

**PROTECTING THE RIGHT TO VOTE:
BEST AND WORST PRACTICES**

HEARING

BEFORE THE

SUBCOMMITTEE ON CIVIL RIGHTS
AND CIVIL LIBERTIES

OF THE

COMMITTEE ON OVERSIGHT
AND REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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PROTECTING THE RIGHT TO VOTE: BEST AND WORST PRACTICES

Wednesday, May 1, 2019

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 2:35 p.m., in room 2154, Rayburn House Office Building, Hon. Jamie Raskin (chairman of the committee) presiding.

Present: Representatives Raskin, Maloney, Clay, Wasserman Schultz, Kelly, Gomez, Ocasio-Cortez, Pressley, Norton, Roy, Jordan, Amash, Gosar, Massie, Hice, Cloud, and Miller.

Mr. RASKIN. Good afternoon, everyone, and welcome to meeting of the hearing—or rather, the hearing of the Subcommittee on Civil Rights and Civil Liberties of the Committee on Oversight and Reform.

The title of our hearing today is “Protecting the Right to Vote: Best and Worst Practices.” I welcome our esteemed panel to today’s hearing and salute all of my colleagues.

I am going to make my opening statement, and then I am going to turn it over to Mr. Roy, and then we will go to the opening statements of all of our witnesses.

A great Republican President once spoke of government of the people, by the people, and for the people, and this has been the tantalizing ideal of America. But of course, it has not always been like this here.

We began as a slave republic of white male property owners over the age of 21, and it has only been through waves of profound social and political struggle that we have opened America up to change and to inclusion. This is the story of the Thirteenth Amendment, which abolished slavery; the Fourteenth Amendment, which gave us equal protection and due process; the Fifteenth Amendment, which ended discrimination in voting based on race; the Seventeenth Amendment, which shifted the mode of election of U.S. Senators from the state legislatures to the people; the Nineteenth Amendment, 99 years ago, which gave us women’s suffrage; the Twenty-Third Amendment, which gave people here in Washington, DC, the right to participate in Presidential elections; the Twenty-Fourth Amendment, which abolished poll taxes in Federal elections; and the Twenty-Sixth Amendment, which lowered the voting age to 18.

This is also the story of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Voting in American life has had both an ideal history and a real history. There is no more celebrated ideal than that of voting rights for all. But in reality, there have been constant efforts to lock people out of the franchise and to keep them from participating. We must not forget the blood, sweat, and tears that have been shed in the struggle to win the right to vote for everyone.

I have a hero named Bob Moses who went South at age 26-years-old in 1960, a philosophy graduate student at Harvard. He traveled to Mississippi, where he found that less than one percent of African Americans in that state were registered to vote. Less than one percent of African Americans were registered. Nearly all had been disenfranchised by intimidation and violence, character and literacy tests administered at the polls, poll taxes, grandfather clauses, and so on.

Moses likened the situation when he got there to the Iron Curtain in Europe, behind which millions of Eastern Europeans lived under the boot of the Soviet Union. Mississippi and the Deep South, he said, were behind a cotton curtain where no one dared challenge the racist sheriffs and bosses who controlled every aspect of social, economic, and political life.

These sheriffs and bosses, we must remember, were Democrats, and we must never forget that both parties can and have participated in disenfranchisement schemes. Yesterday, it was mostly Democrats. Today, it is mostly Republicans.

Originally, Bob Moses went to Mississippi thinking that he would participate in sit-ins. He had seen the pictures of the solemn teenage protesters in newspapers, and he later wrote of his response that, "These young people looked the way that I felt."

But segregation in public accommodations was not the heart of the problem he found when he got to Mississippi. The heart of it was disenfranchisement of the black community. This was the lock on the door of the whole system of Jim Crow.

And while many imagine that the sit-ins were somehow more radical than registering people to vote, Moses observed that he was living in a two-thirds African-American congressional district where virtually none of the black people could vote. The most radical solution to the problem of structural racism in the sense of going to the root of the problem, he said, would be a campaign to challenge the disenfranchisement of the black community and to work—to go door-to-door—to register people to vote.

And that is what he did. It was terrifying and dangerous work. He was beaten nearly to his death more than once, just trying to enter the county building to register people to vote.

But in the process of this struggle, Bob Moses and his friends in SNCC woke up the black community, stirred the conscience of young people across America, and shook racist America to the core. They coined a term that would transform not just Mississippi, but American law and politics forever. "One person, one vote."

Today, the gains of the modern Civil Rights Movement, which many historians call the "Second Reconstruction," are under severe attack. A 5-4 decision of the Supreme Court in 2013 in *Shelby County v. Holder* invalidated the coverage formula of the Voting Rights Act in Section 4, effectively destroying the Section 5

preclearance requirement and setting us back decades in the law of voting rights.

With the Voting Rights Act intact, jurisdictions with a discriminatory history had to submit proposed changes, like voter purges, polling place closures, and reduced voter registration hours, to the Department of Justice or to the United States District Court for the District of Columbia before they could go through. Now this check is gone, and people experiencing suffrage restrictions and obstacles must go and find a lawyer and go to court and hope that they can convince a judge to intervene to make a change under Section 2.

So six years after that decision, hundreds of polling places have been closed across the land. Millions of voters have been purged from the rolls. Early voting has been cut back sharply in a number of states, and strict voter ID laws have gone into effect in many jurisdictions. Virtually all of these restrictions have been in Republican states.

Proponents of the new voting obstacle course say that they are just trying to prevent voter fraud. We often hear from the President about the threat of rampant illegal voting, but study after study has failed to reveal any significant evidence of voter fraud at all, at least the kind they are talking about.

One comprehensive study conducted at Loyola Law School examined more than 1 billion votes cast between 2000 and 2014 and revealed only 31 credible instances of voter fraud, 31 out of 1 billion, less than 1/100th of 1 percent. The way that you steal elections in America, everyone knows, is you run elections in America, and you run them in a way that closes out substantial parts of the electorate.

Now the good news is that just as there is a strong push to eliminate voting opportunities and rights in certain states, there is a powerful recognition across the land that voting is the essential foundation of democratic power and citizenship and that we should be securing and expanding the right of the people to vote however we can.

So, today, we're going to showcase both some of the best practices in protecting the vote along with the worst practices canceling out voter rights and opportunities. And on the good side, we have found automatic voter registration where eligible voters were added to the rolls unless they choose to top out of it, which can dramatically increase the number of registered citizens.

We have also found Election Day registration, which offers a crucial backstop for voters who may be stripped of their registration without their knowledge or just still learning about the process. And we have also found early voting and absentee voting policies, which offer flexibility to busy working Americans who could not otherwise make it to the polls, and we are going to hear about these from expert witnesses.

In the 2016 Presidential election, only 58 percent of eligible voters cast a ballot. Less than half of eligible citizens voted in 2018. We can do a lot better as a society by enlarging the opportunities for voting, rather than restricting them.

Eventually, I think—and we will talk about this another time—we will need a constitutional amendment guaranteeing the right of

every citizen to vote, a point our Constitution is very ambiguous on, unlike constitutions around the world, which have put this front and center. But in the meantime, let us act however we can at both the state and Federal level to protect the voting rights of the people.

I thank the witnesses today for being here to help us through this process. And now I am happy to recognize my distinguished colleague, Mr. Roy, the ranking member of the committee.

Mr. ROY. Well, I thank the chairman, and I thank the witnesses for taking time out of your busy schedules to come here and address the committee on such an important issue. I am blessed and fortunate to represent the good people of the 21st congressional District of Texas in the Hill Country between Austin and San Antonio, home to President Lyndon Johnson, who obviously was fairly significant in making sure that we got the Voting Rights Act passed in 1965. The Civil Rights Act obviously in 1964, but for the purpose of this hearing, the 1965 Voting Rights Act was critical in ensuring that those who wish to partake in our republic, have a voice in the republic, are not left out of the system through clear, invidious discrimination practices that try to keep people away from the polls.

That was a seminal moment in our Nation's history, and I am proud to represent the district in which President Johnson grew up, went to college, ultimately became President, and engaged in making sure that we got that passed. Mindfully that he was a Democrat at a time when he needed to get Republican support in order to get that across the finish line, now 54-odd years ago.

As relates to this hearing, I would be remiss, however, in responding to a few points that were just made that I tend to look at the words of Chief Justice Roberts when he pointed out in *I don't know if it was Shelby or one of the other cases around the time, and I forget when it was, but that this divvying us up by race is a sordid business. And it is a sordid business.*

I think that the Chief Justice was correct in the ruling in *Shelby*, and I think that it is correct that the Voting Rights Act preclearance requirement that that case addressed, being based wrongly on at that time 40-plus-year-old data, 1968 data—in some cases, 1972 data—the Court was right in saying that that was wrong. And there is not a whole lot of disagreement in the extent to which that the formula and that the way the Voting Rights Act was being applied and its reauthorization in 2006 was based on old data.

And I think that is a very important consideration when you think about what the Court—why the Court reached the judgment that it reached. So here we are today talking about the current state of elections and practices, and I, of course, represent the state of Texas.

Article I, Section 4 of the Constitution gives states the authority to determine the times, place, and manner of holding elections. Despite this constitutional authority, the majority wishes to exert more Federal bureaucracy over each state's authority over local elections. We have seen this H.R. 1. When we start a Congress, each party usually picks what is their most important issue they want to address and highlight, and H.R. 1 was, of course, dealing

with our election systems and a number of other things related to that—campaigning, campaign finance.

H.R. 1 would take significant amounts of the decisionmaking of how we apply and how we exercise our voting from the state and move it to the Federal level. I believe that voting is integral to each American's connection to his or her community. Someone from Blanco, Texas, which I am proud to represent, doesn't get to tell someone from San Francisco who to live or who to elect as the town dog catcher any more than someone from Baltimore gets to dictate which local judges should be elected in San Antonio.

In fact, as my colleague knows, Maryland does not elect state judges. We do in Texas. There are numerous differences from state to state, region to region, and we should embrace those differences as part of our common American experience and make sure that we are able to embrace those and agree to disagree, instead of having one size fits all solutions from Washington that inevitably have us at each other's throats in differing views about how we should live our lives.

I have often said that ballots in my state are upside down when I am campaigning because I think state and local officials should be listed first. They should be at the top, not the Federal officials who are often coming in and interfering with the great activities of our local communities in Texas.

This is not the majority's first effort to Federalize elections. H.R. 1 includes numerous reforms that would apply to each and every state, and what works in Texas might not work in another state. states have the constitutional right to administer elections that best address the voting needs of their residents and states have enacted reforms that work for them.

For example, some states have adopted early voting, mail-only voting, and no excuse absentee voting. In Texas, we vote early for two weeks. You can vote in numerous locations all over the city of Austin, all throughout the Hill Country, all throughout San Antonio. Maybe that is good. Maybe it is not. Maybe we should have a holiday that day and let people vote all in one day.

Maybe we should have two weeks early voting, three weeks, four weeks. I don't know. I tend to believe the early voting actually causes problems because you end up with different information, and things change. People are voting at different times with different factors.

I would prefer people go in on a day with all the same information and vote. But each state can kind of play with that and see what works, see how it affects their citizens. Elections are not one size fits all.

Common sense reforms aimed at solving wide-reaching election fraud, such as a registered sex offender, an illegal alien voting in Maryland elections since 1976, or campaign aides in New York filling out fraudulently absentee ballots are vital. And I would ask unanimous consent to enter a study from the Heritage Foundation that found almost 1,200 confirmed cases of voter fraud into the record.

Mr. ROY. I would like to share a few examples of voter fraud from my home state in the last year. Our attorney general, for whom I used to work—I was the first assistant attorney general in

the state of Texas—has done an excellent job of prosecuting individuals who sought to take advantage of our electoral system, including an illegal alien who in September of last year pled guilty to two second-degree felonies of voter impersonation and ineligible voting. She was sentenced to 10 years, charged a \$10,000 fine, will be deported after serving 180 days in jail.

In November 2018, the Texas Second Court of Appeals upheld the 2017 voter fraud conviction of a woman who voted illegally for more than 10 years by falsely claiming to be a U.S. citizen. And in January, a woman was indicted for illegally voting by using the identity of a woman who had been dead for nine years.

It happens. What percentage is it? As my colleague points out, you know, one can determine whether it is negligible. But different communities have different impacts. I can tell you that the 100,000 people who came across the border, our Southern border in March alone that were apprehended—I'm not talking about who was not apprehended—those apprehended have an impact on Texas. They have an impact on Arizona, New Mexico. It is not the same as Maryland or Virginia or New York, and these things matter.

We must all be committed to ensuring that our elections remain free and fair, and I thank my colleagues on the other side of the aisle, and I agree that we must not tolerate any attempt to deprive American citizens of the right to voice their opinions in Federal and state elections.

I want to thank you all for being here today, and I look forward to your testimony.

I yield back.

Mr. RASKIN. Thank you very much.

Now I want to welcome our witnesses, and please rise. I am about to swear you in.

Myrna Perez, the Deputy Director of the Democracy Program at the Brennan Center for Justice; Leigh Chapman, the Director of the Voting Rights Program at the Leadership Conference on Civil and Human Rights; and Dale Ho, the Director of the Voting Rights Project at the American Civil Liberties Union; and Ms. Phillips, forgive me, I don't have your identification—the Public Interest Legal Foundation. Ms. Phillips, special welcome to you.

Do all of you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[Response.]

Mr. RASKIN. Let the record show that all the witnesses answered in the affirmative. Thank you, and please be seated.

The microphones are sensitive, so please speak directly into them. And without any objection, your written statement will be made part of the record.

With that, Ms. Perez, you are now recognized to give an oral presentation of your testimony for five minutes.

STATEMENT OF MYRNA PEREZ, DEPUTY DIRECTOR, DEMOCRACY PROGRAM, BRENNAN CENTER FOR JUSTICE

Ms. PEREZ. Thank you, Members, for having me and for this opportunity to testify.

Across our great country, there are justifiable concerns about voter suppression, but there are also advancements that make it easier for Americans to participate and vote. In my short time, I will focus on two major problems—voter roll purges and outdated voter registration systems.

Fortunately, automatic voter registration, or AVR, is an encouraging response to both of these problems and is having an exciting impact in the states. We are delighted that the House passed AVR and other reforms when it passed H.R. 1.

With respect to purges, I hope that we can all agree that election administrators should take reasonable measures to clean and maintain our voter rolls. We can all agree that when done correctly, voters and election administrators alike benefit from clean and accurate rolls.

I would like to think that we can all agree that our voter registration lists should not only be clean and accurate, they should also be complete. And when purges are done badly, our rolls are not complete, and that causes confusion and delay at the polls and disenfranchises legitimate voters because purges are a special breed in that they happen with little sunlight in an office with a few strokes of a keyboard. The cost of mistakes are high.

Accordingly, we believe that purges are an appropriate topic for further research and investigation from this committee, and there are two very specific reasons why the timing is especially ripe for this committee to study purges. The first is that states and localities continue to rely on faulty underlying data and faulty processes when purging voters.

Now I use the word “continue” because I have been studying this for more than a decade, and we keep seeing similar bad practices appear. Years before my home state of Texas made the news for a sloppy attempted purge of noncitizens, a Texas Air Force veteran named James Harris Jr. was flagged by the state for removal because a James Harris of Arkansas died in 1996. And to be clear, bad purges can be found in areas as diverse as Wisconsin, Florida, New York, Arkansas, Virginia, and Texas. I include numerous examples in my written testimony.

The second reason why this committee should study purges is that purge numbers are growing. Between 2014 and 2016, states removed almost 16 million voters from the rolls. That’s almost 4 million more than between 2006 and 2008, and it should be obvious that that is a rate that outstrips the growth rate of total registered voters and the growth rate of total population.

What is especially concerning to the Brennan Center is that those jurisdictions no longer subject to Federal preclearance under Section 5 of the Voting Rights Act had purge rates that were significantly higher than jurisdictions that were not subject to preclearance. The Brennan Center has calculated that about 2 million fewer voters would have been purged if the preclearance jurisdictions purged at the same rate as those states that were not subject to preclearance.

Moving on to outdated voter registration systems, we have outdated and incomplete methods that are presenting an unnecessary obstacle to voting participation. One in four eligible Americans is not registered to vote. If we built bridges such that one in four of

them failed, we'd say that we need to find a better way to build bridges.

Yet in still too many parts of this country, voter registration largely relies on an error-prone pen and paper system. But fortunately, there is a better way. Automatic voter registration, or AVR, is a policy first proposed by the Brennan Center more than a decade ago, and it is an appropriate response to two of these big problems.

AVR makes two modest, but transformative tweaks to the traditional way we register voters. The first is that the information is transferred from designated agencies to election administrators electronically instead of using paper forms. The second is that we switch from an opt-in system, where a person has to affirmatively declare that they want to register to vote, to an opt-out system, where eligible citizens are registered unless they decline.

I want there to be no mistake—people have the opportunity to decline. This is not compulsory registration. But we do know that in the last four years, 15 states and the District of Columbia have adopted automatic voter registration, and we know that it works. The Brennan Center recently calculated the impact of AVR on seven states and Washington, DC, that have been operating AVR for a while, and we know that registration substantially increases in AVR states, no matter the size of the state, its political leanings, or its AVR design.

Among the jurisdictions studied, we found that the number of registrations increased, ranging from 9 to 94 percent. We enthusiastically support this committee examining the best and worst practices, and we enthusiastically support this committee exercising its authority to ensure that American elections are not only free and fair, but accessible.

Mr. RASKIN. Thank you very much, Ms. Perez.
Ms. Chapman?

STATEMENT OF LEIGH CHAPMAN, DIRECTOR, VOTING RIGHTS PROGRAM, THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS

Ms. CHAPMAN. Good afternoon, Chairman Raskin, Ranking Member Roy, and members of the subcommittee.

I am Leigh Chapman, Voting Rights Program Director at the Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations working to build an America as good as its ideals. We have coordinated national advocacy efforts on behalf of every major civil rights law since 1957, including the Voting Rights Act of 1965 and subsequent reauthorizations.

Thank you for the opportunity to testify today on the best and worst practices for protecting the right to vote. My testimony covers polling place closures and in-person early voting.

It was not long ago, just in 2006, that this body reauthorized the VRA with sweeping bipartisan majorities. Congress held 21 hearings, heard from more than 90 witnesses, and compiled a massive record of more than 15,000 pages of evidence of ongoing racial discrimination in voting. Despite this record, in 2013, in *Shelby County v. Holder*, five Justices gutted the VRA's most powerful provision, the Section 5 preclearance system.

That system had enabled the Justice Department and Federal courts to prevent places with the most troubling histories of discrimination from implementing any voting change that would discriminate against voters because of their race. It was a system that ensured all voting changes were public and transparent.

Since then, states and localities across the country have erected barriers to voting without such safeguards. These barriers have made it harder for Americans to vote at every juncture, from registration to casting ballots to having their votes counted. In almost every instance, these changes have no remedy because once an election is held, there is no way to hold it again.

That's why safeguards like preclearance desperately need to be restored, so polling place closures, cutbacks to early voting, and the myriad of other potentially discriminatory tactics can be vetted to ensure that they don't target voters based on their race.

Polling place closures can result in long lines, transportation hurdles, and mass confusion about where eligible voters may cast their ballot. For many people, particularly voters of color, seniors, rural voters, and voters with disabilities, these burdens make it harder to vote. This was seen in Randolph County, Georgia, where there was a proposal to close seven out of the nine polling places in a county that was 60 percent black. Elections officials should make sure polling place reductions do not discriminate against voters of color.

The 2016 Presidential election was first conducted after Shelby, and in advance of it, jurisdictions closed polling places on a massive scale. In 2016, the Leadership Conference released a report, "The Great Poll Closure," documenting polling place reductions in many former Section 5 covered jurisdiction. In this report, we identified 868 polling places that were closed between 2012 and 2016 in half of all counties that were once covered by Section 5.

In the 381 counties we studied, 165 of them reduced polling places. In Arizona, almost every single county reduced polling places, leading to 212 fewer voting locations across the state. In the 134 out of the 254 Texas counties we analyzed, there were more than 400 polling places closed.

We are currently expanding and updating this report to include additional jurisdictions and data from the 2018 election. We are finding that polling place reductions have continued unabated in states like Arizona, Texas, and Georgia.

A best practice for protecting the right to vote that we support is in-person early voting, which provides increased access and flexibility for voters, shorter lines on election day, and makes elections run more smoothly. Early voting benefits marginalized voters, including working people, senior citizens, people with disabilities, and voters of color, many who have less flexibility over work schedules. And yet, despite the benefits, at least seven states have cut back on early voting opportunities since 2010.

Voting and the ability to participate in our democracy is a racial justice issue. Congress must pass the Voting Rights Advancement Act to ensure our democracy works for everyone. Without a functional democracy, we cannot make progress on key civil and human rights issues like education, justice reform, and economic security.

Thank you, and I welcome any questions.

Mr. RASKIN. Thank you very much.
Mr. Ho?

**STATEMENT OF DALE HO, DIRECTOR, VOTING RIGHTS PROJECT,
AMERICAN CIVIL LIBERTIES UNION**

Mr. HO. Chairman Raskin, Ranking Member Roy, and members of the subcommittee, thank you very much for the opportunity to testify today.

My name is Dale Ho, and I'm the Director of the ACLU Voting Rights Project, where my current cases include *Department of Commerce v. New York*, in which we are challenging the Trump administration's effort to put a citizenship question on the Census, a case that I argued in the Supreme Court last week.

My remarks today will focus on voter registration. Voter registration rates in the United States are much lower than in other Western democracies, more than 20 percentage points lower than in countries like Canada, the UK, and Sweden. Now I don't believe that Americans care less about politics than Canadians, Brits, or Swedes, but we do have a pattern of making it unnecessarily difficult to register to vote in this country. I'll give you two recent examples.

One is a law that passed in Florida in 2011. New restrictions on voter registration drives, which required that people return forms within 48 hours or face fines of \$50 per form, per day late. The League of Women Voters and Rock the Vote suspended all voter registration activities in the state, and the NAACP received a stern warning for turning in two forms approximately 90 minutes late on a Tuesday. They didn't turn them in that week on Monday because the office was closed due to Martin Luther King Day, but they still received that warning.

That law was, thankfully, struck down, thanks to litigation brought by the Brennan Center, the ACLU, and other organizations. Unfortunately, several states appear poised to repeat Florida's mistakes. In Tennessee, the state legislature recently passed a bill that provides for fines of up to \$10,000 for submitting incomplete voter registration forms, and in Arizona, the house recently passed a bill that would make it a crime to pay someone or to be paid for working on a voter registration drive.

Now make no mistake. If these laws are enacted, they will disproportionately affect voters of color. Recent Census data show that black and Hispanic voters are approximately 60 percent more likely than white voters to have registered through a voter registration drive.

Now my second example is a Kansas law, the brainchild of former Kansas Secretary of state Kris Kobach, which required voter registration applicants to submit a citizenship document, like a birth certificate or a passport, when registering to vote. It went into effect in 2013, and within three years, more than 30,000 Kansans had been blocked from registering to vote.

It was about 12 percent of applications in that time. It was as if one out of every voter registration applications that came in the door were simply tossed in the trash. One of those applications belonged to a client of ours, a woman named Donna Bucci, who

worked a low-wage job in a correctional facility cafeteria, who couldn't afford the fee for a birth certificate.

Now Secretary Kobach claimed that the law was necessary to stop a supposed epidemic of noncitizen registration, but the evidence that he presented at trial showed a grand total of 39 noncitizens who had registered to vote in Kansas over a 19-year period, about two per year, many of whom were registered only because of an error by state employee and not because of any choice to become registered themselves. The law was ultimately struck down as unconstitutional last year.

Now there are some good voter registration practices that we should be talking about today, and I'll just describe one in particular—Election Day registration, or EDR, which permits people to register to vote and cast a ballot in a single trip to the polls or a state office on Election Day.

Twenty states and the District of Columbia have adopted some form of same-day registration, and they're a diverse mix. They include states like Idaho, Iowa, Wyoming, New Hampshire, Hawaii, North Carolina. Within the last 12 months alone, five states have adopted Election Day registration, most recently New Mexico earlier this year.

EDR is regarded by political scientists as the single most effective reform for increasing voter participation, boosting turnout by between three to nine percentage points, with perhaps the most significant gains among historically low turnout groups like low-income voters and voters of color. In 2018, for example, the two states with the highest youth turnout rates were Wisconsin and Minnesota, both of which are EDR states.

Combining registration and voting simplifies a two-step process. It takes advantage of voter interest when it's at its highest, and it allows voters to update or correct information on their registrations on Election Day, ensuring that no one is disenfranchised by administrative errors, and EDR is more secure because it's conducted in person. It typically requires documents to verify a person's residence or identity, and it often incorporates additional safeguards, which I'd be happy to talk about.

Now just in closing, we shouldn't accept the cynical proposition that Americans are more apathetic than our friends in other democracies. Our Government is more representative, responsive, and accountable when more, rather than few, Americans participate.

Thank you. I look forward to the conversation that we're going to have.

Mr. RASKIN. Mr. Ho, thank you very much.

Ms. Phillips?

STATEMENT OF KAYLAN PHILLIPS, LITIGATION COUNSEL, PUBLIC INTEREST LEGAL FOUNDATION

Ms. PHILLIPS. Chairman Raskin, Ranking Member Roy, members of the subcommittee, thank you so much for having me here today.

My name is Kaylan Phillips. I am an attorney with the Public Interest Legal Foundation, which is a nonprofit, nonpartisan law firm dedicated to election integrity.

It has never been easier to register to vote than it is today. You are offered the opportunity to register to vote when you encounter

many state agencies, including motor vehicle offices. If you somehow miss one of these opportunities, there are many private organizations that run voter registration drives at community events and even go door-to-door.

In short, the opportunities to register to vote are plentiful and increasing. On the other hand, not much attention has been paid to ensuring that our country's voter rolls are accurate and current. As the Supreme Court recognized just last year, it's been estimated that 24 million voter registrations in the United States, which is about one in eight, are either invalid or significantly inaccurate.

This problem has a ripple effect. It increases the workload of election officials and also decreases the public's confidence in our elections. I have studied voter roll list maintenance practices across the country and have seen these problems and inefficiencies first-hand. In short, there is no one solution to this problem.

The Constitution wisely entrusts the states to run their own elections. However, there are general strategies and techniques that are universally applicable by decentralized means. Best practices for election officials include such common sense institutional measures as writing down their procedures and adequately training their staff.

Beyond these basics, there are many ways to improve information sharing among state agencies and between states. States should be encouraged to implement common sense reforms that address the individualized problems that they face.

One specific and alarming problem that I have discovered in my evaluation of our Nation's voter rolls is the failure of the citizenship check boxes on the voter registration form. Citizenship is a fundamental element of eligibility to vote in American elections. Yet the citizenship checks on the Federal form are merely an honor system.

In my experience, those safeguards are wholly inadequate. Non-citizens continue to be registered to vote, sometimes by their own error and sometimes by the error of election officials. For example, our research has shown that individuals have been registered to vote even when they leave the citizenship check box blank or, worse, when they check "no" to the question, "Are you a citizen of the United States?"

Regardless of the circumstances, registering noncitizens may jeopardize their immigration status. The application for naturalization asks whether an individual has been registered to vote or has voted. The foundation's research finds that it is common for ineligible registrants to first learn of their voter registration status when they receive a communication regarding their application for naturalization.

The applicant then has to reach out to local election officials, to gather their records and submit those to the U.S. Citizenship and Immigration Services. The stress caused by such a situation cannot be understated.

One solution to this problem is to equip states to verify citizenship before an individual is placed on the rolls. There are tools presently available to the Federal Government that could be made available to state and local election officials in order to identify and

correct mistakes before they lead to life-altering circumstances—consequences.

Thank you.

Mr. RASKIN. Thank you very much.

I now recognize myself for five minutes for questions. I am going to start with you, Ms. Perez.

Automatic voter registration sounds like it makes great sense. You know, we would consider it a huge failure if we had as high a part of the population not going to public school or not going to school at all as we have not voting.

We want everybody to be part of the voting system, and so automatic universal voter registration seems to make a lot of sense. But tell us in more detail how it actually works and what these states are doing and why you described it as being a very effective best practice.

Ms. PEREZ. I think we should first start about what happens if someone goes to a traditional social service agency, what that exchange looks like. Somebody will go in. They will get asked by a clerk, what is your name, your address, your date of birth, whether or not you're a citizen. And if they're following the law, which they sometimes aren't, they then ask you, "Do you want to register to vote?"

And if you say yes, all too often, they hand you a piece of paper that requires you to fill out again what your name, your address, your date of birth, whether or not you're a citizen is. And that is inefficient because those systems then—those papers then have to get bundled, mailed, and someone has to hand enter them.

With automatic voter registration, it becomes a streamlined process where the information that exists at the government agency that's relevant for information voter registration purposes gets sent over. And so that reduces error. So those that are concerned about inaccurate rolls will see much greater cleanness and efficiency in these records because you don't have to have people trying to decipher someone's chicken-scratch handwriting or trying to hand enter it.

It also changes the presumption. It welcomes people to our democracy. It sets forth the policy, the norm of registering to vote. And those two things together change behaviors, and we've seen some astonishing results in a number of parts of the country.

Automatic voter registration is a way, a modern way, an efficient way to make our voter rolls more clean and to get more people on the rolls. And it's something that has enjoyed bipartisan support in a number of states and something that I hope this committee will give serious consideration to.

Mr. RASKIN. Thank you very much.

Mr. Ho, let me come to you. Another committee—I serve on the House Committee on Administration—has been very interested in this problem of voter purges, and we have been to Georgia and Ohio, a number of other states to look at what this means.

In Ohio recently, we heard testimony about how more than 400,000 people were purged for failing to have voted in the last election. In some cases, that was a mistake, but even in the cases where people didn't vote, the argument was made by the voter rights groups that you have a constitutional right not to vote just

like you have got a right to vote. You can't punish that by disenfranchising the people.

But the mechanism by which they alerted people to the fact that they hadn't voted and, therefore, they would be purged unless they responded was a little postcard, which lots of testimony suggested was getting lost inside newspapers and magazines in the mail or misplaced or what have you.

Describe the mechanics of voter disenfranchisement based on purges and whether you think that is a fair way to keep the rolls up to date.

Mr. HO. Sure. Well, we can talk about the Ohio example that you identified. What Ohio would do was try to identify people who may have moved to another state based on whether or not you voted, right? And so if you don't vote in an election, Ohio would then start to flag you as a potential nonvoter.

Now, you know, we have pretty low turnout rates in this country compared to other democracies. In most mid-term elections, half of eligible voters don't vote. So it's a pretty broad presumption to assume that half of people have moved when we know that that's not what's happenings.

They'll send you a postcard, and a lot of times it gets lost, as you noted. It looks like junk mail, I think, to a lot of people, and so people don't respond to it. And then if you don't respond to it and you don't vote in subsequent elections, they knock you off. And I think that does raise a lot of concerns about whether or not simply the act of not voting should be taken as evidence that you've moved and are no longer eligible to vote.

Mr. RASKIN. I mean, how does same-day voter registration help to counteract some of the problems of registering to vote or voter purges?

Mr. HO. Well, in the case of overly aggressive voter purges, same-day registration, I think, is a perfect safety net for that kind of situation. So someone gets flagged. They get removed because the state thinks that that person has moved, but then the person can show up on Election Day and say, actually, you made a mistake. I'm still here. I'm still eligible, and you should let me cast a ballot.

Mr. RASKIN. And we heard testimony from a lot of frustrated Americans who said they had no idea they had been removed from the polls. They had not moved out of state. They showed up at the polls, and then they were told they couldn't vote, and if there was no same-day voter registration vehicle, they were just out of luck.

Mr. HO. Right.

Mr. RASKIN. And who are they going to sue to get their democracy back, right?

So, all right. With that, I am going to turn to the ranking member, Mr. Roy. Oh, I am sorry. Mrs. Miller, you were going to be called on first.

Thank you very much.

Mrs. MILLER. Thank you, Mr. Chairman, and thank all of you for being here today.

I was formerly a county party chair in West Virginia, and I have spent countless hours with county clerks to ensure that the elec-

tions held in my state were fair. They have my utmost respect. They work very hard.

I am proud that West Virginia is a leader in fighting voter fraud. The state is continuously looking to ensure that we have clean and accurate voter rolls. The West Virginia secretary of state also utilizes technology to ensure that voters can easily find their polling place and know who is on their ballot before the election.

He has also implemented a program where he goes into the high schools in every county to talk to them about voting and, you know, registering to vote at 18, and how important it is for them to do so.

My colleagues across the aisle recently passed a bill that mandates a one size fits all approach to Federalize our elections. H.R. 1 is a textbook example of a top-down approach that will not only be a disaster to implement, but will also result in more voter fraud.

In California, there have been multiple cases throughout the years of dead people voting, individuals voting multiple times, and noncitizens voting in our elections. This is unacceptable, but instances like this will not only increase if H.R. 1 is ever enacted into law.

Ms. Phillips, how could data sharing, both within states and between states, help improve voting practices?

Ms. PHILLIPS. Thank you for the question.

Absolutely, more information is better. Giving—equipping our election officials to do their job will result in cleaner rolls, and that is the ultimate goal is the most accurate and complete rolls that we can possibly get.

Mrs. MILLER. Are there roadblocks that prevent states from sharing that data?

Ms. PHILLIPS. There might be. There might be various privacy laws or different state laws. But I think that it should be—states should be encouraged to enact laws that allow them to share the information with other states.

Mrs. MILLER. And would those be state laws?

Ms. PHILLIPS. There could be. Yes.

Mrs. MILLER. Okay. How can we encourage those states to share their data?

Ms. PHILLIPS. I think that should be the focus. Rather than try to Federalize voter registration, list maintenance, it should be incumbent upon the states and ensure that the states understand that this should be a priority.

Mrs. MILLER. From my experience working in the elections, I have heard from county clerks that it is very difficult to remove deceased individuals from the voter rolls. Can you speak to how criminals exploit this loophole in our system?

Ms. PHILLIPS. Certainly. It is difficult because there—because of the lack of data sharing, because of the fact that we are an increasingly mobile people, and people may pass away in states other than the states in which they are registered. So that it's a difficult thing to detect unless election officials are actively working to seek it out. And that kind of those having deceased voters on the rolls is just ripe for voter fraud, certainly, yes.

Mrs. MILLER. So if grandma went to live with her daughter in another state and then passes away, nobody contacts her original residence to let them know. Correct?

Ms. PHILLIPS. That might be true. Certainly it's not the first thing on a relative's mind to contact the election officials. And if the election officials are relying only upon county death records, then that information will not be passed to them through that mechanism.

Mrs. MILLER. It might even be possible if they then go to sell grandma's house that somehow one part of the courthouse might let another part of the courthouse know that the individual is selling that house because the owner is deceased?

Ms. PHILLIPS. That's—it's not something that you see very often. There usually is a very clear chain of information coming from county clerks to the election officials. And so if that information is not being shared via death records, then the county—the elections officials need to seek it out actively.

Mrs. MILLER. What is the process to remove a deceased individual from the voter rolls, and how long does it normally take?

Ms. PHILLIPS. That's state dependent. So if a death record is received, in many states then the removal is upon receipt. But that does vary from state to state based on their law.

Mrs. MILLER. Thank you. I pass back my time.

Mr. RASKIN. Thank you very much.

We go now to the distinguished gentleman from Missouri's First District, Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. And thank you for holding this hearing.

Let me start out by mentioning to Mrs. Miller and Ms. Phillips that my first congressional election in 2000, I wound up in court on Election Day because the city of St. Louis Board of Elections had illegally purged 30,000 voters in our district. So the point of this is that I think election authorities should err on the side of caution.

It is already difficult enough to get Americans to participate in the process. So how dare you wholesale remove people from rolls? How dare you do that? And it is not all right.

So let us be for real, Mrs. Miller, about what these states are doing and election authorities are doing to lessen the number of voter—

Mr. CLOUD. I believe you need to make your remarks to the chair.

Mr. CLAY. No, I am talking to this committee. So don't tell me who I need to talk to.

Let me start with Mr. Ho. Mr. Ho, the state of Florida just recently passed a ballot initiative to allow those with felony convictions to be re-enfranchised. And I understand that the majority in the Florida state legislature has engaged in some trickery, some underhandedness to not allow these people and to erect barriers for those returning citizens to re-register to vote. Can you or Ms. Perez shed some light on that?

Mr. HO. Yes, I'd be happy to speak to that, Congressman Clay. So as you noted last year, Florida voters overwhelmingly approved a ballot initiative that would restore voting rights to people upon

completion of their felony conviction, subject to a few limited exceptions. And it was, I think, hailed as a just major, major leap forward for our democracy.

Maybe the greatest single act of enfranchisement since 18-year-olds got the right to vote because there were 1.4 million Floridians who had completed their sentences, were back in society, but were permanently barred from voting under Florida's constitution. Florida was one of only four states that did that. And because it's so big, it, you know, affected a lot of people.

What is happening now on the floor of the legislature is a shame. The legislature is considering bills that would require people not only to have finished their incarceration terms of their sentences—probation, parole, and whatever—but also repay legal financial obligations.

Mr. CLAY. Oh, that is prior to 1965 Voting Rights Act, like a poll tax.

Mr. HO. Fines, fees, and restitution.

Mr. CLAY. How racist.

Mr. HO. Well—

Mr. CLAY. How racist.

Mr. HO [continuing]. it's—I think if they go forward with it, it would be a huge mistake. It would be contrary to the will of Florida voters. And you know, it would really, I think, criminalize essentially poverty and lock people out because they can't afford to pay fees.

Mr. CLAY. Ms. Perez, anything to add?

Ms. PEREZ. I would also add to my good friend Dale's comments, it's also counterproductive. If we want people to be successfully reintegrating into our society, we need to make them a stakeholder. We are a country that believes in second chances. We are a country that believes that people can rise to the challenge. And if we are going to be sending a message that we want everybody participating in voting, we need to not be engaging in political shenanigans to try and thwart the will of the people.

I would note that Amendment 4 received more support on Election Day than any candidate in the state of Florida did. And for that reason, I would hope that the state of Florida enacts Amendment 4 as it was adopted by the people and eliminates this blot that had been on Florida.

Mr. CLAY. And it is the height of hypocrisy from my colleague on the other side to talk about this is about election integrity when we all know what it is about. We all know what it is about.

Ms. Chapman, you mentioned a recent report that your organization issued on the elimination of polling places. Do you have any in my state of Missouri that we need to be concerned about?

Ms. CHAPMAN. We studied jurisdictions that were formerly covered by Section 5 of the Voting Rights Act. We studied a sampling, about half of those jurisdictions. So, unfortunately, Missouri is not included in that report, but we're happy to do some research and get back to you about that.

Mr. CLAY. And I thank the panel for their response, and I yield back, Mr. Chairman.

Mr. RASKIN. Thank you very much.

And next, we come to the gentleman from Texas, Mr. Cloud.

Mr. CLOUD. I yield to the ranking member.

Mr. ROY. I appreciate that, Mr. Cloud, my friend from Texas.

Given that our friend Mrs. Miller from West Virginia is not here to respond, I assume that my colleague Mr. Clay is not impugning the character of Mrs. Miller from West Virginia and implying that, for some reason, she has any motives other than wanting to ensure that voter integrity and that the rolls in West Virginia are the best that they could be to ensure the integrity of our elections in the United States.

Mr. RASKIN. And I certainly did not hear that, and I don't think it was the intent——

Mr. CLAY. Would the gentleman yield?

Mr. ROY. Yes, I would.

Mr. CLAY. I would never impugn Mrs. Miller's integrity, but I will criticize the tactics of your party in every state legislature that has seen the coloration of your electorate. Now that is what I am talking about. That is what the 1965 Voting Rights Act was about, to allow more people of color to participate in the process.

You and I know what the history was. So let us not act like it didn't happen and that this is about voter integrity when you know it is not.

Mr. ROY. Reclaiming my time, what I would suggest is that by the very nature of even that, it is still impugning the motives and what my character—or the character of what my colleague Mrs. Miller was talking about with respect to what she believes is critical and what I share and what I believe is critical with respect to the integrity of voter rolls. It has nothing to do with color. It has nothing to do with——

Mr. CLAY. Mr. Roy——

Mr. ROY [continuing]. race. It has everything in the world to do with assuring that citizens and people that are supposed to vote are voting.

Mr. RASKIN. And then, Mr. Roy, I think the gentleman has disclaimed any interest in impugning the motives of Mrs. Miller, and no one is impugning her motives in any way or impugning any adverse intentions on her part.

Mr. ROY. I will yield back to Mr. Cloud then.

Mr. RASKIN. Okay.

Mr. CLOUD. Thank you.

So, true story. Someone recently moved into my district and from another state and dutifully went to the local library to try to check out a book, but did not have proof of residence, so immediately went to the DMV to try to get a driver's license. Still not having proof of residency, this person walked into the voter registration office and without proving their residency was able to attain a voter registration card, to which they took to the DMV to get a driver's license, to which they took to the library to be able to check out a book.

So I guess just the moral of the story is, is we can be secure in knowing that our books are well protected in our Nation. I am not so sure about the vote, especially in Texas at the moment, where we have, as was mentioned, 100,000 people who just last month crossed our border.

Texas is not given the resources needed to protect our border, and yet we are also not necessarily—our efforts to protect our vote are challenged.

Mr. Ho, do you think that illegal aliens should be allowed to vote?

Mr. HO. No, and I'm not aware of any state that does so. What I think we need to do is take a step back from this notion that there are hordes of people crossing the Rio Grande so they can vote for agricultural commissioner or something like that. I mean—

Mr. CLOUD. I wasn't suggesting that. Thank you. You answered my question.

Should states then be allowed to put in just reasonable protections to secure that someone who is registering to vote is a citizen?

Mr. HO. I think the challenge here is defining what constitutes reasonable.

Mr. CLOUD. Sure.

Mr. HO. Because there are a lot of things that sound reasonable, but in practice end up being quite destructive. So Kansas, for example, passed a law that required people to show a birth certificate or a passport when you register to vote on the theory that we need to make people prove that they're citizens in order to register to vote. And what they ended up doing was stopping 30,000 Kansans from registering to vote, all to stop a problem of approximately two noncitizens per year who were getting registered mostly because of mistakes by DMV workers.

Mr. CLOUD. I think even a broader question is who makes that estimation, and the question before this committee is, of course, where the jurisdiction lies, mainly with states or with the Federal Government?

Without objection, I would like to submit a few articles for the record. "Texas Woman Sentenced to 5 Years in Prison for Voting Illegally in the 2016 Election." "Robstown Residents Indicated on Multiple Counts of Voter Fraud." "Ten Oregon Voters Plead Guilty to Voter Fraud in 2016 Presidential Election." "Texas Court Upholds Conviction of Woman Sentenced to 8 Years in Prison for Voter Fraud." "James City Man Indicated on Voter Fraud Charges." "Edinburg Mayor, Wife Latest to be Charged with Illegal Voting." "Elmwood Park Mayor Charged with Voter Fraud Resigns."

"Salvadoran National Indicted on Immigration and Voter Fraud Violations in East Texas." "Campaign Manager Charged with Buying Votes in Donna, Texas, School Board Election." "Two Campaign Workers Admitted to Buying Votes in Hidalgo County, Texas, Elections." "Mexican National Who Took Cousin's Identity to Vote Illegally to be Deported."

Mr. RASKIN. Without objection, they will all be entered.

Mr. RASKIN. And now I recognize the vice chair of the committee, Ms. Ocasio-Cortez.

Ms. Ocasio-Cortez, you are recognized.

Ms. OCASIO-CORTEZ. Thank you.

You know, I find it, the documents that were just submitted to the record, quite interesting from my colleague from Texas because these are all people and cases of indictment and where people went to jail. In Fort Worth, Texas, there was a woman, Crystal Mason,

a 43-year-old mother of four, that went and was sentenced to prison for five years for voting when she was ineligible.

Ms. Mason was released from prison, and she thought that she was eligible to vote. She thought that she was eligible to vote. She had served her debt to society, was released, and didn't know at the time that she was ineligible. So she cast her ballot. She was identified in the state of Texas, put up in handcuffs, and was thrown right back in jail. To make an example of her, I would imagine, the judge sentenced her to five years in prison.

All of those cases that were submitted to the congressional Record are travesties because I will tell you a different side of this coin. In 2017, the New York City Board of Elections admitted that it broke the law when it improperly removed voters from the rolls just ahead of the Presidential primary elections, including an improper purge of 117,000 voters in Brooklyn alone.

In the name of inaccuracies and all of this fearmongering about people who shouldn't be voting, which we know is not the case, 220,000 voters, people in New York were disenfranchised and removed of their right to vote. And the Queens Board of Election allegedly used *Ancestry.com* as the basis for removing people from the rolls.

This is what we are talking about, and this is what is being done in the name of this false campaign of voter fraud, which we know, study upon study, to not be true. So beyond that, let us say imagine it is my voting day, and instead of being 29, I am 79. I can't walk easily down the street. I need help getting down stairs, and I do not have a computer.

I make it to the bottom of my New York City building where my voting location has been for close to half a century only to find out it was moved the night before to a new location 3/10ths of a mile away. At the time, New York City does not have early voting, no mail-in ballots, no same-day registration either. And so, as a result, I cannot vote. I have missed out on my constitutional right.

Now imagine it is 2018, and I am 29 years old, and I am running for Congress in my home borough. And I show up to my own electoral precinct, and I can't vote. I am told that my vote—my polling location is virtually shut down for several hours because every polling machine is broken.

Both of these stories are true. Both of these things happened. The first happened in 2012 when the polling site was moved with only a few days' notice, making it nearly impossible for elderly people of color to get to participate in Election Day. Because what we have found is that these poll site changes in New York City are disproportionately concentrated in communities of color.

One hundred forty-nine polling sites were moved throughout the city, and that is 14 percent of the total polling locations that were moved.

Ms. Chapman, do you find that moving these voting sites occurs at higher rates in communities of color?

Ms. CHAPMAN. Yes. Actually, our report, "The Great Poll Closure," one of the key findings was that polling place closures primarily happen in communities of color. And now that we do not have the full protections of the Voting Rights Act, there is little no-

tice. There is little transparency, and there's little actual input from the communities that are most impacted by these changes.

So those are some of our recommendations that we would like to put forth.

Ms. OCASIO-CORTEZ. And so have you found that states with a history, in fact, those that were subjected to the Voting Rights Act, because they had disproportionately targeted communities of color and disenfranchising communities of color in the past, now that that provision has been lifted, are those states back to targeting communities of color?

Ms. CHAPMAN. Yes, they are. And actually, we're currently conducting our analysis for—I'm looking at 2018 data. Some of the states that have done this the most are Arizona, Texas, and Georgia, all states that were formerly covered by Section 5 of the Voting Rights Act.

Ms. OCASIO-CORTEZ. And Ms. Chapman, were there states that restricted or tried to restrict early voting in the 2018 mid-term elections? Because we know that these changes, sometimes the only way that we can reverse the impacts of purges is through same-day voter registration and, rather, through early voting. So were there states that restricted or tried to restrict early voting in the 2018 mid-terms?

Ms. CHAPMAN. Yes. And I think with early voting, it's really about where the early voting locations are placed. And for instance, we saw in Florida, there was a decision that allowed early voting locations to be on college campuses, and that was not equitably distributed.

Our organization actually worked on the ground in the Florida, and we were able to advocate for an early voting site at Florida International University, which is primarily Hispanic. But we were not able to do that at FAMU in Tallahassee, which is an HBCU.

So it's really important that these early voting sites can be accessible to communities of color.

Ms. OCASIO-CORTEZ. Thank you.

Mr. RASKIN. The gentlelady's time has expired. Thank you.

Mr. Roy?

Mr. ROY. Mr. Hice, please.

Mr. RASKIN. We will go to Mr. Hice.

Mr. HICE. Thank you, Mr. Chairman. I appreciate you holding this hearing.

I just believe everyone in this room wants voter security, and in that regard, we may have different views and perspectives, but we want honest elections. I have heard some remarks about my home state of Georgia that I believe need to be set right. The record needs to be set straight. I have just some basic facts.

Georgia voters of all demographics turned out in record numbers for the 2018 mid-term elections. It nearly matched the Presidential election of 2016. Fifty-five percent of the eligible voter population turned out for the 2018 mid-terms. That is significantly higher than in the past, compared to 38 percent in 2014, 40 percent in 2010.

And I am proud that the turnout by minorities increased dramatically compared with 2014. African-American turnout increased 32.5 percent. Hispanic community, 97 percent. Asian American

community, 98 percent. This does not sound like a voter suppression campaign in Georgia because a voter suppression campaign did not occur. We had record numbers of minority groups voting in Georgia, and I want the record straight on that.

With that, I would like to begin some questions for each of you. I don't want a dissertation. I want a yes or no on this because they are just basic questions.

Ms. Perez, I will begin with you. Do you believe that only U.S. citizens should be allowed to vote in U.S. elections? Please put your mic on.

Ms. PEREZ. Sure. Yes.

Mr. HICE. Ms. Chapman?

Ms. CHAPMAN. Yes. That's the position of the Leadership Conference.

Mr. HO. Yes, with a caveat. A number of local jurisdictions like Tacoma Park in Maryland permit legal permanent residents to vote in local elections——

Mr. HICE. I am not talking local. I am talking U.S. election. Should U.S. citizens be the only ones allowed to vote?

Mr. HO. Yes.

Ms. PHILLIPS. Yes.

Mr. HICE. All right. Do you believe a person should be allowed—should be forced to show proof of citizenship to register to vote?

Ms. PEREZ. I do not believe someone should show documentary proof of citizenship. Every time someone registers, they have to present some kind of citizenship affirmation.

Mr. HICE. Should they prove that they are a citizen when they register, yes or no?

Ms. PEREZ. Should they, or do they?

Mr. HICE. Should they? Do you believe a person should show proof of citizenship to register to vote?

Ms. PEREZ. I would say that they should, and they do.

Mr. HICE. Okay.

Ms. CHAPMAN. I agree with my colleague, Ms. Myrna Perez——

Mr. HICE. Is that a yes or a no?

Ms. CHAPMAN. Yes.

Mr. HO. I'm sorry, Congressman Hice. I don't—I'm not sure I understand what you mean by "proof."

Mr. HICE. Well, I mean, should they—when they register to vote, should they prove that they are a citizen?

Mr. HO. And what do you mean by——

Mr. HICE. In whatever way. I am not defining—should they prove? If all of you say only a U.S. citizen should vote, so should they prove that they are a citizen before they register?

Mr. HO. With an attestation under oath, as is done in 48 states and the District of Columbia——

Mr. HICE. All right. Yes or no?

Ms. PHILLIPS. Yes, or their citizenship should be affirmed in some way.

Mr. HICE. Okay. If not required to show proof of citizenship to register, should they show proof of citizenship when they cast a ballot?

Ms. PEREZ. You're asking the counterfactual. So if we lived in a regime where they didn't have to do it, should they have to do it somewhere else?

Mr. HICE. Right.

Ms. PEREZ. I've not pondered it yet.

Mr. HICE. Okay.

Ms. CHAPMAN. Can you repeat the question, please?

Mr. HICE. Should they show proof of citizenship when they cast a ballot?

Ms. CHAPMAN. The Leadership Conference doesn't have a position on that.

Mr. HICE. Okay.

Mr. HO. I mean, everyone does when they register to vote by signing an attestation under penalty of perjury.

Mr. HICE. All right. So—I am sorry, Ms. Phillips?

Ms. PHILLIPS. Their citizenship should be confirmed before they're put on the rolls.

Mr. HICE. Okay. That is the point. So all of you agree that only citizens should vote, and at some point in the process, that ought to be confirmed. Are we in agreement with that? Only one is nodding their head.

If U.S. citizens—and all of you said yes—only citizens should vote in the U.S. elections, but now you are not saying they should prove at any point that they are a citizen?

Ms. PEREZ. Sir, I think—if I may respectfully suggest that the confusion that we are experiencing is that people do have to demonstrate citizenship when they register to vote, they have to attest under oath that they are, in fact, a citizen. And that has proven a successful means of demonstrating citizenship. I don't think—

Mr. HICE. The issue here is having clean rolls, that we know that only people who are citizens are voting.

Ms. PEREZ. We all agree that our rolls should be clean, and I think we all agree that election administrators should take reasonable steps to make sure that they're as clean as possible. The part that you're getting some hesitation, I believe, is because of the suggestion as to what is appropriate proof, and what is going to be the damage that is caused by demanding certain levels of proof?

And some of us are a little bit gun shy because we have seen requirements of proof being proposed that would have a catastrophic effect on voter registration—

Mr. HICE. And some of us are gun shy because we haven't. And I know my time has expired.

But thank you, Mr. Chairman.

Mr. RASKIN. Thank you very much.

I come now to the gentleman from California's 34th District, Mr. Gomez.

Mr. GOMEZ. Thank you, Mr. Chairman.

In 2007–2008, I had the privilege to go campaign in Democratic primaries throughout the country. Everything from Iowa to New Hampshire to Pennsylvania, Texas, Puerto Rico—and yes, Puerto Rico is in the country—all the way to California and Washington. And I can tell you, and I can tell the American people, that democracy is not created equal in the United States of America.

People think it is, and that is what the—that is the what is wrong. And it is not.

In New Hampshire, I saw a state trooper in a polling booth sitting right at the registration table. I am sure why you need a state trooper. I don't know what they are going to steal, but there was a state trooper.

When we were campaigning in Texas, we were asking for voter rolls in certain counties in Texas, and we were told that there is no Democrats registered in this county, out of the whole county, not one Democrat.

I have seen where polling places just got moved. So what we have continuously seen is the disenfranchisement of different populations to this country through different means, right? Requiring the ID laws is just another means of voter suppression, another means to disenfranchise individuals, as all of you know.

We are trying to change that. My colleague from I think West Virginia always loves to point out California, if it is California on voter fraud, California on climate change, California on housing. I am proud to be a Californian. We are an inclusive state. We bring people together.

Yes, we have problems. But you know what? We say you come here, you have a place in California. And what we try to do is we actually tried to pass a law that understands that people, when it comes to exercising the right to vote, that you shouldn't—it shouldn't be in the affirmative, right? It is a right.

So we passed a voter registration law, an automatic voter reg law in California. I was there when we did it. It actually just automatically registers people to vote as they sign up for their driver's license. We have seen a huge spike in the number of people who are registering to vote, and we have also seen a huge spike of people turning out to vote.

Each election, we have to see how it kind of continues to go, but each election you see it happening more and more, especially amongst the young people. But young people are turning out, and that is a good thing because then, all of a sudden, elected officials have to consider more what the young people want from their politicians.

So, Ms. Perez, how is it that voters who are legally registered to vote are purged from the rolls? And what is wrong with the purging process?

Ms. PEREZ. There are a number of problems, but they essentially boil down to two issues, bad underlying data or bad processes. You'll have some instances in which someone will get a sloppy list. I am reminded of a situation in Arkansas in which some government officials were trying to compile a list of people who had been disenfranchised because of a criminal conviction, but they were overbroad, and they actually got people who had gotten divorces and parking tickets and were somehow court involved, but not because of a criminal conviction.

And that list was passed on, and the election administrators that didn't have the resources took it as gospel and removed people.

We have other incidences in which people will be looking at information, like, for example, the Master Death File that the Social Security Administration produces, and will have overly broad what

we call computer matches. So they won't be looking at enough unique identifiers to not be able to confuse Myrna Perez who lives in Jersey City with Myrna Perez who lives in San Antonio, Texas.

And unfortunately, with purges, it's because they happen in an office, you know, behind closed doors, voters do not find out about it until it's too late. We will also, unfortunately, see examples, as the Member from New York indicated, where folks are violating certain guardrails and protections like disenfranchising people too close to an election.

Mr. GOMEZ. Before I run out of time, how does automatic voter registration help voters who have been purged from rolls?

Ms. PEREZ. What it does is that when someone has been purged, and they're able to go to the driver's license office, they're able to get back in quicker. In fact, one thing that might be surprising to people is that Georgia's automatic voter registration increased registration by a ton, and we think it's because there were so many people that were eligible to be registered because they had been previously purged.

Mr. GOMEZ. Thank you, Ms. Perez.

I yield back.

Ms. OCASIO-CORTEZ.

[Presiding] Thank you. Thank you. The gentleman's time has expired.

The chair now recognizes—the chair now recognizes the Member from Kentucky's Fourth District, Mr. Massie.

Oh, is he not here? All right. The chair now recognizes the distinguished ranking member for five minutes for questioning, Mr. Roy of Texas.

Mr. ROY. I thank my friend from New York for recognizing me, and I thank you all for your patience today.

Ms. Phillips, question. We have heard a lot about purging. Can you explain a little bit about—as quickly as you can, so we can get to some other questions—some of the merits behind wanting to have clean voter rolls, making sure that we know that we have got a strong voter system, and what some of the reasons are for having that?

Ms. PHILLIPS. Sure. Reasonable list maintenance is not only the law, it's good practice. So it's the foundation for everything. It eases the burden on the election officials because there's less inaccurate rolls that they have to maintain. And then also it can make voting lines shorter. It can make voting go faster. It just—it is good policy.

Mr. ROY. Do local communities often know best where the proper place to put a voting location is for the people who live there, maybe perhaps better than people in Washington, DC.?

Ms. PHILLIPS. Yes. Absolutely.

Mr. ROY. Are there cases where there are restrictions on where we can have a voting location? For example, I am aware of at least one case, and I think it was in North Carolina, where someone—where it was required that they move a voting location because there was an ADA restriction at a certain building because the building was under construction. And then they ended up moving the building to another location, which didn't have the proper ADA access. And it was removed or something from the city.

The point is, they didn't have the ability because of various voting restrictions in being able to find a place to be able to go put a place where people could access it. Are there a lot of different angles and things that occur in local communities that factor in where you might want to put a voting location?

Ms. PHILLIPS. Absolutely, yes. And they are closer to the people, so the local election officials know best.

Mr. ROY. Is it surprising in the slightest bit that a location that has been under restriction from Washington, DC, about where polling locations are placed, for whatever reasons, that that restriction was then lifted, that there would then be different polling locations and/or reduced or changed polling location sin that particular jurisdiction, for whatever reason?

Ms. PHILLIPS. No, that's not surprising.

Mr. ROY. And if we know that there are certain jurisdictions in this country that had to comply with whatever was being decided from Washington, and they decided to change polling locations, is it necessary that we know—do we know what the motives were behind moving the polling locations, other than wanting to make sure that it was in the best interests of the people in that state for those that were deciding it?

Ms. PHILLIPS. No. And certainly, we shouldn't assume that there were bad motives, if none are presented.

Mr. ROY. Can I ask a quick question on the question following up my friend from Georgia to each of the three of you all—Ms. Perez, Ms. Chapman, Mr. Ho? The question was asked about whether there should be questions—or, first of all, whether or not you believe that those who are here illegally in the United States should be able to vote. Each of you, I think, agreed no. At least in Federal elections in your case, I think, Mr. Ho, clarifying that.

And then we had asked a question about whether or not you should have to prove your identity as being a citizen. Each of you discussed attestations that you are, in fact, a citizen. And so my question is, do you believe that you should be required to show voter identification when you register, not just attest, yes or no? Should you have to be able to show a passport or any kind of documentation and combined with something like either a birth certificate or some indication other than you just attesting that you are a citizen.

I am not saying that is a good policy or bad. I am just curious, yes or no?

Ms. PEREZ. No.

Mr. ROY. Okay. Ms. Chapman?

Ms. CHAPMAN. I mean, there's Federal law for first-time voters that they're required to show some type of form of ID. Not photo ID, but either a utility bill or a bank statement or a passport.

Mr. ROY. Mr. Ho?

Mr. HO. I'd say no, Congressman Roy, but with some flexibility. There are—well, there's a wide range of identification requirements. Thirty-three states have some kind of identification requirements at the polls, but only about half a dozen have extremely strict ID requirements that require you to show one of a limited form—one of a limited set of forms of government-issued ID. And those are the laws that we really take issue with because they

don't provide a sufficient range of options for voters who either lack those specific IDs or any ID at all to still be able to participate.

Mr. ROY. So yes or—you say that was no, though?

Mr. HO. No, but I think there's a lot of variation in ID laws, and we don't necessarily think that all of them are pernicious.

Mr. ROY. Ms. Phillips, do you think that showing a form of photo ID and/or combined with proof of citizenship, birth certificate, something should be required in addition to just attesting that you are a citizen?

Ms. PHILLIPS. I think that it's good policy. Certainly what we have now is not working, and maybe that means that we couple the opportunity to show proof along with giving state officials the opportunity to verify citizenship.

Mr. ROY. And by not working, I assume you mean in relation to proving cases of voter fraud, whether it is 1 or 1,000 or 10,000, whatever the percentage may be. We can talk about the numbers, have a hearing on the numbers. But I assume that is what you mean is that it is not working based on that?

You go ahead, and then all my time is up.

Ms. PHILLIPS. That's part of it, but specifically with the citizenship check. The check box yes and no, yes or no is not working.

Mr. ROY. Could you—well, could you expand on that, and then my time is up?

Thank you.

Ms. PHILLIPS. Sure, sure. So right now on the form, there's a simple check box, and then in the signature box, it also says "I affirm." And what we've found is that there have been instances where somebody has checked, no, I'm not a citizen, and they have still been registered to vote. Or they've not checked anything, and they've still been registered to vote.

Mr. ROY. Thank you.

Ms. OCASIO-CORTEZ. Thank you. The gentleman's time has expired.

The chair now recognizes the distinguished gentlelady from New York, Mrs. Maloney.

Mrs. MALONEY. Well, I thank you for recognizing me, and I really find a lot of the testimony today very alarming. And I particularly find purging voters from files without any notice or followup really depriving American citizens of their right to vote.

My colleague from the great state of New York, Ms. Ocasio-Cortez, just testified that over 225,000 New Yorkers in the great borough of Brooklyn were purged in a recent election and that she tried to vote and was not allowed to vote. And this is very troubling that people—I would say that many of our ancestors gave their lives for us to have the right to vote.

And for some technicality that they have moved the voting place or purged you or not even told you about it, and then taking your right to vote away from you is really against a basic American Value. So I really would like to ask Mr. Ho, who is representing the ACLU, some questions about what we can do about this.

Now the same-day registration appears to be one alternative. If you go to vote in your voting place and they have moved it, and you can't vote, it seems like you should be able to register to vote and be able to vote that same day. So I would like to ask you, Mr.

Ho, can you speak about the importance of Election Day registration as a countermeasure to reports of voter suppression that we are hearing across our country?

Mr. HO. Thank you for that question, Congressman Maloney—Congresswoman Maloney, excuse me.

It's a crucial safety net. If people have been removed from the rolls erroneously, Election Day registration permits them to get back on the rolls on Election Day. And you know, to be clear, there may have been some reason, you know, 20, 30, 40 years ago to have 20, 30 days of a cutoff between the end of registration and the election. Back then, people were registering to vote on pen and paper. You know, you had to send them somewhere and then compile them by hand. Maybe we were still using IBM punch card machines to tally votes.

But today, in today's online, electronic, on-demand world, there's really no reason why we can't verify voters' eligibility in real time, the way that most Americans expect their transactions to take place these days. And the proof is in the pudding. The states that have Election Day registration see turnout that's three to nine percentage points higher than the states that don't.

Mrs. MALONEY. Well, H.R. 1 is part of the first bills that we passed. It had many reforms in it. One of which was same-day voting. And it appears that many people could benefit from it. Can you give me examples of some people who would benefit from same-day voting?

I have also heard complaints in my office that they have gone to vote, and for some reason, there is a problem with their address or address change or some other technicality. And I don't think anyone should be deprived of the right to vote because of a technicality. Could you give me some more examples of people that should be allowed to vote, but there is voter purging, or they are moving from one place to the other, or all the machines are broken?

That is outrageous that all the machines are broken. Now if you can deprive someone of the right to vote, to win an election, all you have to do is go in and break every machine in the district and have your voting machine work. I mean, this is outrageous. I don't think anyone should be deprived of the right to vote because a machine is broken.

Could you give other examples that we could understand?

Mr. HO. Sure. In addition to people who have been purged erroneously, there are people from demographics that move more frequently, and maybe their address doesn't get updated. Election Day registration would allow those people who are undoubtedly eligible to vote. No one disputes that. But do the simple thing of updating their address on the rolls on Election Day. You think of the demographics that are more likely to be affected by this. Low-income voters tend to move more frequently. Young voters tend to move more frequently.

Mrs. MALONEY. How does same-day voting affect voter turnout?

Mr. HO. The states that have it see turnout that's much higher than the states that don't, on average. It's been in existence in some states for over a few decades, and study after study has shown that states that have Election Day registration have signifi-

cantly higher turnout, particularly with low-income voters, voters of color—

Mrs. MALONEY. Are you aware, Mr. Ho, of any instances of voter fraud that came out of same-day election voting?

Mr. HO. I'm not. And I don't think anyone has suggested ever that, say, Wyoming or Iowa or, you know, Hawaii have more voter fraud than states that are similar to those states, but don't have Election Day registration. In fact, Election Day registration is more secure than traditional registration because it's done in person. It requires documents to verify a person's residence and identity, and there are often other safeguards in place as well to enhance the security of EDR systems.

Mr. RASKIN.

[Presiding] Thank you, Mr. Ho.

The gentlelady's time has expired. I come now to—

Mrs. MALONEY. May I submit for further questions? Because this is—we need to do something about this, Mr. Chairman. Thank you for having this hearing.

Mr. RASKIN. You bet. You bet. We will pursue it.

The gentleman from Kentucky, Mr. Massie?

Oh, then Mr. Jordan.

Mr. JORDAN. Ohio was before Kentucky.

Mr. RASKIN. Okay. All right.

Mr. JORDAN. I am kidding. Thanks, Mr. Chairman.

Mr. RASKIN. Mr. Jordan, you are recognized for five minutes.

Mr. JORDAN. Let me start with maybe the whole panel. Ms. Perez, we will start with you. Should 16-year-olds be able to vote?

Ms. PEREZ. We've not taken a position on that.

Mr. JORDAN. That is why I am asking you.

Ms. PEREZ. Yes. The Brennan Center has not taken a position on that.

Mr. JORDAN. What do you think?

Ms. PEREZ. I think it should be studied. I think there's certainly an excitement among young people and that there are at a time where we have a number of people who are eligible to vote, but not participating. It's really exciting to bring people into the process.

Mr. JORDAN. Sixteen-year-olds?

Ms. PEREZ. Right.

Mr. JORDAN. Wow. Okay. Ms. Chapman?

Ms. CHAPMAN. The Leadership Conference has not taken a position on 16-year-old voting.

Mr. JORDAN. Okay. ACLU?

Mr. HO. We haven't. We have taken a position on preregistration for 16-and 17-year-olds so that they can fill out a form at that age, and then they'll automatically—

Mr. JORDAN. That is all part of this—that is all part of the AVR. It would be you just start earlier, right?

Mr. HO. Well, I think, you know, a lot of people, they register to vote at the DMV, and a lot of people get their license when they're 16. But they don't go back for a number of years until that license has expired. So letting 16-year-olds, when they get their license, submit a form and then automatically become registered when they're 18 we think makes a lot of sense.

Mr. JORDAN. Yes. Ms. Phillips?

Ms. PHILLIPS. In my opinion, no.

Mr. JORDAN. Okay. What about the—and this may have been asked earlier—public financing of campaigns?

Ms. PEREZ. The Brennan Center supports certain public financing campaigns. We were behind—we were in support of the measures in H.R. 1.

Mr. JORDAN. Ms. Chapman?

Ms. CHAPMAN. The Leadership Conference also supported measures in H.R. 1 that included those provisions.

Mr. JORDAN. And is the ACLU there as well?

Mr. HO. I don't think we have a position on public financing.

Mr. JORDAN. Okay. Ms. Phillips?

Ms. PHILLIPS. Again, in my opinion, no.

Mr. JORDAN. Yes, same here. What about non—let us go to the one they—Ms. Perez, what about noncitizens voting? Have you already—maybe you already talked about this when I had to step out, but—

Ms. PEREZ. We certainly did cover it. I think our view is a very strong one that only those folks who are eligible to vote should be registering and voting, and right now, there are no laws that allow noncitizens to vote in Federal elections. There are certainly some states and localities that have made different decisions.

Mr. JORDAN. If you are going to do Election Day registration, how do you safeguard? Because some states don't have photo ID, how do you safeguard making sure just citizens are voting if you are letting people walk in the day of election and say "I want to vote." What do you do?

Ms. PEREZ. There is a number of measures. One, you can have an attestation requirement where people need to understand what the eligibility rules are and then affirm that. There are also—

Mr. JORDAN. In your vision for Election Day registration, do you want them to prove, individuals to prove they are a citizen and resident of that state when they walk in to register the day, actual day of the vote?

Ms. PEREZ. Respectfully, sir, they have. The attest to it is under penalty of perjury. They can be prosecuted if they're false for it. They have. In a trial, in anything that would be viewed as proof. You have someone attesting to it under law.

I think where the dispute is over is whether or not they should provide additional supplementary proof via documentation that some people don't have, and we would be opposed to that.

Mr. JORDAN. So let me just—I am just thinking practically. In rural Ohio, in Ohio, the way we do it is you come in to vote, whether you are voting early or whether you are voting the day of the election, and you have to show a photo ID. You have to do a signature that match, a signature match. And then you get your ballot.

You are saying that same kind of thing would happen on Election Day registration, that that is how it should work?

Ms. PEREZ. I'm saying that states have chosen different methods. There are—and I want to make sure that Dale gets this because this is an area that he is focusing on. But what happens is that some states will use the same method that they have for elections. In some instances, they will have heightened measures on Election Day, a heightened identification.

What we do know is that early—that Election Day registration works. It brings people into the elections. The folks that have it are very excited about it, and there are not widespread claims of fraud.

Mr. JORDAN. Okay. How about this whole opt-in—opt-in versus—

Ms. PEREZ. Opt-out.

Mr. JORDAN [continuing]. opt-out. So the way it worked now, the burden—if someone didn't want to be registered to vote, they would have to—they are going to automatically be opt-in for every single person. And you would look at this as, I guess, based on H.R. 1 when they are 16 years of age?

Ms. PEREZ. Just to clarify, sir, the current system in most places that you have to affirmatively say please register me to vote.

Mr. JORDAN. Right.

Ms. PEREZ. The way automatic voter registration presumes it is that you would flip the presumption and basically say something—

Mr. JORDAN. No, I get that.

Ms. PEREZ [continuing]. to akin of we would register you to vote unless you decline. So everybody has the opportunity to decline. Everybody is aware of the eligibility requirement.

Mr. JORDAN. The opportunity to decline prior to?

Ms. PEREZ. There are different models. There are different models. In most of the states that have automatic voter registration, the opportunity to decline, should you choose to, is at the agency. There are a handful of states that do it through a postcard mailing later. For example, Oregon does that. Alaska does that.

But most of the states allow you to opt out at the—

Mr. JORDAN. How many states do it now? I am just curious.

Ms. PEREZ. Fifteen, plus the District of Columbia.

Mr. JORDAN. Okay. I am out of time.

Thank you.

Ms. OCASIO-CORTEZ.

[Presiding] The chair now recognizes the gentlelady from Washington, DC, Ms. Norton.

Ms. NORTON. Thank you very much.

I really appreciate that Mr. Raskin is holding this hearing and hold this hearing so early in session because I think that indicates the importance we attach to the right to vote itself. Of course, I represent the Nation's capital, which is the ultimate example of disenfranchisement in our country. The people I represent are No. 1 per capita in taxes paid to support the U.S. Government.

I do have the vote in this committee. I chair committees, but I have no final vote on the House floor. Thanks to the Democrats after a court decision some years ago, I do have the right to vote on the House floor in the committee of the whole. But you can imagine what citizens who pay the highest taxes in the United States feel about not having the same rights as their fellow citizens.

My question goes to enforcement. We have learned that the Civil Rights Division has filed exactly zero lawsuits to prevent voting discrimination based on Section 2 of the Voting Rights Act. Mr. Ho, is that your understanding?

Mr. HO. That is my understanding as well.

Ms. NORTON. Do you know of any other administration that has completely failed to bring such suits, Section 2 suits?

Mr. HO. I'm not aware of another administration that has failed to bring a single lawsuit under Section 2 of the Voting Rights Act.

Ms. NORTON. The information I have is that the Obama Administration brought five suits under Section 2. The Bush Administration, 15. The Clinton Administration, 16. This is very irregular. You would think that there was no more voting discrimination.

Mr. HO. do you believe that the prevalence of voting—of voter suppression has worsened since this administration took power? Is there evidence to that effect?

Mr. HO. It's hard to say, actually, because we really started to see a spike in activity, I'd say, prior to the 2012 election. In between the 2008 and 2012 Presidential elections, there was a lot of voter suppression activity.

Ms. NORTON. What do you think accounted for that?

Mr. HO. Well, I do think it's—you know, it's hard not to look at what happened in the 2008 election. We had the most diverse electorate in our Nation's history. We elected our Nation's first African-American President. We had young people turning out at a higher rate than they had in over a decade.

And for the first time in a generation, we saw a wave of laws designed to make registration for voting harder, and they disproportionately hit precisely those demographics that turned out in record numbers in 2008. So when you're in our line of work, it's hard to look at that and not think that that's not anything but a direct reaction to the diversification of this country and this electorate.

Ms. NORTON. Now if you look at the Justice Department's website, you see that there are only four lawsuits. And remember, no Section 2 lawsuits to enforce the Voting Rights Act, but four lawsuits of any kind have been filed to enforce the voting rights statute.

Now I am looking at their website, does that seem about right to any of you, or Mr. HO?

Mr. HO. I haven't looked it recently, but that's consistent with my recollection, though.

Ms. NORTON. How concerned should we be about that number?

Mr. HO. Well, I think, you know, since 1965 voters have relied upon the Department of Justice to vindicate their rights. The private bar does what we can, but we lack the resources of the United States Department of Justice, I think, quote obviously. It's meant a lot more work for us and I think a lot more unmet needs in this time.

Ms. NORTON. Could I ask any of you, is there anything you think the Congress could do, given what appears to be the reluctance of the administration to enforce any part of the Voting Rights Act? Is there anything we should be doing?

Ms. PEREZ. I would say H.R. 1. I think H.R. 1 contains many of the best thinking solutions to the problems that have been vexing elections and administrations for quite a number of years, and it reflects a movement and a strong statement that in this country, it doesn't matter if you are rich or poor, black or white. If you are

an eligible American, we want to bring you into the democracy, and we expect you to have an equal and fair opportunity to be voting.

Ms. NORTON. Thank you, Mr. Chairman. And I should say the H.R. 1 also contains H.R. 51, the D.C. voting rights of the D.C. statehood Act. And I appreciate that every Member of this subcommittee is a cosponsor of H.R. 51.

Thank you, Mr. Chairman.

Mr. RASKIN.

[Presiding] Thank you very much, Ms. Norton.

And yes, indeed, I am a proud cosponsor of that, and we come now to the gentleman from Kentucky, Mr. Massie.

Mr. MASSIE. Thank you, Mr. Chairman.

I want to give you all or as many of you as I can a chance to answer this, but could you summarize some of the requirements, the identification requirements, the things that seem reasonable at first, but then tend to disenfranchise voters when they register or try to vote? Could you give me a brief summary of what some of those things are?

Ms. PEREZ. I'd be delighted. And of course, it's a very state-specific inquiry because different—

Mr. MASSIE. Correct.

Ms. PEREZ [continuing]. communities in the state will have—

Mr. MASSIE. Some of these are proposed maybe, and some of them are in place already in states.

Ms. PEREZ. Well, but also the communities are different.

Mr. MASSIE. Right.

Ms. PEREZ. And they will have different needs and different access. But one of the things that make us provide further study and inquiry is whether or not it's a very limited list of identification, whether or not it has to be government issued and who that government can be.

It is whether or not there is an alternative for folks who are eligible, but are—that don't have that kind of identification and how accessible is that alternative. And the other measure is what other measures are in place? Is this a redundant barrier?

Some of the challenges that we are seeing with these laws is that at every step in the process, there is a barrier that is hard for some people to overcome. And when you have these duplicative—

Mr. MASSIE. What type of barriers?

Ms. PEREZ. So let's take a situation in a state that has a restriction on a voter registration group, right? You have people that are not eligible to vote. I'm sorry. You have people that are not voting. A community wants to go in and register them, but can't because they can get hit with fines if they don't do everything perfect. Or they have to go through some training by some petty bureaucrat.

So you have one barrier to getting on the ballot that way.

Mr. MASSIE. Training, you would be opposed to having some kind of training?

Ms. PEREZ. No, but the—I think there's training, but then there's a requirement for training that is onerous and inaccessible, like some of the things that are concerning folks in Tennessee, like some of the things that were underlying some of the concerns we had in the Florida case that Dale mentioned earlier.

Mr. MASSIE. Let me give Dale a chance to answer. I am sorry, Mr. Ho and Ms. Chapman. Mr. Ho?

Mr. HO. Sure. So I think an example of a law that might sound harmless to some people, but when it operates in practice is quite devastating for voter registration is one that I mentioned in my opening remarks, a law that Kansas had that required people to show a birth certificate or a passport when registering to vote in order to establish that they're United States citizens.

Don't take it from me. Take it from the United States Court of Appeals for the Tenth Circuit, which in a unanimous opinion in 2016 by Judge Jerome Holmes, who was appointed by President George W. Bush, found that the law had caused a mass denial of a fundamental constitutional right. The court's words, not mine.

Mr. MASSIE. Mass denial of a fundamental constitutional right.

Mr. HO. Correct.

Mr. MASSIE. Ms. Chapman, could you give me an example?

Ms. CHAPMAN. Sure. I wanted to talk from personal experience, having been a voting rights advocate on the ground in the states. I worked in Wisconsin, along with—

Mr. MASSIE. Can you do it in about 30 seconds?

Ms. CHAPMAN. Sure. I actually met a woman who was 90 years old. She was born in Mississippi at home to a midwife, and she did not have the ability to get a voter ID that was required by the state because she never had a birth certificate. And her daughter actually had to spend over \$2,000 in legal fees in order for her to obtain those types of documents.

She had been a poll worker her entire life. She never missed an election.

Mr. MASSIE. I have got a minute and 20 seconds left. So thank you very much.

Ms. CHAPMAN. Yes, sure.

Mr. MASSIE. So would you say that these disproportionately disenfranchise minorities?

Ms. CHAPMAN. Yes. Disproportionately disenfranchise people of color.

Mr. MASSIE. What about you, Ms. Perez?

Ms. PEREZ. I would say that people that have—yes, because people that are more on the margins, that have lives that are more complicated, that are unable to overcome these barriers, which because of poverty in other systems are likely to fall more in minority groups.

Mr. MASSIE. Okay. Let me tell you something and ask you a question. Everything you have given me is a requirement to purchase a gun. So all of the requirements that you say disenfranchise minorities from—give them mass denial of a fundamental constitutional right are in place in many states, in some states to purchase a gun or to carry a gun, how would it not also disenfranchise minorities to have these requirements to purchase or carry a firearm?

Ms. PEREZ?

Ms. PEREZ. I'm sorry. I'm not understanding the question. Do you mind repeating?

Mr. MASSIE. All of the requirements that you say to vote that disenfranchise disproportionately minorities are requirements in one state or another to purchase or carry a firearm. How does that

not disenfranchise people of their Second Amendment constitutional right as well? Or wouldn't you agree with me that it does?

Ms. PEREZ. I think this is not the kind of setting or time to be able to discuss this. I mean——

Mr. MASSIE. All right. I appreciate you helping me to make my point. I would like to submit two documents to the record, for the record. I ask unanimous consent.

The first one is "Presentation to Presidential Advisory Commission on Election Integrity: A Suggestion and Some Evidence" by John R. Lott Jr., *CrimePreventionResearchCenter.org*.

And then another one is a Chicago Tribune article by the same author, John R. Lott, "Commentary: Apply Background Checks for Gun Purchases to Voting." In other words, this is a document about what would happen if we used the NICS background check, which does check on whether you are an illegal immigrant, non-immigrant, visa, or has renounced citizenship, which has been highly lauded by Democrats as a way to vet people to exercise their constitutional right.

Mr. RASKIN. Yes, indeed.

Mr. MASSIE. I submit those to the record.

Mr. RASKIN. Without any objection, and I look forward to reading those.

Mr. RASKIN. And I take it from the gentleman's questioning that you agree with the witnesses, at least these three witnesses that these are unlawfully burdensome restrictions that are being imposed on the right to vote?

Mr. MASSIE. I agree that they are the same restriction on the Second Amendment as they are on the right to vote. Which in the Second Amendment is a constitutional right which is enumerated in the Constitution.

Thank you, Mr. Chairman.

Mr. RASKIN. Right. All right. Okay. This will be fun for us to pursue this question.

We come now to Congresswoman Wasserman Schultz from the 23d District of Florida.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman.

I am not really sure what point that previous exchange was attempting to prove, but constitutional rights for guns are for another committee's jurisdiction, not this one.

That having been said, Ms. Chapman, it is good to see you. I wanted to ask you if you support making Election Day a Federal holiday. There is legislation that our colleague Congresswoman Anna Eshoo has introduced called the Election Day Holiday Act of 2019, and I wanted to see if you support that legislation, if you believe it would increase voter turnout and participation?

Ms. CHAPMAN. Yes. So the Leadership Conference supports making Election Day a Federal holiday. We believe it will create more opportunities for people to vote, working people, people who might not be able to take time off, who might have childcare or transportation hurdles. We definitely support that, and we support any reform that would expand the franchise.

Ms. WASSERMAN SCHULTZ. Great. Absentee voting is really a necessary option for so many Americans today, especially because we want to make sure we can provide that access to as many people

as possible. But you know, representing the state of Florida, especially for older and disabled voters, as well as brave service members who are stationed overseas, allow those Floridians as well.

It can be a gateway to the ballot box, but we also have work to do to make it a reliable option for voters. Many jurisdictions require voters to pay postage, for example, before returning their ballots or, worse, do not clearly indicate whether postage is required.

Voting should be free, period. When it costs the voter money to cast or return their ballot, whether it is paying a fee for ID or paying for postage to mail their ballot, it is tantamount to a poll tax.

And so I am proud that my county, my home county, Broward County, covers the cost of all postage for absentee ballot returns, as well as, obviously, the cost of it being mailed to the voter. And I think this needs to be a universal practice.

So, Ms. Chapman, do you support requiring localities to provide absentee ballots with prepaid postage, and are you aware of how—of the impact that prepaying postage has on absentee ballot returns and turnout?

Ms. CHAPMAN. Yes. I definitely support the prepaid postage. I actually worked as an advocate on the ground in the Florida and saw how, you know, there are a lot of times ballots can be very extensive because of the amendments on the ballot, and postage can also be very expensive. So I believe that, you know, elections should be free, fair, and accessible, that we should not place additional costs on voters.

I don't have statistics on exactly what that looks like around the country, but I believe to the extent possible that voters should not have to bear those costs.

Ms. WASSERMAN SCHULTZ. Okay. And I will ask you the other two questions in succession rapidly—

Ms. CHAPMAN. Okay.

Ms. WASSERMAN SCHULTZ.—so you can just answer them and take us home for the rest of my time. Signature verification. In the 2018 election in Florida in particular, I am concerned that our flawed signature verification system in our state chipped away at the fundamental right to vote.

We have had numerous articles that described minorities and young voters suffering discrimination because they had a higher likelihood of signature rejection. Technological changes, including the frequency of touchpad signatures, the use of that, the fact that cursive writing is really no longer taught in many schools, that makes signatures less reliable for a quick verification of a person's identity, and we know that signatures change as people age, become ill, fall out of practice, or are simply in a rush.

In fact, businesses like Target and Walmart have stopped using signatures entirely to verify transactions from the four largest credit card networks. So my first question is because it is still the main way that they identify voters in Florida, either Ms. Chapman or Mr. Ho, what do you think about the signature verification requirement in Florida and other states? Is it time to abandon that requirement? Is there an improved verification process that would be better?

And then also deadline for submission of absentee ballots. There is not a uniform deadline for submission of absentee ballots. In

fact, in Florida, you have to have your ballot, absentee ballot turned in a full 24 hours before the Election Day even commences. And so, I mean, we want to make sure, I think, that we can have every vote counted, and there doesn't appear to me to be a rush to ensure that the votes are received on Election Day, but are at least postmarked by Election Day.

So should there be a uniform policy that allows voters to have their vote by mail ballots count as long as they are postmarked by Election Day and also drop-off policies that allow for drop-offs to be done at a polling site? Those are my questions.

Mr. HO. I can address the issue of the signature matches since the ACLU has done some litigation over that. I think, you know, we haven't taken the position that states should abandon signature matching altogether, but because of the reasons that you've identified what we think is critical is that if an elections worker flags someone for a perceived signature mismatch—and remember, elections workers, they're not like FBI trained handwriting analysts or something like that. They're eyeballing something, and people's signatures do change over time, and all the issues you identified.

It's just important that voters receive notice and an opportunity to say, hey, you made a mistake. That's me. That's my ballot. Don't throw away my vote before—before doing so.

And actually, what we've seen in a number of states is that no such opportunity or notice is given. Ballots are simply tossed—

Ms. WASSERMAN SCHULTZ. Yes.

Mr. HO [continuing]. based on a perceived signature mismatch. And we think that's a really key problem that needs to be addressed.

Ms. WASSERMAN SCHULTZ. And can Ms. Chapman answer the other half of my question?

Mr. RASKIN. Yes, please. The witness may answer the question.

Ms. CHAPMAN. Yes. We believe that every voter should have an opportunity to cast their ballot and have it counted. So that includes extending opportunities for absentee ballot, for voters to be able to turn in those absentee ballots.

So I know states that have all mail voting. Like, for instance, Washington state, they have ample drop-off boxes. I think that's a best practice that—that we can adopt around the country so absentee ballots can be turned in closer to Election Day.

Ms. WASSERMAN SCHULTZ. Thank you. Thank you, Mr. Chairman.

Mr. RASKIN. Thank you very much.

And we come now to the gentlelady from Massachusetts, Ms. Pressley.

Ms. PRESSLEY. Thank you, Mr. Chairman.

The right to vote is one of the most fundamental rights we have as Americans. It is the most—this most basic right to vote belongs to all Americans. It belongs to the person who fell ill to the crack cocaine and opioid crisis, who instead of compassion was sent to prison, only to return home unable to fully participate in our society.

It belongs to the incarcerated mother who is primary caretaker of her daughter, who has been arbitrarily stripped of access to the ballot box and, therefore, has no say in her child's future.

It belongs to the 18-year-old in prison for marijuana possession who was held 14 hours—warehoused 14 hours away from their family and a community that they grew up in, and a broken system counts that young man's body in the Census where he is in prison, and yet he does not have the right to vote.

It belongs to the more than 6 million Americans who are caught in a criminal legal system that is fundamentally unjust, a system that disproportionately targets the addicted, the disabled, and the poor.

According to a report by the Center for American Progress last year, more than half a million people are held in local jails across the country. These individuals have yet to be convicted of any crime, but remain in jail because they simply cannot afford bail.

Ms. Perez, what types of barriers do people face while they are subject to pretrial detention?

Ms. PEREZ. There are quite a number of barriers. Some of it is education, where the election officials do not understand that someone before they've been convicted and have been disenfranchised is entitled to an absentee ballot. Some of it is procedural in that others—that it is difficult for people to come in and provide them with absentee ballots.

I think it is critically important that we remember that until a person is convicted, they maintain that right to vote in every state, and we, therefore, need to have measures that make sure that that right to vote is protected.

Ms. PRESSLEY. And could these policies be considered a form of voter suppression?

Ms. PEREZ. Certainly. As could other measures that disenfranchise people as soon as they get out of prison. We live in a society where 34 states currently disenfranchise members of our community who are living and working because of some criminal conviction that they have in the past.

Ms. PRESSLEY. Well, before 2001, a prison sentence in Massachusetts didn't affect whether someone in Massachusetts could vote. So felony disenfranchisement is a recent phenomenon in the Commonwealth.

Mr. Ho, what possible justification could there be to disenfranchise folks who are currently or formerly involved in the justice system?

Mr. HO. Well, I think that's a very good question because, normally, our criminal justice policies are aimed at reducing crime, right? Deterring, say, criminal activity. Well, I don't think stripping someone's right to vote does that. Or rehabilitation, for example, and I don't think stripping someone's right to vote promotes rehabilitation. In fact, study after study has apparently shown that former offenders who vote are less likely to recidivate in the future.

Now it's difficult to know which way the causal arrow runs there. But if we're really interested in reintegrating people after offenses, right, there's nothing to fear from their votes and from giving people a stake in the society that they will eventually be returning to.

Ms. PRESSLEY. And in that one in 13 black Americans of voting age, or 2.2 million people, are disenfranchised nationally and are more than four times as likely to lose their voting rights than any

other group, can you explain, Ms. Chapman, why disenfranchisement policies so overwhelmingly affect black Americans?

Ms. CHAPMAN. Yes. So disenfranchisement policies are really a product of Jim Crow, and they were intentionally put in place to make it harder for people of color to vote. And I just wanted to say that, you know, voting is a national symbol of equality and full citizenship, and no one's right to vote should ever be taken away. And that's the Leadership Conference position.

Ms. PRESSLEY. Thank you. I yield the balance of my time to Mr. Ho, specifically if you could speak to the point that was made earlier on the Second Amendment.

Mr. HO. Oh, sure. I'd be happy to do that. So the reason why the documentary proof of citizenship law that I've been referring to in Kansas, the birth certificate or passport requirement. One of the reasons why it was so pernicious is those things aren't free.

Passports cost, you know, close to \$100. A birth certificate can cost as much as \$20 or \$40, depending upon the state that you're from. And you know, we don't believe that anyone should have to pay a cent in order to vote.

Now to own a gun, it's a slightly different story. You typically, unless someone is gifting it to you, have to buy a gun. No one sort of has a fundamental right to have one given to you. And so I think it's quite inapposite to compare the documentation requirements that someone might need in order to purchase a handgun to those that you ought to have to exercise the most fundamental right that we have, which is to vote.

Mr. RASKIN. All right. Well, I want to thank all of the witnesses for their excellent testimony—Ms. Phillips, Mr. Ho, Ms. Chapman, Ms. Perez. I want to thank my colleagues, and undoubtedly, we will have the opportunity to pursue these issues some more, as we do whatever we can to vindicate the right to vote.

The meeting is adjourned.

[Whereupon, at 4:31 p.m., the committee was adjourned.]

