



**STATEMENT OF VANITA GUPTA, PRESIDENT AND CEO  
THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS**

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON HOUSE ADMINISTRATION  
OVERSIGHT HEARING ON “VOTING SAFELY IN A PANDEMIC”**

**AUGUST 28, 2020**

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Vanita Gupta

Chairwoman Lofgren, Ranking Member Davis, and members of the Committee: Thank you for holding this timely and important oversight hearing today on voting safely during the COVID-19 crisis. My name is Vanita Gupta, and I am the president and CEO of The Leadership Conference on Civil and Human Rights.

The Leadership Conference is a coalition of more than 220 national organizations working to build an America as good as its ideals. Founded in 1950, The Leadership Conference has coordinated national advocacy efforts on behalf of every major civil rights law since 1957. As I testify here today, thousands of people are gathering to commemorate the 57<sup>th</sup> anniversary of the historic March on Washington for Jobs and Freedom, which The Leadership Conference played a key role in planning in 1963. Before joining The Leadership Conference, I served as Acting Assistant Attorney General of the Justice Department's Civil Rights Division — a division charged with enforcing our nation's federal voting laws.

In the midst of a global pandemic that has infected millions of people in this country; claimed more than 175,000 lives, disproportionately killing people of color who are especially likely to work on the frontlines; put tens of millions of people out of work; and led to the worst economic downturn that most of us have seen in our lives, one would think that right now is the worst possible time imaginable to undermine our nation's most treasured institutions and make it harder to vote. The Leadership Conference has been profoundly troubled<sup>1</sup> by the service and operational changes in recent months within the U.S. Postal Service (USPS), and their impact on the lives of all Americans who depend on this essential service for timely and affordable access to medications and daily necessities. We are particularly concerned about how these changes will affect the ability of the communities we represent to have their voices heard in the upcoming elections. Voters should not be forced to choose between their health and their fundamental right to vote.

The slew of recent service and operational changes at USPS threaten to have a devastating impact on communities of color that continue to bear the legacy of centuries of political and

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<sup>1</sup> <https://civilrights.org/resource/congress-must-provide-robust-funding-for-the-united-states-postal-service/>

economic disenfranchisement. Further, President Trump's attacks on the integrity of both mail-in and in-person voting also pose grave danger to the administration of safe, fair, and accessible elections.

Our nation's troubled history of denying people of color the right to vote requires little elaboration. For nearly a century after the ratification of the 15<sup>th</sup> Amendment, African Americans were routinely denied the right to vote through Jim Crow policies, such as poll taxes and literacy tests, and extreme violence. Even as we celebrate the 100<sup>th</sup> anniversary of women's suffrage in this country, it is important to note that African-American women were not able to exercise the franchise for decades after the ratification of the 19<sup>th</sup> Amendment. While the enactment of the Voting Rights Act of 1965 offered new tools to fight the most blatant forms of discrimination, people of color have continued to face barriers to exercising their most important civil right, such as voter intimidation, felon disenfranchisement laws built on top of a system of mass incarceration, disinformation campaigns, burdensome and costly voter ID requirements, and purges from the voter rolls.

Despite the best efforts of The Leadership Conference and its many member organizations to protect voting rights and promote civic participation within communities of color, the impact of decades of overt and covert voter suppression tactics continue to take their toll. Since the U. S. Supreme Court invalidated the key enforcement provision of the Voting Rights Act in *Shelby County v. Holder* in 2013, voting discrimination has become harder to stop. In many states, counties, and cities across the country, legislators have pushed through laws designed to make it harder for people of color to vote. Over the last decade, 25 states have passed laws imposing new restrictions on voting, more than 17 million voters have been purged from the voter rolls nationwide, and more than 1,688 polling places were closed in former Section 5 jurisdictions, falling more harshly on minority communities.<sup>2</sup> In 2020, a year when communities of color have disproportionately suffered from the health and economic consequences of the COVID-19 pandemic, the outlook is even more disconcerting.

What we have seen to date in this year's primary elections provides a dire warning of what we could expect this November — unless election officials act now to ensure safe and accessible elections over the next 66 days. Machine breakdowns, unreasonably long lines, polling place closures, faulty vote-by-mail practices, and undertrained staff have persisted across the country for many years. While we acknowledge the unique circumstances posed by this pandemic, we also recognize that today's problems are a direct result of long-standing ills in election practices across the country, ills that we have never fully addressed or remedied and that were only exacerbated by the *Shelby County* decision.

All Voting is Local (AVL), a campaign of The Leadership Conference, found troubling racial disparities in voter participation as measured by provisional balloting, in-person and by-mail voting rates, and other metrics in key states:

- **Ohio:** In Ohio's April 28 primary election, there was a 33 percent provisional ballot rejection rate in Cuyahoga County, an increase from 19 percent in the 2016 general election.<sup>3</sup> AVL's analysis

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<sup>2</sup> <https://civilrights.org/democracy-diverted/>

<sup>3</sup> [https://boe.cuyahogacounty.us/pdf\\_boe/en-](https://boe.cuyahogacounty.us/pdf_boe/en-)

[US/ElectionResults2020/amended/03172020OfficialCertificationReportAMENDED.pdf](https://boe.cuyahogacounty.us/pdf_boe/en-US/ElectionResults2020/amended/03172020OfficialCertificationReportAMENDED.pdf)

found that areas with higher percentages of Black people had higher rates in the use of provisional ballots than areas with higher percentages of white people.

- **Wisconsin:** While overall statewide voter turnout was relatively high in the state's April elections, there were significant gaps in voter participation across racial groups in Milwaukee, with majority-white wards having an average of 49 percent voter turnout, and majority-Black and Hispanic wards having an average of about 18 percent turnout.<sup>4</sup> Milwaukee voters reported hurdles and health risks while attempting to vote, including applying for absentee ballots but not receiving them, and waiting for hours to vote after officials decreased the number of polling locations to just five from 180.
- **Georgia:** An analysis of absentee ballot rejections in Chatham, Gwinnett, and Cobb Counties found that rejected ballots cast by Black voters made up a disproportionately larger share of total rejections, compared to their share of absentee ballot requests. There were similar, though usually less extreme, trends for Hispanic and Asian voters in the same counties.<sup>5</sup>

Nationwide, a new report by *The Washington Post* found that more than half a million mail-in ballots were rejected during primaries in 23 states this year, dwarfing the number of mail-in ballots rejected in the 2016 general election.<sup>6</sup> One leading reason for ballot rejection was that many ballots were simply not returned in the mail in time. With an estimated 195 million Americans eligible to vote by mail in the general election this year, the number of rejected primary ballots — on top of the countless reports nationwide of delays in receiving other forms of mail — raises serious questions about the leadership of Postmaster General Louis DeJoy and the current Board of Governors to ready the U.S. Postal Service to handle a surge in the next two months.

The recent troubles within the U.S. Postal Service represent a shocking turn of events for what has long been the most popular federal agency in our nation. A survey last October found that 91 percent of people in our country have a favorable opinion of the agency.<sup>7</sup> The USPS is legally required to deliver all mail at a flat rate to all postal addresses in all regions in our country, no matter how far it may have to travel, or how profitable the work. It has more than 31,600 retail locations and employs more than 650,000 people from diverse backgrounds that serve every rural, suburban, and urban community around the country.

Of particular interest to the communities we represent, the USPS has also been an important employer of people of color. It is one of the only federal agencies whose workforce reflects our nation's demographics. The agency is a leading employer of people of color and women, who each make up 40 percent of the workforce.<sup>8</sup> Additionally, 21 percent of USPS employees are African-American, eight

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<sup>4</sup> <https://allvotingislocal.org/reports/covid-19-silenced-voters-in-wisconsin/>

<sup>5</sup> Tierney Sneed, "A Look at the Racial Disparities In How Some Georgia Counties Are Rejecting Mail Ballots," Talking Points Memo, Aug. 24, 2020, at <https://talkingpointsmemo.com/news/georgia-absentee-ballot-rejection-disparities-gwinnett-cobb-chatham>.

<sup>6</sup> Elise Viebeck, "More than 500,000 mail ballots were rejected in the primaries. That could make the difference in battleground states this fall," Washington Post, Aug. 23, 2020, at <https://wapo.st/32kkfP7>.

<sup>7</sup> Pew Research Center. "Public Expresses Favorable Views of a Number of Federal Agencies." October 1, 2019. <https://www.people-press.org/2019/10/01/public-expresses-favorable-views-of-a-number-of-federal-agencies/>

<sup>8</sup> United States Postal Service. "Workforce Diversity and Inclusiveness." [https://about.usps.com/strategic-planning/cs09/CSPO\\_09\\_087.htm](https://about.usps.com/strategic-planning/cs09/CSPO_09_087.htm)

percent are Hispanic, eight percent are Asian American Pacific Islander, and .67 percent are American Indian or Alaska Native.<sup>9</sup> The U.S. Postal Service is also one of the nation's largest employers of veterans, and currently employs nearly 100,000 Military members and veterans.<sup>10 11</sup> U.S. Postal Service careers provide a steady stream of income and benefits to employees, serve as a vehicle for families trying to work their way out of poverty, and support the same communities that they serve.

The U.S. Postal Service's accessibility and affordability is also important to seniors, people with disabilities, and veterans who might not otherwise be able to afford the cost of a private business to deliver essential medications and daily necessities. More than half the people who have their medicine delivered at home are over the age of 65, and 54 percent of this group takes more than four different types of medication.<sup>12</sup> People with disabilities rely on the USPS to mail their prescriptions for similar reasons. Many of these individuals are unable to leave their homes, let alone travel to the closest pharmacy or city to pick up their prescriptions. A number of these people are veterans enrolled in the Veterans Affairs' "Meds by Mail" program, which relies on the USPS to deliver medications to their homes.<sup>13</sup>

Finally, the accessibility and affordability that USPS provides is vital for rural and tribal communities. Without the USPS's public service commitment to provide the "last mile" of delivery, rural and tribal communities would be excluded from mail services entirely by private companies that may not find it profitable to continue rural postal routes.

Against this backdrop, we have been deeply concerned about the financial insecurity facing the USPS, both prior to and during the COVID-19 crisis. The USPS does not receive appropriations and is dependent on the sale of postal services and products for revenue to carry out its public service mission of connecting our country. We are even more concerned by a recently leaked report confirming widespread delays in the mail, delays that were downplayed as "a dip" by Postmaster General DeJoy in a Senate Homeland Security and Governmental Affairs Committee hearing last week.<sup>14</sup> Most of all, we are aghast that President Trump said the quiet part out loud, stating, "They need that money in order to have the post office work so it can take all of these millions and millions of ballots. If they don't get those two items, that means you can't have universal mail-in voting because they're not equipped to have it."<sup>15</sup> The Trump administration's attacks on the USPS are designed to undermine voters' confidence in the validity of this year's election. In recent months, the USPS has cutback overtime for workers, decommissioned 671 mail

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<sup>9</sup> Ibid.

<sup>10</sup> <https://about.usps.com/careers/career-opportunities/transitioning-military.htm>

<sup>11</sup> Jones, Sarah. "The U.S. Postal Service Needs Help Now: 'The Situation is Absolutely Dire.'" *New York Magazine*, April 17, 2020. <https://nymag.com/intelligencer/2020/04/will-republicans-help-the-coronavirus-kill-the-post-office.html>

<sup>12</sup> National Community Pharmacists Association. "Medication Adherence in America: A National Report Card." [http://www.ncpa.co/adherence/AdherenceReportCard\\_Full.pdf](http://www.ncpa.co/adherence/AdherenceReportCard_Full.pdf)

<sup>13</sup> U.S. Department of Veterans Affairs. "Prescription medications delivered right to your door!" [https://www.va.gov/COMMUNITYCARE/docs/pubfiles/brochures/MbM\\_brochure.pdf#](https://www.va.gov/COMMUNITYCARE/docs/pubfiles/brochures/MbM_brochure.pdf#)

<sup>14</sup> "Internal USPS Documents Show Proof of 'Steep Declines and Increasing Delays,' NY Rep Says," NBC New York, Aug. 22, 2020, at <https://www.nbcnewyork.com/news/local/internal-usps-documents-show-proof-of-steep-declines-and-increasing-delays-ny-rep-says/2580764/>.

<sup>15</sup> Emily Cochrane and Hailey Fuchs, "Trump Makes Clear His Opposition to More Money to Support Mail Voting," *New York Times*, Aug. 13, 2020, at <https://nyti.ms/2CV1607>.

sorting machines across 49 states, and removed hundreds of mailboxes. Each mail sorting machine has the capacity to process more than 30,000 pieces of mail per hour. One of the safest ways to vote during the pandemic is by mail and 70 percent of Americans have indicated they support this method of voting. And yet, during hearings before the Senate Homeland Security and Governmental Affairs Committee last Friday and before the House Committee on Oversight and Reform, Postmaster General DeJoy refused multiple times to agree to reinstating machines. The U.S. Postal Service is essential to a functioning democracy, and it is critical that USPS is fully funded and mail sorting machines and mailboxes are replaced immediately.

We were encouraged that last weekend, in response to the ongoing problems at USPS and President Trump's blatant efforts to capitalize on them, a bipartisan House majority voted to pass the Delivering for America Act (H.R. 8015), a bill that would go a long way in addressing our concerns with the ongoing delays in mail service and the impact they could have on this November's election. H.R. 8015 would provide the USPS with \$25 billion in emergency funding and freeze a number of operational changes until Jan. 31, 2021, or the end of the COVID-19 public health emergency.

Our concerns with the upcoming election go well beyond the ongoing issues with the U.S. Postal Service, however. It is clear from the experiences of this year's primary elections that state and local election officials lack the necessary resources to operate elections fairly and safely during the COVID-19 crisis. The \$400 million allocated to states for election assistance under the CARES Act was helpful, but state and local governments need at least an additional \$3.6 billion in order to fully prepare for the upcoming election. We are just two months away the 2020 general election; states need funding now to prevent a repeat of the challenges we witnessed during the 2020 primaries. In addition, under its authority to regulate federal elections, Congress should require states to:

- Expand voter registration opportunities, including requiring that any eligible citizen can register to vote online and requiring that any voter be allowed to register to vote on the same day that they vote (same-day voter registration);
- Ensure that every voter can access no-excuse absentee ballots with prepaid postage in all federal elections, prohibit states from requiring notarization or witness signatures to cast an absentee ballot, and during emergencies such as COVID-19, require states to automatically mail absentee ballots to all registered voters no later than two weeks before Election Day, require the counting of ballots postmarked on or before Election Day, reform signature matching laws to provide notice to voters of any problems with their ballot and an opportunity to address any inconsistencies;
- Provide at least 15 consecutive days of in-person early voting, with such voting being available at least 10 hours per day and at locations that are within walking distance of public transportation;
- Defray the costs to states of undertaking public education campaigns to educate voters about new voting and registration options in the wake of COVID-19; and
- Ensure that voters residing on Indian lands can access the ballot by maintaining robust and safe in-person voting options and providing secure ballot return drop boxes.

In addition, the ongoing economic downturn caused by COVID-19 could, according to one estimate of cost-burdened households, result in 20 million evictions in the next several months.<sup>16</sup> Mass evictions would obviously have severe and long-lasting consequences for the health, finances, and educational opportunities of displaced families and communities throughout our country. And they are also a voting issue, as suddenly displaced voters will face yet even more impediments to voting through a patchwork of complicated state requirements governing changes of address, voter ID, and other factors. Congress should reinstate the federal moratorium on evictions provided for under the CARES Act and should provide significant funding for rental assistance programs to aid families who were not protected by that law.

In short, Congress should pass the HEROES Act, which includes these provisions, as well as many others that would protect the public and our most vital institutions in the coming months. Of course, as of today's hearing, it has been 105 days since the House passed the HEROES Act, and the Senate has still refused to bring it — or any COVID-19 relief legislation, for that matter — up for a vote.

As the clock continues to tick, and as the COVID-19 crisis continues to take its toll, The Leadership Conference will continue doing everything in its power to push the Senate to act. At the same time, we are working closely with our coalition members and allies to defend the constitutional and statutory rights of all voters. And, finally, we are working to empower voters to safeguard their right to vote in these unprecedented times, with these six key steps:

- First, check your registration today and register or update your information if you need to. Voters can go to [andstillvote.org/resources](https://andstillvote.org/resources) or contact their state election officials.
- Second, make your plan to vote. You can request your absentee ballot today and return it far in advance of election day.
- Third, if you prefer to vote in person, make every effort possible to cast your ballot during your jurisdiction's early voting period if it is available.
- Fourth, if you are able, sign up to be a poll worker, at [powerthepolls.org](https://powerthepolls.org), to ensure that every voter in your community can cast a ballot.
- Fifth, if you see misinformation on a social media platform, do not amplify it by responding; report it to the platform for removal.
- Finally, as in every election, contact the nonpartisan Election Protection hotline (866-OUR-VOTE or [866ourvote.org](https://866ourvote.org)) with any questions about voting or to report any problems with the voting process.

Thank you for inviting me to testify today. I would be pleased to answer any questions you may have.

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<sup>16</sup> Katherine Lucas McKay, et al., "20 Million Renters Are at Risk of Eviction; Policymakers Must Act Now to Mitigate Widespread Hardship," The Aspen Institute, June 19, 2020, at <https://www.aspeninstitute.org/blog-posts/20-million-renters-are-at-risk-of-eviction/>.