

**Testimony Before the House Committee on Administration Hearing On
“Election Subversion: A Growing Threat to Electoral Integrity”**

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Chairperson Lofgren and Ranking Member Davis, thank you for inviting me to testify today and for the Committee’s continued attention to the most pressing matters facing Congress and our democracy.

Our Republic is built on the fundamental principle of self-government – the radical proposition that the levers of power in our society can only be exercised with the consent of the governed.

We know that throughout our nation’s history, we have struggled to deliver fully on this principle -- to ensure democratic rights for all Americans. Generations of our fellow citizens have been systematically denied the franchise. In fact, people of color, women, the disabled, and native communities have been locked-out of the ballot box for most of our nation’s history. And while we have made progress in securing the right to vote in America, that progress is incomplete and increasingly under attack.

Across the country, restrictive state laws – advanced in almost an entirely partisan fashion by Republican legislators and fueled by dark special interest money¹ – are seeking to limit the franchise under the guise of rooting out fraud and promoting election integrity even though experts agree that this past November’s election was one of the “most secure in American history.”² These laws impose new restrictions on in-person voting, narrow access to newer modalities of voting – like vote by mail – and undermine the basic nonpartisan administration of elections themselves. I appreciate your focus in today’s hearing on this last threat, commonly referred to as election subversion.³

But let’s be clear. Election subversion is just voter suppression dressed up in new clothes. When a person’s right to have their vote counted is ignored, abridged, or subverted, we are stripping them of their fundamental democratic rights; we are suppressing their voice in *their democracy*. As Congress and this Committee work to pass critical democracy reforms, we must recognize that the threat of election subversion and the threat of voter suppression are two sides of the same coin.

¹ *Dark Money Group Brags About Writing GOP Voter Suppression Bills Across the Country*, Mother Jones (May 13, 2021). <https://www.motherjones.com/politics/2021/05/heritage-foundation-dark-money-voter-suppression-laws/>

² *Election Officials Directly Contradict Trump on Voting System Fraud*, New York Times (November 12, 2020). <https://www.nytimes.com/2020/11/12/us/politics/election-officials-contradict-trump.html>

³ *State Voter Suppression Effort Is Highly Partisan*, Brennan Center for Justice (June 11, 2021). <https://www.brennancenter.org/our-work/research-reports/state-voter-suppression-effort-highly-partisan>

As this Committee knows well, the 117th Congress has been laser focused on building a stronger and more resilient democracy. This March 3rd, the House of Representatives passed the For the People Act – a bill our caucus labored long and hard to assemble, with the help of Chairperson Lofgren and many of my colleagues on this Committee and in this Congress. At the time of House passage, we were only beginning to witness the new spate of election subversion laws emerge. In fact, Georgia’s SB202 election law – first introduced on February 17 – contained none of the later subversion language that would appear in a flurry of last-minute changes in mid-March before the law’s passage on March 25th.⁴

Before the ink on SB202 was even dry, we set to work to understand the threats posed in Georgia and in other states across the country and to explore potential policy responses at the federal level. Recently, I joined with Chairperson Lofgren and our colleagues Rep. Nikema Williams, Rep. Colin Allred and Rep. Mondaire Jones in introducing the Preventing Election Subversion Act.

This bill has three core elements: (1) Limits on the ability of partisan state election officials to remove election superintendents at the county level for purposes of subverting an election; (2) Protections for election workers from harassment and intimidation; and (3) Strict rules to govern the conduct of partisan poll observers, whose access at polling sites and during the ballot counting can disrupt the fair administration of our elections.

Specifically, the legislation would adopt a minimum substantive “for cause” standard that must be met before suspending a local or county election superintendent, while providing a federal cause of action to enforce the substantive federal standard. The proposal would also allow a local election official who has responsibility for federal elections and who has been subjected to removal proceedings by a state board of elections to bring that proceeding into federal district court for redress.

The legislation goes on to make it a federal crime for any person – whether acting under color of law or otherwise – to intimidate, threaten, coerce, harass or *attempt* to intimidate, threaten, coerce or harass an election worker.

Finally, the bill would establish a minimum buffer zone to limit how close a partisan poll observer may come within a voter or ballot at a polling location during an early vote period or on Election Day.

We believe these measures represent an important contribution to our deliberations here in the House and with our Senate colleagues about the key democracy reforms in the For the People Act. By no means do they represent the full universe of potential federal responses to the threat of election subversion. We continue to workshop additional policy approaches as we track new and more sinister subversion proposals at the state-level that threaten to intentionally disrupt the nonpartisan administration of our elections.

⁴ *What Does Georgia's New Voting Law SB 202 Do?*, Georgia Public Broadcasting (March 27, 2021). <https://www.gpb.org/news/2021/03/27/what-does-georgias-new-voting-law-sb-202-do>

I thank the Committee for your interest and look forward to offering any assistance and perspective I can in this critical effort to safeguard our democracy and protect, preserve and defend the vote and the voice of every American.