

You see, voting rights are the critical component because if those who are elected break the laws or go off track, you throw them out through fair elections, but if they go off track and there are no fair elections, they increase their power.

You have to have fair elections to maintain government of, by, and for the people. That is the reason we must act this week to pass the John Lewis Voting Rights Act and the Freedom to Vote Act that are before this Senate right now.

I yield to my colleague from the great State of Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Madam President, I want to say a very special thank-you to my colleague, the Senator from Oregon. Senator MERKLEY has worked harder and more persistently on questions about the filibuster and the procedures of the U.S. Senate for years now and tried to lead us to a more functional situation than we are in right now. I want to thank him for his leadership.

I know that tonight must be frustrating for him because he has tried so hard to get us to a better place. But I very much appreciate all that he has done, and to the extent we make progress, we make progress in no small part because of his leadership.

Thank you.

H.R. 5746

Ms. WARREN. Madam President, I rise today to urge the Senate to take action to protect voting rights and to defend our democracy. Voting is foundational to our democracy. In a strong, functioning democracy, the playing field is level. Citizens have a right to vote, and neither one side nor the other has the right to block those voters from the ballot box or from getting their votes counted.

That basic premise no longer holds in America. Let's be blunt. American democracy is under attack from Republican politicians. In the past year alone, Republican State legislatures have passed laws in nearly 20 States to restrict American citizens' right to vote.

The Republican nominees to the Supreme Court have destroyed longstanding protections against dark money in politics; they have given the green light to partisan gerrymandering; and they have gutted the Voting Rights Act. Republican dark money networks are bankrolling voter suppression efforts with hundreds of millions of dollars in lobbying and advertising.

And for years and years, Republican Donald Trump and Republican politicians have spread lies about the integrity of our elections. Last January 6, a Republican President, backed up by Republicans right here in this Senate, provoked a deadly insurrection at our Nation's Capitol.

And in the intervening year, Republican leaders have refused to accept evidence of President Biden's 7 million-vote victory over Donald Trump. Instead, they have fed conspiracies and lies that further undermine our democracy.

Yes, American democracy is under attack, and, today, 50 Democratic Senators agree on the right response to this attack. The Freedom to Vote Act would guarantee that every American citizen can easily vote and get their vote counted.

The act would defend against attempts to overturn the will of the people; the act would reform our broken campaign finance system and help root out dark money; and, critically important, the act would ban partisan gerrymandering by either side.

The companion bill, the John Lewis Voting Rights Advancement Act, would restore historic protections against State laws that have the purpose and the effect of discriminating on the basis of race.

Unfortunately, Senate Republicans would rather destroy our democracy than have free and fair elections, and so they support those around the country who are trying to block access to voting and who are trying to rig how votes get counted.

Elections are about the will of the majority, but the Republicans in the Senate don't want what a majority of Americans want. In fact, the 50 Republicans in the Senate, together, represent 41½ million fewer Americans than the Democratic majority, but instead of taking a simple vote to protect American citizens' access to the polls, they want to stop legislation to defend the very foundation of our democracy from even getting a vote on the floor of the Senate.

Let me be clear. My view on this is that the filibuster has no place in our democracy. Our Founders believed deeply in protections for the minority, and those are enshrined in the Constitution and in the structure of Congress. But our Founders made it clear that, after extended debate, the majority could always get a vote. And that final vote—except in the case of treaties and impeachment—would always be by simple majority. The Founders did not add a filibuster. With two exceptions, they insisted on plain old majority rule.

When the Senate changed its rules a decade later, the filibuster became the favored tool of racists and segregationists. The filibuster preserved Jim Crow laws and stalled civil rights legislation for decades. The filibuster helped block the passage of anti-lynching legislation for over 100 years. The filibuster nearly stopped Congress from passing the most important voting rights law in our Nation's history—the Voting Rights Act of 1965.

Today's filibuster does not foster bipartisanship and compromise. In fact, the exact opposite is true. The filibuster has been weaponized to intensify partisan division.

The filibuster is a wicked tool used to kill legislation supported by the majority of Americans of all political parties, and that is true for protecting the right to vote and gun safety legislation and immigration reform and codifying *Roe v. Wade*.

The filibuster thwarts the will of the people. Today's filibuster doesn't encourage debate; it promotes power. Senators can torpedo bills without saying a single word in public or even stepping to the floor of the U.S. Senate. This is not how a so-called deliberative body should operate.

Senators should be required to talk and vote instead of hiding behind a rule. They should have to put skin in the game. If Republicans are fine with the wave of anti-voter laws being enacted in State after State, then they should have to come to the floor and make that clear. If Republicans oppose reinstating the Voting Rights Act that passed in this Chamber unanimously in 2006, their constituents and the historical record should know exactly where they stand.

Instead, because of how today's filibuster works, we have two sets of rules in our country, one for Democrats, who want to promote civil rights and liberties, and another set for Republicans, who want to take them away. Republicans who want to close polling places, who want to limit voting, who want to pass gerrymandered maps are hard at work doing that right now with simple majorities in State legislatures all across this country. They face no filibusters to stop them. It is majority rule all the way.

And here in Washington, when Republicans want to pass massive tax cuts for billionaires and rig our Tax Code to favor big businesses, an exception to the filibuster lets them do just that with a simple majority.

Republicans who want to pack the Supreme Court with extremists Justices who roll back fundamental rights and who disregard the rule of law can do that with a simple majority right here in the U.S. Senate. But a majority of Democratic Senators—again, Democrats who, together, represent over 40 million more Americans than the Republican Senators—a majority of Democrats cannot pass legislation to improve the lives of Americans.

Democrats want to raise the minimum wage; Democrats want to lower the cost of prescription drugs and healthcare; and Democrats want to protect the right to vote. But too often we cannot achieve these goals because the filibuster gives the minority party an almost total veto over legislation, including the legislation we need to save our American democracy.

We can't ignore Republicans' attempts to rig free and fair elections in this country. We can't roll over when Republicans want to make it harder for Black Americans to vote. We can't look the other way when Republicans want to make it tough for Latinos and Asian Americans to vote.

We can't be silent when Republicans make voting harder on Tribal lands. We can't shrink back when Republicans work to keep students from voting. We can't turn away when Republicans try to keep working-class people or anyone who might be more inclined to vote for Democrats—keep them away from the polls. That is not how democracy works.

In a democracy, the most votes win—period. In a democracy, the Senate debates, and then the Senate votes. And in a democracy, the people—not the politicians—decide who will lead the Nation.

This week, the eyes of the Nation and the entire world are on the U.S. Senate. We can choose to protect the tool of Jim Crow and segregation that is found nowhere in the Constitution or we can choose to defend the sacred right to vote.

I urge the Senate to protect our democracy and to protect the right of every American citizen to vote and to have their vote counted.

Some of our Republican colleagues have made the dishonest claim that there is no voter suppression crisis, and there is no need for Federal voting rights legislation. So I would like to enter into the RECORD a series of articles that demonstrate the voter suppression taking place in State after State in this country.

I will start by reminding everyone that the Supreme Court—led by Chief Justice John Roberts—opened the door to all of these anti-voter tactics by gutting preclearance from the Voting Rights Act and by turning its back on equal justice under law.

So first I will read excerpts from an article published in Vox on July 21, 2021, entitled: “How America lost its commitment to the right to vote.”

The Supreme Court, Justice Elena Kagan lamented in a dissenting opinion earlier this month, “has treated no statute worse” than the Voting Rights Act.

She's right.

The Voting Rights Act is arguably the most successful civil rights law in [all of] American history. Originally signed in 1965, it was the United States' first serious attempt since Reconstruction to build a multi-racial democracy—and it worked. Just two years after President Lyndon Johnson signed the Voting Rights Act into law, Black voter registration . . . in the Jim Crow stronghold of Mississippi skyrocketed from 6.7 percent to nearly 60 percent.

And yet, in a trio of cases—Shelby County v. Holder [in] (2013), Abbott v. Perez [in] (2018), and Brnovich v. DNC [in] (2021)—the Court drained nearly all of the life out of this landmark civil rights statute.

After Brnovich, the decision that inspired [Justice] Kagan's statement that the Court has treated the Voting Rights Act worse than any other federal law, it's unclear whether the Supreme Court would rule in favor of voting rights plaintiffs even if [the] state legislature tried to outright rig an election.

These cases are the culmination of more than half a century of efforts by conservatives who, after failing to convince elected lawmakers to weaken voting rights, turned to an unelected judiciary to enact a policy that would never have made it through Con-

gress. All of this is bad news for minority voters in America, who are [the] most likely to be disadvantaged by many of the new restrictions currently being pushed in statehouses across America, and for the country's relatively young commitment to multiracial democracy. And there are at least three reasons to fear that decisions like Shelby County and Brnovich foreshadow even more aggressive attacks on the right to vote.

The first is that Republican partisans can use race as a proxy to identify communities with large numbers of Democratic voters. In 2020, according to the Pew Research Center, 92 percent of non-Hispanic Black voters supported Democrat Joe Biden over Republican Donald Trump—and that's after Trump slightly improved his performance among African Americans compared to 2016.

That means that state lawmakers who wish to prevent Democrats from voting can do so through policies that make it harder for Black voters (and, to a lesser extent, most other nonwhite voters) to cast a ballot. And Republican lawmakers haven't been shy about doing so. As a federal appeals court wrote in 2016 about a North Carolina law that included many provisions making it harder to vote, “the new provisions target African Americans with almost surgical precision.”

An even starker example: Georgia recently enacted a law that effectively enables the state Republican Party to disqualify voters and shut down polling precincts. If the state GOP wields this law to close down most of the polling places in the highly Democratic, majority-Black city of Atlanta, it's unclear that a Voting Rights Act that's been gravely wounded by three Supreme Court decisions remains vibrant enough to block them.

The second reason to be concerned about decisions like Brnovich is that the Supreme Court's attacks on the Voting Rights Act are not isolated. They are part of a greater web of decisions making it much harder for voting rights plaintiffs to prevail in court.

These cases include decisions like Purcell v. Gonzalez [in] (2006), which announced that judges should be very reluctant to block unlawful state voting rules close to an election; Crawford v. Marion County Election Board [in] (2008), which permitted states to enact voting restrictions that target largely imaginary problems; and Rucho v. Common Cause [in] (2019), which would ban federal courts from hearing partisan gerrymandering lawsuits because the Court's GOP-appointed majority deemed such cases too “difficult to adjudicate.”

Finally, decisions like Shelby County and Brnovich are troubling because the Court's reasoning in those opinions appears completely divorced from the actual text of the Constitution and from the text of federal laws such as the Voting Rights Act. Shelby County eliminated the Voting Rights Act's requirement that states with a history of racist election practices “preclear” any new voting rules with officials in Washington, DC. It was rooted in what Chief Justice John Roberts described as “the principle that all States enjoy equal sovereignty,” a principle that is never mentioned once in the text of the U.S. Constitution.

In Brnovich, the Court upheld two Arizona laws that disenfranchise voters who vote in the wrong precinct and limit who can deliver an absentee ballot to a polling place. [Justice] Alito purports to take “a fresh look at the statutory text” in this case. But he imposes new limits on the Voting Rights Act—such as a strong presumption that voting restrictions that were in place in 1982 are lawful, or a similar presumption favoring state laws purporting to prevent voter fraud—[qualifications] which have no basis whatsoever in the law's text.

As [Justice] Kagan writes in dissent, Brnovich “mostly inhabits a law-free zone.”

That doesn't necessarily mean that this Supreme Court will allow any restriction on voting to stand—under the most optimistic reading of cases like Brnovich, the Court might still intervene if Georgia tries to close down most of the polling places in Atlanta—but it does mean that voting rights lawyers and their clients can no longer expect to win their cases simply because Congress passed a law protecting their right to vote.

The rules in American elections are now what [Justice] Roberts and his five even more conservative colleagues say they are—not what the Constitution or any act of Congress has to say about voting rights.

Mr. President, Republicans are not just content with making it harder to vote. They are also passing State laws allowing them to replace local election officials with those who will administer elections in their favor. Unsurprisingly, they are targeting areas with huge Black populations, like Atlanta, that helped determine the outcome of the 2020 election cycle.

And they are targeting smaller places, too. As described in an article published in the Atlanta Journal-Constitution on December 29, 2021, entitled “New Election Board in Lincoln County Seeks Central Voting Site,” a replacement elections board is planning to close all seven polling places in Lincoln County, north of Augusta, requiring in-person voters to report to one centralized location. The poll closures would reduce voting access for rural residents, who would have to drive 15 miles or more to cast a ballot in a county with no public transportation option, leading to opposition from voting rights advocates.

The plan is moving forward after a State law passed this year abolished the previous county elections board and gave a majority of appointments to the Republican county commissioner. Now, Lincoln is one of six counties where the Republican-controlled Georgia General Assembly reorganized local elections boards.

“This is about the powerful flexing their muscles and saying, ‘We can do whatever we want to do and who is going to stop us?’” said the Reverend Denise Freeman, who is organizing Lincoln voters to oppose the poll closures. She goes on to say: “In Lincoln County, it's always been about power and control.”

The remade board is the same as before, with one exception: A Democratic Party appointee was replaced by an appointee of the county commission, whose five members are all Republicans. The elections board could vote on the poll closure plan on January 19.

“Folks should have access to their polling locations. They should be able to vote without having to drive 30 minutes to get there,” said Cindy Battles of the Georgia Coalition for the People's Agenda, a civil rights group that has been collecting voter signatures for a petition drive to try to stop the closures.

There is no public transportation available in Lincoln County, nor are

there taxis, Uber or Lyft. Anyone who wants to vote would have to drive or walk to a polling place, or return an absentee ballot. Turnout decreases when voters have to travel farther to cast a ballot, according to a statistical analysis by the Atlanta Journal-Constitution.

Polling places can be closed by a majority vote in Lincoln County, and the Federal Government has no oversight role. A 2013 U.S. Supreme Court decision removed the requirements of the Voting Rights Act for States with a history of discrimination, including Georgia, to obtain Federal preclearance before making changes to voting practices and locations.

And what happened?

County election boards closed 214 precincts across Georgia between 2012 and 2018. That is nearly 8 percent of the State's total polling places, according to a count by the Atlanta Journal-Constitution.

Mr. President, Republican efforts have already succeeded at disenfranchising voters, especially Black voters. So I now want to share the impact that limiting polling places had on voters during the last Presidential election in Georgia, using an excerpt from an NPR article published on October 17, 2020, entitled "Why Do Nonwhite Georgia Voters Have to Wait in Line for Hours? Too Few Polling Places."

Here is the story:

Kathy spotted the long line of voters as she pulled into the Christian City Welcome Center about 3:30 p.m., ready to cast her ballot in the June 9 primary election.

Hundreds of people were waiting in the heat and rain outside the lush, tree-lined complex in Union City, an Atlanta suburb with 22,400 residents, nearly 88% of them Black. She briefly considered not casting a ballot at all, but she decided to stay.

By the time she got inside more than five hours later, five hours later, the polls had officially closed and the electronic scanners were all shut down. Poll workers told her she would have to cast a provisional ballot, but they promised that her vote would be counted.

"I'm now angry again, I'm frustrated again, and now I have an added emotion, which is anxiety," said Kathy, a human services worker, recalling her emotions at the time. She asked that her full name not be used because she fears repercussions from speaking out. "I'm wondering if my ballot is going to count."

By the time the last voter finally got inside the welcome center to cast a ballot, it was the next day, June 10.

The clogged polling locations in metro Atlanta reflect an underlying pattern: the number of places to vote has shrunk statewide, with little recourse. Although the reduction in polling places has taken place across racial lines, it has primarily caused long lines in nonwhite neighborhoods where voter registration has surged and more residents cast ballots in person on Election Day. The pruning of polling places started long before the pandemic, which has discouraged people from voting in person.

In Georgia, which is considered a battleground State for control of the White House and U.S. Senate, the difficulty of voting in Black communities like Union City could possibly tip the results on November 3. With

massive turnout expected, lines could be even longer than they were for the primary, despite a rise in mail-in voting and Georgians already turning out by the hundreds of thousands to cast ballots early.

Since the U.S. Supreme Court's *Shelby v. Holder* decision in 2013 eliminated key federal oversight of election decisions in states with histories of discrimination, Georgia's voter rolls have grown by nearly 2 million people, yet polling locations have been cut statewide by nearly 10%, [this is] according to an analysis of state and local records by Georgia Public Broadcasting and ProPublica. Much of the growth has been fueled by younger, nonwhite voters, especially in nine metro Atlanta counties, where four out of five new voters were nonwhite, according to the Georgia secretary of state's office.

The metro Atlanta area has been hit particularly hard. The nine counties—Fulton, Gwinnett, Forsyth, DeKalb, Cobb, Hall, Cherokee, Henry and Clayton—have nearly half the state's active voters but only 38% of the polling places, according to the analysis.

As a result, the average number of voters packed into each polling location in those counties grew by nearly 40%, from about 2,600 in 2012 to more than 3,600 per polling place as of October 9. In addition, a last-minute push that opened more than 90 polling places just weeks before the November election has left many voters uncertain about where to vote or how long they might have to wait to cast a ballot.

The growth of registered voters has outstripped the number of available polling places in both predominantly White and Black neighborhoods. But the lines to vote have been longer in Black areas, because Black voters are more likely than Whites to cast their ballots in person on Election Day and they are more reluctant to vote by mail, according to U.S. census data and recent studies. Georgia Public Broadcasting/ProPublica found that about two-thirds of the polling places that had to stay open late for the June primary to accommodate waiting voters were in majority-Black neighborhoods, even though those neighborhoods made up only about one-third of the State's polling places.

An analysis by Stanford University political science professor Jonathan Roddin of the data that was collected by the Georgia Public Broadcasting/ProPublica found that the average wait time after 7 p.m. across Georgia was 51 minutes in polling places that were 90% or more nonwhite.

That is 51 minutes in polling places that were 90 percent or more non-White, but only 6 minutes in polling places that were 90 percent White.

Georgia law sets a cap of 2,000 voters for a polling place that has experienced significant voter delays, but that limit is rarely, if ever, enforced. Our analysis found that, in both majority Black and majority White neighborhoods, about 9 out of every 10 precincts are assigned to polling places with more than 2,000 people.

A June 2020 analysis by the Brennan Center for Justice at the New York University Law Center found that the average number of voters assigned to a polling place has grown in the past 5 years in Georgia, Louisiana, Mississippi, and South Carolina—all States

with substantial Black populations that, before the Supreme Court's *Shelby* decision, needed Federal approval to close polling places under the Voting Rights Act, and though dozens of States have regulations on the size of voting precincts and polling places or the number of voting machines, the analysis found that many jurisdictions simply do not abide by them.

Georgia's State leadership and election officials have largely ignored complaints about poll consolidations, even as they tout record growth in voter registration. As secretary of state from 2010 to 2018, when most of Georgia's poll closures occurred, Brian Kemp, now the Governor, took a laissez-faire attitude toward county-run election practices, save for a 2015 document that spelled out methods officials could use to shutter polling places to show "how the change can benefit voters and the public interest."

Kemp's office declined to comment Thursday on the letter or as to why poll closures went unchallenged by State officials. His spokesperson referred to his previous statements that he did not encourage officials to close polling places but merely offered guidance on how to follow the law.

The inaction has left Black voters in Georgia facing barriers reminiscent of Jim Crow laws, said Adrienne Jones, a political science professor at Morehouse College in Atlanta, who has studied the impact of the landmark *Shelby* decision on Black voters. Voter suppression "is happening with these voter impediments that are being imposed," Jones said. "You're closing down polling places so people have a more difficult time getting there. You're making vote-by-mail difficult or confusing. Now we're in court arguing about which ballots are going to be accepted, and it means that people have less trust in our state."

Despite false Republican claims to the contrary, voter ID laws disproportionately harm people of color, rural Americans, and poor Americans.

I now want to read an article from ABC News. They published it on October 5, 2021. It tells the story of Texas voter ID laws, and it is entitled "Black woman in rural Texas struggles with process to vote, advocates say system is unfair."

While voters across Texas submitted voter registration applications on Monday, October 4, ahead of the Nov. 2 statewide election, 82-year-old Elmira Hicks worried she would not be able to have her vote counted.

The Oakwood, Texas, native said she hasn't been able to renew her driver's license for more than a year because she has been unable to present the required birth certificate needed to verify her identity.

In the Lone Star State, election laws require voters to present a driver's license, passport, military identification card, citizenship certificate, state election identification certificate or a personal identification card to cast a ballot in person.

A person does not need an ID to register to vote, or to vote by mail in the state of Texas.

For voters ages 70 and over, an otherwise valid form of ID may be presented when casting a ballot, even if it's expired, according to the office of the . . . Secretary of State.

If a voter does not possess or cannot reasonably obtain one of the seven acceptable forms of photo ID, the voter may file a Reasonable Impediment Declaration and present a supporting form of ID, [like] a bank statement, current utility bill, paycheck or government check.

Hicks and her daughter, Jonita White, said they were unaware of the RID process, and that without a driver's license and limited transportation, it's difficult for Hicks to participate in state and federal elections.

"My voice does not count," Hicks told ABC News. "It's very important. People have died just to vote, people have stood in line, in the rain, women fought to vote and now I can't vote."

Like many Black elders in the South, Hicks was born at a time when records weren't kept. She never had a birth certificate. Her daughter has helped her apply for one. The pair even went to court over the issue, and said a judge ruled in their favor. Still, they said the Office of Vital Statistics rejected Hicks because she filled out an outdated form.

"I do feel like the laws right now are targeting my mother and other African Americans in this country," White said.

Eight state constitutional amendments ranging from taxes to judicial eligibility will be up for a vote on Nov. 2, in an election that, as of now, Hicks [cannot] participate in.

Advocates warn that potentially thousands of predominantly minority voters could be disenfranchised due to voter identification requirements, which could have large implications during next year's midterm elections for state and congressional races.

"It's often very common for people of a certain age not to have a birth certificate. I want to emphasize it's not as uncommon as people might believe," said Franita Tolson, the vice dean for faculty and academic affairs and a professor of law at the University of Southern California Gould School of Law.

"In this country, race correlates to a lot of different characteristics. So, for example, if you take voter identification laws . . . people of color, so African Americans, Latinos, will be less likely to have the underlying documents that you need in order to get the ID in the first place in order to get a driver's license," Tolson [said].

Texas recently passed the Election Integrity Protection Act, one of the most restrictive voting laws in the country. It bans drive-thru voting, enacts new regulations for early voting and enacts new ID requirements for mail-in voting.

While Tolson does not believe all voter identification requirements are discriminatory, she called Texas' voter ID measures "racist" during a Congressional Subcommittee hearing on September 22 because she believes they disproportionately impact voters of color.

"Texas has very restrictive voter ID law," Tolson said. "If you read it, it doesn't seem racist on its face, but if you think about how it operates in practice, as well as the intent behind it, it is fairly racist. For example, Texas' law only allows voters to have a certain limited amount of IDs. You have to have a driver's license, you can have a . . . handgun license, you can have a military ID, but you can't have a federal ID, or you can't have a student ID, which are types of IDs that people of color are more likely to have."

White said obtaining an election identification is not so easy for an 82-year-old woman who lives in a rural area without the

convenient ability to drive herself to the Department of Public Safety.

"My challenge is it's taking so long to get this done," White said. "And to send my mother through all of these hoops at this age to go get documents notarized, to go get her Social Security application, We're having to look for high school records and baptism information . . . To send her through such a process, it really is ridiculous."

Latino communities have also been at the forefront of the fight for social, racial, and economic justice, but Republican gerrymandering is silencing these communities as described in the following article, published by the Brennan Center, on November 14, 2021, entitled "It's Time to Stop Gerrymandering Latinos out of Political Power."

In 2020, Latinos made up just 1 percent of all local and federal elected officials, despite being 18 percent of the population.

In fact, the 2020 census results show that Latinos made up over half the country's population growth from 2010 to 2020, adding 11.6 million people to their total numbers—more by far than any other ethnic group in absolute terms. Latinos are already the largest minority group in 21 states, and in California and New Mexico they have already surpassed non-Latino whites as the largest single ethnic group in the state. In Texas, they are poised to do the same.

In states where growth among Latinos and other people of color threaten the political status quo, lawmakers are already beginning to gerrymander Latino communities out of their political voice, packing them into fewer and fewer districts to circumscribe their electoral power or dispersing Latino communities across multiple districts in order to dilute their voting strength. In Texas, for example, lawmakers recently passed a new congressional map that reduced the number of Latino-majority districts—despite the fact that the state has actually added 2 million Latinos since 2010.

This isn't a new tactic. Last decade, Texas failed to create any new electoral opportunities for Latinos despite rapid and concentrated Latino growth, leading to years of drawn-out litigation over the discriminatory scheme. Likewise, successful litigation in Florida demonstrated that lawmakers packed Latino voters into already heavily Democratic districts to shore up Republican districts at the expense of Latino voters. Even in states under Democratic control, like Illinois and Washington, Latinos are often shuffled between different districts to bolster safe Democratic seats and denied the equal opportunity to elect representatives of their choice.

Even with record turnout in 2020, Latino voters were, by many accounts, neglected by Republican and Democratic campaigns alike. This comes at a time when Latino communities are in particular need of responsiveness from lawmakers. Over the course of the pandemic, Latinos have been 2.8 times more likely to die of COVID-19 and suffered more economic and job losses than other Americans. And since the pandemic began, Latino adults were more likely to get evicted and their children more likely to fall behind in school than their white peers.

But rather than address the concerns and desires of this growing body of constituents, many states, like Texas and Florida, have instead created new barriers to the ballot box. Anti-Latino redistricting practices are occurring amid the biggest voter suppression push in decades—much of it aimed at diminishing the growing power of Latino communities.

These attacks on Latino voters have deep roots in historical prejudice and violence going back over a century. Often erased in U.S. history books, violent mobs are estimated to have killed thousands of people of Mexican descent in the early 20th century. Forgotten too is the campaign by state and local officials to "repatriate" (that is, forcibly move to Mexico) an estimated 2 million Mexican Americans during the Great Depression, many of whom were U.S. citizens. Later, even the Voting Rights Act of 1965 failed to initially protect Puerto Ricans from English literacy tests at the New York polls—"language minorities" weren't included in the law until 10 years after its passage.

Though the Latino population has grown and grown more diverse over the past 50 years, the pattern of discrimination remains strikingly unchanged. Every day, lawmakers across the country are recycling the bad map-drawing practices that have stymied Latino political opportunity for decades. Voters and advocates can challenge these maps in court, but they will be hampered by courts' restrictive interpretation of voting rights laws and the ability for map drawers, after the Supreme Court green-lighted partisan gerrymandering, to claim that Latinas were targeted for partisan reasons, not for their ethnicity. And that is why it is more urgent than ever that Congress repair and strengthen the Nation's voting rights laws by passing the John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act.

Asian-American voters are turning out at record levels, and it is no coincidence that Republican State legislatures are responding with new laws to suppress their voices.

I will now read from an NBC News article from March 31, 2021, about the effect of Georgia's recently enacted voter suppression law on Asian-American voters. This is entitled "Asian American voter rights in Georgia hit record high. How voting bill threatens progress."

While new data shows Asian Americans had record turnout in Georgia in the last election, a new law that restricts voting in the state threatens their participation in the political process, particularly at a time when they also have the highest rates of absentee voting, critics say.

The new legislation, passed with the overwhelming support of Republicans in the state Legislature last week, adds restrictions to absentee and early voting, among other forms of balloting. Critics say the law could disproportionately affect communities of color, including Asian Americans, whose voting population already confronts significant barriers to civic engagement.

The bill, activists say, is particularly alarming in light of a recent analysis by the policy nonprofit AAPI Data on turnout in battleground states that showed a historic 84 percent vote gain in Georgia by Asian Americans from 2016 to 2020—a result, in part, of aggressive community outreach.

"Voters of color, including Asian American voters, have shown their electoral power in Georgia," Phi Nguyen, a litigation director for Asian Americans Advancing Justice-Atlanta told NBC. . . . "And now some elected leaders want to try to suppress those voices rather than be accountable to a diverse, multiracial, multiethnic electorate."

Critics said that the bill—which was fast tracked through the state House and Senate and signed by Republican Gov. Brian Kemp in just over an hour—was passed without public notice to advocates or voters. The sweeping legislation criminalizes “line warming,” the practice of offering food and water to voters waiting to vote, and allows the Georgia Legislature to take power from local boards of election.

In regards to absentee and early voting, the earliest date a voter can request a ballot is 11 weeks ahead of an election, less than half the time before the law [before the law was passed]. And the deadline to complete the ballots has been moved up as well. Both requesting and returning ballots requires identification, such as a driver’s license number, state ID number or a copy of an acceptable voter ID.

The restrictions on absentee voting, Nguyen said, are particularly concerning given that Asian Americans voted by mail at the highest rate compared to all other racial groups in the general election. Voting data from November showed that in 13 of the most contested battleground states, including Georgia, AAPI early and absentee voting rose almost 300 percent from 2016 [to 2020].

Nguyen further pointed out that any laws that make voting more challenging have a particularly amplified impact on those who are limited English proficient, or people who have difficulty communicating in English. The Asian American population has some of the highest rates of limited English proficiency. And according to Pew Research, Asian Americans are the only group made up of a majority of naturalized immigrants, who account for two-thirds of the electorate.

With a high immigrant population, Asian Americans face barriers beyond just language, Karthick Ramakrishnan, [an] associate dean [for] the University of California Riverside School of Public Policy and founder of AAPI Data, said. Because the majority of the electorate is foreign born, most Asian Americans most likely did not grow up in a [Democratic] or [a] Republican household, he said. For those who were able to get college degrees, they probably attended universities in their home country, which influenced their knowledge of the political process.

“What that means is that the political awakening and consciousness and even information about where the party stands on issues and where candidates stand on issues—the barriers are pretty high beyond the language barriers,” he said. “You combine that with the fact that parties and candidates traditionally have not reached out to them. It’s asking a lot for someone to make a decision when they don’t have all that background information, and no one is reaching out to them.”

Given the added work that is required by immigrants to seek out this information, Nguyen noted that “they are more likely to give up or feel intimidated in the face of additional hurdles or hoops.”

Within the Asian American community, those who tend to vote at higher rates also tend to be more proficient in English, and have higher incomes and higher education. . . . Many are also homeowners as opposed to renters. Voter suppression laws . . . would result in a distorted representation of the Asian American population.

“All of these factors matter. . . . They disproportionately hurt populations that are lower income, lower education, renters, younger people”. . . . “You get a skew in terms of communities of color less likely to be represented. Even within those communities you will get a class skew and an age skew in terms of who has a voice.” . . .

Ultimately, people should be pushing for more ways to make voting easier and pull

more people toward civic engagement . . . adding that even if lawmakers are genuinely concerned about voter fraud, it occurs far more infrequently than voter suppression, of which there are widespread examples.

Previous research suggests that there is little to no voter fraud and a Harvard study on double voting, one of the most frequently cited examples of fraud, suggests . . . it’s “not . . . carried out in such a systematic way that it presents a threat to the integrity of American elections.”

“This is a serious reminder of how important political and civic education is for our most vulnerable communities.”

For far too long, Native communities have faced massive challenges in exercising their right to vote. Voter suppression efforts in Montana, as illustrated by this Mic article from July 6, 2021, are just one example of recent efforts to disenfranchise Native voters. The article is entitled “Montana is ground zero for Native American voter suppression—and the fight against it.”

The Voting Rights Act of 1965 banned discriminatory voting practices and gave Native American communities the right to vote, in theory. Most of us know now that even with the Voting Rights Act in place, voter suppression is still going strong. In Montana, Native Americans are fighting new Republican laws that further restrict their ability to vote.

This year, Montana Democratic Governor Steve Bullock, who served for 8 years, was replaced by Republican Greg Gianforte. With a Democrat no longer holding veto power, State Republicans took advantage of the Governor’s election by passing two new voting law bills—house bill 176, which eliminates same-day voter registration, and house bill 530, which makes it illegal for people to distribute or collect mail-in ballots if they are being paid to do so.

Per the National Congress of American Indians, the turnout rate amongst Native voters is up to 10 percentage points lower than any other racial group. In 2019, the Brennan Center reported that restrictive voting laws throughout the country continued to disproportionately impact Native communities.

On the surface, preventing people from being paid to collect ballots might seem like an OK idea, but in Montana, local nonprofits like Western Native Voice and Montana Native Voice pay people to collect and distribute ballots as an important part of their voting strategy. Without this practice, many people would be unable to cast their ballots at all.

For example, the New York Times reported the story of Laura Roudine, a resident of the Blackfeet Indian Reservation, who had emergency open-heart surgery only a week before the 2020 election. Because of the risks that coronavirus posed, neither Roudine nor her husband could vote in person. Home delivery wasn’t an option either because it doesn’t exist in her area of the reservation. Instead, the Times reported, the couple relied on Renee LaPlant, a Blackfeet community orga-

nizer with Western Native Voice, who took applications and ballots back and forth between their home and one of the only two satellite election offices located on the 2,300-square-mile reservation. The new laws signed by Gianforte would make this practice illegal.

Native American communities in Montana are organizing against these voter suppression efforts. In May, the ACLU of Montana and the Native American Rights Fund sued on behalf of several Native voting rights organizations and four Montana Tribal communities, stating that the new laws will disenfranchise Native voters in the State.

I know I am running low on time. I will not be able to speak to the question of the student vote and how Republican legislatures are doing all they can to keep young voters from voting because they are more likely to vote Democratic or to speak on felon disenfranchisement and what that means in our democracy. I am not able to speak on these, but it does not mean that I do not think they are important; it just reminds us of the magnitude of this problem.

Voter suppression laws have devastating consequences for real Americans every day, so I want to conclude my remarks today with the story of Crystal Mason, which is told in the New York Times on April 6, 2021, in an article entitled “Crystal Mason Was Sentenced to Five Years Behind Bars Because She Voted.”

Whenever you hear Republican rants about widespread voter fraud supposedly undermining Americans’ faith in the integrity of their elections, remember the story of Crystal Mason.

Ms. Mason, a 46-year-old grandmother from the Fort Worth area, has been in the news off and on since 2016, when Texas prosecutors decided she was a vote fraudster so dangerous that justice demanded she be sentenced to five years behind bars.

Her offense? Visiting her local precinct on Election Day that year and casting a provisional ballot for president. Ms. Mason was not eligible to vote at the time because she was on supervised release after serving a prison term for federal tax fraud. Texas, like many states, bars those with criminal records from voting until they have finished all terms of their sentence.

Ms. Mason, who had only recently returned home to her three children and had gone to the polls that day at the urging of her mother, said she did not realize she wasn’t allowed to cast a ballot. When poll workers couldn’t find her name on the rolls, they assumed it was a clerical error and suggested she fill out the provisional ballot.

Provisional ballots are a useful way to deal with questions about a voter’s eligibility that can’t be resolved at the polling place. Since 2002, Congress has required that states offer them as part of the Help America Vote Act, a law passed in the aftermath of the 2000 election debacle, when millions of ballots were disqualified. Ms. Mason’s ballot was rejected as soon as the search of the database determined that she was ineligible. In other words, the system worked the way it was intended to.

Tarrant County prosecutors went after her for illegal voting anyway. They said she

should have known she was not allowed to vote. The state had sent her a letter telling her so back in 2012, shortly after she had been sentenced in the tax fraud case. The letter was delivered to her home even though she had already begun serving her sentence behind bars. "They sent it to the one place they knew she was not going to be," said Allison Grinter, Ms. Mason's lawyer.

The prosecutors also pointed out that when she cast her ballot in 2016, she signed an affidavit [saying] that she had completed all the terms of her sentence.

Ms. Mason said she had not read the fine print; she was focused on writing down her address in exactly the form it appeared on her driver's license. She was convicted after a one-day trial and sentenced to five years behind bars for casting a ballot that was never counted.

"It's a surreal experience to be in a courtroom for these trials," said Christopher Uggen, a professor of law and sociology at the University of Minnesota who has studied the impact of felon disenfranchisement for decades, and has testified as an expert in prosecutions of people charged with illegal voting.

"You've got the judges, you've got the lawyers. You've got somebody who often is a model probationer called in, and what's at issue is whether they voted. I have overriding sense of, gosh, don't we have other crimes to prosecute? It really should be a consensus issue in a democracy that we don't incarcerate people for voting."

Mr. Uggen said that there is a stronger case for criminal punishment of certain election-law offenses like campaign-finance violations or sabotaging voting machines, that can do more widespread damage to our election system. But in his own work he has found that the people who get punished are more likely to fit Ms. Mason's description: female, low-level offenders who are doing relatively well in the community. "These are not typically folks who represent some great threat to public safety," he said.

You wouldn't get that sense from how Ms. Mason has been treated. After her voting conviction, a federal judge found she had violated the terms of her supervised release, and sentenced her to 10 extra months behind bars. That punishment, which she began serving in December 2018, earned her no credit toward her five-year state sentence.

Ms. Mason has continued to fight her case, but so far she has lost at every step. In March 2020, a three-judge panel on a state appellate court rejected her challenge to her sentence. The court reasoned that she broke the law simply by trying to vote while knowing she was on supervised release. It didn't matter whether she knew that Texas prohibits voting by people in that circumstance.

This appears to be a clear misapplication of Texas election law, which criminalizes voting only by people who actually know they are not eligible, not those who, like Ms. Mason, mistakenly believe that they are. It's as though Ms. Mason had asked a police officer what the local speed limit was, and he responded: "Beat's me. Why don't you start driving and see if we pull you over?"

Last week, the Texas Court of Criminal Appeals, the state's highest court for criminal cases, agreed to rule on Ms. Mason's appeal. It's her last chance to avoid prison for voting. Tossing her conviction would bring a small measure of justice to a woman whose punishment should have been limited to, at most, not being able to cast a ballot.

But it wouldn't give her back the last four years of fear and uncertainty she has endured for no good reason. Ms. Mason's first grandchild was born a few months ago, another reminder of how much she would miss if she were to lose the appeal and end up

back behind bars. "This is very overwhelming, waking up every day knowing that prison is on the line, trying to maintain a smile on your face in front of your kids and you don't know the outcome," Ms. Mason told *The Times* in an interview. "Your future is in someone else's hands because of a simple error."

Identifying errors like these is the whole point of offering provisional ballots: The crazy quilt of voting rules and regulations that Americans face from state to state can trip up even the best-informed voters, and honest mistakes are common. By prosecuting Ms. Mason, just one of more than 44,000 Texans whose provisional ballot in 2016 was found to be ineligible, the state is saying that you attempt to participate in democracy at your own risk.

That risk is almost always higher for people of color. Texas' attorney general, Ken Paxton, likes to brag about the 155 people his office has successfully prosecuted for election fraud in the last 16 years—an average of fewer than 10 per year. What he doesn't say out loud is what the A.C.L.U. of Texas found in an analysis of the cases he has prosecuted: almost three-quarters [of those cases] involved Black or Latino defendants, and nearly half involved woman of color, like Ms. Mason.

At this point you might be wondering why Ms. Mason was ineligible to vote in the first place. She had been released from prison, after all, and was trying to work her way back into society. As more states are coming to understand, there is no good argument for denying the vote to people with a criminal record, and that's before you consider the practice's explicitly racist roots. There is even a strong case to be made for letting those in prison vote, as Maine, Vermont and most Western European countries do. And yet today, more than five million Americans, including Ms. Mason, are unable to vote because of a criminal conviction. That has a far greater impact on state and national elections than any voter fraud that has ever been uncovered.

Given the disproportionate number of Black and brown people caught up in the criminal justice system, it's not hard to see a connection between cases like Ms. Mason's and the broader Republican war on voting, which so often targets people who look like her. The nation's tolerance of prosecutions for the act of casting a ballot reveals complacency about the right to vote. Mr. Uggen said, and a troubling degree of comfort with voting restrictions generally. "There's a slippery slope: If you start exempting individuals from the franchise, it's easy to exempt other individuals by defining them outside the citizenry," he said. "What is shocking to me is that people view this as acceptable in a political system that calls itself a democracy."

Mr. President, these efforts to subvert our democracy cannot be allowed to stand. Congress must pass the Freedom to Vote: John R. Lewis Act immediately to protect free and fair elections across this Nation. And if Senate Republicans will not join us, then we must reform the filibuster. We must pass this vital legislation. Our democracy depends on it.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Massachusetts.

MEASURES PLACED ON THE CAL-  
ENDAR—S. 3452, S. 3453, S. 3454, S. 3455, S. 3456, S. 3457, S. 3458, S. 3459, S. 3460, S. 3461, S. 3462, S. 3463, S. 3464, S. 3465, S. 3466, S. 3467, S. 3468, S. 3469, S. 3480, and S. 3488

Ms. WARREN. Mr. President, I understand that there are 20 bills at the desk due for a second reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3452) to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

A bill (S. 3453) to prohibit the payment of certain legal settlements to individuals who unlawfully entered the United States.

A bill (S. 3454) to clarify the rights of Indians and Indian Tribes on Indian lands under the National Labor Relations Act.

A bill (S. 3455) to prohibit the implementation of new requirements to report bank account deposits and withdrawals.

A bill (S. 3456) to enact the definition of "waters of the United States" into law, and for other purposes.

A bill (S. 3457) to codify the temporary scheduling order for fentanyl-related substances by adding fentanyl-related substances to schedule I of the Controlled Substances Act.

A bill (S. 3458) to amend Title 18, United States Code, to provide enhanced penalties for convicted murderers who kill or target America's public safety officers.

A bill (S. 3459) to prohibit a Federal agency from promulgating any rule or guidance that bans hydraulic fracturing in the United States, and for other purposes.

A bill (S. 3460) to prohibit local educational agencies from obligating certain Federal funds when schools are not providing full time in-person instruction.

A bill (S. 3461) to provide that the rule submitted by the Department of Labor relating to "COVID-19 Vaccination and Testing: Emergency Temporary Standard" shall have no force or effect, and for other purposes.

A bill (S. 3462) to require U.S. Immigration and Customs Enforcement to take into custody certain aliens who have been charged in the United States with a crime that resulted in the death or serious bodily injury of another person, and for other purposes.

A bill (S. 3463) to impose sanctions and other measures in response to the failure of the Government of the People's Republic of China to allow an investigation into the origins of COVID-19 at suspect laboratories in Wuhan.

A bill (S. 3464) to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

A bill (S. 3465) to clarify the treatment of 2 or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

A bill (S. 3466) to prohibit the use of Federal funds for the production of programs by United States companies that alter political content for screening in the People's Republic of China, and for other purposes.

A bill (S. 3467) to withhold United States contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and for other purposes.

A bill (S. 3468) to provide for a limitation on the removal of the Government of Cuba from the state sponsors of terrorism list.