



## Congresswoman Carolyn Bourdeaux

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(770) 232-3005**House Committee on Judiciary  
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Thank you Chairman Nadler and Ranking Member Jordan for the opportunity to submit testimony as part of the House Committee on Judiciary's Member Day Hearing. As you know, I represent the state of Georgia, where the state legislature passed a bill, SB 202, during their 2021 session that threatens the integrity of our voting systems in the state. However, in the years after the United States Supreme Court gutted the Voting Rights Act, this bill is just one of many efforts by the Republican leadership in Georgia to set election policies which limit voting in ways that have a disproportionately negative effect on voters of color in the state. My district, Georgia's 7th, one of the most diverse districts in the country, has been ground zero for many of these disputes.

Some of the most long-standing disputes exist around voter registration processes, including "exact match" policies and voter purges. In 2016, voting rights [organizations sued then-Secretary of State](#), Brian Kemp, over the exact match policy for voter registration. This policy [required the information on a voter's registration application to exactly match records kept by the Georgia Department of Driver Services or the federal Social Security Administration](#). This meant typos, data entry errors, or nicknames – such as someone who uses the name Bill as a nickname for William – could jeopardize someone's voter registration.

These policies disproportionately affect voters of color. When the policy was in full effect, an analysis showed that while more white people applied to vote in Georgia than Black people, Black applicants [comprised 63.6 percent of all cancellations](#). Overall, minority voters were [eight times more likely](#) than white voters to be rejected. Another Associated Press study showed that [76.3 percent of these voters were Black, Asian-American or Latino](#). In response to the lawsuit brought in part by advocacy organizations in the 7th district, Georgia agreed to suspend the exact-match requirement and reinstate every voter whose registration application was cancelled under the policy dating back to October 2014.

Not [but a year after the 2016 litigation, in 2017 the Georgia General Assembly passed legislation to reinstate the "exact match" process](#). Again, 7th district voting rights groups sued. In the summer of 2018, the Associated Press reported that 53,000 voter registration applications were held up, nearly [70 percent](#) of which were Black applicants and [80 percent](#) of which were Black, Latino or Asian American. While under the new law, registrants could still vote, these provisions were widely expected to create problems at precincts when voters showed up and their registration application was noted as being "on hold." Voters who failed to correct the problems with their voter registration could be dropped from the voter rolls.

Beyond the State's "exact match" policy, which limited access to voting and participation in our elections, the Georgia Secretary of State has a history of simply removing registered voters from the voter rolls. Georgia has become one of the most aggressive voter purge states in the nation. In the four years between 2012 and 2016, the Secretary of State [purged a total of 1.5 million voters](#), twice as many as were purged between the 2008 and 2012 election cycles.

In July of 2017, an investigation found that the State [purged](#) over half a million voters [in one night](#). Of those, [107,000 were purged](#) because of Georgia's "use it or lose it" policy, which allows voters to be purged simply for not voting in prior elections. [Nearly 56,000](#) of the purged voters re-registered to vote in the same county they were registered in before they were purged from the rolls. Of those, almost [30,000 re-registered too late to vote](#) in the 2018 election. It is not clear how many of these 30,000 people would have voted in the elections of 2018, but there are [many stories of people](#) showing up to vote and finding that they were no longer registered. These voter purges continue in Georgia to this day.

In addition to problems with voter registration statewide, in 2018, Gwinnett County became ground zero for litigation over absentee ballot problems, with ballots rejected for signature mismatch or for other technical administrative problems. At one point during early vote, [nearly one in 10 vote-by-mail ballots were rejected](#) by Gwinnett County election officials. Signature mismatch received the most attention initially. This occurred when election officials decided that a signature on an absentee ballot did not match the signature on the voter registration form. After litigation, a Federal judge [stepped in](#) to ensure that ballots that were thrown out for signature mismatch were marked as provisional and voters were given a chance to appeal the decision or confirm his or her identity.

But even with this intervention, there were a number of problems with absentee ballot processing and inconsistent interpretation of voting requirements between counties which would be litigated in the following months. For instance, the ballots required voters to fill in their "birth date" next to their signature, but many residents mistakenly put the date they voted. Gwinnett County had adopted a strict interpretation of this provision and ballots with an incorrect date were thrown out. Meanwhile, elections administrators in Forsyth County, the other county in the 7th district, would count such ballots. Additionally, Forsyth County would swiftly notify voters of problems such as signature mismatch or administrative problems in filling out the ballot, while other county administrators – typically those in the busier and more urban counties – took longer.

These discrepancies formed the basis of litigation by the [Coalition for Good Governance](#), Asian Americans Advancing Justice, and the [American Civil Liberties Union](#), which eventually led to a number of reforms on absentee ballots in 2020.

Further problems occurred in Gwinnett county with the mechanics of voting in person. During the 2018 general election, problems with voting machines [forced precincts to have to remain open](#) at the end of the night to ensure that voters had the opportunity to cast their ballot. Wait times often exceeded two hours. The highly diverse Annistown Elementary School precinct near Snellville, Georgia had to remain open until 9:25 p.m. because there were problems with the ExpressPoll machine that checked people in to vote. The Anderson-Livsey Elementary precinct, also near Snellville was also ordered to remain open until 7:30 p.m. because there was a failure

to bring power cords for voting machines. The Harbins Elementary precinct, near Dacula, Georgia was ordered open until 7:14 p.m. Polls typically close at 7:00 p.m.

The problems with in person voting continued into 2020. In 2020, Georgia purchased new voting machines. From the beginning, there was concern as to whether the state would be able to efficiently and equitably deliver these new machines all over the state. During the presidential preference and general primary elections in June of 2020, voters in Gwinnett County who went to the polls on election day were met with chaos. [According to the county spokesman](#), there were a number of polling places that opened at 7 a.m., but they opened without their equipment, or their equipment was not set up and ready to go. In Gwinnett County, between [10.2% and 17.9% of precincts](#) were experiencing some degree of issues when the polls opened on election day. As a result the people who came to vote had to cast 'emergency ballots.'

These problems were repeated during early voting in the 2020 general election, with voters having to [wait up to 11 hours](#) in line because of glitches with the voting machines. These problems made national news with some of the longest waits occurring in the very diverse 7th district Gwinnett precincts.

Longer wait times in heavily minority precincts are not only a function of technical problems. An [analysis of wait times](#) in Georgia showed that overall urban and more diverse districts had more voters per precinct, with the metro Atlanta area having half the state's voters but only 38 percent of the state's precincts. Additionally, not only are these urban and more heavily minority precincts populated with more voters, but wait times are particularly long in heavily Black precincts because Black voters have traditionally been less likely to use vote by mail prior to the 2020 election and more likely to vote in person. During the 2018 election, just [11 percent of Black voters cast their ballots by mail](#), compared with 24 percent of white voters.

This is one of the many reasons that the state's most recent attack on vote by mail is so pernicious: vote by mail had the effect of relieving the pressure on precincts and voting in person. Reducing vote by mail will push voters in crowded precincts back into the long lines and long waits which are barriers to voting. Not surprisingly, after a very successful effort to encourage people to vote by mail to avoid COVID, there was a perception among Republican leaders in the state that they would need to restrict absentee ballot voting in order to win elections. In January 2021, the Chair of the Board of Elections in Gwinnett County, a Republican, was recorded as saying that [no-excuse absentee ballot voting should be limited so that Republicans "at least have a shot at winning."](#) Her comments reflected comments made earlier in 2020 by the [Georgia Speaker of the House](#) as well as by [President Trump](#).

The latest elections legislation passed by the Georgia General Assembly, SB 202, includes provisions that, among other things, require a voter ID to use a no excuse absentee ballot, ban third parties from sending out absentee ballot applications, limit the use of absentee ballot drop boxes, allow outside challenges to voter registration and perhaps most alarmingly, allows the State Election Board to remove a county election board after a performance review, audit or investigation and install a temporary superintendent.

This testimony should help illustrate why such provisions are problematic and how they exist in the context of an on-going effort by many Republican leaders in Georgia to increase barriers to voting. These barriers, of course, affect all voters, but disproportionately affect minority and particularly Black voters. As the state curtails access to vote by mail, this will almost certainly have the effect of forcing voters, especially Black voters, back into long lines in under-resourced precincts.

Even more insidiously, Georgia's new law has provisions which would enable partisan lawmakers to take over local boards of elections. They are already preparing to do so in Fulton County where the City of Atlanta is located. This presents an entirely new challenge. Elections administrators set the policy for early vote, for how absentee ballots are counted, for precinct size and ultimately whether voters wait in line for hours to vote - among many other decisions that can affect the fate of an election. If the Georgia General Assembly can take over the election administration process in a majority-minority county, we can no longer be assured of free and fair elections in our state.

This Committee has led the fight for free and fair elections by passing the John Lewis Voting Rights Advancement Act, and we must do everything in our power to ensure this bill or the Freedom to Vote Act is passed into law to prevent voter suppression and election subversion in states like Georgia. There is too much at stake if we do not.

Thank you.