

**LaTosha Brown
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Questions for the Record
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QUESTIONS FROM SENATOR BOOKER

1. In your testimony you discussed the immediate negative impact of the *Shelby County* decision, including Texas moving forward with a discriminatory voter ID law the same day that the Supreme Court issued its ruling. Can you speak more to the chilling effect this decision had on voter access and the ability of Black voters and other voters of color to make their voices heard at the ballot box?

As I stated previously in my testimony, the *Shelby County* decision had profound impacts on voter access. *Shelby County* did away with the formula that determined which states and jurisdictions with a history of discrimination in voting were required to submit any changes to voting laws and procedures for federal review by the U.S. Department of Justice or the federal district court in the District of Columbia. Since the *Shelby County* decision, formerly covered states have passed a series of suppressive voting laws that have essentially chipped away at voting rights in many different ways resulting in, what I refer to as a “death by a thousand paper cuts” situation. By restricting different aspects of the voting process, including by limiting the methods of voting usually used by Black voters, these laws have disproportionately impacted Black voters and other voters of color.

Following the 2020 elections, Georgia passed SB 202, the omnibus voter suppression law passed by Georgia that is currently being challenged by various groups in court. This is a prime example of a law that aims to chip away at voting access through its various individual provisions that, taken together, have a cumulative effect on the ability of Black voters and voters of color to cast ballots. The provisions of the Georgia law include:


- **Voters are required to enter their Georgia Driver's license number or Georgia State ID number on their absentee ballot applications. If they have neither, voters are required to copy another form of acceptable voter ID and attach the copies of ID documents along with other identifying information to both their absentee ballot applications and inside their absentee ballot envelopes when returning the voted ballot.** *Black voters and other voters of color are less likely to have access to internet, printers, or other technology to navigate this process. Therefore, this process makes it difficult for Black voters who do not have ready access to a copier, scanner, or smart phone, to access and copy the necessary ID documents to attach to their absentee ballot application or when returning the ballot if they do not have a Georgia driver's license or State ID number.*
- **SB 202 criminalizes the "handling" of a completed absentee ballot application except by election officials, law enforcement officers, or a person assisting a disabled voter who signs an oath on the form that the person helped the voter.** *This restriction makes it even more difficult for voters without ready access to a computer, scanner, or smart phone to comply with the requirements of SB 202 in submitting absentee ballot requests electronically to the Secretary of State and to county election offices.*
- **SB 202 also significantly limits the accessibility of absentee ballot drop boxes by making drop boxes available only during the dates and times of early in-person voting and requiring all ballot drop boxes to be located inside early voting locations and only available to be used by voters during the days and hours of early in-person voting.** *This restriction disproportionately impacts the Metro Atlanta counties which serve the state's largest populations of Georgia's Black voters. Thus, this limitation directly targets the largest counties in the state,*

which include Fulton, DeKalb, Gwinnett and Cobb – all of which have significant populations of Black voters and other voters of color.

Georgia is not the only state to pass voter suppressive legislation. Texas, Alabama, North Carolina, Florida and many other states, many of which were covered jurisdictions under Section 5, have passed legislation that has cumulatively chipped away at voter access and in so doing, chilled participation by Black voters in particular. Another example of this is the provision in Texas's SB 1 omnibus legislation that prohibiting local election officials from offering more voting opportunities to voters by offering drive-thru voting, extended voting hours and ballot drop boxes. This law particularly addresses efforts by Harris County, one of the most racially and ethnically diverse counties in the State. During 2020, the County launched innovative initiatives, including offering drive-thru voting, returning mail-in ballots at drop boxes, opening sites for overnight voting, and sending mail-in-ballot applications directly to voters over sixty-five years of age. Harris County's election clerk also introduced new measures to move voters through the polling place quickly, including by allocating machines across polling sites based on known traffic patterns and expected turnout and recruiting more than enough poll workers to operate polling locations during the Early Voting period and on Election Day. Harris County's voter turnout skyrocketed to 67%, its highest in nearly 30 years.

2. Your personal story and family history is deeply interwoven with the struggle for voting rights in Selma and across Alabama. How do the modern-day barriers to voting that you are seeing in your work with Black Voters Matter connect to that long and painful history of discrimination?

In response to this climate of voter suppression, I felt compelled to establish Black Voters Matter Fund with my partner, Cliff Albright. The purpose of the organization is to work closely with partners in the South to ensure that voters had the resources and support that they need to overcome these barriers to the vote. This is what I can contribute to the legacy of the place where I grew up always aware of the contribution that so-called ordinary people made to the right to vote. I do my part by working with hundreds of partners in 26 states (233 counties) to provide resources for voter registration, get out the vote, voter education, voter engagement and litigation to overcome these continuing barriers to the vote.

A personal anecdote about my  ninety-year-old aunt Ella Wilmer and her experience voting in the last election serves to illustrate not only the work that my organization does, but also the long and painful history of discrimination that becomes salient through the various ways that states like Georgia and Alabama are undertaking to make it harder for voters like my aunt to cast a ballot. My aunt lives in Selma, Alabama. She was born in 1934 and was thirty-one years old at the time of the Selma marches and the passage of the VRA in 1965. My aunt lived through a time when she could not vote herself on account of her race and fought hard to gain her right to vote.

In the last election in which she voted in 2023, she recalls that Selma got hit by a tornado that resulted in closure of polling sites. This included the polling site at which she had voted in person for years. At this time, my aunt did not know where or how she could vote, and she was not physically able to travel to a different polling site farther from her house. The only way for her to vote was via absentee ballot, but she needed assistance. Fortuitously, an election worker from the county helped her fill out an absentee ballot application in her home, obtain an absentee ballot, and return that ballot to the county election office. Without this assistance, my aunt would not have been able to cast a ballot. In addition, I was in Atlanta at the time, and I remember my aunt calling to ask for help and trying to navigate the difficult procedures to help her receive assistance from the county.

After this experience, my aunt lamented to me that voting had gotten harder even though we are sixty years past Bloody Sunday. She remarked that her hope was that voting would have gotten easier. This anecdote is important because it demonstrates the continuity between the past and the present. While the laws and procedures states are now adopting are not facially discriminatory, their effect is to disenfranchise voters like my aunt. My organization uses its grassroots community contacts to help voters like my aunt and others in the community navigate the voting process.