

Opening Statement Bruce McPherson

President Pro Tem Perata, Members of the Committee.

Thank you for the opportunity to appear before you today. For the record, my name is Bruce McPherson and I am the Governor's nominee to serve as Secretary of State. I am honored the Governor has provided me with this opportunity to continue to serve the people of California.

I have lived in California all my life – I am a fourth generation Santa Cruz native. My family roots date back before statehood. My great grandfather, Duncan McPherson, initially sought his fortunes in the gold fields of Placer County when California was the Bear Flag Republic. He eventually settled in Santa Cruz where he purchased a half interest in the Santa Cruz Sentinel, the local newspaper, for \$900 in 1864. Thus began the 118-year family ownership and our family's generational commitment to our local community.

I was the newspaper editor for the Santa Cruz Sentinel – a member of the Fourth Estate – who felt strongly that greater civic participation is the bedrock of a healthy democracy. Democracy is not the easiest system of government; in fact, it is the most difficult because it demands so much of the people – who are the source of its power and its legitimacy. My newspaper publisher father, Fred McPherson Jr., who ran for Assembly in 1932 and lost by 400 votes, told me, as his father told him, that we are very fortunate to be in the position we are in, but that in itself is not good

enough. We must participate in our community, we must give back, we must make it better than we found it.

I have been fortunate enough to serve the community of California. I hope to continue to do so. These are not the circumstances I would have chosen to continue that service. Nonetheless, I feel the weight of the obligation before me and the sense of urgency that we all face in trying to restore public confidence in the ability of the Secretary of State's Office to fulfill its obligations to administer federal and state election laws and support our front line county election officials to ensure our precious, fundamental right to vote.

As a state legislator, I worked in a collegial, nonpartisan, open and honest manner. I served my constituency. I voted independently and I voted my conscience. I had the pleasure of serving as the chairman of the Elections Committee in the Assembly. I authored bills to make the Secretary of State a nonpartisan elected official and to require electronic filing and Internet disclosure of campaign finance statements so the public had access to this vital information. I co-authored legislation to provide voters with a written record of their ballot, known as a "paper trail," to ensure confidence in our election process, and I jointly authored with the Pro Tem's predecessor the landmark measure to provide public access and openness in state government, Prop. 59, which California voters approved overwhelmingly last November.

That same person who served with you as a fellow legislator is the same person who will assume the Office of Secretary of State, if I am

confirmed. My door will be open not only to county elections officials, but also to the Legislature and the general public. In my first campaign for Assembly in 1993, my creed was 'For the people, not politics.' I meant it then and I mean it now.

There are complex and multi-faceted issues facing the Secretary of State's Office. As some of you are aware, the Office has six divisions.

Of those six, the division that requires the most immediate attention is the Elections Division.

The Elections division is critical because the Secretary of State is the Chief Elections Officer of the state, ultimately responsible for the conduct of its elections process. And no voting system can be used for any election in the state without the approval and certification of the Secretary of State.

The Secretary provides advice and guidance to local elections officials and, with Help America Vote Act (HAVA), provides resources to fulfill federal mandates. With those resources comes the responsibility to provide a vision for implementing federal mandates consistent with the needs and desires of California, to make decisions about priorities and then to be accountable to the federal Election Assistance Commission for meeting federal mandates. California is fortunate. We pioneered many of the best practices before they became federal law, like provisional voting requirements (sample ballots, ballot pamphlets, election day notices). Our biggest challenges include:

Fulfilling voting systems mandates so that we deliver more accurate and more accessible equipment for voters – those with special needs or language barriers – and to help counties and poll workers with that critical transition, so that new equipment does not inhibit the smooth conduct of the election.

New federal mandates require voters to be able to “catch mistakes” they make on the ballot and to get a new ballot AND to make sure that visually impaired and disabled voters can vote independently and secretly. New state mandates require a voter-verified receipt for ballots. We must harmonize these requirements. It is a technological challenge we must meet.

We must create a statewide voter database that will serve as the official record of who is eligible to vote. The state’s track record with large technology projects has not been spotless. But the state and the Secretary of State may have several advantages. The Secretary of State’s Office created an electronic Election Night reporting system and an electronic reporting system for lobbyists and campaigns. Those systems are in place now. We have a statewide voter registration database that dovetails, in some respects, with local systems. And we have local voter registration database systems that are fairly sophisticated and large; Los Angeles County’s system includes about a quarter of the state’s voters – 4 million voters – which is larger than some states. Other states, such as Michigan and Kentucky, have met this challenge and we can draw on those experiences. Again, it is a technology-based challenge that we must meet.

We must have voter outreach and education programs that are nonpartisan, open, transparent and focused on outcomes. This should

include poll worker training. The pool of poll workers, who are the backbone of delivering an election, is dwindling. We need heavy recruitment and strong training to make sure that our election processes serve our voters well.

And, we need to boost voter registration and voter turnout. County election officials were pleased with 75 percent turnout during the last election. But we can do better. There are 16 million registered voters, but there are an estimated 22 million Californians who could be registered. Again, the programs to increase registration and turnout must be above reproach – designed and implemented as nonpartisan efforts that reach out to every potential voter. That takes clear program design and vigilant attention to implement. It takes a commitment to a strong partnership with county election officials and community-based organizations who know best the needs of their voters and their constituencies.

These are challenges that California has experience with and a head start on, but they are priorities. My first task will be to assess our progress with Secretary of State personnel, use the unique talent on my transition team, and collaborate with county election officials and by reaching out as far and wide as possible to consult all those with knowledge, experience and good ideas.

You have raised some questions about my position on provisional voting and voter identification. I would like to address those issues briefly with the Committee.

I fully support the goals of provisional voting – extending the franchise to every voter legally entitled to vote. The administration of provisional voting rules can be complex and a burden to the smooth conduct of elections. That has caused me some concern as a policy maker. But as an administrator of election law, let me assure you that I fully appreciate the obligation I undertake to uphold all the laws of California and to give them full force and effect.

Likewise, voter identification for me has represented a commitment to the integrity of the election process. In fact, some voters have an expectation to show identification at the polls, especially when it is a routine part of some mundane transactions, including renting a video or gaining access to an airplane. The purpose of the law should never be to disenfranchise voters, but to establish the residency of the voter and strengthen the franchise.

While the Elections Division and elections issue have tended to dominate the public's attention, there are other divisions within the Secretary of State's Office, all of which face challenges that must be assessed thoroughly, including:

The Political Reform Division, which serves the critical function of making campaign and lobbyist disclosure statements accessible to the public. I am committed to those goals of full disclosure, easy access and easy use.

The Business Program division, which provides the avenue to fulfill legal requirements for establishing, dissolving and merging corporations, partnerships, limited liability corporations and partnerships. More than

100,000 filings are submitted each year. The Division serves the critical function of public disclosure of corporate information. The project to automate the process for filing and for public access begun under a previous administration must be completed.

The Archives/museum – The Secretary of State is custodian of documents of historical significance. Making sure that we preserve our history for our children and grandchildren is our duty. The State Museum is also a part of that effort. It should complement the archives function. I know the museum is something that the Speaker and the First Lady have taken a great interest in, and like them I am committed to making the museum a resource and an attraction for children and adults alike.

Information technology – Information technology will continue to be a focus of the Secretary of State’s Office under my administration, if I am confirmed. Technology is important:

To the Elections Division – with election night reporting, computerized voting and the need for a statewide voter registration database...

To the Political Reform Division – with electronic filing and Internet access for campaign and lobbyist disclosures...

To the Business Programs Division – with electronic filing of business filings...

And even to Archives – to ensure public access to archived materials and to electronic documents.

The Management Services – Although this unit performs the “back office functions” of the Secretary of State’s Office – personnel, budgeting, contracting – it is critical in light of the State Auditor’s findings to restoring public confidence in this Office. It will be a focal point for improving employee morale...ensuring the legitimacy of spending public funds...and contracting for services. Strong leadership, accountability and transparency all need to be at the foundation this unit’s operating principles.

Also, housed within this unit are two programs of particular note:

Safe at Home: A confidential address program for victims of stalking and domestic abuse. The program allows those who qualify to use the Secretary of State as their “home address,” so that they cannot be tracked by their abuser.

Domestic Partners Registry: This is a program I will continue to administer in full compliance with the law. I have met with the Lesbian, Gay, Bisexual and Transgender Caucus and heard members concerns about certificates being issued in a more timely fashion.

Before reviewing my approach to re-vitalizing the Secretary of State’s Office and the election process in California to meet the looming federal deadlines, I would like to review for a few moments some of the basic points related to initiatives and special elections.

I have spoken to many of California’s county election officials and my transition team so that I could give you a clear and direct explanation of the

special election and initiative processes. While the Secretary of State is the Chief Election Officer of California, his/her role in a special election or in the signature verification of initiatives is ministerial, not discretionary. It is up to the Governor to call a special election, if he so chooses. But he cannot do so, according to the state Constitution and our election laws, unless an initiative has qualified to be placed on the ballot at least 148 days before the date chosen for the special election. If other initiatives qualify they may also appear on the special election ballot as long as they are qualified within 131 days of the special election.

Qualifying an initiative requires, according to our laws, that the proponents of an initiative submit voters' signatures to county election officials. County election officials have up to 8 working days to do a raw count to determine the total number of signatures. If the number is 100% of that required to qualify the measure, then the Secretary of State directs the county election offices to conduct a random sample verification of the signatures. They can take no more than 30 working days to complete this random sample check.

The results are then reported to the Secretary of State who compiles the total number and determines if there are enough valid voter signatures to qualify the initiative for the ballot.

This process is mechanical. The deadlines are definitive. The law is clear. And I cannot change the law. The signature collection and verification process is laid out in law. The only variation is that the *Legislature* may place measures on the ballot after the 131-day deadline by passing a law changing that deadline.

My job as Secretary of State will be to ensure the orderly, open, and efficient administration of this mechanical process.

I want to make it clear how I will handle the pressing and critical problems facing the Secretary of State's Office. I intend to hit the ground running. My first task will be to immediately assess the status of the critical functions inside the Secretary of State's Office. My transition team and others will help me undertake this vital initial review. I will also be meeting with the Department of Finance to determine the full amount of the funds available to the election officials of California. I will be conducting a simultaneous internal audit of HAVA's implementation and making the changes necessary to comply with it.

I will be in communication immediately following my confirmation with the federal Election Assistance Commission to try to make up for the precious time lost in meeting the federal deadlines in January 2006. I will review the HAVA State Plan to see where it needs to be fixed, set back on track, including its completeness, the deadlines for having approved voting systems in place, and a statewide voter registration database, as well as plans for voter education and outreach, and poll worker training. I will work with the county elections officials and tap every resource I can to construct an open, transparent and efficient process that is accountable to you, and to the people of California. In that spirit, I believe an annual State of California Elections report from the Secretary of State will help inform voters and maintain confidence in the administration of elections.

I have sat in this room on many occasions and listened to a great deal of testimony on big and small issues that have confronted California. I find it a bit humbling and yet a great honor to be sitting on the other side of the dais and presenting to you my qualifications and desires to continue my public service, if confirmed, as Secretary of State.

California needs a Secretary of State. I have consulted with local election officials and the risk of California losing millions of dollars and being out of compliance with federal law is very real. I pledge to you to bring trust, confidence, and efficiency to the Office of the Secretary of State. I am ready, willing, and able to do the job.