

THE COMMITTEE ON HOUSE ADMINISTRATION

THE COMMITTEE ON OVERSIGHT AND

ACCOUNTABILITY

U.S. HOUSE OF REPRESENTATIVES

**American Confidence in Elections:
The Path to Election Integrity in the District of Columbia**

Prepared Statement of Charlie Spies

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Chairmen Steil, Chairman Comer, Ranking Member Morelle, Ranking Member Raskin, and other distinguished members of the Committees, I am grateful to be invited to discuss election integrity efforts in the District of Columbia, as embodied in The Ace Act.

My name is Charlie Spies. I am in the Political Law practice at the Dickinson Wright law firm, and have spent the past approximately 25 years in as an attorney in the election law arena. I have served as counsel to the Chairman of the Federal Election Commission, Counsel at the Republican National Committee during the post 2000 election reforms, Counsel to the DC Republican Party, as well as done election law work in over 30 states. My wife and I are DC residents and I have worked on multiple challenges before the DC Board of Elections. If we can get reforms correct in DC, it can be a model for states around the nation.

We are facing a crisis of voter confidence in this county. As recent polls demonstrated, 37% of Democratic-leaning voters and 71% of Republican-leaning voters shared concerns about the election system accurately reflecting the will of the voters.¹ I commend the committee for holding this hearing to discuss such an important issue.

I want to be very clear: Free, fair, secure, well-run, and transparent elections are a cornerstone of – and certainly not a "threat to" – democracy. Laws that create safeguards to ensure every legal vote is counted and increase transparency are not, to quote President Biden's inflammatory rhetoric, "Jim Crow 2.0." Free, fair, secure, and transparent elections that ensure that every eligible voting-age American has the right to vote and is able to have confidence in our elections process are the foundation of our constitutional republic.

It is important to understand that effective election integrity efforts not only increase confidence in our electoral process, but also result in increased voter participation. We need not look further than Georgia and Florida, who recently passed common sense reforms – similar to the Ace Act here – and the result has been more participation and more confidence in the outcome of their elections.

Despite repeated claims to the contrary, we can have a secure voting process that doesn't infringe on voters' right to access to the ballot box. The Ace Act does this by implementing common sense election reforms. Importantly, the Ace Act does this while respecting States' rights to manage their election processes. The ACE Act acknowledges Congress' oversight responsibilities for D.C and has the potential to turn D.C. into a model for free, fair, secure, and transparent elections.

While there is not a one-size-fits-all approach, there are two overarching principles that improve voter confidence: (1) Elections need to be well-run, and (2) Elections must be transparent.

Well-run and transparent elections that ensure every eligible voter is able to cast their ballot create confidence in our elections.

When election officials' incompetence results in catastrophic errors and voters have to be concerned if their vote will count, voters lose their trust in the process. Whether it was in Detroit where in 2020 the majority of precincts were out of balance (meaning the number of votes cast didn't match the number of voters at the precinct), or a few months ago in Maricopa County, Arizona, where half the polling places on election day had printer and tabulator malfunctions, or in Luzerne County in Pennsylvania where they ran out of paper ballots disenfranchising thousands of voters, or when Pinal County sent out 60,000

¹ SSRS, Overview, Study for CNN Conducted June 13-July 13, 2022, at 4, <https://www.documentcloud.org/documents/22090467-rel9d-elections46>;

erroneous ballots to voters, society's confidence in the our elections wane. It is understandable when voters have concerns with the efficacy of the electoral process in certain states and territories.

Likewise, in the 2022 election, D.C. sent over 500 voters incorrect ballots. This followed Montgomery County sending almost 800 voters duplicated ballots and Fairfax County sending notices with incorrect polling locations to more than 31,000 voters.

This type of chaos weakens the public trust in elections.

Along with the effective administration of elections, the second component needed to improve voter confidence in our elections is transparency. The public should be granted meaningful observation of all aspects of the voting process. We saw in multiple states in recent election cycles the pretext of COVID concerns used to thwart election observation efforts. When you don't let poll-workers who take the time to come participate in the electoral process see what is actually happening, or you set up absentee ballot drop boxes with no security or cameras, then it is only natural that people will question the process and results. Transparency demonstrates to voters that the process works and also assists in uncovering problems that can be remedied in a timely manner.

Florida, for example, saw huge electoral turnout across demographics in 2022, and because of newly implemented increased transparency, the results were reported quickly, accurately, and without controversy. This can and should be our goal with DC reforms also.

Too often, we see insecure election officials' hostility towards transparency in elections. Good election officials know that sunlight on their activities only increases credibility of results. It is not just on Election Day or during tabulation; election officials' hostility towards transparency has been seen through resistance to disclose public records regarding election procedures through open record laws.

The Ace Act contains numerous provisions to ensure DC elections are well-run and transparent. It would ensure DC elections are a model for the nation, by cleaning up the voter rolls, adding voter ID requirements, prohibiting ballot harvesting, ending noncitizen voting, and expanding effective election observation.

Despite dishonest and offensive cries of "voter suppression" and "end of democracy," the American people overwhelmingly support common-sense safeguards to the election process.

Polling consistently shows that American support voter ID laws. For example, a recent study found that 79% of Americans supported voter ID laws.² Likewise, polling shows that Americans support preventing foreign interference in our elections by prohibiting noncitizens to vote in our elections.³

The policies embodied in the Ace Act are not only supported by the American People, but they are effective in establishing well-run elections that improve voter confidence. How do we know this? We have seen these same common sense reforms work in places like Florida and Georgia.

Florida has become the gold standard for well-run elections. Governor DeSantis signed SB 90, which contains many of the safeguards in the Ace Act. Despite assertions of "voter suppression" and numerous

² Nicole Willcoxon and Lydia Saad, Eight in 10 Americans Favor Early Voting, Photo ID Laws, GALLUP (Oct. 14, 2022), <https://news.gallup.com/poll/403052/eight-americans-favor-early-voting-photo-laws.aspx>.

³ Hill, Julia Manchester. "Poll: Americans Overwhelmingly Reject Giving Voting Rights to Non-Citizens." The Hill, (June 1, 2023), <https://thehill.com/hilltv/what-americas-thinking/399016-poll-americans-overwhelmingly-reject-giving-voting-rights-to/>.

lawsuits, turnout among all demographics was up, and the United States Court of Appeals for the 11th Circuit recently upheld the challenged provisions of SB 90.

Florida has gone from hanging chads and the Bush-Gore controversy to the model that states across the country should emulate by enacting important reforms such as requiring voter ID, placing safeguards on drop boxes, and prohibiting ballot trafficking.

While the country was waiting for days or weeks for election results in places like California, Nevada, and Arizona, Florida quickly reported their election results because of laws that allow pre-processing of early ballots and requirements for the timely reporting of results.

The same can be said about Georgia. After SB 202 was signed into law, Georgia received national backlash, including from the President of the United States and Major League Baseball. In the face of claims of “voter suppression and election subversion,” a University of Georgia survey of 1,253 Georgia voters taken after the 2022 midterm elections found that 0% of black respondents voting experience was poor. Georgia saw record breaking turnout last November.

The ACE Act would bring the success seen in Florida and Georgia here to DC by ensuring DC elections are well-run and transparent, and as result, would improve voter confidence in our elections.

Thank you for the invitation to discuss the opportunity to use DC as the model for electoral reform. I look forward to answering your questions.