

# Congress of the United States

## House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION  
1309 Longworth House Office Building  
Washington, D.C. 20515-6157  
(202) 225-2061  
[www.house.gov/cha](http://www.house.gov/cha)

October 28, 2010

Thomas E. Perez  
Assistant Attorney General for Civil Rights  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Assistant Attorney General Perez:

On October 15, three members of Congress wrote to you about the Department of Justice's failed enforcement of the MOVE Act, and specifically its requirement that election jurisdictions mail ballots to military and overseas voters at least 45 days before election day. Rather than reply to the letter, yesterday you staged a press event describing the Department's work as "robust efforts" and stating that it "directly benefitted about 65,000 voters in 14 states."

Whether or not the Department's efforts have been robust, the results certainly are not. New Mexico did not secure a waiver from the statutory deadline and was required to send its ballots by the September 18 deadline provided in the MOVE Act. It did not meet that deadline, yet DOJ failed to act until October 12. Likewise, Illinois did not seek or obtain a waiver from the deadline and failed to meet it. But DOJ's lawsuit against Illinois came on October 22, more than a month after the missed deadline. In both cases it appears that DOJ learned of the noncompliance not through its own efforts, but as a result of private parties contacting election jurisdictions and sharing the results of their inquiries.

The State of New York did receive a waiver from the statutory deadline but failed to meet even the extended deadline. Of the 65,000 voters the Department claims to have benefitted, 43,000 of them are New York voters – and after a waiver was granted the Department still could not ensure those ballots were sent on time. Frankly I am struggling to understand how those voters were "helped" by anyone.

If the Voting Section has 20 staff members engaged in a nationwide compliance program, I would expect that they would detect noncompliance promptly without relying on private organizations. The claim to have "helped" 65,000 voters whose ballots were in fact sent late seems to be to illustrate failure rather than success, and the Department seems to be more focused on protecting its image than on building an effective mechanism to produce compliance.

It is my intent that the Committee on House Administration, as the committee of jurisdiction over Federal elections, will take a more active role in the next Congress in ensuring that the laws enacted by Congress to protect the ability of Americans to vote are followed. As part of that, I look forward to working toward an enforcement program for our voting laws that is evenhanded and effective.

Sincerely,

A handwritten signature in blue ink that reads "Daniel E. Lungren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Daniel E. Lungren  
Ranking Republican Member