

Senator Susan M. Collins
Floor Statement
ECA / PTA Bill Introduction
July 20, 2022

Mr. President, I am pleased to join my close friend and dear colleague Senator Manchin, in introducing bipartisan legislation to reform the archaic and ambiguous Electoral Count Act of 1887 – the important law that governs how Congress tallies each state’s electoral votes for President and Vice President.

Mr. President, on January 6th of 2017, I was amused to learn that I had received one electoral vote for Vice President of the United States – an office for which I obviously was not a candidate. But on January 6, 2021, I realized that my unearned vote from four years earlier was really not funny at all. Rather, it was an indication of deep structural problems with our system of certifying and counting the electoral votes for President and Vice President.

These unfortunate flaws are codified in the 1887 Electoral Count Act.

Mr. President, in four of the past six presidential elections, this process has been abused, with members of both parties raising frivolous objections to electoral votes. But it took the violent breach of the Capitol on January 6th of 2021, to really shine a spotlight on the urgent need for reform.

Over the past several months, Senator Manchin and I have worked with a terrific, bipartisan group of Senators who are united in our determination to prevent the flaws in this 135-year-old law from being used to undermine future presidential elections.

I want to express my gratitude to my friend, Senator Manchin, and to all the members of our bipartisan group for their hard work, their constructive work, to craft this legislation. Specifically, I want to thank Senators Portman, Sinema, Romney, Shaheen, Murkowski, Warner, Tillis, Murphy, Capito, Cardin, Young, Coons, and Sasse for their work over several months. I also want to thank Senators Klobuchar and Blunt, who head the Rules Committee, for their advice and counsel throughout this process and Senator Lindsey Graham for his insights and for joining as a cosponsor.

The legislation that we are introducing – the *Electoral Count Reform and Presidential Transition Improvement Act* – will help ensure that electoral votes totaled by Congress accurately reflect each state’s popular vote for President and Vice President.

Our bill includes a number of important reforms, but I want to highlight just a few.

First, it reasserts that the constitutional role of the Vice President in counting electoral votes is strictly and solely ministerial. The idea that any Vice President would

have the power to unilaterally accept or reject or change or halt the electoral votes is antithetical to our Constitution and basic democratic principles.

Second, our bill raises the threshold to lodge an objection to electors to at least one-fifth of the duly chosen and sworn members of the House of Representatives and the United States Senate. Currently, only a single member in both houses is required to object to an elector or a slate of electors.

Third, our legislation will ensure that Congress can identify a single, conclusive slate of electors by—

- Clearly identifying a single state official who is responsible for certifying a state's electors;
- Requiring Congress to defer to the slates of electors submitted by a state pursuant to the judgment of state or federal courts; and
- Providing aggrieved presidential candidates with an expedited judicial review of federal claims related to a state's certificate of electors. Let me be clear that this does not create a new cause of action. Instead, it will ensure prompt and efficient adjudication of disputes.

To help promote the orderly transfer of power, our bill also includes clear guidelines for when eligible presidential candidates may receive federal resources to support their transition into office. And I want to particularly thank Senators Portman, Coons, and Sasse for their hard work on those provisions.

Mr. President, we are also introducing a second bill – the *Enhanced Election Security and Protection Act* – to address other issues pertaining to the administration of elections.

In the interest of time, let me just quickly note the major provisions of this bill. It would—

- Reauthorize the Election Assistance Commission and require it to conduct additional cyber security testing of voting systems, a concept put forth by Senator Warren;
- It would improve the Postal Service's handling of election mail;
- It would enhance current penalties for violent threats against election workers; and
- Increase the maximum penalties for tampering with voting records, including certain electronic records, that was the work of several members, including Senators Romney, Shaheen, and Sinema, among others.

Mr. President, we have before us an historic opportunity to modernize and strengthen our system of certifying and counting the electoral votes for President and Vice President. January 6th reminded us that nothing is more essential to the survival of a democracy than the orderly transfer of power. And there is nothing more essential to the orderly transfer of power than clear rules for effecting it. I very much hope that Congress will seize this opportunity to enact these sensible and much-needed reforms before the end of this Congress.

Thank you, Mr. President.