

Ranking Member Padilla and Distinguished Members of the Committee:

Thank you for the opportunity to appear before you today to discuss election administration.

My name is Stephen Richer. I am the former elected Maricopa County Recorder from Phoenix, Arizona, where my duties included voter registration and parts of election administration for the county's 4.5 million residents. I am now CEO of the consulting firm Republic Affairs, a legal fellow at the Cato Institute, and a fellow at the Harvard Kennedy School's Ash Center.

Over the past six years, the American public has debated seemingly everything under the sun with respect to election administration:

Should we have same-day voter registration?

Should we mail ballots to all registered voters? Or just voters who ask for them?

Did Hugo Chavez manipulate tabulation equipment to change votes from Trump to Biden?

Should mail ballots be accepted after Election Day if postmarked on Election Day?

Should American elections be more like France? Or like Florida? Or is Florida like France?

Does requiring voter identification disenfranchise large segments of Americans?

Did Georgia enact Jim Crow 2.0 in 2021?

Does the President have authority under Article 1, Section IV of the Constitution to unilaterally undo the National Voter Registration Act and change election law for the entire country?

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Some of these are debates of policy.

I have a great deal of patience for policy debates, so the only thing I'll say on this front is that there are significant benefits to federalism in election administration. Federalism in election administration allows states to recognize their unique attributes (for example, western states support mail voting because of the larger geographic distances); federalism strengthens election security (there isn't, for example, one hack that can disrupt all 50 states), and federalism encourages democratic entrepreneurship (states can test different ideas and learn from each other).

It's for this reason that I was skeptical of the For The People Act introduced in 2021 by Congressional Democrats, despite my support for some of the underlying goals.

And it's for the same reason that I'm skeptical of today's Save Act, Save America Act, and Make Elections Great Again Act, despite supporting some of the underlying policy preferences.

All else even, in my humble opinion, election administration should be left to the states.

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More worrisome to me are debates of facts.

For the past five years, I've made it my hobby to answer as many election questions as possible. On livestreams, on videos, on teletownhalls, on election tours, on social media, by email, in person, or in auditoriums where I've been [booed](#) by lots and lots of people. Some have called my hobby Quixotic or Sysphean, some have called it treasonous, and some have called it heroic.

But for some reason that should probably be medicated, I just can't let it go, and so I continue to play whack-a-mole. And today I offer you a few lately popular moles.

Mole 1: Large Number of Non-Citizens Vote in American Elections.

Election officials normally respond to such an allegation by pointing out that very, very few non-citizens have been prosecuted for illegally voting.

And they're right. The Heritage Foundation's database of election crimes only [cites](#) 24 such unlawful incidents from 2003 to 2023.

But just these rebuttals are incomplete. Just because something isn't prosecuted doesn't mean it doesn't happen.

Happily, in recent years states have undertaken affirmative investigations into non-citizens voting, using both state and federal databases, including the federal government's SAVE database, to check their voter rolls.

In Utah, Lieutenant Governor Deidre Henderson's team recently [investigated](#) Utah's 2.1 million registered voters and found one confirmed non-citizen who, while registered, had never voted.

In 2024, Idaho ran similar tests and [found](#) 36 "very likely" non-citizen registrants out of the state's 1 million registered voters.

Early this month, Michigan [checked](#) Macomb County's 724,000 registered voters. They found three non-citizens on the voter rolls, and they're investigating four more.

Georgia ran such tests [twice](#) in recent years.

Louisiana, Arizona, Montana, North Carolina, and others have also recently investigated non-citizens.

In each case, the investigations found the same thing: Yes, there are non-citizens who are registered to vote. But they make up less than .01% of registered voters, not all of them have actually voted, and there isn't unanimity of partisan affiliation among the law-breakers.

Mole 2: Results that come in after the initial returns are fraudulent

Speaker Mike Johnson recently [told](#) the press that “We had three Republican candidates who were ahead on Election Day in last cycle, and every time a new tranche of ballots came in they just magically whittled away until their leads were lost. It looks on its face to be fraudulent. Can I prove that? No.”

This is an unfortunately common sentiment.

But it reflects a misunderstanding of how ballots are tabulated.

Speaker Johnson likely imagines ballot tabulation to be like a barrel full of randomly assorted M&Ms. If you stick your hand into the barrel, you expect to get a representative sample of the larger barrel.

But tabulation occurs in distinct tranches that are not reflective of the total vote.

For example, in Arizona, we first report mail ballots that have been returned early. Then we report votes from people who voted on Election Day. Then we report early ballots dropped off on Election Day.

In 2020, Democrats in Arizona returned their mail ballots early. This led to a massive lead with the first release of results. I was personally losing to my Democratic opponent – Adrian Fontes, now our Secretary of State – by 90,000 votes as of the first release. But then, as the state counted in-person Election Day ballots and mail ballots dropped off on Election Day, Republicans inched closer and closer.

That eventually resulted in Republicans winning the state legislature, almost every countywide seat in Maricopa County, including mine, which I wound up winning by 5,000 votes out of 2 million, or, as I tell Adrian, a landslide victory of epic proportions.

It also almost resulted in President Trump “coming back” against President Biden, despite President Biden having an over 100,000 vote advantage in the first returns.

Mole 3: Tabulation machines can't be trusted.

No machine should be trusted blindly.

But that's not what election administrators do.

Tabulators are the machines that tally the paper ballots. For the most part, tabulators simply look to see if the oval is filled in or not – the same way standardized tests with a number 2 pencil used to be graded.

Election officials only use tabulation software that is state or federally certified.

Election officials run mock ballots through the tabulators before the election to make sure the tabulators are accurate.

This test – called a logic and accuracy test – is open to political party observers.

In most jurisdictions, election administrators run this same test again after the election.

And, in most jurisdictions, election administrators, or the political parties themselves, conduct a hand-count audit of the ballots to confirm the machine count.

It is worth remembering that almost 99 percent of Americans [vote](#) with a paper ballot.

(69% hand-marked paper ballot. 27% electronically marked and printed...)

Only one state, Louisiana, does not have broad adoption of paper ballots.

This means that no matter the allegations of hacking. No matter the allegations of connectivity to the internet. No matter the allegation of Italian-spy satellites reprogramming machines, it doesn't matter because we can always go back to the paper ballots.

This saved Georgia in 2020.

In the 2016 presidential election, Georgia didn't have paper ballots.

Thanks to then-Secretary Kemp and current Secretary Raffensperger, Georgia switched to paper ballots in time for the 2020 election.

This allowed them to dispel any claims of tabulator manipulation or inaccuracy by recounting the paper ballots – both by hand and machine.

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I understand that for many politicians, election administration is just another square on the political chessboard. And that if you lie about it, well, it doesn't really matter because you need the clicks, and your opponents lied about something else.

But I'm here to tell you about the downstream effects. In my four years in office, I saw Maricopa County's tabulation center transform from a place where you could walk right up to the front door, to a veritable fortress surrounded by barricades, gates, sheriff cars, flood lights, drones, and security guards.

If you're in a position of power, when you lie about election administration, you turn election administration into a warzone. You damage the lives of the bipartisan men and women working that process. And you potentially even endanger their lives.

We will have elections in November of this year. Our election system is too big, too disaggregated, and has too many good people working in it for it to be otherwise.

Whether or not we have elections that are trusted by the American public... Well that is in part up to prominent people who can choose whether or not to lie about our elections. Many of those prominent people are in this city and in this building.

Please tell the truth.

Thank you.