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PROTECTING THE FREEDOM TO VOTE: RECENT CHANGES TO GEORGIA VOTING LAWS AND THE NEED FOR BASIC FEDERAL STANDARDS TO MAKE SURE ALL AMERICANS CAN VOTE IN THE WAY THAT WORKS BEST FOR THEM

HEARING

BEFORE THE

COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

JULY 19, 2021

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PROTECTING THE FREEDOM TO VOTE: RECENT CHANGES TO GEORGIA VOTING LAWS AND THE NEED FOR BASIC FEDERAL STANDARDS TO MAKE SURE ALL AMERICANS CAN VOTE IN THE WAY THAT WORKS BEST FOR THEM

MONDAY, JULY 19, 2021

UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION
Atlanta, GA

The committee met, pursuant to notice, at 10:04 a.m. at the National Center for Civil and Human Rights, 100 Ivan Allen Jr. Blvd., NW, Atlanta, GA, Hon. Amy Klobuchar, Chairwoman of the Committee, presiding.

Present: Senators Klobuchar, Merkley, Padilla, and Ossoff.

OPENING STATEMENT OF HONORABLE AMY KLOBUCHAR, CHAIRWOMAN, A UNITED STATES SENATOR FROM THE STATE OF MINNESOTA

Chairwoman KLOBUCHAR. Good morning. It is my honor to call to order this hearing of the United States Senate Committee on Rules and Administration, the first field hearing that the Senate Rules Committee has held in over 20 years, and I can not actually think of a better place to hold it than in this beautiful, beautiful museum.

We are here today in Atlanta to shine a spotlight on what has been happening in Georgia and in states around the country to undermine the freedom to vote. Over 400 bills have been introduced, 28 have passed and been signed into law, and Exhibit A is the one right here in the State of Georgia.

We are here to listen to people in Georgia about the changes to the state's voting laws, and we are here to discuss why it is so critical for Congress to enact basic federal standards to ensure that all Americans can cast their ballots.

I would like to thank my colleagues who are in attendance: Of course, Senator Reverend Raphael Warnock—I got the privilege to attend Ebenezer with him yesterday; and also Senator Ossoff, who, of course, was also recently elected and is a leader on this committee; and, of course—okay, we all cheer for both Georgia senators right now.

[Applause.]

Chairwoman KLOBUCHAR. Thank you.

Also with us today is Senator Merkley from the State of Oregon, who is the lead author of the For the People Act. Last but not least, Senator Padilla, who many of you know was the Secretary of State of California—incredibly knowledgeable in the area of voting rights and took a red-eye to get here today, so that is a long way from California.

[Applause.]

Chairwoman KLOBUCHAR. I would also like to welcome the following leaders from the State of Georgia who are here with us today: Georgia Rep. Billy Mitchell, who will also give a statement, who is the Chair of the Georgia House Democratic Caucus and the President of the National Black Caucus of State Legislators; Chair of the Georgia Black Caucus of State Legislators, Senator Tonya Anderson, who I had the privilege to talk to yesterday; Representative Debra Bazemore, who is with us as well; Representative Rhonda Burnough; Representative Sandra Scott; and former Representative Cleo Washington.

In addition, I want to welcome our witnesses: Senator Sally Harrell, right here. She wore the right color, matching with me.

[Laughter.]

Chairwoman KLOBUCHAR. Ms. Helen Butler, well known to the community; and Mr. José Segarra, who I will introduce shortly. I want to thank Senator Blunt's staff who are here with us as well.

The location of today's hearing, the National Center for Civil and Human Rights, is a powerful reminder of how our country has long fought against the forces of injustice, and that it has only been through the power of citizens standing up to the forces of oppression, through speaking truth to power, that change has occurred.

This morning we had the opportunity to tour the exhibits, and anyone watching today I really urge you to come to this museum in Atlanta and tour this museum. You literally can sit at a model of a lunch counter where the freedom fighters sat and have headphones on and picture yourself in that position and how long can you sit there, how long can you tolerate it.

There is another exhibit honoring Georgia's own hero, Representative John Lewis, who passed away just over one year ago, who never gave up on justice, never stopped marching toward freedom.

I have always been in awe of Congressman John Lewis, of his persistence, his resilience, his faith that this country could be better, if only we put in the work. His faith in our country led him to coordinate efforts for the Mississippi Freedom Summer, recruiting college students from around the country to join the movement to register Black voters in the South. It took him to Selma, where he helped lead 600 marchers across the Edmund Pettus Bridge on that dark day that became known as Bloody Sunday. The horrific events of that day shocked the Nation, with marchers attacked with billy clubs and tear gas. Congressman Lewis' skull was fractured. He bore the scars until the very end of his life.

Soon after, President Lyndon Johnson came to the Capitol and, as he said, "with the outrage of Selma still fresh," called on Congress to take action to guarantee the right to vote. Months later, with the help of former Minnesota Senator and Vice President Hubert Humphrey, the Voting Rights Act was signed into law.

I was fortunate, like every single senator up here, at points in my life to visit that bridge. One in particular stands out for me. It was actually the 48th anniversary. That weekend, after 48 years, the white police chief of Montgomery handed his badge to Congressman Lewis and apologized for not protecting him and the Freedom Marchers.

Forty-eight years is a long time for an apology, and it only happened because Congressman Lewis never quit fighting for progress, for civil rights, for economic justice. But now, over five decades since that day in Selma and since the Voting Rights Act became the law of the land, so much of the progress that Americans have fought for, that are documented in this museum, that Americans have died for, is at stake.

It is no coincidence that this assault on the freedom to vote is happening just after the 2020 election, when nearly 160 million Americans cast a ballot, more than ever before, in the middle of a pandemic, in an election that the Trump Department of Homeland Security declared the most secure in history.

This year alone, as I noted, hundreds and hundreds of bills have been introduced. That is why we are here.

We are here in one of the states today where legislation was signed into law by Georgia's Governor in March. The new Georgia law not only limits the number and availability of ballot drop boxes and puts limits on the hours of early voting, it also strips power away from local election officials and ultimately puts it in the hands of the state legislature, something that Senator Reverend Warnock has introduced a bill to change.

This new law also reduces the time for runoff elections from 9 weeks to 28 days, and since Georgia law requires voters to be registered for at least 29 days before Election Day, this means that previously unregistered voters will not be able to make their voices heard in the runoffs. Do you think it is a coincidence that it is 28 days for the runoff and then 29 days when you register? It is not one bit a coincidence. It is a blatant exercise of raw power.

It also limits early voting for runoffs to one week, Monday through Friday, so you can not vote on weekends; allows a single person to challenge the registration of an unlimited number of voters; and makes it a crime for volunteers to give food and water on a non-partisan basis to people in line.

With similar bills now being considered in state legislatures across America or signed into law already, this is a coordinated effort to limit Americans' freedom to vote.

Our Constitution—in Article I, Section 4—has equipped us to do exactly what we should do. That provision makes clear that Congress has the power to "make or alter" laws governing federal elections "at any time." It is as clear as day.

We must meet this moment. As President Biden said in Philadelphia last week, this is the "test of our time."

That is why we are here to hear firsthand about the attack on voting rights in Georgia, why we must pass the For the People Act, of which we are all co-sponsors, of which Senator Merkley is the chief sponsor. This would create those basic federal voting rights that are allowed for by our Constitution, that were clearly antici-

pated in our Constitution, as well as cut down on the dark money in our politics and do something about ethics reform.

With that, it is my honor to introduce our first witness and your Senator, Reverend Raphael Warnock of Georgia.

OPENING STATEMENT OF HONORABLE RAPHAEL WARNOCK, A UNITED STATES SENATOR FROM THE STATE OF GEORGIA

Senator WARNOCK. Well, thank you so very much. I want to say welcome to all of my colleagues to the great State of Georgia. We are very glad to have you and to welcome you to our state.

Thanks so much, Chair Klobuchar, for inviting me to speak today about the urgent need for federal voting rights legislation. I am especially grateful that the members of the Rules Committee have come here to the State of Georgia for its first field hearing in two decades and will hear from Georgia advocates, many of whom I have worked with and alongside across the years, like Helen Butler, who have long been on the ground in this fight and can they speak extensively to the detrimental impacts of voter suppression in Georgia.

Over the last year, Georgia has become ground zero for the sweeping voter suppression efforts we have seen gain momentum all across our country. We saw record-breaking voter turnout in our last elections. What we did in Georgia this last election in terms of turnout should have been celebrated by everyone, regardless of political party. But instead, it was attacked by craven politicians who are more committed to the maintenance of their own power than they are to the strengthening and maintaining of our democracy. Spurred by the Big Lie, these same actors are now busy rolling back voting rights in a way that we have not seen in size and scope since the Jim Crow era. In fact, Georgia became the first of now 19 states in just a few short months to pass laws that restrict voter turnout in the wake of the November 2020 election.

My home state exemplifies the effectiveness of these suppression efforts, as well as the power and the opportunity of what federal voting rights legislation can accomplish.

Your vote is your voice, and your voice is about your human dignity. To fight for voting rights is to fight for human rights. There is nothing more noble, more important for us to do in a moment like this. Sadly, what we are seeing in Georgia is an attempt to deny certain people of the ability to have their voices heard in our democracy. As I have said time and time again, some people do not want some people to vote. They are trying to deny access to the ballot, to set up hurdles that voters have to cross as if voting is a privilege and not a right.

This new law in Georgia, S.B. 202, would make voting harder for countless Georgians by creating these hurdles that voters have to jump through in order to request an absentee ballot while also reducing the number of drop boxes where voters can return their ballots; by making it harder for community organizations to assist voters, whether from requesting a ballot to just handing out a bottle of water; by letting a single person make unlimited, mass challenges to the ability of other Georgians to vote, clearing the way for baseless accusations. Imagine that, your neighbor being able to

challenge countless numbers of other citizens and their right to vote.

Then even if you clear all of those hurdles, even if you are registered to vote and you have got your ballot in the door, your ballot still might not be counted because this new law also allows partisan officials in the state legislature to control our state board of elections and take over local elections. It allows them to engage in these takeovers even while the votes are still being cast. This is a recipe not only for voter suppression but for chaos in our democracy.

But if we passed federal voting rights protections, which the Congress has the ability and the constitutional right to do, we can reverse these restrictions. We can provide a baseline for voting, basic standards that apply no matter what state you live in. We can pass legislation that would create uniform national standards so that your right to vote cannot be challenged. We can protect the freedom of voters to decide how they want to vote, whether it is on Election Day, during early voting, or by mail. We can strengthen election security by providing new funding for states to replace old voting machines and enhance training for election administrators.

Along with Chair Klobuchar, as well as our colleagues and Senators Merkley, Warner, and Georgia Senator Jon Ossoff, I have also introduced the Preventing Election Subversion Act. This legislation would address some of the specific challenges we are seeing in Georgia by stopping mass challenges against voters and preventing state takeovers of local election boards.

I want to be clear: Congress must take action on voting rights, and we have no time to spare. There is nothing more important for us to do this Congress. Since January, nearly 400 bills that would restrict voting have been introduced in 48 states. They have passed in 19 states. As we speak, the Texas legislature is trying to become the next state.

We Americans live in a great house that democracy built, and right now that house is on fire. What good is it to expand the foundation if the house is on fire? We have to have national standards that push against what we are seeing in Texas and Georgia and all across our country. While our brave brothers and sisters in the Texas legislature have risked so much to stop this effort, I am disappointed that some members of the United States Senate could not even bring themselves to open up debate on this critical issue. That is what went down the other day in the Senate—not the bill, but the ability to have a debate on the maintenance of our democracy.

I submit that voting is not just an issue alongside other issues. I believe that democracy is the political enactment of a spiritual idea, this notion that all of us have within our sacred worth, and thus the right to determine, to help determine the direction of our country and our destiny within it. Voting rights provide the framework in which all of the other debates about issues impacting our lives takes place: Infrastructure, climate change, health care, you name it, all critical issues, but democracy is the framework. Congress must act. Congress has a unique responsibility to protect voting rights for every eligible American.

To put it plainly: We are only able to work on these issues because someone voted to send us to Washington, and woe on us, shame on us, if the people send us to Washington to stand up for them and we will not stand up for their voices in their own democracy.

I want to be clear that we are only in the beginning of this stretch. Our fight has only begun, and I am going to keep working in earnest with my Senate colleagues to pass voting rights legislation, and to do it in this Congress.

As I conclude my remarks, I can not help but reflect on the fact that we are in the Center for Civil and Human Rights, and I think of Congressman John Lewis, whom I knew personally. He was my parishioner. I was the pastor, but he clearly was the mentor. As I was preparing to preside over his funeral I asked myself what was he thinking about as he crossed the Edmund Pettus Bridge. I assure you, he was not thinking about winning a Presidential Medal of Freedom. He wanted to win voting rights for every citizen because he was a patriot in the best sense of the word.

Sitting in this shrine to civil and human rights, I cannot help but reflect on the words of Dr. King, who said in 1957: "Give us the ballot. And we will place on the benches in the south judges who will do justice and love mercy. And we will send Governors to lead us who have felt not only the tang of the human but the glow of the divine."

This is a sacred moment. This is an inflection point in our country. We are in a 911 emergency for our democracy. History is watching us, and the future is waiting to see if we will act.

[The prepared statement of Senator Warnock was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you, and thanks for being such a patriot. Thank you very much, Senator Warnock.

We now have the honor of hearing from Representative Billy Mitchell, who is here to give testimony today.

Before we begin with our witnesses, as I mentioned, he is the Chair of the Georgia House Democratic Caucus and President of the National Black Caucus of State Legislators, a 740-member organization of African American state legislators from across the country. He represents Georgia's 88th District, which includes parts of Stone Mountain, Tucker, and Lithonia.

Thank you for being here, Representative Mitchell.

OPENING STATEMENT OF BILLY MITCHELL, GEORGIA STATE REPRESENTATIVE, STONE MOUNTAIN, GA

Mr. MITCHELL. Well, thank you, Chairwoman Klobuchar, and in absentia Ranking Member Blunt, and members of the committee. Because I sit here before you today as a member of the largest state legislative Black caucus in the nation—I will give some deference to our Chair, Senator Tonya Anderson; because we were literally in the trenches on this issue, doing whatever we could to combat and, in some cases, prevent it from being worst law; because, in large measure, it is the voters that we represent that will be most negatively affected by these new laws; because we value this committee's purpose here today, and so appreciate your members, particularly your member and our Senator Jon Ossoff and

your Senator Raphael Warnock who gave remarks—I want to express my sincere appreciation for this opportunity to come before you.

If I may, Madam Chair, I can tell you firsthand that Senators Ossoff and Warnock are not only extraordinary public servants but the kind of people that make you want to take leave from your job to speak all over the state on their behalf, to give, and to do all you can to motivate voter participation.

After the most successful election—and I define its success not by our candidates winning these elections but by the fact that when you have as many people who voted in the 2020 election cycle, with as few problems, with all the challenges being dismissed, you have to consider that to be successful, evidence of a strong democracy. For those who are amending election laws in states where they can, you really do not have to wonder what their true intent is.

Since we are here in Atlanta, the birth and nurturing place of Dr. Martin Luther King, Jr., I am reminded of what he said decades ago, as Reverend Warnock said, when asked about voting rights that pertained to African-Americans—but he certainly could have been talking about any American—when he said, "Some people do not want some people to vote." When you have the highest levels of voter participation, combined with the lowest levels of challenges, why would you want to change that?

It is worth noting that the laws we operated under during the last election cycle were put in place by the same majority party that is now trying to tear them down.

I could not agree more with President Biden, we are facing the most significant test of our democracy since the Civil War, of which I am particularly sensitive about, as I represent Stone Mountain, Georgia, which is home to the largest memorial to the Confederacy in the world for now, but I digress.

I heard a member of the United States Congress proclaim that their intent was to make certain these state laws passed so that those states could firmly be in control of the upcoming reapportionment process, assure Republican control, and create more Republican state legislative and congressional districts.

As president of the National Black Caucus of State Legislators, I hosted the Texas House Democratic Caucus for dinner in Washington last week. We compared legislative language as passed in Georgia and proposed in Texas. I suspected that the language would be similar but discovered that it was mostly identical, verifying these proposals sweeping the Nation are being provided by such groups as the Heritage Foundation and others.

There is much talk about not being able to give food or water to voters on line, but the actual law is much more abhorrent than that. The actual law states, and I am going to read it: "Nor shall any person give or offer to give or participate in giving of any money, gifts, anything of value, including but not limited to food and drink." Meaning if a person goes to the polls with their spouse and merely offers them some chewing gum or a magazine to read while in line, that person would be subject to arrest, up to a $1,000 fine, and up to a year in jail.

We all know the uneven way this will be enforced throughout the state, the equal protection issues. The vagueness of it makes this ripe for court challenge.

I believe that dark money and unlimited campaign spending is wrong, and I hope that you will be able to do something about it, but we will compete. I further believe that voter suppression is unfair and it is wrong, and hope you do something about it, but our grandparents and great grands endured far worse, and we will use this to motivate our voters to get out.

But what I am most concerned about, and hope you come up with a solution for, is cheating umpires that these laws are creating. They are replacing elected officials in the states and counties, who must concern themselves with the will of the voters, with political appointees, whose only concern is the will of the person who appointed them.

County election boards throughout the state run our elections. They are changing the law such that not only are they no longer required to be non-partisan but if they do not like the outcome of an election they can simply and immediately just take over the election board. These political appointees could overturn elections without fear of being held accountable by the voters. For that reason alone, these election laws should concern us all.

My former colleague, Stacey Abrams, says it best: "Our selections may be partisan, but the operation of our elections should be non-partisan."

Lastly, let me say that the House of Representatives was the final arbiter of this law in Georgia. It came from the Senate to the House, then to the Governor's desk for signing, within hours. Moving that fast is virtually unprecedented.

As Chair of the Georgia House Democratic Caucus, I was the last speaker to the bill before we voted. I was so impressed with Senator Warnock's maiden speech on the United States Senate floor that I texted him to let him know I was going to use some of his words in my closing on the House floor. Being who he is, he sent back a quick prayer as he wished me well. I would like to close with some of the remarks used.

"The designers of our government intended the voters to be able to pick their candidates, not the candidates to pick their voters, lest we have democracy in reverse. The four most important words in a democracy are 'the people have spoken.' So we must do what we can to let the people speak."

Once again, thank you for this opportunity.

[The prepared statement of Mr. Mitchell was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you so much. Thank you. Thank you, Representative.

All right. I want to call our witnesses up. I am going to introduce them and then swear them in.

Our first witness on the panel today is—maybe we will change these out while I introduce them—is Georgia State Senator Sally Harrell. Since 2019, Senator Harrell has represented Georgia's 40th Senate District, which includes DeKalb, Fulton, and Gwinnett Counties. Senator Harrell serves on five committees, including the Senate Ethics Committee, which has jurisdiction over election and

voting issues. Senator Harrell also has served three terms in Georgia's House of Representatives, from 1999 to 2005. She received her Bachelor's degree in Social Work from Georgia State University and received a Master's degree from the University of Georgia.

Our second witness is Helen Butler, who serves as the Executive Director of the Georgia Coalition for the People's Agenda and is a former member of the Morgan County Board of Elections. Ms. Butler has worked for the Georgia Coalition for the People's Agenda since 2003 and served on the Morgan County Board of Elections from 2010 until just last month. Ms. Butler previously served as a member of the State of Georgia Help America Vote Act Advisory Committee, and in 2013 she was appointed to serve on the United States Commission on Civil Rights as a member of the Georgia Advisory Committee.

Ms. Butler recently received the AFL–CIO's Dr. Martin Luther King, Jr. Defender of the Dream Award, and in 2002 she received the National Association of Secretaries of State Award for Voter Education. Ms. Butler earned her Bachelor of Business Administration and Master's of Public Administration degrees from the University of Georgia, and she was one of the first 50 African American students to attend the University of Georgia after the integration of the school in 1961.

Finally, our third witness is Mr. José Antonio Segarra, a resident of Houston County and a Georgia voter since he moved to Georgia in 1992 as an Air Force officer and registered to vote in the state that same year. Mr. Segarra has worked with the Air Force for 35 years and is an engineer at Robins Air Force Base. He served for six years as a military officer, including serving during Operation Desert Storm.

Mr. Segarra has voted in every general election in Georgia since moving to the state, including the November 2020 Presidential election and January 2021 Senate runoff elections. During both of those elections he voted early and in person. He waited for over three hours in line during the November Presidential election, and also waited during the January runoff election. He was determined to vote. He lives in Warner Robins, Georgia with his wife of 33 years and has three children and one grandchild.

Now we will swear in the witnesses.

Please stand up. Thank you.

[Witnesses sworn.]

Chairwoman KLOBUCHAR. Thank you very much.

All right. Why do we not start with you, Ms. Harrell? Thank you for being here.

OPENING STATEMENT OF HONORABLE SALLY HARRELL, STATE SENATOR FROM THE STATE OF GEORGIA

Ms. HARRELL. Thank you, Madam Chairwoman, members of the Senate Rules and Administration Committee. Thank you so much for coming to Georgia today to hear our story. We desperately need your help.

I am Senator Sally Harrell and I am currently serving my fifth term in the Georgia General Assembly, representing the northern suburbs of the Atlanta area. In my capacity as a minority member of the Senate Ethics Committee, I have deliberated several large

and impactful pieces of legislation in Georgia, including H.B. 316, which paved the way for a state-wide procurement of new computerized voting machines with printed ballots, paper ballots; and more recently S.B. 202, the bill that just became law in Georgia.

Though S.B. 202 bears the title "Senate Bill," you might be surprised to know that this bill was never vetted by the Senate Ethics Committee. When Senate Ethics passed S.B. 202, it was a two-page bill addressing absentee ballot applications. The House replaced this bill with a new 98-page voting bill, and the only vote that the Senate had on this new bill was to agree or disagree with the changes made by the House. There was virtually no chance to debate this bill in the Senate committee or on the Senate floor.

The Senate Ethics Committee did, however, consider dozens of election bills during the 2021 session. Some of these bills would have resulted in obstacles to voting much more severe than what finally passed in S.B. 202. For example, the majority party proposed ending Georgia's Department of Motor Vehicles automatic voter registration. They attempted to eliminate Sunday early voting, and thus the popular program "Souls to the Polls" events that are found in our Black communities. They also tried to eliminate no-excuse absentee voting, which they themselves had enacted when they gained power in 2005.

All these discussions were held in committee rooms eerily void of the public. This was due to the pandemic, but it was also due to constant last-minute meeting notices, as well as committee hearings scheduled before dawn and after dusk. Election bills were rushed through and voted on along party lines. The Georgia Secretary of State, who oversees our elections, was never asked to address the committee. Minority party committee members often saw bills for the first time minutes before they were voted on. Questions addressed to bill authors by minority members were frequently answered dishonestly and disrespectfully. It was very apparent to me that there is no required oath to tell the truth in the Georgia General Assembly.

I remember asking a legislator, the one who wanted to end automatic voter registration, if he could explain his claim that this bill increased voter confidence. He simply said "it does." I changed the wording of my question a bit and asked him again; same answer, "it does." In the 9-years I have served in the Georgia General Assembly, I have never seen such blatant disregard for the legislative process as I did with S.B. 202, and I see my colleagues nodding their heads with me.

Georgia's legislative process needs reform much more so than our voting laws do. It is the voters who will suffer.

One of my constituents worked the polls at a library in my district which, prior to the election, had been an early voting location. She told me the story of a young man who came to the library on his lunch hour, thinking he could vote, because he had voted at this library in the past. However, since it was Election Day, he was supposed to vote in his home precinct, which was way across town. Because he could not take more time off work, he cast a provisional ballot. Now, under S.B. 202, that man's vote would have been thrown out because it was cast before 5 p.m. Had the majority party not rushed through S.B. 202 with total disregard to public

comment and input from experts, the Georgia General Assembly could be holding hearings right now, learning and studying actual problems with our election system, rather than reacting from fallout from conspiracy theories and lies.

Georgia is not unique. Election laws are currently being written all across the Nation. Obviously, from our previous testimony, they are even mimicking Georgia's laws. But where you live should not determine how hard it is to vote or whether or not your vote counts. This is the time to take action to pass national voting standards, and I implore you to do so.

Thank you for allowing me to take this time to address you this morning, and I do look forward to your questions.

[The prepared statement of Ms. Harrell was submitted for the record.]

Chairwoman KLOBUCHAR. Very good. Thank you very much.

Ms. Butler?

OPENING STATEMENT OF HELEN BUTLER, EXECUTIVE DIRECTOR, GEORGIA, COALITION FOR THE PEOPLE'S AGENDA, MADISON, GA

Ms. BUTLER. Good morning, Chairwoman Klobuchar and members of the committee. Thank you so much for allowing me this opportunity.

Of course, the People's Agenda is a non-partisan, non-profit organization founded by the late Dr. Joseph Lowery, and it is made up of representatives from diverse organizations throughout the state. We have always been dedicated to fighting for the voting rights of Georgia's citizens through public education, training, advocacy, and litigation.

In the wake of the Supreme Court's *Shelby County* v. *Holder* decision, and due to the lack of the pre-clearance process, we have been forced to spend even more time and resources fighting discriminatory voting laws and policies and practices at the state and local levels.

It is ironic that 56 years later, we are still fighting those same voter suppression laws that our founder, Dr. Lowery, along with Congressman Lewis, Dr. King, and so many others, fought against in 1965.

Today we are faced with new laws passed by the majority Republican Georgia General Assembly in the wake of efforts by the former president and his allies to undermine the confidence in Georgia's elections with false and misleading claims of massive voter fraud. The majority party of the General Assembly wasted no time using that disinformation campaign as the foundation for passing numerous new restrictions on the right to vote in Georgia.

My written testimony that I submitted to you outlines numerous burdensome and arbitrary requirements and other changes that directly attack voting methods being used by Black voters and other voters of color in Georgia in greater numbers. These changes also impact non-profit civic engagement organizations like ours which devotes substantial time and resources to register, educate, and mobilize communities of color and assist voters before and on Election Day through our election protection program.

But today I want to talk about my service as a member of the Morgan County Board of Elections. I served there from 2010 until my termination as a board member on July 1, 2021, following the passage of a separate law placing the power to appoint board members in the hands of a majority white and Republican Board of County Commissioners instead of its longstanding bipartisan appointment process.

During my time on the Morgan County Board of Elections, I took my position as a board member very seriously and worked to ensure the administration of elections in Morgan County was done fairly for all voters regardless of partisan preference, race, or ethnic origin. We certified elections, determined which polling locations should be open. We counted the absentee ballots. We decided whose provisional ballots counted. We never had a violation during my time that I served on this board.

The reconstitution of county boards of elections to ensure majority party control and the takeover provisions under S.B. 202 allowing for the majority party in the legislature to dictate policy by the state election board to take over the day-to-day administration of county boards of elections and remove county supervisors of elections raises the specter that the goal will be to nullify the lawful votes of Georgia voters when the majority party is not satisfied with the outcome of an election, thereby achieving the result that the former president was unable to obtain in 2020.

In short, the numerous changes in S.B. 202 attacking voting methods increasingly used by Black voters and other voters of color, taken in conjunction with the undemocratic takeover of boards of elections, may lead to the partisan nullification of lawful votes clearly demonstrates why federal standards must be enacted to restore the full protection of the Voting Rights Act, including the John Lewis Voting Rights Advancement Act; S. 1, the For the People Act; and S. 2155, Preventing Election Subversion Act of 2021.

It is critical. It was not just in my county of Morgan County that they have taken over control. They are now looking at other locations to take over. We worked too hard to ensure equal and fair access to the ballot to turn back now.

I would be happy to answer your questions, and thank you for your time.

[The prepared statement of Ms. Butler was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you, Ms. Butler. Do you want to explain—your county is a rural county, right? Where are you located?

Ms. BUTLER. It is definitely a rural county. It is 60 miles east of Atlanta going toward Augusta.

Chairwoman KLOBUCHAR. Okay. I mean, not everyone is from Georgia here, so I thought it would be good to clarify that.

Okay. Mr. Segarra?

OPENING STATEMENT OF JOSÉ SEGARRA, WARNER ROBINS, GA

Mr. SEGARRA. Good morning, Madam Chairwoman Klobuchar and members of the committee. Thank you for the opportunity you

have given me to express my voting experience in the 2020 general election.

I came to Georgia as a United States Air Force officer in August 1992. I served in the Air Force between 1986 and 1992 and served during the Gulf War. I still work for the Air Force at Robins Air Force Base.

Voting is sacred to me. I see the voting process as one that should be as easy as possible for all eligible voters, and I feel like voting rules should be everything but in no way to restrict people's freedom to vote.

This past year, I had to go to extraordinary lengths to accomplish the simple but consequential task of casting my ballot. I, along with thousands of Georgians, had to wait for hours in order to cast my vote. In fact, I had to go to the polls twice in order to vote.

The first time, I went to the closest polling place open the first day of early voting. That was Perry Courthouse in Perry, Georgia. I went with an elderly couple in their 70's. We arrived at 7:15 in the morning, Tuesday, October 13th, knowing that the voting polls will open at 8 a.m. We thought that we arrived with plenty of time to vote quickly and be on our way.

To our surprise, there was already a line around the courthouse, snaking all the way around the block. One of my elderly friends is a knee replacement candidate and is diabetic. His wife, a retired teacher from the State of Georgia, has an acute arthritis condition and uses a walker. I was worried about them standing in line and going up the stairs as there was no separate line for people with disabilities. We knew that they could not sustain waiting in that line, so we left without voting. They ended up voting by mail.

A week later, on October 27, 2020, a Tuesday, my wife and I went back to early vote. This time we went to the Middle Georgia Technical College in Warner Robins, which was open only for the last two weeks of early voting. We arrived around 3 p.m. My wife had a co-worker who recently moved from Puerto Rico and was new to Georgia. She registered to vote but had no previous experience voting in Georgia and was confused about the process. We arranged to meet her at the time we arrived at the line at the polling place.

Once again, the line outside went around the building in the open, with no protection from the elements. After an hour-and-a-half standing outside, we made it inside the building, finally, just to find out that the line inside the building was just as long as the line outside the building. My wife's co-worker became concerned that she would not be on time to pick up her baby at the childcare center, which closed at 6 p.m. We ended up casting our ballots around 6 p.m., hours, three hours, after we arrived. We learned later that her husband had to take time off from work and was able to pick up the baby.

We were able to handle those three hours standing in line, but we know that not everybody can. Election observers reported that several people fainted while in line in Savannah and in Atlanta. I have also learned that between 2012 and 2018, 214 polling locations were closed in the State of Georgia, mostly affecting minority voters, making this issue even worse.

Senators, this is wrong. It should not take so long to vote.

According to the Presidential Commission on Election Administration, no citizen should have to wait more than 30 minutes to vote. I had to wait six times that measure, and other citizens of this state had to wait even more. It is unacceptable that in Houston, Cobb, and Chatham Counties, a person will have to wait half a day or miss a full day of work, or maybe two, just to exercise their constitutional right.

Our government needs to ensure that we have adequate systems and processes in place to allow every eligible voter to cast their ballot without such undue burdens. We need to have an adequate number of polling places, properly resourced and open for as expansive a period of time as possible, especially after regular duty hours.

Voters should have the opportunity to vote on Saturdays or Sundays. After all, if malls are open on Sundays, why not voting places? Lots of people work on Saturday, so Sunday needs to be an option as well.

It would also make it much easier for some people to vote if Election Day were to be a holiday.

In conclusion, I served my country as a member of the Armed Forces and continue to serve by encouraging voting in my community. I am here to respectfully ask for your help, Senators, in protecting the freedom of all voters to vote regardless of their political affiliation by passing legislation that will address the unacceptably long waiting in lines and to ensure that every eligible voter has the opportunity to participate, not just those of us who can take three hours off from work and stand in line, and so that nobody has to choose between a paycheck and exercising a much sacred constitutional right.

Thank you.

[The prepared statement of Mr. Segarra was submitted for the record.]

Chairwoman KLOBUCHAR. Thank you very much, Mr. Segarra.

Thanks to all our witnesses.

I do want to make clear that we, of course, gave the opportunity for our colleagues on the other side of the aisle to provide witnesses to defend the law, but they chose not to have anyone here, or had trouble finding anyone, to defend this law.

With that, I would like to ask you, Mr. Segarra, as someone who has served our country, shared your story about what happened in Houston County in south central Georgia, when you signed up to serve our country, to join the Air Force, you did not have to wait in line; is that correct?

Mr. SEGARRA. That is correct, ma'am.

Chairwoman KLOBUCHAR. Most people you know who served, they were probably welcome to serve and to put their life on the front line, and they did not have to stand in a waiting line.

Mr. SEGARRA. That is correct.

Chairwoman KLOBUCHAR. Do you agree that voters should not have to wait in line to participate in our democracy?

Mr. SEGARRA. Most definitely.

Chairwoman KLOBUCHAR. Okay. How does that make you feel when you have to go to those lengths not only for yourself and your family but your neighbors and friends and seniors to help them,

when, in fact, you have served our country on the front line? Tell me a little bit about that, your decision to serve our country, and then your devotion to our democracy.

Mr. SEGARRA. I was born and raised in Puerto Rico in a family with military background. My grandfather served in the front line in Europe during World War II, in the front line in Korea, and also in Vietnam. He was my inspiration to join the military, and I took an oath to protect and defend the Constitution of the United States against all enemies, foreign and domestic. As citizens of this Nation, we have the moral right and sacred duty to vote. I felt awful that I was standing in line and was not able to cast my vote, nor the people that I brought with me.

I saw people in the line waiting, some people in that line coming into the parking lot and seeing the size of the line and leaving. That is not acceptable. So much blood was shed in those battles, and the minimum we can do as citizens is to be allowed to exercise freely our right to vote.

Chairwoman KLOBUCHAR. Thank you. Yesterday I was in Cobb County with Stacey Abrams and we heard very similar stories from across Georgia with the lines and people getting so hot in the sun, and the fact that this bill would now deny the right of non-partisan volunteers to provide water would make things, I would say, even worse.

Let me go to you, Ms. Butler. You saw many voters cast ballots last year as a former elections official in rural Morgan County. Do you agree that the new Georgia law will result in fewer voters casting a ballot in future elections, and how do you think it is going to impact the citizens in your county?

Ms. BUTLER. It definitely will make it more difficult, barriers, hurdles that they will have to get across to even exercise their right to vote. For instance, in rural Georgia, you do not have broadband. Now you have photo I.D. You have to make copies of those. You can not upload them on a portal for the absentee ballot portal that is supposed to be put in place. There is not broadband that people have in those rural areas that will be able to do that. To even make copies for each and every election, you have to make a copy of that I.D. in order to be able to use the process of absentee voting. In COVID, as it is still flaring up again, we know that it may still be in place for this next election cycle that is coming up.

But it makes it more difficult for people to really exercise their right. For me, being on the board, having people that are able to look at the process and say this is how we should do it is not going to be available as well, because you will have these partisan boards that will be instituted by a one-sided party, for my county exactly.

It will take away the ability of people to have more polling locations, drop boxes inside, the hours that they will be able to vote——

Chairwoman KLOBUCHAR. Right, limiting the hours.

Ms. BUTLER. The farmers, you have people that do farming, they work late hours. They will not be able to get there by 5 o'clock. If they do, they lose revenue. Those are the kinds of things that will happen as a result of these barriers that are put in place. They may be able to get over the hurdles but, my God, what kind of barriers will they have to do to get there to that, paying somebody to

take you to the polling locations for those hours? You can only use a drop box in early voting——

Chairwoman KLOBUCHAR. Early voting locations.

Ms. BUTLER [continuing]. locations.

Chairwoman KLOBUCHAR. Following those hours. You have the farmer who wanted to go there afterwards, those drop boxes will not even be allowed to receive votes, which is the whole idea of a drop box.

Ms. BUTLER. Correct.

Chairwoman KLOBUCHAR. In addition to less drop boxes.

Ms. BUTLER. Exactly. If you miss the early voting period, you will not be able to use the drop box process at all. That is a problem with this bill.

Chairwoman KLOBUCHAR. Okay. Thank you very much.

Senator Harrell, another strange thing in this bill—I guess not strange but intentional—is that they brought back the idea that you have to put your birthdate on an envelope; is that correct? The inner envelope.

Ms. HARRELL. That is right. There are several things that you have to write on the envelope, and then the flap covers that information. But one of the reasons that the birthdate was removed is because people got confused and instead of putting their birthdate, they put the date that they filled out the application.

Chairwoman KLOBUCHAR. I would think they would think that date was more relevant at that moment, yes.

Ms. HARRELL. Right, exactly. That led to confusion. They have again legislated situations that are going to increase the confusion on the part of the voters and give the election officials, which are going to be more partisan, more reason to reject those ballots.

Chairwoman KLOBUCHAR. I hope people watching today see this pattern here, because a lot of focus has been on the water, and we are grateful to Senator Ossoff for the bill to address that, but we know there is even more. A lot of this is about confusion. The different rules that were set that you can not vote on Saturdays and Sundays in the runoff but you can in the general election, you can imagine someone might have voted that way, they think they can, and then they show up and they find out they can not; the date going back on the envelope; the changing hours and polling locations that are open for one election and not the other.

Could you briefly talk about, Senator Harrell, how that just leads to people just turning away from voting?

Ms. HARRELL. Sure. In general, this bill is just making it harder to vote. In 2020, 26 percent of our voters voted by mail, and that was due to the pandemic. I assume that that will probably go back down. But many of the people who voted by mail did so because they knew the process was confusing but they knew they knew how to do it, and it would mean that if they voted by mail they did not have to show up in person to vote, which would keep the lines shorter.

The more you confuse the vote-by-mail process, the more people are going to be in line to vote in person. When they can not file those absentee ballots the weekend before the election, those ballots have to be canceled in person, which gums up the lines more.

Chairwoman KLOBUCHAR. Let me just ask you one last question. Some people claim that I.D. requirements were needed to prevent fraud, but we know that election fraud is exceedingly rare. In fact, as the New York Times editorial board noted, Oregon, home of my good friend Senator Merkley, has sent out more than 100 million mail-in ballots since 2000 and has documented only about a dozen cases of proven fraud. Rounded to the seventh decimal point, that is .0000001 of all votes cast.

Do you think, just based on what you know of the legislative discussion in Georgia, do you think that the new identification requirements in S.B. 202 in Georgia were really intended to prevent fraud?

Ms. HARRELL. No, I actually do not. We had a number of Republicans who stated that, in fact.

Chairwoman KLOBUCHAR. Really? They said that they were not intended to? Because I thought they were saying they were.

Ms. HARRELL. No. In fact, one of my colleagues in the House, Representative Alan Powell, actually in a committee meeting said to somebody who was testifying, "You are correct, it was not found," meaning fraud. "It is just in a lot of people's minds that there was." He actually said that in a committee meeting. It is just not—it is really not there, it is just in a lot of people's minds that there was. This legislation is based on things of the imagination in people's minds.

Chairwoman KLOBUCHAR. Much worse stuff than that. I would call that, as a former prosecutor, a smoking gun piece of evidence, where you have someone admitting that there really is not fraud but they are going ahead anyway.

Thank you.

Senator Merkley?

Senator MERKLEY. Thank you, Madam Chair. Thank you all for your testimony.

Mr. Segarra, you mentioned that a lot of voting locations were eliminated. I think you said hundreds of voting locations that had a bigger effect, if I understood you correctly, on communities of color. Did I understand that correctly?

Mr. SEGARRA. That is correct.

Senator MERKLEY. We have a bill, the 1965 Voting Rights Act, which says that denial of the ability to vote or the abridgement to vote is unlawful when it is targeted at communities of color. It sounds like, certainly at least in spirit and perhaps in law, a violation of the Voting Rights Act.

Mr. SEGARRA. That is correct.

Senator MERKLEY. I am very struck that there was a significant factor of using long lines and fewer voting locations targeted at communities of color, and it is just wrong on every moral, ethical, and perhaps legal level. That is an issue that should be fixed.

I wanted to ask State Senator Harrell, in those 80 pages of Senate Bill 202—202? Do I have the number right?

Ms. HARRELL. Yes.

Senator MERKLEY. Did they address having a fair number of precincts and a solution so that people would not have to wait in line, so that everyone would have a fair and free and equal chance to vote?

Ms. HARRELL. There actually is a piece of—a section in the bill that says that if it is documented that people have to wait for a certain amount of time, that during the next election that precinct would be split. But that is a bit of a smoking gun as well, because another tactic that has been used in the past for voter suppression is the changing of precinct locations, okay. Voters are creatures—people are creatures of habit. They tend to—if they did something one way once, they think that that is supposed to happen the same way the next time, and that is logical. The voting location changes or if the precinct gets split, they go to where they used to vote and wait in line, and their name is not on the roll, so then they have to go someplace else. Or they go someplace and it is closed and they do not know where to go.

Senator MERKLEY. Right. Promising to do it in a future election is pretty irrelevant because they could change the precinct locations anyway in all sorts of other fashions.

One of the points of confusion I also heard was that the early voting locations were not necessarily the same as Election Day locations, and that created confusion. Does the bill that was written address that real problem?

Ms. HARRELL. No, it does not, and that is a huge issue for voters, showing up where they voted early and finding out that they can not vote there, like the gentleman that I described.

Senator MERKLEY. In fact, they made it worse because they said if you vote out of precinct on Election Day, too bad, your vote is burned up, wasted, tossed aside.

Ms. HARRELL. Unless it is after 5 o'clock.

Senator MERKLEY. Shredded. That is really completely outrageous.

As the Chairwoman pointed out, in Oregon we have had vote by mail. It was initiated by Republicans in our state who wanted to increase turnout in the Republican Party. We have vote by mail in Utah, a very red state. This has not been a partisan issue at all in that it serves all citizens well, and it is an antidote to the antics on Election Day, because what we see across the Nation is it is so easy to discourage or obstruct voting on Election Day. You move the location. You put the location where there is not enough parking. You understaff it so people are in long lines.

We heard yesterday about folks who had waited, one man, six-and-a-half hours; one woman, seven hours to vote. People have children to pick up at daycare. They have jobs they can not be apart from. They have health conditions.

Are these Election Day tactics really basically another new form of Jim Crow antics to try to prevent Black Georgians from voting? Ms. Butler?

Ms. BUTLER. I would say yes, it is. It is for people of color. It was put in place just for that purpose. Long lines and making it more difficult is just a barrier.

Senator MERKLEY. Well, I was struck by the testimony that the no-excuse vote by mail was implemented while the state, as I understand it, was majority Republican in the legislature, in the House and the Senate, and I believe the Governorship as well, in 2005. What magically happened?

As pointed out in Oregon, we have found fraud is infinitesimally rare, and when it happens, that fraud is normally somebody who moved into Oregon from another state, so they vote in an earlier primary, then they vote in a later primary, which they are not supposed to do, or something of that nature. We are talking, even though a small number of cases, to the seventh decimal point rare. But was something dramatically different in Georgia that suddenly vote by mail became a documented source of corruption or illegality?

Ms. BUTLER. Well, it was primarily used beforehand by non-people of color. This time, because of the pandemic, a lot of people of color decided that they were not going to get exposed to COVID, so they used the vote by mail process.

We were pushing vote by mail. We wanted people to be safe. We wanted our election workers to be safe. Therefore, we all did vote by mail. We have been pushing for decades now Souls to the Polls or vote from the comfort of your pew. I did a program with faith-based organizations where we would teach them how to use the absentee voting process and do it as a Sunday activity where they all fill out their ballots at home, bring it, put it in the mail bin, and the mailman picks it up, and they will have voted from the comfort of the pew with their pastors. That is a process we were teaching them to do.

Senator MERKLEY. When this tool was primarily utilized by White voters, it was promoted and celebrated. But when Black Georgians said we too will use this tool, suddenly it came under attack by the legislature.

Ms. BUTLER. Yes.

Senator MERKLEY. I am just extraordinarily appalled by this. Because we were the first vote by mail state, we in Oregon pay a lot of attention to this, and there are multiple provisions which I will not go through because you are all familiar with them making it harder to do vote by mail, from drop boxes to I.D. requirements, so on and so forth. But this is of extraordinary concern that here we are in the year 2021, 56 years after the Voting Rights Act was passed, when we thought we had finally come to the point of a full understanding in America that we are all about fair and free elections for every American to participate in, new forms of obstruction. They are more subtle. I think Georgia was the first state in the Union to produce a poll tax to try to prevent poor individuals from voting and communities of color from voting. Well, here we are with a modern version of that, and it is deeply disturbing, and I thank you all for your testimony.

Chairwoman KLOBUCHAR. Thank you, Senator Merkley.

Senator Padilla?

Senator PADILLA. Thank you, Madam Chair.

I want to pick up on an issue that Senator Merkley raised about the partisanship versus bipartisanship nature of this whole conversation. When we are in Washington, in the Capitol, many of our Republican colleagues talk about the need for bipartisanship if we are going to be amending or changing voting rights laws or election laws and how Democrats should not pass voting rights protections on a party-line basis. That is what they tell us.

Now, look, I agree. We should not have to. Defending our fundamental right to vote should not be a partisan issue. It should be a non-partisan issue. Just last week in a Judiciary Committee hearing, I reminded our colleagues on both sides of the aisle of this radical concept I think we all were taught in high school Government class, that our democracy works best when as many eligible people participate. We actually went around the table with the witnesses, both Democratic witnesses and Republican witnesses, and asked a question, if they agreed or disagreed. Of course, they all agreed. Our democracy is stronger when more eligible people participate, not less.

But unfortunately, our Republican colleagues' deeds do not match their words. They will say publicly that they support voting rights, but their actions show something different.

Now, indeed, when a lot of our Republican colleagues in the Senate minority held up democracy expanding legislation like the For the People Act in Washington, they stay silent when their Republican colleagues in statehouse after statehouse after statehouse across the country are ramming through voter suppression laws without input from Democratic colleagues in those very same statehouses.

In the news these days is dozens of legislators from Texas that have left the state to break quorum in an effort to block these voter suppression laws. They are in Washington, bringing their advocacy there. Texas is the most recent example, but clearly in calendar year 2021 Georgia was the first.

I have a question for Senator Harrell. I know you touched on this in your earlier testimony. You serve on the Ethics Committee and you saw the change in S.B. 202 from an original two-page bill to a 98-page bill that was passed by the House, then by the Senate. Can you describe, just shed a little bit more light on how bipartisan or collaborative the process was in the Georgia statehouse, or how it was not?

Ms. HARRELL. There was not an ounce of bipartisanship, and there was not back when we had the voting machine legislation either. Amendments were brought forward. They were immediately opposed. Zero amendments were accepted.

I have never seen anything like it, really. It is extremely disappointing.

Senator PADILLA. Thank you. Because I care so much, for those who may not be aware, prior to joining the Senate I served as California Secretary of State. I served as the chief elections officer for the state with the largest population, the most diverse population. I am proud that there we built the most inclusive democracy, maintaining the security and integrity of our elections but making it easier for eligible voters to register, to stay registered, and to be able to cast their ballot.

I have tried to figure out where our Republican colleagues are going with this or what they are thinking, and I have heard in event after event, in committee after committee, their mantra. They will start a lot of their presentations and discussions and debates with a simple line that they are just trying to make it easier to vote and harder to cheat. Have you heard that?

Now, the phrase clearly made its way here to Georgia, too. I just want to highlight that we all have got the second part down right, the harder to cheat, because study after study, investigation after investigation, commission after commission all show the same thing, as Senator Merkley said: Voter fraud in America is exceedingly, exceedingly rare. Election official after election official has stood up for the integrity of the process, including the Georgia Republican Secretary of State, saying publicly there is zero evidence of any widespread or systematic voter fraud. He was standing up to pressure from the former president of the United States.

Yet, we see Republicans forcing through bills, as I mentioned, in statehouse after statehouse, including S.B. 202 here in Georgia. It makes us wonder what is their true motive.

But they have forgotten the first part of their equation, the easier to vote. Let me not reference the Voting Rights Act of 1965. Let me insert into the conversation here today the National Voter Registration Act of 1993, which was adopted on a bipartisan basis. Oh, how times have changed.

But let me read Section 2 of the National Voter Registration Act, and I will be brief here. In the findings, "The Congress finds that the right of citizens of the United States to vote is a fundamental right." It goes on to say, "It is the duty of the federal, state, and local governments to promote the exercise of that right." That is pretty clear to me.

Should we not be better focused, if we have the election security piece down, putting more energy and effort onto what it is that truly makes it easier for eligible people to vote and focus on the issues of long lines, focus on the issues of unfair provisional ballot policies, focus on maybe making it so that more people can vote by mail without needing an excuse, without having to be of a certain age, all these things?

Again, and maybe it was for Senator Harrell, and then we will go to Ms. Butler and Mr. Segarra, one or two examples of S.B. 202 as are we making it easier to vote, or are we violating the National Voter Registration Act and not facilitating people's participation in our democracy?

Senator?

Ms. HARRELL. Yes, I wanted to actually correct myself. When I said zero percent bipartisan support, I would like to change that to two percent because I remembered that there were two Democratic bills, small Democratic bills that were included in Senate Bill 202. One was to allow absentee ballots to be scanned prior to Election Day in order to speed up the counting. This was something that was done during emergency rule that they codified. The second was a colleague of mine had a bill that required signage to be put up, 4x4 signs at precinct places that had closed or were changed, and that bill was included in Senate Bill 202. Since I am testifying under oath, I wanted to clarify and up the zero percent to two percent.

Chairwoman KLOBUCHAR. Excellent.

Anyone else want to add anything?

Ms. BUTLER. You said what would make it easy to vote?

Senator PADILLA. Or harder. I am just trying to——

Ms. BUTLER. Well, one of the hard things, of course, is out of the provisional ballot process, out-of-precinct voting would make it more difficult for people to exercise their right to vote, as opposed to what is required under HAVA, to allow them to do that. To me, that is a provision that needs to be corrected to allow people to vote provisionally.

Chairwoman KLOBUCHAR. Mr. Segarra?

Mr. SEGARRA. I think we have seen examples of the bad. I think one example of the good is expand the early voting window for the early voting to three weeks. I think it is very important that people have more time to exercise that constitutional right.

Senator PADILLA. I will just end with a quick note because I know I am way over my time, but before 5:00 versus after 5:00, some have said that is completely arbitrary. I do not think so. I have seen elections, not just as an elections official, not just as a candidate, not just as a voter, but as an organizer. For working folks, there is a surge when you get out of work to vote on Election Day. Those who are impacted before and after, it is not proportional. Thank you.

Ms. BUTLER. Our first responders would not be able to actually exercise their right to vote.

Chairwoman KLOBUCHAR. Right. Very good.

Ms. HARRELL. I actually filed a bill that would allow people to vote in any precinct. We do that during early voting already. You can go anywhere in the county and cast your vote.

Chairwoman KLOBUCHAR. In the county. You are talking about in the county.

Ms. HARRELL. In the county, in the county. You can vote anywhere in the county during early voting. We have the technology now to do that. The old precinct idea of voting at your polling place was before we had that technology. I actually filed a bill that would allow you to vote in any precinct within your county on Election Day.

Senator PADILLA. Be happy to answer any questions for any of your colleagues if they are wondering, because Colorado has it, what they call Vote Centers. California does, Arizona, Nevada, during the early voting period.

Chairwoman KLOBUCHAR. You see why we are so lucky to have Senator Padilla on this committee. Not only does he know his stuff, but he takes the red-eye to get here.

Next up we have got Senator Ossoff.

Senator OSSOFF. Thank you, Madam Chair, and thank you for bringing the Committee to the great State of Georgia. Thank you to our panel for your testimony today.

I want to note that it is just three days since we marked the first anniversary of the passing of Congressman John Lewis, a man who had his skull fractured marching across the Edmund Pettus Bridge in Selma, Alabama, his self-sacrifice and the sacrifice of hundreds of others that day, paving the way for passage of the Voting Rights Act of 1965. As you all know well, Congressman Lewis was proud of the progress that our country has made, but he also urged vigilance, because the right to vote can never be taken for granted, and that vigilance is seriously needed today.

As Georgia's state legislature has passed restrictions on ballot access, surgically targeting Black voters in the State of Georgia, restricting access to early voting in runoff elections, restricting access to absentee ballots, making it a crime punishable by up to one year in prison for a non-partisan Good Samaritan volunteer to hand a bottle of water to a voter unjustly forced to wait 5 hours to vote, and these restrictions are not meant to solve any real problem observed in the administration of Georgia elections. The only real problem for Georgia's GOP is that they lost.

But do not take it from Democrats. Do not take it from me. Take it from them. Take it from our Republican Lieutenant Governor, Jeff Duncan. Take it from our Republican Secretary of State, Brad Raffensperger. Take it from the Chief Operations Officer at the Secretary of State's office, Gabriel Sterling, who all avowed repeatedly that there was no evidence of widespread fraud, that it was a secure election conducted successfully.

S.B. 202, passed in this state, is a gross and transparent abuse of power, partisan legislation intended to make it harder for some voters to vote to protect Republican power in this state, and we as the United States Congress, under Article 1, Section 4 of the Constitution, have the full authority to establish minimum standards for ballot access across this country to protect the right to vote and to prevent state legislatures from abusing their legislative power for partisan ends.

I want to ask you, Ms. Butler, to shed some light on the intent of this law which, as I mentioned, restricts early voting in runoff elections, restricts access to vote by mail. What were the demographics of voters, Ms. Butler, in the 2020 election who made heaviest use of early voting and voting by mail?

Ms. BUTLER. Well, early voting in Georgia is very popular. Over 60 percent of people exercised that method of voting. Certainly it was people of color—African Americans, Asian, Latino—that really used that method to vote because of the pandemic. Beforehand, most of the time, we would vote in person early voting. But this time we used absentee voting, we used early voting. We used both of those tools to really exercise our right to vote. The most impact will be for people of color, those language assisted, those people in the field that are working who do not speak English fluently. They will be most impacted by a lot of S.B. 202 in terms of what I.D. I am going to produce, how many times I produce them, that kind of thing. It is really aimed and targeted, if you look at all of the polling changes that happened within the state, those are targeted to people of color.

Senator OSSOFF. Is it reasonable, Ms. Butler, to presume that these restrictions on access to voting by mail will drive more people to need to vote in person?

Ms. BUTLER. Of course it will. I mean, if you can not exercise the absentee ballot process because you do not have the I.D., and by the Secretary of State's own words there are approximately three percent of the seven million registered voters who did not use an I.D. during that process, that is approximately 200,000 people that can change any outcome of any election, but most of those people are people of color who do not have access to the I.D. that is required. Yes, it will force them to stand in line. Of course, all of the

polling locations that have long lines have been documented to be in places where people of color exercise their right to vote. It would most definitely impact them, whether it be in Randolph County in rural Georgia, whether it be in Gwinnett County, where there is the most diverse population in Georgia.

It will definitely force people to be in long lines to be able to exercise their right to vote. All of the confusion around the rules is definitely something that will be a problem. To get an I.D., driver services are not located in every county. Certain counties would have to drive to other counties. They only have it on certain days, they only have it on certain hours. Everything will make it difficult for people to be able to exercise their right as an absentee ballot and force them to stand in long lines that we saw in the general election, as well as some of the runoff locations where people had to stand for seven, eight, nine hours to exercise their right to vote.

Senator OSSOFF. Ms. Butler, just to get it very clearly for the record again, we are restricting access via this partisan legislation in Georgia passed by the Republican state legislature to voting by mail, driving more people to need to vote in person, while at the same time restricting access to early voting in runoff elections, driving up the time folks will have to wait.

By the way, as I mentioned to you once, Ms. Butler, my wife and I had to wait four-and-a-half hours to vote in the primary last year. We vote at a majority Black precinct. We had to wait four-and-a-half hours to cast our ballots. I was on the ballot. That line was wrapped around the location for hours and hours and hours.

Again for the record, Ms. Butler, which voters—and this has been documented extensively—are typically made to wait much, much longer to vote in our state?

Ms. BUTLER. The people that wait the longest in this state are people of color—Black, Latino, Asian American, and other people of color.

Senator OSSOFF. Ms. Butler, is it correct that S.B. 202 allows partisan appointees at the state election board?

Ms. BUTLER. It does.

Senator OSSOFF. To replace, reconstitute, and take over county election boards?

Ms. BUTLER. It does, and that is the most egregious part of S.B. 202, because, as you know, those local boards control the implementation of the process, from registration to the counting of the ballots to the certification of the election. Where the polling locations are going to be, who is going to be working those polling locations. I can determine whether I am going to have the hours of early voting from 9 to 5 or 7 to 7, but it is arbitrary, it gives a lot of leeway.

But again, if I do not like the outcome of a type of election, then with the reconstitution of the boards, they can take over and put in place a person that really has no knowledge of the process and can just implement what they want to have.

Senator OSSOFF. A partisan appointee can now take over local election boards. Is it the case, Ms. Butler, that our own Republican Secretary of State in this most recent election was threatened with political and personal reprisal and potential criminal prosecution

by the sitting president of the United States if he did not "find the votes" to overturn the will of the people in Georgia?

Ms. BUTLER. That is correct.

Senator OSSOFF. Thank you to our witnesses.

Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much.

I think we have a little time for maybe 3 or 4 minutes of questions. I will let Senator Merkley start.

But I first want to ask unanimous consent to enter into the record three letters that urge Congress to pass the For the People Act and the John Lewis Voting Rights Advancement Act—mentioned by you, Ms. Butler; thank you—to protect the freedom to vote. One is submitted by the Southern Poverty Law Center Action Fund, which highlights the challenges many southern voters face in accessing the ballot box and the need for federal legislation to prevent this. Another is submitted by the League of Women Voters of Georgia, which outlines the restrictive measures in S.B. 202 and again the need for federal legislation. A final letter is submitted by 17 chapters of Indivisible in Georgia, representing over 9,200 Georgians, which underscores the need for democracy reform to also include campaign finance and redistricting reform.

Without objection, the materials will be entered into the record.

[The information referred to was submitted for the record.]

Senator OSSOFF. Madam Chair?

Chairwoman KLOBUCHAR. You have an objection?

Senator OSSOFF. No, I do not. I would ask unanimous consent as well to submit two letters, one from a group of pastors led by Bishop Reginald Jackson, 6th District African Methodist Episcopal Church, and another from the DeKalb Pastors Christian Alliance.

Chairwoman KLOBUCHAR. Excellent. Thank you very much. That will be entered into the record.

[The information referred to was submitted for the record.]

Chairwoman KLOBUCHAR. Senator Merkley?

Senator MERKLEY. I was thinking about three forms of corruption of the election process. One is partisanship, one is purging, and one is intimidation. Senator Ossoff I think has addressed the partisanship, how important it is to have a non-partisan process to inspire citizens that you will have fair elections. Elections should not be controlled by partisan local boards or have the state legislature be able to stack the state election board which can then replace the local county boards, I think, with a single individual under this. Talk about a sense of inappropriateness in terms of the legitimacy of the election. I am glad Senator Ossoff has raised that.

The second on purging, we did hear a lot about the purging of the voting rolls in Georgia across the Nation. I am told that there was a high error rate, that 63 percent of the citizens removed in 2019 were removed incorrectly. Every person removed incorrectly is a person who has been denied the right to vote.

On the one hand we have basically virtually zero cases of people inappropriately voting vote by mail, but in this case we have thousands of individuals who are deliberately excluded from voting by being inappropriately removed from the registration list. Do we have any sense of how that impacted different communities across

the state? I will ask whoever feels like they have some sense of that.

Ms. BUTLER. Well, in terms of the purge process, it was predominantly people of color that were purged, if you look at the numbers themselves, due to inaccurate addresses or mismatches. The People's Agenda filed a lawsuit, along with the NAACP, just recently with DeKalb County that was taking people off the roll incorrectly, and we have gotten that resolved. But that is generally what the makeup of the breakdown of the people that are usually purged.

Senator MERKLEY. It is certainly important that there not be a process that invalidates the right of citizens to vote. I understand that the Secretary of State in Georgia has announced that over 100,000 voters could have their registration canceled this year. The highest numbers are in Democratic-leaning counties, so another form of bias being introduced.

I wanted to turn to that third factor, which is intimidation. The issue that has been raised in election law from mass challenges, that one individual can challenge the legitimacy of basically everybody in that precinct, I believe, to be able to vote. Then if they do not appear in court to defend themselves, they become guilty until proven innocent. If you do not appear in court in 10 days, get notified to appear, your vote is invalidated.

Senator Harrell, would you like to elaborate on what problem this is trying to address or, alternatively, what unfairness this is creating?

Ms. HARRELL. Yes. I am glad you brought this up because this is a section of Senate Bill 202 that most of the people in the public do not know about and has not been discussed by the media. But it is current law that citizens can challenge people's registration or their vote, and this actually happened after the November election in my county, in DeKalb County, where citizens challenged a long, long list of voter registrations. It might be because they compared data bases and found somebody with the same name in Georgia as in Arizona, so that became a challenge. It turned out that most of those were just duplicate names and they had different birth dates or things like that, so the challenge did not work. But it took a lot of time for the local election boards to deal with those challenges at the same time that they were counting and recounting votes.

What Senate Bill 202 does is remove the cap for how many people can be challenged. Unlimited numbers of names could be challenged now, which gums up the system. It is just one of those tactics, another one of those tactics that just takes time away from people's jobs, and that is a form of intimidation. It is not only a form of intimidation for the person whose name is on the list, but it is kind of an intimidation for our entire election infrastructure.

Senator MERKLEY. Thank you.

Chairwoman KLOBUCHAR. Before I turn to Senator Padilla, just to add one more question to the topic. For the January 2021 Senate runoff election, a Texas-based group actually challenged the eligibility of over 360,000 Georgians. I assume they did not know them. But only a few dozen cases—is this true, that they challenged this from Texas?

Ms. HARRELL. I have read that, that there is a specific organization that is behind these challenges, True the Vote.

Chairwoman KLOBUCHAR. Thank you.

Senator Padilla?

Senator PADILLA. I have a follow-up election administration question for Ms. Butler. But before I do that, I know we talked about the transient vote by mail participation in different voter groups. I just wanted to add some statistics and data to the conversation and for the record.

We know in Georgia, like in most parts of the country, Black voters have historically been less likely to cast their ballots by mail than White voters. There is something to be said about showing up and watching that ballot go into the ballot box. But in recent years that has changed, and especially in the 2020 election cycle.

Black voters' reliance on absentee voting increased dramatically, even surpassing that of White voters. In November 2018, only seven percent of Black voters voted absentee. Two years later, November 2020, almost 30 percent cast an absentee ballot, compared to about 24 percent for White voters.

In the 2021 runoff, almost 28 percent of Black voters cast an absentee ballot, compared to 22 percent of White voters.

I appreciate, Ms. Butler, that you keep recognizing it is not just Black voters. It is voters of color, communities of color more broadly. I know Georgia is increasingly diverse. The Latino community registration has increased by 60 percent from 2016 to today. Latino turnout has grown by about 70 percent in the 2020 cycle, and similar trends when it comes to vote by mail. The same for Asian voters, Native Americans, et cetera. I just thought it was helpful to add some data to the recognition of that.

The elections administration question is this part on absentee ballot requests. As I understand, when requesting an absentee ballot, voters must now include either their driver's license number on the application, and if they do not have that, then they have to include a photocopy of some other form of I.D. An alternative, for example, is they could use the last four Social as part of the voter record, part of maintaining accurate voter lists. But when a voter votes that absentee ballot, they can include either their driver's license or the last four of the Social.

Why the difference in the criteria for requesting the ballot versus submitting the ballot? It seems to me that that causes some confusion. That is one question.

The other part is the change in the drop box policy, not just the reduction in the number of drop boxes—we should be adding convenience, not less—but also what seems to me like an arbitrary deadline of 30 days before the election you can not use a drop box anymore?

Ms. BUTLER. Let us talk first about the I.D. for requesting a ballot versus actually voting the ballot. Yes, there is a difference, and it is confusing. If they do not have a Georgia driver's license or Georgia I.D., they can use a bank statement, a passport, some other document that they have. Or they could even get a free photo I.D. for voting. You have that in Georgia. But even with the free photo I.D. and the other forms of I.D., you have to provide a copy of that I.D. If you have a Georgia driver's license or a Georgia I.D., you can just put in the number and it can be matched.

Again, to have the difference between the Social Security number and the driver's license is just to confuse the voters because now, what do I need for the application, and what do I need to actually exercise my ballot? It is just confusing, and therefore having more for people to understand what the process is. It was not there for any other purpose than that.

We have been voting for decades now using absentee voting. You did not have to provide an I.D., never had to provide an I.D. But all of a sudden, because of the turnout in 2020 and 2021, now we need to provide the I.D. It hurts people with disabilities, it hurts older people that we help. There are illiterate people. I cannot now help that person complete their absentee ballot application that we were doing before, so it can only be a relative or a caretaker. I am not their caretaker, so I can not do it for them. I can not turn it in for them. I used to fax in hundreds of them, applications, and they could get it at home, fill it out, and mail it back in. They are putting more restrictions on even accessing versus casting your ballot.

It is just confusing to the voter. It will be confusing, and we will have to work to make sure people know what the process is.

Senator PADILLA. A super-quick comment on the drop boxes?

Ms. BUTLER. The drop boxes, again, it was working perfectly for the pandemic. It was outside. It was available 24/7. It had cameras. They had to pick it up. There is a log where two people had to pick it up so there was a witness to it.

Now it is only during early voting. It is inside the local board of elections offices or the early voting locations. You have to go inside, which defeats the purpose. As well as the Post Office. I mean, you can not rely on the Post Office. If I live in Albany, Georgia, it is very rural. My mail goes to Florida and then comes back, so I may never get it. That is a problem why we should have the drop boxes without the burden of it being inside.

Chairwoman KLOBUCHAR. Very good. Thanks, Senator Padilla.

Senator Ossoff?

Senator OSSOFF. Thank you, Madam Chair. Again, thanks to you for offering the people of Georgia the opportunity to express our dismay at the blatant targeting of voters of color in our state with this voter suppression legislation.

I noted, Mr. Segarra, that you raised your hand at the conclusion of my previous questioning, so I will just offer you the opportunity to make any statement you so wish, and then to each of the other two witnesses as well in conclusion.

Mr. SEGARRA. It was in line with a statement that you mentioned about the three gentlemen in our state who had the integrity to stand for the people and do the right thing. I just want to bring that statement up. As a military, I give a lot of value to people with integrity, and these three gentlemen in this state deserve that.

Senator OSSOFF. Mr. Segarra, just for clarity and for the record, I believe you are referring, are you not, to Lieutenant Governor Jeff Duncan, Secretary of State Brad Raffensperger, Gabriel Sterling of the Secretary of State's office, all three Republicans who stated emphatically that the election here was conducted securely

and with integrity, and that there was no fraud or malfeasance to alter the result; correct?

Mr. SEGARRA. That is correct, Senator Ossoff.

Senator OSSOFF. Thank you, Mr. Segarra.

Ms. Butler, any final remarks?

Ms. BUTLER. My final remarks are you have our written testimony that has outlined a lot of problems with the bill, but it is imperative—Dr. Lowery and so many others gave their lives to make sure we had this right to vote. I am asking that you pass S. 1, the For the People Act, that you pass the John Lewis Voting Rights Advancement Act because we need pre-clearance, and to also pass the bill that Reverend Warnock just introduced. We have got to have that to ensure that people can exercise their right to vote, to choose the right people that will make policies that will improve their communities.

Senator OSSOFF. Thank you, Ms. Butler.

Senator Harrell?

Ms. HARRELL. Over the last few years I have watched more and more efforts to suppress votes, and I am constantly amazed at the creativity. At first it was, like, oh, the machines can be hacked. Well, the machines can still be hacked, but that is kind of a high-level hard thing to do. What I have seen develop over the last few years are very creative attempts to suppress votes, and it is small things like, oh, we forgot the extension cords; we have a line. Amazing. Or it is what happened to Ms. Butler. It was these local bills that all of a sudden started appearing this past session on the local consent calendar changing the way appointments are made to local boards. It took us a while to catch on to what was going on. Then as legislators, there was very little we could do about it because the local consent calendar is voted on all together. We could not pull out that bill that removed her from that board. We could not pull out that bill because we were not members of that delegation. Only members of that delegation could pull out that bill that was changing the appointment from a bipartisan way of appointing members to an all-White county commission appointing members.

We could not pull that bill out because we were not from her community. If we started voting against all the local bills, then we would end up having to vote against our own local bills. That is creative.

What I say to you is thank you again for coming to Georgia to listen to this story. We need your help. We desperately need your help. But there is no one solution to this problem, and it is not a static thing where you are going to be able to pass one bill and solve it all, because the methods keep changing. Stay with us. We need to keep feeding you this information so that Congress can constantly help ensure that where you live does not determine if your vote counts. Thank you.

Senator OSSOFF. Thank you, Senator Harrell.

Madam Chair, I yield.

Chairwoman KLOBUCHAR. Thank you. That was amazingly said, as were all the comments from the witnesses. I want to thank you.

I think one of the messages we take away from this and one of the things that I have learned and I know my colleagues have learned here is the devil is in the details in these bills. If you are

looking for evil, you can find it pretty easily. That evil is taking a runoff time period which, for those of us in states that do not have runoffs and think it works fine just to make the final decision in the general election, this is somewhat unique.

But if you have a runoff, what they have done here for the last and final election that determines who is going to be the United States Senator or other federal offices, they basically have said, well, we are just going to limit that time to 28 days. Guess what? You can not register during that time anymore because our law says 29 days. We know very well that in this last election, 76,000 voters registered during that time. The devil is in the details.

Or that these drop off boxes cannot stay open beyond the time of the early voting. If you were working at night, as Senator Padilla was talking about some of these voters who were working day and night, several jobs, then they can not go to a drop off box. I do not care if you are White or Black, if you are in a rural area, if you are suburban or urban, these rules hurt you. They hurt people. They hurt working people that are trying to vote.

I come from a state that has some of the best voting laws in terms of making it easier for people to vote, with same-day registration and the like. As a result, we have the highest voter turnout—Jeff does not like to hear this—almost every single year. I do want to point out something as we talk about partisanship and what this all means. Our state actually has produced Republican Governors, Democratic Governors, and Jesse Ventura. We did that with open voting laws.

What I see as the difference when I go around our state is that when more people vote, even if you might not like the outcome, they feel part of the franchise, the franchise of our democracy. I think it is really important to note for our colleagues back in Washington—we are all going to have to leave very soon because we do not want to lose our right to vote in the next vote we are taking this evening, so we have to get on a plane and go back—that this is about our very democracy. What we have learned here today has been incredibly helpful because so much of this is, like we said, in the details, and that is why we came today.

We have got to be as sophisticated in Washington as the people who are trying to mess with us. That is what civil rights legislation was back in the 1960's. As Senator Harrell just pointed out, people are doing this again. They are finding new ways to mess with the fundamental right of citizens to vote.

The way you get at that is you are supposed to find salvation in the Constitution and from the Federal Government, and this is that moment.

Senator Merkley?

Senator MERKLEY. John Lewis said the right to vote is precious. It is almost sacred. It is the most powerful non-violent tool we have in a democratic society. I think we all know that the vote is really the pulsating heart of a republic.

It is under attack in a way I could never have imagined across the country. We have a responsibility under Article 1, Section 4 of the Constitution to set terms and conditions, basic standards across the country to secure the vote.

It is not just about fairness for the citizens of Georgia. Every citizen in the country is affected by having honest and fair elections everywhere because it affects the representation in Congress, and that affects laws that affect every citizen. We all have a stake in this.

As we entered the museum, there is the quote that is powerful. I have heard it all my life, where Martin Luther King quoted the Book of Amos, and what he said before that is he was referring to the barriers to voting targeted at Black Americans and whether we would be satisfied while those barriers still remained.

Then he said this: "No, we are not satisfied until justice rolls down like water and righteousness like a mighty stream."

We are not going to be satisfied until we fully defend and protect the right to vote for every American, take on the issue of billionaires buying elections with dark money, and end gerrymandering. That is our responsibility.

Chairwoman KLOBUCHAR. Very good.

Next is Senator Padilla, some closing remarks.

Senator PADILLA. I will be brief and yield the bulk of my time to Senator Ossoff, our home state senator here. Thank you for the hospitality.

I just want to make something very, very clear for everybody. What we have done here today, what we are trying to do in the Senate, it is not about Democrat or Republican. It is about our fundamental right to vote. Thank you.

Chairwoman KLOBUCHAR. Very good.

Senator Ossoff?

Senator OSSOFF. Well, thank you again, Madam Chair, and thank you again to our witnesses and to my colleagues for coming from across the country to examine the impact of this voter suppression law in Georgia.

I want to close by reflecting on something that Ms. Butler stated in her final remark, that the blatant racial targeting of this legislation makes so clear how vital it is that we restore the pre-clearance provisions under Section 5 of the Voting Rights Act, and the legislation to restore pre-clearance is indeed the John Lewis Voting Rights Advancement Act, and our efforts to pass that legislation will continue robustly.

Thank you again to our panel.

Chairwoman KLOBUCHAR. Thank you very much to the senators, to our witnesses, to Senator Warnock for being here. We really appreciate it.

The hearing record will remain open for one week, and members are welcome to put anything on the record, including defenses of this bill, which we did not hear today, I think for good reason. But the hearing record will remain open, and we look forward to seeing all of you in the future, both in Georgia and in Washington, DC, where we must get this done.

Thank you. The hearing is adjourned.

[Whereupon, at 11:58 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

Senate Committee on Rules and Administration

U.S. Senator Reverend Raphael Warnock

July 19, 2021

Chair Klobuchar, thank you for inviting me to speak today about the urgent need for federal voting rights legislation. I'm especially grateful that members of the Rules Committee have come here to my home state for its first field hearing in twenty years, and will hear from Georgia advocates like Helen Butler who have long been on-the-ground in this fight and can speak extensively to the detrimental impacts of voter suppression in Georgia.

Over the last year, Georgia has become ground zero for the sweeping voter suppression efforts we've seen gain momentum all across this country.

We saw record-breaking voter turnout in our last elections—participation that should have been celebrated—get attacked by craven politicians. And spurred on by the Big Lie, these same actors are now rolling back voting rights in a way that is unprecedented in size and scope since the Jim Crow era. In fact, Georgia became the first of now 19 states to pass laws that restrict voter turnout in the wake of the November 2020 election.

My home state exemplifies the success of these suppression efforts, as well as the power and opportunity of what federal voting rights legislation can accomplish.

Your vote is your voice, and your voice is your human dignity. And what we're seeing in Georgia is an attempt to deny *certain people* of the ability to have their voices heard in our democracy—not only by denying people access to the ballot, but also the ability to have their voices counted.

This new law in Georgia, SB 202, would make voting harder for countless Georgians:

- By creating new hurdles that voters have to jump through in order to request an absentee ballot while also reducing the number of dropboxes where voters can return those ballots
- By making it harder for community organizations to assist voters, whether from requesting a ballot to just handing out a bottle of water
- By letting a single person make unlimited, mass challenges to the ability of other Georgians to vote, clearing the way for baseless accusations

And even if you clear all of those hurdles, even if you are registered to vote and you've got your ballot in the door, your ballot still might not be counted. Because this new law also allows partisan officials in the state legislature to control our state board of elections and take over local election administrators. And it allows them to engage in these takeovers even as the votes are still being cast.

But if we passed federal voting rights protections, we can reverse these restrictions. We can pass legislation that would create uniform national standards so that your right to vote wouldn't depend on where you live in. We can protect the freedom of voters to decide how they want to vote— whether it's on Election Day, during early voting, or by mail. And we can strengthen election security by providing new funding for states to replace old voting machines and enhance training for election administrators.

Along with Chair Klobuchar, as well as our colleagues and Senators Merkley, Warner, and Georgia Senator Jon Ossoff, I've also introduced the *Preventing Election Subversion Act*. This legislation would address some of the specific challenges we see in Georgia by stopping mass challenges against voters and preventing state takeovers of local election boards.

I want to be clear: Congress must take action on voting rights, and we have no time to spare. Since January, nearly 400 bills that would restrict voting have been introduced in 48 states, and passed in 19. And as we speak, the Texas legislature is trying to pass the next.

We Americans live in a house that democracy built, and right now that house is on fire. And so we have to have national standards that push against what we're seeing in Texas and in Georgia.

And while our brave brothers and sisters in the Texas legislature have risked so much to try to stop this effort, I am disappointed that some members of the United States Senate—known as the greatest deliberative body in the world—could not even bring themselves to open debate on this critical moral issue.

Voting is not like any other issue. Voting rights provide the framework in which are able to have all the other debates, on all the other issues that impact our lives: infrastructure, climate change, health care, you name it. And so Congress has a unique responsibility to protect voting rights for every eligible American.

To put it plainly: we're only able to work on these issues because someone voted to send us to Washington. If we don't protect the voices of the people who sent us to serve, then we've failed to do our job. So I want to be clear that we are only in the beginning of this stretch, and I'm going to keep working in earnest with my Senate colleagues to pass the strongest voting rights legislation possible.

As I conclude my remarks, I want to talk about one of Georgia's proudest sons, the late Congressman John Lewis. He was my parishioner but he will always be my mentor. I've often asked myself what he must have thought as he prepared to march across the Edmund Pettus Bridge, prepared to risk his life in service of making this democracy live up to its ideals.

John Lewis and so many unnamed others nearly died on that bridge to protect our democracy. His courage is an example to us all, and his legacy lives in each of us but especially in this Committee. Because John Lewis devoted the last decade of his life to creating national standards for voting that laid the groundwork for the legislation we need to pass.

We are in a 911 emergency for our democracy. We are witnessing a shameless, unabashed assault on people's voting rights. And in the face of all that we're seeing in Georgia, and across the country, we must pass federal voting rights legislation—no matter what.

US SENATE RULES AND ADMINISTRATION COMMITTEE
National Center for Civil and Human Rights
July 19, 2021

Thank you, Chairwoman Klobuchar, (Ranking Member Blunt) and members of the Committee.

Because I stand before you today as a member of the largest State Legislative Black Caucus in the Nation;

Because we were literally in the trenches on this issue, doing whatever we could to combat and in some cases, prevent it from being worst law;

Because – in large measure – it is the voters we represent that will be most negatively affected by these new laws;

Because we value this Committee's purpose here today, and so appreciate your members, particularly your member, and our Senator Jon Ossoff and our Senator Raphael Warnock who gave (prayer/remarks), I want to express my sincere appreciation for this opportunity to be before you.

And if I may, I can tell you first-hand that Senators Ossoff and Warnock are not only extraordinary public servants, but the kind of people, that make you want to take leave from your job, to speak all over the State on their behalf; to give; and do all you can to motivate voter participation.

After the most successful election – and I define its success, not by our candidates winning their elections, but by the fact that when you have as many people vote as we did in the 2020 election cycle, with as few problems, with all challenges being dismissed – you have to consider that to be successful. Evidence of a strong Democracy.

For those who are amending election laws in states, where they can, you really don't have to wonder, what their true intent is.

Since we are in Atlanta, the birth and nurturing place of Dr. Martin Luther King, Jr., I'm reminded of what he said decades ago, when asked about voting rights as they pertained to African-Americans – but he certainly could have been talking about any American – when he said, "Some people, don't want some people to vote!"

When you have the highest levels of voter participation, combined with the lowest levels of challenges, why would you want to change that?

And it's worth noting that the laws we operated under during the last election cycle were put in place by the same majority party that is now trying to tear them down.

I could not agree more with President Biden, we ARE facing the most significant test of our Democracy since the Civil War… (of which I'm particularly sensitive, as I represent Stone Mountain, GA, which is home to the largest memorial to the Confederacy in the world)!

I heard a member of the US Congress proclaim that their intent was to make certain these state laws passed so that those states could firmly be in control of the upcoming

reapportionment process, assure Republican control and create more Republican state legislative and Congressional districts.

As president of the National Black Caucus of State Legislators, I hosted the Texas House Democratic Caucus for dinner in Washington last week. We compared legislative language as passed in Georgia and proposed in Texas. I suspected that the language would be similar but discovered that it was mostly identical! Verifying that these proposals sweeping the nation are being provided by such groups as the Heritage Foundation and others.

There is much talk about not being able to give food or water to voters on line, but the actual law is much more abhorrent than that. The actual law states:

NOR SHALL ANY PERSON GIVE, **OFFER TO GIVE**, OR PARTICIPATE IN GIVING OF ANY MONEY, GIFTS (ANYTHING OF VALUE), INCLUDING, BUT NOT LIMITED TO FOOD AND DRINK.

Meaning, if a person goes to the polls with their spouse and merely offers them some chewing gum or a magazine to read while in line, that person would be subject to arrest, up to a $1,000 fine and up to a year in jail!

We all know that the uneven way this will be enforced throughout the State; the equal protection issues; the vagueness of it, make this ripe for court challenge.

I believe Dark Money, unlimited campaign spending is wrong, and I hope you will be able to do something about it, but we will compete.

I believe voter suppression is unfair and wrong, and hope you do something about it, but our grandparents and great grands endured far worse, and we will use this to motivate our voters.

But, what I am most concerned about and hope you come up with a solution for, is cheating umpires that these laws are creating. They are replacing elected officials in the State and Counties, who must concern themselves with the will of the voters, with political appointees, who's only concern is the will of the person who appointed them.

County Election boards throughout the State run our elections. They are changing the law such that not only are they no longer required to be non-partisan; but if they don't like the outcome of an election they can simply and immediately just take-over the election board!

These political appointees could overturn elections without fear of being held accountable by the voters. For that reason alone, these election laws should concern us all.

My former colleague, Stacy Abrams, says it best, "Our **selections** may be partisan; but the operation of our **elections** should be nonpartisan."

Lastly, let me say that the House of Representatives was the final arbiter of this law in Georgia. It came from the Senate to the House then onto the Governor's desk for signing, within hours… moving that fast is virtually unprecedented.

As chair of the Georgia House Democratic Caucus, I was the last speaker to the bill, before we voted.

I was so impressed with Sen. Warnock's maiden speech on the US Senate floor, that I texted him, to let him know I was going to use some of his words in my closing on the House floor.

Being who he is, he sent back a quick prayer, as he wished me well.

I'd like to close with some of the remarks used:

"The designers of our government intended the voters to be able to pick their candidates; not for the candidates to pick their voters. Lest we have Democracy in reverse.

The 4 most important words in a Democracy are, 'the people have spoken.' So we must do what we can to let the people speak."

Once again, thank you for this opportunity.

Testimony for Senator Sally Harrell
Georgia Senate District 40
Field Hearing for U.S. Senate Rules & Administration Committee
Atlanta, GA

Thank you for the opportunity to address you this morning regarding voter rights and access to the ballot in Georgia. I am Senator Sally Harrell and I am currently serving my fifth term in the Georgia General Assembly, representing the northern suburbs of the Atlanta area. In my capacity as a minority member of the Senate Ethics Committee, I have deliberated several large and impactful pieces of Georgia election legislation, including H.B. 316, which paved the way for the state-wide procurement of new computerized voting machines with printed ballots, and more recently, S.B. 202, the omnibus voting bill that just became law in Georgia.

Though S.B. 202 bears the title "Senate Bill," you might be surprised to know that this bill was never vetted by the Senate Ethics Committee. When Senate Ethics passed S.B. 202, it was a two page bill addressing absentee ballot applications. But the House completely stripped out the Senate's two page bill and replaced it with a new 98-page omnibus voting bill. The only vote in the Senate on the new bill the House sent over was to agree or disagree to their changes. There was virtually no opportunity to debate the bill in Committee or on the floor of the Senate.

The Senate Ethics Committee did consider dozens of other election bills during the 2021 session, many of which passed. However, the public was eerily absent from these hearings. This was due to the pandemic, but it was also due to last minute meeting notices, as well as Committee hearings scheduled before dawn and after dusk. Election bills were rushed through without public input and voted out along party lines. The Georgia Secretary of State, who oversees the state's elections, was never asked to address the Committee. Minority party Committee members often saw bills for the first time just minutes before bills were voted out. Questions addressed to bill authors by minority members were frequently answered dishonestly and disrespectfully. It was very apparent to me that there is no required "oath to tell the truth" in the Georgia General Assembly.

In the nine years I have served in the General Assembly, I have never seen such blatant disregard for the legislative process as I did with the passage of S.B. 202.

It is the voters who will suffer. One of my constituents worked the polls at a library, which prior to election day served as an early voting location. She told me the story of a young man who came to the library on his lunch hour, thinking he could vote, because he had voted at this library in the past. However, since it was Election Day, he was supposed to vote in his home precinct, way across town. Because he couldn't take more time off work, he cast a provisional ballot. Under S.B. 202, this man's vote would have been thrown out because he showed up at the wrong precinct before 5pm. Had the majority party not rushed through S.B. 202 with total disregard to public comment and input from experts, the Georgia General Assembly could be holding hearings right now, learning and studying actual problems with our election system, rather than reacting to fallout from conspiracy theories and lies.

Georgia is not unique. Election laws are currently being re-written across the nation. Where you live shouldn't determine how hard it is to vote and whether or not your vote is counted. The time is now to take action to pass national voting standards and I implore you to do so. Thank you for allowing me to address you today and I look forward to addressing your questions.

TESTIMONY OF HELEN BUTLER

EXECUTIVE DIRECTOR, GEORGIA COALITION FOR THE PEOPLE'S AGENDA

THE COMMITTEE ON RULES AND ADMINISTRATION OF THE UNITED STATES SENATE

ATLANTA FIELD HEARING ON

PROTECTING THE FREEDOM TO VOTE - RECENT CHANGES TO GEORGIA VOTING LAWS AND THE NEED FOR BASIC FEDERAL STANDARDS TO MAKE SURE ALL AMERICANS CAN VOTE IN THE WAY THAT WORKS BEST FOR THEM

NATIONAL CENTER FOR CIVIL AND HUMAN RIGHTS
100 IVAN ALLEN JR BLVD NW
ATLANTA, GEORGIA

JULY 19, 2021

I. Introduction

Chairwoman Klobuchar, Ranking Member Blunt, and Members of the Committee, my name is Helen Butler and I am the Executive Director of the Georgia Coalition for the People's Agenda ("PEOPLE'S AGENDA").

The PEOPLE'S AGENDA is a non-partisan, non-profit organization founded by the late Reverend Dr. Joseph E. Lowery and it is comprised of a coalition of representatives from civil rights, human rights, peace and justice organizations, and concerned citizens of the State of Georgia. The PEOPLE'S AGENDA is based in the greater Atlanta metro area, but we have members located throughout the entire State of Georgia who help to advance our mission and achieve our organizational goals.

Our mission seeks to improve the quality of governance in Georgia, create a more informed and active electorate, and ensure responsive and accountable elected officials. A significant focus of our work is on voter empowerment and ensuring equal access to the ballot for eligible Georgians of color and under-represented communities. Our voter empowerment work includes providing voter registration assistance with a focus on education and mobilization, at Historically Black Colleges and Universities (HBCUs), high schools, naturalization ceremonies, and community events, conducting town hall meetings and candidate forums to provide opportunities to learn about candidate positions and engage in dialogues, operating a "Get Out the Vote" campaign in central locations throughout the state to encourage voter turnout, running our Election Protection Project which informs voters of their rights and provides immediate relief for problems encountered on or before Election Day, and managing our "Vote Connection Center" which provides training and technical assistance to nonprofit organizations and individuals through effective issue campaign organizing and civic engagement.

The PEOPLE'S AGENDA has always been dedicated to fighting for the voting rights of Georgia's citizens through public education, training, advocacy, and litigation. We have been forced to spend even more time and resources fighting discriminatory voting laws, policies, and practices at the state and local levels in the wake of the Supreme Court's 2013 decision in *Shelby County v. Holder* due to the lack of the preclearance process and consequent loss of advance notice of voting changes that discriminate against Black voters and other voters of color.

And with the recent enactment of Georgia's omnibus voter suppression law, SB 202, and other bills during the 2021 legislative session that threaten free and fair elections in the state, the PEOPLE'S AGENDA will be forced to divert its limited resources to helping voters navigate the new, burdensome and arbitrary changes to mail voting, early voting, absentee ballot drop boxes, the criminalization of providing water to voters waiting in line to vote, and responding to unprecedented attacks on County Boards of Election and the Secretary of State by the majority party in the Georgia General Assembly, as well as other changes to voting and election procedures that are now in effect.

Today, I will speak to you about the recent changes to Georgia voting laws and other practices negatively impacting Georgia's Black voters and other voters of color that urgently require the enactment of basic federal voting standards to make sure all eligible Americans can vote in the way that works best for them, protect Black voters and other voters of color from

discriminatory barriers to the ballot box, and ensure that ballots cast by eligible voters are not tossed aside because of undue pressure on election officials by candidates or other partisans.

II. Georgia's New Omnibus Voter Suppression Law - Senate Bill 202

In the last two decades, the Georgia electorate has undergone significant demographic changes, with increases in the percentage of Black Georgians and other Georgians of color registering to vote, participating in elections, and utilizing mail voting and early voting for casting their ballots. As demonstrated by election analyses, Georgia's Black voters and voters of color usually provide strong support to Democratic candidates. These demographic changes and voting patterns have resulted in corresponding political changes in the state, including during the 2020 election cycle when Georgia elected its first Democratic presidential candidate since 1996, Joseph R. Biden, and its first Black United States Senator, Reverend Raphael Warnock.

Instead of welcoming the increasing diversity of Georgia's electorate and respecting the votes cast by Black voters and other voters of color, the immediate response by conservative members in the Georgia General Assembly to these political changes has been to enact new laws during the 2021 legislative session which are aimed at suppressing the votes of Black and Brown Georgians and which give the majority party in the state legislature the unprecedented power to undermine the state's free and fair elections by taking over County Boards of Election, suspending county supervisors of election, replacing the Secretary of State as a voting member on the State Election Board with a fifth member chosen by the majority party in the legislature, and reconstituting County Boards of Election to purge Black Board Members in order to achieve partisan ends.

These new changes came on the heels of unprecedented efforts by the former president and his allies to overturn the presidential election results in Georgia and in other battleground states based upon patently false assertions of widespread voter fraud - which were particularly aimed at jurisdictions having large populations of Black and Brown voters, such as Georgia in general and Fulton County in particular - and false claims that the state's Dominion voting machines flipped votes for President Trump to Joe Biden.

Notwithstanding the fact that Georgia Secretary of State Brad Raffensperger, and Gabriel Sterling, Georgia's voting systems implementation manager, repeatedly rejected the notion that there had been widespread voter fraud in the 2020 election cycle or that Georgia's new Dominion voting machine system had switched votes from President Trump to Joe Biden following audits and hand counts of the ballots,[1] the former president and his allies nevertheless kept up pressure on the Secretary of State to reverse the results of the presidential election in

[1] David Wickert and Greg Bluestein, *Georgia election chief to Trump: Drop the fraud allegations*, Atlanta Journal-Constitution, December 2, 2020 (available online at: https://www.ajc.com/politics/election/georgia-election-chief-to-trump-drop-the-fraud-allegations/PDNVA3RTQJC5XG5O5QYQ6ZG5MY/).; Alison Durkee, *Georgia Election Official: No Voter Fraud In Runoffs Except In Trump's 'Fertile Mind,'* Forbes, January 26, 2021 (available online at: https://www.forbes.com/sites/alisondurkee/2021/01/06/georgia-election-official-no-voter-fraud-in-runoffs-except-in-trump-fertile-mind/?sh=521736b2424a); *Georgia Election Audit Completed: Biden Victory, Finds No Widespread Fraud*, CBS Atlanta, November 20, 2020; (available online at: https://atlanta.cbslocal.com/2020/11/20/georgia-election-audit-completed-biden-victory-finds-no-widespread-fraud

Georgia. These efforts included the former president making a phone call to Georgia's Secretary of State pressuring him to "find the votes" to overturn Georgia's presidential election in his favor.[2] The former president's personal attorney, Rudolph Giuliani, and other allies also presented false and misleading claims of massive voter fraud and election machines flipping votes in testimony before Georgia General Assembly committees prior to the formal commencement of the 2021 legislative session.[3] Giuliani was subsequently suspended from practicing law in New York and in the District of Columbia, in part, because of demonstrably false and misleading statements about 2020 election results in Georgia and other battleground states.[4]

In the wake of the former president's false claims that the 2020 presidential election had been stolen from him due to massive voter fraud and voting machines flipping votes in Georgia and elsewhere, election officials have faced terrorizing death threats to themselves and their families.[5]

Shortly after Governor Brian Kemp signed SB 202, Georgia's omnibus voter suppression bill into law, Georgia's Republican Lieutenant Governor, Geoff Duncan, told CNN that the law was the fallout from a 10 week misinformation campaign by the former president and his allies, including by his personal attorney, Rudy Giuliani, who "showed up in a couple of committee rooms and spent hours spreading misinformation and sowing doubt across, you know, hours of testimony."[6]

These bills were rushed through committees, often with little or no time for members of the committees - much less the general public - to review the final versions of the bills before they were voted upon. In fact, in some of the committee hearings, the chair or bill drafters would announce proposed revisions to bills without circulating the amendments in writing for the public and to other legislators so they would be able to evaluate how proposed changes modified the existing language of the bills. This process, with virtually no real transparency nor bipartisan

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[2] Michael D. Shear and Stephanie Saul, *Trump, in Taped Call, Pressured Georgia Official to 'Find' Votes to Overturn Election,* New York Times,January 3, 2021(available online at: https://www.nytimes.com/2021/01/03/us/politics/trump-raffensperger-call-georgia.html).

[3] Stephen Fowler, *Fact Checking Rudy Giuliani's Grandiose Georgia Election Fraud Claim*, Georgia Public Broadcasting, December 4, 2020 (available online at: https://www.gpb.org/news/2020/12/04/fact-checking-rudy-giulianis-grandiose-georgia-election-fraud-claim).

[4] Greg Bluestein, *Court suspends Giuliani's law license, citing his lies about Georgia election fraud*, Atlanta Journal-Constitution, June 24, 2021 (available online at: https://www.ajc.com/politics/politics-blog/court-suspends-giulianis-law-license-citing-lies-about-georgia-election-fraud/KEIRAIRJYNBYTGFPKJB4ARSZ5Q/); Rachel Weiner, *Rudy Giuliani suspended from practicing law in D.C. court,* Washington Post, July 7, 2021.

[5] Linda So, *Trump-inspired death threats are terrorizing election workers*, Reuters, June 11, 2021 (available online at: https://www.reuters.com/investigates/special-report/usa-trump-georgia-threats/).

[6] Sara Murry, *Georgia's GOP lieutenant governor says Giuliani's false fraud claims helped lead to restrictive voting law,* CNN, April 8, 2021 (online at https://www.cnn.com/2021/04/07/politics/geoff-duncan-voter-fraud-cnntv/index.html).

support, culminated in the passage of the omnibus voter suppression bill, Senate Bill 202, which was entitled the "Election Integrity Act of 2021" ("SB 202"), on March 25, 2021.[7]

This bill began as a two-page stand-alone bill which put new restrictions on the sending of absentee ballot applications to voters and subsequently became a 98 page omnibus bill after it crossed over to the House. The very same day the General Assembly passed SB 202, Governor Brian Kemp swiftly signed the bill into law in the presence of six White men[8] in front of a painting of the Callaway Plantation - the site of a former cotton plantation where over one hundred enslaved Black people served its owners.[9] Park Cannon, a Black member of the Georgia House of Representatives, was arrested, handcuffed, and removed from the Capitol by police after knocking on the door to the room where Governor Kemp signed SB 202 into law, in an effort to witness the bill signing. Although she was initially charged with two felonies, the Fulton County District Attorney later declined to prosecute Representative Cannon for any alleged crimes.[10]

The preamble to SB 202 asserts, among other things, that the overhaul of Georgia's election procedures was deemed necessary by the majority party because some voters have concerns about allegations of rampant voter suppression and allegations of "rampant voter fraud,"[11] ignoring that these concerns were sparked by the disinformation campaign by the former president and his allies that the election was "stolen" due to massive voter fraud and voting machines flipping votes. The preamble also asserts the law was designed to "address the lack of elector confidence in the election system," reduce the burden on election officials, and streamline the process of conducting elections by promoting uniformity in voting.[12] The law does nothing of the kind.

Instead, with almost surgical precision, SB 202 targets the methods of voting increasingly used by Black voters and voters of color with arbitrary and unnecessarily burdensome requirements that will disenfranchise voters and potentially expose non-profit civic engagement organizations, such as the PEOPLE'S AGENDA, to large fines and criminal penalties for providing assistance to voters who will now need to navigate the law's complicated procedures.

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[7] Georgia SB 202 as passed on March 25, 2021 (online at https://www.legis.ga.gov/api/legislation/document/20212022/201498).

[8] Stephen Fowler, *Kemp Signs 98-Page Omnibus Elections Bill,* Georgia Public Broadcasting, March 25, 2021. (online at https://www.gpb.org/news/2021/03/25/kemp-signs-98-page-omnibus-elections-bill).

[9] Will Bunch, *Georgia governor signed a voter suppression law under a painting of a slave plantation*, Philadelphia Inquirer, March 26, 2021. (online at https://www.inquirer.com/opinion/georgia-governor-brian-kemp-painting-slave-plantation-20210326.html).

[10] Blayne Alexander and Dareh Gregorian, *Ga. lawmaker Cannon won't face prosecution for knocking on gov's door during bill signing*, NBC News, April 7, 2021. (online at https://www.nbcnews.com/politics/elections/ga-lawmaker-cannon-won-t-face-prosecution-knocking-gov-s-n1263338).

[11] SB 202, Section 2.

[12] *Id.*

SB 202's discriminatory and arbitrary changes include:

(1) Onerous and arbitrary absentee ballot application and ballot ID requirements that weigh more heavily on Black voters, other voters of color, and lower income voters who do not have a Georgia driver's license or state ID number. If a voter does not have a Georgia driver's license or state ID number to put onto their absentee ballot applications, they must include a copy of another form of acceptable ID with the absentee ballot application and, if they do not have a Social Security number, they must also include a copy of the ID when returning the voted ballot.[13] This must be done for *each election* in an election cycle, including each primary, general, special, and runoff election.

Even voters with a "free" Georgia voter ID card, which are issued to voters who do not have a Georgia driver's license or state ID number, cannot escape the requirement of submitting a copy of that ID with their absentee ballot applications for each election in a cycle and, if they do not have a Social Security number, with their voted absentee ballots when returning them to their county registrar.

Low income voters, especially Black and Brown voters who are more likely to be living in poverty than White voters and who have less access to computer technology in their homes to make copies of ID documents for absentee voting, will be disproportionately impacted by the new absentee ballot ID requirements.

This burden is amplified because the law also criminalizes the "handling" of absentee ballot applications by third parties, with few exceptions for those who assist voters in navigating these new requirements, including if they help the voter scan or copy the completed application and ID documents or try to help them fax or email the application and ID documents to election officials.[14]

If voters without a Georgia driver's license or state ID card do not include copies of alternative ID documents with their absentee ballot applications, the applications will be rejected. If voters, who do not have a Social Security number, fail to provide the copies of the ID documents when they return the voted ballot, they will be required to produce a form of acceptable ID to the county registrar within three days of the election in order for their absentee ballot to count.[15]

(2) Prohibiting public agencies and public employees from sending unsolicited absentee ballot applications to voters - something that the Georgia Secretary of State did when he sent unsolicited absentee ballot applications to all 6.9 million active Georgia voters ahead

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[13] *See* SB 202, Sections 25, 27 and 28.

[14] *Id.*

[15] *Id.*

of the June 2020 primary elections - and which a number of County Registrars offices did in previous election cycles to encourage absentee voting and voter turnout.[16]

(3) Subjecting private individuals and non-public entities, including the PEOPLE'S AGENDA and other non-profit civic engagement organizations attempting to assist voters with absentee voting, to potentially large fines for sending absentee ballot applications to voters unless they check the Secretary of State's data files in advance to determine whether a voter has already requested an absentee ballot application, returned the application or voted an absentee ballot.[17]

Even if the voter requested an absentee ballot application from their county registrar and it was never received or the voter submitted an application and never received their ballot, the PEOPLE'S AGENDA and other non-profit civic engagement organizations will run the risk of being fined if they send another application to that voter.

The law also requires the PEOPLE'S AGENDA and other groups and individuals to use the official absentee ballot applications from the Secretary of State's office when sending ballot applications to voters, but they must provide a confusing disclaimer that the application was not sent by a public entity or public official.[18]

(6) Delaying and compressing the time during which a voter can request or submit an absentee ballot and shortening the time when a runoff election takes place to 28 days after the original election, which will consequently and substantially shorten the voter registration and early voting periods for runoff elections.[19] Taken together with the new restrictions on early voting hours, drop box access limited to early voting locations and time, and the new 11 day deadline prior to an election for voters to request absentee ballots, the law will virtually guarantee that voters - especially those who are temporarily outside of the state - will be unable to cast ballots in crucial state and federal runoff elections.

(7) Giving county registrars unfettered discretion to limit early voting hours to 9 a.m. to 5 p.m. and to entirely eliminate Sunday early voting,[20] thereby making it difficult for voters who work, go to school or have other obligations during the work day to be able to access early voting and leading to the elimination of Sunday early voting in some counties despite its popularity with Black voters and other voters of color who conduct "Souls to

[16] *See* SB 202, Section 25.

[17] *Id.*

[18] *Id.*

[19] *See* SB 202, Section 42.

[20] *See* SB 202, Section 28.

the Polls" get out the vote campaigns involving Black Churches and other faith organizations following Sunday services.[21]

(8) Severely restricting the number of, and access to, absentee ballot drop boxes, which were heavily used by Georgians in the 2020 election cycle and were a more secure and reliable method of returning absentee by mail ballots than through the USPS mailboxes.

Under the new law, drop boxes must be *inside* early voting locations and will be available only during the days and hours when early voting is taking place, thereby making them unavailable to voters who cannot vote during early voting hours due to work, school, or other obligations during the day. Since early voting ends by the Friday prior to the election, voters will also not have access to drop boxes to return their ballots safely and securely to election officials during the final days preceding an election and on the day of an election when sending ballots via the U.S. mail will not ensure election officials will receive the ballots by close of the polls on Election Day. Additionally, counties are limited to having one drop box per 100,000 registered voters, which substantially limits the total number of drop boxes for each county.[22] This will substantially and negatively impact voters in metro-Atlanta counties who utilized the absentee ballot drop boxes in large numbers during the 2020 election cycle.[23]

(9) Disenfranchising out-of-precinct voters by arbitrarily prohibiting any out-of-precinct voting before 5:00 p.m. on Election Day and allowing only limited out-of-precinct voting after 5:00 p.m. for voters who go to the incorrect polling place in the county where they are registered to vote and swear out an affidavit that they cannot get to their correct polling location before the close of the polls at 7:00 p.m.[24] This change penalizes voters who do not receive timely or adequate notification of their polling locations and ignores the fact that Black voters and other voters of color have been disproportionately impacted by polling place closures and changes in the wake of the Shelby County decision that often result in voters going to the wrong polling place on Election Day.[25]

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[21] In 2018, conservatives in the legislature attempted to eliminate Sunday early voting in House Bill 363. However HB 363 died in the wake of negative media attention and advocacy by the PEOPLE'S AGENDA and other civic engagement and civil rights organizations. *See* Kira Lerner, UPDATED: Georgia bill that would eliminate Sunday voting and suppress black turnout fails, Think Progress, March 16, 2018. (online at https://thinkprogress.org/georgia-sunday-voting-cut-9c1c2ffafd18/).

[22] *See* SB 202, Section 26.

[23] Stephen Fowler, Mark Niesse, Sarah Kallis, and Isaiah Poritz, *Absentee Drop Box Use Soared In Democratic Areas Before Voting Law Change*, Georgia Public Broadcasting, July 12, 2021 (online available at: https://www.gpb.org/news/2021/07/12/absentee-drop-box-use-soared-in-democratic-areas-voting-law-change).

[24] *See* SB 202, Section 34.

[25] Stephen Fowler, *Why Do Nonwhite Georgia Voters Have To Wait In Line For Hours? Too Few Polling Places,* Georgia Public Broadcasting, October 17, 2020. (online at https://www.npr.org/2020/10/17/924527679/why-do-nonwhite-georgia-voters-have-to-wait-in-line-for-hours-too-few-polling-pl).

(10) Stripping the elected Secretary of State of his vote on the State Election Board, replacing the Secretary of State with a voting member appointed by the majority party in the General Assembly, and granting the State Election Board the power to effectively take over county Boards of Election, thereby endangering Georgia's free and fair elections by giving the majority party in the state legislature the power to overturn election results for partisan reasons.[26]

(11) Encouraging "unlimited" voter challenges on the eve of elections by other electors in the same county as the challenged voters.[27] True the Vote, along with Republican party operatives, led a campaign in numerous Georgia counties to challenge more than 364,000 registered Georgia voters for alleged address changes ahead of the January 2021 U.S. Senate runoff elections with little to no evidence showing the voters were not eligible to vote and substantially burdening election officials who were in the midst of preparing for and administering the elections.[28] SB 202 now codifies these types of mass voter challenges into Georgia law, regardless of whether there is any evidence supporting them and forces elections officials to conduct hearings within ten days of every challenge, with only three days' notice by mail of the hearings to challenged voters.

(12) Criminalizing the act of providing water and food to persons within 150 feet of a polling place or within 25 feet of any voters waiting in line to vote,[29] despite Georgia's history of forcing voters to wait in hours' long lines at polling locations - particularly in areas serving Black voters and voters of color which have been disproportionately impacted by polling place closures.[30]

(13) Prohibiting the use of mobile voting units,[31] such as the two mobile units purchased by Fulton County for $750,000 and deployed to alleviate overcrowded polling places with long lines unless the Governor declares an emergency and they are used to supplement the capacity of the polling place where the emergency circumstance occurred.[32]

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[26] *See* SB 202, Sections 3, 5-7, 12.

[27] *See* SB 202, Section 15.

[28] Mark Niesse, *Eligibility of 364,000 Georgia voters challenged before Senate runoff*, Atlanta Journal-Constitution, December 22, 2020. (online at https://www.ajc.com/politics/eligibility-of-364000-georgia-voters-challenged-before-senate-runoff/3UIMDOVRFVERXOJ3IBHYWZBWYI/).

[29] *See* SB 202, Section 33.

[30] Stephen Fowler, *Why Do Nonwhite Georgia Voters Have To Wait In Line For Hours? Too Few Polling Places,* Georgia Public Broadcasting, *supra*.

[31] *See* SB 202, Section 20.

[32] Ben Brasch, *Want to vote in Fulton's fancy new mobile voting bus? See the schedule,* (online at https://www.ajc.com/news/atlanta-news/want-to-vote-in-fultons-fancy-new-mobile-voting-bus-see-the-schedule/OXPVK4Y3ENAIRKOMYA43673ZLM/), Atlanta Journal-Constitution, October 19, 2020.

Many of these changes will severely and negatively impact many voters across Georgia, including rural voters, especially those living below the federal poverty line, who do not have reliable access to private vehicles or public transit options for transportation to the polls and to their county registrar's offices to vote in person, to deposit absentee ballots at drop boxes, to cure absentee ballot ID issues or to get to their correct polling location if they find out they are at the incorrect polling location.

Limiting access to early voting hours and restricting access to drop boxes to those same early voting hours will likely harm rural voters, including farmers and other agricultural workers, who spend their days - from early morning until sundown - toiling in their fields, caring for their livestock and tending to their other daily responsibilities - and who will be unable to avail themselves of early voting in counties adopting the bare minimum number of hours of early voting or absentee ballot drop boxes due to the new law which reduces the number of drop boxes and limits their availability to the same time and locations as where early voting is taking place.

Moreover, many rural Georgians still have no reliable access to broadband internet, making it difficult for them to access online voter education materials, necessary forms for absentee ballot applications or to be able to register to vote online. It is also likely they will encounter problems accessing the secure portal for submitting absentee ballot applications online when it becomes available due to the lack of access to broadband internet in many rural areas in Georgia.

Since all of the information posted on the Georgia Secretary of State's website is in English language only, agricultural workers and other Georgians with limited English proficiency will also face difficulties locating, understanding and downloading absentee ballot application forms and other critical election information about the new changes to voting procedures from the Secretary of State's website.

Rural Georgians will also face significant difficulties with the new and arbitrary restrictions on out of precinct voting, particularly those who do not have reliable private transportation and where there is a lack of reliable public transit options. Voters who go to the incorrect poll on Election Day before 5 p.m. will be disenfranchised if they cannot get to their correct polling location by the close of polls and those arriving at the incorrect polling location after 5 p.m. will have to submit a sworn affidavit stating they cannot get to their correct polling location before the close of the poll at 7 p.m. These restrictions apply even if the voter did not receive any or adequate notice of a change in their polling location or where polling place changes are made shortly before an election due to "emergency" conditions that render their correct polling location inaccessible.

This massive voter suppression law went fully into effect on July 1, 2021 before the State Election Board and Secretary of State implemented changes to the state's absentee ballot application, the process for securely submitting absentee ballot ID documents over the internet and without any adequate notice to voters about how the SB 202 changes could impact having their vote counted.

In fact, the first elections held under the new law took place on July 13, 2021 - before the new absentee ballot application has been adopted and before any notifications were posted on the Secretary's website about the new restrictions on drop boxes, early voting, out of precinct voting and the handling of absentee ballot applications.

The Georgia State Election Board has still not notified the public about the start of any official rulemaking process to adopt rules necessary for the implementation of all these voting changes. There have also been no scheduled Election Board meetings on the calendar since April 28, 2021.

This law is a prime example of why minimum federal standards, including those set forth in S.1 (For the People Act), are urgently needed to ensure that voters of color are not subjected to discriminatory, arbitrary and unreasonably burdensome barriers, such as those contained in SB 202. The restoration of the preclearance process under the John Lewis Voting Rights Advancement Act would also provide voters with more transparency and notice about election changes, such as those enacted with virtually no transparency by the Georgia legislature in 2021 that could negatively impact their ability to participate in elections or which discriminate on the basis of race or ethnicity. The Preventing Election Subversion Act of 2021 would also provide relief for election workers and officials who have been subjected to intimidation and death threats in the wake of the 2020 election cycle. There is absolutely no reason why election workers, who spend countless hours helping voters and administering Georgia's elections, should be intimidated and threatened for simply doing their jobs. This legislation would provide remedies for these unprecedented attacks on our democracy and right to vote.

III. Legislative Reconstitution of County Boards of Election and the Removal of Black Board Members

In addition to the new mechanisms for the takeover of county election boards and replacement of the Secretary of State as a voting member on the State Election Board contained in SB 202, the Georgia legislature also passed laws in the 2021 legislative session which waged war against selected counties' Boards of Elections in an effort to purge Black board members and ensure the majority party's control over the Boards of Election.

Morgan County, where I served as a member of the Board of Elections since 2010 and was a staunch advocate for voting rights and fair elections, is one of the Boards of Election that conservative legislators reconstituted by giving control over all appointments to the Republican controlled Board of County Commissioners instead of maintaining the bipartisan method of appointing Board Members existing under the prior law. This change resulted in my recent removal as a Board Member, along with a second Black Board Member, Avery Jackson.[33] See HB 162.[34]

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[33] Nick Corasaniti and Reid J. Epstein, *How Republican States Are Expanding Their Power Over Elections,* New York Times, June 19, 2021. (online at https://www.nytimes.com/2021/06/19/us/politics/republican-states.html).

[34] Georgia House Bill 162. (online at https://www.legis.ga.gov/api/legislation/document/20212022/197812).

Prior to my ouster as a member of the Morgan County Board of Election, I repeatedly fought against efforts by the majority party's members to close and consolidate polling places; objected to the rejection of absentee ballots where the voters' intent was clear because scanner settings did not count marks such as Xs and checkmarks as votes; advocated for the adoption of absentee ballot drop boxes and to make PPE available for poll workers and voters as voting took place during the COVID-19 pandemic; and spent countless hours monitoring Morgan County's polling locations to ensure that any issues which arose on Election Day were handled promptly to ensure that voters had a good experience voting on Election day. I also advocated for the Supervisor of Elections to recruit a more diverse pool of poll workers by reaching out to high school and college students as well as to members of both Young Republican and Young Democrat organizations and spent many hours attending trainings offered by the Georgia Secretary of State's office to ensure I had the information and tools necessary to fulfill my duties as a member of the Morgan County Board of Elections to ensure free and fair elections in Morgan County.

After both Mr. Jackson and I applied for reappointment to the Board following the enactment of HB 162, we were both rejected as candidates without being offered an interview with the Board of County Commissioners and without receiving any explanation from the Board of Commissioners about why were not re-appointed. As a result of the reconstitution of the Morgan County Board of Elections pursuant to HB 162, the Board is now comprised of four White Board members and just one Black Board member.

Having served more than ten years on the Morgan County Board of Elections without any allegations of wrongdoing or neglect of my official duties, I am left with the conclusion that I was ousted from the Board of Elections along with my colleague, Mr. Jackson, because we are Black and because we would not go along with efforts to suppress the vote in order to achieve a partisan result.

The General Assembly also targeted the Troup County Board of Elections, which was reconstituted with the enactment of HB 684.[35] As a result of this bill, long-time Black Board Member, Lonnie Hollis, was ousted. Ms. Hollis advocated for Sunday voting as well as a new precinct location at a Black church in a nearby town.[36]

The Spalding County Board of Elections was also targeted in the 2021 legislative session. The Board was reconstituted with the enactment of HB 769.[37] The fifth member of the Board of Elections will be replaced with a candidate chosen by a majority of the Spalding County Superior Court Judges.[38] Formerly, the fifth member was chosen in a bipartisan manner by the

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[35] Georgia House Bill 684 (2021). (online at https://www.legis.ga.gov/api/legislation/document/20212022/200601).

[36] *How Republican States Are Expanding Their Power Over Elections, supra.*

[37] Georgia House Bill 769 (2021) (online at https://www.legis.ga.gov/api/legislation/document/20212022/201683).

[38] *Id.*

two Republican and two Democratic members of the Board of Elections.[39] Currently, all of the Spalding County Superior Court Judges are White males. It is likely that at least one of the two Black Spalding County Board Members will lose their seats and that the new Board will terminate the County's Black election supervisor, Marcia Ridley.

The PEOPLE'S AGENDA is continuing to investigate the reasons why several other Boards of Elections were reconstituted in the past legislative session, including Carroll, Lincoln, Pickens, and Stephens and whether these changes were racially motivated or were made to enable members of the majority party to overturn election results they do not like.

The undemocratic take-overs of local boards of election authorized by the General Assembly and the reconstituting of County Boards of Elections to give day to day control to the majority party presents new risks to free and fair elections in Georgia.

IV. Redistricting

The 2021 redistricting cycle in Georgia will be the first redistricting cycle after the release of decennial Census data in the state in many years that will take place without the full protections of Section 5 of the Voting Rights Act.

The PEOPLE'S AGENDA fully expects that the majority party in the Georgia legislature will continue engaging in a secretive, backdoor map drawing process that provides little to no transparency. While the Joint Committee on Legislative and Congressional Reapportionment scheduled a series of Town Hall meetings for the public to submit comments prior to the release of the legacy and final Census data, the Joint Committee does not intend to respond to any questions from the public and there are no current plans to provide any meaningful opportunities for the public to participate in the fair drawing of districts after the release of the legacy and final Census data.

In fact, Representative Bonnie Rich, one of the Co-Chairs of the Committee, said during a June 15th Town Hall that the Committee was not sure whether they would even continue to hold public meetings after the final Census data is released.[40] Not holding meetings would prevent members of the public and their advocates, including the PEOPLE'S AGENDA, from reviewing and commenting on the legislature's proposed maps before they are adopted and signed into law. This is unacceptable and raises serious concerns that the delays in the release of the Census data will be used as a pretext to deny members of the public an opportunity to advocate against racially gerrymandered maps and plans that dilute the voting strength of Black voters and other voters of color.

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[39] *See* Code of Spalding County, Section 5.102, Georgia House Bill 657, § 1, 2-28-03) (online at https://library.municode.com/ga/spalding_county/codes/code_of_ordinances?nodeId=DIVILALOAP_PTVBOCOAU_CH6BOEL_S5.102ME).

[40] YouTube Video Recording of the June 15, 2021 Joint Committee on Legislative and Congressional Redistricting. (online at https://www.youtube.com/watch?v=Pk-fJxgYeUk).

Following the Shelby County decision, conservatives in the Georgia legislature introduced two mid-decade redistricting bills which sought to reduce the percentage of the Black population in Republican held districts that were starting to become more competitive. For example, during the 2015 legislative session, the conservative-led General Assembly passed House Bill 566, which included redistricting plans for House Districts 105 and 111, when the racial demographics of those districts were changing with increasing percentages of the minority population. Governor Deal signed the redistricting plans into law on May 12, 2015.[41] The Georgia State Conference of the NAACP, along with individual voters in Districts 105 and 111, filed a lawsuit challenging those redistricting plans as unconstitutional racial gerrymanders.[42] The Plaintiffs filed a motion for preliminary injunction to enjoin elections under the gerrymandered plans.

Although the three-judge panel assigned to the case denied the Plaintiffs' motion, finding that it fell short of meeting the high threshold for obtaining preliminary injunctive relief, the majority of the three-judge District Court panel found the Plaintiffs' evidence that race predominated the redistricting process to be "compelling" and noted that the whole idea of redistricting House Districts 105 and 111 arose amidst talk about the changing demographics in Gwinnett and Henry Counties.[43] The District Court's majority panel decision also highlighted an email noting that the redistricting plan reduced the percentage of Black population in House District 105 by two percentage points, which the stakeholders considered to mean they had accomplished their goal.[44]

Only two years later, and in the wake of Hillary Clinton winning eight of ten counties in the Metro Atlanta area in the 2016 presidential contest, conservative members of the Georgia House of Representatives introduced HB 515[45] during the 2017 legislative session which sought to strengthen two Republican Metro Atlanta districts, including House District 105 which had already been subject to mid-decade redistricting in 2015. The proposed plans involved decreasing the Black population in those districts to make them more competitive for Republicans. After this effort to racially gerrymander these House districts received significant negative local and national media attention[46] and staunch opposition from individual voters, the PEOPLE'S AGENDA, other civic engagement groups and voting rights experts, the proposed redistricting of the two House districts in HB 515 was eventually withdrawn.

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[41] See, legislative history of Georgia HB 566 (2015) on the Georgia General Assembly's website. (online at https://www.legis.ga.gov/legislation/44463).

[42] See, *Georgia State Conf. of NAACP v. Georgia*, 312 F. Supp. 3d 1357 (N.D. Ga. 2018).

[43] *Georgia State Conf. of NAACP, supra at* 312 F. Supp. 3d 1364-65.

[44] Id. at 312 F. Supp. 3d 1365.

[45] Georgia House Bill 515 (2017) (online at https://www.legis.ga.gov/api/legislation/document/20172018/169340).

[46] See, e.g., Mark Joseph Stern, *Georgia Republicans Pass Racial Gerrymander to Kick Black Voters Out of GOP Districts*, Slate, March 7, 2017; Kristina Torres, *House Republicans back off redrawing some district lines in Georgia*, Atlanta Journal Constitution, March 24, 2017. (online at https://www.ajc.com/news/state--regional-govt--politics/house-republicans-back-off-redrawing-some-district-lines-georgia/v0mnaGrqeudZIhOt0WZXlN/).

Given the history of unconstitutional racial gerrymandering and efforts to dilute the voting strength of Black voters and other voters of color by white conservatives in the Georgia General Assembly, the PEOPLE'S AGENDA is very concerned about the potential for a repeat of these tactics during the 2021-2022 redistricting cycle in Georgia - particularly in the absence of preclearance of the redistricting plans by the Department of Justice.

V. Voter Purges at the State and Local Levels in Georgia

Georgia Secretary of State, Brad Raffensperger, recently announced that his office identified over 100,000 Georgia registered voters who have been targeted for removal from the official voter registration list because of alleged address changes, mail returned to election offices and inactivity on the part of the voter.[47]

In a 2018 report, the Brennan Center for Justice found that states previously covered by Section 5 of the Voting Rights Act had shown significant increases in the numbers of voters purged from the voter registration rolls post-Shelby. In fact, the report found that Georgia purged approximately twice as many voters (1.5 million) between 2012 and 2016 than the state purged between 2008 and 2012. While many of these purges are attributable to the state's "use it or lose it" law that targets voters for removal after a period of inactivity, local county boards of election have also played an active, and sometimes unlawful and discriminatory role, in the purging of voters of color from the registration rolls to suppress the vote.

One of the most notorious post-Shelby purge cases at the local level in Georgia involved the removal of Black voters from the voter registration rolls by the majority white Hancock County Board of Elections and Registration during the summer and fall of 2015 before a hotly contested municipal election in the City of Sparta in which white candidates challenged long-term Black incumbents. All but two of the challenged voters were Black. The challenge proceedings resulted in the removal of 53 voters from the voter registration list. Many more eligible voters were threatened with removal from the rolls even though they were properly registered to vote in the county.

After time-consuming and expensive litigation, the parties eventually agreed to resolve the case with a consent order in which illegally purged voters were restored to the registration rolls, the board agreed to implement reforms to its purge processes, an independent "examiner" was appointed by the Court to monitor the board's compliance with the consent order, and the Court retained jurisdiction over the matter for a period of five years.

Since the Hancock County matter, the PEOPLE'S AGENDA has learned about other efforts made to purge voters improperly from the voter registration rolls in Laurens and DeKalb Counties. The PEOPLE'S AGENDA has been forced to divert time and resources to the

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[47] Brad Raffensperger, *Secretary Raffensperger Takes Action To Uphold Ballot Integrity With Major List Maintenance Effort*, Georgia Secretary of State's website. (online at https://sos.ga.gov/index.php/elections/secretary_raffensperger_takes_action_to_uphold_ballot_integrity_with_major_list_maintenance_effort).

investigation of these purges and litigation brought against DeKalb County by the PEOPLE'S AGENDA and the Georgia State Conference of the NAACP for improper purges of registered voters has now been settled with the County Board of Elections modifying its procedures and the restoration of improperly purged voters to the voter registration list.[48]

VI. Polling Place Closures and Changes

In the aftermath of the Shelby County decision in 2013, many of Georgia's county boards of election proposed or took action to close, consolidate or move polling locations—oftentimes in areas primarily serving voters of color and in underrepresented communities.

In fact, while Georgia added almost 2 million voters to its voter registration rolls since 2013, the total amount of polling places statewide decreased by 10 percent according to a joint report by Georgia Public Broadcasting, National Public Radio and ProPublica.[49] By June 2020, the report found "Georgia voters had 331 fewer polling places than in November 2012, a 13% reduction."[50] This report also found stark racial disparities in the decrease in polling locations in Black neighborhoods which have translated into long lines and delays at the polls. The report found that approximately two-thirds of the polling locations that had to stay open past the 7:00 p.m. poll closing time in the June 9, 2020 primary were in majority Black neighborhoods.[51]

The PEOPLE'S AGENDA anticipates that the efforts to close and change polling locations is likely to continue, especially in light of the campaign by the legislature in 2021 to reconstitute county Boards of Election and remove Black Board members who have opposed such efforts in the past.

In fact, in a recent article published in the Albany Herald, it was reported that the Dougherty County Board of Elections was planning to consider a proposal to close 10 of the county's 28 polling locations, purportedly due to low turnout in last November's general election[52] - ignoring the impact of the COVID-19 pandemic on in-person voting - with many voters choosing to vote by mail in the 2020 election cycle. After the PEOPLE'S AGENDA objected to the proposed closure of these polls, the Board of Elections tabled the idea.

Since the Shelby County decision, the PEOPLE'S AGENDA and other civic engagement organizations have been forced to devote a significant amount of time and resources to

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[48] Georgia State Conf. of Natl. Assn. for Advancement of Colored People v. DeKalb County Bd. of Registration and Elections, 484 F. Supp. 3d 1308 (N.D. Ga. 2020).

[49] *Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours? Too Few Polling Places,* Georgia Public Broadcasting, *supra*.

[50] *Id.*

[51] *Id.*

[52] Tim Wesselman, *Local precinct closings considered*, Albany Herald, June 19, 2021. (online at https://www.albanyherald.com/opinion/tim-wesselman-local-precinct-closings-considered/article_32ebe7c4-d121-11eb-ac14-33aa22a50d98.html).

monitoring proposals to close, consolidate or move polling locations across the state's 159 counties. Our work dealing with these polling place changes has included issuing public records requests for county boards of election minutes and agendas, sending staff and coalition members to observe and make comments at board of election meetings, submitting written objections to proposals to close or change polling locations, and organizing rapid response actions with community members who are impacted by these changes.

In the aftermath of the Shelby County decision and in the absence of preclearance, we often have little or no reasonable advance notice of these polling place changes, there has been a lack of transparency in the stated rationales for these changes in minority communities, and we are often forced to turn our attention toward organizing a rapid response in an attempt to stop or ameliorate these changes while juggling our other important organizational initiatives and priorities.

The PEOPLE'S AGENDA discovered the potential closure of polling locations by the Dougherty County Board of Elections through the aforementioned Albany Herald article. Notably, the Dougherty County Board of Elections, like a number of other Georgia County Boards of Election, does not publish its minutes or agendas on its website, making it difficult for the public to learn about plans to close polls or other changes in advance of the changes becoming final.

Prior to the Shelby County decision, county boards of election were required to submit polling place and voting precinct changes to the Department of Justice ("DOJ") for preclearance to ensure that the changes did not retrogress the ability of minority voters to elect candidates of their choice or discriminate against Black voters and other voters of color. The preclearance process prevented many of these changes from taking effect and acted as a deterrent to the adoption of such changes.

While the PEOPLE'S AGENDA and our state partners have achieved some success in stopping or ameliorating the scope of some polling place changes post-Shelby, we have been unable to prevent them all from taking effect. Some of the additional post-Shelby efforts to close, consolidate or move poll locations by county boards of elections in Georgia have included, but are not limited to:

- A proposal to close all but two polling places in Randolph County, which would have disproportionately impacted voters of color and suppressed the minority vote in this economically challenged, rural county, was tabled after the PEOPLE'S AGENDA and other advocacy groups organized community opposition to the plan;

- A proposal to eliminate all but one of the City of Fairburn polling places, even though the number of polling places had been increased in recent years because of long lines on Election Day, was rescinded following advocacy efforts by the PEOPLE'S AGENDA and other groups;

- A proposal to eliminate all but one of Elbert County precincts and polling locations to the detriment of voters of color in a rural county with no robust public transit service was rescinded after opposition by advocacy groups and voters;

- The PEOPLE'S AGENDA and other groups have led advocacy efforts to oppose polling place and precinct changes in Fulton County in the wake of Shelby with some success;

- A proposal to close 2 of 7 precincts and polling places in Morgan County after the county previously reduced the number of polling locations from 11 to 7 in 2012, was rejected after the board considered opposition to the plan by the PEOPLE'S AGENDA.

- A proposal to reduce the number of precincts and polling locations from 36 to 19 in Fayette County was tabled in the face of opposition by the PEOPLE'S AGENDA, other civic engagement groups and voters;

- A proposal to consolidate all polling locations to a single location in Hancock County, a majority-Black, economically challenged, rural county with no regularly scheduled public transit, was tabled after the PEOPLE'S AGENDA, other civic engagement groups and voters organized against the proposal;

- A proposal to eliminate 20 of 40 precincts and polling locations in majority-Black and economically challenged neighborhoods in Macon-Bibb County was scaled back as a result of advocacy efforts by the PEOPLE'S AGENDA and other civic engagement groups; and,

- A proposal by the Macon-Bibb County Board of Elections to move a polling location in a majority-Black precinct from a public gymnasium to a Sheriff's Office was defeated only after 20% of the registered voters in the precinct signed a petition opposing the move.

Consequently, we often have to devote even more time and resources to assist voters impacted by these changes. Since polling place closures and relocations are not always widely publicized by county boards of election, voters often show up to vote on Election Day at their former polling place and are surprised to learn that the poll has moved. In light of the changes made to out-of-precinct voting by SB 202, voters who show up to the incorrect polling location on Election Day before 5 p.m. will be disenfranchised if they cannot vote at their correct polling location before it closes. Voters who arrive after 5 p.m. will have to sign a sworn statement that they cannot get to their correct polling location by close of the poll or will be required to go to their correct polling location to cast their ballot.

Voters who are used to walking to their polling place and learn on Election Day that the poll has been moved several miles away may be unable to travel to the new polling location that day, especially if there is no accessible public transit. Some voters may have other commitments with their jobs, childcare or other responsibilities which prevent them from spending more time

traveling to the new polling location and, as a result, it is foreseeable that eligible voters will be disenfranchised by poll closures, such as those that were under consideration in Dougherty County.

Therefore, it is critically important that Congress restore the preclearance provisions of the Voting Rights Act to ensure that the increasingly partisan Boards of Election are not allowed to close and change polling locations to disenfranchise voters in order to achieve a partisan result.

VII. Georgia's Flawed Voter Registration Citizenship Match

The PEOPLE'S AGENDA, voters and advocates were forced to litigate multiple lawsuits over the past eleven years challenging various iterations of the state's "exact match" voter registration process that was demonstrated to prevent Georgia's eligible people of color from completing the voter registration process.[53] In fact, just prior to the 2018 mid-term election, the Associated Press reported that there were more than 53,000 voter registration applications on hold because of Georgia's "exact match" process—the vast majority of which had been submitted by Georgians of color.[54]

While the legislature and Governor Kemp finally abandoned the exact identity match requirement, which prevented applicants from completing the registration process unless there was an exact match of their name, date of birth, and Georgia driver's license or Social Security number listed on their voter registration form with the state's Department of Driver's Services or Social Security records, they have done nothing to remedy the routine flagging of Georgia's United States citizens as potential non-citizens because of the state's continued use of outdated citizenship records in the voter registration process. The PEOPLE'S AGENDA and other civic engagement organizations believe that the state's refusal to reform the deficient citizenship match process has more to do with the current anti-immigrant mood within certain segments of Georgia's state government and legislature than with any legitimate rationale that this process is warranted to prevent non-citizens from registering to vote—particularly when the process relies on outdated citizenship data that does not reflect current information about the citizenship of the applicants.

As a result, the deficient and discriminatory citizenship match process has been allowed to continue, delaying or preventing Georgians who are United States citizens from completing the voter registration process. The PEOPLE'S AGENDA will be forced to continue to divert time and resources to the litigation challenging this process for the foreseeable future in the absence of preclearance.

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[53] See *Morales v. Handel*, Civil Action No. 1:08–CV–3172, 2008 WL 9401054 (N.D.Ga. 2008); *Georgia State Conference of the NAACP v. Kemp*, Civil Action No. 2:16-cv-00219-WCO (N.D.Ga. 2016); *Georgia Coalition for the People's Agenda v. Kemp*, 1:18-CV-04727-ELR (N.D. Ga. 2018).

[54] Ben Nadler, Voting rights become a flashpoint in Georgia governor's race, AP, October 9, 2018. (online at https://www.apnews.com/fb011f39af3b40518b572c8cce6e906c.)

VIII. Conclusion

Despite these wide-ranging efforts to suppress the votes of Black and Brown Georgians through the enactment of SB 202 and the new undemocratic challenges posed by legislation allowing for the take-over and reconstitution of County Boards of Election by the majority party, the PEOPLE'S AGENDA and our sister organizations will continue our important work to protect the vote, eliminate barriers to the ballot box, and to ensure equal participation in the political process for Georgians of color and underrepresented communities. However, we are extremely concerned about the voting landscape in Georgia following the enactment of the omnibus voter suppression law, SB 202, the ongoing efforts to politicize Georgia's County Boards of Election, efforts to close polling locations serving majority minority communities and the upcoming redistricting cycle without the full protection of the Voting Rights Act and urge Congress to pass legislation to ensure that all eligible Georgians and eligible voters across the country who wish to cast a ballot will be able to do so and that their ballots will be counted.

The For the People Act, if enacted, would guarantee that Georgia citizens have free and fair access to the ballot. The For the People Act would modernize our voter registration systems, ensuring that every eligible American has meaningful opportunities to register to vote, including on the same day of the election. It would create more opportunities to vote by requiring a minimum of two weeks of early voting and no-excuse absentee voting. The law requires that all election materials, including registration forms and ballot applications, be provided with prepaid postage, eliminating cost as a factor for whether a person can vote by mail. The law also requires states to provide drop boxes for federal ballots, giving voters a convenient option to deliver their ballots. These provisions would limit the harmful effects of SB 202 and protect the right to vote from any further efforts to suppress the vote by Georgia's legislature.

Senate Witness Testimony
July 19, 2021

José Segarra--Houston County

Good morning Chairwoman Klobuchar and members of the committee. My name is José Segarra and I live in Warner Robins, GA which is in Houston County in central Georgia. Thank you for the opportunity you've given me to express my experience. Voting is sacred to me as a citizen. I believe that Americans have a civic responsibility to elect the best officials who will best serve us and our communities.

I grew up in Puerto Rico and since I was a kid, I saw the importance of doing your due diligence in electing leaders. Voting is a minimal duty that we have as citizens. Voting is the starting point for our rights and responsibilities as Americans.

I first came to Georgia as an US Air Force officer in August 1992. I registered to vote when I moved to Georgia and have been a regular voter in Georgia ever since. I served in the Air Force from 1986 through December 1992 and served during Operation Desert Storm. I now work at Robins Air Force Base.

Voting is sacred to me. That's how I feel about it. The voting process should be as easy as possible for eligible voters and unnecessary voting rules should not restrict people's freedom to vote.

For too many Georgians—and too many Americans—our ability to cast our ballot and have it count is in peril. This past year, I had to go to extraordinary lengths to accomplish the simple but consequential task of casting my ballot. I, along with thousands of Georgians, had to wait for hours in order to cast my vote in the 2020 General Election. In fact, I had to go to the polls twice in order to vote.

As part of doing my civic duty, I made a plan to take my friends who are an elderly couple with me to the polls on the first day of early voting. During the first week of early voting our county only had one early voting location open for its approximately 160,000 residents. The Secretary of State's office establishes the required days for early voting. According to the Secretary of State's Office, early voting for the November 2020 General Election would begin on Monday October 12, but that day was Columbus Day. Houston County chose not to start early voting until the next day, Tuesday October 13. The Macon Telegraph newspaper reported that Monday October 12, 2020

had record high voter turnout in counties where voting was open, but Houston was one of fifty counties in Georgia that did not have voting that day.

Tuesday morning, we drove from Warner Robins to the Houston County Courthouse in Perry, GA and arrived at 7:15am. Voting began at 8:00am and we thought we arrived with plenty of time to vote quickly and be on our way.

To our surprise, there was already a line around the courthouse, snaking all the way around the block. The line went up the stairs to the entrance of the courthouse. One of my elderly friends is a knee replacement candidate and is diabetic. His wife, who is a retired teacher, has acute arthritis and uses a walker. We were worried about them standing in line and going up the stairs. There was no separate line for people with disabilities or the elderly. We knew that my friends could not sustain waiting in that line, so we left without voting. They ended up voting by mail.

My wife and I went back to early vote on October 27, 2020. This time I was able to go to the Middle Georgia Technical College in Warner Robins, which was open for the last two weeks of early voting. My wife and I arrived around 3:00. We parked the car and got in line outside the main building. My wife had a co-worker who is also from Puerto Rico and was new to Georgia. She registered to vote but had not voted in Georgia before and was confused by the process. We met her at the polling place.

The line went through the parking lot and around the building. We were not protected from the elements as we waited outside. I saw a lot of people come into the parking lot, see the line and then leave. At one point, there were people giving out water bottles. It was uncomfortable to stand and wait so long. I felt bad to see elderly people and pregnant women standing in the line. Some people brought chairs, but many were standing.

Poll workers would come outside and try to be helpful but they did not explain the reason for the lengthy delay. After an hour and a half, we made it inside--finally. Then we had to wait for another hour and a half. There were restrooms inside, but the water fountains were turned off. It was crowded inside. At this point my wife's co-worker who was in line with us became worried because she had to pick up her baby from childcare. She was worried that she would not get there before the childcare center closed. She called her husband from the line to see if he could pick up the baby, but he was at work.

We were still in line when the polling place officially closed at 5:00pm, but we were allowed to remain in line and vote. We ended up casting our ballots at 6:00pm--three hours after we arrived. My wife's co-worker rushed from the polling place to pick up her child in case her husband wasn't able to get there first. We learned later that her husband had to get time off from work and was able to pick up the baby.

I later learned that Houston County had a median wait time of over an hour for early voting. And, across the state, some of my fellow Georgians waited up to eight hours to vote. Election observers reported that several people fainted while in line in Savannah and Atlanta.

Long lines have disproportionately affected voters of color. Since 2013 when the Supreme Court decision in Shelby County vs. Holder resulted in Georgia and other states no longer having to preclear changes to voting regulations, polling locations have been cut statewide by nearly 10%, according to an analysis of state and local records by Georgia Public Broadcasting and ProPublica. At the same time, the voter rolls have grown with much of the growth fueled by younger, nonwhite voters.

I have learned that, between 2012 and 2018, 1,700 polling locations across 13 states were closed causing long lines in many states to worsen (Leadership Conference). In Georgia, 214 polling locations were closed. Seven counties closed all but one polling location; three out of five of the counties that closed the greatest percentage of polling locations have large populations of voters of color, including Warren County, which closed 83% of its polling locations and whose electorate is 61% Black voters. (Mark Niesse, Maya Prabhu, Jacquelyn Elias, *Voting Precincts Closed Across Georgia Since Election Oversight Lifted,* The Atlanta Journal-Constitution, September 4, 2018).

In part due to these closures, voters in neighborhoods with a majority of people of color have consistently experienced longer wait times than voters in predominantly white communities. (Stephen Fowler, *For Nonwhite Georgia Voters, Numbers Have Soared, as Polling Places Dwindled*, ProPublica, Georgia Public Broadcasting, National Public Radio, October 17, 2020).

This is wrong. It should not take so long to vote. According to The Presidential Commission on Election Administration, no citizen should have to wait more than 30 minutes to vote. (The Presidential Comm'n on Election Admin., *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration 13*, 2014). I had to wait six times that measure. I'm fortunate because my job allows me to take time off to vote, and I was able to work from home during the pandemic.

Imagine if I hadn’t been so lucky, and I had taken Tuesday off to vote, only to have to turn around and leave. I would have to ask my boss for another day off. It is unacceptable that in Houston, or Cobb County, or Chatham County a person would have to wait half a day or miss a full day of work or two just to exercise their constitutional right.

Our government needs to ensure that we have adequate systems and processes in place to allow every eligible voter to cast their ballot without such undue burdens. I am a very disciplined person and my military background helps me assert my freedom to vote; it should be as easy as possible for eligible voters to vote. To do this, we need to have an adequate number of polling locations and these locations to be properly resourced and open for as expansive a period as possible. Voters should have the opportunity to vote on Saturdays and Sundays. Lots of people work on Saturdays, so Sundays need to be an option. It would also make it much easier for some people to vote if Election Day were a federal holiday.

As I mentioned at the beginning of my testimony, I take voting very seriously. I am willing to overcome long lines and last minute polling place changes in order to vote, but it shouldn't be this hard.

I served my country as a member of the armed forces and continue to serve by encouraging voting in my community. I am here to respectfully ask for your help, Senators, in protecting my freedom to vote by passing legislation that will address these unacceptably long lines and ensure that every eligible voter has the opportunity to participate, not just those of us who can take three hours off from work to stand in line and so that nobody has to choose between a paycheck and exercising a much sacred constitutional right.

SPLC | ACTION

July 16, 2021

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
U.S. Senate
Washington, DC 20510

The Honorable Roy Blunt
Ranking Member
Committee on Rules and Administration
U.S. Senate
Washington, DC 20510

Dear Chairwoman Klobuchar & Ranking Member Blunt:

As part of the July 19, 2021, Senate Rules Committee's upcoming field hearing in Georgia, "**Protecting the Freedom to Vote: Recent Changes to Georgia Voting Laws and the Need for Basic Federal Standards to Make Sure All Americans Can Vote in the Way that Works Best for Them**," we write to provide the views of the Southern Poverty Law Center (SPLC) Action Fund. We ask that this statement be included as part of the official hearing record.

The SPLC Action Fund is dedicated to fighting for racial justice alongside impacted communities in pursuit of equity and opportunity for all. We work primarily in the Southeast United States where we have offices in Alabama, Georgia, Florida, Louisiana, Mississippi, and Washington, D.C. The SPLC Action Fund promotes policies and laws that will eliminate the structural racism and inequalities that fuel oppression of people of color, immigrants, young people, women, low-income people, and the LGBTQ+ community.

I lead a team of legal, organizing, and technical experts working to empower voters and eliminate disenfranchisement and discrimination in voting in the Deep South—primarily Alabama, Georgia, Florida, Louisiana, and Mississippi. Launched in early 2019, SPLC's Voting Rights Practice Group works in collaboration with community partners and organizers to engage and mobilize voters, restore voting rights to people with felony convictions, pursue electoral policy reforms, and bring litigation to challenge unconstitutional and discriminatory voting practices. Our efforts include expanding access to the ballot, ensuring equal access to the ballot—including efforts around the 2020 Census and redistricting—election administration, and community outreach and engagement.[1] In partnership with the Community Foundation of Greater Atlanta, we launched Vote Your Voice—an initiative in which we are investing up to

[1] Southern Poverty Law Ctr., Voting Rights, https://www.splcenter.org/our-issues/voting-rights (last visited Feb. 19, 2021).

$30 million in nonpartisan, nonprofit voter outreach organizations in our focus states to increase voter registration and participation among people of color.[2]

On March 10, the SPLC released a report entitled *Overcoming the Unprecedented: Southern Voters' Battle Against Voter Suppression, Intimidation, and a Virus*, which explored barriers voters faced during the 2020 election season in Alabama, Georgia, Florida, Louisiana, and Mississippi, including polling place consolidations and restrictions on voting opportunities.[3] The following statement reviews and expands upon the report's findings.

On March 29, 2021, SPLC and its co-counsel filed suit to stop Georgia's burdensome and racially discriminatory voter suppression law, which, among other restrictions, severely limits drop boxes for absentee ballots and the use of mobile voting units. Drop boxes and mobile voting units have been used to address a shortage of accessible and secure polling locations that previously resulted in long lines of voters at existing and traditional polling locations.[4]

On June 14, 2021, SPLC and its co-counsel filed suit to challenge a Florida law that, among other things, requires groups engaged in voter registration activities to provide misleading information to voters that the organization "might not" submit the voter's registration application on time and to direct voters to the state's online registration portal.

The need for bold, transformational federal democracy reform is urgent.

VOTER SUPPRESSION IS ALIVE & WELL IN THE DEEP SOUTH

What is clear from our work in the Deep South over the last 50 years—and the work of our sister organizations dating back to the passage of the Voting Rights Act of 1965 (VRA)—is that efforts to disenfranchise Black people and historically marginalized communities are alive and well. The 2020 election season, in which election officials in many southern states failed to protect voters and their loved ones during a deadly pandemic, revealed not only deep faults in our electoral system, but also the resilience and dedication of voters in the Deep South. Only through bold, decisive action can lawmakers ensure that voters are protected from efforts to exclude them from the political process.

This is especially urgent in the Deep South, where voters have been without the full protections of the Voting Rights Act for nearly eight years and state legislatures in 2021 are further rolling back access to the ballot.

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[2] Southern Poverty Law Ctr., Vote Your Voice, https://www.splcenter.org/vote-your-voice (last visited Feb. 19, 2021). The Vote Your Voice campaign seeks to: empower communities of color by aiding them in their fight against voter suppression; support Black- and brown-led voter outreach organizations often ignored by traditional funders; support and prototype effective voter engagement strategies; and re-enfranchise returning citizens despite intentional bureaucratic challenges.

[3] Southern Poverty Law Ctr., Overcoming the Unprecedented: Southern Voters' Battle Against Voter Suppression, Intimidation, and a Virus (2021), https://www.splcenter.org/sites/default/files/splc_vr_report_overcoming_the_unprecedented_mar_2021.pdf.

[4] On May 24, 2021, Plaintiffs filed an amended complaint: https://www.splcenter.org/sites/default/files/documents/083_ame_et_al_fac.pdf.

***Shelby County, Ala. v. Holder, Brnovich v. Democratic National Committee* & the Onslaught of Voter Suppression in Its Wake**

The single most devastating moment for voters in the last decade was the misguided 2013 Supreme Court decision in *Shelby County, Ala. v. Holder*, which demolished the heart of the Voting Rights Act of 1965. The decision rendered Section 5 unenforceable, releasing states and localities with histories of racial discrimination in voting from the requirement to receive federal approval before making any new voting changes.[5] Of SPLC Action's focus states, all but Florida were covered by Section 5 in full, and Florida was covered in part. In the nearly eight years since the *Shelby County* decision, Congress has been unable to pass a new coverage formula.[6] And the onslaught of discriminatory and burdensome voting changes that have been documented—some of which were challenged in court—not only demonstrate the errors of the *Shelby County* majority in getting rid of Section 5's protections, but also reveal the urgency of passing a new coverage formula to protect voters from officials who seek to restrict, not protect, the vote. This past term, the Supreme Court dealt another devastating blow to voters. In *Brnovich v. Democratic National Committee*, the Supreme Court severely weakened Section 2 of the Voting Rights Act,[7] a key provision upon which the SPLC and other legal advocates relied to challenge laws and practices that operate to deny the right to vote to Black and other historically disenfranchised voters after *Shelby County* rendered Section 5 inoperable. *Brnovich* strips Section 2 of the broad categories of protections Congress installed in its 1982 amendments to the Voting Rights Act to account for the increasingly prevalent facially-neutral laws that disproportionately suppress voting access for people of color—including the types of laws at issue in the *Brnovich* case itself. With two watershed opinions in less than a decade, the Supreme Court moves dangerously close to shutting the door on legal recourse for voter suppression and discrimination. Congress must act urgently to protect voting rights and course-correct the Supreme Court from this destructive path.

The SPLC Action Fund urges the 117th Congress to prioritize swift introduction and passage of the John R. Lewis Voting Rights Act (H.R. 4).[8] The only remedy for the harm caused by the loss of Section 5 is to restore the full power of the Voting Rights Act and revive the federal government's ability to block proposed voting practices that will harm voters before they occur. The John R. Lewis Voting Rights Act would restore Section 5 by ensuring the new coverage formula speaks to "current conditions," in compliance with the *Shelby County* ruling. Additionally, SPLC Action urges Congress to address the misguided opinion in *Brnovich* by reinstating and clarifying through legislation the broad power of Section 2 in protecting against racial discrimination in voting.

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[5] *Shelby Cty., Ala. v. Holder*, 570 U.S. 529 (2013).
[6] PBS News Hour, *House passes bill to restore key parts of Voting Rights Act*, Dec. 6, 2019, https://www.pbs.org/newshour/politics/house-passes-bill-to-restore-key-parts-of-voting-rights-act.
[7] *Brnovich v. Democratic Nat'l Comm.*, No. 19-1257, 594 U.S. __ (2021).
[8] The John Lewis Voting Rights Advancement Act (H.R. 4), was passed in the House during the 116th Congress in 2019.

Between the reauthorizations of the VRA in 1982 and 2006, the DOJ blocked more than 700 proposed voting changes because of their discriminatory impact; more than 100 changes in Alabama were blocked from 1969 to 2008.[9] More than 800 additional proposed changes were altered or withdrawn voluntarily after the DOJ requested additional information.[10] When a misguided majority of the Supreme Court invalidated the coverage formula for Section 5, the late Justice Ruth Bader Ginsburg wrote in her dissent:

> The sad irony of today's decision lies in its utter failure to grasp why the VRA has proven effective. The Court appears to believe that the VRA's success in eliminating the specific devices extant in 1965 means that preclearance is no longer needed. With that belief, and the argument derived from it, history repeats itself.[11]

As Justice Ginsburg predicted, history has repeated itself. In fact, much of the progress gained by enforcement of Section 5 has been rolled back.[12] Indeed, within a day of the *Shelby County* decision, Texas implemented a racially discriminatory photo ID law, and North Carolina passed a voter suppression law that a federal court later ruled targeted Black voters with "almost surgical precision."[13] Since the decision, advocates, journalists, and voters have attempted to track the many and varied voting changes that have occurred in previously covered states and localities. In SPLC Action's five focus states, these changes range from discriminatory registration requirements and closures of polling places to illegal purges of registered voters and discriminatory election and redistricting plans.[14]

In February 2020, we published the report *Alive and Well: Voter Suppression and Election Mismanagement in Alabama*.[15] It analyzed the impact of Alabama's lack of early voting, onerous restrictions on absentee voting, confusing felony re-enfranchisement procedures, lack of adequate public education, poorly trained poll workers, and other obstacles and failures.

Alabama is the epicenter of the struggle for voting rights: Bloody Sunday in Selma was the catalyst for the passage of the VRA and nearly 50 years later just up the road in Shelby County, a case began that would strike down the VRA's most effective provision. Following the *Shelby County* decision, Alabama implemented a photo voter ID law despite documented evidence that

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[9] Southern Poverty Law Ctr., Alive & Well: Voter Suppression & Election Mismanagement in Alabama 9 (Feb. 10, 2020), https://www.splcenter.org/sites/default/files/splc_voter_suppression_in_alabama_report.pdf.
[10] *Id.*
[11] *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 592 (2013) (Ginsburg, J., dissenting).
[12] P.R. Lockhart, *How Shelby County v. Holder upended voting rights in America*, Vox, June 25, 2019, https://www.vox.com/policy-and-politics/2019/6/25/18701277/shelby-county-v-holder-anniversary-voting-rights-suppression-congress.
[13] *See* Brennan Ctr. for Justice, The Effects of Shelby County v. Holder (Aug. 6, 2018), https://www.brennancenter.org/our-work/policy-solutions/effects-shelby-county-v-holder.
[14] *See, e.g.*, *id.*; Vann R. Newkirk II, *How* Shelby County v. Holder *Broke America*, July 10, 2018, https://www.theatlantic.com/politics/archive/2018/07/how-shelby-county-broke-america/564707/; Sam Levine & Ankita Rao, *In 2013 the supreme court gutted voting rights—how has it changed the US?*, June 25, 2020, https://www.theguardian.com/us-news/2020/jun/25/shelby-county-anniversary-voting-rights-act-consequences.
[15] Southern Poverty Law Ctr., Alive and Well: Voter Suppression and Election Mismanagement in Alabama (Feb. 10, 2020), https://www.splcenter.org/20200210/alive-and-well-voter-suppression-and-election-mismanagement-alabama.

Black and low-income voters are less likely to possess an acceptable ID as compared to white voters.[16] The state then closed 31 driver's license offices in predominantly Black counties, which made it even more difficult for voters to obtain acceptable photo ID. The state eventually reopened the offices, but only after intense public pressure to reverse its decision.[17]

States and local jurisdictions across the South have continued to implement discriminatory and burdensome laws, policies, and practices since the *Shelby County* decision.[18] Some of these laws have been challenged in court, but the breadth of potentially harmful voting changes—known and unknown—taking place since *Shelby County*—cannot be overemphasized.[19]

Because so many harmful and discriminatory voting changes have been implemented in the years since *Shelby County*, Congress must also prioritize passage of the For the People Act (S. 2093/H.R. 1). The For the People Act, which passed the House on March 3, 2021, will implement structural democracy reforms to protect and strengthen the right of all citizens to vote and participate in our political processes.

Americans from All Parties, Ideologies, & Regions Support Reforms To Allow Safe, Easy, & Equitable Access to the Fundamental Right To Vote

In May 2021, the SPLC released the results of a national poll of 1000 representative voters in the United States, conducted by Tulchin Research, finding widespread support for nationwide standards for voting as well as for passing federal legislation H.R. 1, the For the People Act.[20] The poll found that in 2020, voters utilized a diverse set of voting methods, including voting by mail (30%), in-person on election day (27%), in-person early before election day (26%), by drop-box (10%), and in-person by absentee ballot before election day (8%). And voters *strongly* prefer (80%) to continue using the voting method they used in 2020 in future elections.

The poll also found that voters strongly support (67%) the For the People Act, including its key elements:

- 67% support guaranteeing voters in every state at least two weeks of early voting access;
- 69% support placing voter registration centers on high school and college campuses;
- 69% support preventing states from removing eligible registered voters from voting rolls;

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[16] Am. Compl., *Greater Birmingham Ministries v. State of Alabama*, 2:15-cv-02193-LSC (N.D. Ala May 3, 2016), https://www.naacpldf.org/wp-content/uploads/Greater-Birmingham-Ministries-v.-Alabama-Amended-Complaint.pdf.

[17] Bryan Lyman, *Alabama Will Reopen Closed DMV Offices in Black Counties*, Oct. 20, 2015, https://www.governing.com/topics/politics/drivers-license-offices-will-reopenon-limited-basis.html.

[18] *See, e.g.*, Wendy Weiser & Max Feldman, Brennan Ctr. for Justice, *The State of Voting 2018* (June 5, 2018), https://www.brennancenter.org/sites/default/files/2019-08/Report_State_of_Voting_2018.pdf; Jonathan Brater, et al., Brennan Ctr. for Justice, *Purges: A Growing Threat to the Right to Vote* (2018), https://www.brennancenter.org/sites/default/files/2019-08/Report_Purges_Growing_Threat.pdf.

[19] NAACP Legal Defense & Educational Fund, Inc., Democracy Diminished: State & Local Threats to Voting Post-*Shelby County, Alabama v. Holder* (updated Nov. 13, 2020), https://www.naacpldf.org/wp-content/uploads/State-local-responses-post-Shelby-11.12.20-final.pdf.

[20] The full memo is available here: https://www.splcenter.org/sites/default/files/tulchin-final-memo_to-press.pdf.

- 70% support placing secure drop-boxes in every voting precinct;
- 82% support ensuring voting access to voters with disabilities; and
- 85% support ensuring that there are enough voting locations so wait times never exceed 30 minutes.

As 2020 Elections & COVID-19 Pandemic Showed, Deep South Electoral System Needs Repair

Efforts to suppress the political participation of voters of color, younger voters, new citizens, voters with disabilities, and voters who are low-income are widespread. Elected officials resist commonsense reforms that would make voting simple and accessible to all, including online voter registration, no-excuse absentee voting, early voting, and automatic voter registration. In much of America, in-person voting on Election Day is no longer the most common voting method. In SPLC Action's focus states, it remains the only option for millions of people. In the Deep South, Black, Latinx, and Indigenous voters face a series of racist, systemic barriers to voting, including long lines and closed polling places, overbroad and discriminatory purges of registered voters, and overt voter intimidation.

Restrictions on Opportunities To Vote During the Pandemic

Curtailing voters' choices about where, when, and how they vote would suppress participation during a simple election year. During the 2020 election season, amid the COVID-19 pandemic, these policies made voting a potentially deadly act for voters, their families, and their communities. Without early and absentee voting options, thousands of voters would need to gather at the polls on Election Day—often in small local churches, libraries, and community centers where it is impossible to practice social distancing. The pandemic turned the most common and accessible method of voting in the Deep South into a public health threat.

Restrictive voting policies also compounded existing inequities in voting access between white and Black citizens. People of color—Black people, in particular—have been disproportionately affected by COVID-19, suffering more hospitalizations and deaths than other populations.[21] Voting in person was a risk for everyone in 2020, but it was an even greater one for Black Americans.

For the 2020 election cycle, each of SPLC Action's focus states needed significant changes to their election processes to create a safe and accessible voting experience, though some had more work to do than others. Both Florida and Georgia already had no-excuse absentee voting, but they needed to make the application process more accessible and to prepare for an enormous increase in absentee voting. Alabama, Mississippi, and Louisiana do not offer no-excuse absentee voting, and all three states have unnecessary, burdensome requirements that make absentee voting risky for those who do qualify. Reforms approved easily in one state sparked strong opposition in others. Alabama's secretary of state allowed voters who feared COVID-19

[21] Ctrs. for Disease Control & Prevention, Hospitalization and Death by Race/Ethnicity, https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html (last updated Feb. 12, 2021).

exposure at the polls to vote absentee using an existing excuse but failed to remove other hurdles and had a policy that banned curbside voting.[22] In Louisiana, Republicans in the state legislature vehemently opposed even modest expansions to absentee voting.[23] And in Mississippi, most voters do not qualify to vote absentee, but those who do must seek out a notary not once, but twice to cast their absentee ballot. Overall, every state did something, but no state did enough to ensure voters were not asked to choose between their health and their vote in 2020. With co-counsel, the SPLC represented Black voters, high-risk voters, voters with disabilities, membership organizations, and voter engagement organizations to ensure that voters in Alabama,[24] Mississippi,[25] and Louisiana[26] were not disenfranchised.

Not only was casting a ballot dangerous, but election administrators also faced new challenges.[27] Election officials had to quickly evaluate and modify standard election procedures to reduce the risk of spreading COVID-19. County election offices and polling places were often not large enough to accommodate social distancing and were inappropriate to use during a pandemic. Additional funding from the CARES Act helped facilitate some of this work, but the strain on officials was still immense. In just a few months, they had to reevaluate every piece of the election system, all during one of the highest-profile elections in recent memory.

Ballot Curing & Rejection

After a ballot is cast, it may still be held as challenged or rejected by election officials for a variety of reasons and may not be immediately counted. Absentee ballot rejections were particularly important during the 2020 election, because people across the country voted by absentee ballot at extraordinary rates, many for the first time. In states like Georgia, where voters historically have less experience voting by mail, absentee ballot rejections were especially common. For instance, election officials rejected 11,818 absentee ballots in Georgia's June 2020 primary election, and voters of color were disproportionately represented among them.[28] Nearly 20% of those ballots were rejected for a missing signature.[29] Another nearly 10% were rejected

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[22] Press Release, Alabama Sec'y of State, Secretary of State Issues New Guidance on Absentee Voting for November 3 General Election (July 20, 2020), https://www.sos.alabama.gov/newsroom/secretary-state-issues-new-guidance-absentee-voting-november-3-general-election.

[23] Sam Karlin, *Louisiana Mail-In Voting Would Be Rolled Back in November Under New Proposal*, The Advocate, Aug.17, 2020, https://www.theadvocate.com/baton_rouge/news/politics/elections/article_2dbba520-e08e-11ea-b613-6f79fbe0dc20.html.

[24] Southern Poverty Law Ctr., People First of Alabama, et al. v. John Merrill, et al., https://www.splcenter.org/seeking-justice/case-docket/people-first-alabama-et-al-v-john-merrill-et-al (last visited Feb. 22, 2021).

[25] Southern Poverty Law Ctr., Parham v. Watson, https://www.splcenter.org/seeking-justice/case-docket/parham-v-watson (last visited Feb. 22, 2021).

[26] Southern Poverty Law Ctr., Telisa Clark, et al. v. John Bel Edwards, et al., https://www.splcenter.org/seeking-justice/case-docket/telisa-clark-et-al-v-john-bel-edwards-et-al (last visited Feb. 22, 2021).

[27] Letter from Don Davis, Judge of Probate of Mobile County, Alabama, to Secretary of State John Merrill, (May 4, 2020),

[28] *See* Kevin Morris, Brennan Ctr. for Justice, *Digging into the Georgia Primary* (Aug. 24, 2020), https://www.brennancenter.org/our-work/research-reports/digging-georgia-primary.

[29] *Id.*

based on a strict Georgia rule that allows election officials to reject absentee ballots when signatures do not appear to match the voter's signature on file.[30]

As a result of lawsuits and advocacy, including by the SPLC and our partners, states including Georgia, Florida, Mississippi, and Louisiana now permit voters to "cure" their challenged or rejected ballots.[31] Ballot curing provisions generally require election officials to notify the voter that their ballot has been challenged or rejected and provide the voter an opportunity to correct the ballot within a short period following the election. Such notices may never reach a voter due to mail delays or strains on county ballot processing, effectively negating the intended effect of notice and cure laws. Moreover, absentee ballot-tracking websites in Georgia and Florida are consistently unreliable, providing too-late updates of ballot rejections, which preclude a voter from taking timely corrective action. And Mississippi and Louisiana have no tracking systems at all.

To ensure voters received notice of their challenged or rejected ballots, the SPLC operated a call, text, and canvass program ahead of the 2020 general election and January 2021 runoff election in Georgia to provide information on how to cure their ballots. In the general election, the SPLC Ballot Curing Program called more than 3,000 voters in Georgia and Florida and texted 481 others. In the January runoff elections in Georgia, the SPLC Ballot Curing Program called 2,611 voters, texted 1,073, and knocked on 260 doors. These efforts and those of similar groups, helped to halve the absentee ballot rejection rate in the general election and January runoff election as compared to the rejection rates in the June primary.[32]

Despite the decrease in rejection rates, voters faced significant obstacles in curing their ballots. Even if a voter received notice that their ballot was cured or challenged, many county election offices required a voter to take corrective action in person. Not only did the in-person requirement present a significant burden during the COVID-19 pandemic, particularly for elderly or immune-compromised voters who may have chosen to vote absentee to avoid exposure to the virus, but this requirement was also onerous for voters with physical disabilities, those who work, and those who have unreliable access to transportation. Further exacerbating these burdens was the short cure period in both Georgia and Florida. In Georgia, voters have three days following an election and in Florida only two.[33] State curing provisions are a step in the right direction, but they must be reformed to ensure every eligible voter's ballot is counted.

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[30] *Id.*
[31] O.C.G.A. §§ 21-2-386(a)(1)(C); 21-2-419(c); Fla. Stat. § 101.68(4).
[32] Secretary of State of Georgia, Brad Raffensperger, also acknowledged the reduction in absentee ballot rejections was likely the result of extra-governmental group efforts to help voters cure their absentee ballots. *See* Georgia Sec'y of State, Number of absentee ballots rejected for signature issues in the 2020 election increased 350% from 2018, https://sos.ga.gov/index.php/elections/number_of_absentee_ballots_rejected_for_signature_issues_in_the_2020_election_increased_350_from_2018.
[33] O.C.G.A. §§ 21-2-386(a)(1)(C); 21-2-419(c); Fla. Stat. § 101.68(4)(b).

Voters Need More Protection from Voter Suppression

2020 revealed how difficult it is for many people to register to vote, cast a ballot, and have their vote count. State and local officials who find it politically advantageous to suppress the political participation of certain groups have gone relatively unchecked for nearly eight years. According to the Brennan Center for Justice, between 2010 and 2020, state lawmakers from across the country introduced hundreds of measures that would make it harder to vote.[34] Overall, 25 states have implemented voting restrictions: 15 have more restrictive voter ID laws, 12 have laws making it harder for citizens to register and stay registered, 10 made it more difficult to vote early or by absentee ballot, and three made it harder to restore voting rights to people with past criminal convictions.[35]

In the SPLC's focus states, these changes include burdensome photo ID laws in Alabama and Mississippi; a discriminatory and burdensome requirement to pay off legal financial obligations before voting in Florida; a discriminatory "signature match" law in Georgia, and polling place consolidations and closures in Black and Latinx communities across the region.[36] These restrictions around the country target voters of color. Seven of the 11 states with the highest Black turnout in 2008 have new voting restrictions in place.[37] Eight of the 12 states with the largest Hispanic population growth between 2000 and 2010 passed laws making it harder to vote. All this targeting is working. Black, Hispanic, and younger voters all report longer wait times than white and older voters.[38]

In the face of a deadly pandemic and myriad barriers to registering, casting a ballot safely, and having their vote counted, voters in SPLC Action's focus states *still* managed to increase turnout during the 2020 general election.[39] Voters went to extreme, even life-threatening measures to ensure that their voices were heard. But voters' ability to overcome unnecessary, burdensome, and discriminatory hurdles to voting does not mean these hurdles can or should remain in place. Because for every voter who was able to vote, there are more who were prevented by voter suppression laws. Every eligible voter who desires to vote should face no barriers to doing so. In the Deep South, however, voters require protection from elected officials who disagree, like Secretary of State of Alabama, John Merrill, who has stated that "[j]ust because you turned 18 doesn't give you the right to do anything. If you're too sorry or lazy to get up off your rear and to go register and vote, or to register electronically, and then to go vote, then you don't deserve that privilege."[40]

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[34] Brennan Ctr. for Justice, New Voting Restrictions in America (updated Nov. 18, 2019), https://www.brennancenter.org/sites/default/files/2019-11/New%20Voting%20Restrictions.pdf,
[35] *Id.*
[36] *Id* at 2.
[37] Craig Newmark & Brennan Center, Why Is it So Hard to Vote in America? And What We Can Do to Fix It (Mar. 28 2016), https://www.brennancenter.org/sites/default/files/analysis/voting-in-america-infographic-FINAL.pdf.
[38] *Id.*
[39] Drew Desilver, *Turnout soared in 2020 as nearly two-thirds of eligible U.S. voters cast ballots for president*, Pew Rsch. Ctr., Jan. 28, 2021, https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/.
[40] WSFA, *AL Secretary of State criticized for comments in voting rights documentary*, WSFA12 News, Nov. 3, 2016, https://www.wsfa.com/story/33627690/al-secretary-of-state-criticized-for-comments-in-voting-rights-documentary/.

Despite Secretary Merrill's misguided and offensive statement, we know voting is a *right*, not a privilege. We need affirmative action to protect voters from state lawmakers and election officials that have felt empowered to burden, suppress, and discriminate against voters. The electorate is doing its part to stand up to voter suppression by organizing and voting; the federal government must act to ensure voters do not have to fight so hard to have a voice in their community.

BOLD ACTION REQUIRED TO PROTECT FUNDAMENTAL RIGHT TO VOTE & DEMOCRACY ITSELF

In September 2020, the SPLC Action Fund published its *Vision for a Just Future*, an urgent, transformative action agenda for a more equitable and compassionate nation, including a call to expanding voting rights and promote voter engagement.[41] It calls for the enactment of the For the People Act (S.1/H.R. 1), which includes several SPLC Action priorities, such as implementing automatic voter registration and same-day registration; restoring voting rights to people with felony convictions; making Election Day a national holiday; requiring early voting and expanding access to vote-by-mail; and redistricting reform. It also calls for enactment of the John R. Lewis Voting Rights Act (H.R. 4), which would restore federal preclearance protections to jurisdictions with a history of racial discrimination in voting and protect historically disenfranchised voters nationwide from practices that are likely to disenfranchise them.

Post-2020 Backlash in Southern Legislatures Demands Action to Protect Voters

The COVID-19 pandemic revealed how challenging or impossible it is for many to access their right to vote, especially post-*Shelby County*. But even in the face of widespread voter suppression tactics, voters produced record turnout and elected candidates dedicated to democracy reform. Many states have also introduced pro-voter bills. Unfortunately, pro-voter reforms have been slow in SPLC Action's focus states. In fact, Alabama and Mississippi have resisted early voting and no-excuse absentee voting, even when voters demonstrated the demand for both during the 2020 election.

Six months into 2021, myriad voter suppression bills have been introduced in state legislatures across the South, and over 350 bills restricting voting rights have been introduced in state legislatures across the country.[42] On March 25, **Georgia** Governor Brian Kemp signed into law SB 202, a 98-page voter suppression bill that includes, among other provisions: (a) an unnecessary restriction on the use of mobile voting units; (b) new and burdensome identification requirements that force a voter to provide identification or sensitive personal information when requesting and casting an absentee ballot; (c) a delayed and compressed time period for requesting absentee ballots; (d) limitations on the use of secure drop boxes as a means of returning absentee ballots; (e) a drastic reduction in early voting in runoff elections; (f) a cruel

[41] SPLC Action Fund, Vision for a Just Future: An urgent, transformative action agenda for a more equitable and compassionate nation (Sept. 2020), https://www.splcactionfund.org/sites/default/files/SPLC-Vision-for-a-Just-Future_SEP24-2020.pdf.
[42] Brennan Ctr. for Justice, State Voting Bills Tracker 2021, https://www.brennancenter.org/our-work/research-reports/state-voting-bills-tracker-2021 (last updated Apr. 1, 2021).

and inhumane ban—with criminal penalties—on anyone who provides free food and water or other assistance, known as "line relief" or "line warming," to Georgians who wait in line to vote; and (g) the complete disenfranchisement of some voters who cast out-of-precinct provisional ballots. Along with co-counsel, the SPLC has filed suit to stop this burdensome and racially discriminatory law.[43]

Despite an election that all state officials lauded as a national model of election security and efficiency, **Florida**'s legislature passed SB 90 the following month. Like Georgia's SB 202, Florida's SB 90 imposes new and unnecessary restrictions on mail-in and absentee voting and imposes onerous and costly new requirements on local elections officials. SB 90 is especially galling and suffused with discriminatory intent, because, unlike other Southern states, Florida had a robust tradition of absentee and mail-in voting and the legislature only moved to curtail it after voters of color, young voters, voters with disabilities, voters who are lower-income, and other infrequent or first-time voters successfully used it to vote safely during the COVID-19 pandemic. Specifically, SB 90: (a) requires local elections offices' staff to monitor drop boxes in-person and imposes large fines for failure to do so; (b) restricts drop boxes so that they are only available during early voting hours or inside the office of a local supervisor of elections; (c) requires voters to renew their absentee ballot requests every calendar year; (e) limits who can deliver an absentee ballot on behalf of a voter; (e) imposes additional identification requirements for requesting absentee ballots; and (f) criminalizes line warming actions such as distributing water, chairs, umbrellas, or other assistance to voters waiting to cast their ballots with up to a year imprisonment. Despite having some of the most onerous third-party voter registration laws in the country, including the imposition of hefty penalties on groups that do not return voter registration forms on time, SB 90 additionally requires voter registration groups to provide misleading information to voters that the organization "might not" submit the voter's registration application on time. Along with co-counsel, the SPLC has filed suit on behalf of voter registration organizations to challenge the provision of SB 90 that requires these groups to provide misleading information to voters.[44]

In **Alabama**, the Governor signed a law banning curbside voting, a practice that is widely used throughout the country by older voters and voters with disabilities.[45] Though they ultimately failed, **Mississippi** introduced two harmful, discriminatory, and unreliable voter purge bills: one that would remove voters from the rolls who fail to vote for six consecutive years, and a second that would purge voters who fail to provide documentary proof of citizenship. And in Louisiana, Governor Edwards vetoed several anti-voting bills, including bills that would purge eligible voters from the rolls and reduce absentee voting access. These vetoes, however, may not withstand a likely override session.

Without the full protection of the VRA intercepting these laws, decisive federal action is needed to protect voters.

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[43] First Amended Complaint, *Sixth Dist. African Methodist Episcopal Church v. Kemp*, Case No. 1:21-cv-01284-JPB (N.D. Ga. May 24, 2021), https://www.splcenter.org/sites/default/files/documents/083_ame_et_al_fac.pdf.
[44] Complaint, *Harriet Tubman Freedom Fighters, Corp. v. Lee*, Case No. 4:21-cv-00242-MW-MAF (N.D. Fla. June 14, 2021), https://www.splcenter.org/sites/default/files/documents/tubman_complaint.pdf.
[45] Mike Cason, *Curbside voting ban becomes Alabama law with Gov. Kay Ivey's signature*, AL.com, May, 26, 2021, https://www.al.com/news/2021/05/curbside-voting-ban-becomes-alabama-law-with-gov-kay-iveys-signature.html.

The John R. Lewis Voting Rights Act (H.R. 4)

Restoring the VRA's power by introducing and passing the John R. Lewis Voting Rights Act is the first step to remedying the harm caused by the loss of Section 5. Congress must revive the federal government's ability to block proposed voting practices—including polling place changes and changes relating to how, when, and where people vote—that will harm voters *before* they occur. The John R. Lewis Voting Rights Act would restore Section 5 by ensuring that the new coverage formula speaks to "current conditions," in compliance with the *Shelby County* ruling.

Any new coverage formula must respond both to the nationwide impact of voter suppression efforts and the depth and extent of recent efforts to disenfranchise voters of color and other vulnerable groups. The Voting Rights Advancement Act of 2019, which was passed by the 116th Congress in 2019 and on which the John R. Lewis Voting Rights Act will be based, accomplishes both goals. It was developed after extensive hearings that found significant evidence that barriers to voter participation persist for people of color and language-minority voters in Black, Asian American, Latinx, and Indigenous communities.

Specifically, H.R. 4:

- **Creates a new coverage formula that requires a finding of repeated voting rights violations.**
  - The look-back period is measured on a rolling basis to keep up with "current conditions," so only states and localities with a recent record of racial discrimination in voting are covered.
  - States and localities that qualify for preclearance will be covered for 10 years, but if they establish a clean record during that period, they can be removed from coverage.

- **Establishes "practice-based preclearance," a targeted process for reviewing voting changes in jurisdictions nationwide. The following practices would always be required to be precleared:**
  - Changes to the methods of elections (to or from at-large elections) in areas that are racially, ethnically, or linguistically diverse.
  - Reductions in language assistance.
  - Annexations changing jurisdictional boundaries in areas that are racially, ethnically, or linguistically diverse.
  - Redistricting in areas that are racially, ethnically, or linguistically diverse.
  - Reducing, consolidating, or relocating polling locations in areas that are racially, ethnically, or linguistically diverse.
  - Changes in documentation or requirements to vote or register.

- **Allows a federal court to order states or jurisdictions to be covered for results-based violations, where the effect of a particular voting measure is racial discrimination in voting and denying citizens their right to vote.**

- **Increases transparency by requiring reasonable public notice for voting changes.**
- **Allows the attorney general authority to request the presence of federal observers anywhere in the country where there is a serious threat of racial discrimination in voting.**
- **Revises and tailors the preliminary injunction standard for voting rights actions to recognize that there will be cases where there is a need for immediate preliminary relief.**

Introduction and passage of the John R. Lewis Voting Rights Act is a necessary and urgent step toward gaining back the achievements of the original Section 5 and preventing further erosion of the right to vote by elected officials determined to suppress the votes and political will of voters who do not vote for them.

The For the People Act (S.2093/H.R.1)

Because the John R. Lewis Voting Rights Act would not address all the harmful laws passed between the *Shelby County* decision and its enactment, the For the People Act (S.2093/H.R.1), introduced in the 117th Congress in 2020, is crucial in addressing the voter suppression from the last eight years. The For the People Act would roll back discriminatory practices that have harmed voters and citizens of color for decades, particularly in the Deep South. Among other important changes, it would:[46]

> **Reform voter registration.** It would modernize America's voter registration system and improve access to the ballot box by establishing automatic voter registration (AVR), same-day registration (SDR), and online registration for federal elections, and ensuring that all registration systems are inclusive and accessible for people with disabilities. These reforms are especially important in the Deep South where, for example, Mississippi has no online registration and neither Florida, Mississippi, Alabama, nor Louisiana have AVR or SDR.
>
> **Reform & update absentee ballot systems.** It would implement no-excuse absentee ballots for federal elections and remove all existing barriers like witness, photo ID, or notarization requirements. It would make it easier to request and receive an absentee ballot by requiring online access to applications, prepaid postage, and secure drop boxes and polling place drop-off. It would also require that absentee ballots in federal elections be accessible for voters with disabilities. Finally, it would ensure that absentee ballots are more likely to be counted by providing voters with notice of and an opportunity to cure deficiencies like signature match errors and requiring that any ballots mailed by election day but received within 10 days after election day shall be counted. Each of these provisions

[46] For a detailed annotation of the bill, see Brennan Center for Justice, Annotated Guide to H.R. 1, the For the People Act of 2019 (Apr. 13, 2020), https://www.brennancenter.org/our-work/policy-solutions/annotated-guide-hr-1-people-act-2019.

will improve access to absentee ballots in SPLC Action's focus states in at least one way.

Combat voter purges. It would overturn the Supreme Court's troubling 2018 decision in *Husted v. A. Philip Randolph Institute*, which allowed Ohio to conduct massive purges from its voter rolls based on nonvoting. Such practices disproportionately target marginalized voters. Voting should not be a "use it or lose it" right. Laws such as the one in *Husted* were introduced in states like Mississippi during the 2021 legislative session, threatening to remove voters who choose not to vote. These laws are contrary to the letter and spirit of the National Voter Registration Act and threaten to remove voters who have not moved, but just chose not to vote, which is within their right to do.

Create a federal holiday and ensure early voting and polling place notice. It would make Election Day a federal holiday. It would also require at least 15 consecutive days of early voting in federal elections. The bill would also require that voters be given a minimum of seven days' notice if the state decides to change their polling place location. In states like Alabama and Mississippi, where there is no early voting, these provisions would provide voters crucial access to the ballot.

Rights Restoration. Restore voting rights for people with felony convictions in federal elections, re-enfranchising approximately 4.7 million voters nationwide.[47] Reforming felony disenfranchisement has bipartisan support; in November 2018, 65 percent of Florida voters cast their ballots to restore the right to vote for more than 1.4 million people, and in 2018, a law passed in Louisiana with bipartisan support to re-enfranchise thousands of Louisianans with past felony convictions.

Reform redistricting. It would ensure that people choose their representatives, not the other way around, by requiring states to draw congressional districts using independent redistricting commissions that are bipartisan and reflect the demographic diversity of the region. It would establish fair redistricting criteria and ensure compliance with the VRA to safeguard voting rights for communities of color. The Deep South states have been the subject of dozens of lawsuits challenging racially discriminatory redistricting plans.

End prison-based gerrymandering. It would require the U.S. Census Bureau to count people who are incarcerated at their last-known residence, not the prison where they are housed. The current practice is to count incarcerated people as living in communities where they are incarcerated, entitling those communities to a larger share of legislative seats and government resources. But most incarcerated people have no connection to the communities where they are incarcerated and typically return to their home communities upon release. Prison-based gerrymandering also has a demonstrable racial impact given the disproportionate impact of the criminal justice system on the Black community and the placement of prisons in majority-

[47] The Sentencing Project, 6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016, at 14, https://www.sentencingproject.org/wp-content/uploads/2016/10/6-Million-Lost-Voters.pdf.

white counties. Ending this discriminatory and unconstitutional practice would restore political power to the communities where it belongs.

The For the People Act would significantly modernize federal elections around the country, especially in the Deep South, where voter suppression is the rule, not the exception. State legislators and officials have resisted commonsense reforms like online voter registration and automatic voter registration while advancing and maintaining voter suppression policies like felony disenfranchisement, restrictive photo ID laws, massive voter purges, and polling place closures.

Together, the John R. Lewis Voting Rights Act and the For the People Act represents a giant step forward in improving access to the ballot and preventing voter discrimination in the Deep South—the birthplace of the voting rights movement—where it is still much too hard to vote. **SPLC Action encourages swift passage of the For the People Act and swift introduction and passage of the John R. Lewis Voting Rights Act.**

Thank you for holding this hearing to address the critical need for democracy reform, especially in the Deep South, which has felt the loss of Section 5 of the Voting Rights Act most profoundly. We look forward to your continued leadership on this important matter and are eager to continue working with you toward a fairer electoral system for all.

Respectfully,

Nancy G. Abudu
Deputy Legal Director &
Interim Director of Strategic Litigation
SPLC Action Fund

Statement for League of Women Voters of Georgia

U.S. Senate Committee on Rules and Administration Field Hearing on Protecting the Freedom to Vote: Recent Changes to Georgia Voting Laws and the Need for Basic Federal Standards to Make Sure All Americans Can Vote in the Way that Works Best for Them

July 17, 2021

Thank you for the opportunity to share with this committee how Georgians need the basic federal standards proposed in the *For the People Act* to make sure that all Americans can vote in the way that works best for them.

I am the President of the League of Women Voters Georgia (LWVGA). Our 13 local Leagues represent diverse and engaged communities throughout the state. The League of Women Voters was founded over 100 years ago by suffragists who fought for women's right to vote and educated them on the importance of voting. Since 1920, after women earned the right to vote, the League has worked to defend our democracy by working to ensure that everyone understands their right to vote, hopes such knowledge will increase voter's desire to vote, and equips voters with the knowledge, and the confidence to participate.

The League's Work to Reject SB202

Over the last two decades, Georgia has gone from leading the way in making elections free, fair, and accessible for every American, to instituting needless barriers to voting. Despite a dismal history of discrimination at the polls, Georgia was one of the first states to implement the *National Voter Registration Act* and the *Help America Vote Act*. That once promising approach has changed, as Georgia was among the first states to implement restrictive voter photo ID requirements — before the *Shelby v. Holder* decision and despite being subject to preclearance by the Department of Justice.

In 2020, nearly 5 million Georgia voters went to the polls and many of those voters represented racial or language minorities and new citizens. The *Voting Rights Act* guaranteed those citizens a voice in our government. Yet, even with years of progress behind us, voters in Gwinnett, and other metro Atlanta precincts continued to face obstacles to the ballot box, with some waiting at least 4 hours to cast their vote.

Fast forward to 2021, with the passage of SB 202, the Georgia legislature has violated the very mission we have fought for more than a century to ensure: that every American has the right to participate in our government. The omnibus, voter suppression legislation disproportionately targets the voting rights of Black and brown Georgians as well as older voters and the disabled, in violation of the U.S. Constitution and the *Voting Rights Act*.

As an organization, LWVGA has fought SB 202 since it was introduced, and we continue to fight it with ongoing litigation. This bill deliberately targets Black, Latinx, Asian American, Indigenous, and

other voters of color in a direct attempt to eliminate the historic voting rights gains between 1965 and 2020. It is a disgraceful attempt by legislators to disenfranchise voters and choose whose vote is protected. Such stifling of the constitutional right to vote is undemocratic, unconstitutional, and undermines the vary values that make America the beacon of freedom.

SB 202 makes cuts to several important mechanisms increasingly used by Black and brown voters. Specifically, the bill restricts early voting, absentee ballots, and ballot drop boxes, and implements unnecessary ID requirements for absentee ballots that make it harder for Georgians to vote. This bill directly threatens the work of the League of Women Voters and our partners with fines and misdemeanor charges for assisting voters with their absentee ballots. The League has helped millions of voters understand what is on their ballot and offered support to voters who needed it. The legislation was an assault on democracy.

Specific Impact on Georgians

The League of Women Voters of Georgia has tremendous reach which allows us to connect directly with voters that this law directly effects. For example, Shannon B. a League member in Dalton, Georgia, has voted absentee in Georgia over the years, including as a member of the military, a college student, and because of work, travel, and the ongoing COVID-19 pandemic. Shannon prefers absentee voting because it allows her to vote alongside her disabled mother. By voting in this manner with her mom, she can clarify items on the ballot and take time to consider their ballots together. Shannon is concerned that the time limit that SB 202 puts on receiving absentee ballots is problematic. Further delays caused by the recent changes at the United States Postal Service also make her nervous that she and her mother's votes will not be counted if it fails to be received by the election office on time, or worse, if the ballot lost in the mail altogether. For Shannon, drop-boxes are an excellent solution to this concern. Using a drop box to return her household's ballots gives her peace of mind and ensures that ballots will be received and counted. But provisions in SB 202 which would limit the hours drop-boxes are open and would make it difficult for Shannon and her mother to vote. Her commute time traveling to work during the week prevents Shannon from getting to the Board of Elections during business hours. Thus, she will be unable to place her ballot in the drop-box. 24/7 access to the drop box, even on the weekends, is highly beneficial to ensuring their ballots are received.

Shannon has also helped her elderly neighbor to vote in recent elections. Her neighbor does not drive and is not comfortable navigating websites, email, or the internet. She previously did not possess the proper ID to vote, and had been purged from voting rolls because of lack of participation in past elections due largely to her limited mobility. Shannon helped the neighbor get proper ID and become registered to vote. Without this support, her neighbor would not have been allowed to vote. Not everyone has a neighbor or a family member like Shannon who is willing or able to help in the voting process. New ID rules in SB 202 will continue to make it more difficult for people like Shannon's neighbor to request and return an absentee ballot without assistance.

Long lines in GA have been a source of frustration for Georgia voters for several election cycles. Nina A. from Savannah, Georgia, remembers meeting with a mother in line who was pulling a wagon with her sleeping 18-month-old inside, along with some snacks. Even though the mother had arrived at the polling location on the only Saturday of early voting upon opening, it was

crowded. She was forced to wait in line for hours while her baby slept in the wagon beside her, worried that she would be unable to vote before the child woke up. SB 202 prohibits anyone but poll workers from handing out water to those waiting in line. In the case of this mother, it is very likely that she would need assistance from friends or community members if her child had woken up. Thus, she would need food, diapers, or other supplies to care for them. Under the new law, she would be prohibited from seeking the assistance she would need to vote. Ultimately, this provision of SB202 discriminates against new mothers and other caretakers who vote.

While we have taken the time to highlight how this bill poses barriers for two voters, as reported by Shannon and Nina, their stories represent the needs of thousands of voters. The tremendous voter participation in the 2020 election was the culmination of decades of work by grassroots organizers and voting rights advocates. Our states should build on the success of 2020's historic voter turnout, but instead we are seeing a return to the era of Jim Crow laws. The people of Georgia deserve better. The American voters deserve better.

The 2020 election saw the greatest voter participation in history, with Georgia seeing an increase in both registration numbers and voter participation—especially among Black Georgians and other communities of color as well as young voters. The provisions in SB 202 would not only eliminate Georgia's growth in voter participation, but it would take voting rights backward in the state, particularly for voters of color, who are undeniably targeted by the bill. For instance, SB 202 allows country registrars to eliminate Sunday early voting hours, used by many Black and brown churches and faith groups to deliver community members to the polls.

The best tool to counter these denials of the freedom to vote is the *For the People Act*.

The *For the People Act* will enact national standards of voting rights, accessibility, and democratic reform to combat anti-voter laws experienced by Georgians. These standards will set a baseline for how our elections are implemented and safeguard our voting rights. The *For the People Act* would prevent increased barriers to voting by creating a mechanism to tackle the anti-voter laws that have already passed. In addition, the standards set by the *For the People Act* can be used in a variety of actions that democracy advocates propose to repeal unjust barriers to voting.

The *For the People Act* goes a long way to put the power back into the hands of the voters.

If we want the reality of American democracy to truly live up to its promise, we must implement the reforms within the bill. These reforms already have widespread bipartisan support across the country and will help all Americans have access to the ballot.

The *For the People Act* is the fair representation bill that the American people want and deserve. The fight for these reforms has been long and hard, but this vote will test the government's commitment to American democracy.

It is the duty of our government to protect the rights of voters and to encourage participation in our political system, not create barriers that prevent involvement. As it has for more than 100 years, the League looks forward to holding our elected leaders accountable for protecting and upholding their responsibility to ensure voters have the unobstructed ability to exercise their right to vote.

The League of Women Voters of Georgia urges the U.S. Senate to pass the *For the People Act*, for Georgia, for America.

Thank you for the opportunity to share the needs of Georgians and why the *For the People Act* is critical to protecting the right to vote of Georgians and all Americans in states facing similar laws that present barriers to the ballot box.

Susannah E. Scott, Esq.
President, League of Women Voters of Georgia

July 19, 2021*

Dear Members of the Senate Committee on Rules and Administration,

On behalf of 19 Indivisible groups and the over 10,400 Georgians we represent, we want to thank the Senate Committee on Rules and Administration for holding the upcoming field hearing in our state on the For the People Act. Georgians are deeply concerned about recent attacks on our freedom to vote and our ability to elect leaders who will best represent us. **We believe the Senate should do whatever it takes to pass the For the People Act before August recess, and we support getting the filibuster out of the way to do so.**

What we're hearing from our group members around the state is loud and clear: We need the For the People Act to strengthen foundational pillars of our democracy, and it is essential that everything possible be done to pass it -- and that the Senate does so in time for the bill to take effect ahead of redistricting and 2022 elections.

We asked our membership what elements of the For the People Act are most important to them. Here is what we heard:
- **Campaign finance reform, especially the need for public financing for elections,** which enables community leaders from all walks of life to have fair shots at representing the diverse communities they come from
- Establishing **independent redistricting commissions** to ensure all Georgians have equal voice and representation in our government
- Protecting **automatic voter registration** through national standards
- Instituting **same-day voter registration** through national standards

Last but not least, we are deeply concerned about the provisions in Georgia's recently-passed elections bill, SB 202, that allows state takeover of local election boards. While we understand that addressing this is not currently included in the For the People Act, we hope the federal government will take action to protect Georgia voters by mitigating the ability of the Georgia State Election Board to meddle in local election results.

Thank you for your continued efforts to fight for our democracy, one in which all of us can safely and freely cast our ballots, have our voices heard, and elect leaders who improve the lives of their constituents.

Signed,

Group Name	District	Group Members
Appalachian Indivisible	GA-9, GA-14, GA-11	750
Avondale ACTion	GA-4	200
Indivisible Georgia 7	GA-7	1000
Indivisible District 12 - Statesboro	GA-12	415
Indivisible GA-04	GA-4, GA-5, GA-6	500
Indivisible GA-11	GA-11	1200
Indivisible Georgia District 10	GA-10	650
Indivisible Georgia District 13	GA-13	145
Indivisible Georgia Sixth District	GA-6	2000
Indivisible Lumpkin	GA-9	205
Indivisible Marching Buddies of Atlanta	GA-6	300
Jewish Democratic Women's Salon	GA-5, GA-6,GA-7, GA-11	1650
Necessary Trouble	GA-4, GA-5, GA-6	400
Screven Forward	GA-12	80
Skidaway Island Indivisible Group	GA-1	250
South Atlanta Progress	GA-3	290
Sumter Speaks	GA-2	175
Unite Dallas GA	GA-14	160
Indivisible Georgia Coalition	Statewide	

**The original version of this letter was dated July 17, 2021 with 17 groups signed on, and has been updated to reflect the most up-to-date signatories as of July 19, 2021.*

GEORGIA LEGISLATIVE BLACK CAUCUS, INC.

July 22, 2021

The Honorable Amy Klobuchar
United States Senate
425 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Klobuchar,

Please add this letter to the official record of documents your committee is compiling in relation the federal inquiry on voter suppression statutes and/or legislation in Georgia and other states. We thank you for visiting our state and listening to the voters who fear the Election Integrity Act exists to undermine their Constitutional rights. Please know, we at the Georgia Legislative Black Caucus (GLBC) will continue to fight this unconscionable law and are more than willing to work with our federal allies on this effort.

As a Caucus of 68 state house and senate members representing the entire state, we are committed to being a voice at the State Capitol for all Georgians who have a right to be heard and have a seat at the table. Our efforts are to help define and direct the change we seek, versus having that change defined and directed for us.

Last year was a glimpse of the real political power we wield. Georgians of different backgrounds came together for the purpose of electing candidates who represent our interests, who believe as we believe in a better state and country. Yet, here we are today, having adopted sweeping election reform to remedy concerns that cannot be substantiated.

During the past legislative session of the Georgia General Assembly the GLBC united in responding to the myths and lies told after the Republicans lost both the November election and the 2021 Senate run-offs. Sadly, the GOP reaction was to force through SB 202 to restrict voting rights and make it harder for voters to cast their ballot.

The bill was part of a nefarious, concerted, national effort to suppress the vote of millions. There were more than 250 anti-voting bills introduced in 43 states. Why? There was no legitimate report, investigation, inquiry, or audit that uncovered any conspiracy to commit voter fraud or rig an election in favor of a candidate. There was no evidence of any widespread malfunctioning of machinery or human error leading to unintended outcomes. Yet, we are witnessing a takeover of the electoral process to

GEORGIA LEGISLATIVE BLACK CAUCUS, INC.

The Honorable Amy Klobuchar
Page 2

ensure those in power stay in power regardless of the collateral damage such actions may cause our state and nation. It represents a blatant attempt to undermine our democracy, our voters, and our electoral process.

Under this new law, the Georgia General Assembly has consolidated power and authority over our elections. The state legislature will have the ability to appoint the State Election Board chair, remove local election superintendents who commit violations over two election cycles, overrule State Election Board emergency rules, reduce runoff elections to 28 days, all while imposing unfunded mandates upon local governments.

Beyond this power grab, the legislation criminalizes civic engagement. The role of non-profit organizations to register voters, inform Georgians of their rights, provide information on how and where to vote, offer comfort when waiting on lines, and protect electors from voter intimidation and/or suppression has been severely compromised. Since 2016, our state witnessed an increase of 500,000 registered voters. In 2020, over five million voters turned out to vote. This is in no small part to the numerous non-profits that believe in democracy and exercising our Constitutional rights.

The Election Integrity Act does not support civic engagement, it demonizes it. It claims to "make it easy to vote and hard to cheat." I disagree. It makes it easy to cheat and hard to vote, the latter being especially true for Blacks, Latinos, Asians, young people, and seniors.

Change is occurring in Georgia which we all witnessed these past two election cycles. We know Georgia increased its population by one million people with most of the growth occurring in Black, Brown, and Asian communities. Now, more than ever, Americans must demand federal action to protect voting rights. And we must continue to fight against these blatantly unconstitutional efforts that are nothing less than Jim Crow 2.0.

We hope your efforts will compel the United States Senate to act in the best interest of all Americans.

The Georgia Legislative Black Caucus is prepared to fight until the end; we are prepared to take our message to the courtroom, boardroom, newsroom, and community. This is the civil rights battle of our time.

Sincerely

Senator Tonya P. Anderson
Chairwoman, Georgia Legislative Black Caucus

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STANDING COMMITTEES:

ECONOMIC DEVELOPMENT & TOURISM
GOVERNMENTAL AFFAIRS
HIGHER EDUCATION
SMALL BUSINESS DEVELOPMENT
SPECIAL COMMITTEE ON ELECTION INTEGRITY

July 26, 2021

Via email

United States Senate Committee on Rules & Administration
425 Dirksen Senate Building
Washington, DC 20510

Dear Chairwoman Klobuchar and Committee Members:

Thank you, Senator Amy Klobuchar and Committee Members, for visiting Georgia for the first Senate Rules field hearing in 20 years and allowing us to attend.

As a member of the House Special Committee on Election Integrity, I felt it was important for you to hear about our experience in Georgia. While much attention has been on the Governor signing the bill in private, the entire process to pass SB 202 was an affront to democracy. Republicans yielded their power to violate the rules and depart from the normal legislative process to pass an omnibus bill to suppress the votes of minority voters after an increase of people of color voting in the 2020 elections. On the House side, Chairman Barry Fleming was the conductor of the train, and he moved the revisions to SB 202 through at a the rate of the bullet train.

The House Committee consisted of fourteen members - ten Republicans and four Democrats. We attended over 21 committee meetings where we asked questions about failure to follow the House rules, lack of transparency to the public, intimidation tactics against the witnesses, and asking questions related to voter suppression issues in the bills proposed by Republicans, including SB 202.

SB 202 passed the Senate as a two-page bill. The omnibus SB 241, another voter suppression bill, also crossed over from the Senate to the House. At the first House committee meeting for SB 202, democratic committee members received the first 93-page substitute for SB 202 not too long before the meeting. Members of the public came prepared to testify about SB 241 and were blind sighted with the lack of transparency.

In keeping with the lack of transparency, SB 202 constantly changed, and the changes were not made available online for the public to view. Democratic committee members received SB 202 substitutes with sometimes with only an hour or two to review before committee meetings. After passing out of committee, the House Rules committee passed yet another version of SB 202. Chairman Fleming nor the bill sponsor testified to the details of the Rules substitute, just yet another example of the lack of transparency. The day of the House vote, SB 202 changed again when Republicans amended SB 202 on the House floor – legislative action not taken

often in the House chamber. After passing the House, SB 202 was immediately transmitted to the Senate, which is not customary for most bills passed in the House. The Senate agreed to SB 202 that afternoon and Governor Kemp signed SB 202 behind closed doors soon thereafter. It is a rare event for the Governor to sign a bill the same day as it passes the General Assembly.

Some of these issues are highlighted in United States America vs The State of Georgia, The Georgia State Election Board, and Brad Raffensperger in which Representative Kimberly Alexander and I are a part of the filed Complaint.

From my committee testimony, the U.S. Department of Justice highlighted the fact that we received the omnibus version of the bill under one hour before the hearing. I also noted that Senator Burns who was the sponsor of the original version of SB 202 did not testify about any of the changes as is customary for a bill substitute. SB 202 was not posted on the House website for the public to view.

Representative Alexander consistently asked about the lack of a fiscal note, a legislative item traditionally attached to an omnibus bill. Georgia's law requires a fiscal note for a bill that would "require an expenditure which in the aggregate exceeds $5 million of public funds by local political subdivisions…" O.C.GA. 28-5-49. Non-partisan fiscal analysis of the costs to the counties far exceeds $5 million.

One of my major objections with SB 202 was the reduction in the number of drop boxes, the fact that they are inside and will have a guard sitting next to the drop box. This will certainly hurt our metro counties and especially Fulton County which is consistently been the most criticized county even when they use innovative ideas to improve the wait time for voters. One member of the committee comments that everyone has a drop box at the end of their driveway. That was a very insensitive comment.

SB202 makes it more difficult for all Georgians to vote, but will have a definite impact on rural, shift workers, and disabled voters. SB 202 was rushed through the Georgia General Assembly with total disregard to the rules, customary legislative process, with a lack of transparency to the public, and without a single democratic vote. The continued voter suppression in Georgia shows the urgent need for federal voting rights protections to fight voter suppression.

Thank you for coming to Georgia.

Sincerely,

Rhonda M. Burnough

State Representative Rhonda M. Burnough
Georgia House District 77
Chair, Clayton County Legislative Delegation

RMB/

Office of Dr. John Eaves
215 Piedmont Avenue #215
Atlanta, GA. 30308
404-909-3249

July 23, 2021

Senator Amy Klobuchar
Chair, Senate Rules Committee
U.S. Senate
Washington, DC. 20510

Dear Chairwoman Klobuchar:

I am Dr. John Eaves. I write to you as a citizen of Georgia, who formerly served as the Chairman of the Fulton County Board of Commissioners (2007-2017), current senior instructor at Spelman College in Atlanta, and current candidate for Secretary of State in Georgia.

I attended the Senate Rules Committee hearing you chaired with fellow committee members Senators Jon Ossoff, Jeff Merkley, and Alex Padilla at the Center for Civil and Human Rights in Atlanta on Monday, July 19, 2021. The Committee heard testimony from three (3) Georgians: GA. State Senator Sally Harrell, Helen Butler, Executive Director, Coalition for the Peoples Agenda, and Jose Seggera, an engineer at Robbins Air Force Base.

After the hearing, you invited the public to have their testimony included in the public record of your essential committee work. I wish to offer this letter, with details below, into the public record:

As you know, Republican legislatures across the nation have enacted restrictive voting laws predicated on the "Big Lie" the 2020 Presidential Election was somehow stolen. Justice Samuel Alito himself acknowledged that legislators "were motivated in part by partisan interests." The right to vote is a sacred part of our great democracy; however, when our democracy becomes tainted by polarization and bitterness, we are left with a divisive nation that fails to recognize the voices of its voters.

We must recognize the deeper issue at hand is not the ideological discord between Democratic and Republican politicians but the demographics of the voting electorate. It is no secret that the Democratic Party primarily includes marginalized populations, including African Americans and other people of color, suburban white women, Jews, and the LGBTQ+ community. As we transition into a society in which the partisan and racial lines become increasingly blurred, how could we not view discriminatory voting laws as an attack on our nation's minorities?

In Georgia, a large concentration of the Democratic vote comes from Fulton County, a county that has played a pivotal and controversial role in the state's partisan shift. Fulton County has approximately 820,747 registered voters, with 41.9% of voters identifying as Black. These voters were the key to Joe Biden's successful presidential bid. As the polls closed and data rolled in, it became evident that Black voters in Fulton County and across the state showed up and showed out in the 2020 elections. Rather than acknowledging Biden's victory was attributed to the growing diversity in Georgia, Republican lawmakers rallied behind Donald Trump and his baseless and volatile accusations of a fraudulent election. HB 531 and SB 202, which contain similar provisions to Arizona's new voter laws, were enacted in direct response to Democratic victories in Georgia and the growing voting power of Black voters. The attacks on Sunday voting, which was popularized by "Souls to the Polls" initiatives, and early and no-excuse absentee ballots, a method of voting widely used among Democrats and people of color during the COVID-19 pandemic, clearly demonstrate attempts to silence and restrict voters of color. Black voters are becoming a threat to the political status quo, and Republican politicians are afraid not of what it would mean for the governance of our state but rather what it means for the decades of political domination of white politicians in Georgia.

As a professor at Spelman College, I make a point of emphasizing to my students the importance of engaging in the political process and being fearless advocates for change. We have a dynamic generation witnessing what may potentially be a revival of the Civil Rights Movement who are eager to have their voices heard. Amid these renewed attacks on the voting rights of black people and other people of color, our communities are coming together to protect our democracy. Georgia saw a record-breaking voter turnout, with over 3 million absentee and in-person ballots cast and over 600,000 eligible citizens registered to vote since the 2018 Midterm Elections. The efforts of citizens and organizations across the state offered innovative voter registration and mobilization methods and contributed to the growing diversity of Georgia's voting population. Democratic lawmakers from Texas traveled to our nation's capital to boycott a vote on a restrictive voting bill Republican legislators are trying to pass in Texas and advocate for the "For the People and John Lewis Voting Rights Act." I fully support Congress and the Biden Administration's efforts to preserve what the late Congressman John Lewis called

"the most powerful non-violent tool we have to create a more perfect union." It is time that we, as proud citizens of Georgia, work to maintain what makes our democracy thrive and celebrate the rich and diverse backgrounds and voices of our great state and nation.

Sincerely,

John H. Eaves, PhD

Cc: Senate Rules Committee Members
Senator Raphael Warnock, US. Senator of Georgia

GAO | GEORGIA ADVOCACY OFFICE The Protection and Advocacy System for People with Disabilities in Georgia

July 22, 2021

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
United States Senate
Washington D.C. 20510

The Honorable Roy Blunt
Ranking Member
Committee on Rules and Administration
United States Senate
Washington D.C. 20510

Re: Comments for Senate Rules Field Hearing

Dear Honorable Amy Klobuchar and Honorable Roy Blunt:

Please find enclosed the Comments by the Georgia Advocacy Office (GAO) at the Georgia Field Hearing on Voting Rights on July 19, 2021.

Sincerely,

Dana Lloyd
Program Director

Comments by the Georgia Advocacy Office (GAO) to the Senate Committee on Rules and Administration's Georgia Field Hearing on Voting Rights - July 19, 2021

Dear Chairwoman Klobuchar and Esteemed Committee Members:

Thank you for the opportunity to provide comments to the Senate Committee on Rules and Administration's Field Hearing on July 19, 2021. The Georgia Advocacy Office (GAO) is the federally funded, private, non-profit system designated by the Governor of Georgia to protect and advocate on behalf of people with disabilities in Georgia. Through our Help America Vote Act (HAVA) grant, we routinely respond to instances of voter rights violations based on disability; train and educate election officials, poll workers, and election volunteers regarding the rights of voters with disabilities; and provide education, training, and assistance to people with disabilities, promoting participation in the electoral process.

One West Court Square, Suite 625, Decatur, Georgia 30030
TEL 404.885.1234 VOICE and TDD 800.537.2329 FAX 404.378.0031 WEB www.thegao.org

Thirty-one years after President Bush signed the Americans with Disabilities Act (ADA) into existence, people with disabilities in Georgia are faced with newly imposed restrictions on voting rights with the passage of Georgia Senate Bill 202 which took effect on July 1, 2021. This affects over 2.1 million Georgians, as more than a quarter of people in Georgia of voting age have a disability, according to the Centers for Disease Control and Prevention (CDC).[1]

While SB 202 created many new changes to voting in Georgia, the below changes to absentee ballots most significantly impact voters with disabilities:

First, there are new strict identification (ID) requirements for absentee ballots. Prior to the new law, voters with disabilities only had to sign their absentee ballot applications. Now, voters will have to provide their driver's license number or an equivalent state-issued ID. Many voters with disabilities, such as people with blindness or mobility impairments, do not have a driver's license or a state-issued ID. Moreover, voters with disabilities, particularly voters living in congregate settings, may not have access to a means to copy their identification documents. Requiring individuals to add their social security number to the documents requires individuals to be at increased risk for identity theft.

Second, voters with disabilities will have less time to request absentee ballots because the new law cuts by more than half the period during which voters may request an absentee ballot, from nearly six months before an election to less than three months. This will almost certainly reduce the number of voters with disabilities who seek absentee ballots.

Third, it is now illegal for election officials to mail out absentee ballot applications to all voters. Prior to the June 2020 primary election, the Georgia Secretary of State mailed absentee ballot applications to every registered voter. While the Secretary of State did not mail applications again for the November 2020 general election, several local government agencies did, especially in the larger populated counties. Because SB 202 has done away with the automatic mailing of absentee ballot applications, some voters with disabilities will not request ballots because the applications also served as a reminder to voters with disabilities that they were eligible to vote.

Fourth, SB 202 forbids third-party groups to prefill absentee ballot applications for voters. This will result in some voters with disabilities— such as voters with cognitive disabilities, learning disabilities, blindness, and mobility issues, who are unable to independently complete their absentee ballot applications—being no longer able to rely upon the help of a trusted third party to complete their applications, thereby limiting their access to voting.

And fifth, Georgia's new voting law also limits voters with disabilities' access to drop boxes to cast their absentee ballot. During the 2020 election, Georgia's four metro counties (Fulton, Cobb, DeKalb, and Gwinnett) had 94 drop boxes. The new law now only allows for, at most, 23 drop boxes. And the drop boxes no longer have 24-hour access; instead, the drop boxes will be placed inside government buildings and early-voting sites and can be accessed only during business hours. This new provision will curtail the ability of voters with disabilities who rely upon others for transportation to cast their absentee ballot via the drop box if they cannot cast their ballot after business hours or on the weekends.

[1] https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/georgia.html

As Georgia's protection and advocacy system for people with disabilities, it is our duty to ensure that public places and services—like voting and polling places—are accessible to people with disabilities. SB 202 creates unnecessary barriers to the electoral process and harms people with disabilities.

Thank you for the opportunity to provide comments on behalf of voters with disabilities in Georgia.

Testimony
Senate Judiciary Committee
July 19, 2021

Chairwoman Klobuchar and members of the Senate Rules Committee:

As members of Georgia's faith community, representing tens of thousands of parishioners across the State, we would like to welcome you to the National Center for Civil and Human Rights and thank you for making the unprecedented step of organizing the Committee's first field hearing in 20 years, focusing this hearing on Voting Rights, and asking each of us to submit testimony for the Committee's review.

As one enters this Center, the immortal words of Nelson Mandela are proudly showcased, "For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others."

Over the last six months, our Governor's despicable and racist actions have not lived up to the aspirations set by Mr. Mandela, the ideals of this important building, or frankly, the values of our great State.

Last Fall, each of us, as faith leaders, implemented the most massive voter engagement effort ever seen in the State of Georgia.

Through organization and planning, we ensured ALL

voters had the opportunity to register to vote and were informed of their voting rights. These efforts took labor, time, and a dedication to the most critical fundamental right within our Democracy – the right to vote.

The results are now clear, Georgia voted in record numbers.

What we saw on Election Day, and later during the special election on January 5th, served as a culmination to the hard work of a united coalition that included brothers and sisters from Jewish, Muslim, Baptist, Protestant, and other faith-based communities.

This non-partisan operation was rooted in awareness, safety, training, and empowerment.

The results of these efforts were evident. Thousands upon thousands of voters who never participated in our democratic process chose not to be intimidated or marginalized. And today, we stand before you with the same determination and passion.

We will not let the voices of thousands be negated because of sore losers.

We will not let the values of the majority of Georgia voters be ruled or contained by a minority of extremists who are more interested in serving Donald Trump rather than the clear majority of Democrats, Republicans, and Independents across the State.

Most of all, for this Committee, we will not let the root of this hearing go unnoticed or ignored.

In the most transparent and clear voice, we are here today to state an important fact – the only reason we are having this discussion today is that the majority of Georgians chose to speak up against Donald Trump's lies, hatred, and utter incompetence and chose to vote him out of office.

If the people of Georgia did not vote and did not act, there would have never been new voting legislation in our State.

If Trump's bullying and threats to our State's election officials worked, there would have never been new voting legislation in our State.

It is that clear.

While this unjust, racist legislation was born in Georgia, we now see a common thread across the country.

We see new voting rights laws that in no way promote the opportunity to vote.

We see Trump loyalists pushing this legislation without depart or discourse - and we see these pawns putting themselves and their desire to hold their power ahead of the most basic fundamental points of our Democracy.

And most concerning to each of us, we see a specifically designed system that ensures black and brown communities are not provided the opportunity to vote.

It is that simple – and our country must now wake up to the fact that our very Democracy is being challenged from within.

We understand that facts do not matter to our former Liar in Chief or our Governor, who seems to care only about staying in office no matter what the cost. But facts matter to each of us, and we facts matter to this Committee – so let's take a look at the undisputed facts.

- Georgia's new racist voting law demands less opportunity to request and submit absentee Ballots.

- Georgia's new racist voting law drastically minimalizes voting opportunities.

- Georgia's new racist voting law makes it a misdemeanor to offer food or water to people waiting in long lines to vote.

- And perhaps most concerning, Georgia's new racist voting law places one party, the Republican party, in complete control of the State Election Board.

In a world of Trump, Democracy and the voices of the people take a back seat. We all know that. We have

heard his words and seen his actions. Whether it be members of his own cabinet, religious leaders, judges, Republicans, Democrats, Independents, Gold Star families, Veterans. If you go against him, he attacks at all costs, no matter the facts. So let's be genuine and sincere. This is what happened in Georgia. The people of Georgia voted him out of office. He did not like it. His threats did not work. His lies did not work. So he and his cronies changed the law.

We are well aware that this plan began in Georgia, and since then, other states have fallen like dominoes. And while we are confident that history will correctly showcase this moment for what it is, right now, there are good, honest Americans who will not be able to vote in our next election, and we must do something about it.

So we ask each of you, and all Americans, to look at the facts.

Trump claimed that there was voter fraud, especially among those who voted by absentee ballot and ballot drop boxes. There were recounts of ballots, all of which failed to provide evidence of voter fraud, and court case after court cases were thrown out because they were not credible or lacked merit.

In response, a Big Lie was created and what we see once again is a false narrative and reaction to Blacks, people of color, and younger voters - all of whom now see a calling to vote and participate in our electoral process.

The recent legislative actions we have seen in Georgia and states around the country are based on suppression.

As faith leaders, we clearly remember and understand the old ways of South and how things used to be done in Georgia – and while it saddens us that our Governor continues to rely on the racist practices of the past – we are here to say that those days are long gone.

While Georgia's new voter suppression legislation was signed into law without debate or discussion – we still believe in Democracy and the rule of law.

Despite the lack of evidence of voter fraud, 48 state legislatures have introduced almost 400 bills, most of which seek to suppress or make it harder for people of color to vote. This legislation is based on Trump's "Big Lie." Bills have passed in 14 states already. These bills are a deliberate attempt to affect the outcome of elections. The November 2020 elections produced results that were not expected in some states.

We need federal legislation that will provide uniform standards and processes for voting. We are aware of State's rights arguments, but it is not suitable for the nation to host different standards and procedures dependent upon what State you are in. We proclaim one country when it is to our benefit. We need one standard and process that is uniform everywhere. The "For the People Act," which needs some changes, and the John R Lewis

Voting Rights Act will be a benefit for the nation, and we urge passage of federal legislation.

Faith leaders in Georgia have been leading the fight against voter suppression and will continue this fight. We ask the Senate Judiciary Committee to lead the nation to protect our greatest right in this Democracy, the right to vote.

Bishop Reginald T. Jackson, Sixth District AME Church
Dr. Timothy McDonald, First Iconium Baptist Church
Dr. Cynthia Hale, Ray of Hope Christian Church
Rev. Lee May, Transforming Faith Church
Dr. Jamal Bryant, New Birth Missionary Baptist Church

July 19, 2021

TO: The Honorable Amy Klobuchar, Chairwoman and Members of the Senate Committee on Rules & Administration

FROM: DeKalb Pastors Christian Alliance
(Lee May, Pastor, Transforming Faith Church, leemay06@yahoo.com)

As members of the clergy, let us begin by stating our immense appreciation for the work your committee is taking up in the fight for Voting Rights and for free and fair elections in our nation. Thank you for holding a field hearing on that subject here in Georgia on July 19. We stand in support of both the John Lewis Voting Rights Advancement Act and the For the People Act. We believe through these two pieces of legislation, the vote can both be protected and promoted in a way that honors our Democracy.

Over the last year, we have truly seen what Charles Dickens so aptly described in A Tale of Two Cities, "it was the best of times, it was the worst of times". Our nation literally saw the best it had to offer on January 5th, with record numbers of people exercising their right to vote in a run-off election in Georgia. However, we saw the worst it had to offer on January 6th with what can only be described as an insurrection in our nation's Capitol.

This nation saw a sitting president, promote what can only be described as a BIG LIE, propagating unfounded accusations of voter fraud filled with fairy tales of supposed stolen elections. This BIG LIE of course, has been followed by state by state voter suppression efforts not seen since the days of Jim Crow, polling taxes and literacy tests.

These voter suppression efforts have taken the form of state legislation not only in Georgia, but also in places like Florida and Texas. These efforts have the effect of building barriers and obstacles to the sacred right to vote in this nation.

As faith leaders and communities of faith, we believe that the Vote is Sacred. We believe in and support free and fair elections. Therefore, we support all efforts that provide greater access to the ballot box and we absolutely reject any efforts whether conscious or unconscious that serve to restrict and/or provide barriers to the ballot box.

And let's be clear, what has taken place in Georgia has been a direct effort to reverse the phenomenal work of the faith community to provide greater access to the ballot box over the course of the past year.

The impact of SB 202 here in Georgia has the very effect of reducing voter turnout for African Americans, people of color, the poor, the elderly and those with disabilities. So here are the facts about SB 202…

Senate Bill 202:

- Limits the amount of time to request and submit an absentee ballot in Georgia.
- Drastically reduces voting by eliminating 24/7 outdoor absentee drop box locations.
- Makes it a misdemeanor to offer food or water to people waiting in long lines to vote.
- Removes the Chief Election official, the Secretary of State, from chairing the State Elections Board and replaces him with a political/partisan appointee.
- Allows for the state takeover of local county election functions with little due process.
- Reduces the overall days and hours of voting opportunities for all future elections

The net effect of this legislation is a reduction of opportunities for people to vote throughout the State. It absolutely has a suppressive affect on our electoral process. That is why we stand firmly in opposition to this legislation.

We believe that the cure for these suppressive legislative actions nationwide is the passage of federal legislation that will both protect and promote the vote. We continue to support the need for passage of both the John Lewis Voting Rights Advancement Act and the For the People Act. We believe through these two pieces of legislation, the vote can both be protected and promoted in a way that honors our Democracy.

We believe the John Lewis Voting Rights Advancement Act will protect the vote by allowing Justice Department or Judicial oversight of local efforts to change voting laws. It will not allow partisan politics to be the sole arbitrator on local election law, especially in areas where voter suppression efforts have been documented and reported.

We believe the For the People Act will make it easier for Americans to vote, not harder. We believe it will allow people who have historically not participated in the political process to step forward like what we recently saw during our most recent election cycle.

Finally, we pray that partisan politics will not stand in the way of doing what is right where our Democracy is concerned. We welcome bi-partisan support for these two pieces of legislation and we encourage all parties to work together on this matter. However, let us also be very clear; if both parties are not willing to come to the table to discuss and reason together on this issue in a spirit of compromise, then there must be the moral courage to vote as the majority rules. That means, on this issue only, you must be willing to abandon the senate filibuster rules. This issue is too important to hide behind political/partisan politics. This issue is about the very foundation of our Democracy and we must protect it at all cost.

We ask you as a Committee and as a Senate body to please protect our sacred right to vote, please support the John Lewis Voting Rights Advancement Act and the For the People Act. We

respectfully request that this letter be submitted as part of the record of the Committee's July 19 Georgia Field Hearing on voting rights.

Sincerely,

DeKalb Pastors Christian Alliance

Senate Committee on Rules and Administration
Protecting the Freedom to Vote- Recent changes to Georgia voting laws and the need for basic federal standards to make sure all Americans can vote in the way that works best for them.
July 19, 2021

Questions for the Record
Senator Harrell

Chairwoman Amy Klobuchar

In addition to Georgia's new law to roll back voting rights, we know that there is a concerted effort to restrict the right to vote in states across the country—with over 400 bills introduced in nearly every state this year. As a state legislator, why do you think we need federal action to put in place basic national standards to protect the freedom to vote?

Answer: *I recently did a quick assessment of all the different voting requirements across the country. There is a great deal of inconsistency. For example, when it comes to voter ID requirements, some states are very strict in the forms of ID they accept, some are more lenient, and some states have no requirements at all. There are similar inconsistencies in who can vote absentee by mail/dropbox. These inconsistencies should not exist, and as states pass even more restrictive laws, these inconsistencies are only going to get worse. Where you live should not determine how hard or easy it is to vote. These various laws result in unequal access to the ballot. We urgently need Congress to determine and pass basic national standards to protect equal access to the ballot for every American.*

Senate Committee on Rules and Administration
Protecting the Freedom to Vote- Recent changes to Georgia voting laws and the need for basic federal standards to make sure all Americans can vote in the way that works best for them
July 19, 2021

Questions for the Record
Ms. Helen Butler

Chairwoman Amy Klobuchar

As a former local election official, can you comment on the importance of federal funding in the administration of fair, accessible, and secure elections?

Federal funding is critical for states and local jurisdictions to administer fair, accessible, and secure elections. For example, Congress provided funds under the Help America Vote Act (HAVA) to improve electoral access for individuals with disabilities and to recruit poll workers. Congress also provided funds under HAVA for jurisdictions to use to modernize voting systems and acquire new voting technology. Since the 2016 election, Congress has provided additional funding to help jurisdictions make the changes necessary to respond to the coronavirus pandemic and ensure election security. Without federal support, local jurisdictions would be unable to adequately respond to these urgent challenges and our elections would be insecure, inaccessible and unfair.

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