

ENSURING A FREE, FAIR,  
AND SAFE ELECTION DURING  
THE CORONAVIRUS PANDEMIC

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HEARING

BEFORE THE  
SELECT SUBCOMMITTEE ON THE CORONAVIRUS  
CRISIS  
OF THE

COMMITTEE ON OVERSIGHT AND  
REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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*Documents entered into the record during this hearing are listed below and  
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- \* Committee Staff Report; submitted by Select Subcommittee Chairman Clyburn.
- \* Opinion by the North Carolina 4th Circuit; submitted by Chairwoman Carolyn Maloney.
- \* Article on COVID-19 Transmission by National Academies of Sciences, Engineering, and Medicine; submitted by Rep. Bill Foster.
- \* Article by Politifact; submitted by Rep. Jamie Raskin.
- \* Letter of Support from National Disability Rights Network re: Recommendations Endorsed by the Select Subcommittee; submitted by Select Subcommittee Chairman Clyburn.



## **ENSURING A FREE, FAIR, AND SAFE ELECTION DURING THE CORONAVIRUS PANDEMIC**

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**Wednesday, September 9, 2020**

HOUSE OF REPRESENTATIVES  
SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS  
COMMITTEE ON OVERSIGHT AND REFORM  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 1:11 p.m., via Webex, Hon. James E. Clyburn (chairman of the subcommittee) presiding.

Present: Representatives Clyburn, Waters, Maloney, Velázquez, Foster, Raskin, Kim, Scalise, Luetkemeyer, Walorski, and Green.

Chairman CLYBURN. Welcome to today's Select Subcommittee on the Coronavirus Crisis hearing, entitled "Ensuring a Fair, Free, and Safe Election During the Coronavirus Pandemic."

Let me remind members of a few procedural points.

As a reminder, this hearing is being recorded and live-streamed. The rules require that members have their video turned on the entire time in order to be recognized. Staff should keep their videos off at all times.

Members should remain muted to minimize background noise and feedback until they are recognized by the chair. Members will be recognized in order of seniority for five minutes of questions each. The timer should be visible on your screen when you're in the grid view under the username "0-timer."

Members who want to be recognized may do so in three ways: You may use the chat function located under the participants panel to send the request, you may send an email to the majority staff, or you may unmute yourself to seek recognition.

Members who experience any technical difficulties should notify committee staff as soon as possible using the chat function located under the participants panel or by email.

And now I will wait until they tell me the live-stream is ready.

Good afternoon. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for an opening statement.

This morning, we heard the President, in his own words, recorded in February, describe the coronavirus as, and I quote, "deadly stuff," end of quote. Yet we also heard a recording from March in which he admitted, quoting again, "I wanted to always play it

down. I still feel like playing it down, because I don't want to create a panic," end of quote.

The Trump administration did play down this deadly pandemic, refusing to level with the American people about the known danger and refusing to develop and implement a national plan to stop the spread. As a result, more than 190,000 Americans have died, and the coronavirus is continuing to kill hundreds and infect tens of thousands every day.

Over the next eight weeks, Americans will be casting their votes in the midst of this ongoing crisis. Holding a free, fair, and safe election under these circumstances is a challenge. But let there be no doubt: If we all do our part, America is up to the challenge.

In June, the Centers for Disease Control and Prevention issued simple—their guidance to keep people healthy while casting their votes. The fundamental principle of this public health guidance is, and I quote, “reducing the number of voters who congregate indoors in polling locations at the same time,” end of quote.

The CDC guidance includes three key elements. First, CDC calls for, and I quote, “alternatives to in-person voting that includes voting by mail and drop boxes to safely collect ballots. Second, CDC calls for, quoting again, “increasing the number of polling locations available for early voting and extending their hours of operation.” Third, CDC recommends that election administrators, quoting again, “maintain or increase the number of polling places available to the public on election day.”

These simple steps are achievable everywhere in America, and I am pleased that many state and local officials, both Democrats and Republicans, have made progress in implementing them.

Unfortunately, not every jurisdiction is following the CDC's guidance. The consequences of this refusal are predictable. We saw what happened in this year's primary elections in states that reduced the number of polling places and did not have adequate alternatives to in-person voting.

In Georgia, voters waited up to five hours to cast their ballots. In Texas, voters endured lines up to seven hours long. In Wisconsin's largest city, Milwaukee, 97 percent of polling places were closed, leading to long lines for the city's voters. In Florida, 112 polling places across the state were closed, moved, or consolidated.

These actions left many voters, especially people of color, unable to exercise their right to vote. We cannot allow the pandemic to be used as a cover to continue or exacerbate the ugly history of voter suppression.

In August, the select subcommittee launched an investigation to determine whether states where primary voters faced significant barriers to cast their ballots have made necessary improvements for the general election. Today, we are issuing a staff report with some troubling findings that must be corrected.

I ask unanimous consent that this report be entered into the record.

Without objection, so ordered.

Chairman CLYBURN. In Texas, local election officials warned that voters could be waiting in lines for hours on election day and reported that not having enough poll workers is their primary concern about the upcoming election. Given Texas's refusal to expand

absentee voting, it is crucial that Texas takes steps now to recruit poll workers rather than resorting to closing polling places and reducing hours.

Georgia is making a puzzling choice not to mail out absentee ballot applications to all voters for the general election after successfully doing so for the primary. Georgia's Secretary of State has claimed that mailing out applications to all voters will lead to longer lines at the polls, but the reality is just the opposite: Every voter who casts an absentee ballot is a voter who will not be in line at the polls.

We need every state to follow the CDC guidelines so that all voters can cast their vote safely.

The Federal Government also has a crucial role to play. The HEROES Act, which the House passed nearly four months ago, includes \$3.6 billion to help state and local governments pay for equipment and staff to safely administer the election. Republicans should agree to allocate these funds without further delay.

The Delivering for America Act, which the House passed last month, requires that election mail be treated as first-class, restores mail service to previous levels, and provides \$25 billion, as unanimously requested by the bipartisan Postal Service Board of Governors.

Unfortunately, rather than play a constructive role in preparing for the election, the Trump administration has been sowing discord, fear, and confusion. President Trump has claimed that mail-in voting will lead to fraud even though the evidence shows Americans are more likely to get struck by lightning than to commit voter fraud by mail. There is good reason the President has been unable to provide evidence to support his claim: There is none. Mail-in voting is safe and secure.

Benjamin Ginsberg, a leading Republican election lawyer, agrees. In an op-ed in today's *Washington Post* entitled "Republicans Don't Have the Evidence to Call Elections Rigged," he writes, "The truth is that, after decades of looking for illegal voting, there is no proof of widespread fraud. At most, there are isolated incidents by both Democrats and Republicans. Elections are not rigged. Absentee ballots use the same process as mail-in ballots. Different states use different labels for the same process," end of his quote.

Even while warning against fraud, the President is calling on his supporters to vote twice, saying voters should, and I quote here, "send it in early and then go out and vote," end of quote. I hope all my colleagues today will join me and Mr. Ginsberg in rejecting that advice and urging Americans to follow the law and vote only once.

Supporting a free, fair, and safe election should not be a partisan issue. And I am hopeful that we can use today's hearing to agree on common sense solutions to protect Americans' health and their sacred right to vote.

I will now yield to my friend, the distinguished ranking member, Mr. Scalise, for his opening remarks.

Mr. SCALISE. OK. Thank you, Mr. Chairman. Appreciate you having this hearing.

Thank our witnesses for being here.

I'd first like to start, Mr. Chairman, by sending my prayers and support to the people of southwest Louisiana, including Lake Charles, who are still recovering from the devastation of Hurricane Laura. I personally went and witnessed this, met with local officials, along with President Trump, two weeks ago. They have a long way to go, a lot of devastation. Everybody is standing with them, and we will continue to stand with those strong, resilient people in southwest Louisiana to help them as they rebuild their homes and their communities.

So, thank you, and, with that, now let's talk about today's hearing.

Let me first be clear: Every American who is legally eligible to vote will have that opportunity on November 3 and is strongly encouraged to exercise their right to vote as well.

Each state runs their elections, as we know, and it is our duty to ensure that our elections are run fairly, freely, and safely. One of the ways we must protect every American's right to vote is to ensure the integrity of their vote, to make sure that that integrity is preserved by rooting out voter fraud, which is well-documented. We must also make sure that every American who wants to safely vote in person will have that right.

I urge all Members on a bipartisan basis to convey that message to the American people. The 2020 elections will be conducted safely, freely, and fairly, and we urge all those who are eligible to participate.

Seven months into this COVID-19 pandemic, the American people have reminded the world about what it means to be an American. We hold our constitutional rights sacred. A pandemic will not stand in the way of Americans exercising our First Amendment rights. Americans still have the right to peacefully assemble and peacefully protest. Americans must also have the ability to exercise our religious freedom and the right to worship as we believe. As with previous pandemics like the Spanish flu of 1918 or military wars or periods of unrest, Americans will confidently go to the polls in November.

I've spent a good part of August traveling the country and talking with voters—Republicans, Democrats, independents, Libertarians. Americans are ready, and they are motivated to vote. They deserve to hear from leaders in both parties that the elections will be held safely and fairly.

Instead of urging losing candidates to refuse to concede, which unfortunately we've heard recently, as some are suggesting, or trying to change laws in ways that would drag out the result for weeks and weeks after election night, we need to ensure that state laws, which have been debated and honed over years, are respected and allowed to be implemented fairly and efficiently.

What people do not want to hear is one political party attempting to take advantage of a pandemic to try to ram through their partisan election scheme that has nothing at all to do with this coronavirus.

Let's listen to the experts, and let's follow the science. The unanimous opinion of our top public health experts is that in-person voting can be done safely.



On August 13, when asked if people could go safely to vote in person during this pandemic, Dr. Fauci said, and I quote, “I think if carefully done according to the guidelines, there is no reason that I can see why that would not be the case. There is no reason why we shouldn’t be able to vote in person or otherwise.”

On August 20, the Centers for Disease Control and Prevention Director, Dr. Robert Redfield, announced that the CDC put out guidance on how to safely vote in person. Dr. Redfield stated, and I quote, “I think people can be able to social distance and wear masks, and, with the recommendations we have for hygiene, we don’t see that there is going to be a negative impact on your ability to vote from a public health perspective. I know I am going to vote face-to-face,” close quote.

In an interview on August 22, Dr. Deborah Birx said, quote, “I can tell you, it has been safe for me to go to Starbucks and pick up my order. So, if you can go into Starbucks in the middle of Texas and Alabama and Mississippi that have very high case rates, then I can’t say that it would be different waiting in line in the polls,” close quote.

A recent report from the Brennan Center for Justice advises, quote, “In-person voting can be conducted safely if jurisdictions take the necessary steps to minimize the risk of transmission of COVID-19 to voters and election workers,” close quote.

I hope all of my colleagues will take the opportunity to highlight CDC’s guidance for safe in-person voting. CDC put out these really good guidelines showing you how to safely do this. Just like with safely going to school, you can educate people in person. Some are choosing to do it; some are choosing to deny those kids that opportunity. And we’ve talked about that here in this committee, Mr. Chairman.

Just on that same level, I would urge that we follow the guidelines for safely voting in person. There are a lot of options for people to vote. You can request a mail-in ballot. You can vote early in many states. They have those opportunities. Or you can go vote in person, as many want to do. We ought to be promoting those guidelines.

Look at some of the examples CDC put out in these guidelines right here: Ensure that poll locations are adequately staffed to cover any sick workers. Provide hand sanitizer for use at each step in the voting process. Encourage voters to use masks while in the polling location.

Here’s mine. You’ll appreciate the colors, Mr. Chairman. I’ll send you an extra if you want. I know you’ve got one of your own. Post signs in highly visible locations that promote everyday protective measures. Remind voters upon arrival to leave space between themselves and others. Have plans to manage lines to ensure social distancing.

These are all things that are in those guidelines and more. If we follow those, you can safely vote in person.

I hope all my colleagues remind voters that, since the beginning of March, when President Trump declared a national emergency due to the pandemic, 37 different states plus the District of Columbia have successfully held statewide primaries for President or their own state offices.

I've personally voted in two different elections that we've had in the last few months in the state of Louisiana. I did it in person. It was a safe experience. I brought my son with me, as I normally do. We bring our children to vote with us so they can see this great democratic process that so many generations have passed on. And there was never a worry. I wore my mask; so did the poll workers. It was a very smooth process. I would encourage people to do that as well.

Wisconsin held a very successful election near the height of the pandemic on April 7. A peer-reviewed study published in the August issue of the American Journal of Public Health concluded that in-person voting in Wisconsin's election by more than 400,000 electors did not produce a detectable surge in coronavirus cases. We should all be following that science.

We've established procedures for absentee voting, early voting, and, in some states, voting by mail. America is ready to go vote. Many states vote by absentee ballot, or they request mailed ballots. These procedures have been in place for each state that does it. They all handle it a little bit differently. But those systems have been worked through years so that they know how to do it properly, how to do it safely, how to do efficiently. We should inspire confidence in those procedures. There is simply no pandemic-related reason to change the way we vote in 2020.

Given the topic of today's hearing, "Ensuring a Free, Fair, and Safe Election During the Corona Pandemic," we can just stop right there. We know how to do it. States are doing it; we should help them do it. But our Democrat colleagues do not want to join with us today and send that bipartisan message. They want to go back to advancing a bill, H.R. 1.

This is something that Democrats have been promoting since last year, long before this pandemic, that does all kinds of things to mandate that states change the way that most of them do business, requiring things that most states don't want to do, haven't done, because they actually make elections less safe, they reduce the integrity of elections.

Let's talk about it. They want to mandate ballots be mailed to all registered voters during this emergency. That, as I outlined, is dangerous. A review by Judicial Watch in early 2020 found that 378 different counties nationwide have more registered voters than voting-age citizens—378 counties. That's millions of ballots that would be out there illegally. Who knows what would happen with them? But that's a staggering number: 378 counties nationwide have more registered voters on their roll than voting-age citizens. And people say there's no opportunity for voter fraud.

More than 28 million mail-in ballots went missing—went missing—in the last four elections, according to data collected from the Election Assistance Commission. That's a Federal commission that identified more than 28 million ballots that have just gone missing. Who knows where they end up, if they end up in a ballot box, as we saw in other states, where weeks and weeks after the election they were still counting votes—somehow they just kept mysteriously showing up—until it changed the outcome of an election.

Do we really want to go to that level where there are millions of ballots—in this case, 28 million mail-in ballots—that literally

went missing? Those are staggering numbers that we should all be concerned about as we want to promote fair, free, and safe elections. That's what we should be focused on.

We don't want a recipe for disaster, where we literally would be counting ballots weeks and weeks later that would be showing up from who knows where, as we saw in states. We saw it in Florida; we saw it in California. In New Jersey, people are going to go to jail for voter fraud. There are all kinds of cases that are cited.

In the end, why don't we put our focus on helping those states conduct fair, efficient, free, and safe elections for all Americans who are legally eligible to vote?

I look forward to hearing from our witnesses, Mr. Chairman, and I yield back.

Chairman CLYBURN. I thank the ranking member for yielding back.

I now would like to introduce our witnesses.

We first welcome Kerry Washington. Her activism spans many levels, from serving as a co-chair for the nonprofit organization When We All Vote and producing a documentary inside look at legal battles for civil rights, to working at the ground level with voters to encourage them to cast their ballots.

We are also honored to have Kristen Clarke, president and executive director of the Lawyers' Committee for Civil Rights Under Law.

We are also grateful to be joined by Mimi Marziani, president of the Texas Civil Rights Project.

We are also joined by Dr. Krutika Kuppalli, assistant professor of medicine at the Medical University of South Carolina. Dr. Kuppalli is vice chair of the Global Health Committee of the Infectious Diseases Society of America, where she was one of the primary authors of IDSA's "Guidelines for Healthy in-Person Voting."

Dr. Kuppalli, I understand you have recently joined the faculty at the Medical University of South Carolina, so I'm very pleased to welcome you to Charleston and the Sixth congressional District.

Finally, I am pleased introduce the Missouri Secretary of State, Jay Ashcroft.

Welcome, Secretary Ashcroft.

The witnesses will be unmuted so we can swear them in.

Please raise your right hands.

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

Let the record show that the witnesses answered in the affirmative.

Without objection, your written statements will be made part of the record.

Thank you.

We will now turn to Ms. Washington.

Ms. Washington, you are now recognized.

#### **STATEMENT OF KERRY WASHINGTON, ACTRESS AND ACTIVIST**

Ms. WASHINGTON. Thank you, Chairman Clyburn, Ranking Member Scalise, and members of the select subcommittee. I am grateful

to you for taking the time to hear my testimony and the testimonies of my fellow witnesses.

I am here not as an artist or entertainer but as an American and as an advocate who believes deeply in the power of voting. That's the reason I became a co-chair of When We All Vote, a non-partisan, nonprofit organization dedicated to increasing participation in every election, and it's why I'm here today.

When I turned 18, my mother and father took me out to dinner in the Bronx, where I grew up, not just to celebrate my birthday but to celebrate the fact that I was old enough to vote. My parents never took their vote for granted. They believed it is a sacred obligation, and it is.

Not too long ago, an 18-year-old Black woman would not have been able to vote for many reasons. As you know, the legal age of voting used to be 21 years old. So, you could get shipped off to war without having any say in who your Commander in Chief is. As you know, women were denied their vote. We only just celebrated our 100th anniversary of women earning that right. And, of course, it used to be that Black people in this country could not vote. When our Constitution was written, our Founding Fathers designated Black Americans to be worth only three-fifths the value of a human being. Giving us a vote was out of the question.

But as an 18-year-old Black woman, I voted, and I will proudly vote this November, because we all share the right and responsibility to vote in order to shape this democracy and bring us closer to a more perfect Union. Our ancestors fought to widen the circle of people who could vote, and now, on our watch, it is at serious risk of contracting.

As you all know, there are many reasons for this, from gerrymandering to voter-roll purges. In Georgia, more than 300,000 names were purged from the voter rolls last year alone. An ACLU study found that over 63 percent of those named, nearly 200,000 American citizens in Georgia, were wrongly purged and, through no fault of their own, were unable to vote. Some may call that a mistake, but it is impossible to ignore that there exists a well-financed, highly strategic effort to disenfranchise voters. That is what we're up against.

Black people's experiences of voter suppression have always been the proverbial canaries in the coal mine. If we don't pay attention to those experiences, if we don't correct them, we are at risk of losing our democracy for everyone.

And all of that was true before COVID-19. We are now facing a perfect storm of circumstances that will make it harder than ever for people to vote.

But in the lead-up to November 3, we have an opportunity to move forward with new strategies and innovations that make voting easier and more fair. Many states are already taking action; we need others to follow their lead. As members of this select subcommittee, I believe there are three things you can do to help states meet the challenges they're facing.

First, you can make your voices louder than the voices of leaders who disparage voting by mail while voting by mail themselves. You can tell the American people that using these and other mechanisms to vote is not fraud; it is their right.

Second, you can appropriate more money to states for election administration so that states can hire poll workers, run polling sites safely, and buy sorting and counting machines. The \$400 million authorized under the CARES Act was critical, but the non-partisan Brennan Center for Justice recommended in April that Congress make at least \$4 billion available.

And, finally, many of you have paid tribute to Congressman John Lewis since his passing. I believe the single best way to honor Congressman Lewis's legacy is to continue to fight for the expansion of the Voting Rights Act.

In closing, I'd like to speak directly to American voters. I know that this is a time of great uncertainty, and you may wonder how best to make your voice heard at this moment. Voting is how you make your voice heard in these halls of power. I can tell you that there are more options than ever to cast your ballot. It is so important that you vote, that you vote early, that you encourage your friends, family, and neighbors to vote early as well. That is how we fight voter suppression—by exercising our right to vote and voting for representatives who represent our best interests.

Today, I am here asking our Representatives in Congress to do everything in their power to make our elections safe and secure, but we also need to do our part. We cannot sit this one out. So, please make a plan. Do not wait until November. Your vote matters. You matter.

Thank you again.

Chairman CLYBURN. Thank you very much, Ms. Washington.

Ms. Clarke, you are now recognized.

**STATEMENT OF KRISTEN CLARKE, PRESIDENT AND EXECUTIVE DIRECTOR, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

Ms. CLARKE. Chairman Clyburn, Ranking Member Scalise, and members of the House Select Subcommittee on the Coronavirus Crisis, my name is Kristen Clarke, and I serve as the president and executive director of the Lawyers' Committee for Civil Rights Under Law. Thank you for the opportunity to testify on actions that must be taken to ensure a successful general election during this pandemic.

The Lawyers' Committee for Civil Rights Under Law has been at the forefront of the battle for equal rights since its founding in 1963 at the request of President Kennedy to enlist the private bar's leadership and resources in combating racial discrimination. Simply put, our mission is to ensure equal justice under the rule of law.

We've been a leader in many of our Nation's most seminal voting rights battles, and we also lead Election Protection, the Nation's largest and longest-running nonpartisan voter protection program, anchored by the 866-OUR-VOTE hotline. Since March, we have filed close to two dozen lawsuits to protect the right to vote amid the pandemic.

I'm here to sound the alarm about the dangers we face as a democracy should we fail to fully confront the barriers that millions face amid the pandemic. Nearly 200,000 Americans have lost their lives. A disproportionate number of them are Black, Latino, and el-

derly. And the primary season makes painfully clear that many states are simply not ready for the general election. States need resources, guidelines, and crucial reforms to get this right.

In Milwaukee, voters turned out in homemade face masks and plastic garbage bags. In Georgia, thousands endured painfully long lines because of poll sites that opened late. In Texas and Florida, we saw severe poll-worker shortages as vulnerable older Americans declined to serve.

Bold action by Congress and state officials is needed right now to pull voters back from the brink of disenfranchisement.

We urge Congress to provide the \$3.6 billion in funding needed to ensure that states have the resources necessary to conduct this election. Many are in a state of fiscal distress. The calls for this funding have been bipartisan, and it's needed to address poll-worker shortages, to ensure PPE at polling sites, to retain equipment and personnel to process historic numbers of absentee ballots, and more.

We also need Congress to fund the U.S. Postal Service so that they can handle the millions of vote-by-mail ballots expected this season. We have sued the Postal Service over grave concerns regarding 11th-hour policy changes made under Postmaster General Louis DeJoy's watch.

As we know, ongoing congressional oversight is critical too. Given inaction at the Justice Department when it comes to voting rights, we need Congress to set baseline protections for states. At this stage, all states should be providing no-excuse absentee voting, at least two weeks of early voting, and meaningful in-person voting options on election day. But many officials have failed to adequately respond to the pandemic or lack the resources to do so.

Sadly, Georgia is the poster child for this dysfunction, which has led to wide-scale disenfranchisement, especially of Black voters. Last-minute polling changes, poor staffing, the use of an out-of-state vendor who made multiple errors in the handling of absentee ballots, voters who just never received their absentee ballots have all riddled the Georgia primary. We called for poll hour extensions, and several counties have sued to secure an extension in Gwinnett County. We don't need a repeat of this in November.

Similarly, in Wisconsin, thousands of voters didn't receive their absentee ballots. And the problems were especially acute in Milwaukee, where poll sites were reduced from 180 to 5, leaving voters standing in lines for hours without the ability to socially distance.

Unfortunately, these challenges are not isolated; they are widespread and systemic. In response, the Centers for Disease Control and Prevention issued commonsense guidance for states that aligns with the recommendations of the civil rights community.

We applaud those states have already taken action to protect the right to vote during this pandemic by eliminating barriers to voting by mail, putting in place drop boxes that provide opportunities for returning ballots, extending early voting days, relaxing deadlines, hiring the next generation of poll workers, investing in new election infrastructure, and providing voter education so that voters know their options and their rights. But some states have not yet implemented those recommendations, and we urge that they do so immediately.

The right to vote is the bedrock of our democracy. Twelve days ago, I stood at the Lincoln Memorial to commemorate the 1963 March on Washington. The tie that binds those who attended this march and citizens all across our country is a profound belief in the power of having your voice heard by your elected officials.

While our Nation confronts a perfect storm resulting from an unprecedented pandemic, distress resulting from ongoing police and racial violence, we must ensure that all Americans have voice at the ballot box this season.

Thank you.

Chairman CLYBURN. Thank you very much, Ms. Clarke.

We now turn to Ms. Marziani.

**STATEMENT OF MIMI MARZIANI, PRESIDENT, TEXAS CIVIL RIGHTS PROJECT**

Ms. MARZIANI. Thank you. Good afternoon, Representative Clyburn, Ranking Member Scalise, and other members of the subcommittee. It is a great honor to be here with you today.

I also deeply appreciate the good work and public service of my fellow witnesses. Thanks to all of you as well.

So, I am the president of the Texas Civil Rights Project, and I have been asked update this subcommittee on the preparations of the state of Texas for the November election given the ongoing threat of COVID.

Unfortunately, and as detailed in my written testimony, state officials are failing to fulfill their obligation to Texas voters. They're forcing too many Texans to choose between our safety and our sacred right to vote.

Even worse is that Texas and Texans will not be equally impacted by these choices. Instead, our Black and LatinX communities, who are already struggling to beat back higher rates of COVID infections, will bear the brunt of this suppression.

So, I want to highlight two key areas where Texas has bucked guidance from CDC and other experts.

First, Texas has fought tooth and nail against any expansion of voting by mail. Today, Texas is one of just six states that has failed to open up remote voting options even after multiple lawsuits and reprimands from both state and Federal judges.

Only a lawyer can love the Texas Supreme Court's final confusing word on this subject. The court told us that every voter must decide for herself if she is eligible to claim a disability under existing laws. Lack of immunity to COVID can be one criteria but not the sole criteria. Election officials are supposed to take the voter at her word once she checks that box on her vote-by-mail application affirming that she has a disability that makes voting in person dangerous to her health.

So, now that the smoke has cleared from these legal battles, voters and election officials have been left to deal with the wreckage. Voters have to navigate a confusing standard and a clunky, decentralized system that was not built for pandemic-level use.

In addition, multiple legal barriers potentially block mail-in ballots from being counted in Texas. This includes a prohibition on drop boxes, which forces voters to primarily rely on the overwhelmed Postal Service. This includes a requirement of a certified

doctor's note, but only for voters who get sick within 10 days of election day. And this includes discriminatory signature matching laws that give local partisan ballot boards largely unfettered power to deem your signature invalid and to trash your ballot without even giving you a chance to object.

County election officials also have to navigate this complex legal web while preparing for what will still be a surge of voting by mail. And this is all without any help or guidance from the state.

Well, that's not quite right. There's one state official who has been very outspoken about voting by mail. Our attorney general, Ken Paxton, who also serves as co-chair for the Lawyers for Trump organization, has repeatedly threatened to prosecute voters and civil society organizations for running afoul of these bewildering vote-by-mail rules. This abuse of power is shockingly inappropriate.

Combined with the Texas Supreme Court's murky "don't ask, don't tell" standard, Paxton's threats will almost certainly scare away voters with serious health conditions, particularly voters of color, who have been targeted by his community in the past.

Just last week, Paxton did, in fact, use the power of his office to limit mail-in voting. He sued local officials in Harris County to stop them from sending vote-by-mail applications to all registered voters in that diverse county, even though officials also planned to send eligibility guidance taken straight from that Texas Supreme Court decision.

To be sure, Texas has taken some steps to make in-person voting safe and accessible, most notably by adding an additional week of in-person voting, and they should be commended for doing so. But—this is my second point—the state's hands-off approach to polling places and poll workers is not enough.

For instance, state officials have been silent about the need to increase or, at the very least, maintain the overall number of available polling places despite CDC recommendations to do just that. This is particularly troubling given Texas's dubious track record. Since the Supreme Court's 2013 Shelby decision, which released Texas from any Federal oversight of election rule changes, Texas counties have closed at least 750 polling locations. And, sadly but not surprisingly, the places where Black and LatinX populations are growing faster are just those places that have experienced the vast majority of these closures.

And that was all before the COVID pandemic added further complications to confirming polling locations and recruiting workers.

So, we've heard from the chairman that fewer polling places have already contributed to longer wait times for Texas voters. And those long lines we saw in Texas on Super Tuesday of up to seven hours in Black and LatinX communities were a danger to our democracy then, but now, in November, long lines could be deadly.

My written testimony contains a list of commonsense measures the state can and should take immediately to mitigate these concerns. There's just barely time for Texas to step up during this critical moment in our history, but time is running short.

Thank you, and I would be happy to answer any questions you have.

Chairman CLYBURN. Thank you very much.

We now turn to Dr. Kuppalli.



Now, Dr. Kuppalli, you're a new constituent of mine. I want to be sure I'm pronouncing your name correctly. Kuppalli?

Dr. KUPPALLI. Yes. Thank you.

Chairman CLYBURN. Thank you very much. You are now recognized.

**STATEMENT OF KRUTIKA KUPPALLI, M.D., VICE CHAIR, GLOBAL HEALTH COMMITTEE, INFECTIOUS DISEASES SOCIETY OF AMERICA; AND ASSISTANT PROFESSOR OF MEDICINE, DIVISION OF INFECTIOUS DISEASES, MEDICAL UNIVERSITY OF SOUTH CAROLINA**

Dr. KUPPALLI. Thank you.

Thank you, Chairman Clyburn, Ranking Member Scalise, and distinguished members of the select subcommittee, for the opportunity to testify before you today.

I'm extremely grateful for your interest and commitment toward helping support the novel coronavirus disease efforts in the United States as we attempt to contain this deadly disease and ensure we have a free, fair, and safe election for all citizens on November 3.

On behalf of the Infectious Diseases Society of America, I worked closely with the Brennan Center for Justice on joint "Guidelines to Inform Healthy In-Person Voting," which I will discuss today.

With over 40,000 cases of coronavirus a day across the United States, we must take bold steps to break chains of human-to-human transmission to improve the health of our population and economic recovery of our country. The more we strengthen our national response to coronavirus now, the less risk of transmission we will face on election day.

Specifically, I recommend the following options. The Federal Government should institute a national mandate requiring the use of masks or face coverings; expand testing and contact-tracing capacity; increase the supply of personal protective equipment; address health disparities; and provide support for individuals in isolation and quarantine, including sick leave, food, and access to medical care.

In this era of COVID-19, personal health concerns have the potential to skew voter participation unless we provide viable alternatives to a single day of in-person voting. Additional options should be made available, including mail-in voting; earlier, longer voting; more polling locations; ballot drop boxes; and/or curbside voting.

For those individuals who will prefer or need to vote in person, the following recommendations are based on evidence from science and public health to minimize risks.

First and foremost, a uniform, evidence-based public health message about what voters should expect at polling sites is critical. Messaging should emphasize that hand hygiene, physical distancing, and face masks that cover the nose and mouth are important in preventing the transmission of coronavirus.

When establishing and selecting polling locations, election officials should consider the following. First and foremost, polling locations should have face masks and hand sanitizer available to everybody. To avoid overcrowding, the number of polling locations should be increased. Polling locations should be relocated from nursing

homes and senior-living facilities to protect older adults who are at greater risk for coronavirus. Polling locations should be relocated to large, well-ventilated areas that can accommodate the necessary physical-distancing measures between individuals, voting booths, and poll workers. There should be plans to minimize lines, and there should be unidirectional flow into and out of the polling location with a limited number of entrances and exits.

Prior to opening a polling site, it should be cleaned with an EPA-approved disinfectant. Special attention should be given to high-touch surfaces, such as voting booth surfaces, and cleaned at least once every four hours. There should be plexiglass barriers between poll workers and voters. And people should be given disinfectant wipes so they can sanitize the voting booth surfaces. Where possible, voters should be provided with disposable pens, pencils, or other devices to mark their ballots. And all polling locations should have adequate supplies to support healthy hygiene.

There are actions individual voters should take as well to minimize the risk of COVID transmission while voting. If a person is unable to vote by mail, they should check with local elections officials for alternative voting options in their area. Voters should verify their registration, polling location, and special requirements prior to presenting to the sites. They should fill out a sample ballot prior to election day to make in-person voting time efficient. They should use hand sanitizer in each step of the voting process. And they should arrive to the polling location alone, early, and be prepared to wait. However, they should try to vote during an off-peak time, such as the midmorning.

We know that despite our best attempts there will be sick individuals who present on election day. For these people, alternative voting options should be provided to minimize the exposure of voters and poll workers to coronavirus. This should be a designated polling site or curbside voting. And we should also consider having onsite testing available for sick individuals who want it.

Crucial for the success of election day is the recruitment of poll workers. Wide-scale campaigns to recruit poll workers should be scaled up, and jurisdictions should recruit extra poll workers, especially from lower-risk populations. All poll workers should be provided and trained in how to appropriately don, doff, and use PPE. And individuals concerned about their personal risk of coronavirus as a poll worker should consult their healthcare provider.

After election day, there should be expanded testing for voters and poll workers to identify outbreaks associated with voter locations.

The current pandemic is an unprecedented event in our lifetime. A free, fair, and safe election can be achieved with bipartisan support for more resources and an evidence-based approach to the voting process. We encourage local elections officials to work closely with public health and infectious diseases experts to proactively develop an election plan.

No one should have to choose between the right to vote or to be healthy. We have the evidence, knowledge, and science to keep our public safe, and we must use it, because one new infection is one too many.

Thank you again for the opportunity to testify, and I look forward to answering your questions.

Chairman CLYBURN. Thank you very much, Dr. Kuppalli.

Finally, we will hear from Secretary Ashcroft.

Secretary Ashcroft, you are now recognized.

**STATEMENT OF JAY ASHCROFT, MISSOURI SECRETARY OF STATE**

Mr. ASHCROFT. Thank you, Chairman Clyburn, Ranking Member Scalise, and distinguished members of this subcommittee, for the opportunity to virtually join you today for this important discussion regarding coronavirus and its effect on the November 2020 general election.

I'd also like to thank the other witnesses. And though I didn't think to put it in my comments when I was trying to hurriedly do them last night as I was traveling, I want to especially thank the staff for the work they must have done. I'm sure that, both on the minority and the majority side, there were staffers that worked over their vacation time to do this over this weekend and set this up, and I really appreciate their hard work.

I'd also like to thank Congressman Blaine Luetkemeyer, who is my Representative in the U.S. House of Representatives.

My name is Jay Ashcroft. It my privilege and honor to serve as Missouri's 40th Secretary of State. As Secretary of State, I am the designated chief election officer for the state.

In 2020, Missouri election officials have already held three successful elections since COVID-19 became a concern: the Presidential preference primary in March, local municipal elections that were postponed from April to June, and the August primary election.

Missouri's elections are administered by our 116 local election authorities, who are elected or appointed and make all logistical decisions in their election jurisdiction. This includes the number of polling places needed, the number of poll workers, how many face shields, face masks, tables, chairs, or bottles of hand sanitizer are needed.

My office assists whenever possible. In fact, during two weeks in May, I drove more than 5,000 miles and visited every one of Missouri's election officials to distribute more than 17,000 face masks, 17,000 face shields, 40,000 distancing strips, and more than 500 gallons of hand sanitizer.

By all accounts, our local election officials have done a wonderful job sanitizing polling places and voting areas, promoting physical distancing, and looking for creative solutions to improve the flow of traffic through polling places.

Other states may have had difficulties with having adequate polling places, but that has not been a problem in Missouri. Some of our election officials have actually increased the number of polling places, and others have moved to larger facilities to provide for better flow of foot traffic and provide adequate space for physical distancing.

Missouri election authorities have promoted curbside voting, and some have even tested the logistics of drive-through voting. People could vote from their car. I have been impressed with their fore-

thought and their commitment to ensuring the health of voters and poll workers alike.

Voting in person is safe.

I've paid particular attention to stories related to the Wisconsin Presidential primary held on April 7, during which Milwaukee election officials reduced the number of polling places from 180 down to 5. One study appearing in the *Journal of Infectious Diseases and Epidemiology* examined the rate of COVID transmission in the days following that election. In fact, the data showed a decrease in COVID infections in the two weeks following the election. And I'm not saying that voting is a prophylactic for COVID, but that's what the data showed: that there was no increase.

In addition to delivering health and safety equipment directly to election officials across the state, in 2018 I proposed amending state law to reduce the reliance of Missouri voters on the U.S. Postal Service. I asked lawmakers to allow voters to allow an email of their absentee-ballot request instead of having to mail it in. And I asked them to move the deadline to request an absentee ballot earlier by one week to reduce the likelihood that Postal Service issues would affect a person's right to vote. Thankfully, those changes were passed and signed into law.

That said, I have very sincere concerns about promoting the use of mail-in ballots. It's not a perfect system. What we see in Missouri and nationally is, in every election, at least 2 to 3 percent of ballots received by mail are rejected. Perhaps the voter completed the ballot envelope incorrectly or the voter's signature didn't match. Maybe the ballot scanner didn't properly read the ballot. For every 50 mail-in ballots cast by voters, at least 1 of them, statistically, doesn't count. For every 50 of those voters, 1 of them is disenfranchised. I will continue to encourage people to vote in person. It's safe, and it guarantees that your vote will count.

Elections matter. Votes matter. Each one that is cast should be counted. In nearly every election, there is an instance in which a candidate won by only a few votes. We have seen this in Missouri, notably in Kansas City in 2010 in a race for state legislature. We've seen blatant absentee-ballot fraud in St. Louis in 2016, so much so that a judge ordered a second election, which changed the outcome of the election.

I can't speak for any state other than my own, but in Missouri we have proven three times in 2020 that, with precautions in place and cooperation from voters, we can have successful, safe, in-person voting on election day. I encourage voters in Missouri and elsewhere to protect the integrity of America's elections and make their voices heard on election day.

Thank you very much for the opportunity to speak with you today.

Chairman CLYBURN. Thank you very much, Secretary Ashcroft. And thanks to all of our witnesses here today.

We are now going to move into a period of questions and answers. Each member is going to be recognized for five minutes to ask questions and receive answers. And we will begin by me yielding myself five minutes.

Now, many voters are expressing tremendous fear. I hear from them every day, and I'm sure many of you do as well. Some states

do better with masking and social distancing than others. We know about the fear and the discouragement that a lot of people received during the primary season when they found out at the last minute that their polling places had been closed. And, of course, a lot of suppression tactics are being used. In fact, I think it was the Fourth Circuit Court of Appeals in a North Carolina case that said that they performed “with almost surgical precision” in carrying out their suppression.

Now, Ms. Washington, you have spoken directly with voters in communities of color to encourage them to vote. What concerns are you hearing from voters? And what is your message today to voters who are wondering how they can vote safely?

Ms. WASHINGTON. Thank you, Chairman Clyburn.

Yes, I have spent time in Michigan and Virginia and in quite a few places in our country, and I think in this environment what voters want to know is what opportunities they will have to vote and whether their votes will be counted.

Of course, it varies from state to state, as we’ve all talked about, but, no matter where you live, voters should have safe options to vote and be educated on what those options are.

I would say to voters today that I am doing my part by being here speaking with the committee; the committee, you’re doing your part by listening and hopefully taking action; and so, voters need to do our part as well. Voters need to check registration status, find out what the deadlines are in their particular states, figure out whether early voting is an option, and then make a plan to vote.

And, if I may add, a really helpful way to do all of that is visiting [vote.org](https://www.vote.org). It is a nonpartisan website that tells voters everything they need to know about how to vote.

Chairman CLYBURN. Thank you, Ms. Washington.

I noticed you mentioned Michigan and Virginia, but, if my memory serves, I think your roots are in Beaufort County, South Carolina.

Ms. WASHINGTON. Yes, sir. That’s correct.

Chairman CLYBURN. You’re welcome to come and help there as well. In fact, your uncle was my debate coach at South Carolina State. So, I think you can do us a whole lot of favors by coming back to your roots and help encourage voters here in South Carolina as well.

Let me ask, though, of Ms. Clarke, what should state and local officials be doing now to ensure that voters are not disenfranchised in November?

Ms. CLARKE. We need to not repeat the mistakes from the primary season, and we should take lessons that we learned from the primary season to ensure a successful general election in November.

In short, we want to ensure that we’re providing three avenues to the ballot for voters this season:

One, we want streamlined, accessible vote-by-mail. We want postage-paid envelopes to voters. I applaud those states that are making this process easy by automatically mailing absentee ballots to registered voters.

In addition to streamlining the absentee-ballot process, we want at least two weeks of expanded in-person, early voting. We know that for many voters in our country, particularly for Black voters and voters of color, the experience of voting in person is deeply important. So, having expansive early voting opportunities is critical.

And if we get all that right, then we'll ease the burdens that election officials face on election day itself. We want an election day where voters are not subject to long lines. We want to ensure that they're able to socially distance. We want to ensure that they know where to vote, given many of the last-minute polling-place changes this season.

If I can, Congressman, I'm sharing an image from Atlanta during the primary season. This was a long line outside of Park Tavern in Atlanta on June 9. These are voters who waited for hours to cast their ballots. We don't want a repeat of that this season, which really—it encourages us to get it right by, again, providing expansive early voting opportunities and getting vote-by-mail right.

Chairman CLYBURN. Thank you for that.

Secretary Ashcroft, I noticed you mentioned that the legislature responded very positively to your suggestions about how we might enhance early and absentee voting. Did you all use any of the money—well, I think \$400 million of CARES—to help support that?

Mr. ASHCROFT. We took about half of the money that we received with the latest CARES Act money to go directly with grants to local election authorities to use however they thought was best to help with their election, with making sure that they had PPE, plexiglass shields, more poll workers, to increase poll-worker pay so we wouldn't have to reduce polling places.

And then we've held back about half of it to pay for the cost of the increased use of absentee and mail ballots so that our local election authorities don't have to bear that burden, so that we can bear that for them, because we expect more people to utilize non-in-person voting, sir.

Chairman CLYBURN. So, you would say that you all were able to carry out these new procedures at no cost to the state?

Mr. ASHCROFT. Sir, there is some cost to the state. There is a match of 20 percent on the CARES funding. But we have not seen it as being an insurmountable burden to us. Missouri doesn't need more Federal funding. And if we were to get more Federal funding now, we wouldn't be able to use it well, because we don't have enough time to implement any sort of changes that would do that.

What the Congress could do, if they wanted, is maybe make a commitment to backstop if there are overages of costs for states that we don't foresee now after the election, sir.

Chairman CLYBURN. Thank you very much.

My time has expired.

Mr. Ranking Member, you are now recognized for five minutes.

Mr. SCALISE. OK. Thank you, Mr. Chairman.

And I first want to start by thanking all of the poll workers. You know, every time I go to the polls, we all, as we vote, we get to know our poll workers. They're usually our neighbors. And they come in early, and whether you're a 6 o'clock-in-the-morning-until-8 o'clock-p.m. state, whatever the hours are, they work those long

hours to help us carry out this great democracy that our country enjoys.

And there's been—for years, we've seen a shortage coming. I know our Secretary of State has talked about this in Louisiana, maybe other states too, where it seems like some of the poll workers that are getting older, there aren't as many younger people coming in. So, maybe we can also encourage people to become poll workers, because that is something we've had an issue with for years now.

But I want to thank those poll workers who have done this year-in and year-out and will be doing this again in November and make sure we give them all the safety protocols that they need.

I want to start with Ms. Washington, because I don't know if she knows it or not, but she and I actually are linked together in history. We both had roles in the movie "Ray," which was filmed in Louisiana.

Ms. WASHINGTON. That's right.

Mr. SCALISE. I think her role might have been a little more prominent than mine. We're both listed in the credits. But congratulations. Jamie Foxx, I got to work with him for a few days. He won the Academy Award and did a great job, and so did you.

So, thank you for coming to Louisiana and being a part of making that movie and for the work that you do to encourage people to vote. I think it's important. However people are going to vote, we all should be encouraging people to exercise the right to vote.

And, in each state, they give you multiple options, and those options are there for important reasons. They're debated heavily in state legislatures, and then they're worked so that a Secretary of State can actually carry that out properly.

So, I think we need to do everything we can to encourage people. There's never been more opportunities to go legally vote and exercise your right to carry out this franchise that our country is built upon.

So, thank you for the work that you're doing there, Ms. Washington.

Ms. WASHINGTON. Thank you. And thank you for your acting expertise.

Mr. SCALISE. You've done a little better than me there in that regard.

I want to ask Mr. Ashcroft, I know you've been Secretary of State there in Missouri, carrying out the job that all Secretaries of State do so well. Kyle Ardoin, the Louisiana Secretary of State, I've had a great working relationship with him, and as he has needed things through the years, but especially through COVID, we've worked as well too. And I'm sure you work with Blaine Luetkemeyer and other members of your delegation.

In terms of the things that you need to carry out a safe election in this environment—I would imagine you've had experiences with primaries during these last few months—what are the things you've seen that work really well?

And you've been the head of the Secretary of States Association, I think, on the Republican side, so you hear stories from other members too. What are you hearing from Secretaries of State, things that they need to do to make sure that we can have that

in-person opportunity just as well as the other early voting options that there are for people?

Mr. ASHCROFT. You know, as an engineer, it's just a logistical exercise. How do you get people to a location, their votes to a location, give them time to mark them, and then securely count them?

We follow the guidelines of the CDC to give people space, to have extra poll workers, to have large polling places, to remind people to keep their distance. We've reached out to manufacturers as to how to disinfect their equipment, and we've used one-time pens and that sort of thing.

It's common sense.

Mr. SCALISE. Yes.

Mr. ASHCROFT. It's everything your mama told you.

Mr. SCALISE. Good. All those CDC guidelines that we talked about earlier, these guidelines from CDC that they've put out, I think some of the things you just mentioned.

And now I want to bring you to the other point that is a big concern of a lot of people, and that is the integrity of the vote. Because as any of us vote, as we encourage everybody who is legally eligible to vote, if somebody does cast a ballot illegally, it undermines the integrity of our vote.

Mr. ASHCROFT. Yes.

Mr. SCALISE. And I think that's the other part of this that we can't just ignore. I know some people try to minimize it or say it doesn't happen. We know it happens. I mean, there are cases. New York, just last year, people bribed nonresidents to falsely register and vote. In Pennsylvania, you had an individual who was picking people up and convinced them to fill out applications for deceased people. In Maryland, a noncitizen was found guilty of voting in multiple—10 different Federal elections. On and on we see these kind of stories.

So, rooting out voter fraud is important. Making sure that we at the Federal level don't force states to do anything that would undermine the integrity of their elections is important as well. We talked about, in my opening statement, the 28 million ballots that have gone missing.

In Los Angeles County, there was just a court order recently where they were forced to remove 1-1/2 million people who were on their rolls illegally—not legally—illegally. They wouldn't remove them. The court made them remove them. Because if you've got that opportunity for fraud, it happens.

What have you seen, especially with other Secretaries you've talked to?

Mr. ASHCROFT. We see vote fraud occur from people paying people to register, paying people to vote, to people changing absentee ballots in midstream.

We had a state house race where we had to have a new election four years ago in the city of St. Louis, where a judge looked at all the evidence of fraud and allegations that people had voted when they said they hadn't, overturned that election, and the election was totally different when it was done correctly, and a different individual won.

Mr. SCALISE. Well, thank you for that.

Mr. Chairman, I yield back the balance of my time.



Chairman CLYBURN. Thank you very much.

The chair now recognizes Ms. Waters for five minutes.

Ms. WATERS. Thank you very much, Mr. Chairman. I'm so pleased that you're holding this hearing today. It is so important that we put as much time and effort into encouraging people to vote and encouraging them to have options.

So, in June, the CDC issued guidance for preventing the spread of COVID-19 during elections. The CDC recommended that state and local election officials, quote, "offer alternative voting methods that minimize direct contact and reduce crowd size at polling locations," quote/unquote.

Voting by mail is the safest option for avoiding the substantial health risks associated with in-person voting during this pandemic. Several jurisdictions are already prepared to accommodate widespread voting by mail. For example, this fall, my home state of California will mail every registered voter a ballot.

Based on lessons learned from expanded mail-in voting during the March primary, California has implemented a statewide tool to allow voters to track their mailed ballot and receive notifications about its status, including whether there are any issues that need to be resolved. Additionally, California counties will have more time to process mail-in ballots and ensure an accurate count.

So, I'm so pleased that my friend Ms. Kerry Washington is here today. Ms. Washington, a resident of California, has always given her time and her effort whenever she's been called on, not just now, encouraging people to vote and talking about the alternatives and insisting on people having alternatives. Whenever we have called on her in our communities to assist us in any way, she has been so generous.

And I want to thank you, Kerry, for being here today. It's so good to see you.

Ms. WASHINGTON. Thank you. You as well.

Ms. WATERS. Now, many states, like California, have sensibly decided to expand voting by mail during the pandemic. Some states have implemented policies that deny millions of voters the opportunity to vote by mail and thereby protect themselves and their families from exposure to coronavirus.

So, I want to move to Ms. Marziani.

Can you describe some of these policies in your home state of Texas that limit mail-in voting and the effect that these policies will have on voter equality of the states to safely exercise the right to vote during this pandemic?

Ms. MARZIANI. Absolutely. Thank you so much, Congresswoman.

So, as I noted in my oral testimony and my written testimony, there has been a multi-month battle in Texas around voting by mail and who is eligible.

Going into COVID, Texas was one of the very few states that required an excuse to vote absentee by mail. Then, of that small subset, most other states expanded the eligibility requirements. Texas, as I said, fought us and other organizations in court and refused to do so. And so, today, we are left with a really murky standard for voters to try to administer themselves.

Then on top of that, as I said, we have the really inappropriate situation of our Attorney General threatening prosecution of voters for running afoul of unclear, complicated rules.

And on top of that, you have the state pretending as if we are not going to see an increase in vote-by-mail. We saw a 100 percent increase in some counties in our primary runoff elections in July in voting by mail, but the state has not issued any best practices to the counties, has not—we have a patchwork of vendors, for instance, in different counties. Some counties are, as I understand, using their own printers, for instance, to try to process these things.

What it means is we are about to layer on top of, you know, some bad law to start with—I mean, I actually agree with the Honorable Secretary Ashcroft in saying that, yes, there are a lot of holes in vote-by-mail that already existed. And we failed to fix those holes, we layered on top a new confusing standard, and then we layered on top of that a surge in vote-by-mail that we know is coming but we haven't done anything to deal with it, and it creates——

Ms. WATERS. Thank you.

Ms. MARZIANI [continuing]. A bad scenario. Yes.

Ms. WATERS. Thank you so very much.

I want to remind us that President Trump has repeatedly tried to undermine public confidence in mail-in voting by, among other actions, falsely claiming it will lead to widespread fraud and abuse. This is, to put it mildly, nonsense. According to an analysis by MIT, over the past 20 years there have been only 204 cases of absentee ballot voter fraud, out of 250 million votes cast by mail.

Ms. Clarke, are you aware of any evidence to support the President's claims of widespread voter fraud with mail-in voting?

Ms. CLARKE. Thank you, Congresswoman.

It is notable that President Trump himself just recently voted absentee in the state of Florida. His wife has voted absentee. Ivanka and Jared Kushner have voted absentee. Attorney General Bill Barr has voted absentee.

And absentee voting dates back to the 19th century in our country, when we allowed people during wartime the opportunity to cast their vote by mail.

I've seen similar studies that——

Chairman CLYBURN. Thank you, Ms. Clarke.

Ms. CLARKE [continuing]. It's 143 ballots over 20 years. You know, that amounts to .00006 percent of fraud.

We should not be disenfranchising millions of Americans, given our country's long track record of success that dates back to the 19th century in allowing Americans to have their voice heard by voting by mail.

Ms. WATERS. Thank you.

Chairman CLYBURN. OK. Thank you very much.

The gentlelady's time has expired.

The chair now recognizes for five minutes Mr. Luetkemeyer.

Mr. LUETKEMEYER. Thank you, Mr. Chairman.

And welcome to my good friend, Secretary of State Ashcroft. Great to see you.

Today's hearing topic is very interesting and, quite frankly, very telling. Right after the Select Subcommittee on the Coronavirus

was formed, the Republican members asked the chairman to hold a hearing on the origin of the virus, which of course is China, and the actions that allowed the virus to spread to the rest of the world. However, we were told the Select Subcommittee on the Coronavirus somehow lacks a mandate to review the origin of the virus.

Fast-forward a couple months, and a subcommittee that is so strictly limited that it lacks even the ability to discuss where the virus came from now has jurisdiction over elections. If there ever was a question as to whether this committee is 100 percent politically focused, today's hearing is making that crystal-clear.

This is not about election security, but about my colleagues on the other side's attempt to spread fear and sow doubt in the results of this year's elections before a single vote has been cast. It's about spreading misinformation, conspiracy theories, and manufactured crises ranging from the supposed sabotage of the Postal Service to the dangers of in-person voting—dangers that apparently don't exist at violent protests or high-end hair salons.

On a positive note, I am pleased again to welcome Secretary Ashcroft from my home state and discuss the success he is experiencing with voter participation and election integrity. Under his leadership, Missouri has strengthened voter ID laws while experiencing record voter turnout. More Missourians are voting, and they're doing it safely and in person.

Secretary Ashcroft, you mentioned in your testimony that in the March 2020 Presidential primary Missouri saw a 16 percent increase in voter participation, the highest amount the state has ever had with an incumbent President on the ticket. Was this due to an expansion of mail-in ballots?

Mr. ASHCROFT. No, it was not. It was participation of individuals feeling safe to vote in person.

Mr. LUETKEMEYER. Many of the members of this committee say, if you increase election security, you suppress voters. Of course, that's not the case in Missouri. Will you discuss what the 2016 voter ID law did for voter participation?

Mr. ASHCROFT. Yes. In 2016, the people of the state passed a constitutional amendment to allow a photo ID to be required for voters.

Since that law has been passed in Missouri, we provide free photo IDs to individuals that need them, along with the underlying document, and we no longer have people being turned away when they vote because they can't prove their identity. Every election, we have at least a handful of people that would've been turned away under the old law, but now they're allowed to vote, and their vote counts.

Mr. LUETKEMEYER. One of the things that—mail-in ballots, it seems that there's an increase in the number of folks that participate that way. Do you believe that this will cause a delay in the election results?

Mr. ASHCROFT. It is entirely possible. We are doing everything that we can to stop that delay from occurring, but they have to—they take more time to count. We could be waiting days.

Mr. LUETKEMEYER. And what kind of actions are you taking or things that you are thinking about to be able to minimize that delay?

Mr. ASHCROFT. We are working to make sure that we have more two-person teams, a Republican and a Democrat, to go through those ballots that are mailed in. And we're having those teams start at the limit, five days before the election, to start going through them. But, depending on what we see, we may have results delayed.

Mr. LUETKEMEYER. Do you believe, as the top election authority in our state—and, as Ranking Member Scalise mentioned a minute ago, you were the chairman of the Secretary of States organization—do you believe that, by the delaying of election results, that people would lose faith in the integrity of our voting process?

Mr. ASHCROFT. Yes, I do. And when they do that, they're less likely to participate. So, when we scare people needlessly, we cause voter disenfranchisement.

Mr. LUETKEMEYER. You know, one of the things, though—a while ago, there was a—I think you mentioned that there were—that 2 to 3 percent of the mail-in votes are rejected. That would seem to make a pretty good case for voting in person, if there's a problem with the process, somehow, somewhere, something goes wrong in it.

Mr. ASHCROFT. We see that nationwide. The best way to make sure your vote counts is to vote in person. Not only do you have to worry about notarization or signature or sending it to the right place or the post office, but if there's a problem with your ballot, with in-person voting, you may correct it.

Mr. LUETKEMEYER. You know, one of the concerns I have—a while ago, Ranking Member Scalise also made a comment, there're 378 counties that have more registered voters than they have citizens.

As the chairman of that secretary group, what was the—is there a program in place? Are there concerns? What action, if any, was taken by your group to try and find a way to minimize that situation?

Mr. ASHCROFT. I know that individual Secretaries of State, at least in my party, have been working to make sure that the voter rolls are clean so that the experience on election day is as fast and easy for voters as possible.

Mr. LUETKEMEYER. Well, one last comment here. I know that—or, I guess, a question. You know, with regards to fraud and mail-in ballots, I guess, in Georgia, I guess it was, they had about 1,000 people that had a problem with, you know, voter fraud—voted twice on the mail-in. Is that correct? Is that information you had as well?

Mr. ASHCROFT. There is always a concern with that. We had an election overturned four years ago, where the candidate that supposedly lost lost by three percent, the judge looked at all the fraud in the absentee ballots, they held a new election, and the previous loser won with 75 percent of the vote.

Mr. LUETKEMEYER. You know, one of the comments that was made by the chair a moment ago, it's more likely to be struck by lightning than have mail-in fraud. I'm not sure that's quite right

unless we have a lot of folks getting struck by lightning in the state of Missouri and across the country.

Mr. ASHCROFT. Maybe a lot of people get hit by lightning in South Carolina. I don't know.

Mr. LUETKEMEYER. With that, I yield back. Thank you.

Chairman CLYBURN. Well, I'm not going to argue with science. I'm just quoting the science on that. I understand my Republican friends sometimes have a problem with that.

The chair now recognizes Mrs. Maloney for five minutes.

Mrs. Maloney?

Mrs. MALONEY. OK. Can you hear me now?

Chairman CLYBURN. OK.

Mrs. MALONEY. Thank you so much, Mr. Chairman.

This year, we should be talking not just about Election Day but about Election Month, since millions of Americans are expected to vote early.

Many states have expanded early voting, but there is much more to do. Eight states still do not offer in-person, early voting. Only half of the states allow early voting on the weekend, while others offer fewer than two weeks of early voting or limited voting hours.

With the pandemic still killing hundreds of Americans each day, CDC guidelines say election officials should, and I quote, "consider increasing the number of polling locations available for early voting and extending the hours of operation," end quote.

Dr. Kuppalli, why is it so important for states to follow public health guidance and expand early voting?

Dr. KUPPALLI. Thank you for that question.

It is really important for states to follow public health guidance and to have early voting. We want to limit the number of crowds on election day. So, by expanding early voting, this will allow people to vote at different times, and that will limit the number of lines on election day, wait times.

We know that, with coronavirus, the duration and intensity of your exposure increases your risk of getting the disease. So, that is why we want to increase the number of people who have the availability to alternative methods of voting.

Mrs. MALONEY. Thank you.

Early voting could reduce lines on election day, helping ensure that everyone has an opportunity to cast their ballot.

Mr. Chairman, I seek unanimous consent to enter into the record an opinion by the Fourth Circuit that reducing early voting days in North Carolina would lead to, quote, "longer lines, increased wait times, understaffed sites, and other problems."

Chairman CLYBURN. Without objection.

Mrs. MALONEY. Thank you. Thank you.

I now would like to give a very special welcome to Ms. Kerry Washington. I know that she's from the great state of South Carolina, the great state of California, but she's also from the great city and state of New York.

And we are so proud of all your efforts to expand voter rights and participation.

Why, Ms. Washington, are long lines on election day a problem? And what are you doing to help encourage voters to make sure that they cast their ballots?

Ms. WASHINGTON. So, I know—thank you so much for the question, Chairwoman Maloney. I went to high school in your district.

I know that seeing those long lines can be so exciting. It can be really thrilling to see so many people participate in our democracy. But the fact is that long lines can be challenging, particularly during a pandemic, because a person's ability to make their choice, to make their voice heard should not depend on their ability to wait in line.

Some Americans are differently abled. Some can't risk getting sick. Some have children who are learning from home and they're unable to leave. Some will have to give up a shift at their job in order to stand in line, meaning that they wouldn't be able to put food on the table that evening.

So, it's really important to support early and absentee voting. Americans need options, especially in this moment of uncertainty. The 2020 election is not going—it should not stop for COVID-19, and it will not. So, we need to make sure that voters have plenty of options to safely and effectively cast their ballots.

With regard to the quote about lightning, I just want to point out that that was referenced from the nonpartisan Brennan Center for Justice. That was also referenced—that source, the Brennan Center, was referenced earlier by Ranking Member Scalise. So, it's a trusted source, that information about lightning and the low incidence of fraud in voting by mail.

Mrs. MALONEY. Thank you so much.

In Texas, Governor Greg Abbott extended the early voting period by nearly a week, yet other states, including Florida, have refused to expand early voting.

Ms. Clarke, are states doing enough to carry out CDC's recommendation to expand early voting time periods and hours? If not, what more should they be doing?

Ms. CLARKE. States are not doing enough. This pandemic has upended life in every respect. It's upended how we work, how we go to school, and it's upended our elections. And we need officials to do more.

I want to talk about Congressman Scalise's good state of Louisiana, where African Americans have been particularly hard-hit by the pandemic. They make up about 32 percent of the population but 50 percent of deaths. And while there are about 13 days for early voting during the primary season, that number will actually now be reduced by almost half, just seven, for the general election, subjecting people to greater risk. No voter should have to choose between their health and exercising their right to vote.

In the good state of Missouri, right now, Webster University is actively recruiting notaries, because there are certain voters who have to have their absentee ballots notarized in order for those ballots to count.

In the good state of Tennessee, my organization, the Lawyers' Committee for Civil Rights Under Law, is suing because the state literally criminalizes people for the act of distributing absentee-ballot applications.

There is so much more that states can do across the board to lift the unnecessary, restrictive, discriminatory, and unconstitutional

barriers to the franchise that people face amid the current pandemic.

Chairman CLYBURN. Mrs. Maloney, your time has expired.

Mrs. MALONEY. Thank you. I yield back. Thank you, Mr. Chairman, for calling this important hearing.

Chairman CLYBURN. Thank you.

The chair now recognizes Mrs. Walorski for five minutes.

Mrs. WALORSKI. Thank you, Mr. Chairman.

And thanks to our witnesses for being with us today. Very grateful.

The hardworking Hoosiers that I represent want us to be doing real work, like holding China accountable for concealing the severity of the coronavirus or investigating their efforts to hack the heroes that are working on vaccines. Instead, we're here at another partisan hearing. For that, I'm extremely disappointed.

Of course, every American wants a free and fair election. Every American that's eligible to vote should be able to vote and have their ballot counted, and that ballot should be absolutely accurate. But this notion that we need a Federal universal mail-in voting mandate is simply not based on science. It's another attempt to use the coronavirus crisis to receive another partisan end.

Drs. Fauci, Birx, and Redfield have all publicly stated that voting in person can be done safely. Not only that, we've actually seen it done safely several times.

In April, Republicans in Wisconsin insisted on allowing in-person voting in the state's primaries. Democrats called it a moral atrocity. You know what happened? Despite the hyperbole and the doom-and-gloom predictions, numerous studies by the CDC, Stanford University, and others showed no surge in cases or deaths attributable to in-person voting in Wisconsin.

Over the course of this pandemic, millions of Americans have voted in person in all of our states' primaries with no surge in cases or deaths, proving over and over again that voting in person can be done safely. And that is the science.

If the science says in-person voting can be done safely, then the last thing we need is for the Federal Government to come along and mandate universal mail-in voting. This is an irresponsible scare tactic.

Democrats have cheered as thousands of people took to the streets in protest, and yet those very same Democrats are telling everyone it's too dangerous to vote in person. You can't have it both ways.

The fact is that Dr. Fauci said in-person voting carries the same risk as a trip to a grocery store. And I'm thinking, if we're talking about—if it's safe to protest, if it's safe to go to the grocery store, it's safe to go to Starbucks, it's safe to vote in person.

I'm glad that in my home state of Indiana we have followed science, rejecting the mail-in voting and, instead, allowing early in-person voting for 28 days before the election in order to reduce lines and exposure. This is the Hoosier common sense that we need, and I am grateful that our Secretary of State, Connie Lawson, has stood by that to maintain our safe elections.

Secretary Ashcroft, as the only witness here today that actually has to run an election, are you and your election officials in your

state aware of the CDC guidelines which outline procedures to ensure safety when voting in person this November? And are all of your polling places able to operate under those guidelines?

Mr. ASHCROFT. Yes, we are aware of those. We disseminate those to our local election authorities. We give them what they need to meet them.

And I just have to say, anyone that believes that every vote matters, if you are telling people to vote by mail, you're not believing that every vote matters. Because votes will be lost by that. If you believe every vote matters, you should make sure your constituents know to go vote safely in person so their vote will count.

Mrs. WALORSKI. Well, and, Secretary, again, you're the only one on this panel today that's running an election. So, can you talk about the problems that ensue when you have the media and you have Democrats out there telling people that if they go vote in person it's going to kill them? Just from the experience that you've had and in that false scenario that they're purporting, what kind of problems does that have for you when you're running an election in your state?

Mr. ASHCROFT. Well, the first thing is, as an election authority, I want to only put out true information to my voters so that they can make their own decision as to what they want to do, because it's their vote. And it is disingenuous and wrong for people to say that they want to protect the right to vote when they're lying to people about how their vote will be taken care of.

It is safe to vote in person. If you vote by mail, you have to worry about the post office, you have to worry about whether or not you filled out that ballot correctly, you have to worry about whether, if it had to be notarized, if it was notarized correctly, if your signature matched, if you accidentally voted twice for one line instead of for one person. You don't have to worry about that in person. You get a second chance. When you vote in person, it's safe, you can run your vote through the scanner, your vote has been cast, and your vote matters.

Mrs. WALORSKI. I appreciate it.

And, Mr. Chairman, I yield back my time. Thank you.

Chairman CLYBURN. Thank you very much.

The chair now recognizes Mr. Foster for five minutes.

Mr. FOSTER. Thank you, Mr. Chairman and to our witnesses, especially those who've highlighted the fact that voter suppression is a problem that is orders-of-magnitude larger than any concerns over potentially fraudulent voting, either by mail or in person.

As many of you know, my father was a civil rights lawyer who wrote much of the enforcement language behind the Civil Rights Act of 1964. And it is great to see that the struggle for voter enfranchisement, which should be the battle of every generation, is being taken up today.

But I'm also a scientist. And it is a scientific fact that it will always be safer to vote by mail from home than to vote in person. And the vast majority of Americans believe that that decision about where to vote should be a personal choice that should be available to all citizens.

Now, Mr. Chairman, reports from the National Academies of Sciences, Engineering, and Medicine have raised concerns about



the risk of the spread of the coronavirus through the air, as well as recognized that the relative contributions, for example, of droplet sizes in COVID-19 transmission remains unknown.

So, Mr. Chair, I ask unanimous consent to enter into the record a Science magazine article entitled, quote, "You may be able to spread coronavirus by just breathing, new report finds." Per committee rules, this has been distributed in advance to all members.

Mr. Chairman, I requested putting this into the record?

Chairman CLYBURN. Without objection.

Mr. FOSTER. Thank you.

Now, the degree of increased risk from voting face-to-face depends on the level of community transmission, which, of course, depends on having competent national leadership, but it also depends on implementing the best practices at polling locations.

So, Dr. Kuppalli, you've taken a leadership role in the Infectious Diseases Society of America to issue joint guidelines on healthy in-person voting. So, what is your reaction to the apparently real risk of purely airborne transmission of COVID-19? And what does that mean for keeping voters and poll workers absolutely safe at voting centers?

Dr. KUPPALLI. Thank you, Representative Foster, for that question.

So, as you alluded to, you know, we're still in the early days of this pandemic. We are still learning a lot about the transmission dynamics of this disease, and so there's still a lot of debate in the scientific community about droplet versus airborne and whether or not that is the route of transmission.

In terms of keeping people safe, we know that the best way to keep people safe is to decrease the rate of community transmission in the time leading up to the election and on election day. The lower the rates of community transmission are, the safer that people will be.

And that will be by taking up things like good hand hygiene, universal face masking. We had a report come out from the Institute of Health Medicine that showed that, if people were to take up wearing face masks, that would decrease the rates of transmission by about 85 percent. And then taking up physical distancing. Those types of things are things that we need to do, and we need to get a national plan for in advance of the election.

Mr. FOSTER. Yes. So, no matter what guidelines you follow, the probability will never be absolutely zero. This is, I think, just a fact. And, you know, life has risk, and that's real. As was mentioned previously, going to the grocery store has risks.

But it's also important that people understand that their personal situation's very different. Someone can be young and healthy and yet have frequent contact with an elderly person who is very subject to this. That person, it seems to me, has a very real risk of, if they are forced to vote in person because of the rules of the state in question, them getting the virus and spreading it to someone that, because of their family situation, they're connected to.

Is that pretty much, you know, a correct, unavoidable fact, given what we know about the transmission of this virus?

Dr. KUPPALLI. Yes, it is. Also, you know, we have to remember that people can spread this virus asymptotically. We know that

up to 40 percent of people can have asymptomatic infection when their virus level is the highest, and people feel completely fine during that time. So, everything you said is correct.

Mr. FOSTER. Yes.

It's also true that we must ensure that cities and states have the resources they need to carry out, you know, the basic steps to protect the health of voters and election workers. And, you know, Congress provided a significant down payment on election funds as part of the CARES Act.

Ms. Clarke, isn't it true that every single state requested funding under this provision, that they thought there was an unmet need here?

Ms. CLARKE. Every single state requested funding, and funding so that they could do things like enhance vote-by-mail, deal with ballot printing and ballot postage, provide drop boxes, provide staffing to help handle the high volume of mail.

And I actually testified at a recent hearing with an official from St. Louis, Rick Stream, who said that expenses are up in his jurisdiction and sales taxes are down, and that money might very well be put to use.

So, we strongly urge Congress to provide that \$3.6 billion so that no state can point to the lack of resources as a reason for disenfranchising voters this season.

Mr. FOSTER. Thank you.

And, Chairman Clyburn, I yield back.

Chairman CLYBURN. Thank you for yielding back.

The chair now recognizes Dr. Green for five minutes.

Mr. GREEN. Thank you, Chairman and Ranking Member and to our witnesses.

I, too, am concerned about the topic of election security and safety. In addition to the usual threats, including cyber hacking, foreign interference, voter fraud, the coronavirus pandemic poses a unique challenge. However, top public officials, health officials, say we can conduct in-person voting safely and securely, as Wisconsin and Florida have already demonstrated.

As was mentioned earlier, Dr. Birx has said, and I quote, "I can tell you, it has been safe for me to go to Starbucks and pick up my order. So, if you can go into Starbucks in the middle of Texas and Alabama and Mississippi that have very high case rates, then I can't say that it would be different waiting in line in the polls," end quote.

A recent report from the liberal-leaning Brennan Center for Justice advises, quote, "In-person voting can be conducted safely if jurisdictions take the necessary steps to minimize the risk of transmission of COVID-19 to voters and election workers."

Look, if you can buy groceries, you can vote in person. If you can buy groceries online for at-home delivery because of a medical condition, you can ask for an absentee ballot.

The efforts to conflate absentee voting, where a person requests a ballot and a blanket—and compare that to a blanket mail-out of ballots to every registered voter, those are absolutely wrong. You can't conflate the two. There is a massive security difference between them. I urge my Democrat colleagues to stop fear-mongering and look at the facts.

In-person voting is not only safe, it's also the most secure way to vote. Vote-by-mail opens up our elections to all kinds of vulnerabilities. In the Golden State, the Election Integrity Project California has said that Governor Newsom's vote-by-mail executive order will lead to 458,000 ballots going to Californians who have moved or are dead. This is a recipe for disaster, for fraud.

Now, to Democrats who say voter fraud does not exist, I encourage you to visit the Heritage Foundation's website, which has a data base documenting 1,285 proven cases of voter fraud.

Not only does voter fraud exist, but it can affect election outcomes. We just witnessed this in 2018 in North Carolina, in which the State Board of Elections unanimously ordered a new election in the Ninth congressional District after a political operative abused the process of harvesting ballots.

In 2017, the former mayor of Eatonville, Florida, was convicted for coercing voters to cast absentee ballots for him—a ballot-harvesting scheme that won him the election.

Or take Ohio, a swing state that is often a nail-biter. From 2013 to 2017, 56 elections in Ohio resulted in a tied vote, and 86 were decided by a single vote. And last year alone, the Ohio Secretary of State referred 18 cases of duplicate voting to prosecutors for voting twice in the 2018 elections.

Voter fraud is real, and it can sway elections. This shouldn't be a partisan issue. But, sadly, instead of strengthening election security, Democrats support initiatives like mail-in voting. Experience has shown that mail-in ballots have massive vulnerabilities and can be easily altered, stolen, or forged.

House Democrats care more about winning the election than they do about election integrity. They want to centralize our elections under the all-powerful hand of the Federal Government, H.R. 1, and implement these flawed initiatives. This would make America's elections even more vulnerable to foreign interference and cyber hacking.

In contrast to blue states like California, who play fast and loose with their elections, I'm proud of Tennessee and the steps our state has taken to protect the vote of every Tennessean. We've implemented commonsense election-security measures, such as voter ID, proof of residence for first-time voters, and requirements that voters be registered in advance of election day. Tennessee has also announced a \$1,000 reward to individuals who report voter fraud. It won't be tolerated in Tennessee.

This effort to force California's clearly flawed system on Tennessee will not be tolerated either. Nowhere in the Constitution does it grant this body the right to tell Tennessee how to run our elections. If California wants to allow ballot harvesting and permit illegals to vote in their state elections, that's their business. But don't you dare try to tell Tennessee what we should do.

I urge my Democrat colleagues to stop playing political games, to stop sowing distrust in America's institutions, and to stop trying to use the Federal Government to hijack state and local elections.

Thank you, Mr. Chairman, and I yield.

Chairman CLYBURN. Next is Mr. Raskin.

I will remind you, Dr. Green, I know the history of Tennessee when it comes to voting, and of South Carolina.

Mr. GREEN. Yes, Mr. Chairman, if I could, since you mentioned that, that was when Democrats ran the state of Tennessee. That hasn't happened since the Republicans took over. Thank you for bringing that up.

Chairman CLYBURN. I'll have you know that I know very well the history of Tennessee under Democrats and Republicans, and the history of South Carolina. And, of course, I'd like to also tell you that all those people who left the Democratic Party because of the 1965 Voting Rights Act, that's why they left. Just to remind you. And they all became Republicans.

Mr. Raskin?

Mr. RASKIN. Mr. Chairman, thank you.

Before my five minutes of questioning, I have a unanimous consent request, if that's OK. Can I do it before my questioning?

Chairman CLYBURN. Yes, you can do it now.

Mr. RASKIN. OK. I'd like to ask unanimous consent to enter into the record a *PolitiFact* article dated June 9, 2020, which we've circulated to the committee. It has the title "The misleading claim that millions of absentee ballots end up missing or in landfills."

This article makes clear that our colleagues' oft-repeated claim that 28 million mail-in ballots went missing is "misleading," quote, "a mischaracterization," quote, and, quote, "mostly false." In fact, the vast majority of, these ballots were mailed to voters but were simply never filled out and returned. As the article states, "It's more accurate to refer to them as uncast or unreturned. There is no evidence these ballots led to fraud."

And I'd like to submit that for the record.

Chairman CLYBURN. Without objection.

Mr. RASKIN. Thank you, Mr. Chairman. Thanks for calling this hearing and thank you, especially, for the way you began it.

It's amazing to me that the President, who knew that COVID-19 was, quote, "deadly stuff" but deliberately suppressed the truth about it and said it was like the common cold and would just magically disappear because he didn't want to, quote, "create a panic," is now, 6 million cases later, 190,000 dead Americans later, trying to create a mass panic about the election and electoral fraud, when he is actively promoting election fraud and voter fraud, egging on his supporters to go to the polls and to illegally vote twice. And he's done this on numerous occasions.

It's equally amazing to me that the President and his sycophants continue to try to deflect responsibility from the President of the United States for this unprecedented healthcare catastrophe and debacle by pointing at China, when it was President Trump who on 37 different occasions defended the Chinese Government, defended President Xi, defended the Central Committee of the Chinese Communist Party. And I've submitted all of those documents to this committee.

So, Mr. Chairman, all I can say is, I'm with the minority members of this committee: Let's have a hearing about it. If they want to further disgrace and humiliate this President, who has brought America to its knees, by all means, let them do it. But this is the President who was defending the Chinese Government from the very beginning.

Now, Mr. Chairman, it seems to me that our colleagues are also chasing a mirage. They keep talking about how we're demanding universal mail-in balloting. All of the states have already settled on their system. We live in a system of federalism. The states already have their laws out there.

Let's not confuse the public. Let's try to help the states to deliver in these atrocious circumstances brought to us by the President of the United States and his supporters.

So, Georgia told the committee that it needs 20,000 poll workers but a state program has so far only identified 5,000. Wisconsin needs 30,000 poll workers but doesn't think that it can make that and is provisionally planning to get help from the National Guard.

I want to ask Ms. Clarke, what is being done and what can be done to get poll workers, especially young poll workers, to the polls at a time when we know the vast majority of poll workers are over the age of 60 and I think a quarter of them are over the age of 70? What can be done to help the states concretely?

MS. CLARKE. It's time to recruit that next generation of poll workers. We've seen, this season, so many vulnerable older poll workers who've played their part but who've had to bow out because they are incredibly vulnerable under the pandemic.

There are civic and nonprofit organizations that are working night and day to help recruit poll workers. But, frankly, if Congress did its part and allocated that \$3.6 billion to states, states could enhance the amount of money that they pay to poll workers and better encourage people to serve.

There are efforts to encourage students to serve this season. But, frankly, we need Congress to do its part. Put the money in the hands of states so that they can do their work and run their elections appropriately.

MR. RASKIN. Well, I appreciate that. The House majority took the position that we needed \$4 billion for the states. The GOP opposed that. We ended up with only 10 percent of that figure, \$400 million.

We've continued to argue for \$3.6 billion in the HEROES Act, but, again, the minority party continues to drag their feet, because they don't want to see full funding of the election so that everybody can go out and cast a vote and get their vote counted.

MS. WASHINGTON, I'd like to turn to you. What are you doing to try to encourage young people to fill the role of poll workers as many of the older poll workers are advised not to go to the polls? We know that older people are disproportionately vulnerable to this lethal disease.

MS. WASHINGTON. Thank you so much for the question. It's such a vital issue that requires addressing.

I believe last week was National Poll Worker Recruitment Day. I was part of a really strong social media campaign, working with Power to the Polls, where we were able to garner hundreds, hundreds, hundreds of thousands of volunteers.

So, we are really, really committed to the idea of having more people work at the polls, young people. And I think it's exciting not only because younger people have a different risk level when it comes to the coronavirus, but, also, we know that when people volunteer or, in many cases, get paid to work at the polls—so that's extra incentive that people need to know about, that you can be

paid to work at the polls—that when people get involved as poll workers, their investment in their democracy increases. They feel the excitement and power.

Mr. RASKIN. Thank you.

And then, Ms. Clarke, I want to ask you finally, a lot of our overseas uniformed people in the military, their votes are counted late because they come in from overseas. And yet, it seems like the next rush within the Trump push is to say only the ballots count that are cast on election day, at the same time that they are trying to prevent the counting of ballots that are cast early.

What is the importance of making sure that we understand that election day is basically halftime and that in democracy we count every ballot that is cast, including from our military people overseas, who I know the President considers “suckers” and “losers”?

Ms. CLARKE. Yes. I mean, elections in our country are hotly contested and are coming down to narrow margins, and it’s critical that we count every vote, no matter whether it’s cast by mail or cast during early voting or cast on election day. Making sure that every American’s voice is counted is critical.

In Virginia, we recently had an election that was so close that it was decided by a coin toss.

Mr. RASKIN. I yield back. Thank you, Mr. Chairman.

Chairman CLYBURN. Thank you very much.

The chair now recognizes Ms. Velázquez for five minutes.

Ms. VELÁZQUEZ. Thank you, Mr. Chairman and Ranking Member, for this timely and important hearing.

And I just want to excuse myself because, as chair of the Small Business Committee, I just finished my congressional hearing. So, I’m glad that I was able to get back to be able to ask some questions to the witnesses on this important issue.

Ms. Clarke, did polling-place closures during the 2020 primaries have a disproportionate impact on minority voters?

Ms. CLARKE. Thank you, Congresswoman. They absolutely did.

And I want to share an image from Louisville, Kentucky. Jefferson County, Kentucky, has one of the largest populations in the state, one of the largest Black populations in particular, and there was one polling site serving this entire county that is home to Louisville. And at 6 p.m. when the polls closed, people were literally racing from their jobs and banging on the doors of this Expo Center in order to ensure that their voice could be heard.

It is really critical that we ensure that communities of color, in particular, are adequately served by appropriate numbers of polling sites.

I’ll share one additional image, from Milwaukee, Wisconsin. On April 7, 2020, outside of Marshall High School, you have largely Black voters in garbage bags waiting in rain to vote because the city reduced the number of polling sites from 180 to 5.

This has become a widespread form of voter suppression in our country. And, particularly during the pandemic, we need to make sure that voters of color are adequately served by appropriate numbers of polling sites.

Ms. VELÁZQUEZ. Thank you.

Dr. Kuppalli, how can the closure of polls impact health risks for voters during the pandemic? And what should states do to reduce this risk?

Dr. KUPPALLI. Yes. Thank you for that question.

So, the closure of polls is a problem. As Ms. Clarke shared, when we have less polls, we have longer lines, and by having longer lines and people waiting longer, that increases their risk of being exposed to coronavirus. And, obviously, we don't want that to happen. We don't want people to have to be at risk for developing coronavirus, getting coronavirus.

So, that is why in the guidelines we released with the Brennan Center we recommended, actually, increasing the number of polling locations. That way, people have shorter lines and, thus, shorter waits, so thereby decreasing the risk of being in contact with coronavirus.

Ms. VELÁZQUEZ. And given ongoing challenges in recruiting poll workers during the pandemic, some voters are still likely to face long lines.

Ms. Washington, what advice would you give to voters who want to make sure they cast their ballot safely but may face long lines in the primary this year?

Ms. WASHINGTON. Thank you so much for the question, Congresswoman.

I know that many millions of Americans will vote in person on November 3 and many of them will be forced to wait in line. And to those Americans, I guess I would say: I've been there. I've stood in lines myself. And it's worth it. Because we have to remember that when you stand in a long line to vote, you have a chance to elect someone who can make it easier for you to vote the next time around.

So, make a plan. Wear your mask. Pack your lunch and perhaps your dinner. Bring a pair of comfortable shoes. Bring some water and stay in line.

But I would also call on Federal and state governments to do everything in their power to expand voting access. And there are three actions that they can take: first, make voting by mail and absentee voting available to every voter without requiring an excuse or a witness; second, expand early voting, both in-person and absentee; third, make voting on election day easier by extending the hours that polling locations are open and following the CDC guidelines to keep those places safe.

Ms. VELÁZQUEZ. Thank you very much.

I yield back. My time has expired, basically. Thank you so much, Mr. Chairman.

Chairman CLYBURN. Thank you very much, Ms. Velázquez.

The chair now recognizes Mr. Kim for five minutes.

Mr. KIM. Thank you, Mr. Chairman. I appreciate you pulling this together.

Dr. Kuppalli, I wanted to start with you. As a medical professional, are you or other medical professionals in our country able to predict the magnitude of the virus or where exactly it will be, the outbreaks that would be in our country on November 3? Are you able to predict that at this time?

Dr. KUPPALLI. So, thank you for that question. I am going to cushion that with the fact that I am not a modeler. I'm an infectious disease doctor. So, I personally cannot tell you where our outbreak will be at that time.

I can tell you that we are very concerned that, with over 40,000 confirmed infections a day, that things are not going in the right direction right now. We are also concerned with what we call a twindemic, with us heading into the fall, with both coronavirus and influenza, and also with the increased number of coronavirus cases that we're seeing in college communities now, where, as we start sending students home, that could also lead to an increased number of cases in other communities.

So, you know, no, I can't predict it, but there are a lot of things that are very concerning right now.

Mr. KIM. I share a lot of your concerns. And I've talked to a lot of other experts, and they've said the same thing that you did, which is, you know, no one in this country is going to be able to perfectly predict this, and there are a lot of variables out there like some of the ones you mentioned.

We also know that this virus can spread very quickly, and it can be literally just days or weeks in which an outbreak comes together.

So, for me, what keeps me up at night is exactly what you said, this concern about a second wave later on this year. I know you've studied this in terms of the history in our country and how we've gone through this before. And, you know, being from New Jersey, worrying about us hitting some type of level of spread that we in New Jersey had back in March and April, having that type of concern in late October or November. So, I pray that that doesn't happen, but that's something that's very much on my mind.

So, I'd ask you, do you believe it's possible for parts of our country to suffer from serious outbreaks in late October into November that could potentially limit the ability for people to be able to vote in person safely?

Dr. KUPPALLI. That is a really good question. I think that there is definitely the possibility that we could have a serious outbreak later on in this fall. I think that, again, what we've talked about before is, the safest way to vote is going to be voting by mail. That's the best way to prevent transmission of coronavirus. And then implementing all these other ways of voting also helps limit the transmission of coronavirus.

That being said, we have to make sure that we have in-person voting. And the way to have safe in-person voting is by making sure we have hand sanitizer available, making sure we have everybody wear a face mask. We have shown that wearing face masks decreases the transmission of the virus. And also, making sure we have physical distancing. Those three things alone, by making sure we implement those measures and have good disinfection and sanitation measures of polling locations will make a huge impact.

But making sure we can get the community transmission rates down to being as low as possible in advance of the election by taking the things that I recommended in my written statement will be imperative to making sure we have a safe and healthy election.

Mr. KIM. Yes. Thank you, Doctor, for that.



Ms. Clarke, I wanted to turn to you. Building off of what we just heard, you know, I'm very concerned about, you know, these issues and the spike that could happen later on this year. And I wanted see if you would agree with the assessment that it'd be prudent policy to take these contingencies across this country and ensure that any outbreak that does happen later on this year doesn't disenfranchise people and force them to risk their health to go and vote. And, in particular, I wanted to ask you about drop boxes for ballots and where that fits into the broader effort that we've been talking about today.

Ms. CLARKE. As a civil rights lawyer fighting to protect the rights of vulnerable communities every day, there are two things that I know are true: one, that this pandemic is having a harsher impact on Black people, on Latino people, and other vulnerable communities; and, two, that voter suppression is alive and well.

So, for both of those reasons, it is really critical that we work in every corner of our country to ensure that all communities have access to the ballot, and not just on election day but both during early voting and streamlined absentee vote-by-mail as well.

So—

Mr. KIM. Just one last thing, because my time is up here. Just a yes or a no: Is there any merit to the concerns about fraud when it comes to drop boxes and ballots?

Ms. CLARKE. No, absolutely not. Drop boxes are used in many communities across our country. They are safe. They are secured. They are monitored by officials and provide another safe way for voters to submit and deposit their absentee ballots in communities across our country.

Mr. KIM. Great. Thank you so much.

Mr. Chairman, I yield back.

Chairman CLYBURN. Thank you, Mr. Kim.

And thanks to all of you for your questions.

The chair now recognizes Ranking Member Scalise for any closing comments he would like to make.

Mr. SCALISE. Thank you, Mr. Chairman.

And, again, want to thank our witnesses for participating in this hearing.

Mr. Chairman, there were a lot of things that were brought up during the hearing that we had today that I think first should be addressed on some of these. I know a few members on your side referenced a series of comments made by somebody who's peddling a book right now out of context, talking about the President, as we seem to hear in this politically charged environment, unfortunately, where they're going after the President on anything and everything, whether it's valid or not.

So, as we're talking about whether or not the President downplayed anything relating to coronavirus, Dr. Fauci was just interviewed—while we were having this hearing, Dr. Fauci was interviewed. The reporter asked him, "So, did you get a sense that he was"—the President—"or wasn't downplaying this?"

This is Dr. Fauci from just about an hour ago: Quote, "No. No, I didn't. I didn't get any sense that he was distorting anything. In my discussions with him, they were always straightforward about the concerns that we had. We related that to him. When he would

go out, I'd hear him discussing the same sort of things. He led off and say, we just got through with the briefing with the group from the task force, and we would talk about it."

These suggestions that people throw out, anonymous sources that turn out to be debunked, I wish we wouldn't peddle in those kind of conspiracy theories. But I understand this is a hyper-charged environment, and I think it's important to point out the facts. We should be sticking to the facts.

This President's record, by the way, on the military is so much stronger than Presidents we've seen recently, especially the previous administration. This President led the charge to rebuild our Nation's military, give troops a pay raise, give them the support they need. They were dying in training accidents. Our men and women in uniform were dying in training accidents by a five-to-one margin more than they were dying in combat under the previous administration. This President has had their back on so many of those fronts.

Now let's talk about voting. It seems that some still want to peddle this myth that the post office can't handle the volume, that there was some kind of issue with the post office, that more money is needed for states.

First of all, let's go to post office. We know now, they pointed out in multiple hearings—no one has disputed it—they have more than enough money to not only get through the rest of this year but even to the middle of next year, if they don't get another dime from Congress. They have enough money to carry out a fair and safe election.

There are some states—and this has been pointed out, and I wish this hearing would—but there are some states who have been able to go identify where they require too late of a time to submit the mail-in ballots. For example, some states, one or two days before the election, they can let you mail a ballot in, which means, days or maybe weeks after, ballots are still coming in.

We saw this in California, by the way, with harvesting, where, more than three weeks after the election, three weeks after the election, there were races that were being overturned, that one person was winning the night of the election by six points, and then a week later it's closer, and a week later ballots still keep showing up mysteriously. Three-plus weeks later, the ballots are still showing up, and then the election results change, and then, surprisingly, no more ballots show up after that.

I don't think the American people want to see a case where we have to wait weeks and weeks to get the result from some states. Let's let the states take care of their elections in a proper way, give them the tools they need.

By the way, in the CARES Act, Mr. Chairman, we gave states billions of dollars that they still have. There is probably over \$75 billion of the \$150 billion we gave states that is still available to those states. Not one state has run out of that money.

That money, by the way, Mr. Chairman, can be used to make sure that, under COVID, as we have additional needs to safely allow people to vote in person—if they need sanitizer, if they need masks, all of those things are covered under the money we already appropriated.

Some people keep throwing billions of dollars around, as if this is monopoly money. We don't need to send them more money. There is money sitting in every state's coffers right now that can eligibly be used to safely run elections if there are additional things that they need. If they run out of money, then that's a conversation we can have, but not one state has run out of the billions, \$150 billion, that we sent them. So, I think that's important to point out as well.

As we heard from a number of our witnesses, we also heard from different studies, talked about different studies that are out there that talk about the problems if we were to, for example, mandate—and I agree with so many of the witnesses that Americans have more options than they've ever had before to legally vote. We need to fight to make sure that that's maintained. And if there are problems, let's go and address them in those particular states.

But if you want to go vote in person, that option is there. Dr. Fauci, Dr. Birx, all these doctors have said you can safely do it. And that's your choice, like I've exercised and so many other people have exercised just in these last few months.

If you want to mail in a ballot, you can request a mail-in ballot. Each state has their own procedures. Again, they debate these within the states, and the states run those elections, and the states know what they need to do to ensure that people can legally vote in those states.

If we were to have a one-size-fits-all mandate, for example, that every person that's on a voting roll is mailed a ballot, we know, any state will tell you, whatever the percentage is, there are millions of people that will be mailed ballots that aren't legally on the rolls, for various reasons. Some might be nefarious. Some other people move. People move all the time. People die. That's why you need to clean up your rolls on a regular basis.

Los Angeles County, again, was cited. Over a million and a half people who were legally on their rolls in one county, and they wouldn't remove them until a judge finally forced them to clean up their rolls. Twenty-eight million—you've heard those numbers—of ballots that just disappeared. Where they are, who knows. But, again, is this the kind of environment we want?

Now, what we should be doing is working with the states to make sure they have the tools they need. We sent them over \$100 billion. They still have money available to run safe and fair elections in person. Many of them expanded opportunities for voting in other ways as well. But this idea that the Federal Government should make states run a California-type system, when, again, weeks and weeks after the election in California, results were changing, that's not something I think instills confidence among voters.

It's not only important that we ensure the franchise of the vote but also the confidence that, when you cast that vote, that nobody else is going to be able to go and nullify your vote with an illegal vote or that you are going to have to wait weeks and weeks to get the result.

This is America. We love participating in democracy. We promote democracy. But we also believe in this peaceful transition of power. And that means we respect the results that we get, not denying the

results of an election. Getting the results of the election on election night, and then continuing to move our country forward.

So, with that, I hope we'll be able to work together on those challenges and address these other false issues that have come up to identify them as well.

With that, Mr. Chairman, I yield back.

Chairman CLYBURN. I thank the ranking member for his closing statement and for yielding back the time.

Let me close by thanking all of our panelists for their remarks here today. It was very instructive to hear Ms. Clarke and Ms. Marziani, both voting rights advocates, and Dr. Kuppalli, an infectious disease physician, agree on the same basic steps that should be taken to prepare for the November election.

Indeed, as Ms. Washington has testified, voters are simply asking for voting options in order to cast their ballot freely, safely, and fairly.

This testimony was consistent with the CDC's science-based guidelines urging more early voting, more polling places, and more options for voters to vote by mail or by drop box, or as we've done here in South Carolina, established satellite voting places during the month of October. These recommendations are sensible and would minimize the risk of the coronavirus for voters.

I ask unanimous consent to enter into the record a letter the select subcommittee has received in support of these recommendations from the National Disability Rights Network. These measures are especially important to ensuring that Americans with disabilities are able to safely cast their votes.

Hearing no objections, so ordered.

Chairman CLYBURN. With election day less than eight weeks away and early voting beginning much sooner, state and local officials must act now to ensure that these recommendations are effectively implemented. They must expand mail-in voting, drop boxes, and in-person voting, while recruiting poll workers in order to maintain or increase the number of polling places on election day.

Given the virus's more harmful impact on seniors, younger Americans must be recruited to serve as poll workers in greater numbers than ever before. I urge every American who can serve as a poll worker this year to do so. Your democracy needs you.

We know that there is still work to do to prevent a repeat of the long lines that forced many voters to wait five, six, or even seven hours. In fact, I recall a gentleman down in Texas who said it took him seven hours to cast his vote, but he stayed there to cast a vote. I recall seeing people bang on windows in Kentucky, getting there one minute after the time because they had to work, and being locked out of the voting.

I will say to my colleagues, that's not what I call fair. That's not what I call supporting this democracy. We ought to all agree that that is just wrong, and we must do better.

I remember, as some may do, I remember when Beaufort County was majority-African-American and nobody of color was holding any elective office in the whole county. John Lewis, our late colleague, beaten within minutes of death trying to register people to vote. At a time when Alabama was almost 40 percent African

American, less than two percent of African Americans were registered to vote.

That's not fair, but that is what we've inherited. So, much of that came rushing back in after the Supreme Court decision in *Shelby v. Holder*.

We all know that there's a problem in many communities, many states, counties, with people being allowed the unfettered access to the vote. And I kind of resent, anybody telling me that a local state will resist the Federal Government telling them how to run the elections. When I saw the Federal Government denying my parents, both college graduates, denying them the vote because they didn't know how many bubbles were in a bar of soap. That's the kind of state law that we have inherited.

So,, I want us to hopefully think about this democracy we are trying to preserve. Are we in pursuit of a more perfect Union, or are we backtracking on that pursuit? Our democracy depends on all of us.

With that, and without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response.

I would ask our witnesses to please respond as promptly as you're able to.

Chairman CLYBURN. This hearing is adjourned.

[Whereupon, at 3:31 p.m., the subcommittee was adjourned.]

