

DEMOCRACY IN DANGER: THE ASSAULT  
ON VOTING RIGHTS IN TEXAS

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HEARING

BEFORE THE  
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL  
LIBERTIES  
OF THE  
COMMITTEE ON OVERSIGHT  
AND REFORM

HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTEENTH CONGRESS

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# C O N T E N T S

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Hearing held on July 29, 2021 .....	Page 1
WITNESSES	
The Honorable Senfronia Thompson, Texas State Representative, Member, Select Committee on Constitutional Rights and Remedies Oral Statement .....	10
The Honorable Nicole Collier, Texas State Representative, Chair, Texas Leg- islative Black Caucus Oral Statement .....	11
The Honorable Tracy Clardy, Texas State Representative Oral Statement .....	14
Ms. Nina Perales, Vice President of Litigation, Mexican American Legal De- fense and Education Fund Oral Statement .....	15
The Honorable Diego Bernal, Texas State Representative, Member, Mexican American Legislative Conference Oral Statement .....	17
<i>Written opening statements and statements for the witnesses are available on the U.S. House of Representatives Document Repository at: docs.house.gov.</i>	

## INDEX OF DOCUMENTS

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- \* Governor's Proclamation - Texas Governor Abbott's Order on the Texas Special Session; submitted by Rep. Sessions.
- \* Record of Voter Fraud Cases Under Investigation in Texas; submitted by Rep. Sessions.
- \* Memo - To the Republican Texas Delegation: The Realities of Voter Fraud in Texas and Other States; submitted by Rep. Roy.
- \* Article - "Texas Had an Outsized Presence at the Capital Insurrection"; submitted by Rep. Tlaib.

*Documents are available at: docs.house.gov.*



## DEMOCRACY IN DANGER: THE ASSAULT ON VOTING RIGHTS IN TEXAS

Thursday, July 29, 2021

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

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 2154, Rayburn House Office Building, Hon. Jamie Raskin (chairman of the subcommittee) presiding.

Present: Representatives Raskin, Maloney, Mfume, Wasserman Schultz, Kelly, Pressley, Norton, Ocasio-Cortez, Tlaib, Davis, Sessions, Comer, Jordan, Biggs, Mace, Franklin, and Donalds.

Also present: Representatives Sarbanes, Fletcher, Veasey, Roy, Fallon, and Cloud.

Mr. RASKIN. All right. The committee will come to order.

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

And without objection, pursuant to the motion by Mr. Sessions, Representatives Fallon, Cloud, and Roy shall be permitted to join the hearing and be recognized for the purpose of questioning witnesses. Welcome, Mr. Roy.

We are here today to talk about the voting bills that are currently pending in the Texas legislature and how those bills are related to other voter suppression proposals in states across the country, specifically targeting voters of color and other vulnerable communities. While we are lucky to have Texas legislators joining us today who are on the front lines of the fight to defend voting rights in their state, I also want to make sure that we had the opportunity to hear from Texas voters who are affected by this potential legislation. Let's take a moment to listen to some public testimony given by a few of those voters during hearings on these bills earlier this year.

[Audio played.]

Mr. RASKIN. So, that is a representative sample of hundreds of voters who have spoken up against the legislation in Texas. It is up to us now in Congress to listen to the cries for help that are coming from Texas and from other states and to take action on comprehensive voting rights legislation in the House and in the Senate.

I will now recognize myself for an opening statement, then go to my friend, Mr. Sessions, for his opening statement.

Good morning, and I want to thank our witnesses for being with us today on the occasion of this truly historic hearing. And we

know it has taken a lot for you to get here, and we appreciate very much your being here and helping to educate Congress and the country about what is going on in Texas. Before we get into that, though, I want to take a moment, and I think it is not inappropriate, to mark the passing of a great voting rights hero and a great hero of mine, Bob Moses, who died on Sunday.

And Bob Moses was a graduate student in mathematics and philosophy at Harvard in 1960 when he opened up the newspaper and he saw pictures of students sitting in from North Carolina A&T at lunch counters in the South. And he said, "Those students look the way that I feel," and he knew that he had to go down South to participate in the Civil Rights Movement, the struggle for people to be on a plane of equality as citizens. And when he got down to Mississippi, he thought he was going to be involved in a movement to try to desegregate the lunch counters and the restaurants. And he talked to a man down there named Amzie Moore, who was the head of the local NAACP, and he said, you know, we don't really need people sitting in in the restaurants and lunch counters. And Bob Moses said, well, what do you need, and he said, well, when you look around, what do you see, and he said, I see beautiful terrain, and trees, and people. And he said, this is a congressional district that is two-thirds African American, and less than one percent of the Black people down here are registered to vote because of the grandfather clauses, and the literacy tests, and the poll taxes. And the local Democratic party, a racist party structure, has excluded African Americans from voting.

And that is what launched Bob Moses on his crusade with the Student Nonviolent Coordinating Committee to desegregate Mississippi, and Alabama, and the rest of the South, and the country. And it was that struggle that gave us the phrase "one person, one vote." Each person has a right to vote. And, of course, the Student Nonviolent Coordinating Committee organized people to register at great personal risk. Bob Moses was nearly killed several times by Klansmen, by sheriffs, by people who came to attack him. Of course, Schwerner, Chaney, and Goodman were killed during the Freedom Summer that SNCC organized. But Bob Moses never gave up the struggle for people's voting rights and went on also to create the Algebra Project, saying that the right to know mathematics is also a fundamental civil right in our country.

So, I wanted to note that and observe that, and I wanted to start on a bipartisan note that the struggle for the right to vote has been a struggle against all political parties in our history, and nobody has clean hands here when you look at it historically. The question is whether we are willing to commit ourselves to a struggle that extends the right to vote for everyone. It is not a partisan question. It is a question about small "d" democracy for everybody.

So, earlier this year, legislators in Texas unveiled perhaps the most aggressive set of proposals for voting restrictions anywhere in the country, 65 different anti-voter bills: dramatic restrictions on mail-in voting, vastly increased criminal liability for people who help their family or their friends to vote or bring their ballots to the mailbox, increasingly stringent voter ID requirements, and more and more criminalization of what goes on in the polling place, enhanced protections for partisan poll workers who set out to in-

timidate voters, and additional limits on how election officials encourage voters to participate. At one point, and somebody is going to have to explain this to me, it is made a crime to encourage people to vote. I think, if I am reading this proposal correctly, they make it a crime to encourage people to vote. I don't see how that possibly can square with the First Amendment of the United States. I openly encourage people to vote all over the country and in Texas right now. Can that actually be a crime to do it either on TV or in the social media or in person, talking to people, encouraging them to vote? There was even, I think in the first draft of this legislation, an effort to restrict early voting hours on Sunday, a clear attempt, at least as it was read in Texas, to undercut and hamstring Black churches, which ran Souls to the Polls turnout operations.

All of this is taking place despite zero evidence of massive voter fraud in Texas. None of it. Lots of invocations of integrity of the ballot, purity of the ballot. Well, those are code words that go back centuries now. I mean, some people see impurity of the ballot when they see people they don't like voting, so we want to get to the bottom of that. Is there a widespread voter fraud in Texas that this is responding to or is something else going on?

One thing I read about was that a Texas legislator introduced just this month a bill calling for a forensic audit of the state's 2020 results, but only in large counties won by President Biden. And when asked why he had not included all the counties in Texas, he said, "What is the point? I mean, all the small counties are red." You know, how can that be consistent with our bipartisan—I will go beyond that—nonpartisan, let us not even say bipartisan, because a lot of people are sick of both of the parties, how about just a nonpartisan commitment for everybody to have the right to vote unimpeded without jumping through all of these hoops?

Democratic state representatives in Texas, including our witnesses today, organized a walkout in May to deny Republicans a quorum at the end of their session, preventing passage of the voting bill that would strip their constituents of access to the ballot. In response, Governor Abbott convened a special session on July 8 to pass this sweeping draconian new election overhaul. Democrats once again denied the legislature a quorum, this time by coming here, petitioning the U.S. Congress for a redress of grievances, demanding the attention of a country that is committed to fairness in voting, to come to urge us to protect their voting rights. And they have done this at great personal cost, at great personal risk, by leaving their families behind, and I, for one, salute them for their courage in being here today. But blocking a quorum is not a permanent solution to the problem of efforts to disenfranchise people and suppress the vote in America. They are here to ask us to act, and we must pass the For the People Act and the John Lewis Voting Rights Act.

The cost of inaction will be devastating for our democracy. The voting restrictions in Texas will strike at the heart of democracy in that great state. Restrictions on voter assistance will potentially criminalize normal interactions between friends and family members who may require assistance to cast a ballot because they are not proficient in English, because they need a ride to the polls. It

could have devastating consequences, especially in the Latino community. You cannot out-organize a law that criminalizes you for trying to help your grandmother vote. Limits on what local election officials can do to prevent intimidation by partisan poll workers will also leave minority voters vulnerable.

Just last year, leaked video showed GOP Texas officials' aim to organize election integrity brigades of 10,000 largely white poll watchers to monitor communities of color in Houston. Imagine how many brigades there will be once poll workers have, as the ACLU of Texas puts it, a one-time get-out-of-jail free card for voter intimidation, because there is a remarkable provision—I have never seen anything like it—in this legislation which says that a partisan poll worker cannot be removed from the polls until they have already been warned once for violating the law. So, they get one free bite at the apple to violate the law, and I do want to ask the witnesses about that.

Finally, this bill prohibits reforms that were successfully implemented last year by Harris County, such as drive-through voting and 24-hour voting, that were mainly utilized by African-American and Latino voters. The Texas Civil Rights Project estimates that over a half of all ballots cast using those methods were cast by voters of color. So, this zealous pursuit of a massive draconian crack-down on voting is now a national crisis.

According to the Brennan Center, 18 states have enacted 30 laws restricting voting rights so far this year. More are on the way. Congress has to act. We have a responsibility to guarantee the people of the United States a republican form of government. And I am sorry, my dear friends, that is not a capital "R" Republican. It is a small "r." It is a republican form of government, a representative form of government where everyone can vote and participate, and they can choose Republicans, or Democrats, or Libertarians, or Independents, whatever else.

But the point is the people get to decide. We don't get to micro-manage and gerrymander the electorate. We have to fight back against this new campaign for voter suppression sparked by the Big Lie, the same big lie which brought chaos and violence down on this institution and this Capitol just six months ago. And for anyone who has not watched our valiant police officers describe what took place on that day, I beseech you to do so. Regardless of what you think your views are now, I beg you to go and watch what they went through as they were assaulted with baseball bats, steel pipes, flagpoles, bear spray, and mace for four or five hours defending our democracy. And all of that took place to, so-called, Stop the Steal in the name of the Big Lie, which is that President Biden did not actually defeat Donald Trump by more than 7 million votes, which he did. This wave of legislation, I think, grows out of that same poisonous soil of the Big Lie. The future of democracy is in our hands.

So, with that, I offer my friend, Mr. Sessions, the time that he needs to make his opening statement, and then we will go to our witnesses. Mr. Sessions?

Mr. SESSIONS. Mr. Chairman, thank you very much. Mr. Chairman, because this is a hearing specifically about Texas, I would



like to ask unanimous consent to have Governor Greg Abbott's order about that special session entered into the record.

Mr. RASKIN. Without any objection at all.

Mr. SESSIONS. Thank you very much, Mr. Chairman. Mr. Chairman, the work of the state of Texas is very important, and the people of the state of Texas have duly qualified and elected individuals who would represent them. It has become a common cited effort that people, when they know they do not have the votes, to leave, to walk out, to not participate, and I don't know where all this came about. But I know that here in Washington, DC, we do not have the votes to win any single vote, so to speak. None. But Republicans don't walk out. We don't go and accuse people of things just because we are losing. And I would suggest to you that what is happening today in Texas is the rights of all Texans are being withheld because members of the Democratic Party, who are members of the State House, choose not to be a part of it.

So, the question is, what is some of this that is being withheld? Well, one of them is the election integrity bill. We are going to talk about that election integrity bill in detail, and I think that anyone listening to this will recognize that the strength of any majority or member of that body to bring forth a bill that they believe would be important, is important. Whether it is complete or not, that process would involve each of the members who would be here to offer amendments to that to change it, but members are still allowed to represent their particular constituents with what they do.

Second, border security. As a result of President Biden's decision on January 20 to literally tell Federal law enforcement officers that they will not enforce the laws, the border laws, the immigration laws, and the commonsense laws of this country, has placed a tremendous burden, and it is an emergency in Texas. Over 1 million illegal immigrants have entered the United States. Record numbers of drugs are coming in the United States. And essentially, these Federal officers that were there to protect the United States of America, not just our sovereignty, but protect people who might live in my hometown of Waco, Texas from drug cartels, that are sending record levels of fentanyl, cocaine, and meth to our American cities and homes.

Third, family violence education is now not moving forward in Texas. This is based upon their ability to provide appropriate and more education to middle and high school students about dating violence, domestic violence, and child abuse to recognize that what is happening in this country is we have a crisis in our homes, one could say because of COVID. I say because of the changing times, and we need to use our schools to educate our students about these circumstances.

No. 3, youth sports. There is going to be a bill that is presented that disallows a student from competing in university interscholastic league athletic competitions designed for students of the opposite sex. We believe, I believe, it is fair to have the debate and a vote, and to see the different ideas that come forth about that opportunity where people of one sex would compete against another person of another sex that, I believe, is unfair to women. I think it is an anti-women circumstance that we are involved in. I had children. I competed when I was in high school, and it is unfair to

have a 17-year-old boy compete against a 17-year-old girl in most sports.

Thirteenth check. This is legislation that the House has before it to give teachers a 13th check during the year, allowing teachers a chance to have not only more supplemental payments and benefits at a time when more money is available in the teacher retirement system, but it requires the legislature to act. Next, property tax relief. The proposal is to allow the legislature to provide appropriations from the General Fund to give property tax relief all Texans.

These are important issues that need to be done, the business of the people of the state of Texas, and today, in essence, we are allowing and coddling people who should be at work in the state of Texas, their constitutional duties, and yet we are treating them as hometown heroes in Washington, DC. I believe that they need to have their constitutional duties performed and be back home.

Now, Mr. Chairman, Texas has been a pioneer in passing early voting laws that began in 1988 in Texas, but I would say to you that Texas has used them every two years for the legislature to be able to strengthen these laws, and to provide feedback, and to allow Texans the opportunity to vote. I would note that Texas allows 17 days more of early voting than Delaware, which is where our President is from. Texas allows each Texan 17 days more than the state of Delaware. These bills that will be talked about today keep the ability for disabled or elderly persons to vote curbside. That is important to me. I have a disabled son. Perhaps my son may or may not want to go inside. He can stay outside. It allows that.

We need to also remember that these discussions are discussions open to amendment. These bills would make sure that voters have a right to cure their absentee ballots of mistakes, and they are given in these bills up to 6 days after the election to be able to cure a mistake if you had one. This is a far cry from Democrats' claim that the vote is being suppressed. It actually allows them an opportunity to figure out if they had done something wrong. That is common in both the Senate and the House bills. Transparency is necessary in elections, and this bill guarantees election observers free from any public political persuasion. We heard our chairman today lament that partisan poll workers would be discouraged. Let me repeat. He believes evidently that partisan poll workers should be involved in that process. We disagree in Texas. We think anyone that comes to vote should be free of partisan poll workers engaged in an electionsite.

We believe that Texas Democrats understand these bills because many of the people, and several of people that are here today, sought amendments to those amendments and they were accepted in the bills and the processes that have gone on. One member has been a member of the legislature for a number of years and no doubt knows that the laws of Texas that are updated every two years are done in the best interest of all Texans. But rather than continuing the debate, they broke quorum and they are trying to paralyze this progress that would be made on behalf of all Texans. Mr. Chairman, I hope today that the testimony that we are going to offer today from State Representative Clardy, in particular, will

allow those elected representatives, who are Republicans in Texas, a chance to set the record straight about not only what is in these bills, but the need to make sure that Texas works together and passes these laws for the benefit of all Texas. I yield back my time.

Mr. RASKIN. Mr. Sessions, thank you so much. We have two other opening statements. We have the chair of the Committee on Oversight and Reform, Mrs. Maloney, and she is now recognized for her opening statement.

Mrs. MALONEY. Thank you, Chairman Raskin, for convening today's urgent and vital hearing. I want to thank you for your leadership on this issue and your enduring commitment to the legacy of our late chairman, Elijah Cummings, and our late colleague, Representative John Lewis, who both fought tirelessly to protect Americans' right to vote. This is a historic hearing, not just because of our distinguished witnesses, but because of the brave actions they took to defend the rights of Texans against one of the most aggressive attempts at voter suppression we have seen anywhere in the country. Now, more than ever, we must follow their example to ensure that these shameful attacks on the right to vote do not succeed. We must fight to fulfill the American promise that voters choose their elected representatives rather than politicians picking their own voters.

When it comes to restricting the right to vote, our Nation has an ugly past. Historical voter suppression measures included threats of lynching, poll taxes, and literacy tests. Today, Texas remains the hardest state in the entire country for Americans to vote. Texas has repeatedly refused to implement reforms that would support greater voter engagement. In 2013, the Supreme Court's decision in *Shelby County v. Holder* blocked the Department of Justice from overseeing elections in places that historically discouraged and suppressed the votes of Black, Latino, and other communities of color. Since that decision, Texas has renewed its voter suppression with a vengeance. It has closed 750 polling sites, including 452 polling sites in counties with the largest increases in Black and Latino voters, and more than any other State in the Union. Now Texas Republicans are trying to add new restrictions to voting. Let's be clear about these bills, what they are and what are not. These bills are not an effort to make voting in Texas more secure. These bills are part of a racist campaign to decide who gets the right to vote. These bills take power and choice away from the people of Texas and let the politicians decide who their voters are. Simply put, these bills are an attack on voters and on the rights guaranteed by the Constitution.

But there is a solution. Congress must act. Congress must pass the For the People Act, which would end institutional barriers to voting and ensure all eligible voters can register and cast their ballot. Congress also must pass the John Lewis Voting Rights Act to restore and strengthen the landmark Voting Rights Act. We must seize this moment to restore the vision of America as a Nation of rights, where government derives its power from the people, not the other way around.

Representative Thompson, Representative Collier, Representative Bernal, thank you for your bravery and fearless commitment to

protecting voting rights. To our other witnesses, thank you for being here today. I thank my colleagues, and I yield back.

Mr. RASKIN. Thank you so much, Chairman Maloney. Before I recognize Mr. Comer, I am going to ask unanimous consent to waive on, for the purposes of questioning only, Mr. Veasey and Mr. Sarbanes. And without objection, we will waive them on.

And I now get to recognize the ranking member of the full Oversight and Reform Committee, Mr. Comer.

Mr. COMER. Thank you, Chairman. The hearing title today claims there is an assault on voting rights in Texas, which would be very troubling if it were true, but it isn't. Your hearing title implies a big lie. Today, Democrats are holding the hearing to convince us of the necessity of their bill, H.R. 1, that would Federalize elections across this country, funnel taxpayer money to politicians, and prevent commonsense and popular integrity measures, such as voter ID. Once again, Democrats are engaging in spectacle over substance while conducting no real oversight.

There are multiple ongoing crises in our country that need to be addressed. Americans are suffering as a result of President Biden's inflation, border, and crime crises. We have asked repeatedly for a hearing on President Biden's border crisis, including the welfare of migrant children who have been held past the legal timeframe in crowded facilities in the middle of a pandemic. Yet Democrats have held no hearings, nor have called on Biden Administration officials to answer pressing questions about the gross mismanagement at the southern border.

We have also called for hearings on other areas of waste, fraud, abuse, and mismanagement in the Federal Government, our committee's core mission, but Democrats have ignored these requests. Because Federal bureaucrats have not returned to the workplace, veterans have waited for almost a year—a year—for their records from the National Archives and Records Administration. This massive backlog is delaying the benefits to which they are entitled, yet no hearings from this committee. Hundreds of billions in pandemic unemployment relief have been stolen by international crime organizations.

Again, there has been no hearing to understand how U.S. taxpayer dollars were so badly managed or the damage it caused to our national security. No wonder the Democrats on this committee received an "F"—an "F"—in congressional oversight by the Lugar Center. Americans deserve better.

Instead of conducting real oversight, Democrats are holding a hearing to celebrate their theatrical exit of over 50 Texas Democrat legislators from their state to prevent debate on legislation they simply don't like. These Democrats fled Texas and paralyzed the Texas House, which cannot proceed with debate or voting legislation important to Texans, including voting integrity measures. During their super spreader stunt, Democrats flew to D.C. in two private charter jets, stayed in downtown hotels, and met with the Vice President, the Speaker, and other congressional leaders. They spread COVID-19 all over D.C. and made sure to share their vacation experience all over social media to fundraise for their campaign and expenses. Unfortunately, this stunt likely pushed D.C. into the substantial spread zone, and we know what that will mean

for our children: no in-person school as Democrats continue their quest to command and control our lives.

If these Democrats actually cared about voting rights, they would care about the right of Texans to have their voice heard through their duly elected Representatives. Their childish theatrics prevented the entire state legislature from debating and voting on important matters during the special session. Their actions have disenfranchised all voters throughout the state of Texas. The Texas bills being debated provide commonsense voting integrity measures, such as extending a simple voter ID requirement to absentee ballots and standardizing and expanding early voting access. Unfortunately, because Texas Democrats fled their state for Washington, that process cannot proceed as designed.

I hope our committee will see the light in this partisan charade and start conducting real oversight. The American people are counting on us to safeguard their government from waste, fraud, abuse, and mismanagement. That is the reason this committee exists. Thank you, Mr. Chairman, and I yield back.

Mr. RASKIN. Thank you very much, Mr. Comer, for your opening statement. And I do want to remind the committee members, we are operating under the rules and guidance of the Capitol physician which is, please have your masks on when you are not speaking. Thank you, Mr. Comer, for demonstrating good public health manners there. And members will not be recognized if they are not wearing their masks when they are not speaking.

It is now my great privilege and honor to introduce our witnesses today. Our first witness is the Honorable Senfronia Thompson, Texas State Representative and member of the Select Committee on Constitutional Rights and Remedies of the Texas legislature. Then we will hear from Nina Perales, who is vice president of litigation at the Mexican American Legal Defense and Educational Fund. Next, we will hear from the Honorable Nicole Collier, Texas state representative and chair of the Texas Legislative Black Caucus. Next, we will hear from the Honorable Travis Clardy, who is a representative in the Texas State legislature. And finally, we will hear from the Honorable Diego Bernal, Texas state representative and member of the Mexican American Legislative Conference.

The witnesses will please rise or be unmuted so we can swear them all in. Wherever you are, please raise your right hands.

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

[A chorus of ayes.]

Mr. RASKIN. Let the record demonstrate that the witnesses all answered in the affirmative. Thank you very much.

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

With that, Representative Thompson, you are now recognized for your testimony. Before you begin, I want to recognize also the presence of our distinguished colleague from Texas, Ms. Lizzie Fletcher, from Houston.

Representative Thompson, you are recognized for your five minutes.

**STATEMENT OF THE HONORABLE SENFRONIA THOMPSON,  
TEXAS STATE REPRESENTATIVE; AND MEMBER, SELECT  
COMMITTEE ON CONSTITUTIONAL RIGHTS AND REMEDIES**

Ms. THOMPSON. Thank you, Chairman Raskin and Ranking Member Sessions. We were honored to see our colleagues from Texas. Pete Sessions, it is always good to see you. Chip Roy came over early, and we had an opportunity to chat with him for a moment. And, of course, we are happy to see the new freshman colleague up here in Pat Fallon. We miss him in Texas, but we know he is doing a good job up here.

Mr. Chairman, I was sitting there listening to the comments, opening statements that were made, and I had to take a step back and kind of look at the history that I have been able to perceive in Texas. But it is very difficult for me to look at the history of the progress that maybe African Americans may have made in this country without looking back at the struggles that we have gone through and the struggles that we keep going through. I can understand the position of some of the persons who spoke earlier because they have been a part of the privileged society that I have never been a part of. What I have been concerned about, listening to them, is their inability to be able to stand in other people's shoes and recognize that the rights that they take for granted to vote in this country, even though we are all Americans, we don't all share those same rights. I just want to just digress a minute, if I can.

I am in my 25th session of the legislature, and I have been privileged to represent persons in my district. And one of the members said, well, you shouldn't be here, you should be back in Texas doing this and doing that, those sort of things, and I listened carefully. I am here because this is the seat of democracy, and my people who I represent has a right to be able to vote unabridged just like all of you. You may not want to recognize it, but we are supposed to have those rights. That is why I am here. I am here fighting for them, and I have the right to fight for them. And someday, I am hoping that I don't have to keep fighting this fight, that my grandchildren and my grandchildren's children would not have to keep repeating these struggles.

I was born in Texas, and I can tell you just from my testimony, as a child, my grandmother used to work and earn \$2 a week working for the privileged, and out of those \$2 a week, she used to save pennies and nickels to be able to buy a poll tax. The poll tax, as you know, was created to give people opportunity to invest in public education support, but if you were white, the grandfather clause took care of you. You didn't have to pay the poll taxes, but my grandmother was African American and she had to pay those poll taxes and to pay \$1.25. It was difficult to save money. My grandfather couldn't afford to buy poll taxes because they both couldn't afford to have poll taxes. It was too costly. She had to ride a bus to get to the poll tax, a place for colored people to go and vote, and it wasn't a short distance and transportation was certainly not accessible as it is today.

I can tell you when I first voted 60-some years ago, I had to buy a poll tax, and they did not exempt me as they did others. And Texas has had a poll tax, and we did not get rid of our poll tax until 1966, even though the law had been passed. I could not vote.

My grandmother could not vote in the primary, Chairman Raskin. And you are wondering why. Because she was Black, and primaries was for white only, and it was not until *Smith v. Allwright*, a case in Texas, tried and won by Thurgood Marshall, that gave African Americans a right to have a say in their primary democracy. We are not talking about just something that you can go to store and use for a little while and toss aside because you have gotten tired of it. We are talking about something that makes and breaks this country when we are talking about democracy to vote.

You damn right I left Texas, and I am glad I did. And you know why, Pete, I left? I left Texas to give my people a right to be able to vote without them being infringed upon. I had a chance to vote during 2010 and 2012 when poll watchers came to my precinct where I vote personally. Let me tell you the chilling effect of that. They had people, Chairman Raskin, that looked like they was from the Proud Boys walking, looking at you like you were in the wrong place. In a minority area, that has a chilling effect. That chilling affect is depression of voting. I don't know what you call intimidation, but intimidation by any other name is still intimidation. It is intimidating, and the word gets out that these people are at your polls looking at you like they want to arrest you, keep you from voting, and people, as a result of that, do not go and cast their vote. I am the voice of my constituents, and if I had to walk to Washington, DC, to get you to hear what I had to say, to fight for my constituents, I will use any means necessary to get my point over. I will meet with anyone if they allow me to talk to them about preserving and protecting the rights of my constituents to be able to have a say in their democracy.

The Governor's own secretary of state said this: "2020 elections was the most transparent and secure elections." Now, she's not there anymore, but that was his secretary of state.

Mr. RASKIN. Thank you very much for your testimony, Representative Thompson. I look forward to our questioning. Before I go to Representative Collier—

Ms. THOMPSON. Thank you.

Mr. RASKIN [continuing]. I just want to recognize the arrival of Representative Marc Veasey from Texas, who is with us, too, so welcome.

Representative Collier, you are now recognized for your five minutes.

**STATEMENT OF THE HONORABLE NICOLE COLLIER, TEXAS STATE REPRESENTATIVE; AND CHAIR, TEXAS LEGISLATIVE BLACK CAUCUS**

Ms. COLLIER. Thank you, Chair Raskin and members of the committee. It is an honor to be here before you to provide information and to share our story about what brought us here to Washington, DC. My name is Nicole Collier. I currently am elected to serve House District 95 for the last five legislative sessions. I currently am also elected to chair the Texas Legislative Black Caucus, which was founded in 1973 with eight members. Today we have 19 members. We are a bipartisan, bicameral organization with the goal in mind of addressing the issues affecting African Americans.

I want to go back to some of the things that were talked about, and some of you may be asking, you know, why did we ring the alarm. Why are we raising the concern about what is going on in Texas? Well, it is not just happening in Texas. It is happening across our country. We have seen in a concerted effort in various states to pass legislation that would limit access to the ballot. It would not expand access. It would reduce access, and what is happening in Texas is no different. You heard about the Republican-appointed secretary of state who said that the 2020 elections were smooth and secure, and yet we still found ourselves facing legislation to address the elections.

I want to respond to some of the things that were mentioned. Of course, there is some other legislation that was put on the call from the Governor, one of them being critical race theory, which would whitewash the historic systemic racism that has happened in our country, also is limiting access to a legal abortion. That is also on the call. And I would remind everyone that the 13th check, our teachers, retired teachers, have not had a cost-of-living raise in years, and the Democrats have always advocated for additional funding for our teachers, including the 13th check. In fact, that same bill passed through the Democratic committee quickly and died in the Republican-controlled Calendars Committee. So, we have stood for our teachers all along.

Another thing that I want to remind you of is that there was a mention of the walkout of the quorum. That is a procedural method, just like the filibuster is in the Senate. If they don't like a policy that is being presented in the Senate, they filibuster. That is just part of the rules, and that is what we have come to see. But what happened in Texas was that we tried to work with our colleagues. We provided amendments. Miss T, which is Representative Thompson, sat through more than 23 hours of testimony. Four hundred people came and spoke against this bill, and yet only 65 for it. All the amendments that were presented by our Democratic colleagues were declined on party lines. In fact, there was a vote immediately following the hearing to pass this bill, so there was no interest, there was no even attempt to work, and compromise, and collaborate with our colleagues on this. Our backs were against the wall. There was no more discussion. We saw the writing on the wall just like it was during the regular session.

I was on the Conference Committee for Senate Bill 7 during the regular session, and it is no different than what we saw in this special session. The bills that were filed would do more harm than good. They would limit access to the polls. I have heard people say that we are opposed to voter ID. Well, let me tell you Texas has been found to violate the Voting Rights Act of 1965 every decade since its passage. We cannot out-mobilize racist gerrymandering, and when you talk about having somebody represent the interests of the people, it only reflects the racist gerrymandering that has been taking place in Texas, so we don't have people that represent the communities that they represent. We need to make sure that we have communities, they have to have the ability to represent, to elect a candidate of their choice, someone that represents their values, and we are not doing that in Texas.



I just want to talk about one of the provisions in the bill. Miss T, and forgive me, say, for instance, she registered to vote 20 years ago. There is a provision in this bill that would require someone who is eligible to vote by mail to insert the last four digits of their driver's license or social security number or say they don't have one now. Now, Miss T may have registered 20 years ago. She may not remember which one she provided when she originally registered to vote. Under the provisions of this bill, if she put down the other number, even though it is the correct one, her ballot would be rejected, and there is no cure opportunity within this bill to cure her ballot, and she would not even know that her ballot had been rejected. So, that is just one instance.

And I welcome the opportunity to continue this conversation to provide additional information about why we sounded the alarm.

Mr. RASKIN. Thank you, Representative Collier, for your testimony.

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. I am sorry?

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. Yes?

Mr. SESSIONS. I would ask that you remind each of our witnesses that they have taken note to tell the truth. Subject to that, Texas had a COLA in 2013 for teachers. The gentlewoman had led us to believe there were no COLAs that were given, no updates.

Mr. RASKIN. OK. I—

Mr. SESSIONS. Mr. Chairman, that is a direct lie before this committee.

Mr. RASKIN. OK.

Mr. SESSIONS. That is not truthful.

Mr. RASKIN. Without entering into the merits of that—

Mr. SESSIONS. Well, we need to because there is no reason to give your opening oath.

Mr. RASKIN. OK.

Mr. TLAIB. Chairman, may I—I am sorry. I don't know what the procedure is—it is Congresswoman Tlaib—but that goes directly to her character. She should be able to respond to that.

Mr. RASKIN. OK. Well, you know what I would like to do? I want to continue with the witnesses. Obviously there some factual difference in point of view about a teacher COLA raise. I am not quite sure how apt it is to our hearing. So, let's keep going, and we can come back and we will clarify that. I am sure there was no ill intent on either part.

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. Yes?

Mr. SESSIONS. It is part of her testimony, and it was meant to mislead this committee.

Mr. RASKIN. OK. And I am sure that there will be a clarification if there was any misstatement there. Why don't we go ahead and recognize Representative Clardy, who is now recognized for five minutes for his testimony.

**STATEMENT OF THE HONORABLE TRAVIS CLARDY, TEXAS  
STATE REPRESENTATIVE**

Mr. CLARDY. Thank you, Chairman Raskin, and Ranking Member Sessions, and members of the committee for the opportunity to speak about election integrity in Texas. For the record, my name is Travis Clardy, and I am proud to represent House District 11, serving the people of Cherokee, Nacogdoches, and Russ Counties in the Texas House of Representatives.

The right to vote by a secure private ballot is a fundamental right in this country that should be protected, and the laws protecting our vote should be debated honestly and vigorously, and that is exactly what we have endeavored to do in Texas for the last eight months. While I am grateful for the invitation to be here, I believe this conversation is best suited for the Texas House floor and our state capital in Austin rather than a Washington, DC, committee hearing room.

However, I must take some exception to the premise of why we were invited to testify. To be sure, there is no assault on voting rights in Texas, but there is, in fact, a real danger posed to our democracy, not the well-intentioned and reasoned provisions in H.B. 3 to better secure our election processes, but, instead, the growing threat of practices too long tolerated that deprive individuals of voting for the candidates of their choice and diluting the essential democratic concept of one person, one vote. Moreover, while I appreciate the hard work and effort trying to pass a one-size-fits-all Federal omnibus election bill, I am reminded of that familiar Texas adage to be leery of those who pronounce they are with the Federal Government and they are here to help.

Texas has on her books a strong and effective set of election laws and a dedicated group of election professionals that I believe can and should be the envy of every State in the Union. This is most recently reflected in the outcome of this Tuesday's runoff election for congressional District 6 and the victory of our Texas House colleague, Jake Ellzey. Once again, Texas enjoyed a safe, secure, timely, and well-run election in which we can all take pride with trust and confidence.

But first, let me say this to my Democratic colleagues there with you today. It is time to come home. Enough is enough. You have had your fun. It is time to get back to work. You know as well as I do this legislation has been negotiated in good faith and deserves your attention. House Bill 3, the reason we are here today, is a sound and tailored bill to improve existing law, and like every bill, it can get better through debate and deliberation. But unfortunately, until our colleagues decide to come home, that is not possible. In Texas, we allow everyone to submit amendments to be argued during floor debates. It is an inclusive process that has served us well and is available to all those who want to participate. Simply put, we should want to make it easier to vote and harder to cheat.

House Bill 3 expands voting hours. It makes it possible for voters to correct mistakes on their mail-in ballots. It penalizes vote harvesting, and it extends identification requirements for mail-in ballots. In fact, it is such a good bill that the professional associations representing our election administrators and our county clerks

around Texas testified favorably that, with a few technical process changes, they would change their formal positions from neutral to actually supporting the bill, which we all should want.

Now, I would like to address some of the misconceptions that have made their way around the national media concerning House Bill 3. First, House Bill 3 does not limit hours of voting. Actually, House Bill 3 expands voting time from current law of 7 to 7, to 6 a.m. to 10 p.m., an increase of four hours per day. Further, employers are required to allow employees to vote or face criminal sanctions. Second, House Bill 3 does not eliminate curbside voting. In Texas, curbside voting is allowed for disabled and other eligible voters, an accommodation that allows these citizens to drive to the polls and participate in person rather than mailing in their ballots, which remains an option. Third, poll watchers cannot intimidate voters. This bill does not permit voter intimidation and observers cannot watch a voter actually cast his or her ballot, nor can they film election activity. Election observers can be ejected from the polling place if they interfere in the election process or commit a breach of the peace or violation of law. Fourth, House Bill 3 does not allow mail-in ballots to be thrown out automatically. Rather, for the very first time, it allows the voters to cure their mistakes so all valid votes can be counted. Fifth and finally, House Bill 3 does not impose unreasonable burdens on voter assistance. It simply expands current law regarding the required information and the assistance before aiding the voter.

But, folks, let's make no mistake about it. Illegal voting does occur in the state of Texas, and it cannot be excused. We must have zero tolerance when it comes to voter fraud. Confidence in our elections, like faith in our judiciary and trust in our law enforcement, is vital to the perpetuation of the American experiment, and it is our best and utmost assurance for the survival of our republic. This is the duty we all have to our constituents and the oath that we all took our Constitution, to our Nation, and to our state. I believe we are all up to the task.

Thank you for the opportunity to be here today, and I look forward to answering any questions. Thank you.

Mr. RASKIN. Thank you very much for your testimony, Representative Clardy. We come now to Nina Perales, who is the vice president of litigation at the Mexican American Legal Defense and Education Fund. Ms. Perales, you are recognized for five minutes.

**STATEMENT OF NINA PERALES, VICE PRESIDENT OF LITIGATION, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND**

Ms. PERALES. Thank you. Good morning. Thank you for the opportunity to testify today.

Two bills currently pending in the Texas legislature, S.B. 1 and H.B. 3, seek to suppress minority voter participation and thwart the emergence of a more racially diverse Texas electorate. The Texas bills deprive Latino voters of lawful voter assistance. A significant number of Latino, as well as Asian-American voters, rely on language assistance in the polling place from family members, friends, or neighbors. Article 6 of H.B. 3 requires voter assistants to swear under penalty of perjury that they will restrict their assist-

ance to reading and marking the ballot. Article 5 of the S.B. 1 requires the assistor to swear that the assistor did not encourage the voter to choose them. H.B. 3 and S.B. 1 both require the assistor to secure a statement of eligibility from the voter.

These voter assistance restrictions violate the Federal Voting Rights Act, which guarantees voters the right to assistance beyond just reading and marking the ballot, and also does not require a voter to explain his or her need for assistance. The First Amendment to the U.S. Constitution and Section 208 of the Voting Rights Act guarantee individuals the right to encourage a voter to rely on them for assistance and guarantees voters the right to choose assistors who encouraged them. In addition, these bills create new paperwork requirements of assistors that will slow down the voting process and increase wait times at polling places in predominantly Latino neighborhoods. None of these provisions are based on any evidence that voters who need assistance are involved in fraud.

Second, the Texas bills invite voter intimidation by poll watchers. Section 3 of S.B.1 and Section 4 of H.B. 3 strip voters of the protections of privacy and security in the polling place and invite vigilantism by poll watchers. The bills empower poll watchers to roam around the polling place and stand close to voters while they are voting. At the same time, the bills punish polling place officials with up to a year in jail and a \$4,000 fine for refusing to accept a watcher even when a poll worker is concerned that the watcher is disruptive. Poll workers face the same penalties for positioning themselves to protect a voter from a watcher who is trying to intimidate that voter. Section 4 of H.B. 3 prohibits election officers from removing disruptive or even violent poll watchers unless the poll watchers commit a second infraction. This means poll watchers can scream, yell, physically impede, frighten, or drive off voters, and must still be allowed to remain in the polling place unless they were previously warned and commit a violation again. These provisions ensure that not only will voters be intimidated by unrestrained poll watchers, but election officials will also be intimidated by the threat of severe penalties for stepping in and trying to protect voters from poll watcher interference. Latino voters in Texas have borne the brunt of more than a century of voter intimidation at the polls. There is every reason to believe that removing security measures inside polling places will result in more intimidation of Latino voters.

Third, the Texas bills continue historic as well as recent racial discrimination in voting. Section 1.04 of Senate Bill 1, which was amended out of the bill after MALDEF's public testimony, created a voter purge surgically aimed at disenfranchising naturalized U.S. citizen voters. This was the same voter purge launched by Texas against 98,000 voters in 2019 and blocked by a Federal court order. Texas settled that case and agreed not to use this policy again, but S.B.1 brought it back with the same predictable result of excluding primarily, what is only the latest in a long history of discrimination against Latino voters in Texas. The U.S. Supreme Court in 2006 states, "Texas has a long, well-documented history of discrimination that has touched upon the rights of African Americans and Hispanics to register to vote or to participate otherwise in the electoral process." That case has since been followed by a U.S. Su-

preme Court ruling in 2018 that Texas had again discriminated against Latino voters. S.B.1 and H.B. 3 are part of this recent and older history of racial discrimination and reflect a continued effort by Texas officials to suppress minority political participation.

Thank you for your time, and I am happy to answer any questions of the committee.

Mr. RASKIN. Thank you, Ms. Perales, for your testimony. And finally, we will hear from the Honorable Diego Bernal, who is, again, a representative and member of the Mexican American Legislative Conference.

**STATEMENT OF THE HONORABLE DIEGO BERNAL, TEXAS STATE REPRESENTATIVE; AND MEMBER, MEXICAN AMERICAN LEGISLATIVE CONFERENCE**

Mr. BERNAL. Thank you, Chairman. Thank you for having us. The testimony of Representative Clardy and the testimony of Ms. Perales can't occupy the same space. And so, what I thought I would do is explain how a small section of the bill would affect a voter in real time in their life, to get away from the platitudes and more to the policy itself. And so, here, let's say we have a voter who's sixty-two. She prefers Spanish and is not super comfortable with her English. Let's call her Senora Nicole, and she's always voted with an assistant. In this case the assistant would be me, her neighbor. I notice on Election Day that we haven't spoken, so I go next door. I knock on her door. She answers.

"Hi, Senora, it's Diego, have you voted?"

She says she hasn't. "OK, well, let's go vote. I'll help you like I always do, grab your keys"—grab your [inaudible], I always say—"I'll bring the car out front, come out, and I'll take you to the polling place."

And so we go. When we get to the front of the line, the first thing I encounter that's new, as her assistant, is a new form that I have to fill out, and that form asks for my name, my address, my relationship to the voter, and it asks that I attest that I haven't been paid by a candidate, a campaign, or a PAC. I do not know what the form is for, I don't know who gets it, I do not if it is private. It takes time to fill out, in a neighborhood like ours—which is primarily Latino—it might add to the line, the length of the line, but we power through that.

The next thing we encounter is the oath of the assistant. There are three new things in the oath that this bill would require. The first, generally, is that it is under penalty of perjury, which means that a violation of it, even without intent, would result in a state jail felony. The next piece asks me to affirm that she has represented to me that the only reason why I'm her assistant is because she cannot see, read, or write.

In the past, a voter assistant was able to help navigate the polling place, interact with poll workers and answer questions. That is gone. All I can do is simply translate, and I have to say, under penalty of perjury, she has told me that that is the only reason why I'm helping her. I've known her for years. We've never had that conversation. I am not sure if I am about to perjure myself. I don't know if I'm about to commit a crime. And so, some people will stay beyond this point, but some people will go.

Let's say we get past that part of the oath. There's a third part of the oath that says that I must attest and affirm that I did not coerce or persuade her, and in the Senate version it says, "encourage her," to choose me as her assistant. And at that moment, I recall that moment the conversation that we had on her front door:

"Senora have you voted? Let's go. I will take you. I will be your assistant. Let's do it like we always do, grab your stuff, meet me outside."

Did I persuade her? Did I encourage her? Did I coerce her? I'm not sure. At that point, as I'm filling that out, I'm worried that I may have—and am about to—break the law. Again, some people will stay, but some will go.

Let's say we get past that part, and we get to the actual voting machine. There, let's say she is asking me a question, which she cannot really do, but I'm just translating. All I can do is translate, that's it, I can't do anything else—I'm translating state board of education race and a school board race. It is difficult, but we're not breaking the law.

There is a partisan poll watcher in the polling place, who now has free range and free roam to get close enough to any voter to see and hear election activity. That is the law. They don't know what we're saying, but they might not like it. They might not like the tone, they might not like the language, they might not like the way that we look. They are allowed to disrupt, harass, to physically move, to push us away, and the only thing that the election judge there can do to them is give them a warning, because the law says—Article 4, Section 4.01, Article G, page 11, starting on line 11—it says that a partisan poll watcher can break the election code or the penal code and the only thing the election judge can do to them is give them a warning. The election judge can only remove them if they themselves saw a second infraction. It does not matter if everyone in the polling place saw it themselves and reported it. The election judge has to see it themselves to remove that partisan poll watcher.

The manager at Target has more latitude to protect their customers than an election judge in Texas would to protect voters under this bill. Some of the opponents may say, well, can't they call the police? Well, yes they can, they can call the police. But that takes time. The police have to come and assess the situation. Voting at that polling place would stop or come to a halt. And just using my hometown of San Antonio as an example, there are over 300 polling places. The largest shift at any given time of SAPD is about 150 officers who have other and arguably better things to do. What happens to us? Do we finish her casting her ballot? If we do, does she want to come back if that's the new environment? What's the word of mouth when we get home as that experience spreads like wildfire, bad [inaudible]? That can't possibly be who we are, and this idea that this bill makes voting easier in this instance, I don't see how.

There are no cases of voter fraud relating to voter assistance. In fact, just to give you numbers, and I will wrap up.

Mr. RASKIN. Please, you are over, so you can make your final point.

Mr. BERNAL. There are 154 prosecutions of voter fraud in the past 17 years in Texas out of 94 million votes cast. The likelihood of voter fraud in Texas is less than any one of us being struck by lightning.

Mr. RASKIN. Thank you, Representative Bernal, for your excellent testimony, and our members have been very patient, so I am going to hold off on my questioning and allow Mr. Mfume to go, and then we will go directly to the ranking member.

Mr. MFUME. Thank you very much, Mr. Chair and members of the committee. Mr. Chairman, I want to thank you, as I have done privately repeatedly, for holding this hearing and bringing us to this point, and your leadership on this is very, very important. And there is no real redundancy in talking about something so near and dear to the fabric of this society as is voting. I want to also thank the state legislators who have come here, those who are also on the Zoom with us electronically, for your participation, and, if I might say also, for your courage.

This whole issue, Mr. Chairman, is an issue that there has been a lot of discussion about, but one of the things that is clear, and that is that unless we have real integrity in our system where everybody feels like their vote counts, we are never going to get to where we need to be. In fact, we will find ourselves repeating many of the problems and the issues of the past.

Now, I don't want to be funny here, but this is almost like the old Yankee manager, Yogi Berra, who once said: "Deja vu all over again." The issue of voter integrity, voter intimidation, and the burdens that are put on voters is something that has revisited itself in a mean and ugly way. Now years ago, between the 1890's and the 1960's, there were real efforts at voter intimidation and denial. It all started, as we know, with the good old grandfather clause that said even though you may be free, you cannot vote unless your grandfather voted. Well, your grandfather was a slave, so he couldn't vote, and, therefore, you couldn't vote. And when that became so obviously ugly and intimidating, states changed up and created things known as the literacy test, where, throughout that period of time up until 1965, in many states, you had to tell how many bubbles were in a bar of soap just to be deemed intelligent enough to go out and cast a vote. And when that came under further scrutiny, states changed it and said, OK, well, now you have to be able to recite the Constitution from beginning to end to be able to be qualified to vote.

I just think that it is ludicrous for us to think that somehow now, the things that we are facing, particularly in Texas and elsewhere, are not akin to the same laws that were put in place then with the same objective and the end result: to suppress turnout and to, in many instances, deny the ability of all people to vote. Now, I know that these state legislators who are here have come here because they honestly and dearly believe in this concept of one person, one vote, so I was a little shocked earlier to hear accusations by some of my distinguished colleagues that the legislators from Texas ought to go back home and do what they were elected to do, like they were somehow abdicating their responsibilities by "denying a quorum." And yet, Mr. Chair, repeatedly in this committee and even on the floor of the House, there are attempts to deny a

quorum because that is what you have the right to do, and you have the right to use every tool available as a legislator, whether you are in a city council, a state legislature, or in the Congress, to further your point. We do that all the time. So, I think it is a little disparaging to suggest that these men and women are abdicating responsibilities when, in fact, they are using constitutional abilities and guidelines to do what they have to do.

Mr. Chairman, I believe more than anything else that when we look at the disappearance of preclearance from the Voting Rights Act, when we look at all the problems that have started since then, we would not have been at this place had not the former President been declared the winner of the election in the state of Texas. That started an ugly ball rolling. And now all of a sudden, there are these efforts to “protect voters” and “protect their rights” that did not exist, were not talked about, and did not get voted into law previously. This is a new phenomenon in an old ball game, and it is a phenomenon that, quite frankly, cries out for us to pass the John Lewis Voting Rights Act and to pass H.R. 1, the For the People Act, so that we can put to rest once and for all these types of attempts.

I have exhausted my time, Mr. Chair. I, again, want to commend you. I want to commend the legislators. And I want to remind my colleagues that as legislators, we have every right to use what is in the Constitution that we are governed by to advance our cause, even if it means that denying a quorum. And I yield back, Mr. Chairman.

Mr. RASKIN. Congressman Mfume, thank you for your excellent remarks. And I turn it over now to my friend, the ranking member, Mr. Sessions, for his time for questioning.

Mr. SESSIONS. Thank you very much, Chairman. I would like to engage perhaps Mr. Bernal or Mrs. Perales, please. Are ballots in Texas in the language that a person would need them to have, in other words, in English, Spanish, Chinese? Are they available?

Mr. BERNAL. Yes, sir.

Mr. SESSIONS. So, they are available in the language of people. That is not backward. That is pretty important. I would like to ask you, Mrs. Perales, you said that Texas really had been held in discrimination for a number of years, and implied that Texas was discriminatory in their practices. But isn't it true that preclearance was required in certainly the Clinton and Obama Department of Justices, scrutiny of the bills, that every time related to the laws and the redistricting of Texas, would be reviewed by preclearance of Democrat and Republican Department of Justices?

Ms. PERALES. Well, Representative, I am not sure exactly what you are asking, but I will say that it depended on which President was in office at the time, but certainly doesn't subtract from the fact that when we brought these claims in Federal court, and both of the cases that I mentioned were claims successfully brought by MALDEF, my organization, the U.S. Supreme Court held. That is not administrative review by an agency. The U.S. Supreme Court held that Texas had in its laws discriminated against Latino voters. I would like to add an answer to the one that was provided by the Representative—

Mr. SESSIONS. What year was that, ma'am?



Ms. PERALES. Oh, well, the cases that I mentioned in my testimony, 2006 in a case I argued before the U.S. Supreme Court, and also in 2018 on a claim that MALDEF brought related to racial gerrymandering, successfully, against Latino voters in 2018. The answer that Representative Bernal provided earlier needs to have something added to it, which is that although Texas is forced by Federal law to provide bilingual ballots, Section 208 of the Voting Rights Act requires a broader scope of assistance. And the Fifth Circuit tells us that in the case, Organization of Chinese Americans, a bilingual ballot is not enough, Representative, and the courts have told us that. Voters who are limited English proficient have the right to take an assistor with them to help them navigate the polling place, interact with poll workers, read another—

Mr. SESSIONS. Thank you very much. Mr. Clardy, can you please address that issue about the bills that would be before us? I have a disabled son. I have been with him. He marked his own ballot, but I helped him. Could you please talk to us about what is before us with these bills related to what the gentlewoman speaks of?

Mr. CLARDY. Sure, and thanks. I think we had, and I will use this word in its truest sense, I think very liberal laws as it relates to disabled people would be able to vote. So, in the instance of your son, we have curbside voting. It will be available throughout the state, all of our 254 counties, where they can drive up and an election official will come out and help assist and provide that ballot and help those people who are eligible for curbside voting to be able vote. That has been our law for some time. Likewise, those individuals are available—they have a right, unlike most other states, I think, in the Union, to cast a mail-in ballot. They register. They request the mail-in ballot, and it will come to them, and they can vote and have that returned. And if they choose to, they can actually bring it back in and have that ballot dropped off.

Mr. SESSIONS. Thank you very much. Representative Clardy, are you aware of the social worker at a state assisted living center in Limestone County, Texas, where this person has been charged with 134 felony counts of acting as an agent of election fraud by putting in applications and forging signatures? Are you aware of that, sir, and would this be addressed in the new law? This happened in November 2020.

Mr. CLARDY. Congressman Sessions, I am not familiar with the specifics of that case, and, again, as you know, it is really inappropriate for us to comment on pending matters. But I can tell you that, in addition of that case, there are 50 cases pending right now, and that is just from the Office of Attorney General, that have hundreds and hundreds of counts, that exist. There is another approaching 400 cases that are being investigated. Those 50 cases I mentioned, those have been presented to a grand jury, and they have been true billed and indictments issued. There is a case—

Mr. SESSIONS. Thank you very much, sir. Mr. Chairman, I would ask unanimous consent to engage in the record and place in the record these 400-some cases that are being presently handled in the state of Texas for voter fraud.

Mr. RASKIN. Great. Without objection at all, under the—

Mr. SESSIONS. Thank you.

Mr. RASKIN [continuing]. The current voting fraud statute.

Mr. RASKIN. I now would invite Debbie Wasserman Schultz for her five minutes of questioning.

Ms. WASSERMAN SCHULTZ. Thank you. Thank you so much, Mr. Chairman. Similar to what we see now in Texas, right after the 2020 elections, election supervisors and Florida Governor DeSantis heaped praise on the election process. He said, “The way Florida did it inspires confidence, and I think that is how elections should be run.” Yet just a few months later, DeSantis changed his tune because Donald Trump was emotionally incapable of accepting the results of the 2020 election, and he needed to whip the fringe of his party into a frenzy to further his own aspirations. The result was a Florida voter suppression bill that mirrors what we see proposed in Texas, making voter registration harder, limiting voting by mail, and curbing secure ballot drop boxes that 1-and-a-half million Floridians used in 2020. These blatantly anti-democratic bills are a solution in search of a problem, at the very least. During the pandemic, our state and Nation experienced a rare expansion of ballot access. We not only allowed people to stay safe, but also gave flexibility to communities of color who too often face voting obstacles.

Representative Thompson, it is so good to see you again. Harris County, home of Houston, which you represent, led the way in expanding opportunities to voting last year. So, my question for you is, with all that Harris County did to make it easier for folks to vote during the pandemic, were there any resulting reports of voting irregularities that emerged later?

Mr. RASKIN. It is for you, Ms. Thompson.

Ms. THOMPSON. I do not recall any, Debbie.

Ms. WASSERMAN SCHULTZ. OK. I don’t recall hearing any either, and so it is helpful to have you underscore that. And, Representative Collier, is it fair to say that these expansions were particularly valuable to Black and Latino voters in Texas?

Ms. COLLIER. Yes, thank you. Absolutely. We found that African Americans often have two jobs, and so being able to vote during the 24-hour period is very helpful. Being able to have drive-through voting is also helpful for those who have children. So, these were mechanisms, and I am not aware of any instances of voter fraud that have been prosecuted related to those mechanisms.

Ms. WASSERMAN SCHULTZ. Thank you. The Texas legislation that we are discussing today, my friends, would create criminal penalties for local election officials who send absentee ballot applications to all registered voters. I mean, these are the priorities of the Texas state government, which Harris County attempted to do last year before the effort was blocked by the Texas Supreme Court. In Florida, Senate Bill 90, also prohibits state and local officials—they doubled down on what was already prohibited in Florida by saying that mail ballots could not be sent to voters unless one was requested. Ms. Perales, can you explain how communities of color are particularly affected by a restriction like this on mail-in voting?

Ms. PERALES. Well, in Texas we have mail-in voting available, just to be clear, for those who are disabled, can’t get to the polling place, and those who are over 65. So, we are talking generally, among all communities, predominantly the older population.

Ms. WASSERMAN SCHULTZ. I am sorry. Just to be clear, I am asking you about a restriction for a local official to not be able to proactively send out a ballot.

Ms. PERALES. Yes, and my point is that when you are an older individual, it can be particularly challenging to navigate the request of a mail ballot. A lot of folks don't have access online, and the process can be confusing. To have a local election official who can determine who is eligible, affirmatively send those applications, it is going to particularly benefit Black, Latino, and low-income voters.

Ms. WASSERMAN SCHULTZ. Thank you. Here is the icing on the cake of this legislation. Political parties in Texas would still be allowed to send out ballot applications, even as it is outlawed for local officials. So, Ms. Perales, how do you explain the discrepancy in treatment, and wouldn't the net result make it harder to vote? And then, Representative Collier, if you were designing a bill to combat voter fraud, which should be all of our goal obviously if there really is voter fraud, would you have started by targeting local election officials?

Ms. PERALES. With respect to making it more difficult to vote, yes. If somebody receives an application for ballot by mail and they want to fill it out and choose to fill it out, that is going to make voting more accessible for them. There is no reason on the face of the earth to prohibit a local election clerk, who has all of the correct information, from sending out ballot applications, and yet, at the same time, permit party, partisan folks within their organizations to be able to do that same mailing.

Ms. WASSERMAN SCHULTZ. Thank you. Mr. Chairman, can Representative Collier answer before my time is turned over?

Mr. RASKIN. Yes, and then your time is up.

Ms. WASSERMAN SCHULTZ. Thank you so much.

Mr. RASKIN. Ms. Collier?

Ms. COLLIER. Thank you, Mr. Chairman. I would say, yes, local control is absolutely important because those individuals who are on the ground have a better grasp as to what is going on in their community and can address the needs of their community.

Ms. WASSERMAN SCHULTZ. I appreciate it. I yield back the balance of the time.

Mr. RASKIN. I thank the gentelady, and I now recognize Representative Nancy Mace for her five minutes of questioning.

Ms. MACE. Thank you, Mr. Chairman, and I want to thank Ms. Thompson. I was a state lawmaker for three years before I came to Congress. I represent the 1st congressional District of South Carolina, and South Carolina has had its own history, very bad history, with black South Carolinians, Black and brown and African-Americans. I recently took a vote to move statues, like Supreme Court Justice Taney, removing his bust out of the Capitol Rotunda because he wrote the Dred Scott opinion, the one that said that Black and brown and African Americans could not become citizens of the United States of America. I voted to move someone like Wade Hampton, who encouraged the murder of over 150 Black South Carolinians during his run for Governor. And so, I appreciate your comments about the '60's. I was not around then, but I have watched and read a lot of the history and seen the videos and

seen the moments of violence against black America. So, I applaud your work on that. My understanding is you were elected in 1972 in Texas. Is that correct?

Ms. THOMPSON. That is correct.

Ms. MACE. Right, and I applaud you for making history, I imagine, in Texas, and being a strong voice for Black men and Black women. Coming from South Carolina, we have got voter ID, and I am assuming Texas is the same way. Do you all need IDs to buy alcohol when you are purchasing at the store?

Ms. THOMPSON. Yes, to be sure that you are capable of doing that.

Ms. MACE. Right. Do you need an ID in Texas to buy cigarettes?

Ms. THOMPSON. You can't buy them unless you are at least 21.

Ms. MACE. But you have to show an ID to buy cigarettes.

Ms. THOMPSON. You do have to show an ID.

Ms. MACE. Do you need an ID when you are getting a job and trying to get on payroll in Texas?

Ms. THOMPSON. Yes.

Ms. MACE. Do you need an ID to go to the pharmacy and get a prescription in Texas?

Ms. THOMPSON. It depends on the prescription.

Ms. MACE. But do you need an ID for some prescriptions in Texas?

Ms. THOMPSON. Yes, you do. Yes.

Ms. MACE. Do you need an ID to get social security services in Texas?

Ms. THOMPSON. You do.

Ms. MACE. Do you need an ID to rent an apartment in Texas?

Ms. THOMPSON. Yes.

Ms. MACE. Do you need an ID for going to buy a house and finance it via a mortgage in Texas?

Ms. THOMPSON. Yes.

Ms. MACE. Do you need an ID in Texas if you are going to board an aircraft and fly commercial?

Ms. THOMPSON. Yes.

Ms. MACE. Did you fly commercial or fly a private jet on the way to D.C.?

Ms. THOMPSON. A chartered plane.

Ms. MACE. Do you have to show an ID when you fly in a private charter jet?

Ms. THOMPSON. Yes.

Ms. MACE. I wouldn't know. I have never flown on one. So, did you need an ID to get in the building here today?

Ms. THOMPSON. Yes.

Ms. MACE. Do you need an ID in Texas to open a bank account?

Ms. THOMPSON. Yes.

Ms. MACE. Yes, to cash your check if you are working. Do you know, Representative Thompson, what percentage of Blacks in Texas, Black and brown African Americans, are registered to vote?

Ms. THOMPSON. Oh, a huge percentage.

Ms. MACE. Seventy percent.

Ms. THOMPSON. Yes.

Ms. MACE. Do you know what percentage of African Americans, Black and brown Texans, voted on average or in the last election?

Ms. THOMPSON. Like 64 percent.

Ms. MACE. Correct. Do you know how many whites are registered to vote in Texas?

Ms. THOMPSON. Far more than African American.

Ms. MACE. Seventy-two percent. You have 70 percent of Blacks in Texas who are registered to vote. You have 72 percent of whites in Texas who are registered to vote. Do you know the percentage of whites who turned out to vote in recent elections?

Ms. THOMPSON. I want to say over 50-some percent.

Ms. MACE. Sixty-five percent.

Ms. THOMPSON. Yes.

Ms. MACE. Do you know what percentage of Hispanics are registered to vote in Texas?

Ms. THOMPSON. No, I do not.

Ms. MACE. Sixty-three percent. Do you know what percentage of Hispanics voted in the last election?

Ms. THOMPSON. I think it was over 40 percent.

Ms. MACE. Fifty-three percent. Hispanics are not voting in as high numbers as Blacks and whites in Texas. Do you know the percentage of Democrats who support voter ID?

Ms. THOMPSON. Would you repeat your question?

Ms. MACE. Do you know the number or percentage of Democrats who support voter ID in this country?

Ms. THOMPSON. I do not, but I don't think it is a whole lot.

Ms. MACE. Seventy-two percent. Do you know the number of Black and brown and African Americans in this country who support voter ID?

Ms. THOMPSON. No.

Ms. MACE. Seventy-five percent. Do you know the number of Hispanics that support voter ID in this country?

Ms. THOMPSON. No.

Ms. MACE. Eighty-one percent. Do you know where the state of Texas is ranked with Black voter turnout in this country?

Ms. THOMPSON. With Black voter turnout?

Ms. MACE. Mm-hmm. Do you know where Texas is ranked?

Ms. THOMPSON. Oh, about 44 percent.

Ms. MACE. The latest numbers that I read this morning was that Texas is ranked 10th. So, in the top 10 in the country. Do you know where Texas is ranked with women voters?

Ms. THOMPSON. Oh, way up in the 50's.

Ms. MACE. In the bottom third of this country. So, I would argue that Texas has a more difficult problem with getting women out to vote than Black and brown and African Americans. Thank you, and I yield back.

Mr. RASKIN. Thank you very much. I would like to go to Congresswoman Robin Kelly for her five minutes of questioning. You are recognized.

Ms. KELLY. Thank you, Mr. Chair. It is critical that we recognize that these voter suppression measures are not simply attempts to act on former Presidents Trump's big lie. For years, Texas Republicans have tried desperately to blunt the impact of demographic trends that threaten their stranglehold on power. According to the U.S. Census Bureau, Texas is a very diverse state. Nearly early 40

percent of its population is Hispanic or Latino, and almost 13 percent is Black or African American, as you see in the slide.

[Slide.]

Ms. KELLY. Starting in 2018, we saw racially diverse populations in major cities drift away from the Republican Party. In 2020, non-white voters cast their ballots at a rate of nine percent higher than they had in 2016, enabling President Biden to perform better in the state than any other Democrat in decades. This performance was fueled by those large cities like Houston, which saw with its highest turnout in nearly 30 years, due in large part to efforts to expand ballot access. Ms. Perales, you fight for voting rights for Latino communities. How do you think these demographic shifts in the Texas electorate have influenced these restrictive voting measures?

Ms. PERALES. In our view, there is a direct connection between the diversification of the Texas electorate and these moves to restrict or tighten Texas election law. And the one example I will give you is that from 2014 to 2018, Latino voter turnout increased to such a degree, that Latinos cast almost 1 million more votes statewide in Texas in 2018 when compared to 2014. Those types of shifts in the electorate are very challenging for those in power who think that Latinos will not support them.

Ms. KELLY. And have you seen the same efforts in other parts of the country that would necessitate the need for Federal legislation?

Ms. PERALES. Yes, there is a nationwide trend to tighten election laws in response to increasing racial diversity in the electorate in more than just Texas.

Ms. KELLY. Thank you. Rep. Bernal, what do you make of the argument that these restrictions have less to do with voter fraud and more to do with shifting political tides?

Mr. BERNAL. I think the policy itself bears that out. I think it is hard to argue that you are trying to combat voter fraud when it is more likely that you get struck by lightning or a meteor—we did the math—than there being voter fraud in Texas. It just doesn't exist. I think that the zeitgeist, the national fear that has been created by the Big Lie, fuels that. But you would have a hard time drawing a direct line from any part of this bill, any policy to a case or instance, of voter fraud in the last 17 years, if not the last several decades.

Ms. KELLY. Thank you. Rep. Thompson, Rep. Collier, you also represent rapidly growing cities. According to the Census, Houston—which is going to overtake Chicago if we are not careful—and Dallas metro areas had the largest population gains of any metro region between 2010 and 2020. Rep. Collier, have you seen voter suppression efforts in Austin intensify in response to this population growth?

Ms. COLLIER. Thank you for the question. In fact, too often we look for overt and obvious signs of suppression, but suppression can be emulated in long lines. It could be creating harsher penalties for making simple mistakes. So, it may not look like the poll tax and the literacy test of old time, but suppression can rear its ugly head in various subtle forms. And so going back to the question about if we have ballots that have multiple languages on them, the only

reason we have that is because of the protections of the Voting Rights Act of 1965. In 1975, the state of Texas was required to provide multiple languages in the ballot only because we had the protections under that Voting Rights Act, which only elevates and shows the need for having this type of provision again. So, Texas was made to do these multiple languages. It wasn't done on its own. And so, unless we have Federal intervention, we will continue to see the chipping away of our rights.

Ms. KELLY. You know, my colleague took the time to go through step by step what you need voter identification for, and there were a lot of things, but it is not just about voter identification. It is voter identification mixed in with everything else that you have to do. And I don't know if one of the reps or, Ms. Perales, if you want to respond to that.

Mr. RASKIN. And your time is up, but let's let Ms. Perales respond. That is great.

Ms. PERALES. I would just like to make two quick points. One, voting is a fundamental right. Voting is not the same as going to the store and buying a bottle of liquor, and it should never be equated that way. That is demeaning to the right to vote. Second of all, Texas had a voter ID law, and, unfortunately, surgically made it tighter and more restrictive in a way that a Federal court found was discriminatory against minority voters. So, an ID can be certainly much more expansive than what was provided in Texas when it was found to be discriminatory. And you should know that because of that Federal court ruling now, Texas had to broaden the opportunity for voters to vote.

Ms. KELLY. Thank you so much.

Mr. RASKIN. I thank the representative. Before I recognize Mr. Franklin for his five minutes of questioning, one, I want to recognize the presence of a Congresswoman Sheila Jackson Lee from Houston, who has been with us observing the hearing. And I also want to thank Congressman Veasey, who has cleared up this urgent matter about COLAs for retired teachers in Texas. It looks like both sides were right. TRS retirees have not received a permanent annuity increase since 2013, and the COLA applied only to retirees who retired on or before August 31, 2004. Anyone who has retired after this has never received a COLA. I have got more details about that, but I think everybody was acting in good faith. And I now recognize Mr. Franklin for his five minutes of questioning.

Mr. FRANKLIN. Thank you, Mr. Chairman. When there are so many topics and issues we could be digging into here as Congress' Committee on Oversight and Reform, we are once again squandering the opportunity on something that is not germane to this body, but I am not surprised. After all, it was here on this committee that I learned the person I had always considered my mother isn't a mother at all. She is just a birthing person. On multiple occasions when I thought we might actually conduct oversight and discuss reform with respect to the breakdown surrounding the events of January 6, my Democrat colleagues refused to require leadership of the Capitol Police to testify, so I am not surprised.

But I am truly puzzled why you all, our witnesses, have chosen to be here. Instead of being back home in your state of Texas and

doing the work you were elected to do, you cut and ran to D.C. and you brought COVID with you, and you infected people while you were here at the Capitol, and while you are at—

Mr. MFUME. Mr. Chairman, I object. Personal attacks.

Mr. SESSIONS. Mr. Chairman, the gentleman has spoken the facts of the case, and the gentleman is speaking off publicly available information.

Mr. RASKIN. All right. I appreciate that, Mr. Sessions. You know what? In the spirit of Chairman Cummings, here is what we are going to do. We are going to allow the gentleman to continue with whatever he wants to say, whether it is true or false or something else, and then there will be many opportunities for people to respond.

Mr. SESSIONS. Mr. Chairman, we are under an obligation to tell the truth in this committee, and the gentleman is, in fact, responding to what would be publicly available information. And we did not interfere with your witnesses, of course.

Mr. RASKIN. No one is interfering. That is my whole point. He can continue with whatever it is he wants to say. He has got rights under the First Amendment and the Speech and Debate clause. So, please proceed, Mr. Franklin.

Mr. FRANKLIN. Thank you, Mr. Chairman. Maybe this hearing is just an opportunity to give you all something to do while you should be back in Texas. As a freshman Republican serving in the minority here in Congress, I have been on my share of a lot of losing votes. I don't enjoy it at all. I think the Democratic Party, as the majority, has jammed through a lot of policies that are terrible for our country, but here is the deal: we cast our votes and we move ahead. And sure, on the Republican side, we will message about how we think it is wrong, and then when those bad policies bear rotten fruit, like skyrocketing inflation, crippling national debt, a humanitarian crisis on our border, or spikes in violent crime, we can say "we told you so." But we still suck it up, do our job, and take the votes, and we bide our time until we retake the majority. We don't act like a bunch of spoiled coward running away and refusing to vote when it is clear we don't have the numbers to get our way.

Ms. Thompson, in your testimony, which we just received about an hour before the hearing this morning, you stated that you support H.R. 1, which the House of Representatives passed earlier this year on straight party lines, no amendments, no opportunities for Republicans to offer amendments to that, straight party lines. H.R. 1 would essentially strip away authority the Constitution grants the state legislators by Federalizing elections. In your oath of office for the Texas legislature, you swore, among other things, to preserve, protect, and defend the Constitution and laws of the United States. The framers of our Constitution wanted the authority for determining the manner of elections to rest with the state legislatures, not Congress, not appointed officials, not other elected officials. Specifically and only the state legislators. I can't fathom why you would want to cede power granted to your state back to the Federal Government.

And I hope the good people of Texas are watching this and really understand what our witnesses are trying to do. They think the



Federal Government knows better than you Texans how you should conduct your elections. The media and your liberal buddies try their darndest to paint you as heroes, but you are not. The truth is when, you know, when you sought office in the state legislature, you persuaded people in your districts that you are the ones who should represent their interests in the arena. You signed up for it and Texans put their trust in you, and now you are failing them. Instead of being here, you should be getting on a plane at Reagan National and flying back to Texas in coach like the rest of us. And unlike the private jet you used to get here, they are going to make you wear a mask.

I don't have any questions, Mr. Chairman, but with the balance my time, I would like to yield it to my colleague, Mr. Fallon.

Mr. FALLON. Thank you, Representative Franklin. You know, we are hearing so many things today that are either not true or the assertions are accompanied with absolutely no proof whatsoever. The chairman, not the subcommittee, but the chairman of the whole committee said that Texas is the hardest state in the union to vote. All right. Let's look at 2016 to 2020. Texas improved our turnout 8.8 percent. That was the 9th best out of 50 states in the country, so you can say whatever you want. It doesn't make it true, and certainly that assertion wasn't true.

The historical struggle for our African American brothers and sisters to vote is real. That happened, and it is horrific. It is the largest and most horrible stain on our great country. We need free, honest, and open elections, and I get physically ill hearing the stories that Representative Thompson shared with us. Those are awful, but let's address the matter at hand today, which is the bill that you all broke quorum not to vote for. I hear a lot of things that you could offer amendments to make it better. That is the amendment process is all about. This bill isn't voter suppression. This bill is voter integrity. Mr. Chairman, I yield back.

Mr. MFUME. Mr. Chairman, I have a point of parliamentary inquiry.

Mr. RASKIN. I am sorry. Where is that coming from?

Mr. MFUME. Right here.

Mr. RASKIN. Oh yes, yes. Mr. Mfume, please.

Mr. MFUME. Mr. Chairman, I would ask, do the rules that govern the committee permit Democrats or Republicans to defame witnesses by calling them coward and being unable to substantiate that? It just seems to me that that is outside of the realm of free and open discussion, and it is an act of defamation.

Mr. RASKIN. Yes, it is the spirit, the tradition, and, I believe, the rules of this committee to treat all witnesses with civility and respect, and as chair, I will not tolerate intimidation or abuse of witnesses. So, everyone, please take note, and I thank you, Mr. Mfume, for that clarification.

I am going to recognize myself for my five minutes of questions, and the first thing I want to do is I want to contrast what you have done with what the violent insurrectionists did to us on January 6. They had a complaint about voting, too. They came here to "stop the steal" is what they said. They had been goaded by Donald Trump to come and to try to put pressure, coercive pressure, on Vice President Mike Pence to reject electoral college votes from Ari-

zona, Georgia, and Pennsylvania, to proclaim a power no Vice President had ever exercised before and doesn't exist in the Constitution, and Pence, to his great credit, refused to do it. And you know what? They trashed the place, and they injured and wounded 140 police officers.

Now we have representatives from a major political party in Texas representing African Americans, Mexican Americans, white people, Native Americans, who are coming forward to say that their voting rights are being subjected to a gauntlet, an obstacle course, that was so precisely elucidated by Representative Bernal. They are saying this is just another dressed up form of voter suppression, of disenfranchisement. I was delighted to hear my friend, Mr. Fallon, say that it pained him to hear about the history of disenfranchisement and voter suppression that affected African Americans, but at some point, apparently it all ended, and what you guys are here to complain about, what you have come all the way to Washington to talk about, is apparently just a figment of your imagination. So, we can't trust the African American community or the Hispanic community, or Native American community, or the voting rights lawyers about this. We are supposed to, instead, trust one political party. And I am sorry, I don't just trust one political party, whether it is my party or somebody else's political party, because what they want to do is win elections.

Now, Representative Bernal, we have heard some attack one-size-fits-all elections. The claim is that by getting the Federal Government involved, as the Civil Rights Movement did with the Voting Rights Act, but by getting the Federal Government involved, it is a cookie cutter, one-size-fits-all approach. But when I look at this bill, it looks to me like that is what that bill is because there are all kinds of things that are working at the county level in Texas that are going to be extinguished by this legislation. Isn't this really an attempt to impose a one-size-fits-all straitjacket on the counties and the municipalities in Texas?

Mr. BERNAL. It is. It would force counties that are small—5,000 people, 6,000 people—to operate in the same way as counties of millions of people and to abide by the same. There is nothing wrong with the same rules. In fact, that is what Federal laws are for. They are the ground floor. Otherwise, there is no reason to have them at all.

Mr. RASKIN. Well, I am for uniform rules that help people get the right to vote. I am against uniform rules that try to crush the right to vote.

Mr. BERNAL. Well, there should be baseline protections. There should be a ground floor that holds the standards. But otherwise, the idea that you would force, for example, Harris County or Bexar County, where I am from, to operate in exactly the same way as a smaller county. Sure, there should be rules they all abide by, but that doesn't mean that they can't do things within the law that benefit voters.

Mr. RASKIN. Well, Representative Collier, for example, you talked, I think, about the 24-hour voting. There are some people who are out there working double shifts. They are working the day shift and the night shift. The only time they can vote is it at two

or three in the morning. If that is a decision of Harris County, why should the state dismantle that?

Ms. COLLIER. Because it is not good for their narrative. Let me just tell you this. In Texas, in the 2020 general elections, we had the largest turnout of voters since 1992, and in response, we get restrictive legislation that would limit the access to the ballot box. We saw that what they did in Harris County worked: drive-through voting. Just like you get the COVID shot, if you get the COVID, I am vaccinated. We are all vaccinated here from Texas, Democratic legislature, and if you get the vaccine, you can get it drive-through. And that is all that they were offering in Harris County to address the pandemic.

But under the bill, they would allow untrained partisan poll watchers to observe, close enough in violation of any type of CDC guidelines. And the Governor has prohibited local officials from requiring masks, so that means that the Delta variant that is going around would spread even easier under the election, you know, coming up if we don't have precautions in place.

Mr. RASKIN. Thank you. Ms. Perales, Representative Bernal and Representative Thompson talked us through this remarkable obstacle course that would be imposed under the Texas legislation, making it extremely difficult for people to navigate all the twists and turns of the current law without subjecting themselves to criminal liability or prosecution. Am I reading this correctly? It looks to me like it is a permission structure being put into place for bureaucratic extremism in areas where you have got official authorities that are resistant to people's right to vote, but then also empowering partisan actors to overcome officials when the officials are trying to protect people's right to vote. Ms. Perales?

Ms. PERALES. Representative?

Mr. RASKIN. Yes.

Ms. PERALES. That is exactly right. It is coming at voters, and, in this case, their assistants from both directions. They are coming at poll workers from both directions, which is to threaten with felonies and a year of jail time any poll worker who tries to protect a voter, and at the same time, change Texas election law so that, instead of being able to stay in one place and observe, which is what poll watchers can do now, allow them to roam freely and get close to voters to observe their activities.

Mr. RASKIN. It is just astounding to see this criminalization of the work of the election judges. Finally, Representative Thompson, it was just said by Mr. Franklin that you cut and ran, and I think the word "coward" was invoked. Are you guys demonstrating a lack of courage by coming to Washington to demand Federal legislation to protect the right of people to vote?

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. Yes?

Mr. SESSIONS. You are holding our side accountable to the five-minute rule.

Mr. RASKIN. I have given everybody on both sides some discretion, so I am going to finish with this question, and if you want an extra question, by all means, Mr. Sessions. So, I just wanted to ask you this question. Did you guys cut and run?

Ms. THOMPSON. No, we took the same responsibility to represent our constituents by leaving. And even though Mr. Franklin may call himself a coward, you know, he don't have a right to classify me as one.

Mr. RASKIN. OK. I am going to go now to, let's see, Representative Cloud is next. Mr. Donalds, you are called on next, and you do understand that the rule that we have to be wearing masks in committee when we are not speaking, according to the Capitol physician? You are recognized for five minutes of questioning.

Mr. DONALDS. I will save the debate on the rule for another day. Thank you, Mr. Chairman. Witnesses, thanks for coming. I really appreciate it. Representative Thompson, you have been on the Texas legislature for, you know, a considerable amount of time, and I thank you for your service. I understand what it is to serve in a state legislature. I served in Florida's for the last four years before I came to Congress. You mentioned in your opening statement about how when you were at a polling location, you felt intimidation. I believe it was from a Proud Boy member, whoever it was. Did you file a complaint with the election official, I am assuming in Texas, the election judge that is in every polling location?

Ms. THOMPSON. It is nice to meet you. The person came behind me, and I turned and asked what they wanted. And I am known in my district, and I am known in that particular precinct, and speaking with that person for a little bit, I didn't have no trouble out of her. But most people would not have stood their ground, and they would have——

Mr. DONALDS. I am sorry. We are limited in time. I would love to engage more, but my question is, understanding, you know, your role as an elected leader in Texas, knowing the situation you encountered as an election leader, did you take it upon yourself to file a complaint with the election judge?

Ms. THOMPSON. I did not, and that person, I think, shortly left after we finished talking.

Mr. DONALDS. OK. My secondary question is, is there anything in the Texas law, which I have in front of me. I have been reading it during this this committee hearing. Is there anything in this law that would stop anybody from being able to file a complaint if they felt some form of intimidation from a poll watcher?

Ms. THOMPSON. Congressman, you are Black like me. How many Black people you know is going to be intimidated to go and file against some white person in the South?

Mr. DONALDS. I mean, I am just talking about you. I am not going to be intimidated either. I am asking a question.

Ms. THOMPSON. And I am just talking about you, too.

Mr. DONALDS. No, what I am saying is——

Ms. THOMPSON. I am responding to your questions.

Mr. DONALDS. Is there anything in the law that prohibits somebody from filing a complaint? We are talking about the law now. That is what we are talking about.

Ms. THOMPSON. There is nothing prohibiting them from it, but, you know, the mere fact of somebody of another ethnicity looking like the Proud Boys in their particular precinct is intimidating enough. Who is going to think about filing a complaint? Some people may, but most people my age are not going to be doing that.

They are going to be intimidated, and they are going to tell their friends, and their friends are not going to want to go back. And that intimidation, by any means that you want to announce it, is still intimidation, and that is a suppression of the vote.

Mr. DONALDS. I would like to make one point before we move on, and it is that, it is not just a member of the Proud Boys or anybody else who might be a poll watcher. And by the way, I don't even know who those people are.

Ms. THOMPSON. Well, most of them who will come to my area are white.

Mr. DONALDS. Hold on. This is my time, so let me explain. I'm getting to my point.

Ms. THOMPSON. OK.

Mr. DONALDS. What I am saying is there is nothing in this law that prevents any voter in the state of Texas from filing a complaint which would actually take away or diminish their voting rights. That is the fact of the law because I am sitting here reading it. And even in your answer, you didn't tell me that it is actually not clear in this bill that people are allowed to actually file a complaint. But I got to move on because, you know, we are almost out of time.

Representative Collier, I was listening to your comments about the absentee ballot situation where people have to put in either the last four of their driver's license, last four of their social security number, or some form of identification, or actually attesting to an oath that they don't have that available to them. Your statement said that, basically, their ballot will be kicked out if the number they put on the ballot did not match what is actually at the supervisor of elections. But in reading the bill, that is not clear, so can you further expound? Is this actually in the law that would allow a ballot to be kicked out of the process, or to be clear, is this a technical change that you or any one of your colleagues could file an amendment to make that technical change?

Ms. COLLIER. I am sorry. What section do you say it is not there?

Mr. DONALDS. Hold on. I have been thumbing through so many sections of this bill. Give me one moment. Mr. Chair, that is not fair. I am having to dig through a bill during my time. We got dead air.

Mr. RASKIN. We will be kind to you.

Mr. DONALDS. All right. Thank you, Mr. Chairman. I appreciate that.

Voice. I think it is page 12.

Mr. DONALDS. Page 12? All right. Hold on a second. No, that is poll watchers. No, it is not that way. It is this way. I should have dog-eared this thing. My apologies, Mr. Chairman. OK. Page 17. This is Article 5, Section 5.02, starting with Section (a), Subsection 1, line 26, starting on page 16, from my pages, what I am reading on.

Ms. COLLIER. Are you on House Bill 3 or Senate Bill—

Mr. DONALDS. I am on House Bill Number 3, ma'am.

Ms. COLLIER. OK.

Mr. DONALDS. And so, reading this bill, I am looking at this, and there is nothing in this language that would kick your ballot out.

So, please explain, you know, your rationale to the committee on this.

Ms. COLLIER. OK. It says, "An early voting ballot," on page 16, "must include," and it these requirements on page 17. If it does not include, then it has not met the standard in the requirements under the law.

Mr. DONALDS. But for clarification purposes, what is in here is that you either have to have the last four of your driver's license, the last four of your social security number, or you can actually make a statement that you have not been issued a number of anything in the first two sections. And if you do one of those three, your ballot is actually allowed to count under H.B. 3.

Ms. COLLIER. Absolutely. So, the concern, and we are not even raising the issue of strict voter ID in Texas because that has already been determined by the court. That has been resolved. The concern with this one is if I registered to vote 20 years ago, I was required to put down one of those identifications. I either put down my social security number or my driver's license number. All right. On this particular measure, it is saying that the person must put down the number that corresponds with the one that is on file with the Election Administration. Say, for instance, I put down my—

Mr. DONALDS. Representative Collier. Representative Collier, I am sorry to cut you off because this is actually important information, but I know I am out of time. I am over time.

Mr. RASKIN. No, this is an important discussion. So, you are saying that if you put down your social security number, but you did it 15 or 20 years ago and you put your driver's license number down, they will throw out your ballot without even telling you that you chose the wrong number? Is that right?

Ms. COLLIER. That is what this bill does because it is not clear that there is any cure opportunity. There is a cure opportunity for other provisions in the bill, but not for this particular provision.

Mr. DONALDS. The only thing I—

Ms. COLLIER. There is no way to cure even though I put down the correct number, my driver's license number is correct, my social security number is correct, or whatever one. If it is not the same exact number that is on file, my ballot does not meet the standards in the requirements through this bill.

Mr. SESSIONS. Mr. Chairman?

Ms. COLLIER. My ballot. Sorry.

Mr. RASKIN. I am sorry, the time is Mr. Donald's, and I am going to be generous. So, take another moment if you would.

Mr. DONALDS. I am going to close real quick.

Mr. RASKIN. OK.

Mr. DONALDS. The only thing I would say, Representative Collier, with all due respect, is, you know, I am sitting up here. I am reading your bill. I have read election bills in Florida where we made election changes, not the one that the legislature did since I have been in Congress, but we did two other election changes. I have read those bills. I am reading the statutory language here, and what is here in the language does not comport with what you are saying. My only advice would be if you have a technical issue, then the job of you and your colleagues is in the Texas legislature, not here, to make sure that those technical changes can be made

or work with the majority party. And the last thing I will say is that I think that in the Texas legislature, like in most state legislatures, you guys have far more latitude to bring technical changes and amendments. I know up here in D.C. being in the minority party, we hardly have any ability to bring amendments on anything. With that, I yield back.

Ms. COLLIER. Sir, if it was only a technical amendment. This is a practical implication that is going to disenfranchise hundreds and thousands of votes of Texans, and so that is why we are here. We tried to work with our counterparts, but every amendment that we presented was declined.

Mr. RASKIN. Where was that, in committee?

Ms. COLLIER. Yes, sir, in committee. On the 23 hours, there were amendments that were presented. Even during the regular session when we presented amendments, they were not always admitted, so we have tried. We have used every tool in our toolbox to collaborate with our colleagues. The only thing left is to come to Congress and ask for Federal intervention. The answer is here.

Mr. RASKIN. Thank you. Thank you very much, Representative Collier, and I have got to come to my friend, Ayanna Pressley, from Massachusetts, to recognize her for her five minutes of questioning.

Ms. PRESSLEY. Thank you, Chairman Raskin. In today's hearing, I am reminded of the words of my mother, may she rest in peace and power, Sandy Pressley. She was a super voter and never missed an Election Day, and she reminded me every time that I would go with her, and she would pull that curtain and then pull that lever, she would turn to me and say, "Never forget that on this day, on Election Day, we are powerful," and I would stand up just a little bit taller. I believed her then, and I still do now.

Republicans in the Texas state legislature are trying to take away that power. The voter suppression tactics they support are targeted and precise with the aim of stripping power away from Black folks, Hispanic, and Latinx, and voters with disabilities. This is the latest chapter in a long history of systemic racist and ableist disenfranchisement. By creating new and broad criminal penalties, Texas Republicans have adopted a strategy of blatant intimidation to suppress the vote. Ms. Perales, "yes" or "no" for the record, do you believe expanding criminal penalties in this bill will deter people from voting?

Ms. PERALES. Yes.

Ms. PRESSLEY. Thank you. So, we agree. Some of the new criminal penalties are directed at family members and volunteers who help voters complete and return their ballots. People with disabilities are more likely to need this type of ethical and well-established accommodation to vote. Rep. Bernal, how does this bill's new requirements for voting by mail or in-person voting impede voters with disabilities from exercising their right to vote?

Mr. BERNAL. That is an interesting question. One of the most interesting answers is that it requires a pen ink signature, something that many people with disabilities cannot produce and they often use a stamp, and so there is no cure for that.

Ms. PRESSLEY. Thank you. And finally, I want to shed light on provisions I found particularly alarming, given Texas's history of voter intimidation. If a voter requires assistance from a friend or

a relative, this bill would allow an uninvited and self-appointed poll watcher, like a member of Republicans' 2020 "election integrity brigade," an intimidation group, to watch over them while they cast their ballot. This means voters with disabilities will be subject to greater scrutiny, intimidation, and discriminatory treatment. Ms. Perales, do you agree that this bill enables individuals to harass, intimidate, or obstruct voters under the guise of poll watching?

Ms. PERALES. Yes, it certainly does.

Ms. PRESSLEY. Thank you. Well, I am convinced more than ever that my colleagues in the Senate must stop forcing people with disabilities and people of color to carry the burden of finding ways to organize against these shameful, suppressive, and anti-democratic state bills. Instead, senators, especially those in my own party, need to remove these obstacles by abolishing the filibuster and passing the For the People Act and the John Lewis Voting Rights Act. This is an intersectional fight about disability justice, racial justice, and electoral justice, and we must win because the future of our democracy demands it. Thank you, and I yield back.

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. Thank you, Ms. Pressley. I would now recognize Mr. Fallon. Is that—

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. Yes?

Mr. SESSIONS. I believe it is important that we not continue speaking about things that are not truthful. In fact, the gentleman made the assertion that one could simply walk in and be a poll watcher. That is not true. The truth of the matter is that you must go through a certification process by your local party to be able to be there.

Mr. RASKIN. OK. Mr. Sessions—

Mr. SESSIONS. You just cannot walk off the street.

Mr. RASKIN. See, here is the problem. We keep raising as kind of a procedural objection what is really a substantive disagreement.

Mr. SESSIONS. Yes, sir.

Mr. RASKIN. I'm going to make sure—

Mr. SESSIONS. But I believe if we are going to give testimony, if we are going to make assertions—

Mr. RASKIN. Well, she was using her time, but you will have an opportunity to close. Please just take notes on the things that you disagree with profoundly because, you know, we have been keeping a number of members waiting, and I do want to go to Mr. Fallon.

Mr. SESSIONS. Yes, sir, we did. Thank you.

Mr. RASKIN. Yes. So, Mr. Fallon, you are recognized for your five minutes of questioning.

Mr. FALLON. Thank you, Mr. Chairman. Very gracious of you. You know, we are hearing a lot of twists, and spins, and propaganda, and statements that are simply not true. So many, in fact, my five minutes would be exhausted trying to address even just a fraction of them. We live today in a headline culture. So, many people just read the headline and they don't read the article. So, they hear a statement and they think, oh, this is a learned person, it must be true. In fact, what is the title of this very hearing? It is "Democracy in Danger." That gets your attention, and it goes fur-



ther and says, "The Assault on Voting Rights in Texas." The assault, as if a crime is being committed.

And in the second paragraph of the memorandum that we were given about the hearing, it says, "This Texas legislation would dramatically restrict access for voters across the state," and it goes on specifically to mention the proposal about banning drive-through voting and 24-hour voting. Dramatically restrict. Let's think about that. It fails to mention that of the 254 counties in Texas, 253 of them had no, none, zero drive-through or 24-hour voting in all of Texas, and 99 percent of us Texans did not utilize drive-through voting or the 24-hour voting. And that is not to say that the folks that did go use the 24-hour voting after 7 p.m. and before 7 a.m., it is not to say they wouldn't have voted. They could have just like we all did. I am disheartened that 50 of my former Democratic colleagues abandoned our home state and came here to Washington, DC. It is unfortunate that some are, not the three here today, but more like carnival barkers than serious deliberative legislators. The phony arguments and baseless claims are hyperbolic in the extreme, completely disingenuous, and patently untrue.

In the aforementioned memorandum issued by the majority about this hearing, in that same second paragraph, it says that "Texas has a long history of attempting to suppress black and Latino voters and has been judged the hardest state in which cast a ballot," which we already addressed, but that is inflammatory and it is accusatory. And where do they cite? So, they cite The Guardian newspaper. Not an American newspaper. A far-left newspaper in Great Britain. And instead of citing foreigners on other continents for their opinions on Texas voting, why don't we see what Texans themselves think?

There was a poll done last week by RMG Research, and in Texas they asked Texans, is it easy to vote in Texas, is it hard, or is it about right. Seventy-five percent said it is easier, it is about right. Only 16 percent said it was hard. If you break it down demographically, it was 79 percent to 14 amongst whites, 64 to 21 amongst African Americans, and 75 to 20 with Hispanics. So, the results are in, and it is a landslide that the vast majority of Texans believe it is just about right or easy to vote.

I would like to ask my three former colleagues very quickly, and it is because of time, just "yes" or "no." Do you support or oppose voter ID? Ms. Thompson? Representative Thompson?

Ms. THOMPSON. You know my vote was "no."

Mr. FALLON. You voted "no" in 2011. You all weren't able to vote because we weren't in the legislature in 2011. Representative Collier?

Ms. COLLIER. I support expanding voter ID to include student IDs that are issued by state schools, yes.

Mr. FALLON. So, you support voter ID. You would have voted "yes" 2011 if you were in the legislature?

Ms. COLLIER. I don't know that bill, so I couldn't tell you.

Mr. FALLON. OK. Representative Bernal?

Mr. BERNAL. Like she does, I think expanded voter ID works.

Mr. FALLON. OK. So, you support voter ID.

Mr. BERNAL. I support the concept of voter ID, not Texas' version of voter ID.

Mr. FALLON. Well, I remember in 2011, I wasn't in the legislature at the time, but Democrats voted en masse against the voter ID bill at the time, and that is completely out of step with Texans because Texans overwhelmingly support voter ID that we have on the books, 82 percent to 11. Again, breaking it down demographically, it is overwhelming: 84, 75, and 81 percent, respectively support voter ID. Representative Thompson, do you believe the current legislation being proposed in Texas has an adverse effect on turnout in Texas? Do you think turnout is going to go down?

Ms. THOMPSON. I do.

Mr. FALLON. OK. Again, in voter ID in 2011, there were the same concerns, and that is what I remember hearing, but they were all ill placed or, at worse, fabricated because from 2008, the last time we had an election, Presidential election in Texas that didn't have voter ID, to 2020 in the last one where we had it, turnout out went up 39.25 percent. And our population did rise 19.7 percent, but it was still outpaced 2 to 1, and it is the same doom and gloom that we are hearing now about this is going to affect voter turnout. So, it is fair to say that the Democrats in our state were wrong then, and I would argue that they are wrong now.

Mr. Chair, I am going to have to yield back because I am out of time.

Mr. RASKIN. All right. Well, thank you for your reflections, and we go now to the chair of the full committee, Chairman Maloney, for her questioning.

Mrs. MALONEY. Thank you. Thank you, Mr. Chairman. This hearing is not the first time that the Oversight Committee has investigated voter suppression efforts in Texas. In March 2019, my predecessor, Chairman Elijah Cummings, along with Chairman Raskin, launched an investigation into the state's failed attempt to purge nearly 100,000 voters from the Texas voter rolls. Texas threatened more than half of these voters with criminal prosecution, but it turned out that many of them were eligible voters. This purge effort was halted by a Federal judge because the judge found, and I quote, "Perfectly legal naturalized Americans were burdened with what the Court finds to be ham-handed and threatening correspondence from the state." Mrs. Perales, your organization helped stop this blatant attempt at voter suppression in Texas. How did the attempted voter roll purge contribute to voter suppression in Texas?

Ms. PERALES. We did file suit on behalf of naturalized U.S. voters who had received letters from their counties accusing them of being non-U.S. citizens and telling them that they had to prove up their U.S. citizenship, even though they were U.S. citizens. I had one client tell me that she never wanted to vote again. She was newly naturalized. She has proudly become a U.S. citizen and proudly registered to vote, and she was so afraid and so intimidated by that letter thinking she had made some awful mistake, that she said she never wanted to vote again, and that was repeated around the state.

Mrs. MALONEY. Well, which communities, Ms. Perales, would have been most impacted by this action in your state?

Ms. PERALES. That Texas voter purge of 2019 was surgically designed to kick Asian American and Latino newly naturalized reg-

istered voters off the voter rolls because of the way they put that list together, which had to do with people who formerly held green cards and were registered to vote. Today, that is disproportionately Latino and Asian Americans in Texas.

Mrs. MALONEY. Well, last year, Chairman Raskin and I released findings from this investigation, and the committee found new evidence that many U.S. citizens had been incorrectly told they were ineligible to vote, and that county officials in Texas raised serious concerns about the purge. And, Representative Thompson, you have been outspoken about the history of voter suppression efforts in Texas. Ms. Thompson, how did these attempts to purge voter rolls play into the greater context of voter suppression in Texas?

Ms. THOMPSON. It had a chilling effect on persons who may have wanted to vote because of what was happening.

Mrs. MALONEY. Well, the Federal judge who halted the effort said, and I quote, Mrs. Thompson, "The evidence has shown that in a hearing before this Court that there is no widespread voter fraud." Yet today, we are seeing the same falsehoods about voter fraud being pushed to support new voter suppression bills in Texas. Mrs. Perales, has there been any evidence of widespread voting by non-citizens in the Texas 2020 election?

Ms. PERALES. Not in 2020 or at any other time.

Mrs. MALONEY. So, the current Senate version of the Texas voter bill would require a monthly review of voter rolls for non-citizens. Mrs. Perales, how would a provision like this affect people? How would this threaten voting rights? You mentioned one of the people you talked to felt intimidated and scared and didn't want to vote again. What has been the impact of this?

Ms. PERALES. Well, fortunately, we were able to get Senate Bill 1 amended, as a result of our testimony, to make sure that that same group of people targeted in 2019 would not be targeted again. However, there is still a piece of this bill that requires, as you mentioned, these monthly checks for citizenship. The issue here is going to be if they employ loose matching, what you will end up with is a U.S. citizen, perhaps a young man who shares the same name as his father, and his father is not a U.S. citizen, has been excused from jury duty for non-citizenship. This type of matching system, unless it is done perfectly, is going to vacuum up immediate relatives of non-U.S. citizens in the Latino and Asian American community and force them to jump through additional hoops.

Mrs. MALONEY. Representative Bernal—

Mr. RASKIN. Madam Chair, please take this last question, and then your time is up.

Mrs. MALONEY. OK.

Mr. RASKIN. Yes.

Mrs. MALONEY. Is there any legitimate justification for this proposal?

Mr. BERNAL. No.

Mrs. MALONEY. Well, Mr. Chairman, let's not kid ourselves. Texas' supposed efforts to stop non-existent voter fraud are no more than a thinly veiled attempt to suppress Americans' right to vote, a right guaranteed in our Constitution. I yield back.

Mr. RASKIN. Thank you, Madam Chair, and I now go to Mr. Roy from Texas for his five minutes of questioning.

Mr. ROY. I thank the chairman, and I also thank the chairman for allowing me to waive on. Obviously, I was the ranking member and served with you in this last Congress, so I appreciate that very much.

Mr. RASKIN. And it is good to see you back, and I should tell you that my friend, Jennifer Lord, who is your constituent and a conservative Republican, is watching us today.

Mr. ROY. Excellent.

Mr. RASKIN. So, please be on your best behavior.

Mr. ROY. I appreciate that, and great to see my, you know, colleagues from Texas, although I wish it were under slightly different circumstances. Obviously, I think that you guys should be in Austin, Texas, performing those duties. Let me ask you a couple quick questions here, and I am just going to scatter these around. Just give me "yes" or "no" answers, if you can. Representative Bernal, is Section 2 of the Voting Rights Act remaining full and in effect?

Mr. BERNAL. Excuse me?

Mr. ROY. Is Section 2 of the Voting Rights Act remaining full and in effect right now?

Mr. BERNAL. Yes.

Mr. ROY. And are you aware, was it just Section 5 that was overturned in the Shelby County decision eight years ago?

Mr. BERNAL. Yes.

Mr. ROY. Right, and the reason that it was overturned was that the body, this body, failed to update the formula using 50-year-old data and a 50-year-old formula. "Yes" or "no," is that why it was overturned?

Mr. BERNAL. That was among the reasons.

Mr. ROY. So, the Voting Rights Act remains in effect. The 1965 Voting Rights Act remains in effect. That provision, Section 5, is what was overturned because it was 50-year-old data. May I ask another question on this of each witness? Do you believe that Texas should have to submit to the Department of Justice for any changes that it makes in its voting laws or formulas?

Mr. BERNAL. Yes.

Mr. ROY. Ms. Collier or Representative Collier?

Ms. COLLIER. This historical nature of Texas'—

Mr. ROY. Just "yes" or "no," do you think Texas' election laws should have to submit to the Department of Justice for preclearance?

Ms. COLLIER. Not only for that. For maps as well.

Mr. ROY. And, Representative Thompson, do you believe that they should have to submit to the Department of Justice for preclearance?

Ms. THOMPSON. Yes.

Mr. ROY. So, for the record, the Representatives from Texas believe that they should have to defer to Washington, defer to the Federal Government on what we should do for election laws in the state of Texas. Now, the three of you are aware that you are, in fact, violating Texas law by being here right now instead of being in Texas during legislative session, and that it would be in order to arrest you were you in the state of Texas to get you back to the State House. Do we agree that those are the facts? Representative Bernal?

Mr. BERNAL. I am not sure those laws are constitutional.

Mr. ROY. But is that the law in the state of Texas? We can argue the constitutionality.

Mr. BERNAL. I don't think so.

Mr. ROY. The law of the state of Texas is that you are supposed to be in session and that you are supposed to be there carrying out your constitutional duty. Do you support H.R. 1, the Federal law that was passed here in the House of Representatives, Representative Bernal?

Mr. BERNAL. Yes.

Mr. ROY. Representative Collier?

Ms. COLLIER. I will stand with the congressional members who passed it, so I support their—

Mr. ROY. Representative Thompson, do you support H.R. 1?

Ms. THOMPSON. I do. Mr. Chair, I would like just to say I am ready to be arrested. I am not violating the law, and I am representing my constituents, and I stand ready—

Mr. ROY. Representative Thompson. Representative Thompson, I—

Ms. THOMPSON. Bring the handcuffs on, and I am ready to go.

Mr. ROY. Representative Thompson, reclaiming my time. I appreciate that that is your view on the matter. I think that makes the case precisely. With respect to H.R. 1, each of the witnesses, one said that she opposed voter ID, two said some forms of voter ID. I would point out and just want to clarify that H.R. 1 would, in fact, say that an individual in the state that is eligible to cast a vote in an election for Federal office, the state may not impose any additional conditions or requirements on the eligibility of the individual to cast a vote in such election by absentee ballot by mail, in other words, Federal prohibition on the use of voter ID with respect to absentee ballot by mail, and interfering with the state's rights or ability to use voter ID.

I have heard a number of witnesses testify about the lack of examples of the witnesses of fraud. On September 3, 2014, at the United States District Court in Corpus Christi, Democrat election expert, Buck Wood, was asked if there was a voter fraud occurring by mail. His response, and I quote, was, "Yes, very definitely." Do you agree with him, Representative Bernal?

Mr. BERNAL. Do I agree that Buck Wood was aware of a case of voter fraud?

Mr. ROY. Was asked if there was voter fraud occurring by mail. His response, and I a quote, was "very definitely." Do you agree with that?

Mr. BERNAL. I believe that he said that, sure.

Mr. ROY. Representative Collier, do you agree with him, his assertion?

Ms. COLLIER. I cannot confirm or deny. I am not sure what—

Mr. ROY. Representative Thompson?

Ms. THOMPSON. I am not aware of him saying that.

Mr. ROY. OK. In 2007, your colleague, who also happens to be here in D.C., Rafael Anchia, said, and I quote, "Vote by mail, that we know, is the greatest source of voter fraud in this state." Do you agree with Representative Anchia, "yes" or "no?" Greatest source of fraud, "yes" or "no." Do you agree with Anchia or no?

Mr. BERNAL. I have nothing to base the fact that the greatest source of voter fraud was—

Mr. ROY. OK. So, you are disagreeing with Representative Anchia. Representative Collier?

Ms. COLLIER. I don't know the context, so I cannot confirm or deny what you just said.

Mr. ROY. Well, it was an exact quote, "Vote by mail, that we know, is the greatest source of voter fraud in this state." Do you agree with that?

Ms. COLLIER. I am not sure what the context was.

Mr. ROY. Well, that is the context, that statement, straight up. It is plain English.

Ms. COLLIER. Well, give us the rest of it. Tell us what else he was talking about.

Mr. ROY. The sentence, "Vote by mail, that we know, is the greatest source of voter fraud in this state." Do you agree with that?

Ms. COLLIER. Sir, I would decline to respond.

Mr. ROY. Representative Thompson?

Ms. THOMPSON. I think he would be better advantaged here if he was here to answer that question for you.

Mr. ROY. Well, 18 years ago, Representative Garnett Coleman, a Democrat, tried to ban pre-printed ballot by mail applications. Do you agree with Representative Coleman that we should ban pre-printed ballot by mail applications? Represented Bernal?

Mr. BERNAL. I do not.

Mr. ROY. Representative Collier?

Ms. COLLIER. I am not aware of that statement.

Mr. ROY. Do you agree, though, with that position?

Ms. COLLIER. I cannot say what he thought or what he did.

Mr. ROY. Representative Thompson?

Ms. THOMPSON. I am not aware of him making that statement.

Mr. BERNAL. Congressman, can I clarify the question?

Mr. ROY. Very quickly because I am running out of time.

Mr. BERNAL. Are you talking about an application or are you talking about a ballot?

Mr. ROY. A pre-printed mail-in ballot.

Mr. BERNAL. No. Application, yes. Ballot, no.

Mr. ROY. OK. All right. And then with respect to the assertions earlier that I think were placed in the record, the chairman put in a number of videos and statements from Texas constituents. I would ask to insert into the record a document that I have outlined a number of examples of voter fraud, including statements from Black witnesses who testified in the Texas legislature about voter fraud.

Mr. RASKIN. This is a statement from you?

Mr. ROY. Yes.

Mr. RASKIN. OK.

Mr. ROY. Yes.

Mr. RASKIN. Without objection.

Mr. ROY. And in that, you have Gerry Wayne Monroe, Aubrey Taylor, Demetria Smith. Demetria's quote was, "Democrats are going after my ancestors. You are making a mockery of my suffrage and use it to your advantage for your own agenda so you can keep

your own seat. It is not about the people.” Aubrey Taylor: “Hear me. Elections are being stolen in Harris County, and if something is not done right now, I guarantee you, get ready to lose the state.” Gerry Wayne Monroe, “My community is suffering because there are kingmakers, and they cheated in the last election.” He testified that he witnessed ballot harvesters take \$22,000 in pay. He affirms the ballot harvesters were soliciting nursing homes. He testified that a poll location had spare IDs available for voters if they did not have one.

The fact of the matter is there is fraud in elections. The fact of the matter is the legislature is putting forward a good faith effort to try to form our election laws in the state of Texas. And the fact of the matter is Texas Democrats fled Texas to Washington where they are asking Washington to step over the interest of the voters of Texas. I yield back.

Mr. RASKIN. All right. Thank you, Mr. Roy. It is great to have you back. And I now will recognize Ms. Norton for her five minutes of questioning.

Ms. NORTON. Thank you very much, Mr. Chairman, and I want to begin by appreciating your words about Bob Moses. I worked with Bob Moses in the Student Nonviolent Coordinating Committee, or SNCC, in Mississippi, and much appreciate your remembering him. My question goes to, and I would like to put up a slide.

[Slides.]

Ms. NORTON. According to records obtained by the local Houston press outlet, KHOU 11, the Texas attorney general received 197 complaints of voter fraud from 2015 to 2020, during which over 44 million votes were cast. That is four-thousandths of one percent. Only 23 of these complaints pertained to the 2020 election, and there is another slide there, during which over 11 million votes were cast. Now that is one percent of 478,260 votes. So, this is my question for Ms. Perales. How does the discussion of these pending cases mislead the people of Texas about the prevalence of voting fraud given what I have just shown you?

Ms. PERALES. There is just a complete and total mismatch between the very egregious restrictions that are being put forward in this bill, and which many of the members here today are refusing to engage on these specific provisions. But there is just a complete mismatch between what is in these bills and the very sporadic, individualized, anecdotal reports of voter fraud in Texas.

Ms. NORTON. My next question then is for Representative Bernal. The Governor, Governor Abbott’s, own Administration has rejected claims of fraud. Keith Ingram, who is a senior deputy of the secretary of state and director of state elections, testified that elections, and here, I am quoting him, that the election was “smooth and secure.” So, Mr. Bernal, how did Republicans react to Mr. Ingram’s conclusion?

Mr. BERNAL. I don’t think they care. I think they are going to do what they want to do, and it doesn’t matter what facts or figures they have in front of them. It doesn’t matter if it is from our attorney general or secretary of state. They have a different agenda that is not based on numbers or reality, and that is why we are here.

Ms. NORTON. This is a—thank you—a question for Representative Collier. In the failure to find fraud, certainly not for lack of trying, Attorney General Ken Paxton doubled the hours of his staff spent on fraud cases this cycle—22,000 hours—and yet only charged 16 cases, minor cases, none of which resulted in jail time. So, Representative Collier, what do you make of the argument that prosecutors simply do not have the tools to uncover massive voter fraud?

Ms. COLLIER. Well, thank you so much, Congresswoman, for that question. There isn't widespread voter fraud. That is the respondent fact. The ACLU did a study and found that 72 percent of the investigations by the Texas attorney general, who, by the way, is under indictment for fraud himself, for securities fraud himself, have been lodged against people of color, Black and brown individuals. When you have a bill that increases penalties, creates new criminal penalties against voters, potential voters, the conclusion that we can reach is that those would be targeted against people of color.

Ms. NORTON. What are your thoughts, Representative Collier, on how the aggressive prosecution of alleged voter fraud has already affected voters of color.

Ms. COLLIER. And you raise a good point because the way that the bill is written, there is mens rea. In law, we call that the intent. Did I have the intent to defraud? No, that is not even a question. It is whether the act was actually completed. So, the state of Texas has gone off after innocent mistakes, like with Crystal Mason and Hervis Rogers, where they were at it over a year to pursue charges just before the hearing on this harmful election bill was heard. So, it is all a part of the narrative to politically posture and restrict our freedom to vote.

Ms. NORTON. Mr. Chairman, can I simply thank you for this hearing on behalf of the voters of the District of Columbia, who are struggling for statehood and have no vote in this House or in the Senate. So, this hearing on voter suppression means a great deal to me and to them.

Mr. RASKIN. And your comments mean a lot to us, Representative Norton, and as do the rights of your constituents, who never stormed the Capitol even though they have been disenfranchised for a long time. I thank you, and I recognize Representative Cloud for five minutes.

Mr. CLOUD. Thank you. I find it odd that we are talking to you here today in Washington, DC. You, like us, took an oath of office to protect, to defend the laws of the Constitution of the United States, you for Texas. And as a Texan and as a constituent, it is odd to see you here instead of back in Texas doing the job that you were elected to do. Now, you have talked about the fact that you are here to help break quorum. Now, your understanding then is the ability for you to break quorum has to do with the fact that your presence is not there. Is that correct? Is that my understanding? It is not a hard question.

Mr. RASKIN. Who are you directing the question to? I don't think you—

Mr. CLOUD. I guess my question to you is. Is it your understanding that a quorum requires your physical presence? Yes? No?



Mr. RASKIN. To whom are you directing the question?

Mr. CLOUD. Either one of you. All of you. The representatives here.

Ms. THOMPSON. Congressman——

Mr. CLOUD. OK. This is not a complicated question. The point of the matter——

Ms. THOMPSON. No, but would you be kind enough to restate your question, please?

Mr. CLOUD. The point of the matter is that the Texas Constitution requires a quorum for you to be there in order to do business. That is understood that that means your physical presence there. The U.S. Constitution requires our presence here, but we have enacted proxy voting in a way around that, and we need to go back and return to the days before proxy voting here in order to do business. I would suggest that you return to Texas and continue to work on the job that Texans elected you to do. The spirit of Texas is all about doing the work that we are set to do. We can remember the Alamo and all of those kinds of things, and we have never been ones to run from a fight, and I would encourage you not to do that as well. And I would yield the remainder of my time to my friend from Texas, Pat Fallon.

Mr. FALLON. I have good news. I got a text from your colleagues that are in Austin, and on your concern, Representative Collier, about the TDL and the social security number not matching, they are aware of it. They said they discussed it with you all, and they are going to cure it via an amendment. So, we spent a lot of time on something that is going to get fixed.

Mr. RASKIN. So, that speaks well for coming to Washington. They made a little bit of progress.

Mr. FALLON. It is good to have context, right? So, Representative Thompson, do you feel the 2020 November general election in Harris County was conducted fairly in your home county?

Ms. THOMPSON. The secretary of state of Texas said it was.

Mr. FALLON. Ah, he is not here. You are. Do you believe?

Ms. THOMPSON. It was.

Mr. FALLON. You believe it was fair. Is that fair to say? OK.

Ms. THOMPSON. It was fair.

Mr. FALLON. So, I looked up the drive-through locations. There were 10 of them, drive-through locations in Harris County and where they were located, because where they are located is important. I am sure you are familiar with Precinct 1, former senator, Rodney Ellis, now commissioner. He is the commissioner of Precinct 1 in Harris County? OK. Is that a Democratic area?

Ms. THOMPSON. You mean the entire——

Mr. FALLON. No, I mean, is it a majority Democratic area?

Ms. THOMPSON. Yes.

Mr. FALLON. Yes. It is about somewhere between 75 percent and 81 percent Democratic area. Interesting, of these 10 locations, five of them were located in Precinct 1. Four of them are located just outside Precinct 1 in Democratic areas, and one was located at the Humboldt Civic Center, which is clearly a Republican area. Sorry, go ahead. So, nine out of 10 of these drive-through locations that you all love so much, and, by the way, there are no drive-throughs in the other 253 counties, but 9 out of 10, so 90 percent of them

just happen to be in Democratic areas. A hundred twenty-eight thousand seven hundred and ninety-six ballots were cast. I would say, respectfully, that that definition of "fair" leaves a lot to be desired.

And you were sworn in in 1973. Is that right, Representative Thompson?

Ms. THOMPSON. Yes, sir.

Mr. FALLON. So, for 30 years, your first 30 years, you enjoyed a majority in the Texas House of Representatives, correct? Democrats were the majority?

Ms. THOMPSON. Right.

Mr. FALLON. Did the Republicans ever use this "right" or "tactic" to break quorum in those 30 years?

Ms. THOMPSON. We are using the same procedure that—

Mr. FALLON. No, I am sorry—

Ms. THOMPSON [continuing]. Used two years ago—

Mr. FALLON [continuing]. Respectfully, because we have very little time—

Ms. THOMPSON [continuing]. When the Republicans of the state of Oregon broke quorum. And as you know, Pat, it is in the rules. The rules allow for a quorum.

Mr. FALLON. Respectfully, I am just asking—

Ms. THOMPSON. And we broke quorum to represent—

Mr. FALLON. Mr. Chairman, I have to reclaim my time.

Ms. THOMPSON [continuing]. The constituency of our districts.

Mr. RASKIN. OK. I will give you another—

Ms. THOMPSON. And because of the fact that we want to be able to have a voice in our democracy—

Mr. FALLON. That is not what I asked you.

Ms. THOMPSON [continuing]. Is the reason why we are here. The real reason, what you should be asking me is, why are you having a problem because Texas happens to be 84 percent people of color and 16 percent of Anglo, and it looks like the power is about to swing, and you having a problem by wanting all of these laws in place.

Mr. RASKIN. All right. We are going to accept that as your response. I don't want to get into a Texas tussle here. We will go back to you, Mr. Fallon. You get your final wrap-up question or statement.

Mr. FALLON. Thank you very much. I consider myself a person of color. I don't know what it is, kind of pinkish, maybe—

Ms. THOMPSON. We are friends, Mr. Chairman. He and I are friends.

Mr. RASKIN. Representative Thompson, obviously you guys have roots in Texas.

Mr. FALLON. Representative, I may be white, but I am colorful, OK? But anyhow.

Ms. THOMPSON. Pat, you know I had to honor working with you, and it was a pleasure.

Mr. FALLON. No. Thank you. But respectfully, because I did talk to Speaker Craddock, the first 30 years, because you all served together, the Republican Party, the Republicans in the Texas House never broke quorum, and that was the point. They never did, and,

unfortunately, you have been party to it three times, and Representative Collier and Bernal now twice.

Ms. THOMPSON. May I correct you on something? During the first 30 years, we broke quorum many times. I can tell you because on different bills, we just may not have gone as long as we are now, but it may have been for a few hours or overnight or a day. We broke quorum several times.

Mr. FALLON. OK. Just for the record—

Ms. THOMPSON. Because I participated in those breaks.

Mr. FALLON. Yes, but Republicans didn't do it as en masse. That is what—

Ms. THOMPSON. Because it was only about eight or nine of you there.

Mr. RASKIN. All right.

Ms. THOMPSON. How could you?

Mr. RASKIN. All right, Mr. Fallon. I don't—

Ms. THOMPSON. I wouldn't have made a difference.

Mr. RASKIN. I don't mess with Texans messing with Texans, so I—

Mr. FALLON. Thank you, Madam Chair.

Mr. RASKIN. I am going to call it off there because we have got to go to Congresswoman Alexandria Ocasio-Cortez for her five minutes of questioning because then we are going to have to break and vote, but it is not over because we have got more people. And I also want to thank Congresswoman Sheila Jackson Lee, who spent the day with us. I don't know if she is still here. Congresswoman Ocasio-Cortez, you are recognized.

Ms. OCASIO-CORTEZ. Thank you so much, Chair Raskin. And, you know, even just recently, just a couple of days ago, we saw that the Texas Senate passed a bill that removes education of Martin Luther King, women's suffrage, and Native-American history from required curriculum in the state of Texas. So, if anyone even studied American history knew the work of King, knew the work and the necessity of women's rights and suffrage and Native American history in this country, they would know the importance of understanding this history in the context of present law. So, let's start with a history lesson, and let's talk about Jim Crow.

According to Public Broadcasting Service, they define "Jim Crow" as "the segregation and disenfranchisement laws known as Jim Crow, represented a formal, codified system of racial apartheid." That is not a subjective definition. This is a settled definition of Jim Crow in the context of American history. I understand that the Texas State Senate thinks that is not relevant or necessary to teach, but it is important in the context of understanding present law. Now, Representative Thompson, you were born in Jim Crow, in the era of Jim Crow. Is that correct?

Ms. THOMPSON. Yes, it is.

Ms. OCASIO-CORTEZ. Now, briefly, what were some of the voting limitations that you know of that targeted Black voters during the Jim Crow era?

Ms. THOMPSON. The Black Code was one of them because it denied African Americans the right to vote, and then after that came the poll tax, and the poll tax stayed even after the law was ruled unconstitutional, remained until 1966 in Texas.

Ms. OCASIO-CORTEZ. Now, Representative, it is important to know that until 1966, we had racial apartheid known as Jim Crow in the United States of America. Now, during that era of Jim Crow, Representative Thompson, as you noted, that includes a polling tax, correct?

Ms. THOMPSON. Yes, it does.

Ms. OCASIO-CORTEZ. That includes voter ID laws, stringent voter ID laws at that time, correct?

Ms. THOMPSON. Absolutely, yes.

Ms. OCASIO-CORTEZ. Citizen checks, correct?

Ms. THOMPSON. Yes.

Ms. OCASIO-CORTEZ. Difficult hours to vote during Jim Crow, correct?

Ms. THOMPSON. Right.

Ms. OCASIO-CORTEZ. And had the normalization of white supremacist voters monitoring and intimidating Black voters at polling locations during the era of Jim Crow, correct?

Ms. THOMPSON. That is right because they had—

Ms. OCASIO-CORTEZ. Now, let's walk through some of the dangerous measures proposed by your Texas State Republican colleagues and supported by Governor Abbott that they are trying to enact today. So, the proposed Texas bills, S.B. 1, H.B. 3, would set new ID requirements so voters must provide their driver's license number, or, if they don't have one, the last four digits of their social security or a signed affidavit, correct?

Ms. THOMPSON. Right.

Ms. OCASIO-CORTEZ. Now, they would also place a ban on the distribution of mail-in ballot applications, correct?

Ms. THOMPSON. Correct.

Ms. OCASIO-CORTEZ. As well as monthly citizenship checks, monthly citizenship checks for voter registration, correct?

Ms. THOMPSON. Correct.

Ms. OCASIO-CORTEZ. They would ban extended hours during early voting. Is that correct?

Ms. THOMPSON. For those persons we call essential workers who helped us during the pandemic, yes.

Ms. OCASIO-CORTEZ. And the proposed bills, today, right now, will create an array of new criminal penalties and requirements for folks who assist voters at the polls or people who assist others planning to vote by mail. Is that correct?

Ms. THOMPSON. That is correct.

Ms. OCASIO-CORTEZ. These bills would then expand the authority of partisan poll watchers by granting them what is known as "free movement" at a polling location, which could allow them to harass voters, correct?

Ms. THOMPSON. People with no training coming in your area.

Ms. OCASIO-CORTEZ. Representative Thompson, this sounds an awful lot like the Jim Crow that you grew up in and were born into. Based on your lived experience, would you say that these proposed voting laws are remnants of Jim Crow? I shouldn't even say "remnants." Revivals? An attempted revival of Jim Crow?

Ms. THOMPSON. Absolutely. Jim Crow 3.0.

Ms. OCASIO-CORTEZ. And would you agree that S.B. 1 and H.B. 3 are systematic measures to impede your community, Black com-

munities, Latino communities, and a wide variety including, as Representative Pressley noted, disabled Americans, the constitutional right to vote as was done in the past?

Ms. THOMPSON. Yes.

Ms. OCASIO-CORTEZ. Now, let's talk about "the myth" of voter fraud. According to MIT Election Data and Science Lab, only about .00006 percent of total mail-in votes cast are results of voter fraud. That is less likely than being struck by lightning. Representative Bernal, are you familiar with the 2016 case, Texas Association of Hispanic County Judges v. Greg Abbott, the same Governor who is supportive of these bills?

Mr. BERNAL. Yes.

Ms. OCASIO-CORTEZ. And what did we learn?

Mr. BERNAL. We learned that, once again, Texas discriminated against voters because of their race. In fact, over the past 10 years, Texas has been found to have acted against the interests of minorities over 10 times by three Federal courts with Republicans—

Ms. OCASIO-CORTEZ. So, to clarify, the Fifth Circuit already told Governor Abbott that these voter ID propositions are discriminatory, and Abbott knows this, has been told by the courts, and is still continuing to support laws that he knows are discriminatory as ruled in a court of law and by judges.

Mr. BERNAL. Every chance—

Mr. RASKIN. The witness may answer that question, and then the gentlelady's time has expired.

Mr. BERNAL. Every chance they get.

Ms. OCASIO-CORTEZ. Thank you very much, and I yield my time.

Mr. RASKIN. Thank you, Ms. Ocasio-Cortez. All right. So, here is what we are going to do. Votes have been called. There are nine votes. We are just going keep it going. I hope my friend, Congresswoman Norton, is still on the call because being the representative the people of Washington, DC, she doesn't have to go vote, and I am hoping she can fill in for me when I have got to do it because we have got some very distinguished representatives who are still yet to do their questioning. I am going to go ahead and call on Representative Tlaib for her five minutes of questioning.

Voice. Mr. Chairman?

Ms. TLAIB. Thank you so much—

Mr. RASKIN. Yes?

Mr. SESSIONS. Mr. Chairman, I would insist that we have normal, regular procedure, that we go back and forth.

Mr. RASKIN. Is Mr. Comer here? I was waiting on him.

Mr. SESSIONS. Well, as you know, they have called a vote. And so, I would insist that in that place, because you and I only—

Mr. RASKIN. Yes.

Mr. SESSIONS [continuing]. Only one minute ago agreed we would continue. And I am for continuing, but still, the Republicans would have a chance to respond for five minutes, not—

Mr. RASKIN. OK. Well, is there another member—

Mr. SESSIONS.[Inaudible.]

Mr. RASKIN. I mean, I am trying to get through all the members—

Mr. SESSIONS. Well, that may be true, sir, but they, as you know, have gone to vote.

Mr. RASKIN. OK. The moment he gets back, we will go to him.

Mr. SESSIONS. Well, I am going to say, sir, that I believe that rather than 25 minutes of straight Democratic members, that the Republicans be given five minutes, and then the Democrats be given five minutes, and the Republicans be given—

Mr. RASKIN. Oh.

Mr. SESSIONS. I can go and get someone.

Mr. RASKIN. I got you.

Mr. SESSIONS. But you and I cut a deal right here a minute ago.

Mr. RASKIN. Mr. Sessions, forgive me, and I am trying to honor that deal. I am told that it was your staff that just told us that Mr. Comer was not here and we should go ahead.

Mr. SESSIONS. Well, but that did not mean go ahead, that we would not allow a Republican in that place.

Ms. TLAIB. Well, I think two Republicans can go in a row, right, Chairman, if they come back? I don't think that—

Mr. RASKIN. My friends, in the spirit of Elijah Cummings, and I know I am a poor substitute, we are going to get through this just fine. Every member of this committee is going to get the right to question.

Mr. SESSIONS. Mr. Chairman, you and I agree with that, and I have never agreed. I just want to know what the rules are.

Mr. RASKIN. OK. Yes. So, I am going to make sure every member gets to question. I am not going to try to cut anybody off. Poor Ms. Tlaib has been waiting so patiently—

Mr. SESSIONS. And that we respect.

Mr. RASKIN. All right. Good.

Ms. TLAIB. OK.

Mr. RASKIN. And she always has such good humor. Ms. Tlaib, you are recognized for your five minutes of questioning.

Ms. TLAIB. No. Thank you so much to both of you as we continue this really important hearing. You know, thank you, Chairman Raskin, for really wanting to put this forward, and thank you to all the honorable representatives of the American people who risked so much for the rights and freedoms of so many. I want you all to know, you know, I always have John Lewis right over my shoulder as a reminder that we sometimes, in a nonviolent way, have to push back against oppression and injustice, and you all are doing it, and I think it is extremely patriotic what you all are doing on behalf of your residents. And please don't allow my colleagues to intimidate or bully you. You know what the risks were, but also you know what is at stake, and so I just want you all to know you are inspiring. Your courage is inspiring to me.

You know, some colleagues continue to not like the title of this committee. Well, how about we equally are, you know, angry and upset at things like "the election was stolen." I am so appalled by those that continue to enable that kind of rhetoric that really brought so much violence on January 6 to this Capitol. And I want you all to know it wasn't my immigrant neighbors here at the Capitol. They are not attacking our democracy and that continue to attack, you know, people of color as if they somehow were the reason that the outcome of this election was not in their favor.

And just to remind my colleagues, please, you all won with the same system of democracy. You won your elections with the same

system. The forever-impeached President won his election with the same system that you are now trying to tear down, that you are trying to dismantle. You all won your elections with that same system that you now are saying is fueled with fraud and all these other things. So, I do want, Mr. Chair, if I may, I think it is important to put into the record an article that says, "Texas Had an Outsized Presence at the Capitol Insurrection," as the title.

Mr. RASKIN. Without objection.

Mr. RASKIN. And so, let's be clear. These Republican voter suppression bills took pains to avoid mentioning race, but they are aimed directly American voters of color. This is a blatant, disgusting attempt to return to Jim Crow disguised by expensive Washington consultants and lobbyists. They are covering it up, but we all know what this is about. We know this because this playbook isn't new, and I know Ms. Thompson knows this. I mean, in 2016 a Federal judge struck down similar efforts in North Carolina where they wrote, "Although the new provisions target African-Americans with almost surgical precision, they constitute remedies for the problems justifying them and, in fact, impose cures for problems that did not exist. Thus, the assertive certifications cannot and do not conceal the state's true motivation." And now the Texas legislature, and to note, Michigan Republicans, I might add, are now doing everything they can to make it harder for my Black and brown neighbors across the country to vote, wanting to employ these very tools to use the new requirements for mail-in voting to suppress voters of color.

These proposed bills create intentional confusion regarding IDs and requirements designed to trick individuals and really intimidate individuals from voting. And I know Nina had talked a little bit about that, and knowing my mother, who is an immigrant, it would have devastated her to have that happen to her as she went to exercise her vote. They also are threatening jail time for elected officials who solicit or mass mail voter registration applications, criminalizing election officials who encourage citizens to vote, you all. You know, all of us have done that. "Go vote." "Have your voices heard." Oh, now, you are going to put handcuffs on those people. And while this provision would put election officials in jail for mailing absentee ballot applications to eligible citizens, you all, it would still allow political parties to do the same thing. I cannot see any good faith reason why political parties would be able to help people vote absentee, but not nonpartisan election officials.

We must face the facts about these bills in Texas and Michigan and countless others being pushed by my Republican colleagues are enabled by them across the Nation. They are an attack on our American democracy. They failed. They failed, and now they want to cheat, and that is the exact truth. They want to somehow dismantle anybody that looks like me or has a name like mine to be able to go vote freely. And it makes me angry because they all benefited from that same system. They all are in their places of power because of that same system, and now because the forever-impeached President did not win, they are putting this man before their country. If they do that, the blame for the death of our republic will not fall on those backing the former impeached President, but on those who lack the courage to make a stand.

So, Rep. Thompson, I would like to close by hearing your voice here, which has been very powerful. Why do you think Republicans are pushing to make it harder to vote and going so far as wanting to jail election officials?

Mr. RASKIN. Thank you, Ms. Tlaib, and the witness may answer that question, and thank you very much for your questioning.

Ms. THOMPSON. I think there is a change of the demographics in Texas when we have 84 percent of the people of color that makes up the population of 29 million people, and only 16 percent of the people who has been controlling feel rather threatened at this particular time. That is what I think the whole thing is about.

Mr. RASKIN. All right. Now, thank you very much for that answer. And here is what we are going to do. For both biological and parliamentary reasons, we are going to take a 15-minute break, OK? The witnesses have requested some time, so everybody can go use the restroom, make a call, whatever you need to do. We will all go vote, and we will resume here in 15 minutes, and we will begin with the Republican side, I think Mr. Comer, if he is back, then we will go to Mr. Sarbanes, and we will continue to make sure every member gets their questioning. So, we have a temporary recess.

[Recess.]

Ms. NORTON.[Presiding.] We are ready to resume, and I recognize Mr. Comer for five minutes.

Mr. COMER. Thank you, Madam Chair. I just want to briefly say I have studied the Texas bill. I have studied the Georgia voting bill that have been in the news a lot. I think the liberal mainstream media mischaracterized both bills, significantly mischaracterized both bills. Both bills looked to me like it would make it easier to vote and harder to cheat, which is what every law-abiding legal American voter should want. With that, Madam Chair, I would like to yield the balance of my time to the gentleman from Texas, Mr. Fallon.

Ms. NORTON. The gentleman from Texas is recognized.

Mr. FALLON. Thank you, Madam Chair. I just want to clarify something because you all are under oath, and I just want to make sure. Miss T, or Ms. Thompson, Representative Thompson, was there a meeting held before the special session that took about a half a day that involved Republicans and Democrats trying to work out this bill?

Ms. THOMPSON. There was.

Mr. FALLON. OK. And did you attend that meeting?

Ms. THOMPSON. I did.

Mr. FALLON. OK. And during the five-hour layout, there is a special committee that was appointed to hear this bill, and are you on that committee?

Ms. THOMPSON. Vice chair.

Mr. FALLON. OK. So, Chairman Andy Murr, during the layout, I believe it was five hours—he is the bill's author—talked about the concern that Representative Collier had about the mail-in ballot, if you use, you know, 20 years ago your social security number, but now you are using your driver's license number, because Representative Bucy specifically asked that question, and the commit-



ment was made. Do you remember commitment being made by Chairman Murr? You might not. That is fine. I just want to——

Ms. THOMPSON. I don't recall that.

Mr. FALLON. If we watch the tape back, there will be a commitment publicly made by Chairman Murr that he would cure that and he would fix it with a floor amendment, so I just want to move on from that. Representative Collier, do you believe, and I am guessing that I know the answer, but I want to give you the chance to answer, that this bill, if it becomes law, would be restrictive?

Ms. COLLIER. Can you explain? What do you mean, "restrictive?"

Mr. FALLON. Harder to vote.

Ms. COLLIER. I am sorry?

Mr. FALLON. Harder to vote.

Ms. COLLIER. Let me give you an example. As I sat here today, my integrity was questioned. The veracity of my statement was questioned by Congressman Sessions. He made an accusation that I was incorrect, and he said it with such authority that it called into question my actions. And based on that, it could deter someone from participating any further.

Mr. FALLON. OK. Well, I am not Representative Sessions, but I am going to have to reclaim my time again. It is just because we only have——

Ms. COLLIER. Well, you are asking about how it is going to make it harder if I have a partisan poll worker——

Mr. FALLON. Representative Collier, if you don't want to answer the question, that is fine.

Ms. COLLIER. Well, I just want to say it is hard.

Mr. FALLON. I am just asking do you believe this bill is going to be restrictive. You oppose the bill in its current form, so I am guessing you don't think it is a good bill. Fair to say, "yes" or "no?"

Ms. COLLIER. What I believe is that this is going to be harder on people that they are going to be targeted——

Mr. FALLON. To vote.

Ms. COLLIER. It is going to be targeted for people of color to participate in the election.

Mr. FALLON. OK. All right. So, you would say it is, at least, it is racially, maybe, motivated, but certainly racially negative.

Ms. COLLIER. It will have a disparate impact on people of color.

Mr. FALLON. OK. OK. And that is your view. We have two weeks of early voting in Texas. If we were to reduce that to one week, would you say that would have a disproportionate effect on people of color?

Ms. COLLIER. I think you have to look at the totality of the circumstances. There are so many other things——

Mr. FALLON. No, I mean, just say there are two weeks now——

Ms. COLLIER. You can't just say it is that, though. It is more than that. It is also the hours, the location.

Mr. FALLON. Right, so this expands the hours, but——

Ms. COLLIER. No, it doesn't. This bill does not expand the hours.

Mr. FALLON. OK. It goes——

Ms. COLLIER. It reduces the hours.

Mr. FALLON. OK. It does not. In 253 counties it expands the hours.

Ms. COLLIER. We had 24-hour voting——

Mr. FALLON. In one county in Texas.

Ms. COLLIER. There was 24-hour voting, and now you cannot. That means it reduces hours.

Mr. FALLON. Was there 253 counties that had 24-hour voting in the last cycle?

Ms. COLLIER. It reduces the ballot—

Mr. FALLON. No, there was not.

Ms. COLLIER. It reduces the voting—

Mr. FALLON. So, would you join me in condemning Connecticut, and New Hampshire, and Delaware, and New York, and New Jersey for being racially insensitive by not having two weeks of early voting. Some of those states don't have any early voting.

Ms. COLLIER. I am not familiar with what is going on in those other states.

Mr. FALLON. But you would say that early voting is a good thing?

Ms. COLLIER. I would believe that you have to look at the totality of the circumstances.

Mr. FALLON. OK. So, you don't know where your stance is on early voting. Drive-through voting. Can you name any states that allow 24-hour voting currently in statute?

Ms. COLLIER. I know what Texas does, and Dallas County had drive-through registration.

Mr. FALLON. No, that is not the question. Madam Chair, I am going to have to reclaim my time on that one. How about drive-through voting? Are you aware of any states that have drive-through voting?

Ms. COLLIER. Harris County had drive-through voting. That is what I am aware of.

Mr. FALLON. Any other states other than Texas?

Ms. COLLIER. That is the state I am aware of, Texas.

Mr. FALLON. OK. So, there are none that you know of. No other of the 50 states. So, I think that what we have seen here, now, and correct me if I am wrong. You called this bill Jim Crow 2.0?

Ms. COLLIER. I have not made that statement today.

Mr. FALLON. Have you made in the past?

Ms. COLLIER. No.

Mr. FALLON. You have never said it?

Ms. COLLIER. I don't believe I have.

Mr. FALLON. OK. But you do believe—

Ms. COLLIER. It is discriminatory, though.

Mr. FALLON. You believe it is racially discriminatory?

Ms. COLLIER. It does have a disparate impact on people of color.

Mr. FALLON. So, do you believe that people that support this bill are practicing racial discrimination if you vote for it?

Ms. COLLIER. I think that the outcome of the bill—

Mr. FALLON. It would be clear—

Ms. COLLIER [continuing]. Would be a disparate impact. I really believe it is more politically motivated.

Mr. FALLON. So, are you calling your Republican colleagues racist in any form by supporting—

Ms. COLLIER. They are uninformed.

Mr. FALLON. They are uninformed. Miss T, you said that there were Proud Boys that were practicing intimidation. I have never met a Proud Boy.

Ms. THOMPSON. I didn't say they were Proud Boys.

Mr. FALLON. They looked like Proud Boys.

Ms. THOMPSON. They looked like they could be. Well, I think that you saw some up here on January the 6, didn't you?

Mr. FALLON. Yes, I was about to fight some. I don't know who they were. They were criminals that, you know, breached the Capitol, and I wasn't too happy about it. So, how would you describe a Proud Boy? What do they look like?

Ms. THOMPSON. Well, let me tell you what the people looked like that I talked about, the poll watchers that comes to my area. They are white, look like they could be people, the Proud Boys or the Ku Klux Klan, and they—

Mr. FALLON. Just by looking at them. You are judging a book by its cover.

Ms. THOMPSON. Well, you know, they haven't sent you yet. I am still waiting for them to send you to my area because—

Ms. NORTON. The gentleman's time has expired.

Ms. THOMPSON [continuing]. It would be amenable to me if you had a chance to come.

Mr. FALLON. I believe that there were no complaints filed in Harris County at all on voter intimidation, so, therefore, I believe it is more of an urban legend, in fact. Thank you, Madam Chair. I yield back.

Ms. NORTON. I now yield five minutes to Mr. Sarbanes of Maryland.

Mr. SARBANES. Thank you very much, Madam Chair. Thank you all for being here. Thank you for coming to Washington at a critical moment in our Nation's history. People keep trying to characterize what you did as fleeing Texas, but I think what you did was you were pulled to the Nation's capital by the power of your experience and came as a clarion call to Congress and to the President to do all we can to push back against these voter suppression efforts. And you didn't just come for Texas, although that is your first love. You came on behalf of states and Americans all across the country who are facing a similar rollback of their access to the ballot box, so I can't thank you enough for that. I want to pledge to you that I and others here are continuing to do everything we can to get H.R. 1, S. 1., the For the People Act, and H.R. 4, the John Lewis Voting Rights Advancement Act, across the finish line, and to do that as quickly as we can, understanding that our democracy is up against a shot clock right now when you look at plans to engage in extreme partisan gerrymandering across the country, as well as to further ingrain this voter suppression that we have seen. So, I thank you for being here, and we very much appreciate your willingness to lean in every single day on these critical issues.

End of the day, all we are trying to do is create a political ecosystem that puts the voter in a respectful place. That is all. Not to give one voter an advantage over the other, but to raise standards all across this country so that when you wake up in the morning on the day you have decided to cast your vote, whether it is sitting at your kitchen table filling out an oval on a mail-in ballot where it is going to an early voting center, or it is showing up on Election Day, you have confidence that you can complete that transaction without having three or four or five contingency plans

to make it happen. That is all we are trying to do with these reforms.

Let me ask you, Representative Collier, and then Representative Thompson and Bernal. I would like to get your perspective. But you had mentioned, Representative Collier, I think, very astutely, that things that can be dressed up as mere inconvenience or difficulty in accessing the ballot box are really just voter suppression. It is complicated sometimes. You can create a kind of Rubik's cube or Rube Goldberg contraption on voting where you can say, well, you know, the locale has this rule and that rule, but somebody is masterminding that that is going to have an impact, and often an impact on certain groups. So, I would be interested to hear, we have got about a minute and a half left, but maybe each of you take a few seconds to talk about, you know, one or two examples of something that gets painted as, you know, inconvenience or difficulty but, you know and you have seen that, actually, it has an impact, and often a disproportionate impact, on the ability of people to access the ballot box. We can start with you, Representative Collier.

Ms. COLLIER. Thank you so much for the great question. You know, when the polling locations change, people get used to voting in a particular location, but they change those continuously, then that is a form of suppression when you change the hours that a polling location is open, on different days even. So, you may say Monday, Wednesday, and Friday it is open from 11 to 7, but 7 to 7 on Tuesdays and Thursdays. That can get complicated and confusing. Those are methods. The other thing, it deals with the types of identification. So, you can use your open to carry license, your license to carry, but you cannot use your student ID that is issued by a state institution. So, it is confusing, and there is a lot of red tape when it comes down to voting by mail that make it difficult for people to participate in the process. It is cumbersome. And then when you do participate and you make a mistake, you are subject to harsh criminal penalties where you could face jail time. In this particular bill, the presiding judge could face jail time, without a warning, that this same poll worker watcher who violates the law would get a warning first and then, you know, a criminal penalty, subject to criminal penalties.

So, I don't see parity in the law that they are doing for this particular measure when it comes down to elections, and so that is what we want to make sure. And it is unfortunate that we have to come to Washington, DC. We are still doing our job today. I have not stopped doing my job in representing my constituents since 2013, and that I would have to come, for a Member of Congress to tell me that he has negotiated and confirmed that a provision that was harmful to people will be removed. So, that is unfortunate, but that is where we are today. And so, I thank you for your bill and for the consideration, and I look forward to working with you.

Mr. SARBANES. Well, unfortunately, I have run out of time. I would love to get the other thoughts of the other panelists, but I am out of time. I did just want to say, Mr. Chairman, that as Representative Bernal said before, the word of mouth goes back into a community about how hard or easy it is to cast your vote, and wouldn't it be something if we could create standards across this

country so that when people went back to their community, they said, you know, I went and voted today and it worked out just fine for me, and we should all get out there and cast our vote and raise our voice. With that, let me yield back my time.

Mr. RASKIN.[Presiding.] Thank you, Mr. Sarbanes, for your leadership and your questioning. We go now to Ms. Fletcher, who represents Houston, is not a member of the subcommittee, but she waived on and changed all of her travel plans to be here to hear the distinguished representatives. Ms. Fletcher, you are recognized for your five minutes of questioning.

Ms. FLETCHER. Well, thank you so much, Mr. Chairman, for allowing me to participate in today's hearing, to join you for the hearing, and I really want to thank our witnesses for being here, both those who are here in person and those who are joining us virtually. I have limited time with five minutes, but I do want to respond to a few issues that we have heard today and also give you all a chance to respond. There were several questions that I think the witnesses were not able to answer fully, but I also want to address why we are here and why this matters. These bills are being written in Texas, but these bills are being written across the country, and this is a national issue, and what is happening in Texas is really a cautionary tale.

I want to followup on something that my colleague, Mr. Fallon, said. You know, he raised the issue and said that it was horrifying to him and heartbreaking to hear about the past. Our witnesses here are talking about the past, but they are talking about the present. They are talking about what is being done to suppress the vote in Texas today. It is still happening, and it may not be, as our beloved late colleague, John Lewis, told us, requiring people to count the number of jellybeans in the jar, but our witnesses are telling us what is happening right now. And we need to listen to them, and we need to understand how we respond to this at a Federal level.

I have a couple of quick followup questions. Ms. Thompson, Representative Mace asked you several questions about what you need in Texas, an ID for, and she asked a litany of questions, but there was one question she didn't ask, which was does Texas require you to have an ID to vote, and I believe the answer is yes. In Texas, we have voter ID, and this bill is not about voter ID. It is a distraction from the issues and the methods that are in front of us. Is that right?

Ms. THOMPSON. Yes.

Ms. FLETCHER. And you also talked a little bit about the poll watchers, and I would like to know, I understand in this last legislative session that Texas passed what is called constitutional carry. Can those poll watchers carry weapons into the polling places under this legislation?

Ms. THOMPSON. We are not sure yet. I am not sure. I don't think so, but I am not sure.

Ms. FLETCHER. OK. Another question I had in followup, and this is directed at Ms. Perales. Mr. Roy asked a question about Section 2 of the Voting Rights Act. And is it fair to say that the Voting Rights Act has, in fact, been watered down over the years and that

we need to protect the rights of voters under Section 5 as well as Section 2?

Ms. PERALES. Yes, it is absolutely true to say that, and he was inaccurate in saying Section 5 was struck down. It was not. It was the coverage formula in Section 4. Nevertheless, Texas voters and many others throughout the South have lost an important guarantee of their voting rights, and it needs to be restored as soon as possible.

Ms. FLETCHER. Thank you very much, Ms. Perales. Another thing that we heard several of our colleagues talking about today is, in fact, some of the very innovative things that happened in Houston and Harris County, which I have the privilege of representing here in the Congress, and some of the extraordinary steps that our officials there took to make sure that people could safely exercise their right to vote during the pandemic. So, some of the things that have been framed as issues of convenience really are issues of access. And from my experience, people across my district voted using these methods for a variety of reasons, and it was all voters who took advantage of these of these methods. And our elections administrator testified before the Texas legislature in the spring about some additional bills, not this current version of the bill, but a prior iteration, and really explained that some of the critical pieces that are challenging here is forbidding elections offices from telling people about mail-in ballots, about educating voters about their options to access the ballot box. It is a real micro-management of local entities that is kind of contrary to what Texas Republicans have traditionally identified as a value of theirs.

But it also does something, and we heard this from our colleagues today, that you are just kind of requiring some of the same things for people. But I would love to hear from you all how some of these things, and I think that has been the point of this hearing, that what may seem facially neutral is, in fact, discriminatory and will have a disproportionate impact on people in the communities that we all represent. And so, I wanted to turn back because I think that Ms. Collier and, I believe, also Ms. Perales were both not able to answer two questions. So, I want to give you the time I have remaining to clear up anything that was asked and you didn't get a chance to completely answer.

Mr. RASKIN. OK. The gentlelady yields back, and you will each be given a quick sec to respond.

Ms. COLLIER. Thank you so much. So, just going through the part about the ballots being rejected, there is a provision on page 24 where the ballots will be rejected and then about the partisan poll watchers. Again, there is no parity in criminal penalties. They can get away with, you know, violating the law, and then there was a question about can someone file a complaint. I can, but the harm has already been completed, so I have already been deterred and disenfranchised by the time I can file a complaint. So, I really have a whole bunch of measures in here that need to be addressed, that they now recognize, and so this is further evidence that they have not really fully vetted the provisions of this bill.

Mr. RASKIN. OK.

Ms. PERALES. I would simply add in one minute, less than one minute, to Representative Donalds, the section that you are looking

for in the bill that you are reading is Section 5.10, in which the number provided by the mail voter has to match the number on file with the registrar. And then the last thing I would like to mention, just to emphasize, this bill has nothing to do with voter ID at the polls. However, since Representative Fallon stressed so much that he wanted things to be truthful, I need to correct him. He said there was no voter ID in 2008. There was. He said that the 2011 voter ID bill did not depress turnout. It must be pointed out the 2011 voter ID bill was struck down as racially discriminatory by a Federal court and was not used in the 2020 election. So, even though this bill is not about voter ID, it is important for us to remember that the voter ID law passed by Texas within the past decade was racially discriminatory.

Mr. RASKIN. OK. Thank you very much. Is Mr. Comer back, Mr. Sessions, do you know, or is he—

Mr. SESSIONS.[Inaudible.]

Mr. RASKIN. Yes.

Mr. SESSIONS. And people are doing, as is constitutionally required, doing that duty also.

Mr. RASKIN. Of course. Well, let's see then, and I don't know whether Mr. Veasey or Mr. Davis is online with us yet. All right. Well, I believe we are still on the second vote. I believe that is right. Well, why don't we do this? We will take the remaining members as we have committed to them. We are not going to otherwise have time for all five of our witnesses to say a word of closing, and a couple haven't spoken in a while. So, why don't we give each witness a minute to give your closing now, and, if you don't mind, we will come back to you for further questioning. Mr. Bernal, why don't we start with you?

Mr. BERNAL. Thank you, and, again, thank you for having us. I think, in closing, it is important to point out that we have exchanged a lot of platitudes here, but we have not had a substantive debate about the actual components of the bill. Nobody wants to talk about the legality and the pieces about partisan poll watchers. No one wants to defend the piece about voter assistance. We had an exchange where someone accused us of being incorrect and then that was later found that that we were correct, and I think that the details matter. It is not a bill about voter ID. We can talk back and forth about our sort of hashtag messaging, but we have not had a substantive debate at large about the bill, because when we do, people see that we are right. We haven't had it in the State House. We tried to have it and we were ignored completely. But the substance of the bill, the actual pieces, not the spirit, not the overall phantom wrong that we are trying to correct, but the actual nuts and bolts of the bill matter. And when we do that, it is clear what the bill aims to do in the face of absolutely nothing to justify it.

Mr. RASKIN. Thank you, Mr. Bernal.

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. And the devil is indeed in the details.

Mr. SESSIONS. Mr. Chairman?

Mr. RASKIN. Yes?

Mr. SESSIONS. In fairness, and I know fair is on my side or your side—who cares—but I would like to engage the gentleman for 30 seconds.

Mr. RASKIN. OK. All right. Take 30 seconds. Let's do that, and then Mr. Veasey—

Mr. SESSIONS. In my opinion, this is partisan mailing that goes out that says ask for a ballot. Is that what this is in reference to? It is to me. So, should they not allow anyone to mail out anything? And it is a question, anything about requesting an early ballot.

Mr. BERNAL. I don't understand the question. Are you saying—

Mr. SESSIONS. Well, you are talking about partisan politics engaged in the election process.

Mr. BERNAL. I am talking about the details of the bill.

Mr. SESSIONS. Well, I am talking about, we are, and what that is about is the legality for a party, political party, to mail out to someone requesting an early ballot.

Mr. RASKIN. But would that be allowed under the new legislation, let's just get that, for a party to mail out—

Mr. BERNAL. In limited circumstance it would, but for the most part, they are they are eliminating the ability to send someone an application. It is an application. It is not a ballot.

Mr. SESSIONS. It is an application—

Mr. BERNAL. You still have to qualify for—

Mr. SESSIONS. But that is the partisan part, isn't it?

Mr. BERNAL. You still have to qualify for the ballot. Just because you get the application doesn't mean that you get to vote by mail if you apply for it.

Mr. SESSIONS. What is partisan? You say we are not getting to it. What is the partisan? What act would happen that you don't like?

Mr. BERNAL. Excuse me?

Mr. SESSIONS. What act would happen that is political that you oppose?

Mr. RASKIN. OK. And we will give you a chance to answer, and then we are going to go to Mr. Veasey. He has been so patient.

Mr. SESSIONS. Oh, we have got another member.

Mr. RASKIN. He is back.

Mr. SESSIONS. Thank you.

Mr. BERNAL. Can I respond?

Mr. RASKIN. Yes, quickly, if you would.

Mr. BERNAL. Voting is a right and not a privilege, and if you limit the ability for people to access the ballot, if you limit—

Mr. SESSIONS. We are talking about partisan activity is what you talked about.

Mr. RASKIN. All right. All right. I am going to cut it off there because Mr. Veasey, who represents Houston, I believe—I hope I got that right—

Mr. SESSIONS. No, it is North Texas.

Mr. RASKIN. North Texas, has been with us today. He waived on for the purposes of hearing the testimony of the witnesses, and you are recognized for your five minutes of questioning, Mr. Veasey.

Mr. VEASEY. Mr. Chairman, thank you very much. Yes, I am Marc Veasey. I am not on the committee. I waived on. I appreciate the chairman allowing me the opportunity. I represent Fort Worth



and Dallas. As a matter of fact, Nicole Collier, who is one of the witnesses here, a representative, she is my neighbor and my state representative, and I appreciate her presence here today. And I just want to really thank my former colleagues in the state legislature, my friends, current state legislators, for really being courageous to take the time to be here. I know that all of you all are from different types and districts and have different sort of political challenges. And the fact that you took the time to come here to stand up for voting rights in this country really means a lot.

And that was one of the reasons why I started the congressional Voting Rights Caucus. I am the chair of the congressional Voting Rights Caucus here in the U.S. House of Representatives and started it because, from my time in the state legislature, I knew that we were going to have some troubled times just because of a lot of the pretty blatant voter suppression attempts that I saw when I was in the legislature, including a group called the King Street Patriots that came to testify that people should be allowed to record people with cellphones while they vote. Just absolutely, you know, ridiculous that we are still having to live that way.

And I wanted to ask, I don't know, I think Representative Clardy is still on. There has been a lot of talk and discussion about these rules and the fact that these brave Texans have broken quorum to come here. Representative Clardy and I did not overlap in the State House. I think we missed each other by one session. Before I got there, then Lieutenant Governor David Dewhurst said that redistricting and voter ID were so important, so important that they were going to break the rules and change them, the two-thirds rule in the Senate, the filibuster rule, the same thing that we are grappling with right now in the U.S. Senate, that they were going to change the rules instead of working with other side so they could get the votes needed to pass redistricting and to pass voter ID. I wanted to ask Representative Clardy was he OK with the Republicans breaking the rules at that point?

Mr. CLARDY. Yes, I am still here, Congressman Veasey, and it is good to see you again. So, to that point, one, I don't believe that was Lieutenant Governor Dewhurst.

Mr. VEASEY. It was Dewhurst. It was when I was there. It was Dewhurst, and then Patrick took over and he permanently changed the filibuster rule. So, were you OK with it then?

Mr. CLARDY. I wasn't in office then, and, frankly, I was a fan of the two-thirds rule, so—

Mr. VEASEY. But are you OK breaking it, because, right now, we wouldn't even be having these problems if the two-thirds rule was still in place? So, they are using the only tools that were available for them at the time.

Mr. CLARDY. May I answer the question? Again, before my time, but as you described it, it sounds like, to me, Dewhurst, and this was in the other chamber that you and I didn't serve in, that they avail themselves of their rules, to change their rules, which we do every session. We adopt in the House our rules, and we can modify or change them, keep them the same. So, they did act under the color and the letter of their law, if that is what was done.

Mr. VEASEY. So, you were OK with them changing the rules for their means, but you have a problem with what Representative

Thompson and other Democratic state legislators are doing. I just don't get the double standard. I wanted to ask Ms.—

Mr. CLARDY. Can I just—

Mr. VEASEY. I wanted to ask Ms. Thompson—

Mr. CLARDY. I am in favor of them following the rules, and part of that allows you to modify or change a rule.

Mr. VEASEY. They are following the rules right now. Thank you.

Mr. CLARDY [continuing]. To do is leave the state and obligation under the Constitution.

Mr. VEASEY. Thank you, Representative Clardy. Thank you. I wanted to ask Representative Thompson something. I am going to go off script from my remarks here, and I wanted to ask you this in closing. I don't know if you have seen the movie, Birth of a Nation, or not. It is a terrible movie, and one of the things that we, you know, have a hard time explaining to some of our white colleagues here is how racism is normalized. We are having this big debate right now over critical race theory and things like that, about how racism is normalized in society. And you have to see this movie to understand how people that were liberal and conservative back during that time period, our colleagues' grandparents and their great grandparents, believed these crazy stories and tales about black people committing voter fraud, and we are starting to hear these same stories and these same tales today. As a matter of fact, Ms. Thompson, you had one of your colleagues in the State House that had a map that was showing here is where the voter fraud takes place. I don't know if you remember seeing that video. He was saying, here is where the voter fraud takes place, and he was pointing to black precincts, and there was absolutely zero evidence of any voter fraud that was taking place. It was pure stereotyping.

When you see this sort of stereotyping in 2021, Ms. Thompson, because you have seen Jim Crow, to get where we are now, when you see the same sort of racial stereotyping taking place today in 2021 that took place in a D.W. Griffith film in 1915, how does that make you feel?

Mr. RASKIN. The time of the gentleman has expired. Thank you to the gentleman from Dallas-Fort Worth, and the witness may answer the question.

Ms. THOMPSON. It makes me feel like we are not going to ever stop having to deal with the past and have to continue to keep fighting the past, and I can't progress further than the past. And my children will never get an opportunity, nor their children, to be able to live in society and be treated as an American and respected as American and have an opportunity and a right to be able to have a voice in their democracy, a right that we all are guaranteed under the Constitution. And in addition, there, too, to feel as though that they are real citizens of this country, the only country that they have been born in and they know about. That is how I feel.

Mr. RASKIN. Again, thank you to the gentleman from Dallas-Fort Worth, and, Ms. Thompson, thank you. Let's see, Mr. Davis, who is our final representative, is now on Zoom. Representative Davis, you are recognized for your five minutes of questioning.

Mr. DAVIS. Thank you. Thank you very much, Mr. Chairman, for calling this very important hearing. And I certainly want to thank all of our witnesses, especially those who came all the way from Texas, and I don't really care how they got there, whether it by plane, train. Even if they had to walk, I think they would have been there just the same, so I thank them for taking their time and for coming.

As a matter of fact, I call them my heroes and sheroes, and I call them that because I am reminded that Dr. King was often fond of saying that, "Injustice anywhere is a threat to justice everywhere." And so even though we have been talking about Texas, but there are many places throughout the country where there are efforts to suppress, deny, delay, and take away the rights of people to vote and certainly not to enhance them, which is what it seems like we really ought to be doing is trying to make it easier for people to participate in public decision-making.

You know, after Republicans failed to pass these voter registration restrictions during the regular legislative session, Governor Abbott called a special session to try to ram through these anti-democratic measures. Under Texas law, the Governor must set an agenda for these special sessions by specifying what issues lawmakers should consider. There were 11 items on the Governor's agenda, which he released less than a day before the special session began. He called these priority items that will keep Texas, and I quote, "on a path to prosperity." I think we have a slide that might show those. If we do, can we have the slide? Well, we won't worry about it at the moment. There we are.

[Slide.]

Mr. DAVIS. You can see Governor Abbott had other things beyond just voter suppression. He also focused on banning transgender student athletes from school sports, and on curtailing discussions of racism in Texas classrooms, and on further restricting a woman's right to choose. But you know who it is not included on this list? There is nothing on this list about solving the problems with Texas' electrical grid that caused widespread our outages during winter storms this year. And I think we have a slide that would show some of that.

[Slide.]

Mr. DAVIS. Over 200 people died. An investigation by NBC News, The Texas Tribune, and ProPublica blamed power failures on an unprecedented wave of carbon monoxide poisoning. Our Subcommittee on Environment is currently investigating these failures. Representative Collier, what was your reaction to Governor Abbott's failure to include further action on the electrical grid for the second session that he called?

Ms. COLLIER. Thank you, Congressman. A great question. It was a missed opportunity for the state legislature to actually take action to provide the needed infrastructure and information and backing that Texans need. We have Texans now who are still conserving energy, and so we have not fully answered the call to provide necessary resources for Texans when it comes down to our power grid. We need to reinforce our power grid. We have so many other things that we could be focusing on. The Governor not only failed to put on the power grid, but he also defunded the legislature

in response and in retribution to the quorum break. So now, 2,100 state employees who work for the Texas legislature in the legislative branch will be without health insurance in a state that already has the highest number of uninsured Texans. So, unless the Governor takes action, we will continue to see the erosion of humanity in this state.

Mr. RASKIN. Thank you.

Mr. DAVIS. Thank you.

Mr. RASKIN. And then thank you, Mr. Davis—

Mr. DAVIS. Representative Bernal, you cited systemic failures that led to these outages, including—

Mr. RASKIN. Mr. Davis, forgive me. We are going to have to go vote. Your time has expired, so I am afraid we will have to cut it off there, but invite you to, you know, continue that line of questioning in written questions to the witnesses, if we could.

Mr. DAVIS. Thank you, Mr. Chairman, and I yield back, and thank the witnesses again for coming.

Mr. RASKIN. And thank you, Mr. Davis. Let's see. So, what I would like to do is to, you have already gone, Mr. Bernal. I would like to give 30 seconds to each of the witnesses for any closing thoughts, including the ones who are on Zoom. Ms. Collier, did you have something that you could do within 30 seconds?

[Audio played.]

Mr. SESSIONS. Mr. Chairman, I don't know who that is coming from, but that is offensive.

Ms. COLLIER. Thank you. Absolutely it is offensive.

Mr. SESSIONS. Where did that come from?

Ms. COLLIER. That is a call that was made to my government state office—

Mr. SESSIONS. Oh well, ma'am, I can—

Ms. COLLIER. And these are the type of people—

Mr. SESSIONS. Well, I can put those up also. I don't think it is appropriate, Mr. Chairman, at this hearing.

Ms. COLLIER. Well, these are the type of people that we are confronted with.

Mr. RASKIN. OK. It is Ms. Collier's time. Thank you very much for playing that—

Mr. SESSIONS. I think that is inappropriate, Mr. Chairman.

Mr. RASKIN. You are now recognized for your 30 seconds, Mr. Sessions.

Mr. SESSIONS. I will take my 30 seconds, and I want to thank the witnesses that were here today. I would personally like to meet with them. I have no say in granting this out, but I think that the difference between the truths on both sides and reality in the middle is, is that there was a lot on the side and that is very simple. Texas Jim Crow laws took place by Democrats until literally the year 2000, and it was a two-party system that changed what is occurring. A two-party system. And yet our witnesses, or at least three or four of them, are here to go to one-party rule, and I don't think that is what makes America great, and I think they should understand that, and I think it is a Constitution. I think it is a Supreme Court. And one-party rule would overrule everybody, including the Supreme Court. They would overrule everything except political consideration as opposed to the law. And so, I think what

you are doing, I would ask that you would rethink that. I want to thank you. I want to thank you for being here, and I would sincerely like to find the differences between those that we have, and I would encourage you to please contact me to do that. Mr. Chairman, I want to thank you very much.

Mr. RASKIN. And thank you, Mr. Sessions. Ms. Thompson, did you have anything you wanted to say in closing?

Ms. THOMPSON. Thank you, and, Pete, I want to thank you so much. You know, we have differences, but reasonable minds can differ.

Mr. SESSIONS. We can solve them.

Ms. THOMPSON. I am ready to work with you, Brother.

Mr. RASKIN. Thank you so much. And let's see, Ms.—

Ms. THOMPSON. Mr. Chairman?

Mr. RASKIN. Yes?

Ms. THOMPSON. If you would just give me a moment. I want to just thank you for this meeting, and I want to just say that I am hoping during my lifetime that I don't have to keep struggling with the past and I can move forward, and I can be able to protect the rights of my constituents to vote. Lyndon Baines Johnson, 56 years ago, was the President who had enough integrity about himself to give us a Federal answer to the struggles of voting. And I am hoping that this Congress will do the same thing for us.

Mr. RASKIN. Thank you very much, Representative Thompson. Representative Clardy, let's come to you for your 30 seconds.

Mr. CLARDY. Thank you, Chairman. Again, I want to thank you for your courtesies of having us in, but I do want to say one thing. There was a statement made about somehow this bill makes it a crime to encourage people to vote. That is an absolute falsehood. I do not understand the hysteria and the hyperbole that surrounds this bill. This is a good bill. Take the time to read it. You know, the one thing I didn't hear today, I didn't hear the entire time I served on the Elections Committee in the regular session, nor in the select committee so far in the special session, was anybody that came forward and said I was deprived of my opportunity to vote. I wanted to, but I couldn't vote in Texas. If you want to vote in Texas, if you register and you are eligible, you get to vote in Texas. We had a record turnout in this last election cycle.

But I got to come back to something that Congresswoman Maloney, I think, said about, well, there is no evidence of widespread panic.

Mr. RASKIN. OK. Make this your final point, if you would. Thank you.

Mr. CLARDY. If I would. This is the final point. There is no evidence of widespread fraud in Texas, and they compared it to a lightning strike. The difference is there is nothing we can do to stop lightning strikes. We can stop election fraud. We have to have zero tolerance for election fraud in this country.

Mr. RASKIN. Thank you very much, and I am going to excuse myself to go and vote. We will hear from Ms. Perales, and I am asking Congresswoman Norton to take over for me. I just want to say in closing that our Nation was founded with the beautiful idea of the consent of the governed and the participation of all of the people, at the same time that it was also founded with lots of efforts to ex-

clude people from voting. And we have got to overcome that urge to exclude people from voting. I commend and I thank our colleagues from Texas for coming to Washington to remind us about what really is crucial in our country, which is making sure that everybody's right to vote is protected against every attempt to restrict the franchise, even if it is complex and subtle. And with that, I will turn it over to Congresswoman Norton.

Mr. CLARDY. You all come home. Texas needs you.

Ms. PERALES. I am ready to give my closing.

Mr. RASKIN. Ms. Perales.

Ms. PERALES. Thank you. With all due respect to Representative Clardy, for whom I have an enormous amount of respect, Senate Bill 1, Section 5.04 makes it a crime to encourage a voter, to choose them as an assistor, and then to go to the polls and assist that voter and sign the oath. So, in fact, it is a crime.

I just want to close by saying there is only one reality here. The reality is in the face of the bills, which anybody can read. The reality is in the changing demographics of Texas, largely driven by Latino, African American, and Asian-American voters. And when Texas restricts voter assistance, and everybody knows that the majority of voters who receive assistance are Asian American and Latino, and nobody comes and testifies that these restrictions are necessary or based on anything that happened at the polls. The only rational conclusion that we can draw is that this is an attempt at voter suppression. Thank you.

Ms. NORTON.[Presiding.] I thank you very much. This hearing has really been necessary. The American people needed to know why Democrats in Texas fled their state. That was so important that we have held an entire hearing on what you have done. I can only thank you that your own extraordinary steps have educated the rest of the country on just how important voting is. You have come to the District of Columbia, which I represent. The District of Columbia does not have the final vote on the House floor. I vote in this committee, and I have all the other benefits of being a House member. I have no representation. The people I represent, a number larger than those of two states that have all of their rights, have no votes whatsoever in the Senate. So, it has been a very great pleasure for me to hear from representatives who have the vote, cherish the vote, and have made it clear to all of us why the vote is so important.

I thank you very much again for your testimony, and this hearing is now adjourned.

[Whereupon, at 2:29 p.m., the subcommittee was adjourned.]

