

Thank you, Mr. Chairman and Members of the Committee.

My name is Matt Schultz and I am the Iowa Secretary of State. I appreciate the opportunity to testify before your committee today. I especially want to thank Senator Grassley for extending the invitation to appear before this committee.

I was elected to the office of Secretary of State in 2010. Fighting for election integrity in Iowa was a cornerstone of my campaign.

Citizen participation in our democracy is not only a sacred right, but a responsibility. Unfortunately, citizen involvement in elections declined steadily from the 1950's through the 1990's. But there is good news. We have seen voter participation rates rise again since the late 1990's as voter ID laws and election integrity efforts have become more prominent.

It seems clear that a lack of confidence in the integrity of our elections is one of the reasons people do not vote. Some believe their votes do not matter and that belief is a true cause of voter suppression across this country.

We have seen that measures adopted to protect the integrity of elections, such as voter identification laws, have actually led to an increase in voter participation increased.¹

Opponents of these measures frequently claim that laws meant to enhance election integrity are suppressing the vote. Yet they offer no evidence to support their claims, only theories often cloaked in political rhetoric.

The truth is that when election officials take steps to secure the integrity and safety of the ballot box, confidence in the outcome rises, and voter participation increases.

Iowa is nationally known for having a model election system. However, as with any system, there is room for improvement and I have been advocating for those improvements for the past two years. One of my significant initiatives in this area involves an agreement with the Iowa Department of Public Safety to have a Special Agent from the Iowa Division of Criminal Investigation (DCI) assigned to investigate election misconduct.

The DCI Agent is conducting multiple investigations into absentee ballot fraud, voting by individuals who are ineligible, and double voting. Since August of 2012, charges have been filed in eight election misconduct cases based on information received from my staff, our local election officials, and members of the public. Anyone who says that voter fraud does not exist should look at the numbers that have been produced in a few short months. We all know that criminal investigations take time and we expect many more charges related to election misconduct to be filed in the months to come.

¹ See Atlanta Journal-Constitution, "Despite Voter ID Law, Minority Turnout Up in Georgia," by Shannon McCaffrey, September 3, 2012.

In our efforts to ensure election integrity, my office has taken several steps to maintain accurate voting lists in order to prevent people from taking advantage of the loop holes in our election system. First, Iowa is one of numerous states participating in the Kansas Project, the purpose of which is to identify voters who may be registered or voting in more than one state.

Second, Iowa matched voter registration records with death records from the Social Security Administration. More than 3,000 individuals were identified who were deceased and registered to vote.

Finally, my office compared a list of non-citizens with a driver's license to Iowa's voter registration database. This comparison resulted in the unfortunate discovery that Iowa potentially had thousands of non-citizens who were registered to vote, and over a thousand that may have cast illegal ballots.

In determining how to proceed in light of this information, I recognized the delicate balance between the need for integrity in our elections and the fundamental right of voters to participate in the electoral process. Thus, it was important to proceed with the utmost caution to ensure that no citizen's right to vote was improperly challenged.

As such, my office attempted to work with the federal Department of Homeland Security (DHS) over several months to develop a system that would enable us to enact appropriate measures in dealing with this issue. We realized it was likely that some of the individuals identified during this process subsequently might have become naturalized citizens of the United States.

Therefore, a vital part of our effort was an attempt to gain access to the Systematic Alien Verification and Entitlements (SAVE) database. Our intent was to use SAVE in order to determine if those individuals who were identified as being non-citizens were indeed still non-citizens.

Although federal law explicitly grants states the right to access the citizenship information contained in the SAVE database, Iowa has yet to gain this access despite the fact that other states have successfully done so. There have been multiple delays in communications attributable to that agency which I will detail shortly.

Throughout this process, I have worked with our Democratic Attorney General, Tom Miller in a bipartisan manner to ensure that Iowa maintains the delicate balance between voters' rights and election integrity.

While some states have found this balance difficult to navigate, in Iowa we have worked hard to achieve this result. Attorney General Miller has supported my efforts and recently said that, "His goal, my goal is zero voter fraud, zero voter intimidation."

Critics of this bipartisan effort to prevent non-citizens from illegally voting continually argue that voters are being suppressed. I am pleased to sit before you and report that Iowa had the largest voter turnout in our state's history. This shows that our election integrity efforts did not have a suppressing effect in Iowa.

The interactions between my office and DHS in attempting to negotiate access to the SAVE database can be summarized as follows:

In March my office reached out to the federal government by contacting DHS, and by mid-April my staff made the first formal application for access to the database. On May 7, DHS staff requested further information concerning our proposed use of the data. On May 22, we provided a detailed response, including information on administrative rules I intended to adopt if SAVE access was granted.

We did not hear back from DHS until July 17. On that date, a DHS staff member called my office and indicated that DHS was in a position to “go ahead and get Iowa signed up” for SAVE access. We were instructed to submit yet another formal application.

On July 20, I adopted administrative rules to implement the process Iowa would use with the SAVE data and submitted a second formal application as requested. We received no further communication from DHS concerning the status of our application until August 15, following a call to DHS from the Chief of Staff of the Iowa Attorney General’s office asking for an update.

On August 16, a draft Memorandum of Agreement was received from DHS based on the agreement that had been reached with the State of Florida. On August 22, my staff responded to DHS, indicating my willingness to execute the agreement and DHS again asked for additional information that was provided by my office the same day.

The following day, my staff was advised that the Memorandum of Agreement had been forwarded to the DHS Office of Chief Counsel. On August 27, DHS staff requested the addition of one sentence to the Memorandum. I agreed. Then on September 6, DHS informed my staff that the Memorandum had been sent to its legal counsel for yet another final review.

During this process a lawsuit was filed concerning the proposed administrative rules. On September 14, a temporary injunction was issued prohibiting my office from implementing the rules due to the proximity of the general election. A copy of the court order was emailed to DHS for their information on September 17. We heard nothing further from DHS until October 26, and have yet to receive the Memorandum we negotiated. As such, no agreement has been executed. The multiple delays from DHS during our negotiations and their review of language that was based on an existing template developed by their own office has been frustrating.

Despite what has happened over the past year, I am committed to reaching an agreement with DHS to ensure we continue balancing the rights of voters with the integrity of elections. That is why we are working together across party lines in Iowa.

Again, thank you Mr. Chairman and members of the Committee for the opportunity to testify. I will be happy to answer any questions that any of you may have.