



**STATEMENT OF WADE HENDERSON, INTERIM PRESIDENT AND CEO  
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**U.S. HOUSE OF REPRESENTATIVES  
HOUSE COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES**

**HEARING ON “VOTER SUPPRESSION AND  
CONTINUING THREATS TO OUR DEMOCRACY”**

**JANUARY 20, 2022**

Chairman Cohen, Ranking Member Johnson, and members of the subcommittee: Thank you for holding this important hearing today to highlight the ongoing crisis of discrimination against African Americans and other communities of color at the ballot box and throughout our political system. My name is Wade Henderson, and I am the interim president and CEO of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations working to build an America as good as its ideals.

The Leadership Conference was founded in 1950 and has coordinated national advocacy efforts on behalf of every major civil rights law since 1957, including the Voting Rights Act of 1965 and subsequent reauthorizations. Much of our work today focuses on making sure that every voter has a voice in the key decisions that impact our lives, including pandemic relief, access to affordable health care, and policing accountability. At The Leadership Conference, we aim to ensure that every voter can safely and freely cast a ballot that counts.

Protecting our democracy has never been more important. We are now on the edge of a precipice. Too many people in positions of power around the country are trying to take us back to a world reminiscent of Jim Crow — a world of exclusion, control, and violent inequality. This assault on democracy has only grown in momentum since the 2020 election, with new and increasingly dangerous tactics that continue to undermine free and fair representation, including:

1. The “Big Lie” fabricated by Donald Trump is fueling the actions of state lawmakers who, since the U.S. Supreme Court’s *Shelby County v. Holder* ruling nearly nine years ago, have used the absence of federal voting protections to try to take us backwards by creating barriers to the ballot for Black, Brown, and Native voters; people with disabilities; young and older people; and new Americans.

2. Election subversion, which we saw with horrific clarity during the January 6 insurrection after elected leaders stoked their base's rage so viciously that it led to an attempted coup d'état — and has now become a model for challenging election results.
3. Frightening attacks on election officials and poll workers, which threaten the operations and functioning of our election systems and intimidate the very people to whom we should extend our gratitude.
4. Lastly, the dilution of the people's power through partisan gerrymandering. State legislators have pounced on 2020 Census data with a fury to undermine the voting power of communities of color, even in the face of dramatic increases in their representation. In state after state, we are seeing maps prepared and adopted which increase representation for white communities and dilute the voices of people of color.

The question is now: How must Congress meet this moment? And the unequivocal answer is that Congress must rise to this challenge and do everything within its power to move to debate and pass the Freedom to Vote: John R. Lewis Act by any means necessary. Let's be clear: We have approached the time of dealing with the contradiction of what we say we are as a democratic republic, and what we actually are. In this perilous moment, Congress must carry out its duty and swiftly act to make real the promise of our democracy for all.

This week, our nation celebrated the birth of Dr. Martin Luther King, Jr. In his famous 1957 speech "Give Us the Ballot" delivered in Washington, D.C., he implored Congress to "provide a strong, moral, and courageous leadership for a situation that cannot permanently be evaded." He called "the civil rights issue" an "eternal moral issue which may well determine the destiny of our nation... The hour is late. The clock of destiny is ticking out. We must act now, before it is too late." Dr. King's words ring true today.

As Dr. King's speech makes clear, we have been here before. Throughout our nation's history, we have faced seemingly insurmountable challenges to what should be our collective goals of ensuring democratic representation for all Americans. After Reconstruction, national voting rights legislation was considered by Congress. Henry Cabot Lodge, then a Massachusetts representative, sponsored a federal elections bill in 1890 to give the federal government responsibility for regulating elections to the House of Representatives.<sup>1</sup> The bill was designed to enforce the ability of African Americans to vote in the South. It allowed constituents to petition a federal judge to take charge of a federal election, appoint supervisors to oversee federal elections, and send federal troops to monitor elections. In debate on the bill, Representative Lodge stated: "The first step toward the settlement of the Negro problem and toward the elevation and protection of the race is to take it out of national party politics." The House of Representatives passed the bill with the support of Republican President Benjamin Harrison. But the Senate greeted the legislation with a week-long filibuster that ended in its defeat. The Senate failed to

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<sup>1</sup> The Negroes' Temporary Farewell: Jim Crow and the Exclusion of African Americans from Congress, 1887-1929. History, Art & Archives, United States House of Representatives, <https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Temporary-Farewell/Introduction/>

meet the moment. It was not until 1965, after John Lewis and hundreds of other civil rights marchers were brutally beaten on the Edmund Pettus Bridge in Selma, Alabama, that sweeping federal voting rights protections would finally become federal law.

This Senate cannot afford to fail in this moment. My testimony today will focus on the urgent and critical need for the Senate to come together to support passage of the Freedom to Vote: John R. Lewis Act. The Supreme Court's evisceration of the Voting Rights Act in 2013 was the opening salvo in what has become an intensifying years-long campaign to destroy our democracy. Our elections systems, the officials who operate them, and the voters seeking to participate in them are being relentlessly attacked and undermined as never before in the modern era. If there ever was a moment in our history that we must unite to preserve our most fundamental principle of participatory democracy, that time is now.

### **The Voting Rights Act Has Always Enjoyed Strong Bipartisan Support**

It was the 89th Congress that passed the Voting Rights Act in 1965 to outlaw racial discrimination in voting. The law had an immediate and profound impact, and it is widely regarded as the most consequential and successful civil rights law in history. Prior to 1965, many states barred Black voters from participating in the political system through literacy tests, poll taxes, voter intimidation, and violence. In Mississippi, for example, fewer than 5 percent of African Americans were registered to vote.<sup>2</sup> Five years after the VRA's enactment, almost as many African Americans registered to vote in Alabama, Mississippi, Georgia, Louisiana, North Carolina, and South Carolina as had registered in the century before 1965.<sup>3</sup> The VRA became the nation's most effective defense against racially discriminatory voting policies.

Section 5 of the VRA represents the heart of this seminal civil rights law. It recognized the importance of detecting and redressing voting discrimination before that discrimination can infect the electoral process and cause potentially irreversible harm to voters and to democracy itself. Section 5 applied to state and local jurisdictions with a history of discrimination and required them to preclear voting changes to ensure the change neither intentionally or adversely impacted voters on account of race, color, or membership in a language minority group. Section 5 was successful in enabling the federal government to block proposed voting restrictions and ensured that changes to voting rules were public, transparent, and evaluated to protect voters against discrimination.

The Voting Rights Act has commanded strong support from both political parties at every moment in time until now. In the decades after original passage of the VRA, Congress reauthorized Section 5 of the VRA on four separate occasions. Each time, the support from both Republican and Democratic parties was overwhelming. In 1982, for example, the Senate passed the bill by a vote of 85-8, and the House vote was 389-24. In 2006, when the VRA was last reauthorized, the Senate voted for reauthorization by a vote of 98-0 and the House voted for reauthorization by a vote of 390-33.

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<sup>2</sup> U.S. COMM'N ON CIVIL RIGHTS, AN ASSESSMENT OF MINORITY VOTING RIGHTS ACCESS IN THE UNITED STATES 171 (2018), [https://www.usccr.gov/pubs/2018/Minority\\_Voting\\_Access\\_2018.pdf](https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf)

<sup>3</sup> *Shelby County v. Holder*, 570 U.S. 529, 562 (2013) (Ginsburg, J., dissenting).

Each of the four reauthorizations of Section 5 of the VRA was signed into law by Republican presidents: President Richard Nixon in 1970; President Gerald Ford in 1975; President Ronald Reagan in 1982; and President George W. Bush in 2006. At the signing ceremony in 1982 attended by scores of civil rights leaders, President Reagan famously stated: "The right to vote is the crown jewel of American liberties, and we will not see its luster diminished. This legislation proves our unbending commitment to voting rights. It also proves that differences can be settled in good will and good faith."

Our democracy demands that same good will and good faith today. At a time when members of Congress should come together in the best interests of the people and the nation, they are instead tragically deepening a growing partisan divide. This is the moment when our leaders should unite and once again demonstrate our country's steady and longstanding bipartisan commitment to voting rights. For example, 16 Republican senators currently serving in the Senate supported reauthorization of the VRA in 2006, either as senators or representatives. These senators include Minority Leader Mitch McConnell (R-KY), Ranking Member of the Senate Judiciary Committee Chuck Grassley (R-IA), and the former Chair of the Senate Judiciary Committee Lindsey Graham (R-SC). Other Republican senators withholding their support of our freedom to vote today include Marsha Blackburn (R-TN), Roy Blunt (R-MO), John Boozman (R-AR), Richard Burr (R-NC), Shelley Moore Capito (R-WV), Susan Collins (R-ME), John Cornyn (R-TX), Jim Inhofe (R-OK), Jerry Moran (R-KS), Lisa Murkowski (R-AK), Richard Shelby (R-AL), John Thune (R-SD), and Roger Wicker (R-MS). For reasons that can only be explained by raw partisanship, these 16 senators do not currently support the Freedom to Vote: John R. Lewis Act and refuse to allow the Senate to end debate on this legislation and take a final vote. That change in position — on the issue most fundamental to our democracy — is simply unconscionable.

### **“Current Conditions” of Voting Discrimination Require Congress to Respond Forcefully and Urgently**

The refusal by the Senate to even debate prior versions of the voting rights bills is all the more devastating given the overwhelming record of voting discrimination before Congress. Members now have a full body of evidence that unequivocally supports Congress exercising its power under the Constitution and protecting our most fundamental freedom: the freedom to vote.

In *Shelby County v. Holder*, the Supreme Court eviscerated the most powerful provision of the VRA: the Section 5 preclearance system. In his ruling, Chief Justice John Roberts, on behalf of the majority, declared that “Our country has changed.” The Court held that the formula that decided which jurisdictions were subject to preclearance was outdated. But the Court also instructed Congress to assess current conditions relating to voting discrimination in order to lawfully require states and political jurisdictions to preclear voting changes. Through tens of hearings, hundreds of witnesses, and thousands of pages of testimony and exhibits, Congress has now done precisely that.

To help Congress develop the record to support the Freedom to Vote: John R. Lewis Act, The Leadership Conference published reports on the state of voting rights in 13 states across the country and introduced them into the congressional record. They document the “current conditions” surrounding voting discrimination — the same conditions required by the Supreme Court in *Shelby County* as the basis for

Congress to update a coverage formula — and highlight pervasive and persistent voting discrimination in its modern-day form. Overall, the reports demonstrate the importance of reinstating Section 5 preclearance to stop discriminatory voting changes from going into effect and thereby ensure that voters of color can fully participate in the political process and have their voices heard.

These reports document both the intentionality and speed with which states moved to disenfranchise voters of color after *Shelby County* lifted Section 5’s preclearance requirement. North Carolina presents a glaring example. In just a matter of hours after *Shelby County* was handed down, the North Carolina General Assembly announced that, because the decision had rid them of the “headache” of the Voting Rights Act’s preclearance protections, they could now move forward with the “full bill.”<sup>4</sup> H.B. 589 became known as the “monster” voter suppression law — and was more restrictive than bills seen in any other state. Among other changes, the law eliminated same-day registration, pre-registration for 16- and 17-year-olds, out-of-precinct ballots, and the first week of early voting. It also instituted one of the nation’s most stringent voter ID requirements.<sup>5</sup> More than three years after its passage, the U.S. Court of Appeals for the Fourth Circuit invalidated the omnibus suppression legislation, holding that the state of North Carolina illegally and intentionally targeted the right to vote of African Americans “with almost surgical precision” in violation of Section 2 of the VRA and the Fourteenth and Fifteenth Amendments.<sup>6</sup>

The voting restrictions adopted as a result of the *Shelby County* decision came in all forms, shapes, and sizes with one common theme: a disparate impact on voters of color. For example, a report by The Leadership Conference Education Fund, “Democracy Diverted: Polling Place Closures and the Right to Vote,” found that after *Shelby County*, thousands of polling places were shuttered or moved in states previously covered by Section 5 under the VRA.<sup>7</sup> In the 757 counties we analyzed that were once covered under Section 5, we found 1,688 polling place closures between 2012 and 2018. Texas closed more polling places than any other state, amounting to nearly half of the state’s total. Moreover, 590 of the 750 polling closures in Texas occurred prior to the 2016 presidential election — the first presidential election after *Shelby County*.<sup>8</sup> Furthermore, five of the six largest county closers of polling places were in Texas. Unsurprisingly, these counties — Dallas, Travis, Harris, Brazoria, and Nueces — are all majority-minority jurisdictions with significant Latino and Black populations.<sup>9</sup>

The voting discrimination unleashed by *Shelby County* has only grown in intensity with Donald Trump’s relentless lies about election outcomes, his attacks on the integrity of our elections, and the violent insurrection which he helped initiate to overthrow the 2020 presidential election results. In 2021 alone, state legislatures introduced 440 restrictive voting bills. Thirty-four laws were enacted in 19 states with anti-voter provisions that roll back early and mail voting, add new hurdles for voter registration, impose harsh voter identification requirements, strip power from state and local election officials to enhance

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<sup>4</sup> Jim Rutenberg, *disenfranchised: A Dream Undone*, The New York Times (July 27, 2009).

<sup>5</sup> N.C. Sess. L. 2013-381 (Aug. 12, 2013), *invalidated by NC NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016).

<sup>6</sup> *McCrory* at 204. *Supra* note 8 at 11.

<sup>7</sup> *Democracy Diverted: Polling Closures and the Right to Vote*, The Leadership Conference Education Fund (Sept. 2019).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

voting access, and otherwise make voting more difficult, especially for people of color.<sup>10</sup> These actions threaten the cornerstones of our democracy, and they show no signs of slowing down. At least 13 more restrictive voting bills are already prepared for new legislative sessions, and no fewer than 152 such bills will carry over from last year.<sup>11</sup> The pattern is familiar: Demographic change and gains in participation in voting among communities of color are met with concerted efforts to impose new barriers in the path of those voters.

The state of Arizona presents a classic example. People of color now represent 45 percent of Arizona residents, and the state has seen a dangerous uptick in barriers to voting and election subversion measures that seek to dilute and discount the growing political power of Arizona's communities of color. Arizona is one of the 19 states that passed restrictive voting bills last year. Two of the bills decreased opportunities to vote by mail in a state where 80 percent of voters rely on this method. First, it moved to undo the popular Permanent Early Voting List by purging voters from the early voting list for failure to vote in recent elections.<sup>12</sup> Applying the "use it or lose it" principle to voting, this action disenfranchised thousands of Arizona voters generally and impacted voters of color in particular. Indeed, voters of color constituted the majority in seven of the eight legislative districts with the highest number of voters likely to be removed from early voting lists.<sup>13</sup> The legislature also limited opportunities for voters to "cure" their ballots and address issues related to signatures with their ballots, further diminishing their ability to vote successfully by mail.<sup>14</sup> This, too, disproportionately impacts voters of color, including Indigenous voters who often live in areas with fewer post offices, street addresses, and mailboxes.

These new measures to limit voting by mail place undue pressure on in-person polling locations. But polling places in Arizona's largest county — Maricopa County — have been reduced in number by 70 percent since the Supreme Court's ruling in *Shelby County v. Holder*.<sup>15</sup> Statewide, Arizona closed 320 polling places between 2014 and 2018.<sup>16</sup> Combined with newly imposed restrictions on mail-in-voting, these poll closures mean that Arizona voters face increasingly diminished opportunities to have their voices heard.

The disproportionate closure of polling places in communities of color continues today. As President Joe Biden and Vice President Kamala Harris visited Georgia to speak in support of federal voting rights legislation, voting rights advocates in Georgia were challenging poll closures in Lincoln County, a rural county where one quarter of the residents are Black.<sup>17</sup> The plan by the elections board, newly reorganized

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<sup>10</sup> Brennan Center for Justice. "[Voting Laws Roundup: December 2021](#)." Last updated January 12, 2022.

<sup>11</sup> *Id.*

<sup>12</sup> A. Gomez, V. Olivarria, C. Rodriguez Greer & R. Bolding, [Arizona Just Passed Laws That Make It Harder to Vote](#), AZ CENTRAL, Sept. 1, 2021.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Scharff, Spencer G; Caplan, Scott. "[Current Conditions of Voting Rights Discrimination: Arizona](#)." The Leadership Conference on Civil and Human Rights. September 27, 2021.

<sup>16</sup> *Id.*

<sup>17</sup> Mark Niese, *All But One Voting Location Might Close in Rural Georgia County*, ATLANTA JOURNAL CONSTITUTION, Dec. 29, 2021, <https://www.ajc.com/politics/all-but-one-voting-location-might-close-in-rural-georgia-county/JSDLF5GKM5HZLFIYTU4TLJHJAM/>

pursuant to a Georgia state law, is to close all seven polling places and require voters to vote in one centralized location. There is no public transportation, taxi service, or rideshare option in Lincoln County, and voters would have to drive or walk 15 miles to cast a ballot.

### **Congress Must Address Election Subversion to Safeguard Our Democracy**

Importantly, the Freedom to Vote: John R. Lewis Act will help to prevent partisan election subversion. Efforts to interfere with impartial election administration and to discount and challenge election results represent an increasingly dangerous threat to democratic principles. Fueled by the “Big Lie,” Republican politicians are working hard at the state and local levels to install partisan actors in order to interfere with election processes or even reject election results entirely. They are using deliberate disinformation campaigns to introduce hundreds of election sabotage bills to control election outcomes, criminalize election officials for doing their jobs, and give partisan poll watchers the ability to harass and intimidate voters.<sup>18</sup>

Georgia’s new 98-page restrictive voting law represents an extremely alarming example. After Donald Trump notoriously told Georgia’s Republican Secretary of State Brad Raffensperger to “find 11,780 votes” to nullify Biden’s win, Raffensperger defended the election results. In this same sweeping anti-voter law that bans residents from providing food and water to voters waiting in polling place lines, Georgia Republicans removed Raffensperger from his position as chair and voting member of the state election board, which governs voting rules and election certification. The law now gives the Republican-led legislature the authority to appoint the chair.<sup>19</sup> The reconstituted state board has the power to take over county election boards, which control polling places and voting hours, and install partisan administrators with the power to subvert results.<sup>20</sup>

Some state and local officials are also pushing for anti-voter election review scams that undermine democracy and divert crucial time and taxpayer dollars from the issues that matter most to voters. It was in Arizona that this dangerous and new form of democracy subversion first took hold. Republicans ordered a partisan, performative, and largely private post-election review of the 2020 election results — never mind that the election results had already been verified more closely than any other election in history. As a report commissioned by The Leadership Conference documenting Arizona’s pervasive pattern of racial discrimination in voting makes clear, this sham review was intended from the start to intimidate voters, serve as the basis for additional measures to restrict voting, and sabotage future elections.<sup>21</sup>

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<sup>18</sup> Brennan Center for Justice. “[Voting Laws Roundup: December 2021](#).” Last updated January 12, 2022.

<sup>19</sup> Ari Berman, *The Coming Coup: How Republicans are Laying the Groundwork to Steal Future Elections*, MOTHER JONES, Jan. 13, 2022, <https://www.motherjones.com/politics/2022/01/how-republicans-are-taking-over-election-system-big-lie/>

<sup>20</sup> Mark Niesse, *Prospect of Election Takeover Fuels Concerns About Vote Integrity*, ATLANTA JOURNAL CONSTITUTION, Dec. 23, 2021, <https://www.ajc.com/politics/prospect-of-georgia-election-takeover-fuels-concerns-about-vote-integrity/CFMTLFW6TZFH7O4LLNDZ3BY4NE/>

<sup>21</sup> Scharff, Spencer G; Caplan, Scott. “[Current Conditions of Voting Rights Discrimination: Arizona](#).” The Leadership Conference on Civil and Human Rights. September 27, 2021.

Like other insidious anti-voter measures that have been introduced in the wake of President Trump's campaign to undermine the election, this sham review directly targets people of color and non-English speakers. That is by design. As the 2020 Census showed, Arizona remains one of the fastest-growing states in the country.<sup>22, 23</sup> Arizona has a long history of limiting or denying the right to vote to Black, Brown, and Native people. Though as recent data shows, despite pervasive barriers to voting, communities of color are strongly motivated to participate in the electoral process — and the voter participation gap is starting to close.<sup>24</sup> These anti-voter reviews are blatant attempts to maintain systems of power and suppress the voices and votes of people of color who will soon be the majority.

The election review scam has been led by hyper-partisan actors, funded by special interest groups, and supported by conspiracy theorists. Beyond Arizona, they are happening in states like Pennsylvania and Wisconsin to upend democracy through three primary strategies: First, the reviews provide legislators pretext for pushing forward legislation that would further restrict access to the ballot box, particularly in communities of color. Second, right-wing lawmakers are using the sham reviews to boost political donations. Lawmakers pushing the conspiracies<sup>25</sup> visited the sham ballot review headquarters<sup>26</sup> in Phoenix as a campaign stop to spread misinformation and record fundraising videos.<sup>27</sup> And third, politicians are weaponizing the anti-voter reviews to spread widespread distrust in our electoral system to manipulate results for their political and partisan gain.

### **Congress Must Protect Election Officials From Increasing Threats**

Election workers must be able to do their jobs safely and free from fear or intimidation. The Freedom to Vote: John R. Lewis Act would take significant steps toward bolstering election worker safety. Among other provisions, the bill prohibits firing of local election officials without cause, enhances rules for preservation of election-related records and equipment, and protects against poll observers harassing voters or interfering with elections.

Following the victory of President Biden and Vice President Harris, the same politicians who tried to create barriers to the ballot began spreading lies and conspiracy theories that ultimately fueled a deadly attack on the U.S. Capitol. But the violence did not stop there. The right-wing disinformation campaigns and thinly veiled calls for violence have led to a dangerous rise in threats against election workers and their families. In Arizona, where Secretary of State Katie Hobbs received death threats following the 2020

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<sup>22</sup> Arizona's population grew by 11.9 percent in the last 10 years, compared to 7.4 percent for the United States as a whole. Rice, Valorie. "[Census 2020: Arizona Among Top-Growing States but Does Not Match Growth of Previous Decades.](#)" Arizona's Economy. April 27, 2021.

<sup>23</sup> Latinos are Arizona's largest minority group, making up approximately 30.7 percent of Arizona's residents. Arizona's African American and Native American communities, both at approximately 4 percent of the state's population, are the next largest minority groups. The Asian American population in Arizona hovers at about 3.5 percent. Scharff, Spencer G; Caplan, Scott. "[Current Conditions of Voting Rights Discrimination: Arizona.](#)" The Leadership Conference on Civil and Human Rights. September 27, 2021.

<sup>24</sup> *Id.*

<sup>25</sup> "[Arizona audit: Full list of Republican lawmakers who visited coliseum.](#)" The Arizona Republic. June 14, 2021.

<sup>26</sup> Farhi, Paul; Izadi, Elahe. "[One America News is the face of the Arizona election audit. Its reporter is also helping pay for it.](#)" The Washington Post. June 18, 2021.

<sup>27</sup> [Tweet by Eric Greitens](#), June 12, 2021.



election, the state Republican Party tweeted multiple incitements of violence, in one case sharing a clip from the movie Rambo with a message that read, “This is what we do, this is who we are. Live for nothing, or die for something.”<sup>28</sup> The tweet was later removed, though a spokesperson for the party said its removal was due to concerns about copyright — not concerns for the lives of election workers across the state.

Astonishingly, a survey commissioned by the Brennan Center for Justice found that one in three election officials feel unsafe because of their job, and nearly one in five listed threats to their lives as a job-related concern.<sup>29</sup> Notably, 78 percent of election officials who were surveyed said that rampant disinformation on social media has made their jobs more difficult, and 54 percent said they believe that it has made their jobs more dangerous. The people making the threats are targeting election workers from front-line poll workers to vote counters to secretaries of state like Secretary Hobbs. An investigation by Reuters found more than 100 instances of threats made against election workers in eight battleground states following the 2020 election.<sup>30</sup> The threats ranged from intimidation and harassment to threats of violence and death. Almost all of them were “inspired” by President Trump’s lies about the election.<sup>31</sup>

Election workers and administrators are essential to a successful democracy. No election worker should have to live in fear. And yet, instead of taking immediate steps to quell the abuse, some right-wing politicians are continuing to stoke their base’s rage and even propose bills to criminalize election workers with fines up to \$25,000 for minor mistakes.<sup>32</sup> Growing concerns around the safety and integrity of the job could lead to an exodus of workers. This would have a disastrous ripple affect across our democratic processes, from long lines to poll closures to discouraged — and disenfranchised — voters. It is simply unacceptable that after showing up amid a pandemic to deliver democracy to the voters, election workers are now the target of vicious attacks — and attacks fueled by the very people who are charged to represent them.

### **Congress Must Address Discrimination in Redistricting**

The Freedom to Vote: John R. Lewis Act would protect against discrimination in redistricting, ban partisan gerrymandering, and provide other protections in the redistricting process for communities of color and people who speak a primary language other than English. This is critically necessary. With the release of 2020 Census data, it is clear that partisan legislators everywhere are weaponizing the census to dilute the voting strength of communities of color.

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<sup>28</sup> Ross, Jamie. [“Arizona Republican Party Asks: Are You Ready to Fight to the Death to Support Trump?”](#) The Daily Beast. December 8, 2020.

<sup>29</sup> Brennan Center for Justice and the Bipartisan Policy Center. [“Election Officials Under Attack: How to Protect Administrators and Safeguard Democracy.”](#) June 16, 2021

<sup>30</sup> So, Linda; Szep, Jason. [“U.S. election workers get little help from law enforcement as terror threats mount.”](#) Reuters. September 8, 2021.

<sup>31</sup> *Id.*

<sup>32</sup> Parks, Miles. [“Election Workers Are Under Attack. A Group Of Lawyers Plans To Defend Them.”](#) NPR. September 8, 2021.

Racial discrimination in the drawing of congressional and state legislative districts has long been an evil that the Voting Rights Act has been empowered to address. For example, after the 2010 Census, Black state legislators in Alabama filed a lawsuit alleging that the Republican-led legislature intentionally sought to dilute the Black vote by redrawing state legislative districts to pack Black voters into majority-Black districts, thereby reducing their influence in other districts. The Black legislators also claimed that the redistricting plan was an unconstitutional “racial gerrymander” that deliberately segregated voters into districts based on their race without adequate legal justification.<sup>33</sup> The U.S. Supreme Court vacated a lower court decision rejecting the claims, concluding that the fact that the legislature “expressly adopted and applied a policy of prioritizing mechanical racial targets above all other districting criteria (save one-person, one-vote) provides evidence that race motivated the drawing of particular lines in multiple districts in the State.”<sup>34</sup> On remand, one of the Eleventh Circuit’s most conservative judges, William Pryor, authored an opinion for the three-judge court, ruling that 12 of the majority-minority districts were unconstitutional because the legislature relied too heavily on race in drawing their boundaries.<sup>35</sup>

Today’s state legislatures are drawing and adopting brazenly partisan and discriminatory plans to accomplish political gain at the expense of voters of color. For example, although 95 percent of the growth in Texas’ population in the past decade was attributable to people of color, the Texas legislature redrew federal and state legislative districts to increase the influence of White voters and diminished the voting strength of communities of color, in some cases intentionally. The plans are subject to multiple lawsuits, including by the Department of Justice.

Meanwhile, the Georgia legislature dramatically transformed the district of Representative Lucy McBath, a Black woman, to add the Appalachian foothills to her suburban Atlanta district, transforming her district from one that favored President Biden by 11 points to one that Trump would have won by 15 points.<sup>36</sup> And in North Carolina, the state legislature so radically transformed the district of Representative G.K. Butterfield that he decided not to run for Congress again. A former voting rights lawyer and justice on the North Carolina Supreme Court, Representative Butterfield argued that the new lines do not only grant Republicans an unfair political advantage, but they also prevent voters of color from electing their preferred candidates: “It is what we call retrogression. The district is retrogressed from 42 percent, African American to 38 percent. That violates the Voting Rights Act.”<sup>37</sup>

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<sup>33</sup> *Ala. Legis. Black Caucus v. Alabama* (“ALBC I”), 989 F. Supp. 2d 1227, 1236 (M.D. Ala. 2013 (three-judge court)).

<sup>34</sup> *Ala. Legis. Black Caucus v. Alabama* (“ALBC II”), 575 U.S. 254, 267 (2015).

<sup>35</sup> *Ala. Legis. Black Caucus v. Alabama* (“ALBC III”), 231 F. Supp. 3d at 1037-38 (M.D. Ala. 2017) (three-judge court).

<sup>36</sup> Ari Berman, *The Coming Coup: How Republicans are Laying the Groundwork to Steal Future Elections*, MOTHER JONES, Jan. 13, 2022, <https://www.motherjones.com/politics/2022/01/how-republicans-are-taking-over-election-system-big-lie/>

<sup>37</sup> Joel Brown, *Butterfield Vows to Fight NC Election Maps He Says Dilute Black Voting Power*, ABC11.COM, Nov. 8, 2022, <https://abc11.com/nc-congressional-maps-democrats-gk-butterfield-redistricting/11214129/>

## **The Time Is Now to Pass the Freedom to Vote: John R. Lewis Act**

For democracy to work for us all, it must include us all. When certain communities cannot access the ballot and when they are not represented in the ranks of power, our democracy is in peril. The coordinated, anti-democratic campaign to restrict the vote targets the heart of the nation's promise: that every voice and every eligible vote count.

Congress has a moral and constitutional imperative to meet the urgency of this moment and pass the Freedom to Vote: John R. Lewis Act. This bill will restore essential provisions of the Voting Rights Act that block discriminatory voting practices before they go into effect, putting a transparent process in place for protecting the right to vote. It will also strengthen other provisions of the VRA to eliminate barriers imposed to silence Black, Brown, and Native voters; people with disabilities; young and older people; and new Americans. It will also create national standards to improve voting access for all eligible Americans. It would modernize voter registration, expand early and mail-in voting, and secure other baseline reforms to make it easier for everyone, including voters of color, to cast a ballot successfully.

On March 7, 1965, just a few months before Congress would pass the Voting Rights Act, then 25-year-old John Lewis led more than 600 people across the Edmund Pettus Bridge to demand equal voting rights. State troopers unleashed brutal violence against the marchers, and Lewis himself was beaten and bloodied. Upon completion of the Selma to Montgomery march later that month, Dr. King addressed the crowd and said, "We are on the move and no wave of racism can stop us... Let us therefore continue our triumphant march to the realization of the American dream... I know you are asking today, 'How long will it take?' Not long."

Both Congressman Lewis and Dr. King never gave up the fight for equality and for full representation of all Americans in our political system. Before his death, Congressman Lewis wrote: "Time is of the essence to preserve the integrity and promises of our democracy."<sup>38</sup> Members of Congress must now heed his call with all the force they can muster.

Thank you for inviting me to testify today. I am pleased to answer any questions you may have, and I look forward to working with you to ensure all of us, no matter race or place, have an equal say in our democracy.

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<sup>38</sup> <https://web.archive.org/web/20200719053551/https://johnlewis.house.gov/media-center/press-releases/rep-john-lewis-demands-doj-action-anniversary-shelby-v-holder-decision>