



**STATEMENT OF WADE HENDERSON, INTERIM PRESIDENT AND CEO
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**UNITED STATES SENATE
COMMITTEE ON RULES AND ADMINISTRATION**

HEARING ON “EMERGING THREATS TO ELECTION ADMINISTRATION”

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Chairwoman Klobuchar, Ranking Member Blunt, and members of the committee: Thank you for holding this important hearing today to highlight emerging threats to election administration and the urgency to realize the promise of our democracy. My name is Wade Henderson, and I am the interim president and CEO of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations working to build an America as good as its ideals.

The Leadership Conference was founded in 1950 and has coordinated national advocacy efforts on behalf of every major civil rights law since 1957, including the Voting Rights Act of 1965 and subsequent reauthorizations. Much of our work today focuses on making sure that every voter has the ability to cast a ballot freely, safely, and equally. We are grateful to this committee for its work to move us closer to a democracy that welcomes every voter to participate in civic life and demands integrity, fairness, and transparency in our nation’s elections.

This is a critically important discussion as we watch a coordinated, calculated, and ongoing attack on Black, Brown, and Native voters and the very foundation of our democracy: the freedom to vote. For far too long, our elections have been undermined by practices and tactics intended to undercut the power and representation of African Americans, Latinos, Asian Americans and Pacific Islanders, Native Americans, people with disabilities, and other communities historically excluded from our political process. The numerous hurdles that voters experienced during the 2020 election cycle amid a pandemic — exacerbated by the relentless efforts of President Trump to undermine election integrity and other politicians’ efforts to impose barriers to the ballot box — reinforce this urgent need to secure voter access and election administration.

Despite the best efforts of The Leadership Conference and its many member organizations to protect the freedom to vote and promote civic participation, our democracy is in peril. Following an election marred by myriad efforts to thwart the votes of people of color, rampant disinformation, and the violent white supremacist assault on the U.S. Capitol on January 6, dozens of states have enacted laws that roll back early and mail voting, add new hurdles for voter registration, impose burdensome and unnecessary voter identification requirements, strip power from state and local election officials to enhance voting access,

and otherwise make voting more difficult. State lawmakers have introduced hundreds of anti-voter bills this year alone. The pattern is familiar: Gains in participation in voting among communities of color are met with concerted efforts to impose new barriers in the path of those voters. People of color will bear the brunt of these new restrictions in what amounts to the most significant assault on voting rights since the Jim Crow era.

Long before 2020, state and local officials have been making decisions that determine who gets to vote and who doesn't. Even simple bureaucratic decisions, such as how states keep registration lists current and where counties close polling places, are made to deny the fundamental right to vote, causing real harm to real people. It is why in 2018, together with a group of leading civil rights organizations, we launched a campaign called All Voting is Local to help ensure that the freedom to vote is protected at all levels.¹ The campaign works in eight states — Arizona, Florida, Georgia, Michigan, Nevada, Ohio, Pennsylvania, and Wisconsin — to eliminate needless and discriminatory barriers to voting before they happen. What we're seeing in states is an attempted power grab, pure and simple. It is coordinated through cookie-cutter legislative measures and sham attempts to deny the will of the voters and the very real problems in our elections like lack of funding, resources, and voter access.

My testimony today will focus on three emerging crises to voter access in particular: rising threats against election workers, sham election reviews, and dangerous new strategies state and local officials are deploying to override the will of the people. I will also discuss the urgency for the Senate to pass the Freedom to Vote Act, which would set a basic federal foundation for voting access for all Americans. Our nation is now at an inflection point. We have approached the time of dealing with the contradiction of what we say we are as a democratic republic, and what we actually are. In this perilous moment, Congress must carry out its duty and swiftly act to make real the promise of our democracy for all.

Rising Threats to Election Worker Safety

Despite lawmakers' shameful and life-threatening efforts to silence voters last November, voters across America showed up to the polls in unprecedented numbers. Make no mistake: Democracy prevailed because the people prevailed. Voters refused to give up their power — and crucially, election workers risked their health and safety to make sure the wheels of democracy continued to turn. The election cycle revealed both the resiliency of the American people and the will to ensure that our democracy works for everyone.

However, following the victory of President Joe Biden and Vice President Kamala Harris, the same politicians who tried to create barriers to the ballot began spreading lies and conspiracy theories about an election that trusted officials conducted and verified. Their efforts ultimately fueled a deadly attack on the U.S. Capitol by armed right-wing militants. But the violence did not stop there. The right-wing disinformation campaigns and thinly veiled calls for violence have led to a dangerous rise in threats against election workers and their families. In Arizona, where Secretary of State Katie Hobbs received death threats following the 2020 election, the state Republican Party tweeted multiple incitements of

¹ [All Voting is Local](#).

violence, in one case sharing a clip from the movie Rambo with a message that read, “This is what we do, this is who we are. Live for nothing, or die for something.”² The tweet was later removed, though a spokesperson for the party said its removal was due to concerns about copyright — not concerns for the lives of election workers across the state.

Astonishingly, a survey commissioned by the Brennan Center for Justice found that one in three election officials feel unsafe because of their job, and nearly one in five listed threats to their lives as a job-related concern.³ Notably, 78 percent of election officials who were surveyed said that rampant disinformation on social media has made their jobs more difficult, and 54 percent said they believe that it has made their jobs more dangerous. The people making the threats are targeting election workers from front-line poll workers to vote counters to secretaries of state like Secretary Hobbs. An investigation by Reuters found more than 100 instances of threats made against election workers in eight battleground states following the 2020 election.⁴ The threats ranged from intimidation and harassment to threats of violence and death. Almost all of them were “inspired” by President Trump’s lies about the election.⁵

Election workers and administrators are essential to a successful democracy. No election worker should have to live in fear. And yet, instead of taking immediate steps to quell the abuse, some right-wing politicians are continuing to stoke their base’s rage and even propose bills to criminalize election workers with fines up to \$25,000 for minor mistakes.⁶ Growing concerns around the safety and integrity of the job could lead to an exodus of workers. This would have a disastrous ripple affect across our democratic processes, from long lines to poll closures to discouraged — and disenfranchised — voters. It is simply unacceptable that after showing up amid a pandemic to deliver democracy to the voters, election workers are now the target of vicious attacks — and attacks fueled by the very people who are charged to represent them.

Election workers must be able to do their jobs safely and free from fear or intimidation. We commend members of this committee for championing the Freedom to Vote Act, which would take significant steps toward bolstering election worker safety. Among other provisions, the bill prohibits firing of local election officials without cause, enhances rules for preservation of election-related records and equipment, and protects against poll observers harassing voters or interfering with elections.

Sabotaging Future Elections Through Sham Reviews

Whatever our color, background, or zip code, we believe that voters pick our leaders — our leaders do not pick which voters to hear and which to silence. But in the wake of the 2020 presidential election,

² Ross, Jamie. “[Arizona Republican Party Asks: Are You Ready to Fight to the Death to Support Trump?](#)” *The Daily Beast*. December 8, 2020.

³ Brennan Center for Justice and the Bipartisan Policy Center. “[Election Officials Under Attack: How to Protect Administrators and Safeguard Democracy.](#)” June 16, 2021.

⁴ So, Linda; Szep, Jason. “[U.S. election workers get little help from law enforcement as terror threats mount.](#)” *Reuters*. September 8, 2021.

⁵ *Ibid.*

⁶ Parks, Miles. “[Election Workers Are Under Attack. A Group Of Lawyers Plans To Defend Them.](#)” *NPR*. September 8, 2021.

politicians supportive of President Trump’s lies about the election have prompted a national campaign to deny voter access, especially in Black, Brown, and Native communities. As part of that campaign, some state and local officials across states are pushing for anti-voter election review scams that undermine democracy and divert crucial time and taxpayer dollars from the issues that matter most to voters.

It was in Arizona that this dangerous and new form of subversion of democracy first took hold for the entire world to see. Republicans ordered a partisan, performative, and largely private post-election review of the 2020 election results — never mind that the election results had already been verified more closely than any other election in history. As a report commissioned by The Leadership Conference documenting Arizona’s pervasive pattern of racial discrimination in voting makes clear, this sham review was intended from the start to intimidate voters, serve as the basis for additional measures to restrict voting, and sabotage future elections.⁷

Like other insidious, anti-voter measures that have been introduced in the wake of President Trump’s campaign to undermine the election, this sham review directly targets people of color and non-English speakers. That is by design. As the 2020 Census showed, Arizona remains one of the fastest-growing states in the country. Arizona’s population grew by 11.9 percent in the last 10 years, compared to 7.4 percent for the United States as a whole.⁸ Latinos are Arizona’s largest minority group, making up approximately 30.7 percent of Arizona’s residents. Arizona’s African American and Native American communities, both at approximately 4 percent of the state’s population, are the next largest minority groups. The Asian American population in Arizona hovers at about 3.5 percent.⁹

Arizona has a long history of limiting or denying the right to vote to Black, Brown, and Native people. Though as recent data shows, despite pervasive barriers to voting, communities of color are strongly motivated to participate in the electoral process — and the voter participation gap is starting to close.¹⁰ These anti-voter reviews are blatant attempts to maintain systems of power and suppress the voices and votes of people of color who will soon be the majority.

Earlier this year, Arizona Republicans brought in a private company, Cyber Ninjas, to conduct the partisan ballot review. As the report commissioned by The Leadership Conference details, on May 5, Principal Deputy Assistant U.S. Attorney General Pamela S. Karlan wrote to Arizona Senate President Karen Fann expressing concern that ballots were not kept under the control of election officials as required by federal law. She also noted that Cyber Ninjas’ statement of work included “knocking on doors,” which could result in illegal voter intimidation.¹¹ In response to the letter, officials associated with the Cyber Ninjas review said that plans to talk to voters had already been deferred.

⁷ Scharff, Spencer G; Caplan, Scott. “[Current Conditions of Voting Rights Discrimination: Arizona.](#)” *The Leadership Conference on Civil and Human Rights*. September 27, 2021.

⁸ Rice, Valorie. “[Census 2020: Arizona Among Top-Growing States but Does Not Match Growth of Previous Decades.](#)” *Arizona’s Economy*. April 27, 2021.

⁹ Scharff, Spencer G; Caplan, Scott. “[Current Conditions of Voting Rights Discrimination: Arizona.](#)” *The Leadership Conference on Civil and Human Rights*. September 27, 2021.

¹⁰ *Ibid.*

¹¹ “[Letter from Pamela S. Karlan, Principal Deputy Assistant Attorney General, U.S. Dep’t of Justice, to Hon. Karen Fann, President, Arizona State Senate.](#)” May 5, 2021.

However, in June, voters in Yavapai County reported home visits by people falsely claiming to be elections officials.¹² And, in late summer, voters around Maricopa County made additional reports of people canvassing homes. As our Arizona report noted, a spokesperson for the review denied affiliation with Cyber Ninjas' work,¹³ though an early leaked draft of the review findings acknowledged that many of the volunteers who participated in these efforts were associated with Cyber Ninjas.¹⁴ Even though the final review did not document a single instance of voter irregularities, Arizona politicians immediately invoked the report as a pretense to restrict the franchise.¹⁵ We must remain vigilant in pushing back against these efforts, which include possible legislation to purge voter rolls and make it harder to vote by mail.

The election review scam has been led by hyper-partisan actors, funded by special interest groups, and supported by conspiracy theorists. Beyond Arizona, they are happening in states like Pennsylvania and Wisconsin to upend democracy through three primary strategies: First, the reviews provide legislators pretext for pushing forward legislation that would further restrict access to the ballot box, particularly in communities of color. Second, right-wing lawmakers are using the sham reviews to boost political donations. Lawmakers pushing the conspiracies¹⁶ visited the sham ballot review headquarters¹⁷ in Phoenix as a campaign stop to spread misinformation and record fundraising videos.¹⁸ And third, politicians are weaponizing the anti-voter reviews to spread widespread distrust in our electoral system to manipulate results for their political and partisan gain.

It is imperative for members of Congress to pass the Freedom to Vote Act to counteract these scam reviews and ensure our elections reflect the will of the people. The legislation would strengthen requirements that keep election records safe, ensuring that states could not turn over election documents to private contractors without supervision. And as I noted in the previous section, it would also protect election officials and workers from improper removal or intimidation.

Dangerous New Strategies to Override the Will of the People

Anti-voter threats like election review scams are just the latest chapter in what we know will be ever-more extreme efforts to subvert the democratic process. In fact, we are already seeing state lawmakers use these scams to develop legislation to undermine democracy in future elections and empower officials to scrap election results when they do not like the outcome.

¹² Oxford, Andrew. "People impersonating election officials are knocking on doors in Yavapai County, sheriff warns." *The Arizona Republic*. June 14, 2021.

¹³ Stern, Ray. "[Inside Effort to Canvass Maricopa County Voters: Organizers Deny Audit Ties as Questions Remain.](#)" *The Arizona Republic*. August 30, 2021.

¹⁴ [Tweet by Brahm Resnik](#). September 24, 2021.

¹⁵ Resnik, Brahm. "['Audit' won't end it: Arizona Republicans plan more hearings, AG will investigate and Cyber Ninjas faces more questions.](#)" *12News*. September 27, 2021.

¹⁶ "[Arizona audit: Full list of Republican lawmakers who visited coliseum.](#)" *The Arizona Republic*. June 14, 2021.

¹⁷ Farhi, Paul; Izadi, Elahe. "[One America News is the face of the Arizona election audit. Its reporter is also helping pay for it.](#)" *The Washington Post*. June 18, 2021.

¹⁸ [Tweet by Eric Greitens](#), June 12, 2021.

For example, based on recent statements, we expect forthcoming legislation in Arizona to make it harder to vote by mail and to purge Arizona's early voting list and voter registration rolls. At the end of last session, before there were any official sham review results (although there had been leaks), lawmakers passed S.B. 1819, a budget provision that allows the attorney general's Election Integrity Unit and a company designated by the legislature to access voter rolls for the purpose of reviewing the entire database for legal compliance. The provision is currently tied up in litigation.

It says, "If the analysis determines that there are persons registered to vote who are not eligible to register to vote, the secretary of state shall notify the appropriate county recorder and the county recorder shall remove those persons from the voter registration rolls." The implications of this provision are deeply disturbing. There is no ability to question the results, no process for election officials to be involved, and no required notice or recourse for the voter. It is a private purge of the voter rolls conducted by a private company of the legislature's choosing. And unless the entire budget is struck down by the State Supreme Court, this provision will become law in Arizona.

State lawmakers are leading similar anti-voter campaigns across the country. In Pennsylvania, lawmakers have introduced 11 bills that include policies to shift election authority. Five of them also focus on election crimes. In Florida, lawmakers introduced H.B. 99, a bill that requires the governor to appoint an independent third party to conduct a forensic audit of the 2020 general election, requires the audit of certain precincts, provides dates by which the audit must be completed, and establishes reporting requirements. The bill is sponsored by a vocal supporter of sham election reviews and President Trump's attempts to overthrow the election results. Another bill targets voter registration groups by removing limits to fines.

These latest attacks come on the heels of nearly a decade of efforts by some right-wing lawmakers to silence the voices of communities of color, voters with disabilities, and others who have been historically marginalized and excluded from the political process. When the U.S. Supreme Court invalidated Section 5 of the Voting Rights Act in *Shelby County v. Holder* in 2013, the decision prompted an immediate and sustained flood of voting restrictions in formerly covered jurisdictions. The restrictions include voter intimidation, disenfranchisement laws built on top of a system of mass incarceration, burdensome and costly voter ID requirements, and purges from the voter rolls. States have also cut back early voting opportunities, eliminated same-day voter registration, and shuttered polling places.

In 2019, The Leadership Conference Education Fund released an analysis of 757 counties once covered under Section 5.¹⁹ Our team found that 1,688 polling places were closed between 2012 and 2018. There may be valid reasons for closing certain polling places. But these high rates of closures took place amid a larger constellation of efforts to prevent people of color, older voters, and voters with disabilities from voting. Absent the former preclearance mandate, states are under no obligation to evaluate the discriminatory impacts and potential harms of polling place closures. The report found that closures often

¹⁹ "[Democracy Diverted: Polling Place Closures and the Right to Vote.](#)" *The Leadership Conference Education Fund*. September 2019.

mean long lines at polling places, transportation hurdles, and mass confusion about where eligible voters may cast their ballots. For many people, these burdens make it harder, and sometimes impossible, to vote.

The deluge of anti-voter laws and policies has been unrelenting. The 2020 election season was marred by politicians making it harder to vote — and some even leveraged the COVID-19 pandemic to limit voter access, forcing voters to risk their health or lose their vote. In the lead up to Election Day, as more than 100 million people went to safely cast early votes, several states limited the number of drop boxes available for voters to return their absentee ballots.²⁰ Some closed polling places in predominantly Black neighborhoods and required onerous witness and notary requirements for vote by mail. Others made late changes in voting rules, and then neglected to inform voters about them.²¹

The impact of years of overt and covert anti-voter tactics are taking their toll. And as we measure and respond to the collective harm these tactics cause, it is critically important to acknowledge that anti-voter measures amount to more than blocking people from voting. They also lead to intentional fearmongering and discouragement that causes voters to sit out of elections. Through these attacks, lawmakers undermine the credibility of our elections to a perilous degree. And perhaps most destructive, they push Americans to lose hope in democracy — and to lose faith in the power of their vote.

To stem the tide of these emerging threats, and in response to unprecedented efforts to interfere with election results and question the legitimacy of elections, the Freedom to Vote Act takes significant and important steps to make sure people can vote and their votes are counted. Provisions include protecting election officials from improper removal, strengthening protections for election workers, establishing judicial protection of the right to vote and nonpartisan vote-counting, protecting election records by strengthening preservation requirements, and preventing restrictions on food and beverages provided at polling locations.

The Time Is Now for Urgent Federal Action

For democracy to work for all of us, it must include us all. While an overwhelming majority of people in America support policies like access to affordable health care, policing accountability, and action on climate change, a small handful of politicians have the power to deny progress at every turn. When considering the past year and a half alone, it is painfully clear that the pandemic's disproportionate devastation on Black, Brown, Native American, and low-income communities is an indictment of our failure to rid American institutions of longstanding racism and systemic inequality. When people can't access the ballot and when they are not represented in the ranks of power, our democracy demands change.

This coordinated, anti-democratic campaign targets the heart of the nation's promise: that every voice and every vote count. With an election less than two years away, there is no time to waste in guaranteeing the

²⁰ Povich, Elaine S. "[Rise in Use of Ballot Drop Boxes Sparks Partisan Battles.](#)" *The Pew Charitable Trusts: Stateline*. October 16, 2020.

²¹ Fowler, Stephen. "[Why Do Nonwhite Georgia Voters Have To Wait In Line For Hours? Too Few Polling Places.](#)" *NPR*. October 17, 2020.

freedom to vote. That's why Congress must meet the urgency of the moment and pass the Freedom to Vote Act.²² As discussed in this testimony, the legislation would set a basic federal foundation for voting access for all Americans. It would require states to modernize voter registration by instituting automatic and same-day registration, protecting against discriminatory purges, allowing all voters to request mail ballots, and ensuring voters have access to early voting. The Freedom to Vote Act would also permit voters who lack photo identification to use a variety of documents to establish their identity, restore voting rights to citizens with past convictions once they complete any term of incarceration, and prevent state election subversion. These provisions are modeled after reforms that multiple states have successfully implemented, and we will know they will make it easier for everyone to vote by addressing barriers that disproportionately affect Black, Latino, Asian, and Native American voters and voters with disabilities.

Policies in the Freedom to Vote Act are supported by a large bipartisan majority. A recent poll conducted by ALG Research found that 72 percent of voters across party lines support many of the policies in the Freedom to Vote Act.²³ Safeguarding our democracy should not be a partisan issue. Members of Congress must end their bitter debate and move to protect the most basic freedom of our democracy: the freedom to vote. It is time to address these attempts to undermine our democracy and enact reasonable protections to build a democracy that works for everyone.

Thank you for inviting me to testify today. I am pleased to answer any questions you may have, and I look forward to working with you to ensure all of us can safely and freely cast a ballot that counts.

²² [“SUPPORT S. 2747, THE FREEDOM TO VOTE ACT.”](#) *The Leadership Conference on Civil and Human Rights*. October 20, 2021.

²³ [“Findings from a Senate Battleground Poll.”](#) *ALG Research*. September 15, 2021.