

urge my colleagues to join us in supporting H.R. 6296 so that we may continue to monitor the success of this important program for the next 5 years.

Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I just will simply say it's a good bill. Let's support it. Let's vote for it.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I concur this bill is a sensible one. It's bipartisan. It focuses the commission on the things that are important and complicated, and I urge all Members to support its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6296.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ESTABLISHING PROGRAM TO MAKE GRANTS REGARDING BACKUP PAPER BALLOTS

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5803

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

SECTION 1. GRANTS TO STATES AND UNITS OF LOCAL GOVERNMENT FOR MAKING BACKUP PAPER BALLOTS AVAILABLE IN CASE OF VOTING SYSTEM OR EQUIPMENT FAILURE OR OTHER EMERGENCY SITUATION.

(a) GRANTS BY ELECTION ASSISTANCE COMMISSION.—The Election Assistance Commission (hereafter referred to as the "Commission") shall establish a program under which the Commission shall make a grant to each participating State and each participating unit of local government for carrying out a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation in the administration of the regularly scheduled general election for Federal office held in November 2008.

(b) REQUIREMENTS FOR ELIGIBILITY.—

(1) APPLICATION.—A State or unit of local government is eligible to participate in the program established by the Commission

under this Act if the State or unit of local government submits an application to the Commission at such time and in such manner as the Commission shall require, and includes in the application—

(A) a certification that the State or unit of local government has established a program that meets the requirements of paragraph (2) to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation;

(B) a statement of the reasonable costs the State or unit of local government expects to incur in carrying out its program;

(C) a certification that, not later than 60 days after the date of the election, the State or unit of local government will provide the Commission with a statement of the actual costs incurred in carrying out its program;

(D) a certification that the State or unit of local government will repay the Commission any amount by which the payment made under this Act exceeds the actual costs incurred in carrying out its program; and

(E) such other information and certifications as the Commission may require.

(2) PROGRAM REQUIREMENTS.—The requirements of this paragraph for a program to make backup paper ballots available in the case of the failure of a voting system or voting equipment or some other emergency situation are as follows:

(A) In the event that the voting equipment at a polling place malfunctions and cannot be used to cast ballots on the date of the election or some other emergency situation exists which prevents the use of such equipment to cast ballots on that date, 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 such malfunction or other emergency situation shall be notified by the appropriate election official of the individual's right to use a backup paper ballot, and shall be provided with a backup paper ballot for the election, the supplies necessary to mark the ballot, and instructions on how to mark the ballot to prevent overvotes.

(B) Any backup paper ballot which is cast by an individual pursuant to the program of a State or unit of local government shall be counted as a regular ballot cast in the election and tabulated on the date of the election, and shall not be treated (for eligibility purposes) as a provisional ballot under section 302(a) of the Help America Vote Act of 2002, unless the individual casting the ballot would have otherwise been required to cast a provisional ballot if the voting equipment at the polling place had not malfunctioned or an emergency situation had not existed which prevented the use of such equipment to cast ballots.

(C) The program of a State or unit of local government is carried out in accordance with standards established by the State or unit of local government which include protocols for delivering and supplying backup paper ballots to polling places and for notifying individuals of the right to use the backup paper ballots.

(c) AMOUNT OF GRANT.—The amount of a grant made to a State or unit of local government under the program established by the Commission under this Act shall be equal to the amount of the reasonable costs the State or unit of local government expects to incur in carrying out its program, as provided in the application under subsection (b)(1)(B).

SEC. 2. STATE DEFINED.

In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under the program established by the Commission under this Act \$75,000,000. Any amount appropriated pursuant to the authority of this section shall remain available without fiscal year limitation until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from California (Mr. MCCARTHY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter in the RECORD on H.R. 5803.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I introduced H.R. 5803 at the request of election advocates and elected officials as a simple solution to deal with some of the problems jurisdictions may face this election day.

The bill provides reimbursements through grants to jurisdictions that choose to provide backup paper ballots in the event of voting machine failure or some other emergency situation for this November's election. The language in the legislation has been crafted, at the request of State and local governments, to allow them to decide what constitutes an emergency situation. That 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 mentioned, this is 100 percent optional. If States already use paper, including electronic machines with a voter verifiable paper audit trail, it's unlikely they would apply for a grant.

Of the 14 States that use electronic voting machines without paper trails, only 5 have no paper requirements at all and 9 States and the District of Columbia only use these machines in some jurisdictions. All this legislation provides is an additional method of instilling voter confidence. The grants provided in this bill 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.

The bill has been drafted in full cooperation with and is supported by the National Council of State Legislators, the National Association of County Officials, and the National Association of

Secretaries of State. All those organizations have submitted letters of support, as has Ohio Secretary of State Brunner, who calls it “meaningful and respectful of State authority in election administration matters.”

In addition to the support of State and local governments, the bill is supported by election integrity groups, including People for the American Way, the Brennan Center, the Lawyers Committee For Civil Rights Under the Law, Common Cause, Verified Vote, Counted as Cast, and just today the NAACP Legal Defense Education Fund. Additional input was provided by disability rights groups who have told us that the bill has no adverse impact on their community and that they approve the language.

As we have seen, broad support for election-related legislation is not easy to accomplish. Backup paper ballots are a unifying factor between election officials and election advocates. It’s 100 percent optional, and the responsibility and mechanisms for implementation is left to the State and local officials. The bill is a measured and proactive step towards improving the system of election administration for this November.

Voter turnout in the 2008 presidential primaries was at 28 percent of the country’s estimated eligible voters. That’s a record one in four eligible voters, actually slightly more. The turnout rate has not been that high since 1972, when the voting age was lowered to 18. Given this record primary turnout, providing State and local jurisdictions the option to have backup paper ballots could mitigate any challenges they may face on Election Day in November. This bill helps ensure election integrity and national electoral confidence and respects State and local jurisdictions’ responsibility to administer elections.

I would also note that given the fiscal situation of most States and most counties, providing some assistance in this paper ballot measure is extremely important. I know, for example, in my own State of California there is a tremendous multibillion-dollar budget deficit that is mimicked in counties throughout the State. We have received a report from CRS that outlines various things that could concern us, including long lines in jurisdictions that have DREs. The paper ballot backup measure could help mitigate against that problem.

And, finally, I would note that the cost of this measure, this authorization, is really the price we pay every day for an afternoon in Iraq. Surely we can spend the equivalent of an afternoon in Iraq to preserve, protect, and defend our own electoral system in one of the most important elections our Nation will see this November.

With that, I would urge the passage of the bill.

BRENNAN CENTER FOR JUSTICE,

New York, NY, April 30, 2008.

Re Support for H.R. 5803, the “Back Up Paper Ballot Bill”.

Representative ZOE LOFGREN,

Chair, Subcommittee on Elections, Committee on House Administration, House of Representatives, Washington, DC.

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 H.R. 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.

NATIONAL ASSOCIATION OF COUNTIES,

Washington, DC, May 6, 2008.

Re H.R. 5803.

Hon. ZOE LOFGREN,

Chairwoman, House Subcommittee on Elections, Longworth House Office Building, Washington, DC.

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 America’s counties.

Sincerely,

ERIC COLEMAN,

President.

NATIONAL CONFERENCE OF

STATE LEGISLATURES,

Denver, CO, April 28, 2008.

Re H.R. 5803.

Hon. ZOE LOFGREN,

Chairwoman, House Subcommittee on Elections, Longworth House Office Building, Washington, DC.

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.

LAWYERS’ COMMITTEE FOR CIVIL RIGHTS UNDER LAW,
Washington, DC, April 29, 2008.

Hon. ZOE LOFGREN,

Chair, Subcommittee on Elections, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE 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 is much needed. In Maryland near record turnout swamped poll workers and precincts throughout the state. The Election Protection hotline, 1-866-OURVOTE, 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 Law-
yers' Committee for
Civil Rights Under
Law.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I reluctantly rise in opposition to H.R. 5803, which unfortunately creates a system of IOUs for States with no guarantee of being paid back with Federal money.

Notwithstanding my concerns about even the necessity of this bill and the majority's desire to federalize traditionally local responsibility of administering elections, as outlined in the Constitution, it's difficult to understand how we are going to pay States back this year for promises we are making in this bill when Democrat congressional leaders have indicated that they will not complete work on appropriation bills this year. A leader on the House Appropriations Committee was quoted as describing the appropriations process as "dead" and later clarified the chances of appropriations this year are "slight."

Additionally, the majority leader in the other body was recently described in an article called "No Lame Duck Session" as wanting "to punt most of the 12 annual appropriation bills to the 111th Congress." He said, "I would hope that before we would leave here this year, we would do a continuing resolution . . ."

So the question I have is where are we going to get this money to pay back the States for a grant program in this bill? Are we just demonstrating once again that Washington is broken by wasting more time when we could focus on finding solutions to our Nation's pressing problems, like the energy crisis?

Prioritizing concerns continues to be a problem that plagues Congress. Today we are debating a bill asking State and local election jurisdictions to do something that many already do and to pay for something that many already pay for. According to a recent survey of elected officials, if we are trying to improve election administration for the November, 2008, election, why not focus on a problem that strikes at the heart of our democracy, making sure that the votes of our brave men and women protecting our country abroad are counted? I encourage my colleagues to focus on efforts that will provide the greatest impact, including the Military Voting Protection Act, also called the MVP Act, which has 42 cosponsors. The MVP Act helps ensure that military personnel are not left out of the election process while serving our country overseas by improving delivery methods so the votes are counted. I look forward to working with my colleagues in the House Administration Committee towards addressing these and other issues internal to the strength of our Nation's elections.

Mr. Speaker, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just note before recognizing Representative GONZALEZ that this is an authorization measure but there is money that has already been appropriated and allocated to States

under HAVA that if we pass this would then become available for the backup paper ballots.

Mr. Speaker, I would now recognize a member of the committee, a former judge and valued colleague, Congressman CHARLES GONZALEZ, for 2 minutes.

Mr. GONZALEZ. I thank my colleague for yielding and giving me this time and commend her for her efforts.

Mr. Speaker, I rise in strong support of H.R. 5803.

I think we saw the greatest participation ever seen in our primaries. I know that in Texas we had over 4 million voters in the March 4 primary.

□ 1715

On November 4 it's predicted that we will have record turnouts. And the people who will be coming on November 4 will be voting not only for President but in dozens of races for Senator, Representative and State positions. We should rejoice in the civic involvement, and we should ensure that things run as smoothly as possible. With H.R. 5803 the Federal Government would fulfill our role by supporting the States, the counties and the municipalities who run our elections, the hardworking men and women who volunteer to ensure that democracy not only survives but can continue to flourish in this country.

We created the Election Assistance Commission in 2002 for this very purpose. By providing grants to the election officials who require this assistance, H.R. 5803 will ensure that no citizen is turned away because his voting machine has broken down. By supporting these backup paper ballots, we are supporting the right of every citizen to vote and to have his or her vote counted. We can help to ensure that no citizen is asked to choose between voting and getting to work on time. With H.R. 5803, we can say we accomplished that goal, that no citizen should be forced to choose between voting or feeding their children.

It is right and proper, too, that H.R. 5803 empowers the State and local officials rather than impeding them. No State is required to participate, but every State can do so if they so choose. We cannot predict every problem that may arise, but we can be sure that problems there will be. By putting money into the hands of the officials on the scene, we give the State and local governments the ability to react to problems as they arise. We empower them to provide the dependable low-tech paper ballots that are needed, that we know will work and that everyone can trust. That is why H.R. 5803 has the support of State officials and voting rights groups alike throughout this country. And it is why I support it and why I hope that we will have the support of every Member of this House.

Mr. MCCARTHY of California. Mr. Speaker, I yield 5 minutes to the dean of the Ohio delegation, Mr. REGULA.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, and my colleagues, I rise in opposition to H.R. 5803.

Historically, the administration of elections is a State and local responsibility. This includes providing for a backup method of voting if a piece of equipment fails or in the case of an emergency. This bill proposes to use Federal taxpayer dollars to fund an activity that State and local election officials are already performing. As stated in the minority views on this bill, "H.R. 5803 is an unnecessary and costly solution to a problem that doesn't exist."

The elections are only a few months away, and encouraging jurisdictions to change their election procedures now, after the primaries, could lead to confusion on Election Day.

In addition, the administration strongly opposes this bill since this is over \$1 billion of funding that has already been appropriated that is currently available to the States to prepare for and conduct the 2008 elections.

Finally, even if this authorizing bill were enacted into law, no appropriations will be provided to fund it. We're approaching the August recess, and no fiscal year 2009 appropriation bills have cleared either body. According to media reports, only the Defense and Military Construction bills have even a chance of being enacted before the transition to the new administration. This means that there will be no financial services and general government appropriations bills to fund this program.

Why are we debating a bill to authorize new spending for the November election if the appropriations bill that would fund this activity won't be enacted until after the election? New legislation and additional Federal election funding are not warranted at this time.

I urge my colleagues to vote "no" on this piece of legislation.

Ms. ZOE LOFGREN of California. Mr. Speaker, before yielding to Mr. ELLISON, I would like to include in the RECORD a letter from the Secretary of State of Ohio urging support of the bill.

COLUMBUS, OHIO,
April 29, 2008.

Re Letter of support for H.R. 5803.
Hon. ZOE LOFGREN,
Cannon House Office Building,
Washington, DC.

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,
Ohio Secretary of State.

Ms. ZOE LOFGREN of California. I now would yield to the gentleman from Minnesota (Mr. ELLISON) whose Secretary of State has been a witness in our committee and who has been a leader in election law reforms, 2 minutes.

Mr. ELLISON. Mr. Speaker, let me thank the chairlady for this excellent piece of legislation which I urge all of our colleagues to support.

Imagine, Mr. Speaker, a young person voting for the first time, freshly 18 years old getting a chance to vote, waiting in line and finding out that there are no more ballots because of one reason or another. Or imagine the person is a senior citizen who has plowed so much into our country, forged a way for us in this society, but yet they stand in line, no backup ballots, they can't vote because the machine broke down. Or what about a veteran, Mr. Speaker, a veteran who has served in Iraq or Afghanistan who stands in line trying to cast a ballot to select a leader of their choice in their community and the machine breaks down, no ballots, and they're not able to cast a vote.

This is a very commonsense, reasonable and responsible piece of legislation that goes to the very heart of what we are here to do in this Capitol today as the United States Congress which is to make sure that democracy marches forward. This is prudent. This is wise. This is smart. This is a dollar very, very well spent because it ensures that our country continue to reflect the rich diversity in this body so people can vote and pick their leaders.

Mr. Speaker, I can't imagine why anyone wouldn't want to support this excellent legislation.

I urge a "yes" vote.

Mr. MCCARTHY of California. Mr. Speaker, I yield 5 minutes to the former Secretary of State of Michigan and my good friend, Mrs. CANDICE MILLER.

Mrs. MILLER of Michigan. I appreciate the gentleman yielding the time.

Mr. Speaker, as was mentioned, actually for 8 years I had the distinct honor and privilege really to serve as Michigan's Secretary of State. And in that role, a principal responsibility of mine was to serve as the State's chief elections officer. And I was blessed with an absolutely outstanding professional staff that helped to ensure that not only were our elections open, free and fair, but also that everyone in Michigan who was eligible and properly registered to vote had an opportunity to vote and that every one of those votes was counted.

After the 2000 election, naturally, the Ford-Carter Commission on National Election Reform cited Michigan's Qualified Voter File, a file that we built in Michigan, as a national model,

a attribute to Michigan's well-run elections. That report also cited the need for each State to establish a uniform voting system, a process that we had already been studying in Michigan. We were prepared with a uniform voting plan as soon as this Congress passed the HAVA Act, the Help America Vote Act.

And as a result, today Michigan has an optical scan uniform voting system, and we have experienced little or no problems with that system. And this was due to careful, long-term planning and professional work by our State elections bureau working in partnership with local election clerks.

And, Mr. Speaker, the bill that we are considering today will provide Federal grants for States to do contingency planning for this year's election. Well, here is our Michigan contingency plan, a plan that I believe is also in place right now by the huge overwhelming majority of the States in our Nation. We require that optical scan ballots be printed for 100 percent of all registered voters. If an optical scan precinct tabulator malfunctions on Election Day, the clerks allow voters to continue, and then they have voters deposit their ballots in the auxiliary bin of the ballot box which they can count later. Plan complete, at no cost to the Federal taxpayers. And as I understand it, this bill actually has a cost associated with it of I believe \$75 million.

The proponents of this bill note that they have had some support of the National Council of State Legislatures as well as the National Association of County Officials. And they cite that as good reasons to support this legislation. Well, I would respectfully point out that these officials have no responsibility in the actual administering of elections. And I would note that the National Association of Secretaries of State, of which I was proud to be a member, and now I'm an honorary member, and also the NASS-ED, which is the association of State elections directors, neither of those two national election associations are up here on Capitol Hill advocating for this legislation.

And these are the two groups, as I say, which are totally made up of those who are responsible for the administration of elections in our Nation, and those who also do the contingency planning. If those responsible, Mr. Speaker, for planning and administering elections are not asking for this bill, I would ask why is it being offered?

I would urge my colleagues to defeat this needless bill and allow our elections officials across our Nation to continue their diligent work in preparing for this fall's election.

Ms. ZOE LOFGREN of California. Mr. Speaker, before recognizing Mr. LANGEVIN, I would note that the Secretary of State Associations helped us draft this bill, but they were not going to have a meeting to actually take a

vote on support in time for today. But they did assist in the drafting.

I would now recognize our colleague from Rhode Island, Congressman LANGEVIN, who is a former Secretary of State himself, for 2 minutes on the bill.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentlelady for yielding.

Mr. Speaker, I rise in strong support of H.R. 5803, legislation that would establish a voluntary program so election officials can offer voters a backup paper ballot in the event of an emergency. Now when I served as the Secretary of State for the State of Rhode Island, I reformed our State's voting machines and election processes to make them more accurate and accountable. From that experience, I know that ensuring confidence in our voting system is the cornerstone of our democracy.

As the 2008 election promises to bring out record numbers of voters to the polls, H.R. 5803 will boost confidence among the electorate by ensuring that voters are not turned away from the polling places, do not wait in long lines and do not incorrectly receive provisional ballots because of malfunctioning voting systems. H.R. 5803 authorizes \$75 million to establish a voluntary, and I repeat voluntary, opt-in grant programs for State and local governments that wish to provide backup paper ballots in the coming November elections.

Although many States already require emergency paper ballots, the 2008 Presidential primaries revealed that many jurisdictions do not have the resources to provide backup ballots. For example, during Pennsylvania's 2008 Presidential primary, a Philadelphia precinct experienced failures with both of its electronic voting machines causing voters to wait in long lines or even leave without voting at all because of a lack of emergency paper ballots. Now we can't allow that to happen. H.R. 5803 provides the necessary resources for States to prepare for potential problems so that voters are not turned away from the polls because the voting system malfunctions.

The National Conference of State Legislatures and the National Association of Counties support H.R. 5803 because it is meaningful and respectful of State authority in election administration matters. H.R. 5803 has been crafted to allow jurisdictions to determine when and how the backup ballots are distributed. The legislation is not a mandate, and it's purely a voluntary option for jurisdictions to consider.

In closing, I would like to thank the Elections Subcommittee Chairwoman LOFGREN for her leadership in bringing this bill to the floor today in the first place. And I would also like to thank my friend from New Jersey (Mr. HOLT) who has raised awareness about the importance of voting machine accuracy and accountability. I have been proud

to work with him on a number of efforts, and I look forward to our continued cooperation.

I urge all of my colleagues to support H.R. 5803 to ensure that we maintain public confidence in our voting procedures as we approach this coming election season.

Mr. MCCARTHY of California. Mr. Speaker, if I may inquire about how many more speakers are on the other side.

Ms. ZOE LOFGREN of California. Several.

Mr. MCCARTHY of California. I will continue to reserve my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, may I inquire how much time remains on either side.

The SPEAKER pro tempore. The gentlewoman from California has 9 minutes. The gentleman from California has 12 minutes.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point, I would like to recognize a valued member of our committee, Congresswoman SUSAN DAVIS, for 2 minutes.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of Ms. ZOE LOFGREN's bill, H.R. 5803. In our State of California, voting machines were de-certified after a careful scientific review showed them to be prone to problems. Now we use paper. We don't need backup ballots. But many jurisdictions still use the voting machines that they purchased. And it becomes obvious that even under the management of the most diligent election officials, glitches with voting systems are rare, but they are inevitable.

The question is not whether there will be some technical problems on Election Day, but how will we respond? How bad will they be? Asking voters to come back is not a solution. We must have a plan B, a plan B ready on the spot.

That is what this bill gives us. Most of the time, as we know, emergency ballots will go unused. But we cannot afford to be without them. Opponents would argue that it's wasteful to invest in something we hope never to use. Well would we ever think of not investing in life rafts on ships, air bags on cars, or fire escapes on buildings? Emergency paper ballots are the air bag of our democracy. We can't afford not to have them in place when the vitality of election is on the line. And we know, Mr. Speaker, that in November, that will be the case. The election could be very close. And the country needs to come together in the end.

If people believe that somehow they didn't have the opportunity to vote, then they will perceive that this was not a fair election. After a spirited election, people will come together, but only if the American faith in our democracy has been borne out. This is one way to help. And I believe that we must go forward and look at this. Only the States that need it will apply. And I would expect that they would be very prudent in the way they request that

kind of funding through the grant program.

□ 1730

Mr. MCCARTHY of California. Mr. Speaker, I continue to reserve.

Ms. ZOE LOFGREN of California. Mr. Speaker, at this point I would like to recognize for 2 minutes the gentleman from New Jersey (Mr. HOLT) who has worked so diligently on election matters in this Congress.

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 5803, a bill that would reimburse States and localities to make paper backup ballots available for this November 2008 election.

I compliment Representative LOFGREN for introducing this measure which would allow more Americans to vote than might otherwise be able if their only option was failed electronic voting. The bill would also allow more Americans to vote when facing long lines, something that has been documented widely.

Passing comprehensive election reform to help ensure the accuracy, integrity, and security of our electronic voting systems and other voting systems has long been a priority for me. At the beginning of the 110th Congress, I introduced legislation to establish national standards of verifiable elections. That bill has not received a floor vote despite support from a bipartisan majority of Members.

So in January of this year, many of us introduced simplified, optional legislation that would reimburse States that convert to paper ballot voting systems, offer backup paper ballots, and/or conduct random audits in this fall's election. Unfortunately, following opposition from the White House, the vote broke mostly on party lines and the bill was not passed.

After our opt-in legislation was not passed, I urged Congress to reconsider this issue, and so I am pleased that the House Committee on Administration has incorporated part of our legislation into the bill on the floor today. This is a useful step.

The ability to vote is the most important right as it is the right through which citizens secure all of our other rights. Yet public cynicism is rampant, and could cripple our democracy.

Increasing the availability of paper ballots, however, is only one of the steps that we must take to address the documented problems faced by voters and election officials.

I will continue to work with Ms. LOFGREN and others to ensure that Congress does all it can to protect the integrity and accuracy of our elections, and to give voters confidence in their system. Each election each year in recent years, cynicism has grown among voters. I hope my colleagues will join in the continuing effort to provide verifiable, reliable, confident voting.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, usually I am not on the floor speaking

twice in one day, but two issues have come to the floor today that are of great importance to me. First was the Medicare veto override; and, secondly, voting.

Yesterday I had an opportunity to attend the NAACP national convention. Next year that organization will be 100 years old, and in the course of all of the work that the NAACP has done over the past 100 years, voting has clearly been at the forefront of all that they have done, and I am aware that the NAACP voter fund is supporting this legislation.

I come from the great State of Ohio, but voting in Ohio has not been great in many years. In fact, in 2004, I objected to the counting of the Ohio electoral votes because of some of the problems we faced in Ohio in 2004, and one of those was running out of ballots, a lack of sufficient machines available for people to vote, and young people in Kenyon College standing in line for 10 and 11 hours.

Our new Secretary of State, Jennifer Brunner, supports this legislation. And in fact in our primary in March of this year, we used paper ballots as backup. It is so very important that we don't disappoint any voter when they come to the ballot box because a machine is down or paper ballots are not available.

I want to applaud my colleague and applaud the work she is doing. The people of the United States of America are pleased and proud that we are standing up to ensure that everybody has the right to vote, that their vote is counted, and that vote is secure. I thank you very much for your leadership.

Mr. MCCARTHY of California. Mr. Speaker, I continue to reserve my time.

Ms. ZOE LOFGREN of California. The last speaker that we were expecting has not shown, so if the gentleman is prepared to close and yield back, I will do the same.

Mr. MCCARTHY of California. Mr. Speaker, I rise in opposition for a number of reasons. First and foremost, we are putting forward legislation that we will not even be able to fund. Appropriations said they will not meet, they will not pass, so we are telling States that this is an IOU.

Secondly, Mr. Speaker, over \$3 billion in Federal grants have been made available to States in 2008 in previous years to assist with election systems and administration which can include the purchase of authorized backup paper ballots. Of this amount, over \$1 billion remains unspent, but we are asking the Federal Government to spend more.

Mr. Speaker, we are talking about paper ballots. Survey after survey of Secretaries of States have shown that they have backup operations prepared for their States and their ballots. Even in our own committee, Mr. Speaker, you have pointed out time and time again that paper ballots are where mistakes are made when they are hand counted. Paper ballots are where

things become manipulated. So, Mr. Speaker, I ask for a "no" vote.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would urge that we approve this very modest measure. As has been noted by the White House in their statement today, there is \$1 billion that has been appropriated and remains unspent by States to prepare and conduct the 2008 elections. Most of those funds are allocated to the purchase of DREs that have been so troublesome, and this authorization would allow for a very modest portion of a maximum of \$75 million of that appropriated funds to be used for backup paper ballots.

In my own county of Santa Clara, we ran out of ballots this election year, and people were scrambling. That was before the massive budget cuts that the county is facing. And I will just say this. Having been on the board of supervisors for longer than I have been in the United States House of Representatives, I understand how tough it is to balance those budgets. At local government, there is no deficit spending. What you have got is what you can spend. So county boards of supervisors all over the country are trying to figure out how to run an election with local funds and also keep the county hospital open and also fund the sheriff's department and also keep the parks open and keep the streets paved.

I fear that backup paper ballots in November are not going to compete with some of the more pressing needs and so this bill is enormously important. We can pass it today and have a more orderly election so that no American is denied their right to vote. I urge Members to put partisanship aside, to support this very modest measure that is supported by election officials all over the United States.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5803.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCCARTHY of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROCEDURE FOR CONSIDERATION OF RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE IF OFFERED TODAY

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that if the gentleman from Ohio (Mr.