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September 6, 2024

The Honorable Bryan Steil  
Chairman  
Committee on House Administration  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Joseph D. Morelle  
Ranking Member  
Committee on House Administration  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Steil, Ranking Member Morelle, and members of the Committee:

Thank you for your decision to hold a hearing on September 11, 2024, titled “American Confidence in Elections: Looking Ahead to the 2024 General Election.” My name is Matt Germer, and I am the director the R Street Institute’s Governance Program. R Street is a nonprofit, nonpartisan, public policy research organization based in Washington, D.C. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including elections. I am an attorney with a background in state legislative affairs, with a particular emphasis in election law.

Unfortunately, over the past two decades, it has become increasingly common for candidates and political media to sow doubt and distrust in the integrity of American elections.<sup>i</sup> To be clear, although at present conservatives express greater skepticism in the trustworthiness of elections, this is a bipartisan problem.<sup>ii</sup> Candidates from both sides of the aisle have cast aspersions on American elections that were unwarranted, unpatriotic, and untrue. The result is a toxic political culture where candidates have become less likely to concede—a foundational component to a functioning representative democracy.<sup>iii</sup>

In an effort to improve the resiliency of our republic, over the past two years, I have engaged with fellow conservatives—including election administrators, scholars, elected officials, faith leaders, business representatives, and community leaders—to explore how to improve trust and confidence in our nation’s elections with a specific focus on conservative Americans, whose trust in elections is concerningly low. As a result of this engagement, R Street helped identify a series of Conservative Principles for Building Trust in Elections.<sup>iv</sup> I encourage this committee to imbue

these principles into any electoral reform or oversight work it conducts to increase trust in elections—not only among conservatives but among all Americans.

### **Conservative Principle for Building Trust in Elections #1: Affirm the Security and Integrity of American Elections**

The principles of federalism, upon which our Constitution rests, recognizes that states and localities are in the best position to reflect and address the preferences and priorities of their citizens. As a result, elections are not uniform across our country. Some states place a strong emphasis on in-person voting while others conduct elections by mail.<sup>v</sup> Some states use hand-marked paper ballots while others rely upon the assistance of voting machines.<sup>vi</sup> Some states provide weeks of early in-person voting while others provide just a few days.<sup>vii</sup> And yet, while each state conducts its elections under different rules, technology, and timelines, all 50 states take election security seriously.

In fact, many security practices are common in all or nearly all states. For example, every state tests its voting equipment before the election to ensure accuracy, and election officials across the country adhere to rigorous procedures to track and secure ballots and voting equipment.<sup>viii</sup> Moreover, 95 percent of the ballots cast in the country create a voter-verifiable paper trail, and nearly all states conduct audits after the election to review and confirm accuracy and compliance with the law.<sup>ix</sup> Many Americans are unaware of these practices and their ubiquity across the country, and highlighting common security measures like these is a great first step toward building trust in elections.

Relatedly, because many Americans are unaware of the details of election law outside of their own jurisdiction, we should all seek to avoid raising doubts about elections in other states and localities without substantial evidence. To be sure, no human institution—including elections—is beyond the capacity for errors or nefarious intrusion. When warranted, criticism of our electoral systems can identify needed improvements, spark thorough investigations, and send the signal that election integrity is paramount. However, absent such evidence, doubts cast on elections only serve to undermine trust and destabilize our republic. Often, these doubts can be expressed incidentally and without intent. When an elected official answers a constituent concern with language like “I can’t tell you what they do in that *other* state, but here in *our* state...,” it sends a message to the constituent that the other state is not secure. While this type of framing may be technically true, political leaders should be mindful that their language may convey unintended messages to their voters. With the decades-long diminution of trust in American elections, affirming—or at least not needlessly disparaging—the security and integrity of elections can help restore confidence.

## **Conservative Principle for Building Trust in Elections #2: Use Transparency and Outreach to Reassure Voters of Election Integrity**

While it may sound intuitive, people have a hard time trusting what they cannot see.<sup>x</sup> Alas, much of the electoral process happens while voters are not present. The vast majority of voters never witness the testing and certification of voting machines, and once the ballot leaves their hands, they may not see the collection, counting, and secure storage of ballots. Public education about voting and vote-counting processes, alongside transparency measures that invite public oversight can help re-assure voters of the integrity of our elections.

As it stands, many jurisdictions have now implemented robust transparency measures and expanded public outreach, including the live-streaming of ballot-handling processes, public access to ballot images, and public tours of election facilities. These efforts are a great start; however, transparency and outreach come at a price. This committee, as it seeks to improve trust and confidence in elections, should look for opportunities to provide both financial and regulatory support to states and local jurisdictions—particularly small and rural jurisdictions who lack the resources of their larger counterparts—that are looking to improve public transparency and outreach.

## **Conservative Principle for Building Trust in Elections #3: Champion Policy Changes That Build Trust in the Spirit of “Continuous Improvement”**

While affirming the election security and ensuring election transparency are paramount for restoring trust, the integrity of our country’s electoral system can always be further strengthened. When such reforms are necessary, policymakers at the federal, state, and local levels should approach these measures in the spirit of “continuous improvement.”

At the state and local level, these reforms might include pre-processing and tracking of mail-in ballots, voter ID requirements, and robust auditing of results and procedures.<sup>xi</sup> At the federal level, this committee should consider reforms to the National Voter Registration Act (NVRA), which is now more than 30 years old and would benefit from modernizations to reflect changes in technology and practices in that time.<sup>xii</sup> Updates to the 90-day blackout periods and burdensome processes for updating voter records, as proposed by Georgia Secretary of State Brad Raffensperger in his February 2023 letter to Speaker Kevin McCarthy, are good places to start.

Regardless of where lawmakers place their focus, the rhetoric used when updating processes and reforming policies should avoid unnecessarily raising the stakes and should send the message that our elections are becoming *more* secure and *more* trustworthy. Naturally, there may be times when strong rhetoric is required to discuss dire legislation. But by and large, political leaders should avoid crying wolf about the trustworthiness of our elections—be it with claims about “voter

suppression” or “election integrity”—and look instead to build public confidence with “continuous improvements” to the system.

Chairman Steil, Ranking Minority Member Morelle and members of the Committee, thank you again for holding this important hearing and for your consideration of my views. Should you have any questions or wish to have further discussion, please do not hesitate to contact me.

Sincerely,

/s/

Matt Germer  
Director, Governance Program  
R Street Institute

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<sup>i</sup> Matt Germer, “Restoring Losers’ Consent: A Necessary Step to Stabilizing Our Democracy,” *R Street Policy Study* No. 240, Sept. 2021. <https://www.rstreet.org/research/restoring-losers-consent-a-necessary-step-to-stabilizing-our-democracy>.

<sup>ii</sup> Michael Adams, et al., “Both Parties Have Helped Weaken Trust in Our Electoral System. Both Must Help Restore It.” *National Review*, Dec. 6, 2023. <https://www.nationalreview.com/2023/12/both-parties-have-helped-weaken-trust-in-our-electoral-system-both-must-help-restore-it>.

<sup>iii</sup> Germer, *supra*. <https://www.rstreet.org/research/restoring-losers-consent-a-necessary-step-to-stabilizing-our-democracy>.

<sup>iv</sup> “Conservative Principles for Building Trust in Elections,” R Street Institute & Stavros Niarchos Foundation Agora Institute at Johns Hopkins University, Nov. 2023. <https://www.rstreet.org/wp-content/uploads/2023/11/Conservative-Principles-to-Build-Trust-in-Elections.pdf>.

<sup>v</sup> “Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options,” National Conference of State Legislatures, last updated March 7, 2023. <https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place>.

<sup>vi</sup> “Voting Equipment,” Verified Voting, last accessed Sept. 6, 2024. <https://verifiedvoting.org/votingequipment>.

<sup>vii</sup> “Early In-Person Voting,” National Conference of State Legislatures, last updated Sept. 6, 2024. <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.

<sup>viii</sup> Josiah Walker, et al., “Logic and Accuracy Testing: A Firty-State Review,” 7th International Joint Conference, E-Vote-ID 2022: Electronic Voting, Oct. 4-7, 2022, pp. 157-184. [https://link.springer.com/chapter/10.1007/978-3-031-15911-4\\_10](https://link.springer.com/chapter/10.1007/978-3-031-15911-4_10). U.S. Election Assistance Commission, *Best Practices: Chain of Custody* (July 13, 2021). [https://www.eac.gov/sites/default/files/bestpractices/Chain\\_of\\_Custody\\_Best\\_Practices.pdf](https://www.eac.gov/sites/default/files/bestpractices/Chain_of_Custody_Best_Practices.pdf).

<sup>ix</sup> “The Verifier—Election Day Equipment—November 2024,” Verified Voting, last accessed Sept. 6, 2024. <https://verifiedvoting.org/verifier/#mode/navigate/map/ppEquip/mapType/normal/year/2024>.

<sup>x</sup> “Post-Election Audits,” National Conference of State Legislatures, last updated Aug. 20, 2024. <https://www.ncsl.org/elections-and-campaigns/post-election-audits>.

<sup>xi</sup> Adams, et al., *supra*. <https://www.nationalreview.com/2023/12/both-parties-have-helped-weaken-trust-in-our-electoral-system-both-must-help-restore-it>.

<sup>xii</sup> Letter from Georgia Secretary of State Brad Raffensperger to Speaker of the House Kevin McCarthy, “Letter to Speaker McCarthy,” Feb. 27, 2023. [https://sos.ga.gov/sites/default/files/2023-02/Letter%20to%20Speaker%20McCarthy\\_0.pdf](https://sos.ga.gov/sites/default/files/2023-02/Letter%20to%20Speaker%20McCarthy_0.pdf).