

**Statement of Stacey Y. Abrams
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**On Strengthening American Democracy
Testimony before the Senate Judiciary Committee
April 20, 2021**

Thank you, Chairman Durbin, Ranking Member Grassley and members of the Committee.

Today's conversation regarding the John Lewis Voting Rights Advancement Act occurs against the backdrop of a resurgence of Jim Crow-style voter suppression measures sweeping across state legislatures grounded in the Big Lie about the 2020 election.

As a necessary reminder, unlike other race-specific prohibitions, post-Reconstruction laws targeting Black voters never explicitly targeted eligible citizens by race. Instead, the Jim Crow voting laws focused on behaviors or characteristics most likely to affect Black voters. However, the sly grandfather clause exempted any voter whose progenitors were eligible to vote before the Civil War, thereby protecting most white voters. Then, as now, while not explicitly barring participation of communities of color, it is with near surgical precision that these voters are being targeted by state legislation to limit access to the ballot.

As of March 24, the Brennan Center for Justice has tracked 361 bills in 47 states that would restrict the right to vote, a dramatic increase from 2020; many of these bills are actively making their way through state legislatures.¹ A significant number of the worst attacks on the right to vote are - to an alarming degree - made possible by the Supreme Court's gutting of the Voting Rights Act of 1965 (VRA) in the 2013 *Shelby County v. Holder* decision. That decision authorized states and localities with a history of voting discrimination to again impose limits, restrictions and barriers to participation. This, in turn, leaves voting access in previously covered jurisdictions subject to the whims of state lawmakers. However, the ignominy of voter suppression has spread beyond the states and jurisdictions previously covered by the VRA. The proliferation of state anti-voting laws across the country demonstrates the urgent need for Congress to bring the VRA's preclearance formula into the modern era, to reinstate federal oversight over discriminatory voting practices, and to strengthen and protect voting rights - wherever suppression occurs.

Throughout its history, Georgia has been among the worst actors in systematically suppressing the ability of its communities of color to exercise their fundamental right to vote. Under preclearance, the Department of Justice objected to 170 discriminatory voting changes in Georgia at the state and local level.² Post-*Shelby*, for example, the purveyors of voter suppression have implemented at-large elections that diminish the voting strength of people of color. In addition, the state's election superintendent enacted discriminatory practices such as putting voter registrations on hold when a Georgian's information did not exactly match information in another state record or cancelling voter registrations altogether when they had not voted in a recent election.

¹ <https://www.brennancenter.org/our-work/research-reports/state-voting-bills-tracker-2021>

² <https://www.justice.gov/crt/voting-determination-letters-georgia> (ultimately, DOJ objected to more than 170 voting-related changes but withdrew about twenty)

Moreover, Georgia has closed or changed polling locations across the state. According to a 2019 report by The Leadership Conference Education Fund, a staggering 214 polling locations were shut down between 2012 and 2018, with most closures occurring after 2014.³ Closing or relocating polling locations causes confusion, longer distances to travel to vote, and longer wait times. A 2019 analysis by the *Atlanta Journal-Constitution* found Black voters were twenty percent more likely than white voters to not vote because of increased travel distances to polling locations - which likely resulted in an estimated 54,000 to 85,000 voters being unable to cast ballots in 2018.⁴ Had the VRA been in full effect, these changes would have had to be examined by a federal court or the Department of Justice to determine whether they were discriminatory before being put into effect.

State-level attacks on voting rights are not a relic of a bygone era, but an ongoing tactic used by those who seek to preserve power by silencing the voices of historically marginalized communities. Whether through the specious prosecution of the Quitman 10+2 in Brooks County, the aggressive challenges to Black voters in Hancock County or the relocation of polling places to police stations, Georgia's elected leaders have been unabashed in their efforts to restrict the right to vote for Georgians of color.

Georgia voters are now anticipating the deleterious effects on elections created by Senate Bill (SB) 202,⁵ which relies on misinformation, proven falsehoods and flawed analysis to restrict access for voters, primarily targeting the behaviors of communities of color.

- Voters of color in Georgia were more likely than white voters to vote by mail for the first time in the last two election cycles.⁶ As a consequence, fifteen years after the legislature expanded vote by mail in Georgia, SB 202 now shortens the time period to request and return an absentee ballot application,⁷ severely limits drop boxes,⁸ and imposes new ID requirements⁹ that will have an amplified effect on disabled voters, older voters, voters of color, and Black Georgians, in particular.¹⁰
- Voters of color in Georgia are more likely than white voters to stand in long lines, including the 8+ hour debacle that occurred in June 2020.¹¹ To punish nonpartisan organizations that provided relief to voters, SB 202 criminalizes handing a bottle of water or food to voters or their children while in line.¹² It is highly unlikely that overworked, under-resourced poll workers will suspend the conduct of elections to provide refreshments, particularly in communities where voters of color face other challenges or hostility to their participation.

³ <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf>

⁴ <https://www.ajc.com/news/state--regional-govt--politics/precinct-closures-harm-voter-turnout-georgia-ajc-analysis-finds/11sVcLyQCHuQRC8qtZ6iYP/>

⁵ <https://www.legis.ga.gov/legislation/59827>

⁶ <https://www.brennancenter.org/our-work/research-reports/georgias-proposed-voting-restrictions-will-harm-black-voters-most>

⁷ <https://www.legis.ga.gov/legislation/59827> (section 25, lines 927-937)

⁸ <https://www.legis.ga.gov/legislation/59827> (section 26, lines 1172-1191)

⁹ <https://www.legis.ga.gov/legislation/59827> (section 25, lines 951-954)

¹⁰ <https://www.nytimes.com/2021/03/25/us/politics/georgia-black-voters.html>

¹¹ <https://www.npr.org/2020/10/17/924527679/why-do-nonwhite-georgia-voters-have-to-wait-in-line-for-hours-too-few-polling-pl>

¹² <https://www.legis.ga.gov/legislation/59827> (section 33, lines 1873-1875, 1887-1889)

- Voters of color are more likely than white voters to cast a provisional ballot.¹³ To justify cancelling more ballots, SB 202 does not allow out-of-precinct provisional ballots before 5:00 pm on Election Day,¹⁴ although ample evidence has demonstrated the failure of state and local elections officials to provide timely and accurate information to voters.

Across the country, this resurgence of Jim Crow-style voter discrimination is targeting voters of color by restricting access to the ballot for Black, Latino, Asian American and Pacific Islander, and Native American communities. In Texas, Senate Bill 7 sets new rules for distributing polling locations that would disproportionately impact voters of color.¹⁵ It would also restrict early voting hours by prohibiting early voting between 9:00 pm and 6:00 am and ban drive-thru voting.¹⁶ In the 2020 election, it is estimated that Black and Latino Harris County voters cast more than half the ballots counted at both drive-thru sites and during extended hours.¹⁷ Moreover, SB 7 and House Bill 6 also target voters with limited English proficiency and disabilities.¹⁸ SB 7 reduces polling places in areas where a higher percentage of people with disabilities live, and imposes other burdensome requirements that apply only to them. And both bills would require voters who need assistance to attest to “the reason the assistance was necessary,” which is often confidential, medically private information.

In Arizona, SB 1485 would purge the Permanent Early Voting List (PEVL).¹⁹ Voters on PEVL, who represent a majority of Arizona voters, are automatically mailed an absentee ballot for each election.²⁰ Had the law been in place in 2020, advocates estimate that it could have prevented some 126,668 voters - of whom 20 percent are Latino - from voting.²¹ And in Michigan, legislators have filed 39 voter suppression bills in the Senate. SB 296 would allow a minority of members of a county board of canvassers, in counties with populations of 200,000 or more, to block the certification of an election and thus silence the voices of voters, like Wayne County’s heavily Black voters.²²

Eligible citizens of Georgia, Arizona, Michigan and Texas strongly dispute the necessity of these harsh provisions, which are based on false allegations of fraud and demonstrated opposition to voters of color. At the same time, our fellow Americans struggle to understand the continued animus towards their right to access the ballot. However, several of these changes would have

¹³ <https://www.msnbc.com/msnbc/report-minorities-more-likely-cast-provisional-ballots-msna447721>

¹⁴ <https://www.legis.ga.gov/legislation/59827> (section 34, lines 1899-1907)

¹⁵ <https://www.texastribune.org/2021/04/01/texas-voting-restrictions-legislature/>

¹⁶ <https://www.khou.com/article/news/politics/elections/texas-sb7-2021-voting-rights/285-25ce12ef-1605-4581-a2d1-517b1afeb315>

¹⁷ <https://www.khou.com/article/news/politics/elections/texas-sb7-2021-voting-rights/285-25ce12ef-1605-4581-a2d1-517b1afeb315>

¹⁸ <https://www.kvue.com/article/news/politics/texas-activist-groups-slam-sb-7-and-hb-6-as-voter-suppression-bills/269-848e65d3-2575-44a0-93e5-b40860c9bba1>

¹⁹ <https://www.nbcnews.com/politics/elections/arizona-republicans-push-new-laws-limit-mail-voting-n1261328>

²⁰ <https://www.nbcnews.com/politics/elections/arizona-republicans-push-new-laws-limit-mail-voting-n1261328>

²¹ <https://www.nbcnews.com/politics/elections/arizona-republicans-push-new-laws-limit-mail-voting-n1261328>

²² <https://www.bridgemi.com/michigan-government/michigan-gop-unveils-election-reforms-most-would-make-voting-harder>; <https://www.freep.com/story/news/politics/elections/2021/03/24/michigan-senate-gop-election-reform-laws/6963314002/>; <https://www.freep.com/story/news/local/michigan/detroit/2020/11/17/wayne-county-election-certification/6309668002/>

been subject to federal review under preclearance. When the fundamental right to vote is left to the political ambitions and prejudices of state actors, ones who rely on suppression to maintain power, federal intercession stands as the appropriate remedy. These and other states' current fights against suppressive voting laws demonstrate why the John Lewis Voting Rights Advancement Act is essential to the protection of democracy.

Protecting voting rights has been a bipartisan endeavor since the enactment of the Voting Rights Act in 1965, and through every subsequent reauthorization.²³ In 2006, the Voting Rights Act Reauthorization and Amendments Act passed Congress with almost unanimous support; and President George W. Bush signed the bill, acknowledging the importance of defending the franchise.²⁴

While each of us has likely declared a party loyalty or may do so in the privacy of casting our votes, our first obligation is the fundamental standards of democracy - which must be aggressively nonpartisan. Actions taken to restrict access, thwart participation or discourage engagement are antithetical to our national creed and should be condemned by every patriot. Instead, we must advocate for voting rights - not to ensure the success of a single party or ideology - but to guarantee a vigorous and fair debate amongst Americans of goodwill. It is my profound hope we will honor the legacy of my late friend Congressman John Lewis and the lives of those lost in the fight for a more perfect union by enacting this critical legislation into law.

I thank you for the opportunity to take part in this important discussion, and I urge you to continue to strengthen our democracy.

²³ <https://www.govinfo.gov/content/pkg/CREC-2006-07-13/html/CREC-2006-07-13-pt1-PgH5143-2.htm>

²⁴ <https://www.govinfo.gov/content/pkg/CREC-2006-07-13/html/CREC-2006-07-13-pt1-PgH5143-2.htm>
<https://georgewbush-whitehouse.archives.gov/news/releases/2006/07/20060727-1.html>