

Thank you, Chairperson Butterfield, Ranking Member Steil, and members of the Committee, for inviting me to testify today. I think we all can agree that we strongly support election integrity including safe, free, and fair elections.

I am a Republican civil rights lawyer living in San Francisco, and I have litigated civil rights and election issues across the country for over a decade. Most recently, I and my civil rights colleagues have sued California Governor Gavin Newsom numerous times for violating the civil rights of Californians during the recent lock downs, resulting in the governor's policies being reversed or withdrawn by him or enjoined by the United States Supreme Court, multiple times. As a young immigrant from India growing up in rural Smithfield, North Carolina in the 1970s, I cherished the fact that I lived in the greatest country in the history of the world. Ronald Reagan said that "if we lose freedom here, there is no place to escape to. This is the last stand on Earth," and I could not agree more.

Weakening voter confidence is a real issue that must be addressed. In a post-election poll by the California Institute of Technology, 39% of respondents nationwide did not have confidence in the 2020 election results.ⁱ Now, while we know we can be confident in the results, many voters recognize that several states did not run the most seamless elections. This significant number of worried voters should concern all Americans, regardless of party. This clearly is not a Republican or Democrat issue.

Outside of Washington, where I and most Americans live, there are practical solutions to this problem that the last two national bipartisan commissions on elections have endorsed. I would like to discuss two of these solutions today.

The first is requiring Voter ID. While it is not popular among elected Democrat officials and liberal activists, it is widely popular among both parties' electorates. Every poll I am aware of taken both before and after the 2020 election regarding Voter ID has shown overwhelming support among Democrat, Independent and Republican voters. Most recently, 69% of black and 82% of other minority voters expressed support for Voter ID laws nationwide,ⁱⁱ yet the Democrats think these voters are utterly incapable of obtaining ID to vote. As an American and a person of color, I find that offensive. Furthermore, since Georgia seems to be of great focus to the members of this committee, Georgians favored requiring Voter ID by nearly 25% when voting absentee.ⁱⁱⁱ That's 74% of Georgia voters in favor of Voter ID compared to a mere 22% who opposed.

One of the reasons for the overwhelming support for Voter ID was put forth by the 2005 Carter-Baker Commission on Voting in a report called "Building Confidence in US Elections:"^{iv} In the report, the Commission predicted what is currently happening. They said:

Americans are losing confidence in the fairness of elections, and while we do not face a crisis today, we need to address the problems of our electoral system.

That crisis is upon us now. The Commission offered a simple solution:

The electoral system cannot inspire public confidence if no safeguards exist to deter and detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter Federal buildings, and cash a check. Voting is equally important.

And Democrats are doing the opposite by refusing to embrace the bipartisan solutions of the Carter-Baker Commission such as requiring Voter ID. Recent bills in Congress including H.R. 1 and S. 1 would in fact do the complete opposite of the Commission's recommendation by upending Voter ID requirements across the nation. When an election administration proposal that enjoys broad bipartisan support is opposed by elected Democrats, is it any wonder H.R. 1 and S. 1 have bipartisan opposition but no Republican support?

Also of note, Voter ID laws today provide free IDs to those that do not have them – so that they may vote and enjoy other freedoms in today's society. Such identification is necessary for practically every social service, including certain welfare benefits for those most in need. Why would we *not* want to help citizens obtain ID?

The argument against free Voter ID is that it poses a barrier to voting. However, the evidence shows clearly that lacking ID is not even enough of an issue to come up on a poll of reasons why people don't vote. After a sweeping study by the Knight Foundation was released in February of 2020 exploring why people did not vote, the truth is painfully clear:^v

“Structural issues such as voter ID laws . . . didn't come up enough to even be marked in the Knight survey results.”

In other words, among the sampled 12,000 non-voters, there was no evidence that any of them cited Voter ID as a barrier to them voting for it to even be measured in the Knight Foundation's study.

But beyond ID, there is a second way to increase voter confidence, and that is by maintaining accurate voter lists. In DC for instance, where this hearing is taking place, voters this last election reported receiving 5 or more ballots intended for former residents of their apartments.^{vi} This is just one example of the problems that arise with inaccurate voting lists. There are countless others.

In 2014, another bipartisan presidential election commission, the Obama Presidential Commission on Election Administration, had this to say concerning accurate voter lists:^{vii}

Accurate voter lists are essential to the management of elections. . . . The quality of the list can affect the ability of people to vote, of election offices to detect problems, and of courts and others monitoring elections to detect election fraud or irregularities. A list with many incorrect records can slow down the processing of voters at polling places resulting in longer lines. . . . Election officials across the political spectrum recognize the value of accurate and manageable voter rolls.

Yet virtually every time state election officials seek to clean up voter lists, Democrats sue and fight to stop such efforts. Ironically at the same time Obama's former campaign lawyer and White House Counsel Bob Bauer was calling for updating voting lists as the Co-Chair of

Obama’s Election Commission, his partners were claiming “voter suppression” at Virginia’s efforts to clean up voter lists. Fortunately, the judge in rejecting the lawsuit admitted that he could not “find that there [was] [a] strong showing...of any inequitable treatment or the deprivation of anyone’s rights” in Virginia’s efforts to clean up their voter lists.

The unspoken truth is that all voters, including Democrats, know that Voter ID and voter list maintenance are important tools to maintain voter confidence in election administration and the results they produce. Democrat politicians and radical activists undermine that valuable confidence when they fail to support these commonsense and widely-supported tools.

Thank you for your time today.

ⁱ *Voter Confidence and Perceptions of Election Fraud in the 2020 Presidential Election*, California Institute of Technology (Nov. 23, 2020), available at: <https://electionupdates.caltech.edu/2020/11/23/voter-confidence-and-perceptions-of-election-fraud-in-the-2020-presidential-election/>.

ⁱⁱ *75% Support Voter ID Laws*, Rasmussen Reports (Mar. 17, 2021), available at: https://www.rasmussenreports.com/public_content/lifestyle/general_lifestyle/march_2021/75_support_voter_id_law

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ⁱⁱⁱ *Interactive: Poll of Georgia Voters*, Atlanta Journal-Constitution (January 2021), available at: <https://www.ajc.com/politics/interactive-poll-of-georgia-voters-january-2021/TWP2LTEGFZEGNFUPMS3NIWPDWU/>.

^{iv} *Building Confidence in the U.S. Elections*, Commission on Federal Election Reform (Sept. 2005), available at: <https://www.legislationline.org/download/id/1472/file/3b50795b2d0374cbef5c29766256.pdf>.

^v *The 100 Million Project*, The Knight Foundation (Feb. 18, 2020), available at: <https://knightfoundation.org/reports/the-100-million-project/>. See also, *Voter suppression issues rank low among reasons nonvoters stay home*, Politico (Feb. 19, 2020), available at: <https://www.politico.com/news/2020/02/19/suppression-issues-rank-low-among-reasons-nonvoters-stay-home-111773>.

^{vi} *Return to sender: DC voters are being sent mail-in ballots for ex-residents*, Fox News (Oct. 1, 2020), available at: <https://www.foxnews.com/politics/dc-voters-are-being-sent-mail-in-ballots-for-ex-residents>.

^{vii} *The American Voting Experience: Report and Recommendations*, Presidential Commission on Election Administration (Jan. 2014), available at: <http://web.mit.edu/supportthevoter/www/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.