---|---|---|---|---|---|
| HRD | 6/15/2007 | C0510003265620070073 | LOTRAV | 19.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070073 DATE: 6/26/2007 TYPE: Parking and Tolls; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 06/15/07 - Airport parking.; MERCHANT: Tallahassee Airport | 29027411 |
| HRD | 8/2/2007 | C0510003265620070086 | TRAV | 17.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE: 8/13/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/02/07 - Taxi while attending Election Task Force Meeting.; MERCHANT: Taxicab | 29398368 |
| HRD | 8/2/2007 | C0510003265620070088 | MEALS | 64.47 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE: 8/13/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/02/07 - Dinner while attending Election Task Force Meeting.; MERCHANT: Old Ebbitt Grill. ATTENDEES. Hayden R. Dempsey | 29398371 |
| HRD | 8/3/2007 | C0510003265620070086 | TRAV | 250.76 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE. 8/13/2007 TYPE: Hotel - Non Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/03/07; MERCHANT: Hotel Washington | 29398369 |
| HRD | 8/3/2007 | C0510003265620070086 | TRAV | 14.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE. 8/13/2007 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/03/07 - Taxi while attending Election Task Force Meeting.; MERCHANT: Taxicab | 29398370 |
| HRD | 8/3/2007 | C0510003265620070086 | LOTRAV | 20.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE. 8/13/2007 TYPE: Parking and Tolls; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/03/07 - Airport parking.; MERCHANT: Tallahassee Airport | 29398372 |
| HRD | 8/3/2007 | C0510003265620070086 | MEALS | 13.21 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE. 8/13/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/03/07 - Lunch while attending Election Task Force Meeting.; MERCHANT: TGI Fridays; ATTENDEES: Hayden R. Dempsey | 29398373 |
| HRD | 8/3/2007 | C0510003265620070088 | MEALS | 19.45 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE. 8/13/2007 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/03/07 - Breakfast while attending Election Task Force Meeting.; MERCHANT: Two Continents. ATTENDEES. Hayden R. Dempsey | 29398374 |
| HRD | 8/3/2007 | C0510003265620070086 | TRAV | 12.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE. 8/13/2007 TYPE: Taxi/Car Service. REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/03/07. - Taxi while attending Election Task Force Meeting.; MERCHANT: Taxicab | 29398375 |
| HRD | 8/3/2007 | C0510003265620070086 | TRAV | 1,019.60 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620070086 DATE: 8/13/2007 TYPE: Airfare; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 08/03/07 - Airfare for trip to DC for Task Force meeting.; MERCHANT: Delta | 29398376 |
| HRD | 2/7/2008 | C0510003265620080121 | TRAV | 10.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/07/08 - Cabfare from Capitol to hotel.; MERCHANT: No Name | 31140745 |
| HRD | 2/7/2008 | C0510003265620080121 | TRAV | 10.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE: Taxi/Car Service; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/07/08 - Cabfare from the airport to the Capitol.; MERCHANT: No Name | 31140751 |
| HRD | 2/7/2008 | C0510003265620080121 | MEALS | 32.39 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE: Business Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/07/08 - Dinner while attending Task Force meeting in DC.; MERCHANT: Old Ebbitt Grill; ATTENDEES: Hayden R. Dempsey | 31140753 |
| HRD | 2/8/2008 | C0510003265620080121 | TRAV | 10.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE. Taxi/Car Service, REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/08/08 - Cabfare from the hotel to the Capitol.; MERCHANT: No Name | 31140756 |
| HRD | 2/8/2008 | C0510003265620080121 | TRAV | 543.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE: Airfare; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/08/08 - Airfare to attend Task Force meeting in DC.; MERCHANT: Delta | 31140758 |
| HRD | 2/8/2008 | C0510003265620080121 | TRAV | 319.46 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE: Hotel - Non Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/08/08; MERCHANT: The Madison | 31140748 |
| HRD | 2/8/2008 | C0510003265620080121 | MEALS | 34.02 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE: Hotel - Meals; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/08/08, MERCHANT: The Madison | 31140749 |
| HRD | 2/8/2008 | C0510003265620080121 | LOTRAV | 24.00 | B | VENDOR: Dempsey, Hayden R. INVOICE#: C0510003265620080121 DATE: 2/14/2008 TYPE: Parking and Tolls; REASON: Client Billable-TAL-Govt-Shareholder; DATE: 02/08/08 - Airport parking while attending Task Force meeting in DC.; MERCHANT: Tallahassee Airport | 31140750 |

Date: 3/17/2008
Time: 3:26 PM

Greenberg Traurig
**Client Detailed Time And Expense Report**

Report: TIME12
Req'd By: DOZIERF

**by Client ID/Matter No**
**Time Date Range: 01-01-80 to 010180 Disb Date Range: 1/1/1980 to 03-17-2008**

Detailed Disbursements Section (Matter)

| Atty | Date | Check | Disb Code | Disbursement Amount | Status | Description of Disbursement | WIP Loc |
|---|---|---|---|---|---|---|---|
| | | Disbursements Total | | 15,298.42 | | | |

Disbursement Code Summary Section (Matter)

| Code | Description | Disb Amount |
|---|---|---|
| CCALL | Conference Calls | 4.86 |
| COCOPY | Color Copies | 5.00 |
| COPY | Photocopy Charges | 734.70 |
| FEDEX | Federal Express Charges | 144.10 |
| INFO | Information & Research | 2,030.60 |
| LEXIS | Lexis Information and Research | 174.45 |
| LOTRAV | Local Travel | 147.00 |
| MEALS | Business Meals | 420.09 |
| MESS | Messenger Services | 60.00 |
| PRINT | Off-site Printing and Copying Charges | 1,979.21 |
| TELE | Telephone Expenses | 2.72 |
| TRAV | Travel and Lodging Out of town | 9,168.22 |
| WEST | Westlaw Information and Research | 407.67 |
| | Disbursement Summary Total | 15,298.42 |

Buchanan House Contest Totals: Fees

| | |
|---|---|
| Disb | 15,298.42 |
| Matter Total: | 15,298.42 |

Client Summary For: 100544 Vern Buchanan for Congress

Time Summary Matter Section

| Matter | Amount | Amount | Rate per Hour |
|---|---|---|---|

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| MXH | 11/8/2006 | 1.20 | $246.00 | 205 | Conduct research concerning Congressional district 13, precincts, calls to relevant supervisors of elections to obtain canvassing board information and provide to G. Burhans, and initial strategy session with G. Burhans |
| GTB | 11/8/2006 | 10.00 | $3,800.00 | 380 | Confer w/ B. Galvano and V. Buchanan re: retention as campaign litigation counsel, research, review and analysis of recount and election contest issues, research electronic/touchscreen voting issues, review and analysis of unofficial election returns, outline recount procedures/chronology, outline legal/factual issues for follow-up research in anticipation of recount and election contest litigation. |
| HRD | 11/8/2006 | 3.10 | $1,240.00 | 400 | Travel to Sarasota; multiple telephone calls re recount. |
| SYK | 11/8/2006 | 1.80 | $378.00 | 210 | Research re: Florida election certification recount and contest deadlines and provisions. |
| MXH | 11/9/2006 | 0.30 | $61.50 | 205 | Pull ballot image reporting and related voting machine rules and forms for use by G. Burhans. |
| GTB | 11/9/2006 | 11.50 | $4,370.00 | 380 | Continue research, review and analysis of recount and election contest issues, research electronic/touchscreen voting issues; review and analysis of unofficial election returns; outline recount procedures/chronolgy, outline legal/factual issues for follow-up research in anticipation of recount and election contest litigation, various conferences re: legal strategy, research potential experts. |
| HRD | 11/9/2006 | 9.00 | $3,600.00 | 400 | Worked on recount. |
| GTB | 11/10/2006 | 8.00 | $3,040.00 | 380 | Continue research and analysis of recount and election contest issues, draft outline of legal argument for election contest, research electronic/touchscreen voting issues, review and revise draft outline recount procedures/chronology, outline legal/factual issues for follow-up research in anticipation of recount and election contest litigation, various conferences re legal strategy, research and interview potential experts. |
| HRD | 11/10/2006 | 8.70 | $3,480.00 | 400 | Worked on recount. |
| GTB | 11/11/2006 | 5.50 | $2,090.00 | 380 | Continue research and analysis of recount and election contest issues; research electronic/touchscreen voting issues, outline legal/factual issues for follow-up research in anticipation of recount and election contest litigation, various conferences re: legal strategy, research potential experts. |
| DIC | 11/11/2006 | 1.50 | $300.00 | 200 | Continue researching Florida Standards in ordering new elections Complete memo for GTB. |
| HRD | 11/11/2006 | 1.50 | $600.00 | 400 | Worked on recount. |
| HL | 11/11/2006 | 2.70 | $756.00 | 280 | Revision of memorandum re. election contest; additional research, especially as to available remedies. |
| GTB | 11/12/2006 | 10.00 | $3,800.00 | 380 | Continue research and analysis of recount and election contest issues,, revised draft outline of legal argument for election contest, research electronic/touchscreen voting issues and research experts; various conferences re: legal strategy, travel to Sarasota. |
| DIC | 11/12/2006 | 3.50 | $700.00 | 200 | Review case law in Florida election standards memo to more clearly articulate the result in two cases for GTB. Research issue of the statistical analysis required in determining whether they indicate an abnormality in the result sufficient to invalidate it and hold a new election. |
| HRD | 11/12/2006 | 9.50 | $3,800.00 | 400 | Worked on recount. |
| GTB | 11/13/2006 | 13.50 | $5,130.00 | 380 | Attend Sarasota County machine recount; research and analysis of recount and election contest issues, research electronic voting machine issues; revise draft outline of legal argument for election contest, various conferences re: legal strategy; research and interview potential experts |
| HRD | 11/13/2006 | 13.00 | $5,200.00 | 400 | Worked on recount, attend canvassing board meetings. |
| HL | 11/13/2006 | 4.50 | $1,260.00 | 280 | Revision of memo on election contests/research in support, additional research and multiple conference calls, memo to G. Burhans re: procedure for counting overseas military ballouts, research on Electronic Voting Systems Act, and statutory history of same. |
| SYK | 11/13/2006 | 4.30 | $903.00 | 210 | Drafted memo re. whether ballot must be approved by the Division of Elections, means for challenging the validity of a ballot. |
| MXH | 11/14/2006 | 0.60 | $123.00 | 205 | Review emails and assist with research on RG Associates; follow up work concerning availability of New Jersey |
| GTB | 11/14/2006 | 11.50 | $4,370.00 | 380 | Attend Manatee County maching recount/canvassing board meeting re: canvass of provisionsl ballots; review and analysis of Jennings' petition for emergency relief re sequestration of touchscreen voting machines in Sarasota County and accompanying exspert affidavit; draft outline for manual recount procedures and determination of voter intent; review/analysis of memoranda re: canvassing of overseas/absentee ballots; continued research and interview potential experts; revise draft outline of legal argument for election contest; various conferences re: legal strategy. |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| JHL | 11/14/2006 | 6.50 | $1,820.00 | 280 | Revision of memo on election contests; research in support, delivery to G. Burhans, research on potential experts on electronic voting machines and standards, multiple p/cs with potential experts, and with G. Burhans; research/notes re: elements of temporary injunction to H. Dempsey; research on J. Whitney/R&G Associates; multiple p/cs, emails with Systest Labs, Wyle Labs personnel; research, email to G. Burhans re: EAC Voluntary Voting System Guidelines, review of letter from Secretary Cobb. |
| ABL | 11/14/2006 | 0 40 | $240.00 | 600 | Intraoffice conference regarding techology-litigation issues. |
| HRD | 11/14/2006 | 13.80 | $5,520.00 | 400 | Worked on recount; attend canvassing boared meetings. |
| GTB | 11/15/2006 | 10.00 | $3,800.00 | 380 | Attend Manatee County canvassing board meeting; revise draft outline for manual recount procedures and determination of voter intent, continued research and interview potential exsperts; review/analysis of memoranda re canvassing of overseas/absentee ballots; revise draft outline of legal argument for election contest; various conferences re legal strategy. |
| HRD | 11/15/2006 | 11.30 | $4,520.00 | 400 | Worked on recount, attend canvassing board meetings |
| HRM | 11/15/2006 | 1.20 | $78.00 | 65 | Research regarding experts Brit Williams and Glenn Newkirk. |
| ABL | 11/15/2006 | 0.50 | $300 00 | 600 | Telephone conference with proposed experts. |
| MXH | 11/16/2006 | 0 40 | $82.00 | 205 | Receive and review results of research on experts/companies and forward to team; address hearing issues with G. Burhans and H. Hatcher. |
| GTB | 11/16/2006 | 9 00 | $3,420.00 | 380 | Attend Manatee County manual recount/canvassing board meeting; review and analysis of proposed testing protocols for testing of Sarasota touchscreen system, continue legal research of election contest issues and revise draft outline of legal arguments relating to election contest litigation, follow up research on proposed experts. |
| HRD | 11/16/2006 | 12.50 | $5,000.00 | 400 | Worked on recount; attend canvassing board meetings. |
| JHL | 11/16/2006 | 4.10 | $1,148.00 | 280 | Review of legislative history of Electronic Voting Systems Act, p/cs K. Keelan, G. Burhans re: Plaintiff's proposed testing/analysis protocols, multiple emails re: same, multiple emails G Burhans of Federal and Florida Voting Systems Standards; p/c Wyle Labs re: proposal. |
| GTB | 11/17/2006 | 8 00 | $3,040.00 | 308 | Attend Manatee canvassing board canvass of overseas/absentee ballots; review/analysis of proposed testing protocols/procedures; revise draft outline of legal arguments in opposition to election contest; return travel to Tallahassee. |
| HRD | 11/17/2006 | 11.50 | $4,600.00 | 400 | Worked on recount; attend canvassing board meetings. |
| HRD | 11/18/2006 | 4.50 | $1,800.00 | 400 | Travel to Tallahassee. |
| HRD | 11/20/2006 | 4.20 | $1,680.00 | 400 | Work on recount. |
| DIC | 11/21/2006 | 4.70 | $940.00 | 200 | Research federal law on when an elected official to the House of Representatives has official taken office. Research the statutory start date of the 110th Congress. Attend hearing on motion to expedite discovery. Research the jurisdiction of the House of representatives to hear election contest cases |
| JHL | 11/21/2006 | 2 60 | $728 00 | 280 | Multi conference calls, email, letter to Supervisor Dent's office re: public records request for ballot images and audit logs, email G. Burhans with document list; multiple conference calls K Keelon re retainer, documents for review; email to K. Keelon re: same. |
| DIC | 11/22/2006 | 6.20 | $1,240.00 | 200 | Pull and shepardize cases jurisdictional issue of the circuit court v the federal house of representatives. Conduct legislative history research on Fla. Stat. 102.168 and 102.171 |
| GTB | 11/22/2006 | 6.00 | $2,280.00 | 380 | Review and analysis of congressional contest constitutional and statutory research, draft outline for motion to dismiss/motion for summary judgment. |
| HRM | 11/22/2006 | 1.25 | $81.25 | 65 | Research expert Jocelyn Whitney/R & G Associates. |
| GTB | 11/27/2006 | 8.50 | $3,230.00 | 380 | Research and draft motion to dismiss/motion for summary judgment, research expert issues, conference w/ testing consulting experts re. state testing/audit of Sarasota touch screen machines; conference call w/ all counsel re: discovery and trial scheduling issues, research re: election contest in House of Representatives. |
| HRD | 11/27/2006 | 7 50 | $3,000.00 | 400 | Prepared for machine audit; travel to Sarasota. |
| ABL | 11/27/2006 | 1.20 | $720.00 | 600 | Telephone conference preparing for voting system testing observation. |
| MXH | 11/28/2006 | 1.60 | $328.00 | 205 | Conduct initial research into California electronic voting and parallel testing on voting machines; review report filed with Secretary of State fy R&G and provide for use by G. Burhans; begin compilation of other related materials for review. |
| GTB | 11/28/2006 | 9.50 | $3,610.00 | 380 | Research and draft motion to dismiss/motion for summary judgment; research expert issues; conference w/ testing consulting experts re: state testing/audit of Sarasota touch screen machines; research re election contest in House of Representatives. |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| HRD | 11/28/2006 | 15.50 | $6,200.00 | 400 | Attended machine audit. |
| ABL | 11/28/2006 | 12.00 | $7,200 00 | 600 | Attend election equipment testing in Sarasota; meeting with experts; travel from Sarasota. |
| GTB | 11/29/2006 | 9.00 | $3,420 00 | 380 | Continue research and draft motion to dismiss/motion for summary judgment, research expert issues; conference w/ statistics expert re. analysis of plaintiff's theories and potential responses; conferences w/ testing consulting experts re. state stesting/audit of Sarasota touch screen machines; coordination of follow up research assignments re: other challenges to touchscreen machines and ballot designs; analysis of potential evidentiary issues; analysis of litigaton strategy. |
| DIC | 11/29/2006 | 2.90 | $580.00 | 200 | Research re: sentate report issued by the senate rules committee on 1996 LA election contest. Discuss new research assignment with GTB. |
| HRD | 11/29/2006 | 5.20 | $2,080 00 | 400 | Worked on suit, travel to Tallahassee |
| HRM | 11/29/2006 | 1.00 | $65 00 | 65 | Prepare working file of electronic Voting Summit 2005 (California) for review by G Burhans. |
| ABL | 11/29/2006 | 2.60 | $1,560.00 | 600 | Intraoffice conferences regarding testing results and strategy, receive and review correspondence. |
| BYK | 11/29/2006 | 4.90 | $1,029 00 | 210 | Reviewed statutes and legislative history governing ballot form |
| GTB | 11/30/2006 | 9.50 | $3,610 00 | 380 | Continue research and drafting of dispositive motion, research "human factor" and ballot design issues, conference w/ testing consulting experts re: state testing/audit of Sarasota touch screen machines; conference call with counsel for all parties re. discovery and trial scheduling issues; review, analysis and provide comments research memoranda re: legal standards and challenges to ballot design/form. |
| HRD | 11/30/2006 | 6.50 | $2,600 00 | 400 | Worked on suit; travel to Sarasota |
| ABL | 11/30/2006 | 2.20 | $1,320.00 | 600 | Intraoffice conference regarding results of election testing and strategy. |
| BYK | 11/30/2006 | 8.00 | $1,680 00 | 210 | Researched and drafted memo re: authority to regulate ballot form; enforcement of ballot form requirements; challenge to ballot form, substantial compliance with DS-DE 23; research re: whether statistical anomalies are sufficient to survive a motion to dismiss. |
| HRD | 12/2/2006 | 1.10 | $440.00 | 400 | Telephone conference re: status; research re: contest |
| HRD | 12/4/2006 | 3.50 | $1,400.00 | 400 | Several phone calls w/ counsel for defendants re. lawsuit; research re. federal contest |
| HRD | 12/5/2006 | 3.00 | $1,520 00 | 400 | Research re: state action impact on federal contests; reviewed plaintiffs' motions; reviewed Dartmouth study. |
| MXH | 12/6/2006 | 0.60 | $123 00 | 205 | Review congressional election contest report, discuss with G Burhans and draft email to research team to assist in collection of house reports and other congressional materials. |
| HRD | 12/6/2006 | 6.20 | $2,480 00 | 400 | Research re: prior federal contests; reviewed Dartmouth study, travel to Washington, DC |
| HRD | 12/7/2006 | 2.90 | $1,160.00 | 400 | Meeting w/ House Administration staff; meeting w/ client and staff |
| GTB | 12/7/2006 | 10.75 | $4,085 00 | 380 | Detailed review and analysis of plaintiffs' expert declarations, conduct background research on Jennings' computer expert D. Wallach and statistics expert C. Stewart, continue legal research and draft outline for dispositive motion, research and evaluation potential experts |
| SBM | 12/7/2006 | 0.50 | $77 50 | 155 | Search for historical congressional materials |
| BYK | 12/7/2006 | 6.40 | $1,344.00 | 210 | Research re: whether objections may be made to the seating of an elected member of Congress by persons other than the losing candidate. |
| JSB | 12/7/2006 | 1.00 | $180.00 | 180 | Conduct research re. congressional reports. |
| HRD | 12/8/2006 | 2.70 | $1,080.00 | 400 | Research re: basis for refusal to swear in congressman elect, teleconference w/ counsel |
| JSV | 12/8/2006 | 4.00 | $720 00 | 180 | Preparation of government documents re: House contests at Stanford library |
| ABL | 12/8/2006 | 1.40 | $840.00 | 600 | Receive and review correspondence; intraoffice conference regarding case strategy re. House position. |
| MNK | 12/8/2006 | 0.50 | $175 00 | 350 | Research issues pertaining to U.S. House of Representatives contested election cases. |
| MXH | 12/8/2006 | 0.40 | $82 00 | 205 | Begin preparation of research binders concerning Congressional contest hearings. |
| BYK | 12/11/2006 | 8.20 | $1,722.00 | 210 | Research re whether Congress has the power to regulate ballot form to be used by states or to order a new election. |
| GTB | 12/11/2006 | 3.00 | $1,140.00 | 380 | Review and analysis re: election contest in U S. House of Representatives and draft outline for legal argument in House . |
| HRM | 12/11/2006 | 5.50 | $357.50 | 65 | Preparation of congressional report research binders for use by G. Burhans and S. Frazier. |
| GTB | 12/11/2006 | 3.50 | $1,330.00 | 380 | Continue background investigation/analysis of plaintiff's experts Wallach and Steward (1.5); revise legal research re. dispositive motion (subject matter jurisdiction of court and failure to establish rejection of legal votes as a matter of law) (2 0). |
| MXH | 12/11/2006 | 0.60 | $123.00 | 205 | Review updated congressional files in eroom and coordinate with paralegal clerk for consolidation to binders. |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| SMF | 12/11/2006 | 3.00 | $1,080.00 | 360 | Strategy conference with Glenn Burhans regarding potential House Contest. Review CRS Report for Congress summarizing House Contested Election Cases between 1933 and 2000. |
| GTB | 12/12/2006 | 2.00 | $760.00 | 380 | Review and analysis re election contest in U.S. House of Representatives |
| HRM | 12/12/2006 | 6.50 | $422.50 | 65 | Preparation of congressional report research binders for G. Burhans and S. Frazier. |
| HRD | 12/12/2006 | 3.10 | $1,240.00 | 400 | Background research re. experts for election contest. |
| SMF | 12/12/2006 | 4.00 | $1,440.00 | 360 | Work on House Election Contest. Continue research of former contest decisions/congressional reports. |
| GTB | 12/13/2006 | 3.50 | $1,330.00 | 380 | Review and analysis of research re. election contest in U.S. House of Representatives. |
| HRM | 12/13/2006 | 2.50 | $162.50 | 65 | Preparation of file copy of congressional reports research binder. |
| JKA | 12/13/2006 | 3.50 | $420.00 | 120 | Preparation of chart containing all House election contests, who contested, which Congress and outcome of same. |
| MXH | 12/13/2006 | 0.80 | $164.00 | 205 | Research regarding Wallach publications |
| HRM | 12/13/2006 | 3.75 | $243.75 | 65 | Pull research materials regarding voting machines for review by J. Londot. |
| MXH | 12/13/2006 | 0.30 | $61.50 | 205 | Review status of House election contest research project and chart of cases going to Congress with J. Smith |
| SMF | 12/13/2006 | 3.80 | $1,368.00 | 360 | Work on House Election Contest Research congressional reports on former protests. Review standards for motion to dismiss. |
| GTB | 12/14/2006 | 1.50 | $570.00 | 380 | Review and analysis of potential exhibits for evidentiary hearing (1.5) |
| MXH | 12/14/2006 | 1.00 | $205.00 | 205 | Review Congressional Report against proposed binder set and update to include breakdown of reporting within each contest. |
| GTB | 12/14/2006 | 3.00 | $1,140.00 | 380 | Continue review and analysis of research re election contest in US House of Represesntatives. |
| JHL | 12/14/2006 | 3.60 | $1,008.00 | 300 | Research re: human factors expert; multiple telephone conferences with potential experts. |
| HRM | 12/14/2006 | 2.25 | $146.25 | 65 | Conduct research regarding expert Doug Jones and prepare materials for review by G. Burhans. |
| HRM | 12/14/2006 | 1.50 | $97.50 | 65 | Prepare binder of expert Dan Wallach materials for review by G. Burhans. |
| MXH | 12/14/2006 | 0.30 | $61.50 | 205 | Review memo regarding contested elections and research additional deadlines and filing requirements for update to G. Burhans in anticipation of congressional House contest. |
| MXH | 12/14/2006 | 0.10 | $20.50 | 205 | Docketing concerning discovery propounded to Jennings. |
| SMF | 12/14/2006 | 5.00 | $1,800.00 | 360 | Work on House Election Contest motion to dismiss/dispositive motion and evidence. Review state court complaint and cases upholding constitutionality of Florida recount precedures. Review election contest decisions and argument. |
| ABL | 12/15/2006 | 1.20 | $720.00 | 600 | Conference call regarding expert witness theories and cross-examination. |
| JHL | 12/15/2006 | 4.60 | $1,288.00 | 280 | Continuing research re: potential human factors experts; telephone conference with G. Burhans, Fred Conrad |
| JSB | 12/15/2006 | 0.50 | $90.00 | 180 | Conduct research re. U.S. House reports re election contests. |
| MXH | 12/15/2006 | 0.10 | $20.50 | 205 | Update concerning research on House report. |
| MXH | 12/15/2006 | 1.10 | $225.50 | 205 | Assist with materials concerning Jenning's expert Wallach to be included for A. Landa review in advance of hearing. |
| SMF | 12/15/2006 | 4.30 | $1,548.00 | 360 | Continue work on Motion to Dismiss House Election Contest. Review sample Motions to Dismiss in similar election contests. Continue review of congressional records in contests. |
| GTB | 12/17/2006 | 1.50 | $570.00 | 380 | Research/analysis of US House election contests. |
| GTB | 12/18/2006 | 3.50 | $1,330.00 | 380 | Rrevise draft legal argument for dispositive motion; continue analysis of US House election contests . |
| HAY | 12/18/2006 | 0.50 | $75.00 | 150 | Research availability of House of Representatives motions filed in contested election cases for M Beal |
| GTB | 12/18/2006 | 11.00 | $4,180.00 | 380 | Continue preparing legal argument, cross examination of statistical and computer experts and exhibits for evidentiary hearing. |
| DIC | 12/18/2006 | 2.10 | $420.00 | 200 | Read and annotate Charles Stewart's Report. |
| JHL | 12/18/2006 | 3.90 | $1,092.00 | 280 | P/c potential human factors expert D. Chiswell; p/conf D. Chiswell, G. Burhans, research on other potential experts, p/msgs to John M. O'Hara and Howard A. Schmidt |
| SMF | 12/18/2006 | 5.00 | $1,800.00 | 360 | Work on motion to dismiss U.S. House contest. Check status of evidentiary hearing regarding disclosure of source code for voting machines and other trade secrets of manufacturer. |
| JHL | 12/19/2006 | 3.20 | $896.00 | 280 | Additional research on potential human factors/usability experts; p/c John M. O'Hara re. same. |
| SMF | 12/19/2006 | 6.00 | $2,160.00 | 360 | Continue work on draft motion to dismiss Jennings U.S House election contest. Research ability and responsibility of House to seat certified winner, even when contest is pending. Draft correspondence regarding same. |
| SMF | 12/20/2006 | 6.00 | $2,160.00 | 360 | Continue work on motion to dismiss U.S. House election contest. Receive and review Jennings Notice of Contest |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| GTB | 12/21/2006 | 3.50 | $1,330.00 | 380 | Review and analysis of Jennings Notice of Contest (US House) (1 0); review research and outline response to US House election contest (2.5). |
| HRD | 12/21/2006 | 3.20 | $1,280.00 | 400 | Meeting with team regarding congressional filing, reviewed draft motion to dismiss; worked on exhibits |
| GMF | 12/21/2006 | 5 50 | $1,980.00 | 360 | Edit motion to dismiss House Election Contest Continue research in light of allegations and pleadings made within Notice of Contest |
| HRD | 12/22/2006 | 2.80 | $1,120.00 | 400 | Reviewed memoranda of law submitted by all parties; worked on exhibits for congress filing. |
| GMF | 12/22/2006 | 4.00 | $1,440.00 | 360 | Continue work on motion to dismiss. |
| DCM | 12/26/2006 | 1 00 | $470 00 | 470 | Telephone call from S. Frazier, Reviewed background information regarding contest; Telephone call to D. Hickey, obtained and reviewed additional materials, including CRS report and pleadings re. U.S. House contest. |
| HRD | 12/26/2006 | 1.30 | $520 00 | 400 | Worked on motion to dismiss Congressional contest |
| MXH | 12/26/2006 | 1.50 | $307 50 | 205 | Review all affidavits to confirm counts for use in House dismissal or other briefing, begin catalog of voter categories from Jennings affidavits. |
| MXH | 12/26/2006 | 0.30 | $61 50 | 205 | Initiate communications with J. Londot and H. Hatcher concerning certifications needed for filing with House of Representatives. |
| GMF | 12/26/2006 | 3.50 | $1,260.00 | 360 | Work on motion to dismiss U.S. House election contest. Review evidentiary hearing transcript from circuit court. |
| DCM | 12/27/2006 | 0.80 | $376.00 | 470 | Telephone call with D. Hickey regarding service of materials in connection with U S. House contest filing |
| DTH | 12/27/2006 | 2.40 | $936.00 | 390 | Discuss case with S. Frazier; review House Rules, calls to the House Clerk's Office and Committees re procedures for filing. |
| GTB | 12/27/2006 | 9 00 | $3,420.00 | 380 | Draft introductory sections re. facts, procedure and state proceedings for motion to dismiss US House Contest. |
| TT | 12/27/2006 | 0 20 | $31.00 | 155 | Search Leadership Directory for Committee on House Administration listing for D. Hickey. |
| GMF | 12/27/2006 | 3.80 | $1,368.00 | 360 | Continue review of prior election contest cases, House resolutions. Revise Motion to Dismiss House Contest. |
| DCM | 12/28/2006 | 0 20 | $94.00 | 470 | Message from D Hickey; telephone conference with D. Hickey; message to S Frazier regarding filing. |
| DTH | 12/28/2006 | 0.40 | $156.00 | 390 | Review Congressional Research papers re. contested elections. |
| GTB | 12/28/2006 | 9.00 | $3,420 00 | 380 | Conduct follow up fact and legal research and revise draft and motion to dismiss US House contest. |
| JHL | 12/28/2006 | 4.50 | $1,260 00 | 280 | Research, phone messages to various potential human factors experts, esp DiGregorio, Craft, Sories, Schmidt, emails John O'Hara, multiple p/cs Secretary of State's office re: certified copies; personal visit to same. |
| MXH | 12/28/2006 | 6.80 | $1,394.00 | 205 | Review Supervisor of Elections documents, discuss with H. Hatcher; review status of briefing on motion to dismiss; meeting with G. Burhans, S. Frazier, J. Londot, and H. Dempsey on upcoming filings and projects, update materials to eroom file, receive and review discovery received from client; contact vendor regarding production needs. |
| GMF | 12/28/2006 | 4.00 | $1,440.00 | 360 | Continue work on motion to dismiss U.S. House Contest |
| JHL | 12/29/2006 | 4.40 | $1,232.00 | 280 | Additional research re potential human factors experts, esp. DiGregorio, Craft, Sories, Schmidt; p/cs, personal visit to Lisa Ginn for Secretary of State certified copies. |
| GMF | 12/29/2006 | 4.00 | $1,440 00 | 360 | Receipt and review of Judge Gary's Order denying Jennings access to source code of ivotronic voting machines. Revise House motion to dismiss to incorporate judge's ruling that plaintiff failed to present credible evidence. |
| GTB | 1/2/2007 | 2.00 | $820.00 | 410 | Revise draft motion to dismiss House contest (2 0). |
| JHL | 1/2/2007 | 2.30 | $690.00 | 300 | Review of email from M. Matthews re: Department of State records; cotinuing attempts to find human factors experts, especially re: elderly. |
| MXH | 1/2/2007 | 1.33 | $272.65 | 205 | Review latest version of House motion to dismiss and compilation of exhibits for filing (.3); review transcript from evidentiary hearing and begin flagging to prepare excerpts to replace copies (1.1). |
| GMF | 1/2/2007 | 3.40 | $1,326.00 | 390 | Work on Motion to Dismiss federal election contest |
| GTB | 1/3/2007 | 2 00 | $820.00 | 410 | Revise draft motion to dismiss House contest. |
| JHL | 1/3/2007 | 2 70 | $810.00 | 300 | Multiple telephone calls and meeting with Lisa Ginn at Secretary of State office re. certified copies of pleading exhibits, continuing research on human factors experts. |
| MXH | 1/3/2007 | 0 10 | $21 50 | 215 | Confirm status of Secretary of State certifications for use as exhibits in motion to dismiss appendix. |
| GMF | 1/3/2007 | 3.00 | $1,170.00 | 390 | Work on motion to dismiss House Contest. |
| GTB | 1/4/2007 | 6.50 | $2,665.00 | 410 | Review and revise draft motion to dismiss House contest. |
| JHL | 1/4/2007 | 3.80 | $1,140.00 | 300 | Telephone conference with John O'Hara, G. Burnas re: potential human factors expertise; multiple calls and meeting with Secretary of State's office to pick up certified copies of motion exhibits. |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| MXH | 1/4/2007 | 0.40 | $86.00 | 215 | Receive and review certifications obtained from Department of State; comparison with original listed materials as proposed exhibits; field and respond to questions from H. Dempsey concerning same |
| SMF | 1/4/2007 | 3.00 | $1,170.00 | 390 | Review swearing in, statements by other rerpesentatives regarding contest. Revise House Contest Motion to Dismiss. |
| GTB | 1/5/2007 | 3.00 | $1,230 00 | 410 | Revise draft House contest motion to dismiss. |
| HRD | 1/5/2007 | 1.30 | $552.50 | 425 | Revise motion to dismiss House Contest |
| JHL | 1/5/2007 | 1 30 | $390.00 | 300 | Personal visit to Secretary of State's office for certified copies for exhibits to Motion to Dismiss House Contest; continuing research on human factors experts. |
| SMF | 1/5/2007 | 2.70 | $1,053 00 | 390 | Continue edits to Motion to Dismiss House Election Contest. |
| HRD | 1/8/2007 | 2 00 | $850 00 | 425 | Research re Fedreral Contest Act |
| SMF | 1/8/2007 | 2.50 | $975.00 | 390 | Work on House Contest Motion to Dismiss. |
| GTB | 1/9/2007 | 7.10 | $2,911.00 | 410 | Conduct team conference re. strategy, tasking and status of State action and House contest. |
| HRD | 1/9/2007 | 3 20 | $1,360 00 | 425 | Research re Federal Contest Act, meet with Team re. motion to dismiss. |
| SMF | 1/9/2007 | 0.80 | $312.00 | 390 | Strategy meeting with co-counsel to discuss filing of Motion to Dismiss Election Contest in the House, prepartaions of potential experts, filing of potential motion for summary judgment in circuit court proceedings |
| GTB | 1/10/2007 | 2.00 | $820.00 | 410 | Prepare outline for response; revise draft motion to dismiss House contest. |
| GTB | 1/11/2007 | 2 00 | $820.00 | 410 | Follow up research and revise motion to dismiss House contest |
| SMF | 1/11/2007 | 3.10 | $1,209.00 | 390 | Edit motion to dismiss House Contest; review exhibits for same |
| HRD | 1/12/2007 | 0.80 | $340.00 | 425 | Telephone conference with client re status. |
| MXH | 1/12/2007 | 2.00 | $410.00 | 205 | Review draft motion to dismiss House Contest; insert exh references; pull court documents for use and review by G. Burhans to confirm for use in appendix. |
| MXH | 1/15/2007 | 1.50 | $307.50 | 205 | Continued work regarding preparation of exhibits for Motion to Dismiss House Contest including request email to J. Londot for clarification and status |
| DTH | 1/16/2007 | 0 30 | $126 00 | 420 | Assist with filing logistics. |
| GTB | 1/16/2007 | 11.00 | $4,510.00 | 410 | Review, analysis and coordination of exhibits for filing appendix in support of US House Contest, conduct follow-up legal research and revise draft Motion to Dismiss US House Elections Contest |
| HRD | 1/16/2007 | 1.40 | $595.00 | 425 | Revise motion to dismiss |
| JHL | 1/16/2007 | 1.20 | $360.00 | 300 | Review of certified copies of documents, telephone call with C Bronson, of Secretary of Statet's office, re. same, emamil to G. Burhans re: same. |
| MXH | 1/16/2007 | 4.50 | $922 50 | 205 | Extensive work regarding exhibit to motion to dismiss House Contest and review of draft motion for comments/issues. |
| GTB | 1/17/2007 | 8.00 | $3,280.00 | 410 | Conduct follow up legal research and revise draft Motion to Dismiss US House Elections Contest. |
| HRD | 1/17/2007 | 0.80 | $340.00 | 425 | Several teleconferences re federal contest |
| JKA | 1/17/2007 | 1.00 | $135.00 | 135 | Begin preparation of exhibits to be filed with Motion to Dismiss. |
| MXH | 1/17/2007 | 4.50 | $922.50 | 205 | Extensive work concerning transcript references and other revisions to House Contest brief in anticipation of filing. |
| DTH | 1/18/2007 | 0.60 | $252.00 | 420 | Review materials received from Tallahassee Office, prepare to file with House of Representatives. |
| GTB | 1/18/2007 | 15.00 | $6,150.00 | 410 | Follow up research motion to dismiss; review/analysis of appendix exhibits; revise draft Motion to Dismiss U.S House Elections Contest; |
| HRD | 1/18/2007 | 1.70 | $722.50 | 425 | Finalize motion to dismiss |
| JKA | 1/18/2007 | 2 00 | $270.00 | 135 | Continue preparation of exhibits to be filed with Motion to Dismiss. |
| MNK | 1/18/2007 | 7.00 | $2,660.00 | 380 | Work on motion to dismiss to be filed in U.S. House of Representatives. |
| MXH | 1/18/2007 | 5.80 | $1,189.00 | 205 | Multiple calls with D. Hickey for logistical planning, prepare appendix index and covers, coordinate for federal express delivery of materials to Hickey; multiple conferences with G. Burhans. |
| SMF | 1/18/2007 | 6.50 | $2,535.00 | 390 | Finalize draft of Motion to Dismiss House Contest. Work on citations and additional parenthetical explanations of prior House Contest precedents. |
| DTH | 1/19/2007 | 4 20 | $1,764.00 | 420 | Finalize Motion to Dismiss and transmittal letters, file with House of Representatives |
| GTB | 1/19/2007 | 1 50 | $615.00 | 410 | Final editing/revisions to Motion to Dismiss US House Elections Contest, coordinate finalizing, filing and service of same. |
| MNK | 1/19/2007 | 5.00 | $1,900.00 | 380 | Work on motion to dismiss to be filed in U.S. House of Representatives. |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| MXH | 1/19/2007 | 5.00 | $1,025.00 | 205 | Review, revise, cite check and prepare brief for final, telephone calls with G. Burhans, refresh rules regarding personal service of Jennings, update to counsel re: status. |
| SMF | 1/19/2007 | 1.50 | $585.00 | 390 | Assist in filing of motion to dismiss Jennings' House Election COntest. |
| MXH | 2/27/2007 | 0.20 | $43 00 | 215 | Review source code reporting received, contact Department of State to effect certifications of same for filing in the House Contest. |
| HRD | 3/6/2007 | 0.60 | $255.00 | 425 | Telephone conference w/ staff re: status. |
| HRD | 3/12/2007 | 0.80 | $340 00 | 425 | Research re. ES&S letter. |
| HRD | 3/15/2007 | 0.40 | $170.00 | 425 | Reviewed news articles re federal contest. |
| HRD | 3/16/2007 | 0 60 | $255.00 | 425 | Telephone conference with Buchanan staff re: status |
| HRD | 3/21/2007 | 0.40 | $170.00 | 425 | Telephone conference with Buchanan staff re. status. |
| HRD | 3/28/2007 | 0 60 | $255.00 | 425 | Telephone conference with Buchanan staff re: House Admin. Comm - April 17 hearing. |
| HRD | 3/29/2007 | 0.80 | $340 00 | 425 | Telephone conference with Buchanan staff re House Admin. Comm. April 17 hearing. |
| HRD | 3/30/2007 | 2.20 | $935 00 | 425 | Telephone conference with Buchanan staff re. House Admin. Comm. April 17 hearing. |
| MXH | 4/4/2007 | 0.20 | $43.00 | 215 | Pull U.S. House Rules as updated, as well as Committee on Administration Rules as needed by G Burhans for upcoming appearance. |
| SMF | 4/4/2007 | 1 00 | $390.00 | 390 | Review correspondence from former Judge Gonzalez on Congressional election contest. Review request for argument, facts concerning whether to allow discovery in advance of decision on pending motion to dismiss. |
| GTB | 4/5/2007 | 4.50 | $1,845.00 | 410 | Review/analysis of correspondence from Rep. Gonzalez re election panel status conference and questions presented, strategy and planning conference w/ H. Dempsey and S. Frazier re. memorandum in response to questions presented by election panel; research and draft outline for memorandum to election panel |
| HRD | 4/5/2007 | 2.60 | $1,105.00 | 425 | Prepare for federal hearing; review correspondence re requested information; internal team meeting re. responding to Gonzalez letter |
| HRM | 4/5/2007 | 2.50 | $187 50 | 75 | Prepare binder containing copies and index of Deschler's Precedents materials for use by G. Burhans. |
| SMF | 4/5/2007 | 1 00 | $390.00 | 390 | Meet with Hayden Dempsey and Glenn Burhans on response to House request for argument on election contest. |
| BYK | 4/6/2007 | 2.90 | $652.50 | 225 | Research re. whether any cases, or appeals from cases, determined by Judge Charles Gonzalez dealt with comity, discovery rulings or judicial witness credibility determinations. |
| COY | 4/6/2007 | 3.50 | $1,120.00 | 320 | Called the U.S House of Representatives, Office of the Clerk regarding the filing of the Supplemental Appendix in Support of the previously filed Motion to Dismiss Election Contest. Called the Committee on House Administration regarding providing courtesy copies of the Supplemental Appendix to the Chairwoman and Ranking Member of the Committee and the Chairman of the Task Force Investigating the 13th District of Florida Election. Drafted transmittal correspondence for the filing. Filed the original Supplemental Appendix with the Clerk of the U.S. House of Representatives and provided copies to the House Administration Committee |
| DTH | 4/6/2007 | 0.40 | $168.00 | 420 | Discuss filing of Supplemental Appendix and facilitate same. |
| GTB | 4/6/2007 | 3.50 | $1,435.00 | 410 | Research and draft outline for memorandum re House's ability to conduct investigation during pendency of state action, discovery protocol and scope, and trade secret issues in response to request from House Administration Committee elections task force. |
| HRD | 4/6/2007 | 2.70 | $1,147.50 | 425 | Prepare for hearing, review Audit Report |
| HRD | 4/7/2007 | 3.80 | $1,615.00 | 425 | Prepare for hearing; review SAIT study |
| HRD | 4/8/2007 | 4.60 | $1,955.00 | 425 | Drafted response to Gonzalez letter |
| BYK | 4/9/2007 | 3.40 | $765.00 | 225 | Research re: members of software review and security analysis report; discussion of pros and cons in the media. |
| HRD | 4/9/2007 | 1.30 | $552.50 | 425 | Research re: federal contest; prepare for hearing |
| BYK | 4/10/2007 | 1.90 | $427 50 | 225 | Research re: testimony before the elections subcommittee, drafted informational memo re. members of the software review and security report team. |
| GTB | 4/10/2007 | 5 00 | $2,050.00 | 410 | Draft status conference memorandum for elections Task Force addressing House's deference to state actions; discovery and trade secret issues. |
| HRD | 4/10/2007 | 4.50 | $1,912 50 | 425 | Review contest documents submitted by Contestant in federal contest and testimony; prepare for Plaintiff's experts |
| JKA | 4/10/2007 | 1 00 | $135.00 | 135 | Pull comprehensive accurint reports for source code review team members and report findings to M. Bouthillier. |
| MXH | 4/10/2007 | 1.20 | $258 00 | 215 | Begin background research concerning service code reviewers and update G. Burhans, outline quotes used in Buchanan briefings for use in House Contest issues |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| STB | 4/11/2007 | 6.50 | $2,665.00 | 410 | Draft status conference memorandum for elections Task Force addressing House's deference to state actions, discovery and trade secret issues; conduct follow up research re: abeyance of House investigations during pendency of state proceedings |
| IRD | 4/11/2007 | 2.70 | $1,147.50 | 425 | Draft section of brief re. state audit |
| MXH | 4/11/2007 | 3.10 | $666.50 | 215 | Revise quotes information for reference by G. Burhans during review before House of Representatives, compilation of House cases for review by G. Burhans of legal and factual similarities in advance of hearings |
| STB | 4/12/2007 | 6.00 | $2,460.00 | 410 | Revise draft status conference memorandum for elections Task Force re. discovery, trade secrets and deference to state proceedings, review and revise draft analysis of State's audit, parellel testing and source code review and incorporate into memorandum, to elections Task Force analysis of potential exhibits for memorandum to elections Task Force |
| IRD | 4/12/2007 | 3.20 | $1,360.00 | 425 | Prepare for hearing; revise brief |
| KA | 4/12/2007 | 2.00 | $270.00 | 135 | Review hearing transcripts and update chart reflecting quotes cited in brief for use and review by G. Burhans. |
| MXH | 4/12/2007 | 2.50 | $537.50 | 215 | Continued preparation of materials for G. Burhans' use at DC committee hearings. |
| SLM | 4/12/2007 | 0.50 | $92.50 | 185 | Retrieval of congressional reports regarding contested elections for Glenn Burhans. |
| COY | 4/13/2007 | 1.80 | $576.00 | 320 | Filed Congressman Buchanan's Status Conference Memorandum (Status Conference of April 17, 2007) with the Clerk of the U.S. House of Representatives and provided copies to members of the House Administration Committee and the Task Force Investigating the 13th District of Florida Election. |
| DTH | 4/13/2007 | 1.00 | $420.00 | 420 | Coordinate filing of papers with the House of Representatives, finalize cover memos and filing. |
| STB | 4/13/2007 | 7.50 | $3,075.00 | 410 | Revise draft and finalize status conference memorandum and supporting exhibits for filing/service, review and analysis of Jennings status conference memorandum; draft outline of points rebutting Jennings' arguments. |
| IRD | 4/13/2007 | 5.50 | $2,337.50 | 425 | Prepare for hearing; finalize brief |
| MXH | 4/13/2007 | 2.20 | $473.00 | 215 | Preparation of briefing response to House, cite check and review brief as requested |
| IRD | 4/14/2007 | 4.50 | $1,912.50 | 425 | Review Wallach report |
| STB | 4/15/2007 | 7.00 | $2,870.00 | 410 | Continue review and analysis of Jennings' status conference memorandum and appendices in support; review House Reports cited by Jennings and conduct follow up research re: same; draft rebuttal points re: legal analysis and distinguishing House Reports cited by Jennings; review and analysis of Wallach/Dill report re. State audit/source code review; draft rebuttal points re: Wallach/Dill report; prepare materials for House Administration Committee Elections Task Force status conference. |
| IRD | 4/15/2007 | 8.70 | $3,697.50 | 425 | Prepare for hearing, review Contestant's brief and exhibits |
| STB | 4/16/2007 | 10.50 | $4,305.00 | 410 | Continue review/analysis of memorandum and supporting materials submitted by Contestant Jennings, draft points rebutting legal arguments and new expert report by Wallach/Dill; draft summary of argument, conference w/ committee staff re: status conference and other issues relating to House Contest; conference w/ V. Buchanan, D. Karvales and H. Dempsey re: status conference and House Contest preparation/strategy; preparation for status conference. |
| IRD | 4/16/2007 | 17.00 | $7,225.00 | 425 | Travel to DC for hearing; prepare for meeting, meeting w/ Congressman Buchanan, prepare for hearing |
| MXH | 4/16/2007 | 0.50 | $107.50 | 215 | Research concerning citations for PEB and calibration issues; email results to G. Burhans for use at House hearings; review final filed House document and receive updated House reports from research to be added to master set of reports |
| STB | 4/17/2007 | 10.00 | $4,100.00 | 410 | Continue review/analysis of memorandum and supporting materials of Contestant Jennings, draft argument summary, conference w/ committee staff re. status conference and other issues relating to House Contest; prepare for and attend House Administration Committee Elections Task Force status conference, post-status conference press availability, post-conference meeting w/ V. Buchanan, D. Karvales and H. Dempsey re: status conference and House Contest strategy; return travel to Tallahassee, prepare attorney notes re: status conference, strategy and planning issues for House Contest. |
| IRD | 4/17/2007 | 13.40 | $5,695.00 | 425 | Attended task force panel meeting; return travel to Tallahassee |
| IRD | 4/18/2007 | 0.40 | $170.00 | 425 | Phone call with congressional committee staff re. investigation and hearing |
| SMF | 4/18/2007 | 0.50 | $195.00 | 390 | Speak with Glenn Burhans. Review results from status conference. Discuss strategy going forward. |
| IRD | 4/19/2007 | 0.40 | $170.00 | 425 | Phone conference w/ client re: status of federal hearing |
| IRD | 4/20/2007 | 0.50 | $212.50 | 425 | Telephone conference w/ congressional committee staff re: procedures |
| MXH | 4/24/2007 | 0.20 | $43.00 | 215 | Update files with research materials used at House hearings and discuss with G. Burhans. |
| IRD | 4/25/2007 | 0.60 | $255.00 | 425 | Several emails with committee staff re: new congressional hearing |

| Atty | Date | Time | Amount | Rate | Description |
|---|---|---|---|---|---|
| HRD | 4/26/2007 | 0.40 | $170.00 | 425 | Telephone call with client re. new hearing |
| MXH | 4/27/2007 | 0.50 | $107.50 | 215 | Compile House contest materials and organization of same for G. Burhans |
| HRD | 4/30/2007 | 1.10 | $467.50 | 425 | Prepared for upcoming congressional hearing |
| GTB | 5/1/2007 | 0.50 | $205.00 | 410 | Prepare follow up points for Task Force meeting. |
| HRD | 5/1/2007 | 8.30 | $3,527.50 | 425 | Prepare for hearing; travel to DC |
| HRD | 5/2/2007 | 11.70 | $4,972.50 | 425 | Prepare for and attend task force meeting in DC; return travel to Tallahassee |
| GTB | 6/7/2007 | 0 50 | $205.00 | 410 | Review and analysis of GAO correspondence and engagement plan for review of voting equipment used in FL CD 13 election; correspondence w/ House Administration Committee staff counsel re: GAO meeting. |
| HRD | 6/12/2007 | 1 30 | $552 50 | 425 | Several teleconferences w/ client and House staff re. hearing |
| HRD | 6/13/2007 | 2.50 | $1,062.50 | 425 | Prepared for hearing |
| HRD | 6/14/2007 | 7.50 | $3,187.50 | 425 | Travel to Washington, DC, attend meeting w/ client; attend hearing |
| HRD | 6/15/2007 | 4 20 | $1,785.00 | 425 | Return travel to Tallahassee |
| GTB | 6/18/2007 | 1 50 | $615 00 | 410 | Review and analysis of letter from Rep. Gonzalez re. GAO investigation and outline response to same, review and analysis of First DCA denial of certiorari petition and advise D. Karvales and S. Tibbets on impact on House Contest and state trial. |
| GTB | 6/20/2007 | 1.00 | $410.00 | 410 | Review and analysis of GAO plan and draft comments and response to Chairman Gonzalez re: same. |
| GTB | 6/21/2007 | 1.00 | $410.00 | 410 | Draft response letter to Rep. Gonzalez re. GAO plan. |
| COY | 6/22/2007 | 1.50 | $480.00 | 320 | Called House Administration Committee Counsel. Filed response letter to Chairman Gonzalez. |
| GTB | 6/22/2007 | 1.70 | $697.00 | 410 | Draft response letter to Rep. Gonzalez re GAO plan, finalize same for service and filing; review and analyze Jennings' memorandum re: GAO plan |
| HRD | 8/1/2007 | 2.10 | $892.50 | 425 | Prepared for Task Force meeting; teleconference w/ Committee staff |
| HRD | 8/2/2007 | 7.10 | $3,017.50 | 425 | Travel to DC for Task Force meeting; prepared for meeting |
| HRD | 8/3/2007 | 9.70 | $4,122.50 | 425 | Attended Task Force meeting; meeting w/ Congressman Buchanan's staff, travel to Tallahassee |
| HRD | 12/4/2007 | 0 40 | $170 00 | 425 | Telephone conference with Vern Buchanan re: status |
| HRD | 12/18/2007 | 1.20 | $510.00 | 425 | Reviewed Ohio report on ES&S machines |
| HRD | 1/16/2008 | 0 80 | $368.00 | 460 | Telephone conference with House Administration staff re: status, emails with client re status |
| HRD | 1/17/2008 | 0.60 | $276.00 | 460 | Telephone conference with client re. upcoming meeting; emails with House Administration staff and client |
| HRD | 2/7/2008 | 4 60 | $2,116 00 | 460 | Travel to Washington for Task Force hearing |
| HRD | 2/8/2008 | 3.80 | $1,748.00 | 460 | Attend Task Force hearing, return travel to Tallahassee |
| HRD | 2/12/2008 | 6.20 | $2,852 00 | 460 | Travel to Washington, attend House Administration Committee meeting re final report |
| HRD | 2/13/2008 | 5.30 | $2,438.00 | 460 | Return travel to Tallahassee |
| | **Fees Total** | **1030.93** | **$373,537.90** | **92123** | |

The CHAIRMAN. The first item of business is H.R. 5803, introduced by Vice Chairwoman Lofgren, a bill directing the Election Assistance Commission to establish a grant program to reimburse State and local elected officials for the cost of making backup paper ballots available in case of machine failure or other emergency situations.

Rather than make an opening statement, I would like to recognize Ms. Lofgren to explain the bill.

Ms. LOFGREN. Thank you, Mr. Chairman.

I introduced H.R. 5803 at the request of election advocates and election officials as a simple solution to deal with some of the problems jurisdictions may face on Election Day. The bill provides reimbursement through grants to jurisdictions that choose to provide backup paper ballots in the event of voting machine failure or some other emergency situation for the November, 2008 election.

The language in the legislation has been crafted, at the request of the State and locals, to allow them to decide what constitutes an emergency situation. This could mean anything from machine failure to long lines to problems with polling place staffing. It is fully up to the jurisdiction to determine what justifies the use of backup paper ballots and how to distribute them.

As the ranking member, Mr. Ehlers stated on the floor several weeks back in reference to voting machines, "As long as people are involved in operating, there are likely to be mistakes." All this bill does is allow jurisdictions to have a contingency plan, backup paper ballots, in case there are mistakes by poll workers or another cause, and to determine when and how to implement that plan.

Another provision included in the legislation allows the jurisdiction to determine when and how the backup paper ballots are distributed to voters. It also allows them to decide how voters are notified that they could be voting on a backup paper ballot.

The bill has been drafted in full cooperation with the National Conference of State Legislators and the National Association of County Officials. These organizations have submitted letters of support for H.R. 5803, as has Ohio Secretary of State Brunner, and she called it "meaningful and respectful of State authority in election administration matters," and I would request unanimous consent to submit these letters for the record.

The CHAIRMAN. So ordered.

[The information follows:]

May 6, 2008

The Honorable Zoe Lofgren
Chairwoman, House Subcommittee on Elections
1309 Longworth House Office Building
Washington, DC 20515

RE: H.R. 5803

Dear Representative Lofgren:

On behalf of the National Association of Counties I write in support of H.R. 5803. We understand the legislation does not mandate but instead provides a voluntary opt-in grant program for states and counties that wish to provide for emergency paper ballots in the November, 2008 presidential election.

NACo appreciates the voluntary nature of this legislation. It is important that states and counties have the flexibility of a voluntary program to determine if what has been proposed federally will actually work at the state and local level. The Help America Vote Act created a relationship between states and localities which needs to be maintained and fully funded.

We understand that the bill provides that states certify to the Election Assistance Commission (EAC) any reasonable costs they expect to incur by participating in the emergency ballot grant program. We ask that report language clarify that the EAC may not unilaterally reject a state/county-certified reasonable cost.

NACo thanks you for your leadership in introducing this legislation and appreciates the opportunity to work with you and your staff to craft a reasonable bill. Please direct any questions or comments to our Legislative Director, Edwin Rosado (202) 942-4271, erosado@naco.org Thank you for your support of americas counties.

Sincerely,

Eric Coleman
President

25 Massachusetts Avenue, NW / Suite 500 / Washington, DC 20001 / 202.393.6226 / fax 202.393.2630 / www.naco.org

NATIONAL CONFERENCE *of* STATE LEGISLATURES

***The Forum for America's Ideas***

**Donna D. Stone**
*State Representative*
*Delaware*
*President, NCSL*

**Sharon A. Crouch Steidel**
*Director, Information Systems*
*Virginia House of Delegates*
*Staff Chair, NCSL*

**William T. Pound**
*Executive Director*

April 28, 2008

The Honorable Zoe Lofgren
Chairwoman, House Subcommittee on Elections
1309 Longworth House Office Building
Washington, DC 20515

RE: H.R. 5803

Dear Representative Lofgren:

On behalf of the National Conference of State Legislatures (NCSL) I write in support of H.R. 5803, legislation that would provide a voluntary opt-in grant program for states that wish to provide for emergency paper ballots in the November, 2008 presidential election. NCSL greatly appreciates your and the Subcommittee's willingness to work with state officials on this legislation that is meaningful and respectful of state authority in election administration matters.

NCSL further appreciates the voluntary nature of this legislation. It is important to states that they have the flexibility of a voluntary program to determine if what has been proposed federally will actually work at the state level. That being said, NCSL has two questions that I hope will be answered during the markup of this bill. First, because the bill provides for participation by both localities and states, is there a mechanism in the bill to provide that localities that decide to apply for funding notify their state of their intentions? The Help America Vote Act created a relationship between states and localities which needs to be maintained. NCSL asks that report language or an amendment be made that requires localities to notify their state if they are going to apply. Second, the bill provides that states certify to the Election Assistance Commission (EAC) any reasonable costs they expect to incur by participating in the emergency ballot grant program. Are these costs in any way reviewable by the EAC? NCSL would ask that report language clarify that the EAC may not unilaterally reject a state-certified reasonable cost.

Again, NCSL thanks you for your leadership in introducing this legislation and appreciates the opportunity to work with you and your staff to craft a reasonable bill. Please direct any questions or comments to NCSL staff Susan Parnas Frederick (202)624-3566, susan.frederick@ncsl.org. Thank you.

Sincerely,

Donna Stone
State Representative, Delaware
President, NCSL

**Denver**
*7700 East First Place*
*Denver, Colorado 80230*
*Phone 303.364.7700 Fax 303.364.7800*

**Washington**
*444 North Capitol Street, N.W. Suite 515*
*Washington, D.C. 20001*
*Phone 202.624.5400 Fax 202.737.1069*

*Website www.ncsl.org*

**JENNIFER BRUNNER**
**OHIO SECRETARY OF STATE**
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Columbus, Ohio 43215-3726 USA
Tel.: 1-614-466-2655
Fax: 1-614-644-0649
www.sos.state.oh.us

April 29, 2008

The Honorable Zoe Lofgren
102 Cannon House Office Building
Washington, D.C. 20515

RE: Letter of support for H.R. 5803

Dear Congresswoman Lofgren:

I write to extend my support for H.R. 5803, which would create a grant program for states to print and utilize backup paper ballots for the November 2008 federal elections. In Ohio, we thoroughly tested the reliability and security of direct recording electronic (DRE) voting machines and found them susceptible to performance problems and security lapses. Until we can obtain funding to replace DRE voting systems in the 53 counties in Ohio that utilize DREs as their primary voting system, we have found that backup paper ballots:

- Ensure that voters have the option to vote a paper ballot,
- Alleviate congestion due to long lines, and
- Serve as emergency ballots in the case of machine or power failure.

Ohio utilized backup paper ballots during the March 4, 2008 primary election. In at least two specific instances, they proved to be vital when machines could not be used because they were programmed incorrectly and when sustained power outages exhausted the life of batteries in DRE voting machines. We plan to utilize backup paper ballots again in November with even greater specifics in their implementation and use. In short, we believe that in Ohio, backup paper ballots offer a transitional solution to a wholesale change of voting systems and provide a means to better ensure election integrity this November.

Recently, I worked with Congressman Rush Holt on H.R. 5036, which included backup paper ballot provisions similar to those found in H.R. 5803. I supported his efforts concerning reimbursements to the states for backup paper ballots. Likewise, I support your advancement of H.R. 5803's grant program for backup paper ballots and offer any assistance I can provide toward passage of this worthwhile measure.

In December 2007, my office released what is known as the "EVEREST Report," a massive voting machine study of the three voting systems used in Ohio: Premiere (formerly Diebold), ES&S, and Hart Intercivic. The EVEREST Report contained scientific and industrial findings that Ohio's voting systems (also used throughout the country), specifically DRE voting systems, lack basic security safeguards required and provided in other applications throughout the computer industry, are prone to deterioration in performance and software operation, and need reengineering and improved procedures for operation. In response, I issued a directive (Directive 2008-01) to all boards of elections on January 2, 2008, requiring all counties utilizing DRE voting machines as their primary

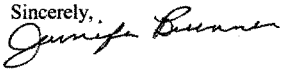
system of voting to print backup paper ballots in the amount of at least 10% of the number of voters who voted in a similar, previous election.

The directive permitted any voter who preferred a paper ballot to vote by paper ballot and for such paper ballots to be counted on election night as part of the unofficial count. Until Ohio has secured funding to move its counties utilizing DRE voting technology to optical scan paper ballot technology, backup paper ballots provide needed security and reliability to ensure that disenfranchisement does not occur and to provide for greater integrity in post-election audit procedures.

My office has ordered our 53 county boards of elections that utilize DREs as their primary voting system to provide the Ohio Secretary of State's office with the costs of implementing the backup paper ballot directive, and once we have obtained these numbers, I will be happy to share them with you. I can tell you, initially, the costs for even the largest counties were in the low 5 figures, and for most, they were in the low 4 figures. From initial figures provided, it appears that your proposal would be a cost effective means to ensure election confidence, especially since the November 2008 election will be the first presidential election where DRE use will be widespread.

I appreciate the opportunity to communicate my support for H.R. 5803. Restoring and ensuring confidence in Ohio elections is an essential goal of my administration. Our state has made great strides in this respect, and we will continue to work toward this end, especially for November's election, when Ohio again is likely to be a pivotal state in the presidential contest. H.R. 5803 would provide Ohio, along with many other states, a simple but important tool to ensure election integrity and increase national electoral confidence. Please feel free to contact me if I can provide you with additional information or support.

Sincerely,



Jennifer Brunner

cc: The Honorable Sherrod Brown
The Honorable George Voinovich
The Honorable John Boehner
The Honorable Steve Chabot
The Honorable Bob Latta
The Honorable David Hobson
The Honorable Stephanie Tubbs Jones
The Honorable Jim Jordan
The Honorable Marcy Kaptur
The Honorable Dennis Kucinich
The Honorable Steven LaTourette
The Honorable Deborah Pryce
The Honorable Ralph Regula
The Honorable Tim Ryan
The Honorable Jean Schmidt
The Honorable Zachary Space
The Honorable Betty Sutton
The Honorable Pat Tiberi
The Honorable Michael Turner

The Honorable Charles Wilson

Ms. LOFGREN. The bill is supported by a myriad of election integrity groups, including People for the American Way, the Brennan Center, the Lawyers Committee on Civil Rights, Verified Vote, and Counted as Cast. I would like to ask unanimous consent to submit their letters of support for the record as well.

The CHAIRMAN. Without objection.

[The information follows:]

May 5, 2008

Committee on House Administration
United States House of Representatives
Washington, DC 20515

Dear Committee Member:

On behalf of the hundreds of thousands of members of People For the American Way, we write in support of H.R. 5803 to ensure the use of emergency paper ballots during voting equipment failures in the upcoming elections.

Electoral reform is a priority for People For the American Way, and we welcome efforts to remedy the system's current flaws in order to increase voters' faith and participation in our democratic process. As a founder and leader in the non-partisan Election Protection coalition with numerous allied organizations, including over 150 civil rights and voting rights organizations throughout the years, People For the American Way Foundation has helped document the major problems that voters across the country have had leading up to and on Election Day. These incidents include numerous reports of inadequate resources and poll worker training regarding emergency ballots.

Emergency ballots are just that: ballots voters can cast in "emergencies" (i.e. – when voting machines crash or are otherwise unavailable on Election Day). These ballots are meant as a back-up paper option when technology fails. But even emergency ballots are not failsafe, as some poll workers and election officials have been improperly treating emergency ballots and provisional ballots as one and the same. They fail recognize, for example, that voters who are forced to cast paper ballots when systems fail are not the same as voters who are subject to after-the-fact investigations of their eligibility as required under the Help American Vote Act (HAVA). This poor training can lead to a delay in counting the ballots of otherwise eligible voters. H.R. 5803 makes it clear that emergency ballots and provisional ballots must be treated in separate manners and cannot be used interchangeably.

Further, when mass problems require their usage and supplies are inadequate, the potential arises for polling places to run out of emergency ballots, causing voters to be left without the ability to cast a ballot. This problem is exacerbated by the increased voter turnout we have seen in the 2008 primaries and expect to see this November. According to the Center for the Study of the American Electorate, on Super Tuesday 12 states saw record turnouts in their Democratic primaries and 11 in their Republican contests. The Chesapeake Primary (Maryland, Virginia, and Washington, DC) also saw exceptionally high turnout. Especially exciting are exit polls in many states that indicate that turnout increased exponentially among historically disenfranchised communities – in some places over 50 percent. This increased voter turnout means that additional resources are needed at polling places in case of machine failure. H.R. 5803 would

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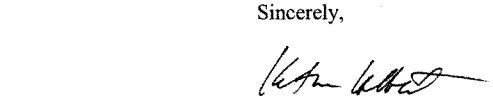
Telephone 202.467.4999 ♦ Fax 202.293.2672 ♦ E-mail pfaw@pfaw.org ♦ Web site http://www.pfaw.org

require, and allocate funding for, the adequate distribution of enough emergency ballots, taking into account the potential for increased voter turnout.

People For the American Way is extremely encouraged that H.R. 5308 will help address many of the problems voters have consistently encountered by increasing resources and making emergency balloting procedures more uniform and clear for voters and poll workers. For these reasons and more, People For the American Way urges the Committee to support passage of H.R. 5803.

Sincerely,



Kathryn Kolbert
President

Tanya Clay House
Director, Public Policy

BRENNAN
CENTER
FOR JUSTICE

Brennan Center for Justice
*at New York University School of Law*

161 Avenue of the Americas
12th Floor
New York, New York 10013
212.998.6730 Fax 212.995.4550
www.brennancenter.org

April 30, 2008

Representative Zoe Lofgren
Chair, Subcommittee on Elections
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

Re: Support for H.R. 5803, the "Back Up Paper Ballot Bill"

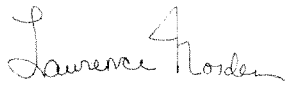
Dear Representative Lofgren:

Thank you for your leadership and commitment to improving the security, reliability, and accessibility of our voting systems. In an election year that has garnered unprecedented voter interest, it is particularly important to have good policies and procedures in place in advance of the November elections.

For this reason, we strongly support HR 5803, the Back Up Paper Ballot Bill. News reports of machine problems during states' recent presidential primary elections provide a preview of potentially widespread machine failure and disenfranchisement in November. H.R. 5803 would reimburse jurisdictions for costs associated with providing voters emergency paper ballots in the event of machine breakdowns.

In elections past, machine failures have caused long lines at the polls and disenfranchised untold numbers of voters. Encouraging the use of emergency paper ballots will help ensure that every voter may have her vote counted and make it much less likely that voters will be forced to wait on long lines or turned away from the polls because of machine malfunction – these are particularly important considerations for November's elections, when turnout is expected to be high.

Sincerely,



Lawrence Norden
Counsel

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Suite 400
Washington, DC 20005-2124

Tel 202.662.8600
Fax: 202.783.0857
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April 29, 2008

The Honorable Zoe Lofgren
Chair-Subcommittee on Elections
102 Cannon House Office Building
Washington, DC 20515

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Nicholas T. Christakos
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Paul W. Rebein
Michael W. Tyler
*Western Region*
Paul F. Eckstein
Bradley S. Phillips
*Chesapeake Region*
Jonathan L. Greenblatt
Kim Keenan

Dear Rep. Lofgren:

As the legal leader of Election Protection, the nation's largest non-partisan voter protection coalition, I write to thank you for introducing critical legislation to provide voters with backup paper ballots in the event that election machines fail. The bill is a measured, proactive step towards improving the system of election administration before this year's critical federal election.

Election Protection is a year round, comprehensive voter protection effort providing support to coalition partners and voters alike in their efforts to cast a meaningful ballot. In addition to preparing for Election Day activities, the Lawyers' Committee works with local and state election officials, as well as in the halls of Congress, to facilitate election reform. In its role as the legal leader of the coalition, the Lawyers' Committee will recruit, train and deploy over 10,000 attorneys and law students to participate in Election Protection efforts. Law firms host command centers on Election Day, and attorneys and other trained volunteers answer hotline calls from voters. The Lawyers' Committee creates, revises, and distributes legal manuals with current election law in all target states and coordinates comprehensive election administration activities conducted by Election Protection Legal Committees (EPLC), the coalition of local volunteers working with us throughout the country. When necessary, litigation may occur.

In addition to helping our coalition partners and voters, since 2004, Election Protection has developed the most comprehensive picture of election administration from the perspective of the American voter. That experience has shown first hand scores of voters turned away because election machinery broke down without an adequate safeguard. Likewise, in places where there are procedures to administer emergency paper ballots in the wake of a machine failure or other emergency situation, poll workers had not been adequately trained to distribute the ballots to people waiting to cast a vote.

As detailed in our report "Election Protection 2008: Looking Ahead to November," we have seen these problems in Maryland, New York & Texas. The Potomac Primaries, held on February 12, 2008, provided examples of why this

legislation is much needed. In Maryland near record turnout swamped poll workers and precincts throughout the state. The Election Protection hotline, 1-866-OUR-VOTE, which is administered by the Lawyers' Committee, received numerous reports of voting machines breaking down. Making the problem worse, many poll workers were not properly trained to hand-out emergency ballots, causing voters to leave without casting a ballot.

The Lawyers' Committee strongly supports Rep. Lofgren's initiative to direct the Election Assistance Commission to make grants available to states and local governments that implement a program to make backup paper ballots available in the case of the failure of a machine voting system or other emergency situation.

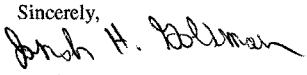
The bill calls for poll workers to provide paper ballots to any individual who is waiting at the polling place on that date to cast a ballot in the election and who would be delayed due to a machine malfunction or other emergency situation.

These ballots will be treated as regular ballots in lieu of the provisional status afforded to some paper ballots cast in accordance with federal law via the Help America Vote Act.

Machine breakdowns, long lines and a shortage of poll workers have hampered effective election administration throughout the country. Rep. Lofgren's bill provides a proactive solution to an anticipated problem at the polls on November 4, 2008.

The Lawyers' Committee for Civil Rights Under Law strongly encourages the passage of this bill. It is a proactive step in improving the administration of elections across the country.

Sincerely,



Jonah H Goldman
Director, National Campaign for Fair Elections, A Project of the Voting Rights Section of the Lawyers' Committee for Civil Rights Under Law

Ms. LOFGREN. Additionally, input was provided by disability rights groups, who have told us that the bill has no impact on the disability community, and they have approved the language. As we have seen, broad support for election-related legislation is not easy to accomplish. However, backup paper ballots are a unifying factor between election officials and election advocates.

On the floor during the debate of H.R. 5036, our colleague from Ohio, Mr. Regula, stated, "The administration of elections is a State and local responsibility," and the minority whip, Mr. Blunt of Missouri, said, "The States have handled the responsibility of the mechanics of election administration well for a very long time."

H.R. 5803 is a direct reflection of these statements. It is 100 percent optional, and the responsibility and mechanisms for implementation are left to the State and local officials. The bill is a measured and proactive step towards improving the system of election administration in November of 2008. If record turnouts in the primaries are an indication of turnout in November, providing State and local jurisdictions the option to have backup paper ballots could mitigate any challenges they may face on Election Day.

The bill helps ensure election integrity and national electoral confidence and respects State and local jurisdictions' responsibility to administer elections, and I hope that we can have bipartisan support for this bill.

I thank the chairman, and I yield back.

The CHAIRMAN. Thank you.

I would now like to recognize the ranking member, Mr. Ehlers, for an opening statement.

Mr. EHLERS. Thank you, Mr. Chairman.

While I appreciate the effort of my colleague on this committee and I appreciate any effort to support States in carrying out the responsibilities to effectively administer Federal elections, I believe this bill provides a solution to a nonexistent problem.

She was kind enough to quote me. I would point out that people not only make mistakes in the machines, they also make mistakes on paper ballots and I have backup evidence that would show that.

Another problem: This bill would provide a staggering $75 million in grants to States for offering backup ballots to voters during emergency situations when, in fact, most States already do this. That is my biggest problem with this. Once again, we are trying to tell local governments, city clerks, county clerks, township clerks that we want them to do something when, to the best of my knowledge, most of them are doing it. I think we are insulting them by saying, "This is the way we want you to do it." In my experience in local government, they provided backup ballots in every precinct.

There was a survey done just recently by the Election Center; 39 of the 42 States that responded currently provide paper backup ballots in the event of machine failures. So virtually all of them are already doing this. I am not sure why we have to specify just how they have to do it. Furthermore, I am not sure why we have to pay for it if they are already doing it out of their own pockets.

The other factor that is striking here is that the $75 million presupposes that every precinct would print backup ballots for every precinct. A much easier and certainly far cheaper solution would be just to require that every precinct has one backup ballot, as need-

ed, and they simply make photocopies. If they have to have an enumeration scheme, the clerks or the poll workers can easily write the number in by hand, if necessary. That is certainly a thriftier and better way to do it than spending $75 million.

Our recent hearings have revealed the need for more voter education and poll worker training. And Representative McCarthy also introduced the Military Voting Protection Act, which will help ensure timely delivery of overseas military absentee ballots. All of these are good ideas and certainly, I think, are a higher priority than this bill proposes in terms of money spent.

Incidentally, I had hoped that the voting bill for the military personnel would be taken up today. I hope it will be taken up soon.

We talk a lot here about the environment and greening of the Capitol, greening of the Nation. Clearly, it is better to not use more paper than we need, and I think simply having sample ballots and photocopying is better than printing multiple ballots, which in many cases would not be used.

Mr. Chairman, I do ask that the survey I mentioned be entered into the record.

The CHAIRMAN. Without objection.

[The information follows:]

## Survey: DREs Backup Ballots

| State | Does your state use DREs? YES | Does your state use DREs? NO | Only form of voting on site? YES | Only form of voting on site? NO | If yes, is "backup" ballot provided in case of machine failure? |
|---|---|---|---|---|---|
| Alaska | X | | | X | Note: also use optical scan and paper ballots |
| Alabama | | X | | | Note: All counties use optical scan. |
| Arkansas | X | | | X | Note: Backup paper ballots on hand or extra machines |
| Arizona | X | | | X | Note: Primary form of voting is paper optical scan ballot |
| California | | | | | ***No Response |
| Colorado | X | | | X | |
| Connecticut | | X | | | |
| DC | X | | | X | Has both DRE & Optical Scan in the polling place |
| Delaware | X | | X | | No, technicians repair or replace machines. |
| Florida | X | | | X | Note: state is transitioning to optical scan equipment. |
| Georgia | | | | | ***No Response |
| Hawaii | X | | | X | |
| Idaho | | X | | | |
| Illinois | X | | X | | Yes |
| Indiana | X | | | X | |
| Iowa | X | | X | | Yes, but state law will prohibit use of DREs beg. Nov 2008 |
| Kansas | X | | | X | |
| Kentucky | X | | X | | Yes, some counties are all DRE, state law has procedure |
| Louisiana | X | | X | | But we also have back up units to vote on |
| Maine | | X | | | Note: Use all paper ballots |
| Maryland | X | | X | | Yes |
| Massachusetts | | | | | ***No Response |
| Michigan | | X | | | |
| Minnesota | | X | | | |
| Missouri | X | | | X | optical scan paper ballot would be provided |
| Mississippi | X | | | X | Also provides backup ballots as well as technicians for equipment |

## Survey: DREs Backup Ballots

| State | Does your state use DREs? YES | Does your state use DREs? NO | Only form of voting on site? YES | Only form of voting on site? NO | If yes, is "backup" ballot provided in case of machine failure? |
|---|---|---|---|---|---|
| Montana | | X | | | |
| North Carolina | | | | | ***No Response |
| North Dakota | | X | | | |
| Nebraska | | X | | | |
| New Hampshire | | X | | | |
| New Jersey | X | | X | | Yes |
| New Mexico | | X | | | |
| Nevada | X | | X | | Yes |
| New York | | | | | ***No response |
| Ohio | | | | | ***No response |
| Oklahoma | | X | | | |
| Oregon | | X | | | Note: All vote by mail |
| Pennsylvania | X | | | X | Note: All DRE counties have emergency paper ballots |
| Rhode Island | | X | | | |
| South Carolina | X | | X | | Yes |
| South Dakota | | X | | | |
| Tennessee | X | | X | | Yes |
| Texas | X | | | X | Some counties are all DRE but create emergency ballots. |
| Utah | | | | | ***No Response |
| Virginia | | | | | ***No Response |
| Vermont | | X | | | Note: All hand count or optical scan |
| Washington | X* | | | X | Principally a vote by mail state. Has backup procedure if DRE. |
| Wisconsin | X | | | X | Yes |
| West Virginia | X | | X | | No, state law requires machine to be replaced. |
| Wyoming | X | | | X | |
| Puerto Rico | | X | | | |

Mr. EHLERS. The final point I want to make is, although I cannot support this bill, I remain committed to working across party lines to find solutions to the challenges our Nation's election administrators face. I look forward to continuing our discussions on this important topic.

I really believe what we should do after the elections this year—and I think it is really too late to do anything, and I am not sure the Senate will entertain any further bills from us, but I really would like to see next year that we really start a series of hearings on HAVA, where it has worked well, where it has not worked, what changes we might have to make; and I think the very first witness we should invite on that would be Leader Hoyer because he was the driving force behind that bill and did a great deal of the work on preparing the bill. I am certain he would be interested in providing his input and also his evaluation of any of the things we are trying to do.

With that, Mr. Chairman, I yield back.

The CHAIRMAN. I thank the gentleman.

I now call up and lay before the committee H.R. 5803.

[The information follows:]

I

110TH CONGRESS
2D SESSION

# H. R. 5803

To direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2008

Ms. ZOE LOFGREN of California introduced the following bill; which was referred to the Committee on House Administration

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# A BILL

To direct the Election Assistance Commission to establish a program to make grants to participating States and units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. GRANTS TO STATES AND UNITS OF LOCAL GOV-**
2 **ERNMENT FOR MAKING BACKUP PAPER BAL-**
3 **LOTS AVAILABLE IN CASE OF VOTING SYS-**
4 **TEM OR EQUIPMENT FAILURE OR OTHER**
5 **EMERGENCY SITUATION.**

6 (a) GRANTS BY ELECTION ASSISTANCE COMMIS-
7 SION.—The Election Assistance Commission (hereafter re-
8 ferred to as the "Commission") shall establish a program
9 under which the Commission shall make a grant to each
10 participating State and each participating unit of local
11 government for carrying out a program to make backup
12 paper ballots available in the case of the failure of a voting
13 system or voting equipment or some other emergency situ-
14 ation in the administration of the regularly scheduled gen-
15 eral election for Federal office held in November 2008.

16 (b) REQUIREMENTS FOR ELIGIBILITY.—

17 (1) APPLICATION.—A State or unit of local gov-
18 ernment is eligible to participate in the program es-
19 tablished by the Commission under this Act if the
20 State or unit of local government submits an appli-
21 cation to the Commission at such time and in such
22 manner as the Commission shall require, and in-
23 cludes in the application—

24 (A) a certification that the State or unit of
25 local government has established a program
26 that meets the requirements of paragraph (2)

1 to make backup paper ballots available in the
2 case of the failure of a voting system or voting
3 equipment or some other emergency situation;
4 (B) a statement of the reasonable costs the
5 State or unit of local government expects to
6 incur in carrying out its program;
7 (C) a certification that, not later than 60
8 days after the date of the election, the State or
9 unit of local government will provide the Com-
10 mission with a statement of the actual costs in-
11 curred in carrying out its program;
12 (D) a certification that the State or unit of
13 local government will repay the Commission any
14 amount by which the payment made under this
15 Act exceeds the actual costs incurred in car-
16 rying out its program; and
17 (E) such other information and certifi-
18 cations as the Commission may require.
19 (2) PROGRAM REQUIREMENTS.—The require-
20 ments of this paragraph for a program to make
21 backup paper ballots available in the case of the fail-
22 ure of a voting system or voting equipment or some
23 other emergency situation are as follows:
24 (A) In the event that the voting equipment
25 at a polling place malfunctions and cannot be

1 used to cast ballots on the date of the election
2 or some other emergency situation exists which
3 prevents the use of such equipment to cast bal-
4 lots on that date, any individual who is waiting
5 at the polling place on that date to cast a ballot
6 in the election and who would be delayed due
7 to such malfunction or other emergency situa-
8 tion shall be notified by the appropriate election
9 official of the individual's right to use a backup
10 paper ballot, and shall be provided with a
11 backup paper ballot for the election, the sup-
12 plies necessary to mark the ballot, and instruc-
13 tions on how to mark the ballot to prevent over-
14 votes.
15 (B) Any backup paper ballot which is cast
16 by an individual pursuant to the program of a
17 State or unit of local government shall be
18 counted as a regular ballot cast in the election
19 and tabulated on the date of the election, and
20 shall not be treated (for eligibility purposes) as
21 a provisional ballot under section 302(a) of the
22 Help America Vote Act of 2002, unless the in-
23 dividual casting the ballot would have otherwise
24 been required to cast a provisional ballot if the
25 voting equipment at the polling place had not

1 malfunctioned or an emergency situation had
2 not existed which prevented the use of such
3 equipment to cast ballots.
4 (C) The program of a State or unit of local
5 government is carried out in accordance with
6 standards established by the State or unit of
7 local government which include protocols for de-
8 livering and supplying backup paper ballots to
9 polling places and for notifying individuals of
10 the right to use the backup paper ballots.
11 (c) AMOUNT OF GRANT.—The amount of a grant
12 made to a State or unit of local government under the
13 program established by the Commission under this Act
14 shall be equal to the amount of the reasonable costs the
15 State or unit of local government expects to incur in car-
16 rying out its program, as provided in the application under
17 subsection (b)(1)(B).
18 **SEC. 2. STATE DEFINED.**
19 In this Act, the term "State" includes the District
20 of Columbia, the Commonwealth of Puerto Rico, Guam,
21 American Samoa, and the United States Virgin Islands.
22 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**
23 There are authorized to be appropriated for grants
24 under the program established by the Commission under
25 this Act $75,000,000. Any amount appropriated pursuant

1 to the authority of this section shall remain available with-
2 out fiscal year limitation until expended.

○

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with. Without objection, the bill will be considered as read and open to amendment at any point.

Is there any debate on the bill?

Are there any amendments to the bill?

Mr. EHLERS. Mr. Chairman, I have an amendment.

The CHAIRMAN. You are recognized for 5 minutes.

Mr. EHLERS. I have several amendments, Mr. Chair.

The first one, this amendment will limit the use of grants provided in this bill to the creation of a single copy of an original paper backup ballot per polling place to be used in the event of a failure of a voting system or voting equipment on Election Day and in accordance with predetermined contingency plans of the affected State or locality.

[The information follows:]

## AMENDMENT TO H.R. 5803
## OFFERED BY MR. EHLERS

Page 5, insert after line 10 the following (and redesignate accordingly):

1 (c) RESTRICTION ON USE OF FUNDS.—A State or
2 unit of local government receiving funds under the pro-
3 gram established by the Commission under this Act may
4 use the funds only to provide each polling place in the
5 State or unit of local government (as the case may be)
6 with a single copy of an original backup paper ballot de-
7 signed for use at that polling place, and may not use the
8 funds to provide any additional copies of any such ballot.

Page 5, line 17, insert "(subject to subsection (c))" after "subsection (b)(1)(B)".

Mr. EHLERS. My rationale is simply that it is not the proper role of the Federal Government to pay for preprinting backup ballots. Most units of government already do this. It is fiscally and environmentally irresponsible for us to pay for all the printing of paper ballots. We should say we would do the one and photocopy the rest. If necessary, we can pay for the photocopying.

So I offer this amendment and urge its passage.

The CHAIRMAN. Ms. Lofgren.

Ms. LOFGREN. I would urge the committee to reject this amendment. I think the amendment really defeats the purpose of the bill, which is to provide funding to localities to ensure enough backup ballots are on hand to allow voters the opportunity to cast ballots if machines malfunction or if there are other emergency situations.

I would note, as for the cost that Mr. Ehlers referred to in his opening statement, there is an authorized amount of $75 million in this bill. I would note, according to the Congressional Research Service, the United States is currently expending $14.1 million an hour in Iraq. $14.1 million an hour. So the cost, even if we were to fully fund this—and this is just an authorization—is really an afternoon in Iraq and, I think, a small price to pay to defend the integrity of the American electoral system.

So I would urge defeat of this bill, and I yield back.

The CHAIRMAN. Anybody else?

Mr. LUNGREN. Mr. Chairman, I rise in support of the amendment, and basically, just to respond to some of the comments that were just made, the assumption is that only we, the Federal Government, somehow protect the rights of individuals in voting, as if no one else does.

There has been no proven—no record that this bill is necessary. A survey of the States shows, I believe, all but three take care of this on their own. And this is, once again, a suggestion that if it is a serious or important problem, it therefore has to be a Federal problem, which is contrary, frankly, to what the Founding Fathers had in mind. But we have forgotten that so very, very much. Once again, we are giving the answer to the locals.

And you say you had the support of organizations. Well, of course; you are going to give them $75 million. I have rarely found a local jurisdiction, governor, or anybody else who is going to turn down what they consider to be free money. The only problem is, money isn't free. It comes from somewhere. It comes from our constituents.

I guess we are going to hear the mantra now that any time we object to any spending whatsoever, we are going to compare it to an afternoon in Iraq. So I guess we are prepared. Maybe we can just say "ditto" from now on when that argument is going to come up.

I would hope that we could support the gentleman's amendment, which seems to be just a reasonable and relatively small amendment to this bill that moves slightly in the direction of fiscal sanity.

So I thank the gentleman for introducing the amendment, but I can count the number of people here so I think I know the outcome of the amendment.

With that, I yield back the balance of my time.

The CHAIRMAN. Mr. Ehlers.

Mr. EHLERS. Mr. Chairman, I can count the number of people too, but I know many of them are extremely intelligent individuals and will vote their conscience on this.

Mr. LUNGREN. I didn't mean to suggest otherwise.

Mr. EHLERS. I recognize that.

My response to the point made is, this is simply a cost-saving item. The paper ballots will still be there if there is an emergency. They would have access to a Xerox machine or copy machine. There would be very little cost other than the cost of paper.

The main thing is, you do it only in those cases where you need it. You wouldn't print ballots nationwide for all these different races and have them on hand, and at the end throw them in the recycling bin at considerable expense. So it is really a cost-saving amendment. It is not intended to dilute the purpose of the bill at all.

Yield back.

The CHAIRMAN. Now it is my turn to count them.

The question is on Mr. Ehlers' amendment to H.R. 5803. All those in favor, say aye.

Any opposed, say no.

In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

I recognize Mr. Ehlers for amendment No. 2.

Mr. EHLERS. Thank you, Mr. Chairman.

This amendment simply establishes a population-based formula for the distribution of any and all funds appropriated for the implementation of the grant program established under this legislation, and this just makes certain that the Election Assistance Commission exercises proper discretion in the administration of the program without getting into a type of system that might select winners and losers among the States.

[The information follows:]

## AMENDMENT TO H.R. 5803
## OFFERED BY MR. EHLERS

Page 2, line 1, strike "**STATES AND**".

Page 2, line 9, strike "each participating State and".

Page 2, line 17, strike "State or".

Page 2, line 20, strike "State or".

Page 2, line 24, strike "State or".

Page 3, line 5, strike "State or".

Page 3, line 8, strike "State or".

Page 3, line 12, strike "State or".

Page 4, line 17, strike "State or".

Page 5, line 4, strike "State or".

Page 5, line 6, strike "State or".

Page 5, strike lines 11 through 17 and insert the following (and redesignate accordingly):

1 **SEC. 2. AMOUNT OF GRANT.**

2 (a) IN GENERAL.—The amount of a grant made to
3 a unit of local government under the program established

1 by the Commission under this Act shall be determined as
2 follows:
3 (1) If the aggregate amount of the reasonable
4 costs which all participating units of local govern-
5 ment expect to incur in carrying out such programs,
6 as determined on the basis of the applications sub-
7 mitted by each such unit of local government under
8 section 2(b)(1)(B), is equal to or less than the ag-
9 gregate amount made available for all grants under
10 the program, the amount of the grant for a unit of
11 local government shall be equal to the lesser of—
12 (A) the amount of the reasonable costs
13 such unit of local government expects to incur
14 in carrying out its program, as provided in the
15 application under section 2(b)(1)(B); or
16 (B) the population-based allocation for
17 such unit of local government, as defined in
18 subsection (b).
19 (2) If the aggregate amount of the reasonable
20 costs which all participating units of local govern-
21 ment expect to incur in carrying out their programs,
22 as determined on the basis of the applications sub-
23 mitted by each such unit of local government under
24 section 2(b)(1)(B), is greater than the aggregate
25 amount made available for all grants under the pro-

1 gram, the amount of the grant for a unit of local
2 government shall be equal to the population-based
3 allocation for such unit of local government, as de-
4 fined in subsection (b).
5 (b) POPULATION-BASED ALLOCATION DEFINED.—
6 (1) IN GENERAL.—The term "population-based
7 allocation" means, with respect to a unit of local
8 government, an amount equal to the product of—
9 (A) the voting age population percentage
10 for such unit of local government (as defined in
11 paragraph (2)); and
12 (B) the aggregate amount made available
13 for all grants under the program established by
14 the Commission under this Act.
15 (2) VOTING AGE POPULATION PERCENTAGE DE-
16 FINED.—For purposes of subparagraph (A), the
17 "voting age population percentage" for a unit of
18 local government is the amount (expressed as a per-
19 centage) equal to the quotient of—
20 (A) the voting age population of such unit
21 of local government (based on the most recent
22 data reported by the Bureau of the Census);
23 and
24 (B) the voting age population of all partici-
25 pating units of local governments (based on the

1 most recent data reported by the Bureau of the
2 Census).

Page 5, strike lines 18 through 21 (and redesignate the succeeding section accordingly).

Amend the title so as to read: "A bill to direct the Election Assistance Commission to establish a program to make grants to participating units of local government which will administer the regularly scheduled general election for Federal office held in November 2008 for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment in the election or some other emergency situation, and for other purposes.".

Mr. EHLERS. So it simply deals with the allocation formula and trying to ensure a population-based formula as developed by the Election Assistance Commission.

I yield back.

The CHAIRMAN. Would anybody like to be recognized?

Ms. LOFGREN. Mr. Chairman, I would urge a "no" vote on the proposed amendment. In addition to the population-based grant allocation, the amendment would provide funding to States only and not to local jurisdictions.

States actually may decide to initiate a backup paper ballot program statewide. But if a State does not, local jurisdictions under the bill would still be able to opt into the program.

States and local jurisdictions under the bill should be able to independently determine how to administer the backup paper ballot program, and the authorized funding should provide sufficient funding for the opt-in program.

The bill has been carefully negotiated with both State and local government organizations, and I think this amendment would do damage to the balance that has been struck.

So I yield back.

The CHAIRMAN. Mr. Ehlers.

Mr. EHLERS. If I may just respond, Mr. Chairman, the actual intent of the bill is to make sure that the local units get the money and that it is not just all given to the State, and they allocate it as they wish.

So if you read the language carefully, it talks about the participating units of local government that expect to have the amount of the reasonable costs which all participating units of local government expect to incur in carrying out such programs.

So it is not intended to do as the gentlewoman suggested. And I urge adoption of the amendment.

The CHAIRMAN. Anybody else want to be heard on the amendment?

The question is on Mr. Ehlers' amendment No. 2 to H.R. 5803. All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the noes have it. The amendment is not agreed to.

Mr. Ehlers amendment No. 3. I recognize the gentleman.

Mr. EHLERS. Thank you, Mr. Chairman. This amendment directs the Election Assistance Commission's Standards Board to determine "reasonable cost," as used in this legislation.

[The information follows:]

## AMENDMENT TO H.R. 5803
## OFFERED BY MR. EHLERS

Page 5, line 17, strike the period and insert the following: ", except that for purposes of determining the amount of the grant, the determination of whether the costs are reasonable shall be made by the Election Assistance Commission Standards Board."

Mr. EHLERS. The rationale is very straightforward. This amendment ensures that experienced election administrators with representation from all States promote uniformity among the reasonable costs for which reimbursement is sought under this program.

I believe it is, again, a worthwhile amendment and will help with the efficiency.

Let me emphasize, these are not amendments intended to harm the base bill—I have already expressed my opinion on that—but simply trying to make it better and more readily administered.

So I yield back.

The CHAIRMAN. I thank the gentleman. Ms. Lofgren.

Ms. LOFGREN. Mr. Chairman, I would urge that the amendment be defeated. The language in the bill currently allows State and local jurisdictions to receive funds based on their expectations of reasonable costs.

The EAC Standards Board is made up of 110 people; 55 of those 110 are State and local officials. The commissioners typically draw upon the expertise of the Standards Board anyway, and I don't think this amendment really serves any purpose or improves the bill.

I yield back.

The CHAIRMAN. Anybody else want to be heard on the amendment?

The question is Mr. Ehlers' amendment No. 3 on H.R. 5803. All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Mr. EHLERS. Mr. Chairman, I may have to withdraw my statement earlier about the obvious intelligence of the members of the panel, but I won't. I still believe it to be true.

The CHAIRMAN. With that, I recognize Mr. Lungren for amendment No. 1.

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

My amendment is a simple amendment that tries to maintain the balance that was established in HAVA; and in HAVA, the right of action is with the DOJ, rather than private rights of action, and it is unclear under this bill whether that would be retained without my amendment.

[The information follows:]

## AMENDMENT TO H.R. 5803

## OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Page 5, insert after line 17 the following:

1 (d) NO PRIVATE ACTIONS AUTHORIZED.—Nothing
2 in this Act, including any triggering event such as a the
3 failure of a voting system or voting equipment or some
4 other emergency situation, shall be construed to create a
5 private right of action for any individual or to create the
6 right for any class of individuals.

Mr. LUNGREN. My amendment simply says nothing in the act, including any triggering events such as a failure of a voting system or voting equipment or some other emergency situation, shall be construed to create a private right of action for any individual or create the right for any other class of individuals.

I presume we are not trying to change the basic structure that was established under HAVA, and for that reason I have included this amendment. I hope it is noncontroversial.

Ms. LOFGREN. Mr. Chairman, I would urge a "no" vote on the proposed amendment. The amendment is unnecessary. There is no private right of action created by this bill. It is simply a grant program to permit States to have the option of providing emergency paper ballots and then to receive reimbursement.

There is no requirement that emergency ballots be provided, there is no requirement that States and locals opt in, and there is no need for this amendment.

And I yield back.

The CHAIRMAN. Any other discussion on the amendment?

The question is on Mr. Lungren's amendment to H.R. 5803. All those in favor, signify by saying aye.

Those opposed, no.

In the opinion of the Chair, the noes have it, and the amendment is not agreed to.

Mr. McCarthy, do you have an amendment?

Mr. MCCARTHY. Thank you, Mr. Chairman. I guess we will stick with tradition here.

My amendment would restrict the eligibility for funds provided under this legislation to those jurisdictions that require a voter to provide a photo identification or HAVA form of identification as a condition of casting the ballot in an election for Federal office. It will only apply to those that are going after the money.

[The information follows:]

## AMENDMENT TO H.R. 5803

## OFFERED BY MR. MCCARTHY OF CALIFORNIA

Page 3, line 16, strike "and".

Page 3, insert after line 16 the following (and redesignate accordingly):

1 (E) a certification that any individual who
2 desires to cast a ballot in an election for Fed-
3 eral office held in the State (in the case of an
4 application of a State) or in the unit of local
5 government (in the case of an application of a
6 unit of local government) must present a photo
7 identification as a condition of casting the bal-
8 lot, in accordance with terms and conditions de-
9 scribed in paragraph (3); and

Page 5, insert after line 10 the following:

10 (3) TERMS AND CONDITIONS FOR PHOTO IDEN-
11 TIFICATION REQUIREMENT.—With respect to the
12 certification requirement described in paragraph
13 (1)(E), the terms and conditions described in this
14 paragraph are as follows:
15 (A) An individual who desires to cast a
16 ballot in person in an election for Federal office

1 shall present to the appropriate election offi-
2 cial—
3 (i) a current and valid photo identi-
4 fication; or
5 (ii) a copy of a current utility bill,
6 bank statement, government check, pay-
7 check, or other government document that
8 shows the name and address of the indi-
9 vidual.
10 (B) An individual who desires to cast a
11 ballot by mail in an election for Federal office
12 shall submit with the ballot—
13 (i) a copy of a current and valid photo
14 identification; or
15 (ii) a copy of a current utility bill,
16 bank statement, government check, pay-
17 check, or other government document that
18 shows the name and address of the indi-
19 vidual.
20 (C) Subparagraphs (A) and (B) apply with
21 respect to the regularly scheduled general elec-
22 tion held in November 2008 and each subse-
23 quent election for Federal office.

The CHAIRMAN. Mr. Davis of Alabama.

Mr. DAVIS of Alabama. One clarification, Mr. McCarthy. Were you offering your voter ID amendment or the second amendment first?

Mr. MCCARTHY. I apologize because on mine it says McCarthy amendment No. 1. We might have different numbers.

Mr. DAVIS of Alabama. I wanted to speak to the voter ID one, but that is not the one you just referenced.

Mr. MCCARTHY. No, this is the voter ID, 2-page amendment.

Mr. DAVIS of Alabama. Thank you.

The only reason, Mr. McCarthy, I wanted to speak to this is because I do think that, frankly, this is the most substantive of the amendments that deals with an issue which obviously is very timely right now. I am opposed to the amendment, but I will tell you at the outset, I have, maybe, a little bit of a different perspective on the issue than some people do on my side of the aisle.

My election to Congress, as you may know, was against an incumbent Democrat whom I defeated in the primary; and he won his seat because he achieved the remarkable feat of going from 160 votes in a primary to 16,000 votes in a runoff in one county. He received 160 in Lowndes County, Alabama, and then in the runoff. I doubt that was attributable solely to effective voter turnout on his part.

I do recognize the problem of absentee ballot fraud, or fraud that occurs at the polls. But I would go back to something Mr. Lungren I thought, said, very eloquently when he was referring to one of Mr. Ehlers' earlier amendments; and he said something to the effect that we ought to be mindful of the proposition that if something is a problem, that it automatically means it has to have a Federal solution. It is a reasonably good instinct.

Because that is a reasonably good instinct, I don't know that we need to federalize voter ID standards in the limited context of this bill or, frankly, in any other context. If States want to follow the Supreme Court's ruling last week, that is up to them, their political prerogative's to do so.

I will give you one example of how I think the process should work. In Alabama, we actually have a strong voter ID law. The way we got it, though, wasn't through Federal dictates or even through the courts. We got it because of a compromise between the legislators.

One group of legislators very strongly wanted to liberalize standards for convicted felons voting. Another group, on the other political divide, wanted to strengthen voter ID standards. So they reached a compromise. Because of that, many people who were previously disenfranchised because of their previous convictions for nonviolent crimes can now vote in Alabama. But as the tradeoff for that, we have a stronger voter ID law.

In other words, there was bargaining. There was political discussion back and forth. Frankly, that kind of federalism is something we ought to promote instead of, in this context or any other, dictating voter ID standard.

I yield back my time. I will yield to Ms. Lofgren.

Ms. LOFGREN. Like you, I think this amendment should be defeated. This is a simple bill that provides for a need, but I would

just like to note that subsequent to this bill moving forward legislatively, I would like to discuss with Mr. McCarthy—I mean, he is essentially suggesting that we should require States to comply with HAVA in their Federal ID efforts, and I think that is something worth exploring in the future, not as part of this simple bill. But it may be that we can find some common ground on that as we continue this hearing.

Mr. MCCARTHY. Would you yield for 1 second? Who controls the time?

Mr. DAVIS of Alabama. I will yield.

Mr. MCCARTHY. I appreciate both your comments because what I think this amendment does is, it actually does a little of what you are both saying because this is not mandating to every State. You have had a Supreme Court decision already, so we no longer have that question.

This is saying, if the State wants to go after this grant, which you are going to hold Federal elections in, you are eligible to have it. The only thing we say, since this is Federal money we are providing, these are Federal offices, we want to strengthen even what HAVA has already said, or actually do what HAVA says to do.

So I am not mandating in all the States. The State has the choice, pay for it themselves; but if they would like to, apply for a grant. Before here, I belonged to a lot of nonprofits, and when we applied for a grant, there was requirement of what you had to do with that money.

So I don't think it is too far for us, when we have already laid out what HAVA is, to say, Here's grant money, take it if you would like it; but if you like it, we are going to stick to our requirements of what we have said earlier that this body would do. Because, yes, you do go in and you vote in Federal offices; and yes, the Supreme Court has already ruled and made that it was constitutional. So I am not mandating on every State.

So I agree with what Mr. Lungren said earlier, but I do believe this is a small step, and at times you can look at this from maybe a position of you, Mr. Davis, this could actually be a little test pattern, and it would engage States to have that discussion.

In your State, you had the discussion about felons being able to vote. Other States may not even have taken that up, so they may not have the ability to have that discussion. This may actually bring the individuals together to start having the debate, without mandating it.

So I think, from all perspectives, looking at all our different ideas, that this actually starts that and could move it forward.

I yield back.

Ms. LOFGREN. If Mr. Davis would just yield briefly, further, I would ask unanimous consent that an Associated Press article be submitted into the record. I just think the Supreme Court noted there has been no evidence of fraud to justify the ID requirement, although they did not intervene at that point in the case.

Apparently, the big losers in terms of not being able to vote because of the ID requirement in Indiana were the Catholic nuns at St. Mary's Convent in South Bend, Indiana.

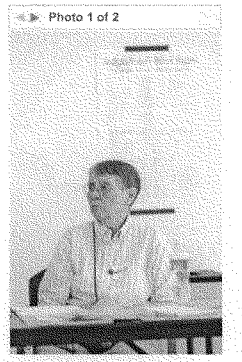
The CHAIRMAN. Without objection.

[The information follows:]

Voter ID-Nuns

Associated Press

Photo 1 of 2



Julie McGuire waits for voters Tuesday May 6, 2008 in South Bend, Ind. Sister McGuire, a polling inspector, had to turn away about a dozen of her fellow nuns when they showed up without proper identification to vote at Saint Mary's Convent in South Bend, across the street from the University of Notre Dame. McGuire said most of the nuns were in their 80s or 90s, and the other nuns had spoken with them frequently about the need to get out to a Bureau of Motor Vehicle branch for their free ID. (AP Photo/Joe Raymond)

**Related News**

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Elderly Indiana Nuns Can't Vote - Nuns Don't Have ID

# Indiana nuns lacking ID denied at poll by fellow sister

By DEBORAH HASTINGS -- **13 hours ago**

About 12 Indiana nuns were turned away Tuesday from a polling place by a fellow sister because they didn't have state or federal identification bearing a photograph.

Sister Julie McGuire said she was forced to turn away her fellow members of Saint Mary's Convent in South Bend, across the street from the University of Notre Dame, because they had been told earlier that they would need such an ID to vote.

The nuns, all in their 80s or 90s, didn't get one but came to the precinct anyway.

"One came down this morning, and she was 98, and she said, 'I don't want to go do that,'" Sister McGuire said. Some showed up with outdated passports. None of them drives.

The convent will make "a very concerted effort" to get proper identification for the nuns in time for the general election. "We're going to take from now until November to get them out and get this done.

"You can't do this like school kids on a bus," she said. "I wish we could."

Late Tuesday, Secretary of State Todd Rokita was unapologetic.

"Indiana's Voter ID Law applies to everyone. From all accounts that we've heard, the sisters were aware of the photo ID requirements and chose not to follow them," he said in a statement released by his office.

Elsewhere across the pivotal state, voting appeared to run smoothly, despite the fears of some elections experts that the Supreme Court's recent refusal to strike down Indiana's controversial photo identification law could cause confusion at the polls.

Indiana's photo ID law is the strictest in the country. The Republican-led effort was designed to combat ballot fraud, said supporters, who also have acknowledged that no case involving someone impersonating a voter at the polls has ever been prosecuted in Indiana.

The state's American Civil Liberties Union sued, calling the law a poll tax that disproportionately affected minorities and elderly voters, those most likely to lack such identification. On April 28, the Supreme Court ruled 6 to 3 that the law did not violate the Constitution.

In a primary expected to draw record numbers, a voter hot line set up by the secretary of state's office mostly received calls concerning precinct locations, spokeswoman Bethany Derringer said.

But a group of voting rights advocates that established a separate hot line reported receiving several calls from would-be voters who were turned away at precincts because they lacked state or federal identification bearing a photograph.

One newly married woman said she was told she couldn't vote because her driver's license name didn't match the one on her voter registration record, said Myma Perez of the Brennan Center Justice at New York University's law school, coordinator of the 1-866-OUR-VOTE hot line. Another woman said she was turned away from casting her first-ever ballot because she had only a college-issued ID card and an out-of-state driver's license, Perez said.

"These laws are confusing. People don't know how they're supposed to be applied," she said.

According to the New Voters Project, sponsored by Student Public Interest Groups, about a dozen college students at Notre Dame, Butler University and Indiana University said they were told at the polls they didn't have the right form of identification.

Angela Hiss, a 19-year-old sophomore at Notre Dame, presented her Notre Dame ID card and her Illinois driver's license. Poll workers did not inform her that she could have cast a provisional ballot, she told project staff monitoring her polling place.

In some counties, polling locations ran short on ballots as voters flocked to Indiana's first meaningful presidential primary in 40 years. Indiana's largest, Marion County, had to print several thousand extra Democratic ballots because of increased demand in traditionally

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Republican voting areas, said Angie Nussmeyer, spokeswoman for the clerk's office.

"Primaries are very quiet, and I think the turnout we might see today probably rivals some of our general elections," she said.

In southern Jackson County, at least one precinct ran short of ballots and an electronic backup system failed. Poll workers made copies of ballots and planned to hand-count them, which was expected to delay results there.

Several precincts in northwestern Porter County, where Barack Obama was expected to do well, also ran out of Democratic ballots, and a judge ordered polls to stay open an additional hour.

Nancy Zondor of Chesterton said she went to vote at her Porter County polling site about 4 p.m. only to be told she would have to wait or come back for a Democratic ballot. She said she had to leave without voting to drive to her son's track meet.

"I was aggravated, for sure, it's a big election," said Zondor, who planned to vote for Obama. "I just always vote in every election and want to."

Since the Supreme Court decision last month, advocacy groups have fretted that people showing up to vote in Tuesday's primary would not understand their rights, which include being able to cast a provisional ballot and obtain a proper ID within 10 days so that ballot would be counted later.

Sean Greene, of the nonpartisan electionline.org, was monitoring precincts in the Lafayette area of Tippecanoe County. "It's going pretty well," he said, despite long lines. "Most of the people I've seen today are prepared and used to this. They have their IDs out already."

That thought was echoed in South Bend, where Elizabeth Bridges, 63, said half of the people working in her voting precinct were family members, but still she showed her ID.

"I think the law is a good thing because a lot of people are crooked," she said.

*Associated Press Writers Tom Murphy, Tom Coyne and Ryan Lenz in Indiana contributed to this report.*

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Mr. MCCARTHY. If you would just yield for 1 second, I did read that article, but the only thing I would say, my son is 14 years old, and I had to take my Pacific Gas and Energy bill, my electric bill, down to the high school to sign him up.

To get on an airplane every day, I show an ID as well. Having been a part of this committee prior to a member, where I went to Lumberton, North Carolina, I went out to California on these contested races, I can show you time and time again where voter fraud has taken place.

Mr. DAVIS of Alabama. If the gentleman would yield for 1 second. We, in different interest groups, can argue back and forth. My proposition is that it does take place.

But where I disagree with you I think is, the entity and the jurisdiction in the best position to determine how big a problem it is, is almost certainly the State. It is not the Federal Government.

I take your broader point, but as we all know, in effect, the jurisdictional hook for this committee doing anything in this area is the fact that they are getting Federal money. I would necessarily add to that a substantive argument that it is a good thing for them to do it and a constraint we ought to put on them.

If States want to have voter ID laws, actually I think Alabama's voter ID law is a good one, and I support it. But if States want to have these laws, that ought to be their political choice and ought to flow out of their bargaining as a result of federalism. And I absolutely agree with Ms. Lofgren's point that there is very little evidence that would allow Congress to make a finding of fact that this is a national problem that entitles us to act, when States have chosen not to act.

I think both you and Mr. Lungren are principled conservatives. I would hope you would agree with me that if there is no strong congressional finding of a pervasiveness of a problem, we ought to let the States act.

I yield back.

The CHAIRMAN. Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman.

Just one clarification: There are two means of becoming eligible for the funds, one is a photo identification, which everyone has been discussing, but it also says "or other HAVA-compliant form of identification."

So this amendment does not in any way require a photo ID. It simply says that is one of the two methods of satisfying the requirement.

I urge adoption of the amendment, and yield back.

The CHAIRMAN. Any more debate on the amendment?

Mr. LUNGREN. Move to strike the last word.

First of all, I appreciate the comments from the gentleman from Alabama. I just wish, in addition to agreeing with me, he might vote with me occasionally. That would be appreciated.

The gentlelady caused me to respond because she referred to South Bend, Indiana, the home of my sainted alma mater, Notre Dame, and the Catholic nuns there.

Look, I hear this argument all the time, that there is no proof that fraud takes place that would require us to require IDs. As attorney general of the State of California, I established a task force

to deal with the problems of voter fraud. The problem is, it is so difficult to prove after the fact.

Some of the steps that have been taken in the past to try and alert people to the fact that they shouldn't vote if they don't have a right to vote have been abused such that they appear to be efforts to suppress voter turnout of people who otherwise would be eligible.

Given the fact that you have those two problems, we need to do something to establish a means by which we can deter illegal conduct, because if someone votes who doesn't have a right to vote, they are taking your vote away as surely as if they do not allow you to go to the polling place.

Having gone through this for a number of years and having tried to see what we could do to get at the problem of voter fraud, I can just tell you, without additional means that allow us to somehow deter that illegal conduct and then to prosecute it, we will never get at that problem. And so while it is easy to say that there is no proof of fraud, it is, in fact, part of the problem that proof is so difficult.

And yet, as the gentleman from Alabama has said, I think it stretches credulity to believe that there aren't people out there who would take advantage of a system in an illegal way for their own benefit, when they know it is so difficult under current standards and current laws to prove when they have acted in that illegal fashion.

So I just would relate that because I keep hearing this statement at this committee and in other places that there is no proof. We have had dogs and cats voting in California, or registered to vote; we have had dead people registered to vote. The problem is, it is so difficult to prove it after the fact.

Mr. EHLERS. Will the gentleman yield?

Mr. LUNGREN. Yes, I would be happy to yield.

Mr. EHLERS. I thank the gentleman for yielding. There is a considerable amount of fraud that takes place. It is not only hard to prove, it is hard to detect.

But at the same time, it is very important to take whatever means we can to deal with the problem. I have always said, if any State requires a photo ID, or if we would ever require one federally, we should be certain to provide the funds for anyone who has difficulty proving their citizenship or proving their birth in this country or whatever, that that should be the responsibility of the government in establishing the photo ID, to help them in that and pay for it so that we don't inadvertently exclude anyone.

I was at the Lumberton, North Carolina, hearing, as was Mr. McCarthy; and it was very clear from the testimony that there was considerable fraud in that particular election. It does take place, and it won't disappear just by naming it. But you do have to specifically identify it as it is occurring.

What particularly bothered me in another contested case I was on is that the people voting illegally did not know they were voting illegally. These were undocumented aliens who had been told by certain groups that, Yes, it is fine; if you are living in this country, all you have to do is sign this card, you will be registered to vote

and you can legally vote. It is a terrible risk to the individuals who voted because they could be deported immediately for doing that.

So it is not so much the individual voters I worry about, it is the groups who manipulate voters and persuade them to do something improperly.

With that, I yield back.

The CHAIRMAN. Ms. Lofgren.

Ms. LOFGREN. I move to strike the last word.

I don't want to unduly delay this, but I will just note that the Supreme Court, hardly a bastion of liberality, noted that there is virtually no evidence of fraud in voting in the United States. They noted further that the motivations for these voter ID laws were, in all likelihood, partisan. They declined to intervene in the Indiana case at that stage of the proceedings.

I am disappointed by the decision, although I do understand it. I just can't leave these statements out there unrefuted, because they are so preposterous.

I would yield to my colleague, Mr. Gonzalez.

Mr. GONZALEZ. Thank you very much, Ms. Lofgren.

I guess the response is, you keep hearing there is no evidence of fraud, and I know you seized on that particular thing; but I know that there is evidence of disenfranchisement. We know that for certain.

And I know there's reports about nuns not being able to vote in the Indiana primary yesterday and so on. I know that in Texas there are certain difficulties regarding producing certain documentation. So we do know that occurs.

So the question will always be—there is no doubt that there has to be instances of fraud in any human endeavor; the question really is, Do those benefits really outweigh the costs? And it's not just potential costs. We know it's out there.

The other thing I will say, I think we do have to have a good-faith debate on identifying how difficult it is to obtain the required documentation that the different ID laws require. We really are not certain about that percentage of the population that would find it very hard.

I know—my mother never drove a car. And until she went to the retirement home—I guess, my father passed away 7 years ago, and that is when she went—she really did not have an ID.

Now, she does not have a utility bill. She doesn't pay utilities. I am not even sure if she has the phone bill in her name or whatever. If it wasn't for my sister that took her down to the Department of Public Safety and got her a photo ID—she now has a photo ID.

So it is possible, and I understand that; but there are many, many individuals, maybe not as fortunate as my mother, residing in the community that she does, and in having children that have the time and such to do what they did with mom.

So it is out there. I think we can enter that debate at a future date.

I will say this, though, for the lawyers that are here today. The Supreme Court decision is not the last time it is going to be looking at voter ID laws. We know that the very basis for that lawsuit and the way it went up, but I venture to guess, when you do have the

disenfranchised voter population in specific cases, you will go back up for review. I think it even hints at that. So I don't think the debate is totally over.

I don't believe this is the time. I don't think the amendment is the vehicle. And of course, I would intend on opposing the amendment.

I yield back.

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

The CHAIRMAN. The question is on the amendment. All those in favor of Mr. McCarthy's amendment No. 1 to H.R. 5803, signify by saying aye.

Any opposed, signify by no.

Mr. EHLERS. Recorded vote.

The CHAIRMAN. In the opinion of the Chair, the noes have it.

A recorded voted is requested. Would the Clerk please call the roll.

The CLERK. Ms. Lofgren.

Ms. LOFGREN. No.

The CLERK. Mr. Capuano.

Mr. CAPUANO. No.

The CLERK. Mr. Gonzalez.

Mr. GONZALEZ. No.

The CLERK. Mrs. Davis of California.

[no response.]

The CLERK. Mr. Davis of Alabama.

Mr. DAVIS of Alabama. No.

The CLERK. Mr. Ehlers.

Mr. EHLERS. Yes.

The CLERK. Mr. Lungren.

Mr. LUNGREN. Yes.

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. Yes.

The CLERK. Mr. Brady.

Mr. BRADY. No.

The CHAIRMAN. In the opinion of the Chair, the ayes are 3, the noes are 5, and the amendment fails.

Mr. McCarthy, amendment No. 2.

Mr. MCCARTHY. Thank you, Mr. Chairman.

This amendment is actually pretty simple. It simply states that it puts the jurisdictions on notice that this program has not been funded.

[The information follows:]

## AMENDMENT TO H.R. 5803

## OFFERED BY MR. MCCARTHY OF CALIFORNIA

Page 5, insert after line 17 the following:

1 (d) SECTION NOT EFFECTIVE UNTIL AMOUNT AP-
2 PROPRIATED FOR GRANTS EQUALS AMOUNT AUTHOR-
3 IZED TO BE APPROPRIATED.—The Commission may not
4 carry out any action under this section, and no provision
5 of this section shall otherwise take effect, until the amount
6 appropriated for grants pursuant to the authorization of
7 appropriations under section 3 equals the amount author-
8 ized to be appropriated for grants under such section.

Mr. MCCARTHY. In essence what it says is, this amendment conditions the creation of this grant program when the funds are appropriate. So no one goes out and spends the effort if the funds are not there.

And I yield back.

The CHAIRMAN. Ms. Lofgren.

Ms. LOFGREN. I would urge a "no" vote on the amendment. The grant program is completely optional and therefore might not require the full $75 million that is authorized.

We almost never, and we should not in this case, have a program that States and locals are interested in be contingent upon appropriations. Congress often appropriates less than the full amount that is authorized. If funding is made available, States and locals should be able to apply for reimbursement.

I think that the amendment does nothing to assist.

Mr. DAVIS of Alabama. Would you yield, Ms. Lofgren?

Ms. LOFGREN. I would yield.

Mr. DAVIS of Alabama. I would be happy to apply the standards in No Child Left Behind, if you want to extend it.

Mr. MCCARTHY. I would be glad. I wasn't here during No Child Left Behind. But knowing the study of what has gone on with HAVA and knowing where States are, I think this is a very good standard to have.

And lots of times they see a bill out there, and these States think there is going to be money for it. I just believe in making sure we have the money there before someone puts up the work, because I hate to see people do work and not get the money.

The CHAIRMAN. The question is on the amendment No. 2 to H.R. 5803. All those in favor, signify by saying aye.

Any opposed, signify by saying no.

In the opinion of the Chair, the noes have it.

Mr. EHLERS. Recorded vote.

The CHAIRMAN. A recorded vote is requested.

The CLERK. Ms. Lofgren.

Ms. LOFGREN. No.

The CLERK. Mr. Capuano.

Mr. CAPUANO. No.

The CLERK. Mr. Gonzalez.

Mr. GONZALEZ. No.

The CLERK. Mrs. Davis of California.

[no response.]

The CLERK. Mr. Davis of Alabama.

Mr. DAVIS of Alabama. No.

The CLERK. Mr. Ehlers.

Mr. EHLERS. Aye.

The CLERK. Mr. Lungren.

Mr. LUNGREN. Aye.

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. Aye.

The CLERK. Mr. Brady.

Mr. BRADY. No.

The CHAIRMAN. The noes are 5, the ayes are 3; the amendment fails.

The Chair now recognizes the vice chairman for the purpose of offering a motion.

Ms. LOFGREN. Mr. Chairman, I move to report H.R. 5803 favorably to the House.

The CHAIRMAN. All those in favor, signify by saying aye.

Any opposed?

In the opinion of the Chair, the ayes have it.

Mr. EHLERS. Recorded vote.

The CHAIRMAN. Ask the Clerk for a recorded vote.

The CLERK. Ms. Lofgren.

Ms. LOFGREN. Aye.

The CLERK. Mr. Capuano.

Mr. CAPUANO. Aye.

The CLERK. Mr. Gonzalez.

Mr. GONZALEZ. Aye.

The CLERK. Mrs. Davis of California.

[no response.]

The CLERK. Mr. Davis of Alabama.

Mr. DAVIS of Alabama. Aye.

The CLERK. Mr. Ehlers.

Mr. EHLERS. No.

The CLERK. Mr. Lungren.

Mr. LUNGREN. No.

The CLERK. Mr. McCarthy.

Mr. MCCARTHY. No.

The CLERK. Mr. Brady.

Mr. BRADY. Aye.

The CHAIRMAN. The ayes are 5, the nays are 3, and the motion is agreed to.

Without objection, the motion is considered laid upon the table and the bill, reported to the House. Members will have two additional days provided by the House to file views if requested. Without objection, the staff are authorized to make technical and conforming changes to H.R. 5803.

Mr. EHLERS. Minority views?

The CHAIRMAN. Members will have two additional days provided by the House rules for minority views.

Without objection, the staff will be authorized to make technical and conforming changes to H.R. 5803.

The next bill on the agenda the committee will consider today is H.R. 5893, to reauthorize the sound recording and film preservation programs of the Library of Congress.

This important bill, the Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008, would reauthorize through 2017 the Library of Congress Sound and Film Preservation Board. I introduced this bill after discussions with the Library of Congress and other interested parties regarding the need for reauthorization of these programs.

The National Film Preservation Board was created in 1988 to address the rapid deterioration of important films. The Film Preservation Board is responsible for identifying and preserving films that are "culturally, historically, or aesthetically significant." Up to 25 films per year are then preserved for future viewing. Along with the National Film Preservation Foundation, the Film Preservation

Board ensures that all generations from all over the world will be able to view these remarkable films and feel their power firsthand.

Building on the success of the Film Preservation Board, the National Recording Preservation Board, created by the National Recording Preservation Act of 2000, is one piece of a three-tiered system that ensures the preservation of culturally significant sound recordings. There are currently 225 entries in the National Recording Registry, and that number will only continue to grow. From music to historical speeches, the Recording Preservation Board makes certain that future generations can experience these historically important and powerful sounds.

It is necessary that we reauthorize the Recording and Film Boards to allow them to continue their vital mission and to see to it that all those who come after us will be able to listen and witness those sounds and sights that are essential to our national heritage.

I would now like to recognize our ranking member for an opening statement.

Mr. EHLERS. Thank you, Mr. Chairman.

I totally agree with the bill and I have a written statement here which, in the interest of time, I will enter into the record.

Just let me say I am very pleased with the Library of Congress Sound Recording and Film Preservation Program. It certainly has to be reauthorized, and they are doing a great service to the Nation.

Frankly, I am worried about the expense. I would love to have the movie industry contribute substantially to the preservation of the films that they have made a lot of money on.

But that is a separate issue. I just wanted to get that comment on the record.

With that, I will yield back.

The CHAIRMAN. I thank the gentleman. I now call up and lay before the committee the bill H.R. 5893. Without objection, the bill is considered as having been read and without objection the bill is considered as read and open for amendment at any point.

[The information follows:]

I

110TH CONGRESS
2D SESSION

# H. R. 5893

To reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2008

Mr. BRADY of Pennsylvania introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

To reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008".

**SEC. 2. SOUND RECORDING PRESERVATION PROGRAMS.**

(a) NATIONAL RECORDING PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 133 of the National Recording Preservation Act of 2000 (2 U.S.C. 1743) is amended by striking "for each of the first 7 fiscal years beginning on or after the date of the enactment of this Act" and inserting "for the first fiscal year beginning on or after the date of the enactment of this Act and each succeeding fiscal year through fiscal year 2014".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the National Recording Preservation Act of 2000.

(2) CRITERIA FOR REMOVAL OF MEMBERS.—Section 122(d)(2) of such Act (2 U.S.C. 1722(d)(2)) is amended to read as follows:

"(2) REMOVAL OF MEMBERS.—The Librarian shall have the authority to remove any member of the Board if the member fails, after receiving proper notification, to attend (or send a designated alternate to attend) a regularly scheduled Board meeting, or if the member is determined by the Librarian to have substantially failed to fulfill the member's responsibilities as a member of the Board.".

1 (b) NATIONAL RECORDING PRESERVATION FOUNDA-
2 TION.—
3 (1) REAUTHORIZATION.—
4 (A) IN GENERAL.—Section 152411(a) of
5 title 36, United States Code, is amended by
6 striking "for each of the first 7 fiscal years be-
7 ginning on or after the date of the enactment
8 of this chapter" and inserting "for the first fis-
9 cal year beginning on or after the date of the
10 enactment of this chapter and each succeeding
11 fiscal year through fiscal year 2014".
12 (B) EFFECTIVE DATE.—The amendment
13 made by subparagraph (A) shall take effect as
14 if included in the enactment of the National Re-
15 cording Preservation Act of 2000.
16 (2) PERMITTING BOARD MEMBERS TO SERVE
17 MORE THAN 2 TERMS.—Section 152403(b)(4) of
18 such title is amended by striking the second sen-
19 tence.
20 (3) PERMITTING BOARD TO DETERMINE LOCA-
21 TION OF PRINCIPAL OFFICE.—
22 (A) IN GENERAL.—Section 152406 of such
23 title is amended by striking "District of Colum-
24 bia." and inserting "District of Columbia or an-

other place as determined by the Board of Directors.".

(B) CONFORMING AMENDMENT.—Section 152405(b) of such title is amended by striking "District of Columbia," and inserting "jurisdiction in which the principal office of the corporation is located,".

(4) CLARIFICATION OF LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Section 152411(b) of such title is amended to read as follows:

"(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.".

**SEC. 3. FILM PRESERVATION PROGRAMS.**

(a) NATIONAL FILM PRESERVATION BOARD.—

(1) REAUTHORIZATION.—

(A) IN GENERAL.—Section 112 of the National Film Preservation Act of 1996 (2 U.S.C. 179v) is amended by inserting after "the Librarian" the following: "for the first fiscal year beginning on or after the date of the enactment

of this Act and each succeeding fiscal year through fiscal year 2014".

(B) CONFORMING AMENDMENT.—Section 113 of such Act (2 U.S.C. 179w) is amended by striking the first sentence.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in the enactment of the National Film Preservation Act of 1996.

(2) EXPANDING AUTHORIZED USES OF SEAL.—Section 103(b) of such Act (2 U.S.C. 179m(b)) is amended by adding at the end the following: "The Librarian may authorize the use of the seal by the Library or by others for other limited purposes in order to promote in the National Film Registry when exhibiting, showing, or otherwise disseminating films in the Registry.".

(3) UPDATING NAMES OF ORGANIZATIONS REPRESENTED ON BOARD.—Section 104(a)(1) of such Act (2 U.S.C. 179n(a)(1)) is amended—

(A) in subparagraph (E), by striking "Cinema" and inserting "Cinema and Media";

(B) in subparagraph (G), by striking "Department of Film and Television" and inserting

"Department of Film, Television, and Digital Media";

(C) in subparagraph (H), by striking "Film and Television" and inserting "Cinema Studies"; and

(D) by amending subparagraph (L) to read as follows:

"(L) Screen Actors Guild.".

(b) NATIONAL FILM PRESERVATION FOUNDATION.—

(1) REAUTHORIZATION.—Section 151711(a) of title 36, United States Code, is amended to read as follows, by inserting after the first sentence the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed—

"(A) $530,000 for each of the fiscal years 2005 through 2009;

"(B) $750,000 for each of the fiscal years 2010 through 2011; and

"(C) $1,000,000 for each of the fiscal years 2012 through 2017.

"(2) MATCHING.—The amounts authorized to be appropriated under this subsection are to be

made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.".

(2) REPATRIATION OF FILMS FROM FOREIGN ARCHIVES AS PURPOSE OF FOUNDATION.—Section 151702(1) of such title is amended by striking "United States;" and inserting "United States and the repatriation of American films from foreign archives;".

(3) EXTENSION OF DEADLINE FOR FILLING VACANCIES IN MEMBERSHIP OF BOARD OF DIRECTORS.—Section 151703(b)(5) of such title is amended by striking "60 days" and inserting "120 days".

**SEC. 4. PERMITTING DISTRIBUTION OF ACQUIRED NEWS TRANSMISSIONS IN AMERICAN TELEVISION AND RADIO ARCHIVES FOR RESEARCH OR DEPOSIT IN PUBLIC LIBRARIES OR ARCHIVES.**

Section 113(b)(3) of Public Law 94–553 (commonly known as the "American Television and Radio Archives Act") (2 U.S.C. 170(b)(3)) is amended by striking "this subsection" and inserting "this subsection or a copy or phonorecord of a transmission program described under

1 this subsection which is acquired by the Librarian pursu-
2 ant to subsection (a)(1)".

○

The CHAIRMAN. I have a minor amendment to correct a drafting error to ensure that both programs are reauthorized for the same period of time. Without objection, the amendment is considered and read.

[The information follows:]

## AMENDMENT TO H.R. 5893

## OFFERED BY MR. BRADY OF PENNSYLVANIA

Page 2, line 10, strike "2014" and insert "2016".

Page 3, line 11, strike "2014" and insert "2016".

Page 5, line 2, strike "2014" and insert "2016".

Page 6, line 23, strike "2017" and insert "2016".

The CHAIRMAN. Is there any debate?

Mr. EHLERS. Mr. Chairman, it is a good amendment. It brings everything into conformity. I urge the adoption of the amendment.

The CHAIRMAN. Without objection, the amendment is adopted. Thank you.

Is there any additional debate? Any additional amendments?

If not, I move that the committee report H.R. 5893, as amended, favorably to the House. The question is on the motion. All those in favor, signify by saying "aye."

Those opposed "no."

In the opinion of the Chair, the ayes have it, The motion is agreed to. The motion to reconsider is laid upon the table and the bill will be reported to the House. Without objection, the staff are authorized to make such technical and conforming changes to H.R. 5893 as may be required to reflect the actions of the committee.

The CHAIRMAN. The last item on today's agenda is H.R. 5972, the U.S. Capitol Police Administrative Technical Corrections Act of 2008. This bill was introduced by me, with Ranking Member Mr. Ehlers and the chairman of the Capitol Security Subcommittee as original cosponsors.

[The information follows:]

I

110TH CONGRESS
2D SESSION

# H. R. 5972

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2008

Mr. BRADY of Pennsylvania (for himself, Mr. EHLERS, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on House Administration

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# A BILL

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "United States Capitol Police Administrative Technical Corrections Act of 2008".

**SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.**

(a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—

1 (1) CHIEF ADMINISTRATIVE OFFICER.—Section
2 108(a) of the Legislative Branch Appropriations
3 Act, 2001 (2 U.S.C. 1903(a)) is amended to read as
4 follows:
5 "(a) CHIEF ADMINISTRATIVE OFFICER.—
6 "(1) ESTABLISHMENT.—There shall be within
7 the Capitol Police an Office of Administration, to be
8 headed by the Chief Administrative Officer, who
9 shall report to and serve at the pleasure of the Chief
10 of the Capitol Police.
11 "(2) APPOINTMENT.—The Chief Administrative
12 Officer shall be appointed by the Chief of the Capitol
13 Police, after consultation with the Capitol Police
14 Board.
15 "(3) COMPENSATION.—The annual rate of pay
16 for the Chief Administrative Officer shall be the
17 amount equal to $1,000 less than the annual rate of
18 pay in effect for the Chief of the Capitol Police.".
19 (2) PERSONNEL OF OFFICE OF ADMINISTRA-
20 TION.—Section 108(c)(1) of the Legislative Branch
21 Appropriations Act, 2001 (2 U.S.C. 1903(c)(1)) is
22 amended—
23 (A) by striking "The Chief Administrative
24 Officer" and inserting "The Chief of the Cap-
25 itol Police"; and

1 (B) by striking "but shall not" and all that
2 follows and inserting a period.
3 (3) CERTIFYING OFFICERS.—Section 107(a) of
4 the Legislative Branch Appropriations Act, 2001 (2
5 U.S.C. 1904(a)) is amended by striking "the Capitol
6 Police Board" and inserting "the Chief of the Cap-
7 itol Police".
8 (4) REPEAL OF COMMITTEE APPROVAL FOR
9 HIRINGS, TERMINATIONS, AND PROMOTIONS.—Sec-
10 tion 1018(e)(1)(B) of the Legislative Branch Appro-
11 priations Act, 2003 (2 U.S.C. 1907(e)(1)(B)) is
12 amended to read as follows:
13 "(B) SPECIAL RULES FOR CERTAIN AC-
14 TIONS.—
15 "(i) PRIOR NOTICE REQUIRED FOR
16 HIRINGS, TERMINATIONS, AND PRO-
17 MOTIONS.—In carrying out the authority
18 under this paragraph, the Chief of the
19 Capitol Police may carry out any of the
20 following actions only after providing no-
21 tice to the Committee on House Adminis-
22 tration of the House of Representatives
23 and the Committee on Rules and Adminis-
24 tration of the Senate and receiving an ac-

1 knowledgment from each such Committee
2 that the Committee has received the notice:
3 "(I) The appointment or termi-
4 nation of any officer, member, or em-
5 ployee.
6 "(II) The promotion of any non-
7 civilian officer, member, or employee
8 to any rank higher than Private First
9 Class or the promotion of any civilian
10 employee to any position.
11 "(ii) APPROVAL REQUIRED FOR ES-
12 TABLISHMENT OF NEW POSITIONS, RE-
13 CLASSIFICATION OF POSITIONS, AND REOR-
14 GANIZATION PLANS.—The establishment
15 by the Chief of the Capitol Police of any
16 new position for officers, members, or em-
17 ployees of the Capitol Police, the reclassi-
18 fication by the Chief of any position for of-
19 ficers, members, or employees of the Cap-
20 itol Police, and any reorganization plan for
21 the Capitol Police shall be subject to the
22 approval of the Committees referred to in
23 clause (i).".
24 (5) CONFORMING APPLICATION OF CONGRES-
25 SIONAL ACCOUNTABILITY ACT OF 1995.—

1 (A) IN GENERAL.—Section 101(9)(D) of
2 the Congressional Accountability Act of 1995 (2
3 U.S.C. 1301(9)(D)) is amended by striking
4 "the Capitol Police Board," and inserting "the
5 United States Capitol Police,".
6 (B) NO EFFECT ON CURRENT PRO-
7 CEEDINGS.—Nothing in the amendment made
8 by subparagraph (A) may be construed to affect
9 any procedure initiated under title IV of the
10 Congressional Accountability Act of 1995 prior
11 to the date of the enactment of this Act.
12 (6) NO EFFECT ON CURRENT PERSONNEL.—
13 Nothing in the amendments made by this subsection
14 may be construed to affect the status of any indi-
15 vidual serving as an officer or employee of the
16 United States Capitol Police as of the date of the
17 enactment of this Act.
18 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-
19 FORCEMENT ASSISTANCE.—
20 (1) IN GENERAL.—Section 2802 of the Supple-
21 mental Appropriations Act, 2001 (2 U.S.C. 1905) is
22 amended—
23 (A) in subsection (a)(1), by striking "Cap-
24 itol Police Board" each place it appears and in-
25 serting "United States Capitol Police"; and

1 (B) in subsection (a)(2), by striking "Cap-
2 itol Police Board" and inserting "Chief of the
3 United States Capitol Police".
4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall take effect as if included in
6 the enactment of the Supplemental Appropriations
7 Act, 2001.
8 (c) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO
9 RECOVER ERRONEOUS PAYMENTS.—
10 (1) IN GENERAL.—Section 1018(a)(2) of the
11 Legislative Branch Appropriations Act, 2003 (2
12 U.S.C. 1907(a)(2)) is amended to read as follows:
13 "(2) TRANSFER.—
14 "(A) IN GENERAL.—Any statutory func-
15 tion, duty, or authority of the Chief Administra-
16 tive Officer of the House of Representatives or
17 the Secretary of the Senate as disbursing offi-
18 cers for the Capitol Police shall transfer to the
19 Chief of the Capitol Police as the single dis-
20 bursing officer for the Capitol Police.
21 "(B) AUTHORITY TO SEEK WAIVERS FOR
22 CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—
23 In the case of the authority to waive a claim of
24 the United States against a person arising out
25 of an erroneous payment of any pay or allow-

1 ances to an officer or employee of the Capitol
2 Police—
3 "(i) the Chief of the Capitol Police
4 shall exercise such authority in the same
5 manner as the Secretary of the Senate
6 under section 2 of the Act entitled 'An Act
7 to authorize the waiver of claims of the
8 United States arising out of erroneous pay-
9 ments of pay and allowances to certain of-
10 ficers and employees of the legislative
11 branch', approved July 25, 1974 (2 U.S.C.
12 130c);
13 "(ii) an application for a waiver of
14 such a claim shall be investigated by the
15 Chief Administrative Officer of the Capitol
16 Police, who shall submit a written report
17 of the investigation to the Chief; and
18 "(iii) an application for a waiver of
19 such a claim in an amount aggregating
20 more than $1,500 may also be investigated
21 by the Comptroller General, who shall sub-
22 mit a written report of the investigation to
23 the Chief.".
24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) shall apply as if included in the

1 enactment of the Legislative Branch Appropriations
2 Act, 2003.
3 (d) MODIFICATION OF AUTHORITY TO MAKE AD-
4 VANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—
5 (1) IN GENERAL.—Section 1002 of the Legisla-
6 tive Branch Appropriations Act, 2008 (Public Law
7 110–161) is amended—
8 (A) by striking "fiscal year 2008 and each
9 succeeding fiscal year" and inserting "fiscal
10 years 2008 and 2009";
11 (B) by inserting after "the Senate," the
12 following: "the Committee on House Adminis-
13 tration of the House of Representatives, and
14 the Committee on Rules and Administration of
15 the Senate,"; and
16 (C) by striking "determines it to be more
17 prompt, efficient, or economical to do so" and
18 inserting the following: "certifies in writing that
19 doing so would promote efficiency and cost-ef-
20 fectiveness".
21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect as if included in
23 the enactment of the Legislative Branch Appropria-
24 tions Act, 2008.

1 (e) PRIOR NOTICE TO AUTHORIZING COMMITTEES
2 OF DEPLOYMENT OUTSIDE JURISDICTION.—Section
3 1007(a)(1) of the Legislative Branch Appropriations Act,
4 2005 (2 U.S.C. 1978(a)(1)) is amended by striking "prior
5 notification to" and inserting the following: "prior notifi-
6 cation to the Committee on House Administration of the
7 House of Representatives, the Committee on Rules and
8 Administration of the Senate, and".

9 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**
10 **THE UNITED STATES CAPITOL POLICE.**

11 (a) APPOINTMENT AND SERVICE.—

12 (1) IN GENERAL.—There shall be within the
13 United States Capitol Police the General Counsel to
14 the Chief of Police and the United States Capitol
15 Police (hereafter in this subsection referred to as the
16 "General Counsel").

17 (2) APPOINTMENT.—The General Counsel shall
18 be appointed by the Chief of the Capitol Police in
19 accordance with section 1018(e)(1)(B)(i) of the Leg-
20 islative Branch Appropriations Act, 2003 (2 U.S.C.
21 1907(e)(1)(B)(i)) (as amended by section 2(a)(4)),
22 without regard to political affiliation and solely on
23 the basis of fitness to perform the duties of the posi-
24 tion.

1 (3) COMPENSATION.—The annual rate of pay
2 for the General Counsel shall be the amount equal
3 to $1,000 less than the annual rate of pay in effect
4 for the Chief of the Capitol Police.
5 (4) CONFORMING AMENDMENT.—House Resolu-
6 tion 661, Ninety-fifth Congress, agreed to July 29,
7 1977, as enacted into permanent law by section 111
8 of the Legislative Branch Appropriation Act, 1979
9 (2 U.S.C. 1901 note) is repealed.
10 (5) NO EFFECT ON CURRENT GENERAL COUN-
11 SEL.—Nothing in this subsection or the amendments
12 made by this subsection may be construed to affect
13 the status of the individual serving as the General
14 Counsel to the Chief of Police and the United States
15 Capitol Police as of the date of the enactment of this
16 Act.
17 (b) CONFORMING AMENDMENT TO LEGAL REP-
18 RESENTATION AUTHORITY.—
19 (1) IN GENERAL.—Section 1002(a)(2)(A) of the
20 Legislative Branch Appropriations Act, 2004 (2
21 U.S.C. 1908(a)(2)(A)) is amended by striking "the
22 General Counsel for the United States Capitol Police
23 Board and the Chief of the Capitol Police" and in-
24 serting "the General Counsel to the Chief of Police
25 and the United States Capitol Police".

1 (2) NO EFFECT ON CURRENT PROCEEDINGS.—
2 Nothing in the amendment made by paragraph (1)
3 may be construed to affect the authority of any indi-
4 vidual to enter an appearance in any proceeding be-
5 fore any court of the United States or of any State
6 or political subdivision thereof which is initiated
7 prior to the date of the enactment of this Act.

8 **SEC. 4. CLARIFICATION OF AUTHORITIES REGARDING CER-**
9 **TAIN PERSONNEL BENEFITS.**

10 (a) NO LUMP SUM PAYMENT PERMITTED FOR UN-
11 USED COMPENSATORY TIME.—
12 (1) IN GENERAL.—No officer or employee of
13 the United States Capitol Police whose service with
14 the United States Capitol Police is terminated may
15 receive any lump-sum payment with respect to ac-
16 crued compensatory time off, except to the extent
17 permitted under section 203(c)(4) of the Congres-
18 sional Accountability Act of 1995 (2 U.S.C.
19 1313(c)(4)).
20 (2) REPEAL OF RELATED OBSOLETE PROVI-
21 SIONS.—(A) Section 3 of House Resolution 449,
22 Ninety-second Congress, agreed to June 2, 1971, as
23 enacted into permanent law by chapter IV of the
24 Supplemental Appropriations Act, 1972 (85 Stat.
25 636) (2 U.S.C. 1924), together with any other provi-

1 sion of law which relates to compensatory time for
2 the Capitol Police which is codified at section 1924
3 of title 2, United States Code (2000 Editions, Supp.
4 V), is hereby repealed.
5 (B) The last full paragraph under the heading
6 "Administrative Provisions" in the appropriation for
7 the Senate in the Legislative Branch Appropriations
8 Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is hereby
9 repealed.
10 (b) OVERTIME COMPENSATION FOR OFFICERS AND
11 EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS
12 ACT OF 1938.—
13 (1) CRITERIA UNDER WHICH COMPENSATION
14 PERMITTED.—The Chief of the Capitol Police may
15 provide for the compensation of overtime work of ex-
16 empt individuals which is performed on or after the
17 date of the enactment of this Act, in the form of ad-
18 ditional pay or compensatory time off, only if—
19 (A) the overtime work is carried out in
20 connection with special circumstances, as deter-
21 mined by the Chief;
22 (B) the Chief has established a monetary
23 value for the overtime work performed by such
24 individual; and

1 (C) the sum of the total amount of the
2 compensation paid to the individual for the
3 overtime work (as determined on the basis of
4 the monetary value established under subpara-
5 graph (B)) and the total regular compensation
6 paid to the individual with respect to the pay
7 period involved may not exceed an amount
8 equal to the cap on the aggregate amount of
9 annual compensation that may be paid to the
10 individual under applicable law during the year
11 in which the pay period occurs, as allocated on
12 a per pay period basis consistent with premium
13 pay regulations of the Capitol Police Board.
14 (2) EXEMPT INDIVIDUALS DEFINED.—In this
15 subsection, an "exempt individual" is an officer or
16 employee of the United States Capitol Police—
17 (A) who is classified under regulations
18 issued pursuant to section 203 of the Congres-
19 sional Accountability Act of 1995 (2 U.S.C.
20 1313) as exempt from the application of the
21 rights and protections established by sub-
22 sections (a)(1) and (d) of section 6, section 7,
23 and section 12(c) of the Fair Labor Standards
24 Act of 1938 (29 U.S.C. 206 (a)(1) and (d),
25 207, 212(c)); or

1 (B) whose annual rate of pay is not estab-
2 lished specifically under any law.
3 (3) CONFORMING AMENDMENT.—
4 (A) IN GENERAL.—Section 1009 of the
5 Legislative Branch Appropriations Act, 2003
6 (Public Law 108–7; 117 Stat. 359) is repealed.
7 (B) EFFECTIVE DATE.—The amendment
8 made by subparagraph (A) shall take effect as
9 if included in the enactment of the Legislative
10 Branch Appropriations Act, 2003, except that
11 the amendment shall not apply with respect to
12 any overtime work performed prior to the date
13 of the enactment of this Act.
14 (c) AUTHORITY TO SUSPEND EMPLOYEES FOR AP-
15 PROPRIATE REASONS.—
16 (1) IN GENERAL.—Section 1018(e)(1)(A) of the
17 Legislative Branch Appropriations Act, 2003 (2
18 U.S.C. 1907(e)(1)(A)) is amended by inserting "sus-
19 pend with or without pay," after "hire,".
20 (2) REPEAL OF RELATED OBSOLETE PROVI-
21 SIONS.—(A) Section 1823 of the Revised Statutes of
22 the United States (2 U.S.C. 1928) is hereby re-
23 pealed.
24 (B) The proviso in the Act of Mar. 3, 1875 (ch.
25 129; 18 Stat. 345.), popularly known as the "Legis-

1 lature, Executive, and Judicial Appropriation Act,
2 fiscal year 1876", which is codified at section 1929
3 of title 2, United States Code (2000 Editions, Supp.
4 V), is repealed.

5 **SEC. 5. OTHER MISCELLANEOUS TECHNICAL CORREC-**
6 **TIONS.**

7 (a) REPEAL OF OBSOLETE PROCEDURES FOR INI-
8 TIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFI-
9 CER.—Section 108 of the Legislative Branch Appropria-
10 tions Act, 2001 (2 U.S.C. 1903) is amended by striking
11 subsections (d) through (g).

12 (b) REPEAL OF REQUIREMENT THAT OFFICERS
13 PURCHASE OWN UNIFORMS.—Section 1825 of the Re-
14 vised Statutes of the United States (2 U.S.C. 1943) is
15 repealed.

16 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-
17 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-
18 ATE OFFICE BUILDINGS.—

19 (1) HOUSE OFFICE BUILDINGS.—The item re-
20 lating to "House of Representatives Office Building"
21 in the Act entitled "An Act making appropriations
22 for sundry civil expenses of the Government for the
23 fiscal year ending June thirtieth, nineteen hundred
24 and eight, and for other purposes", approved March
25 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended

1 by striking "other than officers and privates of the
2 Capitol police" each place it appears and inserting
3 "other than the United States Capitol Police".
4 (2) SENATE OFFICE BUILDINGS.—The item re-
5 lating to "Senate Office Building" in the Legislative
6 Branch Appropriation Act, 1943 (56 Stat. 343; 2
7 U.S.C. 2023) is amended by striking "other than for
8 officers and privates of the Capitol Police" each
9 place it appears and inserting "other than for the
10 United States Capitol Police".
11 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-
12 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-
13 ER IMPLEMENTATION ACT OF 2007.—
14 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-
15 fective as if included in the enactment of the Legis-
16 lative Branch Appropriations Act, 2008 (Public Law
17 110–161), section 1004 of such Act is repealed, and
18 any provision of law amended or repealed by such
19 section is restored or revived to read as if such sec-
20 tion had not been enacted into law.
21 (2) NO EFFECT ON OTHER ACT.—Nothing in
22 paragraph (1) may be construed to prevent the en-
23 actment or implementation of any provision of the
24 U.S. Capitol Police and Library of Congress Police
25 Merger Implementation Act of 2007 (Public Law

110–178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(c) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under the heading "Capitol Police" in the Act of April 28, 1902 (ch. 594, 32 Stat. 124), and the provisions appearing in the first paragraph under the heading "Capitol Police" in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173, 57 Stat. 230), insofar as all of those provisions are related to the sentence "The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.", which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7, div. H, title I, 117 Stat. 368) is repealed, and the sentence "The

1 Capitol Police shall be headed by a Chief who shall
2 be appointed by the Capitol Police Board and shall
3 serve at the pleasure of the Board.", which was re-
4 pealed by such section, is restored to appear at the
5 end of section 1821 of the Revised Statutes of the
6 United States (2 U.S.C. 1901).
7 (3) CONFORMING AMENDMENT.—The first sen-
8 tence of section 1821 of the Revised Statutes of the
9 United States (2 U.S.C. 1901) is amended by strik-
10 ing ", the members of which shall be appointed by
11 the Sergeants-at-Arms of the two Houses and the
12 Architect of the Capitol Extension".
13 (4) EFFECTIVE DATE.—The amendments made
14 by this subsection shall take effect as if included in
15 the enactment of the Legislative Branch Appropria-
16 tions Act, 2003.

○

The CHAIRMAN. As the title suggests, H.R. 5972 does not make substantive policy changes for the Capitol Police, but rather, the bill corrects drafting errors, modernizes outdated terminology, and repeals duplicated and inconsistent provisions already on the books.

My favorite is the long-overdue repeal of an 1868 law requiring Capitol Police officers to pay for their own uniforms. Congress decided years ago to provide uniforms, but failed to repeal the 1868 law.

Chief Morse requested most of these corrections, and the committee staff found a few others. We have amended language to address key concerns of the ranking member, the gentleman from Michigan; and I understand the ranking member is interested in further legislation affecting the Police Board, and I would be happy to work with him, and in the future, on all matters before us.

I am aware of no other controversy, and urge the committee to support the bill.

I would now like to recognize Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman.

Again, it is a good bill and I appreciate your support of an effort to continue to look at the governance of the police, and particularly the board; and I look forward to working with you on that.

Again, to save time, I will move that my complete statement be entered into the record.

The CHAIRMAN. Without objection.

Mr. EHLERS. I just have one other comment. I think the fact that we had to do this points out part of the problem we have had historically, that the appropriations subcommittee dealing with responsibilities of this committee has too often introduced laws and passed them without referring them through this committee, and that has resulted in a lot of the discrepancies that we are trying to straighten out in this bill.

I think we would do much better if all the legislation governing it came through the authorizing committee and not through the appropriating committee. So I just wanted to say that on the record, too.

The CHAIRMAN. I thank the gentleman.

Any further opening remarks on the measure?

If not, the Chair now lays before the committee the bill H.R. 5972 to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes, which is now before the members.

Without objection, the bill will be considered as read and open to amendment at any point. Is there any debate? Are there any amendments?

There are no amendments. I move that the Committee report H.R. 5972 favorably to the House. All those in favor, signify by saying "aye."

Any opposed?

In the opinion of the Chair, the "ayes" have it, and the motion is agreed to. Without objection, a motion to reconsider is laid upon the table.

Members will have the 2 additional days to provided under the rules of the House to file views.

Without objection, the staff will be authorized to make such technical and conforming changes as may be required to reflect the actions of the committee.

There being no further business, the committee stands adjourned.

[Whereupon, at 12:58 p.m., the committee was adjourned.]