

FEDERAL EMPLOYEES DESERVE TO VOLUNTEER ON THE  
ELECTIONS ACT OF 2008 OR THE FEDVOTE ACT OF 2008

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SEPTEMBER 25, 2008.—Ordered to be printed

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Mr. BRADY of Pennsylvania, from the Committee on House  
Administration, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 6339]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 6339) to amend title 5, United States Code, to provide additional leave for Federal employees to serve as poll workers, and to direct the Election Assistance Commission to make grants to States for poll worker recruitment and training, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 3, line 14, strike “nonpartisan”.

Page 4, line 16, strike “nonpartisan”.

FEDERAL EMPLOYEES DESERVE TO VOLUNTEER ON THE ELECTIONS  
ACT OF 2008

PURPOSE OF THE LEGISLATION

Across the country, election administrators struggle to recruit and properly train a sufficient numbers of poll workers. The Election Assistance Commission estimates that approximately two million poll workers are needed to run a national election. However, in the last national election in 2004, there was a shortage of over 50,000 poll workers. A recent study by the National Associations of Counties reported that 54% of offices surveyed had been unable to

staff polls fully on Election Day. Federal employees, who are uniformly literate, well-trained and often bilingual, can be a valuable resource to state and local election officials on Election Day and should be encouraged to be actively involved in civic engagement activities in their communities.

H.R. 6339, would allow Federal employees to receive administrative leave for up to 6 days per year to serve as poll workers for their state or local governments on Election Day and to receive any mandatory pre-election training. H.R. 6339 instructs the Office of Personnel Management to formulate the regulations necessary to establish a workable and effective administrative leave program for Federal employees choosing volunteer at the polls. It is intended that this administrative leave program will operate similarly to the manner in which Federal employees presently use administrative leave for jury duty and other excused time away from the office not covered by sick or vacation leave. The Office of Personnel Management will establish guidelines that balance both the federal agency's need for continuous operations and a Federal employee's desire to volunteer for the nation.

In addition, H.R. 6339 provides \$75 million in grants to States for recruiting and training poll workers using the Elections Assistance Commission's well regarded manual on best practices for poll worker recruiting, training and retention. The grants can only be used to pay for the training and recruitment of poll workers. In order to maximize participation among eligible states, the Committee adopted an amendment offered by Rep. Lofgren that struck the requirement in Section 3 of the bill that all poll workers trained and recruited with grant money be "nonpartisan." This amendment acknowledges that certain states require the disclosure of the party affiliation of their poll workers. The bill further requires detailed reporting by the grantees to the Election Assistance Commission and by the Commission to Congress on the activities and administration of the grant program.

Finally, H.R. 6339 exempts the Elections Assistance Commission from the Paperwork Reduction Act in order to increase its efficacy and make it easier for the agency to request information from the public without having to first secure approval from the Office of Management and Budget.

#### SECTION-BY-SECTION SUMMARY OF LEGISLATION

##### *Section 1. Short title*

(a) States the bill's short title as the "Federal Employees Deserve to Volunteer on the Elections Act of 2008" or the "FEDVOTE Act of 2008".

##### *Section 2. Leave to serve as a poll worker*

(a) Amends Subchapter II of chapter 63 of Title 5 of the United States Code by adding new section §6329.

(b) Provides that a federal employee in or under an Executive agency is entitled to leave of up to 6 days, without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance or efficiency rating in order to provide election administration assistance to a State or unit of local govern-

ment on any election day for public office, or to receive training for such administrative assistance.

(c) Directs the Director of the Office of Personnel Management to prescribe regulations for the administration of this section.

### *Section 3. Grants to States*

(a) Directs the Election Assistance Commission to make grants to eligible States for the recruitment and training of poll workers.

(b) Directs States that receive poll worker grants to make use of the Commission's manual on successful practices for poll worker recruitment, training and retention, and to develop training programs with the participation and input of experts in adult learning.

(c) Requires that a State, in order to be eligible to receive grants, file an application with the Commission at such time and in such manner and containing such information as the Commission shall require.

(d) Stipulates the amount of the grant made to any State under this subsection shall be equal to the product of the aggregate amount made available for grants to State and the voting age population percentage for the State.

(e) Requires each State recipient of a grant to submit a report to the Commission within 6 months on the activities conducted with the funds provided by the grant.

(f) Requires the Commission to submit a report to Congress within one year of the date the final grant is made to a State, detailing the grants made the activities conducted by the recipient States and such recommendations the Commission considers appropriate.

(g) Authorizes an appropriation of \$75,000,000.

### *Section 4. EAC exemption*

(a) Amends Section 3502(1) of Title 44 of the United States Code to exempt the Election Assistance Commission from the Paperwork Reduction Act.

## COMMITTEE CONSIDERATION OF THE LEGISLATION

### INTRODUCTION AND REFERRAL

On June 20, 2008, Ms. Zoe Lofgren of California (for herself, Mr. Van Hollen, Mr. Moran of Virginia, Mr. Tom Davis of Virginia, Ms. Norton, and Mr. Hoyer) introduced H.R. 6339; which was referred to the Committee on Oversight and Government Reform and additionally to the Committee on House Administration.

### HEARINGS

On October 3, 2007, the Committee on House Administration Subcommittee on Elections held a hearing entitled "The Importance of Poll Workers: Best Practices & Recommendations." The following subcommittee members were present at the hearing: Subcommittee Chair Zoe Lofgren, Reps. Susan A. Davis, Artur Davis and Vernon Ehlers.

### *Witnesses*

1. The Honorable Michael Mauro, Secretary of State of Iowa
2. Mr. Lance Gough, Executive Director, Chicago Board of Elections Commission

3. Ms. Jennifer Collins-Foley, President, The Pollworker Institute
4. Ms. Helen Purcell, Maricopa County Recorder and Elections Director, Maricopa County, Arizona

#### COMMITTEE CONSIDERATION

On Wednesday, July 30, 2008, the Committee met to mark up H.R. 6339. The Committee ordered H.R. 6339 reported favorably by voice vote with amendments.

#### MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

##### COMMITTEE RECORD VOTES

Clause 3(b) of House rule XIII requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes occurred during committee consideration of H.R. 6339.

##### *Amendment agreed to by voice vote*

The Committee agreed to technical amendments offered by Ms. Lofgren's, which struck the "nonpartisan" requirement from Section 3 of the bill providing for grants to States to train and recruit poll workers.

##### *Amendments that were withdrawn*

After discussion in the Committee, Mr. Ehlers withdrew his offered Amendment No. 1, which would have struck Section 4 of the bill providing for exemption for the Elections Assistance Commission from the Paperwork Reduction Act. Mr. Ehlers also withdrew Amendment No. 2, which would have limited the Commission's exemption from the Paperwork Reduction Act to a period of one year from the date of enactment.

The Committee voted to order H.R. 6339 reported favorably with amendments by a voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee states that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### CONSTITUTIONAL AUTHORITY

In compliance with clause 3(d)(1) of rule XIII, the Committee states that Article 1, Section 4 of the U.S. Constitution grants Congress the authority to make laws governing the time, place and manner of holding Federal elections.

#### EARMARK IDENTIFICATION

Pursuant to clause 9 of rule XXI, H.R. 6339 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any committee on a bill or joint resolution to include a committee statement on the extent to which the bill or joint resolution is intended to preempt state or local law. H.R. 6339 would require states that accept federal grant monies under this bill to abide by grant requirements and that such requirements would preempt related state laws.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 18, 2008.*

Hon. ROBERT A. BRADY,  
*Chairman, Committee on House Administration,  
House of Representatives, Washington, DC,*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6339, the Federal Employees Deserve to Volunteer on Elections Act of 2008.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

PETER H. FONTAINE  
(For Peter R. Orszag, Director).

Enclosure.

*H.R. 6339—Federal Employees Deserve to Volunteer on the Elections Act of 2008*

Summary: H.R. 6339 would authorize the appropriation of \$75 million for the Election Assistance Commission (EAC) to provide grants to state government to recruit and train poll workers. In addition, the legislation would provide executive branch employees with up to six days of paid leave per year for training and working at polling stations on election days.

Assuming appropriation of the specified and necessary amounts, CBO estimates that implementing H.R. 6339 would cost about \$75 million over the 2009–2013 period. Although the bill could affect agencies not funded through annual appropriations (such as the Tennessee Valley Authority or the U.S. Postal Service), CBO estimates that any net increase in spending by those agencies would not be significant. As a result, enacting the bill would have a negligible impact on direct spending and would not affect revenues.

H.R. 6339 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 6339 is shown in the following table. The costs of this legislation fall primarily within budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Grants to States for Poll Workers:						
Authorization Level .....	75	0	0	0	0	75
Estimated Outlays .....	75	0	0	0	0	75
Administrative Leave for Government Poll Workers:						
Estimated Authorization Level .....	*	*	*	*	*	*
Estimated Outlays .....	*	*	*	*	*	*
Total Changes:						
Estimated Authorization Level .....	75	*	*	*	*	75
Estimated Outlays .....	75	*	*	*	*	75

Note: \* = less than \$500,000.

**Basis of estimate:** For this estimate, CBO assumes that H.R. 6339 will be enacted near the beginning of fiscal year 2009, that the amounts authorized will be appropriated for each year, and that outlays will follow historical spending patterns for similar programs. CBO estimates that implementing H.R. 6339 would cost about \$75 million over the 2009–2013 period, assuming appropriation of the those amounts.

#### Grants to States for poll workers

Section 3 would authorize the appropriation of \$75 million in fiscal year 2009 for grants to states for recruiting and training poll workers. Based on information from the EAC, CBO estimates that those amounts would be spent in 2009.

#### Administrative leave for Government poll workers

Section 2 would allow federal employees to receive up to six days of paid administrative leave per year to serve as poll workers for elections. The leave would be similar to court leave (which allows for paid time off for service as a juror or witness). Under the legislation, the leave could be used to train for and work at polling stations on election days. Based on the information from the Office of Personnel Management regarding the volunteer rates of the working-age population at polling stations and the use of current administrative leave programs, CBO estimates that enacting section 2 would result in a negligible cost. That cost would reflect an increase in salary payments to federal employees for increased costs of accrued annual leave that otherwise might be used for poll service.

**Intergovernmental and private-sector impact:** H.R. 6339 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would benefit state governments by providing grants to recruit and train poll workers.

**Estimate prepared by:** Federal costs: Barry Blom and Matthew Pickford; Impact on state, local, and tribal governments: Elizabeth Cove; Impact on private sector: Paige Piper/Bach.

**Estimate approved by:** Peter H. Fontaine, Assistant Director for Budget Analysis.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 6339 makes no changes to existing law.

MINORITY VIEWS OF THE HONORABLE VERNON J. EHLERS,  
THE HONORABLE DAN LUNGREN, AND THE HONORABLE  
KEVIN McCARTHY

H.R. 6339: FEDERAL EMPLOYEES DESERVE TO VOLUNTEER ON THE  
ELECTION ACT OF 2008 (FED VOTE ACT)

On July 30, 2008, the Committee on House Administration ordered H.R. 6339 reported favorably by voice vote. H.R. 6339 provides for up to six days paid leave for a federal executive agency employee to be trained as and serve as a poll-worker, establishes a poll-worker recruitment and training grant program to be administered by the Election Assistance Commission, and exempts the Election Assistance Commission from the Paperwork Reduction Act. As we have repeatedly stated, we support efforts to recruit and train poll-workers; however, we have some reservations about the practicalities of H.R. 6339.

PAID LEAVE TO SERVE AS A POLL-WORKER

Although the Committee on House Administration does not have jurisdiction over Section 2 of H.R. 6339 (and accordingly our Members were not able to offer amendments to this section), we have concerns about its practical implications.

The sponsors of H.R. 6339 have likened it to those provisions of federal law providing for paid leave for federal employees for jury service.<sup>1</sup> However, there are certain material differences between serving jury duty and serving as a poll-worker, which need to be taken into account, and which raise concerns about section 2 of H.R. 6339. For example, H.R. 6339 does not account for the potential disruption to the workplace which may occur if multiple employees are concurrently absent. On the one hand, the odds of multiple employees from the same workplace being called to serve on a jury at the same time are by relatively low; but conversely, and by necessity, temporary poll-workers serve on Election Day, and poll-worker training sessions are generally held on a limited basis shortly before Election Day. Therefore, whereas the disruption caused by a single employee being absent to serve on a jury may be absorbed without too much trouble, the disruption caused by multiple employees being absent for up to six days at the same time may cause a serious disruption to an executive branch workplace. This unintended consequence amounts to a reduction in service, and adversely affects the citizens of this country who rely upon a functioning federal government. This concern is especially acute as it applies to sensitive federal government facilities, such as border crossing stations and offices providing immediate assistance to citizens.

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<sup>1</sup> See 5 U.S.C. § 6322.

So while we fully support efforts to promote poll-worker recruitment and training, we must ensure that such efforts do not have a detrimental effect on the operation of the federal government. Consequently, we suggest that the Office of Management and Budget, in drafting regulations implementing H.R. 6339, take into account the nature of serving as a poll-worker, and provide workplace supervisors with the discretion necessary to ensure that the operations of the federal government are not unduly disrupted on and around Election Day.

In addition, we are concerned about the disparate impact of H.R. 6339. Locations such as Washington D.C., and other areas with large concentrations of federal executive branch employees, will benefit from H.R. 6339, unlike other areas of the United States where there may be fewer or no eligible employees, but where the need for poll-workers is no less critical.

Likewise, we are concerned about the cost of H.R. 6339 to the federal government, and question the propriety of the federal government subsidizing the cost of state and local poll-workers. Although the Congressional Budget Office (CBO) stated that the cost to the federal government of this provision is “negligible,” the CBO also acknowledges that their cost estimate does not account for lost productivity, and is based upon the current volunteer rates of the working-age population at polling stations (which does not account for the fact that currently most poll-workers are not part of the working-age population, or for the need for additional poll-workers in 2008).<sup>2</sup> Moreover, since this legislation does not provide for reimbursement by state and local jurisdictions for the cost of the paid leave of federal employees, this arrangement amounts to the federal government paying for the cost of poll-workers for federal, state and local elections. This intrusion of the federal government into the realm of state and local election administration points us down the slippery slope of federalizing elections, a concept we do not support.

As a final matter, during the markup Mr. Ehlers expressed concern that federal employees who take advantage of the paid leave made available under H.R. 6339 would receive an unfair benefit by also being able to collect a stipend or other reimbursement from the state or local jurisdiction for serving as a poll-worker. Ms. Lofgren provided assurances that the text of H.R. 6339 prohibits a participating federal employee from receiving any stipend or other compensation for serving as a poll-worker while on paid administrative leave under the provisions of this bill, such as is the case with an employee who is entitled to paid time off without charge to leave for service as a juror or witness.<sup>3</sup> Nonetheless, we urge the Office of Management and Budget, in drafting such regulations as are required under section 2(b) of H.R. 6339, to make clear this prohibition, which is the unambiguous intent of Congress.

<sup>2</sup> Congressional Budget Office, Cost Estimate for H.R. 6339, issued August 18, 2008; available at <http://www.cbo.gov/ftpdocs/96xx/doc9695/hr6339.pdf> (accessed August 25, 2008).

<sup>3</sup> See 5 U.S.C. § 5515 (which provides that employees must reimburse to their agency fees paid for service as a juror or witness).



## PAPERWORK REDUCTION ACT EXEMPTION

Section 4 of H.R. 6339 would exempt the Election Assistance Committee from the Paperwork Reduction Act. We oppose such an exemption as drafted. The Committee has not held a hearing on this issue, and moreover, this is the first time this issue has come before the Committee. In particular, when the Committee held an Election Assistance Commission oversight hearing earlier this year, this issue was not brought up for discussion. Therefore, we are wary of moving ahead so quickly and with such finality on this issue.

Mr. Ehlers intended to offer an amendment to strike this section entirely, with the hopes of working with the Majority to explore this issue further. Mr. Ehlers did offer an amendment to limit the duration of the exemption to one year, but withdrew this amendment after Ms. Lofgren agreed to work with him on a compromise. After working with the Majority on this issue, we agreed to proceed with a three-year trial exemption with the requirement that the EAC report back to the Congress to afford us the opportunity to review the impact of the PRA exemption.

Under the Paperwork Reduction Act (PRA), every time a federal agency proposes collecting information from ten or more people, the information collection must first be approved by OIRA through a clearance process.<sup>4</sup> The purpose of the PRA is to minimize any unnecessary costs and burdens associated with federal reporting and recordkeeping requirements. Certain entities are statutorily exempt from the PRA: the Government Accountability Office (GAO), the Federal Election Commission (FEC), and government-owned contractor-operated facilities.<sup>5</sup> The GAO is exempt because it is a legislative branch agency. The FEC's exemption is based upon a provision of law that has since been held unconstitutional.<sup>6</sup> No other executive branch agency is exempt, in whole or in part, from the PRA. In addition, there does not appear to be a commonly accepted justification or rationale for such an exemption. Therefore, to enact section 4 of H.R. 6339 as drafted would establish a new statutory precedent, and accordingly Congress should act cautiously.

We are willing to consider an exemption of limited duration, with the requirement that the EAC report back to the Congress about the impact of the exemption. However, we reiterate our opposition to a permanent exemption at this time, and hope that the Majority will, in the meantime, provide a more thorough explanation for this special treatment to be accorded the EAC, especially in light of the agency's poor track record of organizational management.

## CONCLUSION

As we have stated repeatedly, we fully support efforts to attract and train poll-workers, especially younger people who have not tra-

<sup>4</sup> 44 U.S.C. §§ 3501 et seq.

<sup>5</sup> 44 U.S.C. § 3502.

<sup>6</sup> According to the legislative history of the PRA, which was passed in 1980, the FEC was exempted because of a provision in the Federal Election Campaign Act Amendments of 1979 (Public Law 96-187) which made FEC regulatory action subject to a legislative veto; however, in 1983 the U.S. Supreme Court struck down the legislative veto as contrary to the principles of bicameralism and presentment.

ditionally served in this capacity. However, we have concerns about the practical implications of granting up to six days of paid leave for federal employees to serve as poll-workers, and moreover, we oppose exempting the EAC indefinitely from the Paperwork Reduction Act at this time.

VERNON J. EHLERS.  
DANIEL E. LUNGREN.  
KEVIN MCCARTHY.

# **Appendix A**

Letters of Support for H.R. 6339



# AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO

**John Gage**  
National President

**J. David Cox, Sr.**  
National Secretary-Treasurer

**Andrea E. Brooks**  
National Vice President for  
Women and Fair Practices

July 28, 2008

The Honorable Zoe Lofgren  
Chairwoman  
House Administration Subcommittee on Elections  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairwoman Lofgren:

On behalf of the American Federation of Government Employees (AFGE), AFL-CIO, I am writing to express our strong support for your recently introduced bill, the Federal Employees Deserve to Volunteer on the Elections (FEDVOTE) Act of 2008 (H.R. 6339).

As you know, the FEDVOTE Act of 2008 would allow federal employees to serve as nonpartisan poll workers on election day and have their time off be considered as administrative leave with pay. The bill also would direct the U.S. Election Assistance Commission to provide grants to states for recruiting and training individuals to serve as nonpartisan poll workers.

Federal employees are among our nation's most dedicated public servants, and therefore AFGE is greatly pleased the FEDVOTE Act of 2008 gives them the opportunity to serve their communities in a new and fulfilling way. In addition, by including a grant process, the bill gives states the tools necessary to train a sufficient number of nonpartisan pollworkers to handle the anticipated high voter turnout in the November general election.

Thank you for introducing the FEDVOTE Act of 2008, and for all your other efforts to improve the quality of our nation's voting systems.

Sincerely,

Beth Moten  
Legislative and Political Director

BRENNAN  
CENTER  
FOR JUSTICE

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July 28, 2008

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

Re: Support for H.R. 6339, the Federal Employees Deserve to Volunteer on the  
Elections Act (FEDVOTE) of 2008

Dear Representative Lofgren:

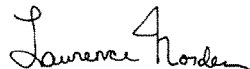
We write to offer our strong endorsement of H.R. 6339, the Federal Employees Deserve to Volunteer on the Election Act (FEDVOTE) of 2008. In the presidential primary season, we observed unprecedented turnout at the polls. This new citizen interest in voting is undoubtedly positive. However, it threatens to overwhelm insufficiently staffed polls. The smooth running of our elections relies on citizens who are willing to staff the polls, and problems in recent elections reveal the persistent challenge of recruiting an adequate number of poll workers to serve during elections.

It is estimated that nearly two million poll workers will be needed to handle the expected record turnout in November. FEDVOTE would allow federal employees to serve as poll workers and have that time off of work be considered administrative leave just as time off jury duty service is.

In addition, FEDVOTE would also provide states with grants that would enable them to enhance their poll worker recruitment efforts. By creating incentives for federal employees to serve as poll workers and providing much-needed support to state recruitment efforts, FEDVOTE would help to ensure that our polls are adequately staffed for the presidential election.

Thank you for your leadership and commitment to improving our election system.

Sincerely,



Lawrence Norden  
Counsel



July 23, 2008

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

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 address the severe shortage of poll workers looming over each election cycle. The bill provides states with a poll worker recruitment plan and the financial support necessary to ensure the program's success. It is a proactive step towards improving the system of election administration before this year's critical federal election.

In its role as the legal leader of the Election Protection coalition, the Lawyers' Committee recruits law firms, attorney volunteers, and law students to participate in Election Protection efforts. Law firms host command centers on Election Day, and attorneys and other trained volunteers answer calls from voters to the 1-866-OUR-VOTE hotline. The Lawyers' Committee coordinates election administration activities conducted by Election Protection Legal Committees (EPLC), the coalition of local volunteers working with us throughout the country. In addition to preparing for Election Day activities, The Lawyers' Committee works with local and state election officials and the various boards of election throughout the year to facilitate election reform.

Since working with our partners to found the coalition in 2001, the Lawyers' Committee has seen first hand the effects of a shortage of poll workers in counties and states across the country. A combination of long lines, frustrated voters, and overwhelmed poll workers erodes voter confidence in the quality of the electoral system. Elections officials are the first to ring the bell of concern where their states are facing an aging population of poll-workers and no overall strategy to replenish the numbers of citizens willing to serve on Election Day.

As detailed in our report "Election Protection 2008: Looking Ahead to November," we've seen these problems in several states, including, the Potomac Primaries, held on February 12, 2008. In Virginia, a polling place in Fairfax County had only one person checking voters in and one person handing out ballots. At one point, a poll worker even went outside and advised voters that they might want to come back later. In Maryland, multiple callers reported long lines due to disorganization at the

polling site, an inadequate number of voting machines, or insufficient preparation for check-in. Several callers reported long lines caused a large number of voters to leave without casting a ballot.

Congress should promote programs to encourage civil servants to serve as poll workers. These programs should develop a detailed training curriculum for workers who elect to participate and who can dedicate more time than most poll workers to preparing for Election Day service. Because of their superior training, employees who take advantage of the program should lead operations at the polling place.

The Lawyers' Committee strongly supports Rep. Lofgren's initiative to address the nation's shortage of poll workers by calling on civil servants to provide election administration assistance to a state or unit of local government at a polling place.

Rep. Lofgren's bill recognizes that civil servants who heed the call of state and county officials to serve voters on Election Day should be rewarded, not penalized, for their participation in the program.

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,

Barbara R. Arnwine  
Executive Director  
Lawyers' Committee for Civil Rights Under Law



July 29, 2008

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

Dear Representative Lofgren,

**I am writing to offer the Pollworker Institute's strong support for H.R. 6339, the Federal Employees Deserve to Volunteer on the Election Act {FEDVOTE} of 2008.**

The Pollworker Institute is a non-profit, non-partisan, education, research and technical assistance organization committed to securing positive election experiences for all voters and pollworkers. Our Board, staff and consultants work with pollworkers, election officials and other important stakeholders in dozens of election jurisdictions across the U.S. We have seen "the good, the bad and the ugly" in pollworker recruiting and training - from incredibly committed, enthusiastic and competent pollworkers and top notch training -- to critical pollworker shortages, Election Day "no-shows," poorly equipped pollworkers and poor pollworker performance. 6339 is primed to bring out the best in America's pollworker system.

One of the key challenges faced by U.S. election officials is recruiting sufficient numbers of qualified volunteers to staff large and small elections. Election officials seek pollworkers who are customer-service friendly, tech-savvy and, in some cases, bilingual, and willing to serve a long day amid complex procedures. Strategic partnerships with high schools, colleges, corporations and civic organizations can result in the recruitment of large numbers of fresh, new faces who can supplement the traditional pollworker workforce. HR 6339 provides an additional resource in the form of federal employees, a new pool of individuals whose dedication to public service can collectively alleviate shortages of skilled pollworkers.

The Pollworker Institute, [www.ThePollworkerInstitute.org](http://www.ThePollworkerInstitute.org)



HR 6339 will provide critically necessary financial and technical resources for improved pollworker recruiting and training programs nationwide. More effective recruiting and training methods hold the promise of better equipped and better prepared pollworkers. The EAC grants outlined in HR 6339 can result in an infusion of funds dedicated to bring new resources to pollworker recruiting, increased professionalism to pollworker training and improved analysis and implementation of pollworker management. We particularly applaud your endorsement of the EAC Successful Practices in Pollworker Recruitment, Training and Retention materials, which continues to provide election officials with successful models they can adapt to their needs and circumstances. Our only concern is that we believe that in many cases the funds may be best used if they can be funneled down to the local election officials in each state. We all know that "one size does not fit all", and that is so true within each state. The needs of the largest jurisdictions are different than the rural, very small ones. We would like to see the Bill address the local needs within each state and include some wording in the grant program details such that that local jurisdictions can apply to the state to receive funding. This would bring about innovative partnerships with academics, regional jurisdiction endeavors, etc.

Thank you for your leadership on this important initiative!

Respectfully Submitted,

Jennifer Collins-Foley, President  
The Pollworker Institute  
Ph: (540) 379-9974 / Email: [collinsfoley@thepollworkerinstitute.org](mailto:collinsfoley@thepollworkerinstitute.org)



July 29, 2008

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

Dear Congresswoman Lofgren,

The Verified Voting Foundation and VoteTrustUSA are pleased to offer our endorsement of the Federal Employees Deserve to Volunteer on the Elections Act. Pollworkers play an essential role in the election process and all American should have the opportunity to serve in this capacity on Election Day. With record turnout anticipated this November, the incentives proposed in this legislation and the grants to improve pollworker training, recruitment, and retention are timely and necessary.

Respectfully,

A handwritten signature in black ink, appearing to read "Warren Stewart", with a large, stylized loop at the end.

Warren Stewart  
Senior Project Director, Verified Voting Foundation  
Policy Director, VoteTrustUSA