



U.S. ELECTION ASSISTANCE COMMISSION
1225 New York Ave. NW – Suite 1100
Washington, DC 20005

STATEMENT BY COMMISSIONER GRACIA HILLMAN US ELECTION ASSISTANCE COMMISSION (EAC) REGARDING RELEASE OF VOTER FRAUD CONSULTANT REPORT

Washington, DC – April 16, 2007: The US Election Assistance Commission (EAC) is receiving intense criticism for its handling of research data developed by consultants. At issue is whether EAC altered or changed data, was pressured to change findings, or in any way suppressed information that should have been made available to the public when it issued its report, *Election Crimes: An Initial Review and Recommendations for Future Study*, on December 7, 2006.

I believe that these accusations against EAC are very serious and that Congress, the public, and the EAC commissioners have a right to know the facts. I therefore, support that the following actions be taken immediately:

- EAC request its Inspector General to investigate the issues of this matter and report its findings as quickly as possible.
- EAC release the consultants' report.
- EAC establish additional processes that will allow the public even greater opportunity to follow and understand the developments of our research and study projects.

Throughout its existence, it has been the goal and intention of EAC to make extraordinary effort to keep the public informed about all commission work. EAC has a right to receive information from its contractors, digest the material and issue a report independent of the contractors, as do all other federal agencies. But since the job of the Commission is to protect the public franchise, public mistrust trumps that right.

While I cannot speak for the other Commission members, I want to share my thoughts and views about the election crimes research, the Commission's report and the recent criticism. EAC asked the consultants to "develop a comprehensive description of what constitutes voting fraud and voter intimidation," to "perform background research," to "identify a working group. . . with the objective of identifying. . . future research by EAC," and to create a report summarizing all of the above. This research was, from the beginning, intended to begin the process of defining, understanding, and making recommendations about the issues of voter fraud and intimidation. The consultants decided to give us additional recommendations about the national significance of the problems of voter fraud and intimidation. The report they gave us, however, did not include research and data to provide underpinnings for those additional recommendations.

EAC, by law, is made up of 2 Democratic Commissioners and 2 Republican Commissioners. We were confronted with the dilemma of a report that had too little research for the consultants' recommendations. The consensus we reached was to produce our own report but to include all of the consultants' background research, summaries of interviews, and summaries of cases reviewed. Basic data from the consultants was made part of the Election Crimes study report we issued in December 2006.

I supported this approach because I did not think the Commission could agree with the consultants' conclusions without validating them and by then, we had already exceeded our own time line for issuing a report. When I read the Executive Summary of our report, in the context of the full study, I believed we were saying that there were many questions still unanswered and, as I said in a statement issued in December 2006, "With today's actions, EAC moves toward the next steps, which include the first nationwide, comprehensive study of election crimes based on hard data, with findings to be released to the public by the end of 2007."

I did not choose the individual words of our Executive Summary and report as the structure of the Commission requires including each Commissioner's input and I can not speak to the thoughts or motives of others at EAC or elsewhere. In the context of other national controversies, I can see how word changes and withholding the release of the consultant report as a working draft for the Commission gave the appearance that the work of the Commission is politically motivated and not transparent. I believe that EAC can remedy this problem by releasing the consultants' report right away and by developing work procedures to ensure that all stages of our work are available when the public accesses our web page.

EAC was established under the Help America Vote Act of 2002 to help ensure improvements in the administration of federal elections so that all eligible voters will be able to vote and have that vote recorded and counted accurately. In other words, HAVA seeks to restore public confidence in our election processes. Throughout the course of my work on EAC, I have been an advocate for the rights of voters, especially those who historically have been disenfranchised. I approach my work from the voters' rights perspective. I am also informed by my personal and political experiences but recognize that any introduction of partisan politics in EAC's efforts to improve the administration of elections will further erode public confidence in voting in America.

EAC's work is about the administration of federal elections in America. America does not want its election officials at any level of government invoking partisan politics into the administration of elections. Nor do I. My responsibilities, as an EAC commissioner, to assist election officials are well prescribed in HAVA and it is my obligation to follow the law. It is also my duty to make certain that all information reported by EAC is grounded in fact-based data and law so that the agency can firmly defend its conclusions. Anyone receiving our information must be able to do so with confidence that it is supported by data.

Attached is the statement that I issued on December 7, 2006, which addresses the election crimes report that EAC issued subsequent to that study. Both of these statements are available on my webpage at www.eac.gov.

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