

Committee on House Administration
Subcommittee on Elections
May 14, 2008
Hearing on
“Election Contingency Plans: What Have We Learned and Is America Prepared?”

Chairwoman Lofgren Opening Statement

Welcome to the Committee on House Administration Subcommittee on Elections Hearing on “Election Contingency Plans: What Have We Learned and Is America Prepared?”

In the past several years, natural and manmade disasters have resulted in more attention being drawn to the need for election contingency planning. September 11, 2001 disrupted that statewide primary in New York; Hurricane Katrina caused delays in administering New Orleans’ local elections; and more recently the February tornados which occurred on Super Tuesday. All of these events have brought to light the necessity of taking precautions and making preparations to manage emergency situations affecting the election system.

There are states that have addressed, to some extent, Election Day emergencies. Generally, these policies deal with communication at the state level with the development of specific plans to be determined by counties and municipalities. While the 16 states that have taken these steps should be commended, it is not enough. What role the federal government should play in assisting states and localities in planning for emergencies and recovering from these emergencies needs to be defined.

In an attempt to help clarify the role of the federal government in assisting states and localities, the Federal Emergency Management Agency (FEMA) was invited to testify and declined stating that it “does not have any statutory role in preparing for and carrying out elections.” I disagree. FEMA does have a role under § 406 of the Stafford Act to assist state and local governments for the replacement or repair of equipment and structures damaged by a major disaster. § 406 also includes wages and ‘eligible work’ FEMA defines as ‘eligible work’ as work necessary as a result of a disaster, within the disaster area and the legal responsibility of the applicant. This definition clearly would include election costs. In fact, FEMA has already acted in this capacity. FEMA approved \$7.9 million to assist the New York Board of Elections cover expenses associated with canceling and rescheduling the statewide primary elections on September 11, 2001. It also provided reimbursement for all election expenses in Florida incurred as a result of Hurricane Andrew in 1992.

Former Louisiana Secretary of State Ater was invited to testify about his experiences with elections as a result of Hurricanes Katrina and Rita and attempts made by Louisiana and Mississippi for reimbursement from election expenses and other issues but had to cancel due to a conflict in his schedule. He will be submitting his testimony for the record. For these hurricanes, FEMA took the position that it was not required under the § 406 to provide reimbursement for election expenses related operating costs provided minimal assistance for damaged equipment. A complete change of FEMA’s past position regarding requests for election assistance.

I plan on having another hearing and inviting FEMA to testify again to answer the initial questions this Committee had and any others that may arise as a result of the testimony presented today.

I thank all the witnesses who have accepted the invitation to testify before this Committee and look forward to their testimony as we explore what state and local governments have done to prepare for an emergency on Election Day and what role the federal government should play in preparing and responding to such an emergency.