

FIELD HEARING ON ELECTION INTEGRITY IN GEORGIA

FAIR FIGHT TESTIMONY

Delivered February 18, 2019

Chairman Fudge, Committee members, I appreciate the opportunity to address this hearing today. I hold the right to vote to be the most fundamental privilege of a citizen. My parents, who were active in the civil rights movement, instilled in their six children a reverence for the franchise – and obligation to protect it. I do not view this responsibility as partisan. When credible, nonpartisan issues on voting arise, I have worked with all comers to identify the most effective means to guarantee access. Likewise, when legislators and others sought to unfairly restrict the right to vote, I worked hard to defeat it.

In addition to standing as a candidate for Governor in 2018, I served in the role of Minority Leader for seven years, where I had a broad view of the challenges facing voters across our state. Moreover, as the founder of the New Georgia Project, one of the state's largest third party voter registration organizations, I have firsthand experience with the obstacles embedded in the registration process as managed by the prior Secretary of State, Brian Kemp. Moreover, as a long-time advocate for voting rights, I am deeply concerned about the impact on our democracy if action is not taken immediately to support access to voting rights for all eligible citizens.

On November 6, 2018, Georgia experienced unprecedented turnout in its midterm election. Communities long isolated from the electoral process cast their ballots, including increases in voting across racial and ethnic groups and age groups. Most fairly, this surge should be attributed to those grassroots organizations that work hard not only during election cycles but year-round to build civic engagement and to broaden participation in the polity of Georgia. While this dramatic increase in voter participation should be celebrated, the rise in turnout cannot be allowed to mask a more troubling trend.

Voters, many of whom were first time voters, experienced numerous issues with being located on the voting rolls, receiving and returning absentee ballots, and were given a disturbing number of provisional ballots rather than being allowed to vote unhindered. In some areas, elections officials refused to provide provisional ballots, citing a shortage of paper. In counties, polling locations ran out of provisional and back-up paper ballots. Frustrated voters received inaccurate information regarding their rights; and thousands of voters were forced to vote using provisional ballots due to long lines. An untold number simply gave up, unable to bear the financial cost of waiting in line because Georgia does not guarantee paid time off to vote.

Across the state, voters faced obstacles that shook their confidence in the electoral process, leading to more than 50,000 calls to a local voter protection hotline in the 10-day period immediately following the election. From issues with registration to ballot access to the counting of votes, Georgians faced a systemic breakdown of its electoral process.

In response, on November 16, while I acknowledged the outcome of the election, I also called upon my fellow Georgians to join me in pursuing a fair and equitable system that operated effectively, efficiently and equally through the entity Fair Fight Action. I did so in full awareness of a decade of actions that had undermined the elections system, often misappropriating existing laws or operating in ways that faced legal challenge. While several of these federal lawsuits worked, the Secretary of State and others pushed through local laws to restore the obstacles to voting. Yet, we must recognize that Georgia's experience, while singular, is not unique.

In 2013, with the effective neutering of the 1965 Voting Rights Act, states and localities raced to restore or manufacture new blocks on voting; and unfortunately, Georgia has been a leader in this endeavor. However, this attack on voting rights is not new, although the speed of constraints quickened in the years after the *Shelby* decision. For Georgians, voter ID laws came first, followed by an increase in closed or consolidated precincts, assaults on 3rd party registration, database challenges that spoiled legitimate registrations, vulnerable or inadequate

equipment, and lax oversight of county application of state laws, leading to disparate treatment based on county lines. Incompetence and malfeasance operate in tandem, and the sheer complexity of the state's voting apparatus smooths voter suppression into a nearly seamless system that targets voter registration, ballot access and ballot counting.

Over and over again, these hurdles have had their desired effect. In Georgia, the Secretary of State purged more than 1 million voters, oversaw local closure of more than 200 precincts, held the registrations of 53,000 using the flawed process of exact match and presided over the what some reports as the longest voting lines for black voters in the nation. Naturalized citizens had to sue for their newly secured rights, and organizations continue to fight for ballots in multiple languages. Unfortunately, Georgia also neglected its elections infrastructure, resulting in vulnerable, sometimes inoperable machines that were inadequately distributed to communities. Multiple times, the lines drawn for districts have been misapplied or miscommunicated, forcing do-over elections or disqualifying otherwise eligible candidates.

In isolation, each example is troubling, as it represents a voter who could not fully participate in the body politic. Combined, they represent the disenfranchisement of Georgia voters in general, and targeted communities of color or low-income neighborhoods in particular. Our goal is to reform to Georgia's election management system by ensuring that voters who are duly eligible to register are not unfairly blocked or are unfairly thrown off the rolls. Georgia must maintain an accurate, functioning voter registration list.

In Georgia, and around the country, the closure or consolidation of precincts unfairly punishes those who have challenges with transportation or who have other issues, including physical disability. Voters should also be able to fully participate in lawful processes such as absentee ballots; however, a number of voters reported failure to receive duly applied for ballots.

Counting duly cast votes is also an uncertainty in Georgia. A disturbing number of absentee ballots were rejected in 2018, and previously, the former Secretary of State used the lawful

right to absentee voting to target and prosecute citizens. In addition, Georgia a provisional ballots system that is inconsistently applied. Administrative issues plagued the process, including allowing different standards for the administration of elections in each of 159 counties.

In addition, Georgia should be compelled to replace insecure and unreliable voting machines with paper ballots, and to do so with a procurement process that does not unduly enrich any allies of the leaders of the state. We would also benefit from a true statewide elections supervisor who applies uniform standards and adequate resources for training & election administration.

Georgia is the cradle of the civil rights movement, and we are capable of conducting free and fair elections, with record turnout. Yet, on Election Day, voters faced extremely long lines; registered voters missing from the rolls; insecure, inadequate, and malfunctioning voting machines; insufficient provisional ballots, and election staff who were ill-equipped to meet voters' needs. Yet, these are all issues that can be solved by people of good will, who recognize that no electoral process is perfect – but that perfection should be the goal.

I am fighting for fair elections with the deepest recognition that improving our system will not change the outcome of November 6, 2018. However, as a citizen of Georgia and as an American who believes in our system of representative democracy, I am obliged to do all in my power to advocate for an end to voter suppression – in all its forms and in all its spaces. On behalf of millions of Georgians, I express our gratitude to this committee for your willingness to investigate and understand the threats embedded in our state's electoral apparatus. Together, we can press forward for an electoral system that truly represents and listens to its people.