

[DISCUSSION DRAFT]

APRIL 10, 2013

113TH CONGRESS
1ST SESSION**H. RES.** _____

Urging the President and Congress to take actions to fill vacancies on the Election Assistance Commission.

IN THE HOUSE OF REPRESENTATIVES

M. _____ submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Urging the President and Congress to take actions to fill vacancies on the Election Assistance Commission.

Whereas the Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002 (HAVA) on a bipartisan basis, with the approval of 357 Members of the House of Representatives and 92 Senators;

Whereas under section 202 of HAVA (42 U.S.C. 15322), the EAC was established to “serve as a national clearing-house and resource for the compilation of information and review of procedures with respect to the administration of Federal elections”, and its conferences, reference works, and instructional videos have saved State and

local governments and election officials millions of dollars since its establishment;

Whereas the EAC was established by Congress to help it carry out its duty to oversee Federal elections as provided in article I, section IV of the Constitution of the United States while respecting the primary role of States in the administration of elections;

Whereas EAC's guidance can help States avoid contested elections that can cost tens of millions of dollars and 2012's Hurricane Sandy showed how election administrators can need the help that EAC's Federal experts can provide in dealing with unexpected situations such as natural disasters, both of which demonstrate the value of EAC-produced materials covering Election Management Guidelines and Contingency and Disaster Planning and of having a Federal agency that election officials can call upon for guidance and advice in the event that an election may be affected by unusual circumstances;

Whereas HAVA strives to ensure that the EAC is bipartisan by authorizing "the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives" under section 203 of the Act (42 U.S.C. 15323) to each submit recommendations to the President for nominations of individuals to serve as commissioners; and

Whereas in spite of the great value that the EAC has provided to Federal, State, and particularly local governments in administering their elections efficiently as well as effectively, the EAC has been without a working quorum of commissioners since 2010 and without any commissioners since December 2011, denying the Amer-

ican people the full assistance the Commission can provide: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) urges the Majority Leader of the Senate,
3 the Speaker of the House of Representatives, the
4 Minority Leader of the Senate, and the Minority
5 Leader of the House of Representatives, to exercise
6 the authority granted by section 203 of the Help
7 America Vote Act of 2002 (42 U.S.C. 15323) by
8 each submitting to the President a recommendation
9 for a candidate to fill their respective vacancies on
10 the Election Assistance Commission;

11 (2) urges President Obama to consider such
12 recommendations promptly and to submit to the
13 Senate nominations to fill all 4 vacancies;

14 (3) urges the Committee on Rules and Adminis-
15 tration of the Senate to hold hearings and votes
16 promptly on those nominations; and

17 (4) urges the full Senate to provide each nomi-
18 nee who is reported favorably by the Committee with
19 an up-or-down vote on confirmation.